

AGENDA

Planning Committee

Date: **Wednesday 20 November 2013**

Time: **10.00 am**

Place: **The Council Chamber, Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

Tim Brown, Democratic Services Officer

Tel: 01432 260239

Email: tbrown@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Tim Brown, Democratic Services Officer on 01432 260239 or e-mail tbrown@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Planning Committee

Membership

Chairman

Councillor PGH Cutter

Vice-Chairman

Councillor BA Durkin

Councillor PA Andrews

Councillor AM Atkinson

Councillor AN Bridges

Councillor PJ Edwards

Councillor DW Greenow

Councillor KS Guthrie

Councillor J Hardwick

Councillor JW Hope MBE

Councillor MAF Hubbard

Councillor RC Hunt

Councillor Brig P Jones CBE

Councillor JG Lester

Councillor RI Matthews

Councillor FM Norman

Councillor AJW Powers

Councillor GR Swinford

Councillor PJ Watts

AGENDA

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES (IF ANY)</p> <p>To any details of Members nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
4.	<p>MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 30 October 2013.</p>	5 - 10
5.	<p>CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p>	
6.	<p>APPEALS</p> <p>To be noted.</p>	11 - 12
7.	<p>131964/O - QUARRY FIELD, COTTS LANE, LUGWARDINE, HEREFORD</p> <p>Residential development comprising 20 open market homes and 10 affordable homes.</p>	13 - 32
8.	<p>132598/F - LAND OFF KITCHEN HILL, ORLETON, LUDLOW, SHROPSHIRE</p> <p>Provision of 14 affordable homes and associated ancillary uses.</p>	33 - 50
9.	<p>131680/F - LAND OFF TUMP LANE AT TUMP LANE, MUCH BIRCH, HEREFORDSHIRE</p> <p>Proposed erection of 12 affordable dwellings, comprising 2 and 3 bed houses.</p>	51 - 60
10.	<p>132033/F & 132034/C - LAND AT CHESTNUTS, THE AVENUE, ROSS ON WYE, HEREFORDSHIRE,</p> <p>Demolition of post war building and erection of 4 Dwellings.</p>	61 - 72
11.	<p>DATE OF NEXT MEETING</p> <p>Date of next site inspection – 10 December 2013</p> <p>Date of next meeting – 11 December 2013</p>	

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Public Transport Links

- Public transport access can be gained to Brockington via the service runs approximately every 20 minutes from the City bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Vineyard Road near to its junction with Old Eign Hill. The return journey can be made from the same bus stop.

HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point **A** which is located in the circular car park at the front of the building. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.



Where possible this agenda is printed on paper made from 100% Post-Consumer waste. De-inked without bleaching and free from optical brightening agents (OBA). Awarded the Nordic Swan for low emissions during production and the Blue Angel environmental label

HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 30 October 2013 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor BA Durkin (Vice Chairman)

Councillors: PA Andrews, DW Greenow, KS Guthrie, JW Hope MBE, MAF Hubbard, JG Lester, RI Matthews, PJ McCaull, FM Norman, AJW Powers and GR Swinford

72. APOLOGIES FOR ABSENCE

Apologies were received from Councillors AM Atkinson, AN Bridges, PJ Edwards, J Hardwick, RC Hunt, Brigadier P Jones CBE, and PJ Watts.

73. NAMED SUBSTITUTES

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor PJ McCaull attended the meeting as a substitute member for Councillor PJ Edwards.

74. DECLARATIONS OF INTEREST

There were no declarations of interest.

75. MINUTES

RESOLVED: That the Minutes of the meeting held on 9 October 2013 be approved as a correct record and signed by the Chairman.

(With reference to Minute 67 of the Planning Committee meeting held on 9 October: The Slip Tavern, Much Marcle, Ledbury, the Development Manager advised Members that the request to the applicant to cover the cost of an independent valuation of The Slip Tavern, as resolved by the Committee, had been declined and the Council did not have the funds available to cover this expenditure.)

76. CHAIRMAN'S ANNOUNCEMENTS

Observers from Shropshire Council

The Chairman welcomed representatives from Shropshire Council who were attending to observe the meeting.

Retirement of Mr M Willmont – Head of Neighbourhood Planning

The Chairman paid tribute to Mike Willmont who was retiring. He praised his consummate professionalism and long and dedicated service to the County and wished him a long and happy retirement.

77. APPEALS

The Planning Committee noted the report.

78. 132226/F - FORMER WHITECROSS HIGH SCHOOL, BAGGALLAY STREET, HEREFORD

The Principal Planning Officer gave a presentation on the application. With reference to point 9 of the Heads of Terms appended to the report (p42 of the agenda papers) she commented that it was expected that at least 70%, as opposed to the stated figure of 80%, of the affordable housing units would be made available for social rent.

In accordance with the criteria for public speaking, Mr J Baker, a resident, spoke in objection. Ms J Morgan spoke on behalf of the applicant in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PA Andrews, one of the local ward members, spoke on the application informing the Committee that she was also speaking on behalf of the other two local ward members.

She expressed support for the application. The site had been earmarked for residential development in the Unitary Development Plan. The two main points of concern were flood risk and access. The Environment Agency would determine whether a suitable flood alleviation scheme could be put in place. In relation to access it had not proved possible to secure an alternative to Baggally Street, but it should be borne in mind that the road had previously serviced an 800 pupil school. The applicant had indicated that they would work with local residents to seek to minimise disruption caused by construction work. She considered it to be a sustainable development.

The debate opened and the following principal points were made:

- Disappointment was expressed, as a matter of principle, at the design of the proposed houses, highlighting the risk of future rises in energy bills.
- Concern was also expressed about the loss of mature trees, an important feature of the City and its environs and the County. A proposal was made that there should be a condition requiring that a minimum of 50% of the mature trees should be replaced with mature species that grow to full size, as opposed to ornamental trees. It was noted that flood alleviation methods would present some restrictions in relation to the location of trees.
- A Member also requested conditions relating to a number of other matters including ecology and archaeology.
- The Development Manager commented that the matters highlighted by Members were covered by conditions set out in the printed recommendation, noting in particular that a landscaping scheme would have to be submitted by the applicants and there was scope for account to be taken of the concerns Members had expressed in that process. Members proposed that the local ward members should be involved in discussions on this aspect of the development.
- A Member commented that it was unfortunate that the report did not incorporate a final, definitive view from the Environment Agency. It would be preferable if the Committee could have this information before it when determining applications.

The local ward member was given the opportunity to close the debate. She reiterated her support for the application.

RESOLVED:

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

Environment Agency, and subject to local ward members being consulted on the landscaping scheme and related conditions including ecology and archaeology:

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

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 & NC7 of Herefordshire Unitary Development Plan.

To comply with Herefordshire Council’s Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

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

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

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

Reasons: To ensure that all species and sites are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire's Unitary Development Plan.

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

21. I 16 Construction Management Plan
22. I51 – Details of Slab Levels
22. B07 - Section 106 agreement (as set out in the Heads of Terms attached to the report as amended at the meeting)

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. N11A - Wildlife and Countryside Act 1981 (as amended) - Birds
3. N11C – General

79. 132033/F & 132034/C LAND AT CHESTNUTS, THE AVENUE, ROSS ON WYE, HEREFORDSHIRE

The Development Manager explained that discussions were taking place with the applicant and a revised application was to be submitted. The application was therefore deferred until the next meeting.

80. 132098/O LAND ADJACENT TO WHITE HOUSE, BARTESTREE, HEREFORD, HR1 4BY

The Development Manager gave a presentation on the application.

In accordance with paragraph 4.8.8.2 of the Council's Constitution, Councillor DW Greenow, the local ward member, spoke to indicate his support for the application.

RESOLVED:

That planning permission be granted subject to the following conditions:

- 1. A02 Time limit for submission of reserved matters (outline permission) reduced to 2 years – no contributions**
- 2. A03 Time limit for commencement (outline permission) reduced to 2 years – no contributions**
- 3. A04 Approval of reserved matters**
- 4. A05 Plans and particulars of reserved matters**
- 5. Prior to the first occupation of either of the dwellings hereby approved a full specification of the construction of a footpath, parallel and adjacent to the A438 from the vehicular access into the site to the junction of the vehicular access to the Village Hall with the A438, shall be submitted to, approved in writing, and carried out fully on site in accordance with the approved details.**

Reason: In the interests of highway safety, to improve pedestrian access to and from the site and to conform with the requirements of Policies S1 and DR3 of Herefordshire Unitary Development Plan and the principles of the National Planning Policy Framework.

Informative:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

81. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

(The Schedule of Committee Updates solely reported that the application relating to land at the Chestnuts Ross-on Wye (Minute 79 refers) had been deferred to the next meeting and has not therefore been appended to these Minutes.)

The meeting ended at 11.00 am

CHAIRMAN

MEETING:	PLANNING COMMITTEE
DATE:	20 NOVEMBER 2013
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not an executive decision

Recommendation

That the report be noted.

APPEALS RECEIVED

Enforcement Notice 132779/ENF E/2013/001901/ZZ

- The appeal was received on 10 October 2013
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by NJ & IE Cockburn
- The site is located at Pennoxstone Court Farm, Kings Caple, Herefordshire, HR1 4TX
- The breach of planning control alleged in this notice is: Without planning permission, unauthorized siting of polytunnels.
- The requirements of the notice are: Remove all unauthorized polytunnels and associated structures including polytunnel covers, leg rows, interlinking arched hoops, end kits and any combination thereof from fields.
- The appeal is to be heard by Inquiry

Case Officer: Mr M Tansley on 01432 261815

Application 130996/FH

- The appeal was received on 5 November 2013
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
- The appeal is brought by Mr A Cledwyn-Davies
- The site is located at The Granary, Middleton On The Hill, Little Hereford, Herefordshire, SY8 4BE
- The development proposed is Single storey side extension
- The appeal is to be heard by Written Representations
- Please note this is a change in procedure from a Householder to Written Representations.

Case Officer: Mr A Banks on 01432 383085

Further information on the subject of this report is available from the relevant case officer

APPEALS DETERMINED

Application 122531/F

- The appeal was received on 21 May 2013
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr A Thomas
- The site is located at Barn at Goodrich OS 3660, Goodrich, Herefordshire
- The development proposed was Conversion of and alterations to redundant period barn to create residential dwelling.
- The main issue(s) were: (I) the effect of the development on the character and appearance of the area, including the Wye Valley Area of Outstanding Natural Beauty (AONB); and (ii) the effect of the development on highway safety.

Decision:

- The application was Refused under Delegated Powers on 22 November 2012
- The appeal was Dismissed on 28 October 2013.

Case Officer: Mr A Prior on 01432 261932

Application 130060/F

- The appeal was received on 19 June 2013
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by The Owner and/or Occupier
- The site is located at Land South of Greytree Road, Greytree, Ross-on-Wye, Herefordshire
- The development proposed was Erection of 14 no. semi-detached and detached dwellings.
- The main issues are:
 - a) the effect the proposal would have on the character and appearance of the area, in terms of its localised effects and also in the wider context of the AONB;
 - b) whether the development would give rise to unsafe highway conditions or undue inconvenience to road users; and
 - c) the effect it would have on the living conditions of neighbours, with particular reference to shadowing, dominance and loss of privacy.

Decision:

- The application was Refused at Planning Committee against Officer Recommendation on 15 May 2013
- The appeal was Dismissed on 1 November 2013
- An Application for the award of Costs, was made by the Appellant against the Council, This application will be the subject of a separate Decision.

Case Officer: Mr A Prior on 01432 261932

Application 130166/F

- The appeal was received on 31 July 2013
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against the refusal of planning permission
- The appeal was brought by The Owner and/or Occupier
- The site is located at Site adj to 4 Valentine Court, Canon Pyon, Hereford, HR4 8NZ
- The development proposed was Proposed erection of 30 no dwellings including 10 affordable units and associated works to provide new access and road.

Decision:

- The appeal was Withdrawn on 4 November 2013

Case Officer: Mr A Banks on 01432 383085

If members wish to see the full text of decision letters copies can be provided.



MEETING:	PLANNING COMMITTEE
DATE:	20 NOVEMBER 2013
TITLE OF REPORT:	131964/O - RESIDENTIAL DEVELOPMENT COMPRISING 20 OPEN MARKET HOMES AND 10 AFFORDABLE HOMES AT QUARRY FIELD, COTTS LANE, LUGWARDINE, HEREFORD, For: Mrs Seymour per Mr James Spreckley MRIC FAAV, Brinsop House, Brinsop, Herefordshire HR4 7AS
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=131964

Date Received: 16 July 2013

Ward: Hagley

Grid Ref: 354597,240961

Expiry Date: 14 January 2014

Local Member: Councillor DW Greenow

1. Site Description and Proposal

- 1.1 Planning permission is sought in outline for the erection of thirty dwellings on land known as Quarry Field, Cotts Lane, Lugwardine. All matters with the exception of the means of access are reserved for future consideration. The site is an open field down to pasture bounded to the east by properties fronting the A438 Hereford to Ledbury Road, which passes through Lugwardine and Bartestree; both of which are identified as main villages in the Unitary Development Plan (UDP).
- 1.2 Cotts Lane passes to the north of the site and there is an existing field gate into the site from this highway. To the west and south the site is bounded by parkland associated with the Grade II* New Court country house, which lies to the north-west.
- 1.3 There is a mature landscape belt to much of the site's periphery, but particularly along the southern and western perimeters. Site levels descend from Cotts Lane to the north at a fall of approximately 1:20. With the exception of some trees and hedgerow along the northern boundary there are no landscape features within the site itself. The site is traversed by overhead power lines and a mains sewer running on a north-south alignment.
- 1.4 Vehicular and pedestrian access is proposed through the alteration of an existing route direct from the A438 passing between the dwellings Green Croft and Croft Cottage and takes the form of a 5.5m wide estate road with 1.8m footways either side. The submitted layout is indicative only but suggests that the open market units are all detached properties, the 10 affordable dwellings being arranged as two pairs of semi-detached and two terraces of three.
- 1.5 The site extends to 1.74ha and the density equates to 17 dwellings per hectare.
- 1.6 The site is outside but immediately adjacent to the settlement boundary for Lugwardine as defined by 'saved' policy H4 of the Unitary Development Plan.

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

- 1.7 The application site was subject to assessment under the Strategic Housing Land Availability Assessment but rejected because the potential for access direct from the A438 was not disclosed at that point.
- 1.8 It is proposed that foul drainage be connected to the mains, with surface water dealt with via soak-away.
- 1.9 The application is accompanied by a Planning Statement, Landscape and Visual Impact Assessment, Ecological Appraisal and draft Heads of Terms; the latter being appended to this report.

2. Policies

2.1 National Planning Policy Framework

The following sections are of particular relevance:

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

2.2 Herefordshire Unitary Development Plan

S1	–	Sustainable development
S2	–	Development requirements
S3	–	Housing
DR1	–	Design
DR3	–	Movement
DR4	–	Environment
H4	–	Main villages: settlement boundaries
H7	–	Housing in the countryside outside settlements
H10	–	Rural exception housing
H13	–	Sustainable residential design
H15	–	Density
H19	–	Open space requirements
HBA4	–	Setting of Listed Buildings
T8	–	Road hierarchy
LA2	–	Landscape character and areas least resilient to change
LA3	–	Setting of settlements
LA5	–	Protection of trees. Woodlands and hedgerows
LA6	–	Landscaping schemes
NC1	–	Biodiversity and development
NC6	–	Biodiversity Action Plan priority habitats and species
NC7	–	Compensation for loss of biodiversity

2.3 Herefordshire Local Plan – Draft Core Strategy

SS1	–	Presumption in favour of sustainable development
SS2	–	Delivering new homes
SS3	–	Releasing land for residential development
SS4	–	Movement and transportation
SS6	–	Addressing climate change
RA1	–	Rural housing strategy

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

- RA2 – Herefordshire’s villages
- 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 – Local distinctiveness
- LD2 – Landscape and townscape
- LD3 – Biodiversity and geodiversity
- SD1 – Sustainable design and energy efficiency
- SD3 – Sustainable water management and water resources
- ID1 – Infrastructure delivery

2.4 Neighbourhood Planning

Bartestree and Lugwardine Parish Council has designated a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The Parish Council will prepare a Neighbourhood Development Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy.

