

# AGENDA

## Planning Committee

Date: **Wednesday 25 June 2014**

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Time: **10.00 am**

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

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Notes: Please note the **time, date** and **venue** of the meeting, road works on Hafod Road and car parking advice.

For any further information please contact:

**Tim Brown, Democratic Services Officer**

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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](mailto: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 PA Andrews**

**Councillor AJM Blackshaw**

**Councillor AN Bridges**

**Councillor EMK Chave**

**Councillor BA Durkin**

**Councillor PJ Edwards**

**Councillor DW Greenow**

**Councillor KS Guthrie**

**Councillor J Hardwick**

**Councillor JW Hope MBE**

**Councillor MAF Hubbard**

**Councillor Brig P Jones CBE**

**Councillor JG Lester**

**Councillor RI Matthews**

**Councillor RL Mayo**

**Councillor FM Norman**

**Councillor J Norris**

**Councillor GR Swinford**

**Councillor DB Wilcox**

## AGENDA

### VISITING BROCKINGTON - POLICE REQUEST - CAR PARKING ROAD WORKS

Please note that road works are underway in Hafod Road. This could have an effect on your journey time.

### PARKING

There is a pay and display car park at Brockington.

However, please note that if this is full the police have requested that anyone seeking to park in the vicinity of Brockington parks with consideration for the local residents and does not obstruct a driveway, the footpath or the highway.

Please avoid parking on Hafod Road itself.

#### 1. APOLOGIES FOR ABSENCE

To receive apologies for absence.

#### 2. NAMED SUBSTITUTES (IF ANY)

To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.

#### 3. DECLARATIONS OF INTEREST

To receive any declarations of interest by Members in respect of items on the Agenda.

#### 4. MINUTES

To approve and sign the Minutes of the meeting held on 4 June 2014.

#### 5. CHAIRMAN'S ANNOUNCEMENTS

To receive any announcements from the Chairman.

#### 6. APPEALS

To be noted.

#### 7. P140534/F LAND ADJOINING KINGSLEANE, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SP

Proposed development of 12 nos. dwellings consisting of 4 nos. affordable and 8 nos. open market. Works to include new road and landscaping.

#### 8. P140684/O LAND EAST OF THE A40, ROSS ON WYE, HEREFORDSHIRE.

Development of up to 290 dwellings, including affordable housing, public open space, access, landscaping, ground modelling and associated works.

Pages

7 - 18

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**9. P140056/O LAND ADJACENT TO HARPACRE, CLEHONGER, HEREFORD** 59 - 72

Land for residential development.

**10. DATE OF NEXT MEETING**

Date of next site inspection – 15 July 2014

Date of next meeting – 16 July 2014

## **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.

HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 4 June 2014 at 10.00 am**

**Present:** Councillor PGH Cutter (Chairman)  
Councillor PA Andrews (Vice Chairman)

**Councillors:** AN Bridges, EMK Chave, BA Durkin, PJ Edwards, KS Guthrie, J Hardwick, JW Hope MBE, JLV Kenyon, RL Mayo, FM Norman, R Preece and GR Swinford

**In attendance:** Councillors JW Millar, A Seldon and J Stone

**1. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors MAF Hubbard, Brig P Jones, JG Lester, RI Matthews and DB Wilcox.

**2. NAMED SUBSTITUTES (IF ANY)**

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor JLV Kenyon attended the meeting as a substitute member for Councillor MAF Hubbard and Councillor R Preece substituted for Councillor RI Matthews.

**3. DECLARATIONS OF INTEREST**

**Agenda item 7: P140844/O - Proposed Erection Of 4 No. Three Bedroom Detached Dwellings On Land At The Sun Inn, Off The A438, Winforton, Herefordshire.**

Councillor JW Hope MBE declared a non-pecuniary interest as he was an occasional customer at a number of the public houses within his ward.

**Agenda item 8: P140495/F - Development Of 1 Dwelling With Off Street Parking And Garden. At Land Adjacent To, 7 Milvern Close, Bromyard, Herefordshire.**

Councillor GR Swinford declared a disclosable pecuniary interest as he was a Partner in the Page Swinford Partnership who had acted as agents for the application. He left the meeting for the duration of this item.

**4. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 14 May 2014 be approved as a correct record and signed by the Chairman.

**5. CHAIRMAN'S ANNOUNCEMENTS**

There were no announcements.

**6. APPEALS**

The Planning Committee noted the report.

**7. P140844/O LAND AT THE SUN INN, OFF THE A438, WINFORTON, HEREFORDSHIRE**

The Senior Planning Officer gave a presentation on the application and noted an additional representation had been received. This was referred to in the update sheet, as appended to these Minutes. He clarified that whilst the original application had been for 3 three bedroom detached dwellings and 2 two bedroom semi-detached dwellings the application before the Committee was for 4 three bedroom detached dwellings.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor JW Hope MBE the local ward member, spoke on the application. He referred to paragraphs 6.6, 6.9 and 6.11 of the report which concluded that the principle of small scale development of the site was acceptable.

The debate opened and the following principal points were made:

- Some concern was expressed about the access to the development. Further information was sought on a recent appeal decision referred to in the report that had concluded that the junction met minimum national highway standards. The Senior Planning Officer confirmed that the Planning Inspector in considering an application for development at Winforton Wood had considered the access of the 'Common Road' junction with the A438 to be acceptable. The officer added that he could not support an alternative proposed access through the Sun Inn car park because of the potential effect upon the viability of the Inn.
- The Council's lack of a 5 year housing land supply was clearly a key factor given that the report stated that the proposal was contrary to the housing policies in the Unitary Development Plan. However, it was requested that where sites were granted permission in such a context every effort should be made to ensure that the development was of high quality design and included the best energy and water efficiency measures.

The local ward member was given the opportunity to close the debate. He commented that he considered the access to be suitable.

**RESOLVED: That planning permission be granted subject to the following conditions:**

- 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. B01 Development in accordance with the approved plans**
- 6. Details will be submitted at the 'Reserved matters' stage with regards to the proposed foul and surface water drainage arrangements for the site and this will include provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS feature have been maximised, including use of infiltration techniques and on ground conveyance and storage features. Detail will also include discharge rates for all storm events up to and including the 1 in 100**



year rainfall event with a 30% increase in rainfall intensity in order to allow for the effects of future climate change. Detail will also be included indicating that adequate pollution control measures are in place prior to discharge and that there is permission to discharge foul and surface water runoff from the site with the relevant authorities.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies S1 and DR4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

7. **G03 Retention of existing trees/hedgerows**
8. **The recommendations set out in Section 8 of the ecologist's report by Phil Quinn dated December 2013 must be followed in relation to the identified protected species. Prior to commencement of the development, a habitat enhancement plan must be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works must be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work to check for slow worm on the site immediately prior to development.**

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's 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

#### **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**
4. **HN04 Private apparatus within highway**
5. **HN05 Works within the highway**
6. **HN08 Section 38 Agreement & Drainage details**

**8. P140495/F LAND ADJACENT TO 7 MILVERN CLOSE, BROMYARD, HEREFORDSHIRE, HR7 4UH**

*(Councillor GJ Swinford left the meeting for the duration of this item.)*

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr R Page, the applicant's agent, spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor A Seldon, one of the local ward members, spoke on the application.

He commented that he had no objection to the development in principle. However, the site level was uneven and there was public concern about the stability of the boundary walls and that instability of the ground itself potentially made development unsafe.

The debate opened and the following principal points were made:

- The Development Manager commented that additional conditions could be imposed to ensure the current and future stability of the site including all boundary walls. A condition could also be imposed to ensure appropriate surfacing was used to ensure permeability for surface water.
- Paragraph 4.2, containing an objection from the Traffic Manager relating to car parking and cycle storage, appeared to be in conflict with paragraph 6.4. The Development Manager confirmed that revised proposals which included parking for the existing dwelling and cycle storage for the new dwelling had been put forward and the Traffic Manager was now content with the application.
- The local ward member was given the opportunity to close the debate. He indicated that he was content with the proposed additional conditions.