- 2.5 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council’s website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. **Planning History**

- 3.1 None

4. **Consultation Summary**

Statutory Consultees

- 4.1 Welsh Water: No objection subject to conditions
- 4.2 English Heritage: No objection but recommend that the planting belt on the western boundary is intensified and the site examined for potential archaeological deposits.
- 4.3 Natural England: No objection

Natural England and the Environment Agency have signed a Statement of Intent (SOI) to develop a Nutrient Management Plan (NMP) for the River Wye SAC. The SOI provides an interim agreement for development management, and states that development can be accommodated where discharges to mains are within existing consents at the receiving sewage treatment works.

Natural England notes that the Council has screened the proposal to check for the likelihood of significant effects. Natural England agrees with the conclusion that the development is not likely to generate significant effects.

Given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site and advise your authority that the SSSI does not represent a constraint in determining this application.

Internal Council Advice

4.4 Traffic Manager

Full visibility standards are achievable for emerging vehicles, but the forward visibility for vehicles approaching from the east towards any stationary vehicles waiting to turn into the access is currently restricted by vegetation in the highway verge. The provision of 1.8m footways either side of the access is preferred, although drainage for Croft Cottage will have to be re-routed so that it doesn't fall within what would become part of the adopted highway.

Improvement to the footway linking back towards the village would require retaining structures and railings if the usual 2.0m width were to be achieved. However, given the presence of nearby listed buildings and character of the area this may not be desirable and would not be achievable for much of the length. Should the lack of footway width be the only issue requiring resolution, a balanced view may need to be taken regarding the existing footway restrictions and the impact of achieving limited improvements in width. Potential for providing a pedestrian link onto Cotts Lane, which affords more direct access to the public house, should be examined.

4.5 Housing Development Manager

Expresses concern that the indicative layout does not demonstrate that the affordable and open market housing is properly integrated and that the affordable housing is 'tenure blind'. The correct tenure split and mix of housing is specified and can be incorporated in the S106 agreement.

4.6 Conservation Manager (Landscapes):

The landscape scheme that has been provided is a fully detailed planting plan. This includes a native hedgerow to the proposed west boundary. The other species are all suitable to a new residential development.

The landscape scheme does not include hard landscape details or existing / proposed levels, particularly the need for retaining walls or banks that will have a significant impact on the landscape framework.

The two indicative areas of central open space will help to break up the impact of the development, however no details have been provided on how this may be maintained / managed.

4.7 Parks and Countryside Manager

Lugwardine does not have an existing play area and as far as I am aware there are no plans to create one although the Parish Council may have plans through the neighbourhood planning process. If this is the case we would review the level of contribution.

A contribution towards improving access via the public rights of way network (in accordance with the Public Rights of Way Improvement Plan) is sought. Based on the 20 market housing (5 x 3 and 15 x 4 beds) and in accordance with the SPD the level of contribution would be £7,375.

Sport England Requirement: SPD on Planning Obligations: £15,630

This would be used on identified priorities in accordance with the Indoor Facilities Strategy and the Playing Pitch Assessment and emerging Investment Plan on the understanding that Sport England advocates a 20 minute drive time in rural areas to facilities. The contribution would be used in consultation with the Parish Council.

4.8 Environmental Health Officer

In response to concerns expressed by local residents at potential contamination, a condition requiring a desk top study prior to commencement of development should be appended to any planning approval.

4.9 Conservation Manager (Ecology)

The National Planning Policy Framework 2012 states that “The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity wherever possible”. It goes on to state that “when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity” and “opportunities to incorporate biodiversity in and around developments should be encouraged”.

The ecological report states that the development proposal “offers opportunities to obtain significant ecological enhancements” including establishment of hedgerows and tree planting to complement the adjacent parkland BAP habitat.

If this application is to be approved, I recommend the inclusion of non standard conditions.

Habitat Regulations Assessment

The development is to link to mains sewer drainage for disposal of foul water which will alleviate any significant risk to the SAC. However, the site is less than 200 metres from the R. Lugg part of the R. Wye SAC and in order to safeguard the SAC it will be necessary to submit a Construction Environmental Management Plan.

4.10 Land Drainage Engineer: No objection subject to the completion of percolation tests.

4.11 Conservation Manager (Historic Buildings):

The historic centre of Lugwardine is located to the east of the application site and is covered by a conservation area designation. However there are a number of listed buildings and buildings of local interest along the A438 which form an historic entrance to the village when approaching from the west. Add to these built environment, heritage assets, the locally important landscapes of Lugwardine Court and New Court and the entry to the village becomes visually routed in the history of the area.

The proposed housing scheme would place a significant number of new houses behind the current buildings lining the village road. It would have a single entry point to the development located half way up a hill on the A438. This entry appears to be a wider version of an existing access route between Croft Cottage and Green Croft.

The existing appearance of the access, devoid of any greenery and with hardstanding abutting Croft Cottage and the close boarded fence of Green Croft, does not enhance the village character and gives a feel of the proposed character of this entrance once developed. In its current form it is not considered acceptable in design terms as it is cramped and constricted and therefore does not enable any appropriate soft landscaping to help assimilate the scheme into the village character.

The housing development would adjoin the west boundary of Rose Cottage, The Malt House and also The High House, all grade II listed buildings fronting onto the main road. The development would be within the setting of these listed buildings and would therefore have a visual impact. The topographic survey indicates that the housing would be roughly on a level with the listed buildings but is likely to be visually of larger scale which could adversely affect the setting. This would be contrary to Policy HBA4. An outline application is not considered sufficient detail to properly assess the impact of a development on a listed building.

4.12 Team Leader Strategic Planning

SHLAA & the 5 year supply.

As Council cannot demonstrate a five year housing supply, an interim policy position was adopted by Council in July 2012 and allows some exemption to Policy H7 to enable housing development on suitable strategic and sustainable sites which have been assessed in the SHLAA as having low or minor constraints, located at a village identified as a main village under Policy H4 and adjacent the settlement boundary. The subject site was assessed as part of the Strategic Housing Land Availability Assessment (HLAA250/001) and was discounted principally as a result of access issues (to Cotts Lane). As the SHLAA is a 'live document,' a new access point would result in the suitability of the site being reassessed.

The village of Lugwardine is considered a Main Village under Policy H4 of the Herefordshire UDP and as such is a sustainable location to take further development. As the site is outside the settlement boundary, the proposal would be subject to assessment against the interim protocol. Although not meeting the criteria of having been assessed as low/minor constraints, if constraints can be overcome, then the interim protocol may be appropriate to apply to this site to bring forward residential development.

Draft Local Plan - Core Strategy Pre-submission

It is worth noting that the draft Core Strategy is currently at pre-submission stage, having been approved by Full Council on the 19th July 2013 as representing the preferred strategic planning document of Herefordshire for the next 20 years ending 2031. Although the Core Strategy has not proceeded to the final 'soundness stage' before examination, policies within the Core Strategy can begin to be accorded weight dependent on contestation of the policies in the determination of planning applications. It should be noted that the Core Strategy continues to recognise Lugwardine as a sustainable settlement which is capable of taking further residential growth.

4.13 Schools organisation and capital investment officer

The comments acknowledge the capacity issue at Lugwardine Primary School, with four year groups presently over capacity. In order to address this capacity issue a financial contribution in accordance with the Planning Obligations SPD is sought.

5. Representations

5.1 Bartestree & Lugwardine Parish Council: Objection. The detailed comments are summarised below.

A considerable number of residents in Bartestree and Lugwardine are of the opinion that the villages would lose their current rural feel if further large developments were to take place beyond the considerable amount that has taken place in the previous two plan periods. The group parish currently holds the position of the third largest village in Herefordshire.

They are also incensed that Herefordshire Council has failed to protect them from the present/imminent development by not being able to demonstrate the five year housing supply required by the National Planning Policy Framework and thus rendering the saved Unitary Development Plan policies H1 and H4 ineffective.

Historically, whilst Lugwardine was listed as a main village under Unitary Development Planning policy H4, this plot of land has not had a strategic Housing Land Availability Assessment (SHLAA) of low/minor constraints and does not meet the criteria adopted by Herefordshire Council in July 2012 to allow exemptions to UDP Policy H7.

Whilst meeting the basic (access) criteria, this application takes no account of the volume of traffic using the A438 travelling at speeds regularly in excess of the speed limit. There are bends at the limit of the visibility splay in both directions and the access is located on a steep gradient.

In this context stopping distances, particularly for HGVs are a cause for concern.

It is very difficult to see how a modern development of 30 dwellings could be integrated into the historic context, which is a traditional Herefordshire village.

The site is thought to be part of a former Quarry, and has been in-filled with waste materials, which may question the suitability of the site from a human health and stability perspective.

There are concerns that the current infrastructure would not support the development in terms of water supply, sewerage and surface water disposal. Low water pressure is already reported locally.

5.2 63 letters of objection have been received from local residents. The content is summarised as follows:

- The access passes between two dwellings before emerging onto the busy A438. Visibility is limited in both directions.
- Stopping distances are inadequate when the gradient is considered. Traffic waiting to enter the site will shorten the stopping distances, which is considered dangerous in the context of significant levels of HGV traffic.
- Bartestree and Lugwardine have a primary and secondary schools. At drop-off and pick up times traffic congestion can be severe, with queues on the A438 and surrounding roads. Additional traffic in this context is considered a threat to highway and pedestrian safety.
- Pavements in the vicinity of the application site are poor.
- Although the bus service is better than many, it is not sufficient to induce people to shift from cars to public transport.
- There are relatively few amenities in Lugwardine beyond the pub and church. The Bartestree stores are a mile walk away along the main road and mostly uphill.
- There is no employment locally, meaning that the village is increasingly a commuter village for Hereford and employment opportunities further afield.
- The application site is an important open space forming a transition between historic properties fronting the A438 and the parkland associated with New Court. The loss of this space would represent an irrecoverable adverse impact on the setting of the village.
- Water pressure is already low, storm drains at capacity and sewers known to back up. These conditions represent a threat to the water quality of the River Lugg/Wye SAC, which is known to be failing in part.
- The site is thought to be part of the former quarry and in-filled with material that may be prejudicial to human health, water quality and land stability.
- The submitted ecological survey is not fully representative of the flora and fauna interests associated with the site. Bats, barn owls and other birds are regular visitors to the site.
- The development is simply too large to integrate effectively with the existing village.
- The development will adversely impact on the setting of adjoining listed buildings.
- The development is made in outline and it is difficult to properly assess the full impact of the scheme upon the character and appearance of the village and wider landscape.
- The primary school is at capacity and cannot extend further without compromising the play space.
- The development is likely to put additional pressure on Cotts Lane as a secondary means of access into Hereford via the Worcester Road. Cotts Lane is narrow and with limited passing opportunities.

- The scheme could be a precursor for a larger development. Although specified as 30 dwellings, the density is comparatively low and could be increased without exceeding density guidelines.
- The acknowledged adverse impacts outweigh the limited public benefit that accrues from the 10 affordable homes.
- There was no pre-application consultation with the community.

5.3 River Lugg Internal Drainage Board has no objection subject to the conclusion of percolation tests that demonstrate soak-aways will be feasible.

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

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

6. Officer's Appraisal

6.1 The application seeks outline planning permission for the erection of 30 dwellings on land outside but immediately adjacent a main village's settlement boundary (Policy H4 of the UDP). The application, in common with many considered by Planning Committee recently, is submitted against the backdrop of a published absence of a 5-year housing land supply as required by the National Planning Policy Framework (2012).

6.2 In response to the acknowledged deficit the Council introduced an interim protocol in July 2012. This recognised that in order to boost the supply of housing in the manner required it would be necessary to consider the development of sites outside existing settlement boundaries. The protocol introduced a sequential test, with priority given to the release of sites immediately adjoining settlements with town or main village status within the UDP. For proposals of 5 or more, the sites in the first rank in terms of suitability would be those identified as having low or minor constraints in the Strategic Housing Land Availability Assessment (SHLAA).

6.3 The position as regards the scale of the housing land supply deficit is evolving. Whilst the latest published position confirms a deficit, the magnitude of deficit reduces if all sites that are identified as suitable, achievable and available are taken into account. This presupposes, however, that these sites will come forward within 5 years and that they will be given planning permission. As such, it remains the case that for the purposes of housing delivery the relevant policies of the UDP can be considered out of date. As such, and in accordance with paragraph 14 of the NPPF the Council should grant permission for *sustainable* housing development unless:-

- *any adverse impacts 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.*

6.4 The Government's position on this locally has also been confirmed by a recent appeal decision for 35 dwellings at Kingstone. The appointed Inspector made it clear that in the context of a housing land supply deficit there can be no legitimate objection to the principle of development outside the UDP defined development boundary; UDP Policy H4 being out of date.

6.5 There remains a requirement for the development to accord with other relevant UDP policies and NPPF guidance; paragraph 14 makes it clear that the balance between adverse impacts and benefits should be assessed against the policies in the NPPF as a whole. However, in terms of

principle, if the development is acceptable in all other respects, officers consider that the conflict with UDP policy H7 is not a reason for refusal that could be sustained if subject to appeal.

- 6.6 As well as consideration of the principle of developing a green-field site the application raises a number of material considerations requiring assessment against saved UDP policies and guidance laid down in the NPPF. Firstly there is the assessment as to whether the development would represent sustainable development. The NPPF refers to the social, environmental and economic dimensions of 'sustainable development', but does not define the term. In this case the site is considered to represent a sustainable location for development. Although officers recognise that the village does not provide the range of goods and services necessary to sustain a typical household, it should be recognised that Lugwardine is the closest main village to the county's main centre of population (Hereford) and the goods, services and employment opportunities located there. As such, it could be argued that access to these goods, services and employment opportunities is better in Lugwardine than main villages that are more remote from main service centres. This is reflected in the requirement of emerging Core Strategy policies that indicate main villages in the Hereford Housing Market Area should achieve 18% growth over the plan period, compared with 14% and 15% in the housing market areas associated with the market towns.
- 6.7 As the application site is located immediately adjacent to the existing settlement boundary, it is considered sustainable in terms of its location. Officers understand the concerns expressed by local residents in terms of the reliance upon the private motor car to access goods and services, but this argument was not upheld on appeal at Kingstone, which by comparison is more remote from a main population centre and with no better public transport provision.

Vehicular and pedestrian access

- 6.8 The point of vehicular access into the site passes between Croft Cottage and the comparatively modern Green Croft at a point where the A438 ascends in the Ledbury direction towards the centre of the village. Vehicular access direct from the unclassified Cotts Lane has been discounted. Approaching the site entrance from the north-east the highway descends and there is a long left-hand bend just after the junction with Court Orchard. This bend is at the end of the achievable visibility splay, which the Traffic Manager confirms meets the requisite visibility standard for vehicles leaving the sites and also an adequate stopping distance for vehicles approaching that may encounter vehicles waiting to turn into the site against the flow of on-coming traffic from the Hereford direction.
- 6.9 The visibility for vehicles approaching from the north-east will be maximised by ensuring maintenance of the visibility splay associated with Court Orchard, as highlighted by the Traffic Manager's comments above. Although officers are conscious of the objections based on the safety of the proposed junction, the geometry and available visibility splays meet the requisite standards, even when taking into account the highway gradient and associated impact on stopping distances. Likewise, whilst mindful of objections based on the impact of additional traffic, the A438 is a main arterial route. As such officers are advised that objection based on the inability of the network to accommodate the traffic generated could not be sustained. On balance, and having regard to the wider context of housing land supply, officers consider the proposed vehicular access acceptable in accordance with 'saved' UDP Policy DR3.
- 6.10 Officers have also given detailed consideration of the objections based on the lack of integration between the site and the existing village. As well as criticism of the proposed indicative layout, concern has been expressed at the inadequacy of existing footway links. Whilst there is a continuous footway from the site entrance into the village, the limited width of the footway, is a cause for concern. Whilst the footpath could potentially be widened, the elevation above the A438 is likely to require the erection of replacement retaining structures and a pedestrian guard rail. No detailed scheme has been worked up and any improvements would require Approval in Principle from the Highway Authority prior to grant of any planning consent.

- 6.11 Taking the impact of improvement works on the setting of adjoining listed buildings and the operation of the A438 into account, officers are of the view that notwithstanding its narrowness, the existing footpath could remain unaltered. Officers would suggest, however, that an alternative and wider means of pedestrian access onto Cotts Lane, which offers more direct access to the public house and onward to the bus stops and village facilities, albeit on road, should be incorporated at the Reserved Matters stage.

Impact upon landscape character and visual amenity

- 6.12 The application is accompanied by a landscape and visual impact appraisal (LVIA) that concludes that the visual impact of the development, subject to detailed consideration of the scale, layout and architecture, is unlikely to be significant. The application site sits between a row of predominantly period properties and the parkland associated with New Court. It is an attractive open space and yet enclosed for much of its perimeter by mature planting. Although officers accept that development of this site would be visible from the A438 and Cotts Lane, topography, existing planting and existing buildings combine to provide an effective visual screen. Viewpoints submitted with the LVIA reflect the limited number of views into the site from middle and long-distance views, the main impact being glimpsed views from the A438 to the east and Cotts Lane to the north.
- 6.13 The LVIA proposes additional landscaping to the site periphery and landscaping is a Reserved Matter. Having regard to the discrete nature of the site, additional planting proposed and ability to further consider scale, appearance and design at the Reserved Matters stage, officers are satisfied that the proposal would not have an unacceptable adverse impact upon the setting of the village. Officers are satisfied that with due regard to layout, scale and design at the Reserved Matters stage, there should be no unacceptable adverse impact on the setting of the adjoining listed buildings. English Heritage do not object to the proposal in terms of its relationship to the adjoining unregistered park and garden, but recommend additional landscaping on the site perimeter, which as above, can be controlled via condition and at the Reserved Matters stage. On this basis and in the context of the housing land supply deficit the scheme is not considered contrary to 'saved' policies LA2, LA3, LA4 and HBA4 or guidance laid out in the NPPF.

Impact upon residential amenity

- 6.14 The impact upon the living conditions of nearby residents is considered acceptable. Although the submitted layout is illustrative only, and not necessarily reflective of the detailed proposal that may come forward at the Reserved Matters stage, it does demonstrate that thirty dwellings can be laid out on site without requiring undue proximity to the nearest affected dwellings; those lining the A438. Officers are content that in this regard the scheme would comply with 'saved' policy H13 and guidance laid out in paragraph 17 of the NPPF.
- 6.15 The most significant impact on residential amenity arises from the position of the vehicular access relative to Croft Cottage and to a lesser extent Green Croft. Croft Cottage is to the immediate south of the access and the proposed footway adjacent the access road would pass immediately outside the front door to this property. The provision of the footway will also require realignment of the garden fence and relocation of some drainage infrastructure associated with the dwelling. Although both Croft Cottage and Green Croft are within the applicant's ownership, this does not lessen the requirement to consider the relationship. The proposal would result in a noticeable change to the living conditions of residents at this property, imposing a footpath immediately outside the front door alongside an estate road serving 30 dwellings. By comparison with the existing situation, officers acknowledge that the resultant relationship between these properties and access into the development is less desirable. However, in the context of the presumption in favour of sustainable development, the existing impact of passing vehicular and pedestrian traffic on the living conditions at Croft Cottage and Green Croft is not considered severe enough to warrant refusal of the application.

Drainage

- 6.16 Concern has been expressed at the impact of the development on foul drainage infrastructure, water pressure and land drainage. However, the statutory undertaker (Welsh Water) has no objection subject to the separation of foul and surface water run-off. A condition is recommended in the event that outline permission is granted to require the formulation of a SUDs scheme to control surface water and land drainage run-off.

Contamination

- 6.17 The Environmental Health Officer has responded to concern that the application site has been infilled with material potentially hazardous to human health by recommending a condition be imposed requiring the submission, prior to commencement, of a desk study report to assess the likelihood of such material being present. This condition is reproduced in full in the recommendation.

Ecology

- 6.18 As pasture land adjoining a main settlement the application site has an obvious visual appeal and a significant proportion of objectors have also identified concern at the loss of habitat for a variety of flora and fauna. However, the site is not subject to any statutory nature conservation designation and the submitted Ecological Survey confirms that the site does not directly support any European Protected Species. The Council's Ecologist is content with these findings but recommends conditions requiring the provision of bird nesting opportunities on site and a further walkover survey of the off-site pond for the presence of Great Crested Newts. On this basis the proposal is considered to accord with the provisions of 'saved' UDP policies and guidance laid out in Chapter 11 of the NPPF.

Affordable housing provision

- 6.19 The Housing Development Officer is content with the number of units provided, but confirms that the housing mix and tenure type will have to be agreed formally via the S106 agreement. Concern is expressed that the indicative layout does not result in acceptable integration of the affordable and non-affordable elements. Officers accept that this is the case insofar as the indicative layout is concerned, but this can be addressed at the Reserved Matters stage. Nonetheless, the provision of 10 affordable units, in the context of current unmet need, is a material consideration to which weight should be attached. The affordable housing would be allocated on the basis of local connection to Lugwardine and Bartestree in the first instance as per the draft Heads of Terms attached to this report.

Neighbourhood Planning

- 6.20 Concern is expressed that this proposal, together with other large-scale schemes being promoted within Bartestree and Lugwardine, is prejudicial to the formulation of a Neighbourhood Plan and also that schemes of this scale are too large for local infrastructure to accommodate. There is, however, no objection from Welsh Water in terms of the capacity of the foul system or the ability to supply water. Whilst concern at the ability of the local primary school to deal with additional demand is acknowledged, the S106 contribution is in line with the requirements of the Planning Obligations SPD. Moreover, in the context of paragraph 47 of the NPPF, officers do not consider that potential conflict with an emerging Neighbourhood Plan would warrant refusal of this application.

Conclusion

- 6.21 The consultation process has identified numerous concerns with this application, which are summarised at section 5 above. Officers acknowledge these concerns but note also that Lugwardine is an established main village and is likely to remain as such in the emerging Core Strategy. The site is immediately adjacent the settlement boundary (H4) and Lugwardine is identified as a main village in Policy RA1 of the emerging Core Strategy. The site is considered sustainable in terms of its location and although not previously developed, the principle of development can be accepted in the context of the housing land supply deficit. There are no site specific constraints to suggest conflict with the over-arching thrust of the NPPF so far as housing land supply is concerned and the scheme is recommended for approval.

RECOMMENDATION

That subject to the completion of a S106 agreement, officers named in the scheme of delegation to officers be authorised to grant planning permission subject to the following conditions. If the S106 agreement is not completed before 14th January 2014, officers named in the scheme of delegation be authorised to refuse the application under delegated powers on that date.

1. **A02 Time limit for submission of reserved matters (outline permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **A05 Plans and particulars of reserved matters**
5. **No development shall take place until the following has been submitted to and approved in writing by the local planning authority:**
 - a. **a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice**
 - b. **if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors**
 - c. **if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval. 2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.**

6. The recommendations set out in the ecologist's report dated May 2013 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.

7. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to carry out a walkover survey immediately prior to commencement of works and to oversee any ecological mitigation work which may be necessary.

Reasons: To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

8. 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 and vibration arising from the demolition and construction process. The Plan shall identify potential impacts on the River Wye (River Lugg) Special Area of Conservation and be implemented as approved.

9. H03 Visibility splays

10. H05 Access gates

11. L01 Foul/surface water drainage

12. L02 No surface water to connect to public system

13. L03 No drainage run-off to public system

14. I20 Scheme of surface water drainage

15. H18 On site roads - submission of details

16. H19 On site roads - phasing

17. H21 Wheel washing

18. H27 Parking for site operatives

19. G10 Landscaping scheme

20. I16 Restriction of hours during construction

21. I55 Site Waste Management

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. N02A Section 106 Obligation
3. N11A Wildlife and Countryside Act 1981 (as amended) - Birds
4. N11C General
5. HN10 No drainage to discharge to highway
6. HN08 Section 38 Agreement & Drainage details
7. HN04 Private apparatus within highway
8. HN28 Highways Design Guide and Specification
9. HN05 Works within the highway

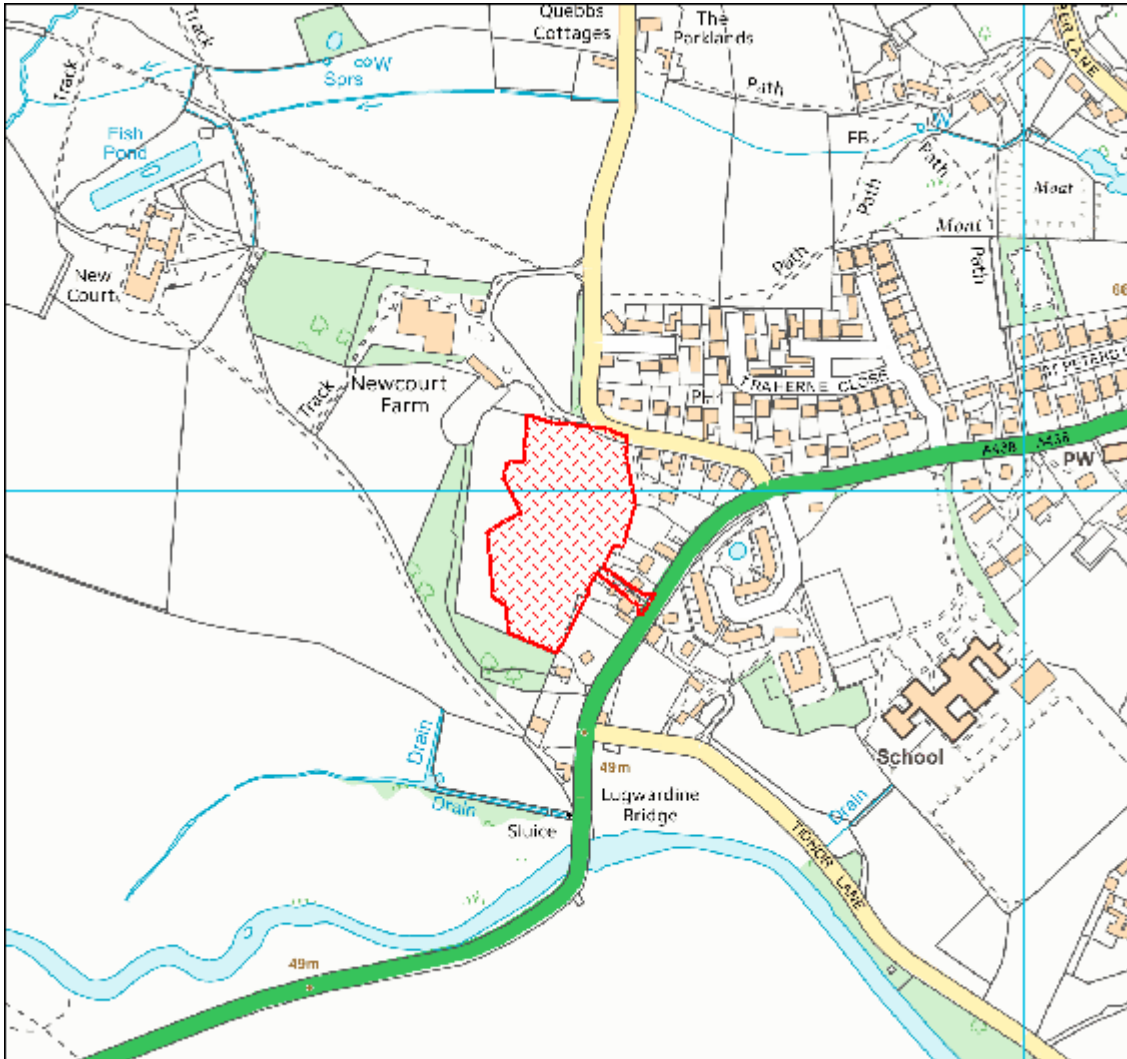
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 131964/O

SITE ADDRESS : QUARRY FIELD, COTTS LANE, LUGWARDINE, HEREFORD

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

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

Planning Application 131964/O

Residential development comprising 20 open market and 10 affordable homes at
Quarry Field, Cotts Lane, Lugwardine, Herefordshire

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

£ 2,845.00 (*index linked*) for a 2 + bedroom apartment / flat open market unit
£ 4,900.00 (*index linked*) for a 2 / 3 bedroom house / Bungalow open market unit
£ 8,955.00 (*index linked*) for a 4+ bedroom open market unit

The contributions will provide for enhanced educational infrastructure, youth service infrastructure, early years childcare insufficiency solutions and the Special Education Needs Schools. The sum shall be paid on or before first occupation of the 1st open market dwellinghouse (or phasing to be agreed), and may be pooled with other contributions.

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

£ 1720.00 (*index linked*) for a 2 bedroom open market unit
£ 2580.00 (*index linked*) for a 3 bedroom open market unit
£ 3440.00 (*index linked*) for a 4+ bedroom open market unit

The contributions will provide for sustainable transport infrastructure to serve the development, which sum shall be paid on or before occupation of the 1st open market dwellinghouse 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:-

Safe Routes for Schools

Improvements to sustainable transport facilities

Traffic Calming

Cycling and walking routes

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

£ 235.00 (*index linked*) for a 2 bedroom open market unit
£ 317.00 (*index linked*) for a 3 bedroom open market unit
£ 386.00 (*index linked*) for a 4 / 4+ bedroom open market unit

To be used as be used in consultation with the local community and Parish Council for the improvement of public open space and rights of way.

The sums shall be paid on or before the occupation of the 1st open market dwelling. The monies may be pooled with other contributions if appropriate.

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

£408.00 (index linked) for a 1 bedroom open market unit
£ 496.00 (index linked) for a 2 bedroom open market unit
£ 672.00 (index linked) for a 3 bedroom open market unit
£ 818.00 (index linked) for a 4 / 4 + bedroom open market unit

(contribution based around the requirements of the Sport England Sports Facilities Calculator). This would be used in accordance with Sport England accepted access thresholds of a 20 minute drive time in rural area and on identified projects to improve quality and quantity of existing facilities. This would include facilities in Hereford. Priorities would be identified nearer the time of receiving the contribution in accordance with the finding of the Indoor Facilities Strategy for Hereford which includes the Leisure Centre and Swimming Pool and the Playing Pitch Assessment for Hereford and emerging Investment Plan.

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

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

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

6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of *£120 (index linked) per open market dwelling*. The contribution will provide for waste reduction and recycling in Hereford. The sum shall be paid on or before occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.
7. The developer covenants with Herefordshire Council that 10 of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations. Of those Affordable Housing units 5no. shall be for social rent and 5no. for intermediate tenure.
8. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
9. The Affordable Housing Units must be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or 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 paragraph 12 of this schedule
- 9.3 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 who has:-
 - a local connection with Lugwardine and Bartestree
 - Cascading to the surrounding parishes of Hampton Bishop, Holmer, Mordiford and Dormington or Withington.
10. In the event there being no person with a local connection to any of the above parishes any other person ordinarily resident within the administrative area of Herefordshire 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 10.3 above
11. For the purposes of sub-paragraph 11.3 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
 - is or in the past was normally resident there; or
 - is employed there; or
 - has a family association there; or
 - a proven need to give support to or receive support from family members; or
 - because of special circumstances
12. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to a subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
13. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 3 of the 'Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes' or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
14. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3, 4, 5 and 6 above for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.

15. The sums referred to in paragraphs 1, 2, 3, 4, 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.
16. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
17. 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.