**RESOLVED: That planning permission be granted subject to the following conditions:**

1. **The development hereby permitted shall be begun before the expiration of one year from the date of this permission.**

**Reason: To comply with the provisions of section 91(1) (b) of the Town and Country Planning Act 1990 (as amended) and to reflect the decision of the local planning authority on 4<sup>th</sup> March, 2009 to suspend (effective from 1<sup>st</sup> April, 2009) the requirements of the Authority's Planning Obligations Supplementary Planning Document (February 2008) in relation to all employment developments falling within Classes B1, B2 and B8 of the Town and Country Planning Use Classes Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, the employment element of any mixed use development and residential developments of five dwellings or less.**

2. **B01 Development in accordance with the approved plans**
- 3 **No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a full**

structural report of all boundary walls which shall include recommendations for work to be undertaken to secure their retention. Works to the boundary walls shall be completed in accordance with the approved details prior to any other works commencing on site.

Reason: In the interests of visual amenity and the structural integrity of the boundary wall and to conform to Policies DR1 and DR2 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.

4. C01 Samples of external materials

5. H10 Parking for proposed house

6. Prior to works commencing on the dwelling hereby approved an area within the grounds of No. 7 Milvern Close shall be properly laid out, consolidated, surfaced and drained for the parking of one car in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.

7. I 16 Restriction of hours during construction

8. I 43 No burning of material/substances

9. I 51 Details of slab levels

10. L 01 Foul/surface water drainage

11. L02 No surface water to connect (either directly or indirectly) to the public sewerage system

12. L 03 No drainage run-off to public system

13. The dwelling hereby permitted shall not be occupied until surface drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater

- and/or surface waters;
- 14      ii.      include a timetable for its implementation; and
- iii.      provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

**Reason: to prevent the increase risk of flooding and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.**

**Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.**

**Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

**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.      **Welsh Water Advice:**

**If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.**

**Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.**

**The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by**

**DCWW.**

**Welsh Government introduced the Welsh Ministers Standards on 1 October 2012 and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with use at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on our Development Services Section of our website - [www.dwrcymru.com](http://www.dwrcymru.com)**

**Further information on the Welsh Ministers Standards can be found on the Welsh Government website - [www.wales.gov.uk](http://www.wales.gov.uk)**

**9. P140116/F LAND ADJACENT TO RECTORY GATE, STOKE PRIOR, HEREFORDSHIRE**

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mr J Hinton, the applicant, spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor JW Millar, the local ward member, spoke on the application.

He commented on a number of issues including:

- The principal reason for the Planning Officer recommending refusal was his view that the application did not meet the National Planning Policy Framework's (NPPF's) definition of sustainable development.
- The site was well screened had other properties nearby and was within the village.
- The site was closer to the school than to the centre of the village. The family's two children would contribute to the school's sustainability.
- The applicant had local connections.
- The Parish Council supported the application.
- UDP Policy H6 (housing in smaller settlements) might preclude the development but the New Draft Core Strategy policy RA1 required the growth of villages, including Stoke Prior, and the NPPF said that emerging strategy should be given weight.

In conclusion his view was that the application did represent sustainable development.

The debate opened and the following principal points were made:

- The application would develop a brownfield site and provide a dwelling of a high quality sustainable design. The applicant had confirmed that he wished to build a sustainable dwelling to Passivhaus standards for his family.
- The NPPF was opposed to isolated dwellings. The view was expressed that the application site was not isolated. In reply the Development Manager commented that

the site was isolated, divorced from the settlement of Stoke Prior and surrounded by green field sites. He directed the Committee's attention to the definition of the characteristics of sustainable development, acknowledging that there was a degree of subjectivity involved. He added that if a recommendation to grant permission were to be made this should include Passivhaus house conditions to align with the sustainability aspects being considered by Members.

The local ward member was given the opportunity to close the debate. He reiterated his view that the application site was not isolated and represented sustainable development of a brownfield site.

A proposal that there should be a site visit was lost.

The Committee discussed reasons for granting permission. The Legal Officer suggested that the grounds for approval could be summarised as a view that the development is in fact sustainable development and that the benefits of the application outweighed any adverse impact.

**RESOLVED: That planning permission be granted on the grounds that the application represents sustainable development in accordance with paragraph 14 Of the National Planning Policy Framework and is of benefit to the community and officers named in the scheme of delegation be authorised to finalise conditions which shall include the Passivhaus conditions.**

#### **INFORMATIVE**

**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. 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.**

#### **10. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

#### **Appendix 1 - Schedule of Updates**

The meeting ended at 11.08 am

**CHAIRMAN**

# **PLANNING COMMITTEE**

**Date: 4 June 2014**

## **Schedule of Committee Updates/Additional Representations**

**Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.**

## SCHEDULE OF COMMITTEE UPDATES

**P140844/O - PROPOSED ERECTION OF 4 NO. THREE BEDROOM DETACHED DWELLINGS ON LAND AT THE SUN INN, OFF THE A438, WINFORTON, HEREFORDSHIRE,**

**For: Mr Greenwood per Mr Bernard Eacock, 1 Fine Street, Peterchurch, Herefordshire, HR2 0SN**

### ADDITIONAL REPRESENTATIONS

One further letter of objection has been received. The letter raises no further issues to those as addressed in the report.

### NO CHANGE TO RECOMMENDATION

**P140116/F - NEW DWELLING AT LAND ADJACENT TO RECTORY GATE, STOKE PRIOR, HEREFORDSHIRE, HR6**

**For: Mr Hinton per Mr Garry Thomas, Watershed, Wye Street, Hereford, Herefordshire, HR2 7RB**

### ADDITIONAL REPRESENTATIONS

Since the report has been published the applicant's agent has submitted the following information.

The applicant's agent considers that there are a number of policies supporting the proposal

Paragraph 7 of NPPF : Three dimensions to sustainable development : Economic , Social & Environmental.

Economic – *sufficient use of land of right type is available in the right places* - Note land is brown-field site of 448 sq m concrete hard-standing and a 119 sq m portal shed and outbuildings

Social –*providing the supply of housing required to meet the needs of present and future generations* – Applicant grew up in village, wishes to move back and support local primary school.

Environmental - *enhance the natural, built and historic environment* – site removes run-off, installs green technologies, local timber frame and carbon efficient

Paragraph 9 – application meets all the tests ( job creation, net gain for nature, replacing poor design with better design improving conditions people work in and widening choice of quality homes).



Paragraph 14 – presumption in favour of sustainable development - proposal accords with the NPPF and meets tests of sustainability. Would under conversion of an agricultural building to residential accommodation bring forward a residential site

Paragraph 48 – Local planning authorities may make an allowance for windfall sites in the five year supply. It is considered a windfall site.

Paragraph 49 – Applications should be considered in context of sustainable development. Application meets the test.

New permitted changes of use that came into force on 6 April 2014 makes allowances for buildings of less than 450 sq m. Application meets the spirit of this change and previous Government consultation dating from July 2012.

Herefordshire Unitary Development Plan – Policy H6 – Stoke Prior has facilities pub, village hall, school, church, footpaths, bus route, employment in agriculture, golf courses. It will remove two substantial buildings and hard-standing and respects character and scale of settlement

Draft Core Strategy - Policy SS2. 5300 houses allocated for larger, smaller villages and outside of villages. Has support of Parish Council

Site not in open countryside. Accords with Policies S1, S2, DR1, DR2, H13 and Paragraph 14 of the NPPF.

## **OFFICER COMMENTS**

The Council is not able to demonstrate a 5 –year supply of deliverable housing sites and therefore, this factor has to be weighed in favour of the development. However, Paragraph 14 of the National Planning Policy Framework makes clear that policies are out of date and therefore permission should be granted *unless* the adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessing the policies in the NPPF. The location is the key issue and the relationship to the village. This is not a sustainable location and therefore it is not supported by Paragraph 14 of the NPPF. The site is clearly in open countryside.

The issues raised in relation to the changes to the General Permitted Development Order are not relevant in this instance as the buildings are proposed to be demolished and in any case were not in agricultural use in March 2013.