Ed Thomas
Principal Planning Officer
September 2013



MEETING:	PLANNING COMMITTEE
DATE:	20 NOVEMBER 2013
TITLE OF REPORT:	132598/F - PROVISION OF 14 NO. AFFORDABLE HOMES AND ASSOCIATED ANCILLARY USES AT LAND OFF KITCHEN HILL, ORLETON, LUDLOW, SHROPSHIRE For: South Shropshire Housing Group per The Old Library, Hagley Road, Stourbridge, West Midlands, DY8 1QH
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132598

Date Received: 19 September 2013 **Ward: Bircher** **Grid Ref: 348834,266972**
Expiry Date: 27 December 2013
 Local Member: Councillor WLS Bowen

1. Site Description and Proposal

- 1.1 The site is located outside, but adjacent to the recognised settlement boundary for Orleton, a main village in accordance with Policy H4 of the Herefordshire Unitary Development Plan. The site is located within the Orleton Conservation Area but is not subject to any landscape designations.
- 1.2 The site is situated on an approach road to Orleton, alongside the C1047, which is located on the southern side of the site from which it is separated by a native species hedgerow. The site forms part of a sloping field facing north. Adjoining the eastern side of the site is the western fringe of Orleton, which comprises of a range of detached two-storey and single storey dwellings.
- 1.3 The application proposes the construction of 14 affordable houses, (4 for shared ownership and 10 for rent) and an associated access to provide access and car parking for the dwellings on site. The dwellings would be traditional in design and consist of 12 semi-detached two-storey dwellings and two single-storey dwellings, all of brick construction under steep pitched roofs. The application also proposes extensive landscaping and tree and hedgerow planting.
- 1.4 A draft legal agreement drawn up in accordance with Section 106 of the Town and Country Planning Act 1990 has been submitted in support of the application in order to ensure that the dwellings remain affordable in perpetuity. This is attached as an appendix to the report.

2. Policies

2.1 The National Planning Policy Framework (NPPF)

It is considered that the following sections are of particular relevance to the proposal:

Achieving sustainable development
 Chapter 6 - Delivering a wide choice of high quality homes

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

- Chapter 7 - Requiring good design
- Chapter 11 - Conserving and enhancing the natural environment
- Chapter 12 - Conserving and enhancing the historic environment

2.2 Herefordshire Unitary Development Plan. (HUDP).

- S1 - Sustainable development
- S2 - Development requirements
- S3 - Housing
- S7 - Natural and historic heritage
- DR1 - Design
- DR2 - Land use and activity
- DR3 - Movement
- DR4 - Environment
- DR5 - Planning Obligations
- H4 - Main villages
- H7 - Housing in the countryside outside settlements
- H9 - Affordable housing
- H10 - Rural exception housing
- H13 - Sustainable residential design
- H15 - Density
- H16 - Car parking
- T6 - Walking
- T8 - Road hierarchy
- T11 - Parking provision
- LA2 - Landscape character and areas least resilient to change
- LA3 - Setting of settlements
- LA5 - Protection of trees, woodlands and hedgerows
- LA6 - Landscaping schemes
- NC1 - Biodiversity and development
- NC6 - Biodiversity Action Plan priority habitats and species
- NC7 - Compensation for loss of biodiversity
- NC8 - Habitat creation, restoration and enhancement
- NC9 - Management of features of the landscape important for fauna and flora
- CF2 - Foul Drainage
- HBA4 - Setting of listed buildings
- HBA6 - New development in Conservation Areas

2.3 Supplementary Planning Guidance

- Provision of affordable housing, (updated November 2004) and subsequent technical updates
- Planning Obligations

2.4 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

3.1 132067/F – Provision of 14 no. affordable homes and associated ancillary uses. Withdrawn on September 18th 2013. (Due to cumulative amount of requested amendments to the application in order to submit application that is the subject to this report).

4. Consultation Summary

Statutory consultees.

- 4.1 Severn Trent Water raises no objections subject to the inclusion of a condition to any approval notice issued with regards to the disposal of surface water and foul sewage prior to the commencement of development on site.

Internal consultations

- 4.2 The Conservation Manager (Landscapes) has indicated that the site is very close to the edge of the village, which gives it a good setting for new housing, and although part of the designated Conservation Area, there are no significant historic features within the site. The response indicates that there are two major landscape constraints which are the treatment of the western boundary and taking account of the existing sloping topography, the site being open in nature with long distance views into and out of the site. Concerns are raised about whether housing will successfully integrate with the existing village and in particular with regards to the proposed vehicular access into and out of the site. The response concludes that this is not an ideal site in landscape terms, however in the long term the proposed planting will help to mitigate the visual impact of housing, as well as creating the other benefits associated with green infrastructure. The response indicating that the application as presented with consideration to the landscape assessment does comply with Policies LA2 and LA6 of the HUDP.
- 4.3 The Transportation Manager raises no objections indicating the internal site layout is considered acceptable. The response recommends the attachment of informative notes with regards to necessary works within the public highway.
- 4.4 The Housing Manager has responded to the application indicating:

'The Housing Needs Survey (2008) identified a need for 23 affordable housing units in the parish with a further 5 households being identified as having a possible need for affordable housing. Housing Needs surveys have been proven to provide good evidence of need in rural areas even where the reported outcome is not matched by numbers on the housing register. There has been no affordable housing development in the parish since then and recent consultation events have indicated that there remains a need for affordable housing in the parish.

At an information and consultation event in February 2013 12 households with a local connection to the parish indicated their interest in and need for affordable housing.

There are 22 affordable housing units in the parish. Of these, 9 are restricted to older people, leaving only 6 x 2 bed and 7 x 3 bed for other households in a parish of over 380. These were built some time ago and when they become vacant local residents have no greater priority than other households in the county. The proposed development will give priority to those with a need for affordable housing and with a local connection to the parish e.g. residence, close family living in the parish or employment locally. Currently there are at least 10 households on the Home Point register who have a local connection to Orleton and a need for affordable housing. This has increased from 3 at the time of a further event in the village in June 2013. Generally, as residents become aware of a proposed scheme and recognise that there is a possibility of securing affordable housing in the parish the number of eligible applicants on the Home Point register increases, hence the difference between the numbers in June and October.

Therefore the Housing Needs and Development team supports the provision of 14 affordable units on this site.

The unit sizes correspond to the identified need. The tenure mix of 10 affordable rent and 4 shared ownership also addresses the need.

The units need to meet the HCA's Design and Quality Standards, Lifetime Homes Standards and at least level 3 of the Code for Sustainable Homes.

The development will be subject to a section 106 agreement ensuring that the homes remain affordable in perpetuity and are subject to local connection criteria.'

- 4.5 The Land Drainage Manager has responded to the application raising no objections indicating the development as proposed is acceptable from a drainage and flooding point of view. It is recommended that a planning condition be attached to any approval notice issued for a review/check of detailed drainage plans including sizing of the proposed attenuation pond, means of conveyance and the outfall prior to works starting on site. The proposed maintenance of the attenuation pond needs to be stated and approved.
- 4.6 The Planning Ecologist raises no objections recommending a condition to be attached to any approval notice issued, in order to ensure the recommendations as set out in the ecology report are carried out.

5. Representations

- 5.1 Orleton Parish Council has responded to the application stating:

'Orleton Parish Council is unable to support the proposal because of ongoing problems with the sewage infrastructure in the village. For many years there have been regular discharges of effluent and Severn Trent recently started jetting quarterly to try and manage the problem. Other concerns are the absence of a footpath into the village for pedestrian access and need for traffic management measures in Kitchen Hill Road for vehicles going into and out of the village'

- 5.2 Sixteen letters of objection have been received and the key issues raised can be summarised as follows:

- Impact on the landscape character of the site and the surrounding historic area, as well as visual impact.
- Infrastructure issues in relationship to drainage and flooding issues.
- Public highway access.
- Design of the proposed dwellings and site layout.
- Need for affordable housing in Orleton.

- 5.3 Eight letters in support of the application have been received. The key issue raised can be summarised as follows:

- Need for affordable housing in Orleton in order that local young people can remain in the village.
- Site layout is considered attractive in relationship to the surrounding environment.
- Consideration has been shown by the applicant to flooding and drainage issues.

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

6.1 The key issues in relationship to this application are :

- Principle of the development.
- Need for affordable housing at Orleton.
- Highway safety issues.
- Landscape and biodiversity issues.
- Drainage issues.

Principle of the development.

6.2 The site is located immediately adjacent to, but outside of the recognised development boundary for Orleton, which is classed as a 'Main Village' in accordance with Policy H4 of the Herefordshire Unitary Development Plan (HUDP). Policy H7 of the HUDP sets out a number of exceptions that can be made in relation to housing development outside established settlement boundaries. One such exception relates to the delivery of affordable housing in accordance with Policy H10 where such a scheme contributes to meeting a proven genuine and quantifiable local need for affordable housing as ascertained from an up-to-date local affordable housing needs survey. The policy further states that it must be evident that local housing conditions could not otherwise satisfy the need, that the scheme respects both the character and size of the settlement concerned, arrangements are made to ensure that the benefits of affordable housing will be enjoyed in perpetuity and that the site's location affords reasonable access to facilities and where possible public transport.

Need for affordable housing in Orleton.

6.3 The application proposes 14 local needs affordable dwellings, 10 for social rental and 4 for shared ownership.

The breakdown in bedroom numbers per dwelling is as follows:

- 2 no. 1 bedroomed dwellings
- 7 no. 2 bedroomed dwellings
- 5 no. 3 bedroom dwelling

6.4 In accordance with comments from the Housing Manager, the Housing Needs Survey (2008) identified a need for 23 affordable housing units in the parish with a further 5 households being identified as having a possible need for affordable housing. There are currently 11 residents of Orleton registered with Home Point as requiring affordable housing. The need relates to a full range of dwelling sizes such as are proposed by this application. This need is further substantiated by the 2013 Housing Needs consultation event for Orleton. Accordingly whilst the views of those local residents who have objected are acknowledged, the evidence provided by the Housing Manager indicates an identified need that this proposal would meet.

6.5 Accordingly, officers are satisfied that there is a demonstrated need for affordable housing in Orleton and the development subject to this application will contribute towards easing the shortage of affordable housing in Orleton and the surrounding parishes.

Highway safety issues

6.6 Concerns have been raised by the Parish Council and members of the public with regards to the means of access leading to the site from the direction of the village and the lack of provision of a footway alongside the public highway to the village.

- 6.7 The site is situated within close proximity to the village of Orleton and is also within a reasonable walking distance of the services and facilities available in Orleton. As such the site is considered to be in a sustainable location for housing development.

In this respect whilst local concerns are noted, it is not considered that these concerns would warrant the refusal of planning permission. In recognition of this, it should be noted that the Transportation Manager raises no objections to the proposed development.

Landscape and biodiversity issues

- 6.8 The Conservation Manager (Landscapes) although not objecting to the proposed development does comment that *'this is not an ideal site in landscape terms, however in the long term the proposed planting will help to mitigate the visual impact of housing as well as creating the other benefits associated with green infrastructure'*.
- 6.9 These comments are noted, however the requirement and provision of affordable housing together with the limited impact on the village's built environment is considered to outweigh the harm in respect of the identified landscape impact. This issue has been given careful consideration and officers are conscious with regards to the landscape impact. This has resulted in the applicants submitting a detailed landscape and visual impact assessment which the Conservation Manager (Landscape) advises does demonstrate that landscape character and visual impact have been thoroughly considered and respected as far as possible, in accordance with HUDP Policy LA2. Furthermore the landscape masterplan, section drawing and planting plan submitted in support of the application clearly follow on from the findings of the landscape assessment, being clearly presented, integrated with the ecology recommendations and well detailed in accordance with the requirements of Policy LA6 and relevant ecological policies of the HUDP.
- 6.10 The balanced conclusion reached is that any development scheme for affordable housing must not only contribute towards meeting the needs of affordable housing within a locality, but also be of a scale and size that is reflective of the settlement and location concerned. It is considered that 14 dwellings in the layout as proposed is the most appropriate response in this location.
- 6.11 Whilst the proposal will result in the loss of some roadside hedgerow, in order to achieve the necessary roadside entrance visibility splays, the application does propose suitable mitigation in order to replace the hedgerow lost as a result of the proposal.
- 6.12 In conclusion with regards to landscape and biodiversity issues, it is considered that the proposed development represents an acceptable compromise. Whilst it is accepted that the proposal will have a landscape impact in relationship to its integration with the surrounding landscape and built environment, it is considered that the identified and unmet need for the provision of affordable housing in Orleton outweighs the harm to the surrounding landscape. Furthermore whilst forming part of the Orleton Conservation Area, the site is not subject to any specific landscape designation and whilst there will be some erosion of character, the applicants have offered adequate mitigation proposals in order to integrate the development into the surrounding environment.

Drainage issues

- 6.13 The applicants have submitted a detailed report on flood risk, drainage and highway matters and propose a sustainable drainage system (SuDS) in the form of a dry balancing area, acknowledging that parts of Orleton suffer with existing flooding problems.
- 6.14 Letters of objection received have raised concerns about drainage issues. The application site does not form part of a flood risk area in accordance with the Environment Agency flood risk data maps. It is noted that neither the Land Drainage Manager or Severn Trent raise any objections

with regards to drainage issues, both recommending the attachment of conditions with regards to drainage plans for the disposal of surface and foul sewage and with regards to management of the proposed on site SuDS, which is in the form of a storage basin to retain/restrict water flows.

- 6.15. Whilst it is acknowledged that drainage and flooding issues are a key matter of concern in Orleton, in the context of this site, it is not considered that there is a basis to object to the application with consideration to the detailed drainage information submitted for the site in support of this application which has the conditional support of both Severn Trent and the Land Drainage Manager.

Other matters

- 6.16 Concerns have been raised about the overall site layout and design of the proposed dwellings on the site. It is considered that the site layout takes into consideration the topography. The design and scale of the dwellings is also considered acceptable and will meet the building requirements as set out by Design and Quality Standards, Lifetime Homes Standards and will be to at least level 3 of the Code for Sustainable Homes, as required by Buildings Regulations. It is noted that development on site will have a visual impact and in view of its prominent location within the Conservation Area it is recommended that a condition is attached to any approval notice issued with regards to external roofing material, as it is noted that the information in support of the application does not indicate the type of roof tile.
- 6.17 Concerns have also been raised about the impact of the proposed development on the surrounding historic environment, the site forming part of the Orleton Conservation Area. It is considered that the proposed development is reflective of the surrounding built environment and will not have any significant detrimental impact on the character of the surrounding built and historic environment.

Conclusion

- 6.18 The provision of affordable housing that contributes towards the identified and genuine long term need for affordable housing is supported by policies of the Herefordshire Unitary Development Plan. The proposal on this account is in accordance with the NPPF and the relevant local policies relating to the provision of affordable housing. It is also considered that the location on the edge of Orleton will represent a sustainable form of development providing occupants with a choice of transport modes and easily walkable and safe access to the services and facilities available in the village.
- 6.19 Drainage and flooding issues have been a key area of concern as indicated in responses to the application from members of the public and Orleton Parish Council. It is noted that the applicants (who are aware of local concerns on this issue), have submitted detailed information on this issue to which Severn Trent Water and the Council's Land Drainage Manager raise no objections to the proposed development with the attachment of conditions to any approval notice issued with regards to drainage plans for the disposal of surface water and foul sewage.
- 6.20 Whilst it is acknowledged that the proposed development will have an impact on the rural landscape setting within the recognised Conservation Area of Orleton, it is also recognised that the site does not have any specific landscape designation. The application offers suitable landscape mitigation which is considered acceptable as indicated in the response to the application from the Conservation Manager(Landscape). On balance it is therefore considered that the need for affordable housing outweighs the residual impact on the landscape character of the locality and the proposal is therefore recommended for approval.

RECOMMENDATION

That subject to the completion of a S106 Agreement planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **C01 Samples of external materials**
4. **The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.**

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and to comply with Policy DR4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

5. **F14 Removal of permitted development rights**
6. **G09 Details of Boundary treatments**
7. **G12 Hedgerow planting**
8. **Prior to commencement of the development, a full working landscaping method statement must be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.**

Reason: In order to ensure that the development integrates into the surrounding landscape with adequate mitigation and to comply with Policies LA2 and LA6 of the Herefordshire Unitary Development Plan.

9. **Prior to commencement of the development, an ecological habitat enhancement scheme must be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan, in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

10. **I16 Restriction of hours during construction**

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the**

application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. **HN04 Private apparatus within highway**

3. **HN05 Works within the highway**

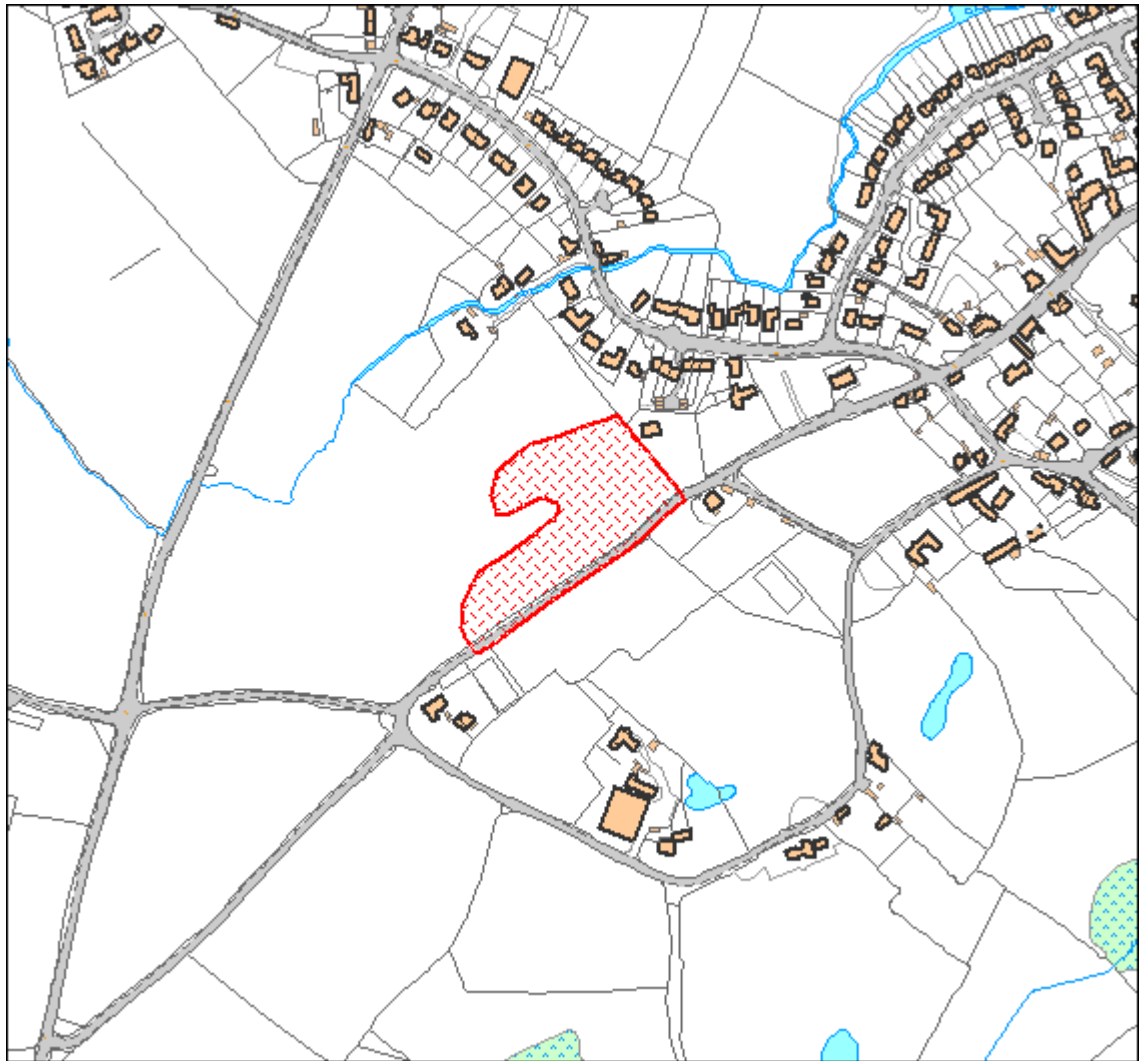
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 132598/F

SITE ADDRESS : LAND OFF KITCHEN HILL, ORLETON, LUDLOW, SHROPSHIRE

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

Dated

2013

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

- and -

MARTIN RICHARD HARRIS

- and -

BARCLAYS BANK PLC

DEED OF PLANNING OBLIGATION

made under the provisions of
Section 106 Town and Country Planning Act 1990 (as amended)
relating to
Land at Townsend Farm Orleton, Herefordshire

2 Colmore Square
38 Colmore Circus
Queensway
Birmingham
B4 6SH
Tel 03700 864000
Ref: TDW.177325.55

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

THIS DEED dated

2013 is made

BETWEEN:-

1. **THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL** of Brockington 35 Hafod Road Hereford HR1 1SH ("the **Council**")
2. **MARTIN RICHARD HARRIS** of Townsend Farm, Orleton, Herefordshire SY8 4JA ("the **Owner**")
3. **BARCLAYS BANK PLC** (company registration number 1026167) of Brclays Loan Servicing Centre, P O Box 299, Birmingham B1 3PF ("the **Mortgagee**")

WHEREAS:-

- (A) The Council is empowered by Section 106 of the Town and Country Planning Act 1990 (as amended) ("the Act") to enter into an agreement with any person interested in land in its area for the purpose of restricting or regulating the development or use of that land.
- (B) The Owner is the registered proprietor with title absolute free from encumbrances of land described in the First Schedule to this deed ("the Land").
- (C) South Shropshire Housing Association has by its agent submitted to the Council the application for planning permission described in the Second Schedule to this deed ("the Application").
- (D) On the 20 November 2013 the Council's Planning Committee resolved to delegate authority to its officers for the grant of the Permission (subject to conditions) pursuant to the Application.
- (E) The Council is the local planning authority by whom the restrictions and obligations contained in this deed are enforceable.
- (F) The Mortgagee is the registered proprietor of a charge on the Land and has consented to the Owner entering into this Agreement.

THIS DEED is made pursuant to Section 106 of the Act, Section 111 of the Local Government Act 1972, Section 2 of the Local Government Act 2000 and all other enabling powers and enactments which may be relevant for the purposes of giving validity hereto or facilitating the enforcement of the obligations herein contained with the intent to bind the Land and WITNESSES as follows:-

1 WORDS AND EXPRESSIONS

In this Deed the following words and expressions shall where the context so admits have the following meanings:-

- 1.1 The expressions "the Owner" the "the Council" and "the Mortgagee" shall include their respective successors in title and assigns.
- 1.2 Words importing the singular meaning where the context so admits include the plural meaning and vice versa
- 1.3 Words of the masculine gender include the feminine and neuter genders and all references in this Deed to a person or persons shall include corporations and unincorporated associations and all other legal entities.
- 1.4 Where there are two or more persons included in the expression "the Owner" covenants expressed or implied to be made by Owner shall be deemed to be made by such persons jointly and severally.

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

- 1.5 Words denoting an obligation on a party to do any act include an obligation to procure that it be done.
- 1.6 Words placing a party under a restriction include an obligation not to permit infringement of that restriction.
- 1.7 References to any statute or statutory instrument shall except where otherwise specifically provided include reference to any statutory modification or re-enactment thereof for the time being in force.
- 1.8 “Affordable Housing” is housing provided to eligible households whose needs are not met by the open market. Eligibility is determined with regard to local incomes and local house prices. Affordable Housing should remain at an affordable price for future eligible households. The definitions for all types of Affordable Housing in Herefordshire are contained in the technical data which supports the Council’s ‘Planning Obligations Supplementary Planning Document’ published in April 2008 and where applicable set out in this Deed.
- 1.9 “Affordable Housing Units” means (unless otherwise agreed in writing by the Council) the 14 residential units and ancillary areas comprised within the Development and comprising 4 (four) Shared Ownership units and 10 (ten) Affordable Rented Housing units (unless otherwise agreed with the Council).
- 1.10 “Affordable Rented Housing” is let by local authorities or Registered Providers to persons who are eligible for social rented housing. Affordable Rented Housing is subject to rent controls that require a rent of no more than 80% of open market rent (including service charges, where applicable).
- 1.11 “Application” means the full planning application made to and registered by the Council under Council Reference Number: 132598/F
- 1.12 “Code for Sustainable Homes” means the national standard for the sustainable design and construction of new homes as defined by the Department of Communities and Local Government.
- 1.13 “Commence Development” and “Commencement of Development” mean to commence the Development pursuant to the Permission by the carrying out of a Material Operation.
- 1.14 “Design and Quality Standards” means the requirements and recommendations for all new homes as defined by the Homes and Communities Agency ‘design and quality standards April 2007’.
- 1.15 “Development” shall mean the development of the Land disclosed by the Application.
- 1.16 “Herefordshire Allocations Policy” shall mean the Council’s Policy for the allocation of Affordable Housing in the administrative area of the Council which under the Housing Act 1996 as amended by the Homelessness Act 2002 and the Localism Act 2011 the Council has a duty to provide.
- 1.17 “Home Point” means the agency or body (or any successor agency or body) that on behalf of the Council holds the common housing register and operates a choice based lettings system (or any subsequent lettings system) through which Affordable Housing in the administrative area of the Council is advertised.
- 1.18 “Lifetime Homes Standard” means the principles developed by the Joseph Rowntree Foundation establishing 16 design criteria (revised July 2010) intended to maximise good housing design and make homes adaptable for lifetime use.
- 1.19 “Material Operation” has the meaning given by Section 56 (4) of the Act.
- 1.20 “Occupy” “Occupied” and “Occupation” means the first occupation of the Development for residential purposes but excluding occupation for the purposes of construction and fitting out.
- 1.21 “Permission” shall mean the planning permission subject to conditions to be issued by the Council permitting the Development pursuant to the Application a draft copy of which is annexed to this Deed as Appendix 1.

- 1.22 "Plan 1 " means the plan attached to this deed marked "Plan 1" and which identifies the Land as edged red
- 1.23 "Plan 2" means the drawing number [] dated [] 2013 attached to this deed marked "Plan 2" and which identifies the Affordable Housing Units
- 1.24 "Registered Provider" means either South Shropshire Housing Association or the Shropshire Housing Group or alternatively any other registered provider of Affordable Housing under Part 2 of the Housing and Regeneration Act 2008 who is a preferred development partner listed (or intended for listing) in the Council's 'provision of affordable housing technical data' which supports the supplementary planning document Planning Obligations April 2008 (or any subsequent or updated document), or any such other Registered Provider as may previously be agreed with the Council in writing such agreement not to be reasonably withheld.
- 1.25 "Shared Ownership" means ownership under the terms of a lease by which a lessee may (subject to the restriction in paragraph 1.9 of the Third Schedule to this Deed) acquire a share or shares of the equity in an Affordable Housing Unit from the Registered Provider who retains the remainder and may charge a rent.

2 COVENANT

- 2.1 The Owner for the purposes of Section 106 of the Act with the intention of binding the Land agrees and covenants with the Council to observe the restrictions and perform the obligations set out in the Third Schedule to this Deed.
- 2.2 The Council covenants with the Owner and the Mortgagee that the Council will comply with the obligations and covenants on its part set out in this Deed

3 AGREEMENT AND DECLARATIONS

IT IS HEREBY AGREED AND DECLARED that

- 3.1 The restrictions and obligations in the Third Schedule to this Deed are planning obligations enforceable by the Council in accordance with the provisions of Section 106(3) of the Act against the Owner and his successors in title to the Land.
- 3.2 With the exception of this Clause 3.2 and Clauses 5, 6, 7, 9 and 13, delivery and any other relevant paragraphs of this Deed which have effect on the date of this Deed none of the terms or provisions of this Deed will have operative effect unless and until the date that there has been Commencement of Development on the Land.
- 3.3 If the Permission shall expire before Commencement of Development or shall at any time be revoked this Deed shall forthwith determine and cease to have effect insofar only as it has not already been complied with and without prejudice to the validity of anything done or payments or contributions made or expended whilst this Deed is in force.
- 3.4 Nothing in this Deed shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than the Permission) granted (whether or not on appeal) after the date of this Deed.
- 3.5 If any provision or part provision of this Deed:
- 3.5.1 shall be held by any court or competent authority to be invalid illegal or unenforceable the validity legality or enforceability of the remaining provisions shall not in any way be deemed to be affected or impaired; and
- 3.5.2 if any invalid illegal or unenforceable provision or part provision of this Deed would be valid legal and enforceable if some part or parts of it were amended the parties shall amend such provision(s) so that as amended it is legal valid and enforceable and so far as possible achieves the original intentions of the parties.

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

- 3.6 The Owner shall not be entitled to any costs or compensation whatsoever from the Council arising from the agreement restrictions and obligations contained in this Deed.
- 3.7 A person who is not a party to this Deed has no right under the Contracts (Rights of Third Party) Act 1999 to enforce any term of this Deed but this does not affect any right or remedy of a third party which exists or is available apart from such act.
- 3.8 No person shall be liable for a breach of a covenant contained in this Deed after parting with all interest in the Land or the part of the Land in respect of which such breach occurs but without prejudice to liability for any subsisting breach of covenant prior to parting with such interest.
- 3.9 The headings in this Deed are for convenience only and shall not be taken into account in the construction and interpretation thereof.
- 3.10 The obligations contained in this Deed shall not be binding upon any and all statutory undertakers who have as part of their statutory undertaking any interest in the Land;

4 RESERVATIONS

For the avoidance of doubt nothing in this Deed shall prevent the Council from exercising any of its statutory powers or functions in relation to the development of the Land.

5 LOCAL LAND CHARGE PROVISIONS

- 5.1 this Deed is a local land charge and shall be registered by the Council as such.
- 5.2 on the written request of the Owner at any time after each or all of the obligations have been performed or otherwise discharged the Council will issue a written confirmation of such performance or discharge;
- 5.3 following the performance and full satisfaction of all the terms of this Agreement or if this deed is determined pursuant to clause 3.3 the Council will on the written request of the Owner record such performance or determination in the Local Land Charges Register in respect of this deed.

6 COSTS

On or before the date of this Deed the Owner shall pay to the Council its reasonable and proper costs of £[] in the preparation and completion of this Deed towards the cost to the Council of monitoring the obligations in this Deed.

7 NOTICES AND NOTICE OF COMMENCEMENT OF DEVELOPMENT

- 7.1 A notice under this Deed is valid only if it is given by hand sent by recorded delivery or document exchange or sent by fax provided that a confirmatory copy is given by hand or sent by recorded delivery or document exchange on the same day and it is served at the address shown in this Deed for the receiving party or at any address specified in a notice given by that party to the other parties.
- 7.2 A notice sent to the Council:
 - 7.2.1 in relation to any matters arising from the Third Schedule of this Deed shall be addressed to the Housing Manager (Development) Homes and Community Services, Herefordshire Council, PO Box 4, Plough Lane, Hereford HR4 0XH ; or
 - 7.2.2 in relation to any matters arising from all other obligations in this Deed shall be addressed to the 'Planning Obligations Manager,' Planning Management Team, Herefordshire Council, Blue School House, Blue School Street, Hereford HR1 2ZB quoting reference N122878/F
- 7.3 A notice:
 - 7.3.1 sent by recorded delivery is to be treated as served on the second working day after posting if sent by first class post or on the third working day after posting if sent by second class post;

7.3.2 sent through a document exchange is to be treated as served on the first working day after the day on which it would normally be available for collection by the recipient;

7.3.3 sent by fax is to be treated as served on the day on which it is successfully sent or the next working day where the fax is sent successfully after 1600 hours or on a day that is not a working day whenever and whether or not the confirmatory copy is received unless the confirmatory copy is returned through the Royal Mail or the document exchange undelivered

7.4 The Council's Planning Obligations Manager shall be given 14 days prior notice of Commencement of Development.

8 **WAIVER**

No waiver (whether express or implied) by the Council of any breach or default by the Owner in performing or observing any of the obligations or other terms of this deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the obligations or other terms of this Deed or from acting upon any subsequent breach or default by the Owner.

9 **DISPUTES**

9.1 In the event of there being any dispute between the parties hereto in respect of any of the terms of this Deed such dispute shall be determined in accordance with this Clause and either party to the dispute may at any time require by notice in writing to the other party to the dispute an independent expert to be appointed to resolve the dispute

9.2 The expert (who shall be an appropriately qualified person to resolve the dispute in question) may be agreed upon by the parties to the dispute and in default of such agreement within one month of a requirement being made pursuant to this Clause shall be appointed by the President for the time being of the Royal Institution of Chartered Surveyors on the application of either party to the dispute made at any time after the said period of one month

9.3 Notice in writing of his appointment shall be given by the expert to the parties to the dispute and he shall invite each to submit within a specified period (which will not exceed four weeks) any written representations each wishes to make to him

9.4 The expert shall act as an expert and not as an arbitrator and he shall consider any written representation submitted to him within the said period and shall not be in any way limited or fettered thereby and shall determine the dispute in accordance with his own judgment

9.5 The expert shall give notice in writing of his decision to the parties to the dispute within two months of his appointment or within such extended period as the parties may together allow

9.6 The decision of the expert shall be final on all matters referred to him

9.7 If for any reason the expert shall fail to make a decision and give notice thereof within the time and in the manner herein before provided either party to the dispute may apply to the President of the Royal Institution of Chartered Surveyors for a substitute to be appointed in his place which procedure may be repeated as many times as necessary

9.8 Each party to the dispute shall bear its own costs save that the fees of the expert and of the Royal Institution of Chartered Surveyors shall be in the expert's determination

9.9 Nothing in this Clause shall be construed as ousting the jurisdiction of the courts to enforce the provisions of this Deed

10 **WARRANTY AS TO TITLE**

The Owner warrants to the Council that the title details referred to in recital 2 and the First Schedule are complete and accurate in every respect and that no person other than the Owner and the Mortgagee has any legal or equitable interest in the Land.

11 **VAT**

All consideration given in accordance with the terms of this Deed shall be exclusive of any value added tax properly payable.

12 **INTEREST**

If any payment due under the terms of this Deed is paid late interest calculated at the rate of 4% above the National Westminster Bank plc base rate from time to time will be payable from the date payment is due to the date payment is made.

13 **JURISDICTION**

This Deed is governed by and in accordance with the law of England.

14 **MORTGAGEE'S CONSENT AND ACKNOWLEDGEMENT**

The Mortgagee hereby consents to the Owner entering into this Agreement and acknowledges that the Land shall be bound by the terms and obligations contained in this Agreement, and should the Mortgagee become a Mortgagee in possession of the Land or any part the Mortgagee agrees to be bound by the provisions of this Agreement, and the Mortgagee further agrees that it will not carry out or procure the Development or any part of the Development without performing and observing the terms and obligations contained in this Agreement.

IN WITNESS of which this instrument has been duly executed as a deed by the parties and delivered on the date set out above



MEETING:	PLANNING COMMITTEE
DATE:	20 NOVEMBER 2013
TITLE OF REPORT:	131680/F - PROPOSED ERECTION OF 12 AFFORDABLE DWELLINGS, COMPRISING A MIXTURE OF 2 AND 3 BED HOUSES ON LAND OFF TUMP LANE AT TUMP LANE, MUCH BIRCH, HEREFORDSHIRE, HR2 8HW For: Markey Builders (Gloucester) Ltd per BM3 Architecture Ltd, 28 Pickford Street, Digbeth, Birmingham, West Midlands B5 5QH
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=131680

Date Received: 19 June 2013

Ward: Pontrilas

Grid Ref: 349582,230469

Expiry Date: 18 September 2013

Local Member: Councillor BA Durkin (pending by-election)

1. Site Description and Proposal

- 1.1 The site comprises 0.39 hectares of agricultural land. It adjoins the western boundary of a development of red brick faced dwellings that incline eastwards from this boundary, along the northern side of Tump Lane. This classified road (C1264) links Wormelow and the A466 road to the west and the A49(T) up hill from the site. The application site inclines north eastwards from Tump Lane. The roughly rectangular site will step up the slope at a gradient of roughly 1 in 13. There is existing hedgerow on the eastern boundary adjoining existing properties. There is a line of trees and hedgerow between 30 to 40 metres north of the northern boundary of the site. The southern boundary of the site is defined by an existing ditch and culvert which is on the line of a hedgerow heading north westwards from Tump Lane. A public footpath follows the line of an existing hedgerow, but is wholly outside of the application site.
- 1.2 This is a fully detailed application for 12 affordable dwellings. These dwellings will be in 6 pairs of semi-detached dwellings in two house types, which have 2 (Type A) and 3 (Type B) bedrooms. Three pairs of the Type A dwellings (Plots 1-6) are sited close to the proposed access point onto Tump Lane. One pair is aligned north to south and the two other pairs are aligned east to west. There is a gap of 20 metres between the two dwellings facing Tump Lane (plots 5 and 6) and a pair of dwellings (plots 7 and 8) further up slope. The site on the opposite side of the spine road from these two plots (7 and 8) comprises parking bays for plot 7 and two spaces for plots 11 and 12 which are Type B, 3 bedroom properties and informal open space area. Plots 9,10,11 and 12 are the most elevated pairs of dwellings on the site. The 12 dwellings will be finished in a red brindle facing brick under grey coloured concrete tile roofs.
- 1.3 There will be 20 allocated spaces for the twelve semi-detached properties together with 6 visitor spaces. Each dwelling will have a dedicated cycle storage shed.

Further information on the subject of this report is available from Mr A Prior on 01432 261932

- 1.4 An existing foul sewer that crosses the site will be replaced by a new one that will follow the line of the spine road serving the cul-de-sac development before it leads westwards towards Wormelow.
- 1.5 The access point joining Tump Lane will have visibility splays of 2.4 metres by 39.5 metres onto this classified road.
- 1.6 The application was accompanied by an Extended Phase 1 Habitat Survey, a Statement of Community Involvement, a Flood Risk and Drainage Strategy, accident data and automatic classified count, a Design and Access Statement and draft Planning Obligation/Section 106 Agreement.

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular reference:

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

2.2 Herefordshire Unitary Development Plan (HUDP)

- S1 - Sustainable Development
- S2 - Development Requirements
- S3 - Housing
- S6 - Transport
- S7 - Natural and Historic Heritage
- S8 - Recreation, Sport and Tourism
- S11 - Community Facilities and Services
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR4 - Environment
- DR5 - Planning Obligations
- DR7 - Flood Risk
- H7 - Housing in the Countryside Outside Settlements
- H9 - Affordable Housing
- H10 - Rural Exception Housing
- H13 - Sustainable Residential Design
- H15 - Density
- H16 - Car Parking
- H19 - Open Space Requirements
- LA2 - Landscape Character
- LA3 - Setting of Settlements
- LA5 - Protection of trees, woodlands and hedgerows
- LA6 - Landscaping Schemes
- NC1 - Biodiversity and Development
- NC8 - Habitat Creation, Restoration and Enhancement
- T6 - Walking
- T7 - Cycling
- T8 - Road Hierarchy

Further information on the subject of this report is available from Mr A Prior on 01432 261932

- T11 - Parking Provision
- RST4 - Standards for Outdoor Playing and Public Open Space
- W11 - Development and Waste Implications
- CF2 - Foul Drainage

2.3 Supplementary Planning Documents

Landscape Character assessment
 Planning Obligations
 Design
 Biodiversity and Development

2.4 Herefordshire Local Plan – Core Strategy 2011-2031 (draft)

- SS1 - Presumption in favour of sustainable development
- SS2 - Delivering new homes
- SS4 - Movement and transportation
- H1 - Affordable housing- thresholds and targets
- H2 - Rural exception sites
- RA2 - Herefordshire’s villages
- MT1 - Traffic management, highway safety and promoting active travel
- LD1 - Landscape and townscape
- LD2 - Biodiversity and geodiversity
- SD1 - Sustainable design and carbon efficiency

2.5 Other Guidance

Strategic Housing Land Availability Assessment
 Annual Monitoring Report

2.6 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council’s website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

3.1 None identified

4. Consultation Summary

4.1 Welsh Water

Welsh Water state that conditions should be attached requiring the separation of foul and surface water discharges. Welsh Water states further that the developer needs to engage with the statutory body at an early stage. No problems are envisaged for the treatment of domestic discharges from the site.

Welsh Water also states that a water main crosses the site and that it may be possible to divert this water main, the cost of which would be borne by the developer

Internal Council Advice

4.2 Transportation Manager: I recommend refusal - This is as regards highway safety. The proposal is not sustainable given the lack of sustainable transport links. There is also a lack of a pedestrian/cycle link. Tump Lane is also too narrow to provide a footpath. An all weather

footpath of a lower standard maintained by the housing association on the applicant's land, could be acceptable. However, there is a lack of sustainable linkages that would result, with the increase in traffic, in a conflict between pedestrians and traffic that is not acceptable.

- 4.3 Conservation Manager (Landscapes): No visual impact assessment has been carried out. Proposal constitutes an extension of built development into open countryside. No existing field boundary to contain this impact or assist in integrating it into wider landscape. Although development viewed against existing development, it will not appear as a natural extension. Also landscape proposals will not overcome this negative impact. Landscape has not informed proposals and therefore not supported and mitigation proposed is not appropriate.
- 4.4 Conservation Manager (Ecology): No objections as regards the mitigation for biodiversity and enhancement. Should application be approved, recommend further hedgerow planting and conditions relating to the production of a habitat and enhancement scheme.
- 4.5 Housing Manager: Supports application. There is an identified need in Much Birch and in surrounding parishes.
- 4.6 Public Rights of Way Manager has no objections

5. Representations

- 5.1 Much Birch Parish Council state:

The Much Birch Parish Council does not object, in principle, to this application but would be seeking conditions to be applied as described below.

If the Planning Department are minded to approve the application then the Much Birch Parish Council would be seeking the imposition of four specific conditions to safeguard residents and road users :-

- 1) The reduction in speed limit for the entire length of the road known as Tump Lane from 40 mph to 30 mph
- 2) The imposition of a vehicular maximum weight of 17.5 tonnes
- 3) The installation of a pavement to enable safe pedestrian use for its entire length, paying particular note to information that the applicant/owner also controls land on the opposite side of Tump Lane
- 4) That there be a restriction on any future proposed additional development that may seek to use the access point of this development

- 5.2 7 letters of objection have been received together with 2 letters from Herefordshire CPRE. In summary the points raised are as follows:

- Additional traffic on Tump Lane passing residents walking to school
- Access to left restricted by bank and parked cars
- Traffic count carried out during Easter holidays and counter down slope from site thereby missing a lot of A49(T) bound traffic
- Campaigned for 20 years for footpath for benefit of elderly residents and school children
- Without footpath along length of Tump Lane intolerable, residents isolated now.
- Schools, pubs, doctors surgery, churches shop, recreational ground and bus-stops are all within walking distance
- Tump Lane used as a short cut by heavy traffic (e.g Pontrilas Timber and Allensmore Feed Mill) –conflict now with pedestrians using road with limited footpaths
- Additional traffic from Pilgrim Hotel joins Tump Lane, as traffic cannot directly access A49(T)
- A49 junction a death trap. Son knocked down
- Not infill as required by legislation

- Extension of built development into open countryside, on land farmed for many years
- Loss of hedgerow
- Understand newts cross road from site, ecological survey not comprehensive
- No garages irresponsible given incidents of theft in the locality
- Poor drainage and no capacity for mains drainage

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

6.1 The key considerations in the determination of this application are as follows:

- 1) The Principle of the development, the NPPF and housing land supply
- 2) Highway safety and pedestrian access
- 3) Landscape Impact
- 4) Drainage
- 5) Biodiversity
- 6) Conclusion

The Principle of Development, the NPPF and housing land supply

- 6.2 There is a general presumption in favour of sustainable development at the heart of the NPPF and applications for housing should be considered in this context. The proposal would serve to boost the supply of housing available in Herefordshire and whilst this proposal also meets a quantifiable and established need for affordable housing in Much Birch and adjoining parishes. The Herefordshire Unitary Development Plan (HUDP) encourages the provision of affordable housing within or adjoining established rural settlements, in this instance Much Birch. Policy H10 also requires that sites are within reasonable access to facilities and where possible public transport. This is also a requirement in Policy H13 of HUDP. New residential development will also need to respect the landscape context of the site, not give rise to problems relating to foul and surface water drainage and not have an adverse impact on biodiversity.
- 6.3 This proposal will satisfy an identified local housing need as required by Policy H10, and is considered to be appropriate in scale and character having regard to the established residential context of Much Birch. It is considered that the erection of pairs of red brick semi-detached dwellings reflects the layout of existing terraces of red brick dwellings up slope from the site. Therefore, given that a quantifiable need for affordable housing has been demonstrated for a site adjacent to a smaller settlement this proposal can be reasonably considered as a rural exception site.
- 6.4 The key issue and area of conflict is considered to be whether or not the location of the dwellings allows for reasonable access to services and facilities such as the school and surgery along the A49(T) and the public house, shop and post office to the west on the A466 road, in Wormelow. More detailed consideration of this issue is set out below.

Highways safety and Pedestrian Access

- 6.5 This is the issue that has generated most of the representations and is the focus of Much Birch Parish Council's response. It is evident that the development will generate traffic that will use Tump Lane and whilst it is considered that the C1264 is capable of taking additional traffic via a new access point onto the road, the additional use of Tump Lane, will as the Traffic Manager confirms have consequences for existing pedestrians using the road to use the bus-stop, school and GP surgery close to the A49(T) or the bus-stop on the A466, the village shop and post-office in Wormelow. The issue of concern is not one of walking distance to these services, but the lack of a safe walkable route along Tump Lane. There is a narrow footpath adjoining the road in front of the post war housing and towards the top of Tump Lane as it bends before joining the A49(T). However, aside from this provision which would appear to have been provided in conjunction with the associated residential development, there is little refuge for pedestrians and cyclists from vehicles using this narrow road which is also characterised by limited forward visibility in places given the alignment of the road. The lack of a safe pedestrian link has been raised by both local residents and the Parish Council. Notwithstanding that the Traffic Manager has highlighted a possible means of providing an informal footpath link, this does not form part of the submitted application and as such only the merits of the scheme submitted can be reasonably considered. The requirement that residential development is sustainable in this respect is reflected in the NPPF, Paragraph 17 requires proposals to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are, or can be made sustainable.
- 6.6 The matters raised by the Parish Council in relation to the introduction of a speed limit and weight restriction on Tump Lane are not matters that fall within the remit of this planning application, as they could not be made the subject of a planning condition. However, the recommendation that a footpath be provided, is considered appropriate and is echoed by the Traffic Manager. The lack of a footpath link is considered to render this proposal unsustainable and detrimental to highway safety. Accordingly whilst it is a matter of judgement as to whether the identified need for affordable housing in the Parish would outweigh this deficiency, officers do not consider this to be the case, judging the proposal to be contrary to Policies S1, DR1, DR3, H10 and H13 of the HUDP.

Landscape Impact

- 6.7 The Conservation Manager (Landscapes) has raised specific concerns about the limited supporting information demonstrating that the proposal has been informed by consideration of the landscape and the inherent difficulties of effectively integrating it given the lack of existing landscape features along the site boundaries. The issue is also raised in representations from local residents and the CPRE which is focused on the relationship of the new development to the mix of modern housing up slope from the site and later twentieth century housing set further back from Tump Lane. As referred to above this is particularly problematic given that the new houses are not contained within established hedgerow boundaries with the only hedgerow boundaries relating to the site being on the eastern side, distantly to the north and partially along the southern boundary. Notwithstanding this, the new dwellings will be viewed from the west and south west against the existing dwellings located immediately up the slope from the site towards the A49(T). This factor together with the ability to secure more hedgerow/tree planting through conditions is such that it is considered that satisfactory mitigation can be provided for the site, with any residual landscape impact being outweighed by the significant benefits associated with delivering much needed affordable housing within the parish. Therefore, the proposal subject to further landscaping in the form of hedgerow/tree planting is considered to have appropriate regard to Policies DR1, LA2, LA5 and LA6 of the HUDP.

Drainage

- 6.8 Drainage has been identified as a local concern. However, as confirmed by Welsh Water there are not considered to be grounds for resisting development given the ground conditions and the means of disposal available. It is evident that the applicants are aware of existing drainage across the site and this has informed the approach which has been adopted. An approach that is supported by Welsh Water. Therefore, subject to conditions controlling foul and surface water arrangements, the development in this respect would be capable of according with Policy DR4 of HUDP.

Biodiversity

- 6.9 The matters of concern raised relate to the loss of hedgerow, the survey undertaken and the possible use of the site by newts. The loss of roadside hedgerow would be unfortunate but inevitable with the creation of a new access and the need to provide sufficient visibility in the westerly direction towards Wormelow. This factor is not considered sufficient to outweigh the benefits of providing much needed affordable housing. This loss of hedgerow would need to be compensated for by the planting of additional hedgerow which would not only provide opportunities for enhancing biodiversity through the provision of wildlife corridors, as recommended by the Conservation Manager (Ecology), but would also provide some landscape mitigation for the new development. It is considered that the survey work undertaken and submitted in support of the application is satisfactory and the suggestion that newts may or may not frequent the site has been addressed by the habitat survey submitted which concludes that the site is of low ecological value.

Conclusion

- 6.10 Paragraph 14 of the NPPF states that:

- a presumption in favour of sustainable development should be seen as a golden thread running through both plan making and decision-taking. In terms of the latter, this means
- approving development proposals that accord with the development plan without delay; and
- where a development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or - Specific policies in the NPPF indicate development should be restricted."

- 6.11 The development offers a primary benefit in terms of the delivery of additional housing and in particular twelve affordable units, that is broadly supported by Policy H10 of HUDP. Whilst, it is evident that the development will have a significant benefit in providing affordable housing, this needs to be balanced against the need for development to be sustainable in respect of non car based transport modes. This is not achieved given the lack of a continuous footpath link available to pedestrians heading to services and facilities along both the A49(T) and in Wormelow, that necessitates negotiating a road with minimal footpath coverage and limited refuge from existing and future traffic generated by this proposal. It is not considered that the development will have an adverse impact in the wider landscape given the mitigation that can be provided and given the close relationship of the proposed dwellings to the adjoining dwellings to the east. There will be a loss of agricultural land as stated in representations received. However this needs to be weighed against the benefit of providing much needed affordable housing.

- 6.12 The proposal will provide much needed affordable housing and its environmental impacts can be satisfactorily mitigated, however this provision is outweighed by the poor pedestrian access to services and facilities that would be used by future residents and as such the proposal is not sustainable in terms of the provisions of the Herefordshire Unitary Development Plan and the NPPF.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. The proposed development whilst being visually well-related to existing residential development does not promote or adequately provide for safe and secure pedestrian access to services and facilities at either end of Tump Lane. The lack of a continuous footpath combined with the narrowness of the road, its frequent vehicular use and the speed of traffic is such that the increased use associated with the proposed development would render it unsustainable and detrimental to pedestrian safety contrary to policies S1, DR1, H10 and H13 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework

INFORMATIVE

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal – which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

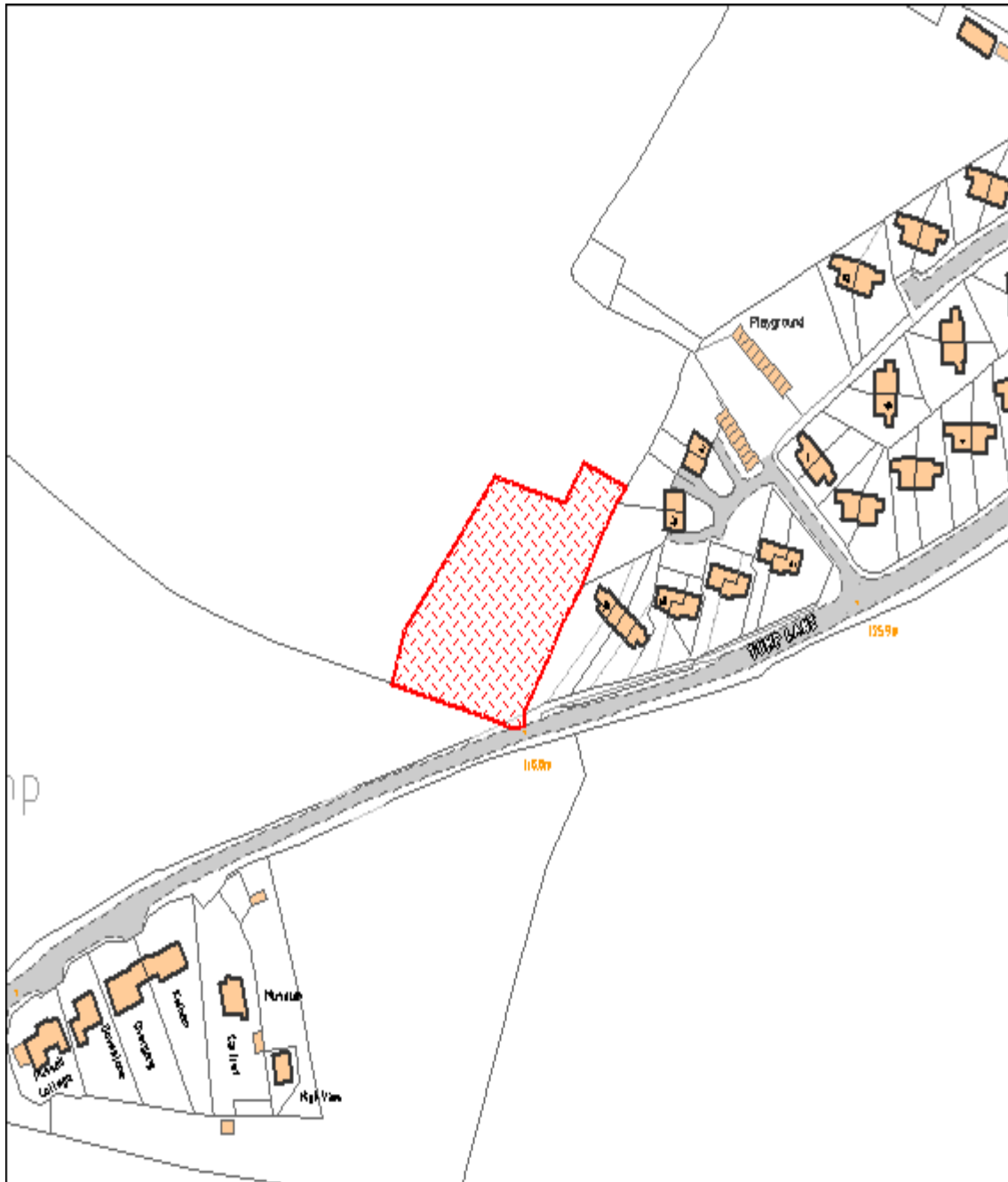
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 131680/F

SITE ADDRESS : TUMP LANE, MUCH BIRCH, HEREFORDSHIRE, HR2 8HW

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from Mr A Prior on 01432 261932

MEETING:	PLANNING COMMITTEE
DATE:	20 NOVEMBER 2013
TITLE OF REPORT:	132033/F & 132034/C - DEMOLITION OF POST WAR BUILDING AND ERECTION OF 4 NO. DWELLINGS AT LAND AT CHESTNUTS, THE AVENUE, ROSS ON WYE, HEREFORDSHIRE, For: RRA Architects Ltd., Watershed, Wye Street, Hereford, Herefordshire, HR2 7RB
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132033

Date Received: 24 July 2013

**Ward: Ross-on-Wye
East**

Grid Ref: 359877,223638

Expiry Date: 18 September 2013

Local Members: Councillors A M Atkinson and PGH Cutter

1. Site Description and Proposal

- 1.1 The application site is located on the northern side of 'The Avenue', a residential street to the east of the B4234 Walford Road, some 700 metres south of the Ross-on-Wye town centre. The site comprises 'The Chestnuts', which is one of a number of large mansion style Victorian buildings, which has a large post-war extension and a relatively large curtilage. The site has until recently been used as a care home. It is within the settlement boundary of Ross-on-Wye, in the Wye Valley Area of Outstanding Natural Beauty (ANOB) and Ross on Wye Conservation Area.
- 1.2 The application site consists of the rear of the former care home The Chestnuts and includes the large post war extension. The extension is rectangular in shape with a frontage onto The Avenue. There is limited parking or hard standing currently within the site; however there is street parking on The Avenue. There is a stone wall covered in ivy on the southern boundary facing onto The Avenue. Stone walls are a common feature along the street, with a number of mature trees also present. Within the application site, of note is a large sweet chestnut tree in the western corner on the roadside boundary. The surrounding context of the site is predominantly residential, although St Joseph's primary school is accessed via The Avenue.
- 1.3 The original submission of this application proposed to demolish the post-war extension and develop the site with the construction of five detached dwellings. However officers expressed concerns with regards to the scheme representing an inappropriate form of development by virtue of its density, layout, scale and massing that represented over- development of the site that would be harmful to the character and appearance of the established residential area. The applicants have since amended the scheme by reducing the proposed development to four dwellings.

Further information on the subject of this report is available from Ms R Jenman on 01432 261961

- 1.4 The scheme now put forward seeks planning permission and conservation area consent to demolish the post-war extension and construct four dwellings fronting onto The Avenue. The dwellings all have an identical appearance and scale, with an attached flat roofed garage and rear garden. The amended scheme retains a larger portion of garden for the existing building. Plot 1 is located 17.8m from the existing Chestnut building, with a 2.4m gap between each of the dwellings. All four dwellings comprise four bedrooms, two of which are provided within the roof.
- 1.5 The dwellings are to be constructed with stone walls on the ground floor, with a mixture of render and vertical timber boarding above. The roof is to be constructed from slate. To the rear of the dwellings timber louvers are used on part of the building. On all the dwellings there are windows provided on side elevations to give light to the stairs, however all are obscured glazing. The ridge height of each dwelling is 9.7m, with a width of 11.2m (including the garage) and length of 15.9m.
- 1.6 There is a natural fall in level across the site from west to east. The street plan submitted with the application shows the dwelling reflects this fall in level, with the proposed dwellings stepping down across the site.
- 1.7 The application is accompanied by a Design and Access Statement, an Ecological Report, Tree Survey and an Arboriculture Assessment.
- 1.8 The revised proposal is currently the subject of further re-consultation with consultees and interested parties. The consultation period expires on 18 November and any additional responses will be reported verbally.

2. Policies

2.2 National Planning Policy Framework:

The following paragraphs are considered to be relevant:

53 – Local Planning Authorities should...resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

56 – Good design is a key for sustainable development, is indivisible from good planning, and should contribute positively for making places better for people.

58 – Planning policies and decisions aim to ensure that developments:

- Function well and add to the overall quality of the area;
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live;
- Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Create safe and accessible environments; and
- Are visually attractive as a result of good architecture and appropriate landscaping.

60 – Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

64 – Permission should be refused for development of poor design that fails to take the opportunity available for improving the character and quality of an area and the way it functions.

65 – Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incapability with an existing townscape, if those concerns have been mitigated by good design

2.3 Herefordshire Unitary Development Plan:

- S1 - Sustainable Development
- S2 - Development Requirements
- S7 - Natural and Historic Heritage
- H1 - Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
- H13 - Sustainable Residential Design
- H14 - Re-using Previously Developed Land and Buildings
- DR1 - Design
- DR3 - Movement
- HBA6 - New development within conservation areas
- HBA7 - Demolition of unlisted buildings within conservation area
- LA1 - Areas of Outstanding Natural Beauty
- LA2 - Landscape Character and Areas Least Resilient to Change
- LA5 - Protection of Trees, Woodlands and Hedgerows
- LA6 - Landscaping Schemes
- T11 - Parking Provision
- NC1 - Biodiversity and Development
- NC8 - Habitat Creation, Restoration and Enhancement
- NC9 - Management of Features of the Landscape Important for Flora and Fauna

2.4 Herefordshire Local Plan – Core Strategy 2011 – 2031 (draft)

- SS1 - Presumption in favour of sustainable development
- SS6 - Environmental quality and local distinctiveness
- MT1 - Traffic management, highway safety and promoting active travel
- LD1 - Landscape and townscape
- LD2 - Biodiversity and geo-diversity
- LD3 - Green infrastructure
- SD1 - Sustainable design and energy efficiency

2.5 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

- 3.1 S130207/F Demolition of post-war building and erection of 5 no. dwellings. Withdrawn 9 April 2013.
- 3.2 DCH953084/F Lift enclosure. Approved.

4. Consultation Summary

- 4.1 Welsh Water: (*comments received in response to original submission*) No objection raised subject to conditions controlling the discharge of foul and surface water.

Internal Council Advice

- 4.2 Conservation Manager (Landscapes):

Comments received in response to original submission

The site has been visited previously and pre-application advice provided over a number of months.

Trees – The tree survey is suitable and follows recommended standards. It is particularly useful to have included off-site boundary trees to the north. I agree that the Sweet Chestnut (T2) is one of the most important trees on site and that it should be retained. The proposed site layout does include adequate root protection, through retaining the raised bank around the base and setting the house back. I agree that removal of T1 would improve the setting and future health of the Sweet Chestnut. It is a shame that T4, yew, has to be removed for the development. With suitable protection during construction, T2 should not be damaged by the proposed development, however as it is on the southern site boundary I am still concerned about long term amenity for residents and future pressure for removal of the tree in the long term through conflicts such as shading to windows and gardens, proximity of branches and seasonal leaf / fruit drop.

Landscape / townscape and green infrastructure – The site is within the Wye Valley Area of Outstanding Natural Beauty and the Ross-on-Wye Conservation Area. The site is suitable for residential development, as per the urban landscape character.

I support replacement of the existing, modern extension, with high quality houses, however the density of development is too high. It will fill the whole site, more than doubling the building footprint compared with the extension. The rear gardens of the proposed buildings are very small and the fronts will be predominantly parking. This density of development does not leave any space for replacement planting in compensation for the two trees that are to be removed and loss of the open, grass area.

I agree with the Senior Building Conservation Officer that the boundary wall is a positive feature of The Avenue and should be retained; the proposal to create four vehicle access gaps does not respect this. From a conservation view the need to take cars off the public highway does not outweigh loss of this feature.

Together, the loss of trees and open space, lack of compensatory planting and damage to the historic boundary wall, will all have a negative impact on the townscape character of The Avenue, contrary to UDP Policy LA2.

- 4.3 The Traffic Manager: Response awaited at the time of writing report.

- 4.4 Conservation Manager (Ecology):

Comments received in response of original submission

I have read the additional information on the bat survey provided by Tyler Grange as requested by Bridgit Symons and dated 25th July 2013. I take it the 'dawn' survey of 8th July is an evening survey as it is timed at 21.30 onwards. I am happy with the findings in that they bear out the lack of evidence of bat roost within the building.

The National Planning Policy Framework 2012 states that “The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity wherever possible”. It goes on to state that “when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity” and “opportunities to incorporate biodiversity in and around developments should be encouraged”.

If this application is to be approved, I recommend the inclusion of conditions.

The Ecologist has been consulted following the submission of the amended plans and there has been no change in his recommendation

4.5 Conservation Manager (Historic Buildings and Conservation):

Comments received in response to original submission

Although I did not object to the original scheme, I am inclined to think the design of the individual units is actually more successful now in architectural terms and as a whole it has lost much of the unrelenting uniformity (bordering on monotony) of its predecessor. However I am concerned at the further erosion of the southern (roadside) boundary wall, which I regard as a key feature of the site. The arguments advanced for this seem to be wholly utilitarian and since there is no public benefit in this loss, and a perfectly feasible layout was achieved previously without it, I would not support this aspect of the revised scheme.

Shared access concentrated on two locations is preferable to the four breaches proposed here, which fatally undermine the logic of the wall as a linear structure.

The Conservation officer has been consulted following the submission of the amended plans and at the time of writing has not responded.

5. Representations

5.1 Ross-On-Wye Town Council:

Response to original submission - No objection.

5.2 Seven letters of objection were received in relation to the original submission. The content is summarised as follows:

- Proposed dwellings are inappropriate in terms of scale and density, with the regimental design not in keeping with the prevailing character of the street and surrounding area.
- The dwellings will have an overbearing impact on adjoining dwellings and impact on their amenity with regards to privacy.
- Additional vehicle access through stone wall will cause additional traffic crossing the pavement and will impact on the safety of pedestrians, especially at peak times when school children are being dropped off and picked up.
- The additional vehicle access through wall detrimental to the character of the area through the loss of the stone wall.
- Not enough parking provided within the site, with vehicles not having enough room to turn within the site resulting in them reversing on to highway.
- No plans or information provided on the intended use of the original Georgian building on site, considered site should be considered as one.
- No consultation with neighbours has taken place.

- Development will impact upon a number of existing trees both within the site and within adjoin properties.

All those that made a representation have been re-consulted following the receipt of amended plans and at the time of writing no further submissions had been received. Any further letters received will be reported at committee.

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

- 6.1 The key considerations in the determination of the application are as follows:

- 1) The Principle of Development
- 2) Impact of the development on the residential character and surrounding site context
- 3) Impact of the development on the neighbouring residential amenity
- 4) Impact of the development on the local highway
- 5) Other matters
- 6) Conclusion

The Principle of Development

- 6.2 The application site lies within the defined settlement boundary of Ross-On-Wye within which saved Policy H1 of the Herefordshire Unitary Development Plan (UDP) recognises that there is scope for appropriate residential development providing that the character and appearance of the wider locality is not adversely affected by the proposed development. Therefore, the proposal is acceptable in principle, subject to other material considerations being satisfactorily resolved.

Impact of the development on the residential character and surrounding site context

- 6.3 The importance of achieving a high quality of design in all proposals is clearly set out within the NPPF and policies DR1 and H13 of the UDP. At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 17 of the NPPF outlines the 12 core planning principles that the planning system should underpin both in plan-making and decision-taking. One of these principles is that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants'.
- 6.4 The Government attaches great importance to the design of the built environment, recognising good design is a key aspect of sustainable development and is indivisible from good planning. New development should contribute positively to making places better for people. Paragraph 58 of the NPPF sets out the design requirements of developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;

- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- are visually attractive as a result of good architecture and appropriate.

- 6.5 The application site is within the curtilage of the former Chestnuts care home and includes the demolition of a large two storey extension constructed in the 1960s. The original scheme proposed 5 dwellings on the site all of similar design and scale. This was considered to represent over- development of the site that would have been harmful to the character and appearance of the established residential area. The scheme now under consideration is for 4 dwellings, still of similar scale and design, however with more space provided between each dwelling, as well as there being additional land left with the existing building. The layout and scale of the 4 dwellings proposed are considered to be more appropriate in the surrounding context and more in keeping with the overall street scene.
- 6.6 The NPPF advises that Local Planning Authorities should resist development which fails to take the opportunities available for improving the character and quality of an area and the way it functions. The amended scheme proposes 4 dwellings, all of similar design, appearance and scale. The Chestnuts is one of a number of large mansion style buildings grouped in the area close to the junctions of Walford Road and The Avenue. The buildings are typically set in large gardens with mature vegetation and bounded by stone walls. Dwellings have been built in some of the curtilages of some of the large dwellings, and in the case of the application site a large ancillary extension to the former care home. The extension to be demolished is not considered to be of any architectural or historic merit, and does not contribute to the quality or character of the area. Therefore in principle its removal, having regard to improving the character and quality of the area is welcomed. The amended scheme allows for a larger part of the grounds to be retained with the existing building, which is welcomed by officers as it will improve the overall amenity of the future occupants of the Chestnuts in relation to private amenity space and outlook.
- 6.7 The Avenue itself is characterised by a mixture of different designed two storey dwellings, constructed from a mixture of brick, render and stone. The dwellings also vary in scale, however they are all detached within their own curtilages, set back from the highway with mature vegetation to the front. There are also a number of trees within the street on grass verges separating the pavement from the highway. Stone boundary walls are also a distinctive feature throughout the street scene. There is on street parking however, the majority of the dwellings do have sufficient parking within their curtilages. The scheme allows for all 4 of the new dwelling to have there own allocated parking with turning within the curtilage.
- 6.8 The scheme as amended is considered to have addressed concerns which were raised in relation to the impact on the landscape and character of the conservation area, by limiting the number of new vehicle accesses off the highway to only one, with the two existing also utilised within the scheme. The layout takes into consideration the large Sweet Chestnut tree in the western corner of the site by ensuring that there is no development within the root protection zone.
- 6.9 The proposal is for 4 bed detached family homes, fronting on to the highway, with their own parking and rear amenity space. The dwellings are proposed to be constructed from a mixture of materials including render, vertical timber boarding and stone on the ground floor. They also have a large amount of glazing down the centre of the dwellings serving bedrooms and living areas. The height of each dwelling is 9.6m, although the layout follows the natural fall in site level from west to east across the site, allowing the houses to appear stepped within the street scene.

Further information on the subject of this report is available from Ms R Jenman on 01432 261961

- 6.10 UDP policies DR1 and H13 along with section 7 of the NPPF emphasise the importance of good design both in terms of the architecture of the buildings, the function of public and private spaces and integration with the wider environment. Paragraph 61 of the NPPF identifies that visual appearance and the architecture of individual buildings are very important factors, and securing high quality and inclusive design goes beyond aesthetic considerations. Therefore when assessing proposals for new development, consideration should be given to the connections between people and places and integration of new development into the natural, built and historic environment, with consideration to the overall scale, density, massing, height, landscape and layout of new development in relation to neighbouring buildings and the local area more generally.
- 6.11 The scheme overall occupies a larger footprint than the existing block but the units are visually independent, and their townscape impact is mitigated by their set-back position and the retention of the characterful stone boundary wall along the street frontage. It is acknowledged that they are of a contemporary design and appearance when compared to others in the street, however the NPPF states in paragraph 60 that 'planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness'. Given that The Avenue is such a mixed context, where no one characteristic predominates, I would consider that this scheme is on balance a valid response to these objectives.
- 6.12 The scale, massing and layout of the proposed 4 dwellings allow for acceptable spacing and private amenity space, which respects the overall surrounding context of the site and the existing residential character. In conclusion, when having regard for the character and appearance of the established residential area, the proposed scheme for 4 dwellings, is considered to represent an acceptable form of development on the site which integrates appropriately into the established residential area.

Impact of the development on the neighbouring residential amenity

- 6.13 Policy H13 of the UDP requires all proposals to provide for acceptable levels of residential amenity including privacy both within the scheme and in respect of nearby properties. As already established the area surrounding the application site is primarily residential in character. Chapter 7 of the NPPF identifies that schemes should establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live. The advice is that Local Authorities should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.
- 6.14 The two dwellings to the rear of site, Mulberry Lodge and Chasewood Lodge, are considered to be the two residential dwellings which are most likely to be affected by the development. It is clear that the development will alter and change the outlook for the two properties to the south. However neither property looks directly into the application site, and the new dwellings face onto their private amenity space. The two storey element of each new dwelling is located 8m from the rear boundary, with the single storey snug being a distance of 4m. It is acknowledged that the proposed dwellings have a large amount of glazing on the rear elevations, however there is already a significant amount of vegetation both within the site and in the adjoining two properties curtilages. Both the neighbouring properties have relatively large curtilages and on balance having considered issues of overlooking and privacy the amended scheme are considered to be acceptable. The distance from the boundaries and existing vegetation will prevent the dwelling having an overbearing impact and will limit overlooking into the private amenity space.

- 6.15 Consideration has also been given to the amenity of the future occupants of the Chestnuts. The building and immediate surrounding grounds are not included within the application site. Its lawful use is that of a care home. Realistically it is likely that the building will either be developed into a single resident home, or be developed and sub-divided into residential apartments. Either way it is considered important to ensure that the development of the rear curtilage does not prejudice or harm the future occupants of the building. The application does not include any information or consider the future of the building, however, the amended scheme has allowed for a larger portion of garden to the rear to be retained with the existing property. On balance the scheme is now considered to be acceptable having regard for the future occupants of the Chestnuts Building.
- 6.16 In accordance with Policy H13 of the UDP and paragraph 58 of the NPPF the proposal now provides for acceptable levels of residential amenity, including privacy both within the scheme and in respect of near by properties.

Access and Highways Issues

- 6.17 The amended block plans has identified that there are to be three access points into the site. Plot 4 is to be accessed through the existing garage which is to be demolished, whilst plot 1 is to be accessed via the existing access, and plots 2 and 3 will be accessed via the new access. Each dwelling will have parking for 2 cars, as well as room within the garage. The scheme also allows for the vehicles to turn and leave the site on forward gear. The Transportation Manager has not made any comments on the application at the time of writing the report. However, I am satisfied that highway aspects of the scheme are acceptable.
- 6.19 Residents have raised a number of concerns in relation to the increase in vehicle movements as well as the reduction of on street parking which will occur due to the increase in access points. The residents have also highlighted that the road can be busy around school drop-off and pick up times by parents parking. This has been considered, however, given that the site is “previously developed” with lawful uses that generated similar traffic movements and that the scheme allows for the provision of parking and turning within the site, it is not considered that this would be sufficient to represent a highway safety objection. As such the proposed access to the site would comply with the requirements of policy DR3 of the UDP.
- 6.20 Policy DR3 of the UDP is the principal policy which deals with movement in new development schemes, in particular that of vehicles and pedestrians. The policy seeks to ensure that all schemes provide for suitable provision for access to and from the site. The provision of attractive, safe and convenient movement into and out of the site is highlighted as an important factor with regards to highways safety.
- 6.21 Although the residents’ concerns have been given full consideration, the proposed additional vehicle access and traffic movements generated by the proposal are not considered to prejudice highway safety and the off-site parking provision accords with adopted standards. Accordingly it is considered that the proposal would comply with the requirements of policies DR3 and T8 of the UDP.

Other matters

Impact on Protected species

- 6.22 In determining all development proposals, the effect upon biodiversity and protected species has to be given full consideration. Proposals are required to demonstrate that the proposal will have no adverse effects on or damage protected or priority habitats or species. In regards to these proposals the main consideration with regards to biodiversity relates to the demolition of the previous extension. In the previous application the applicant had not carried out sufficient

bat activity surveys for the Council to be satisfied that the requirements of policies NC8 and NC9 within the UDP and the guidance within chapter 11 of the NPPF.

- 6.23 Submitted with this application is an updated ecological report with surveys having been carried out in the summer months. In summary, the surveys confirmed that no bat roosts are present within the building to be demolished as part of the proposed development. The application is therefore considered to be in compliance with relevant Policies within the UDP and NPPF.

Drainage

- 6.24 It is proposed to connect the foul drainage from the development to the public foul sewer located within The Avenue via a new gravity connection. Welsh Water has confirmed that there is sufficient capacity within the public foul sewer network to serve the foul flows from the development. They have also raised no objection in relation to surface water providing that it is not allowed to connect to the public sewerage system.

Housing Supply

- 6.25 Herefordshire currently has a published shortfall with regards to providing a five year housing land supply. Recent appeal decisions across the country make the Government's position clear on this matter that greater weight will be given to Paragraph 49 of the NPPF which stipulates that relevant policies concerning the supply of housing land should not be regarded as up to date if a five year land supply cannot be demonstrated. In view of this, there is a requirement to release further land for housing that is deliverable within the next five years and which is sustainable, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole, or specific policies in the NPPF indicate development should be restricted.
- 6.26 The amended scheme has removed concerns in relation to the scale, density and layout and now represents an acceptable form of development which would contribute to meeting additional housing requirements. The location of the development, being within the settlement boundary and an established residential area makes the principle of the development acceptable.

Conclusion

- 6.27 In conclusion, the amended proposal is considered to be acceptable. The application site is within the Ross-on-Wye settlement boundary and within an established residential area, where the principle of development is acceptable. The amended scheme in relation to the scale, design, layout, density and massing is considered to be acceptable and the scheme now represents an acceptable form of development which integrates effectively into the existing residential area without detriment to the existing character and appearance of the area or harming the amenity of neighbouring residential properties. The scheme is considered to accord with the relevant policies within the UDP and the guiding principles of the NPPF.
- 6.28 It follows that Conservation Area Consent should also be granted as the existing building to be demolished is not considered to be of any architectural or historical merit and its removal is not considered to be of detrimental to the setting of the conservation area. Furthermore the scheme put forward for consideration for 4 dwellings under application 132033/F provides for an acceptable redevelopment proposal for the site in accordance with policy HBA6 of the UDP.

RECOMMENDATION

That subject to no further objections raising additional material considerations by the end of the consultation period the officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers:

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **C01 Samples of external materials**
4. **G04 Protection of trees/hedgerows that are to be retained**
5. **G10 Landscaping scheme**
6. **G11 Landscaping scheme - implementation**
7. **H13 Access, turning area and parking**
8. **F14 Removal of permitted development rights**
9. **L01 Foul/surface water drainage**
10. **L02 No surface water to connect to public system**
11. **L03 No drainage run-off to public system**
12. **I16 Restriction of hours during construction**
13. **F08 No conversion of garage to habitable accommodation**
14. **H27 Parking for site operatives**

In respect of 132034/C:

That Conservation Area Consent is granted for the following conditions:

1. **C23 - Time limit for commencement**
2. **C35 - Signing of contract before demolition**

INFORMATIVES:

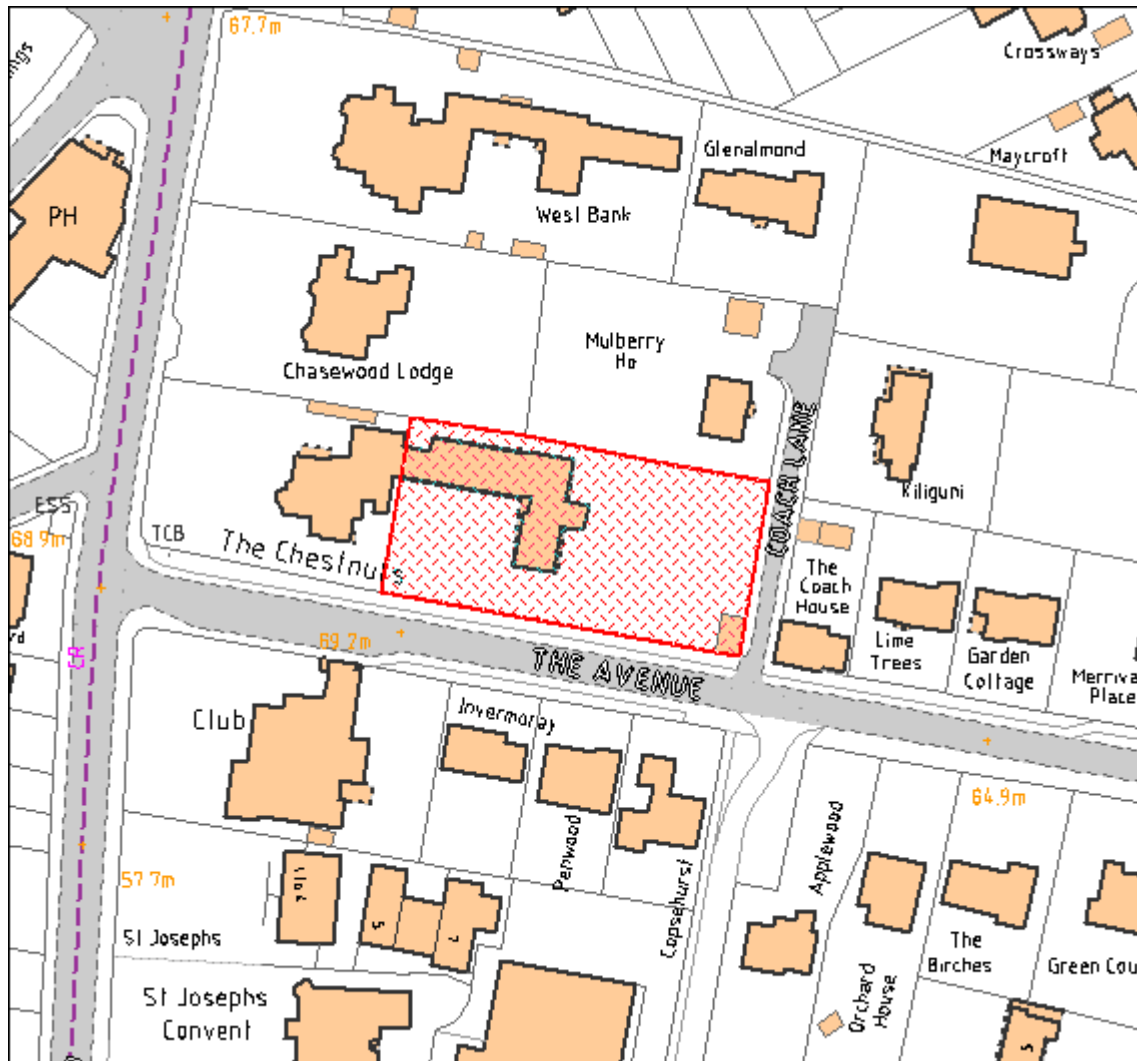
1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



© Crown copyright and database right 2013 (10002416)

This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 132033/F

SITE ADDRESS : LAND AT CHESTNUTS, THE AVENUE, ROSS ON WYE,
HEREFORDSHIRE

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005