## **NO CHANGE TO RECOMMENDATION**



<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>25 JUNE 2014</b>
<b>TITLE OF REPORT:</b>	<b>APPEALS</b>

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**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

### Application 140531/O

- The appeal was received on 23 May 2014
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mrs E Seymour
- The site is located at Quarry Field, Cotts Lane, Lugwardine, Herefordshire, HR1 4AA
- The development proposed is for Residential development comprising 20 open market homes and 10 affordable homes.
- The appeal is to be heard by Written Representations

**Case Officer: Mr E Thomas on 01432 260479**

### Application 140070/FH

- The appeal was received on 29 May 2014
- 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 Paul Lewis
- The site is located at Box Cottage, Little Cowarne, Bromyard, Herefordshire, HR7 4RQ
- The development proposed is The reduction in length and increase in pitch of the roof of the outbuilding and construction of a link block between the outbuilding and existing building
- The appeal is to be heard by Householder Procedure

**Case Officer: Mr A Prior on 01432 261932**

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

**Application 133421/FH**

- The appeal was received on 29 May 2014
- 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 Mrs A Thomas
- The site is located at The Shippon, Brinshope, Wigmore, Leominster, Herefordshire, HR6 9UR
- The development proposed is Proposed porch.
- The appeal is to be heard by Householder Procedure

**Case Officer: Mr P Mullineux on 01432 261808**

**Application 140009/F**

- The appeal was received on 28 May 2014
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Balimark Ltd
- The site is located at Land at Chasedale Hotel, Walford Road, Ross-on-Wye, Herefordshire, HR9 5PQ
- The development proposed is Erection of two new houses
- The appeal is to be heard by Written Representations

**Case Officer: Mr R Close on 01432 261803**

**Application 140547/FH**

- The appeal was received on 29 May 2014
- 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 Mrs Jenny Cooke
- The site is located at Barn House, Old Church Road, Colwall, Malvern, WR13 6EZ
- The development proposed is Installation of solar panels on garage roof.
- The appeal is to be heard by Written Representations

**Case Officer: Mr Andrew Stock on 01432 383093**

**Application 140911/L**

- The appeal was received on 29 May 2014
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Listed Building Consent
- The appeal is brought by Mrs Jenny Cooke
- The site is located at Barn House, Old Church Road, Colwall, Malvern, WR13 6EZ
- The development proposed is Installation of solar panels on garage roof.
- The appeal is to be heard by Written Representations

**Case Officer: Mr Andrew Stock on 01432 383093**

## **APPEALS DETERMINED**

### **Application 132945/FH**

- The appeal was received on 28 April 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
- The appeal was brought by Mr & Mrs R Kingaby
- The site is located at 5 Larkrise, Knapp Lane, Ledbury, Herefordshire, HR8 1AN
- The development proposed was Retain existing 1.8m high fence and garden shed. (Retrospective)
- The main issue(s) was: the effect of the proposed development on the character and appearance of the area.

#### **Decision:**

- The application was Refused under Delegated Powers on 4 February 2014
- The appeal was Dismissed on 4 June 2014

**Case Officer: Mr C Brace on 01432 261947**

### **Application 132055/FH**

- The appeal was received on 16 December 2013
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
- The appeal was brought by Mr & Mrs Hamblin
- The site is located at Parsons Cottage, Staplow, Ledbury, Herefordshire, HR8 1NP
- The development proposed was Change of material to conservatory approved under application
- The main issue was: whether the development preserves the grade II listed building or its setting or any features of special architectural or historic interest that it possesses

#### **Decision:**

- The application was Refused under Delegated Powers on 20 September 2013
- The appeal was Allowed on 9 June 2014

**Case Officer: Mr M Tansley on 01432 261815**

### **Application 132056/L**

- The appeal was received on 16 December 2013
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Listed Building Consent
- The appeal was brought by Mr & Mrs Hamblin
- The site is located at Parsons Cottage, Staplow, Ledbury, Herefordshire, HR8 1NP
- The development proposed was Change of material to conservatory approved under application
- The main issue(s) were: whether the development preserves the grade II listed building or its setting or any features of special architectural or historic interest that it possesses, the second issue is whether the building should continue to be listed.

#### **Decision:**

- The application was Refused under Delegated Powers on 20 September 2013
- The appeal was Allowed on 9 June 2014

**Case Officer: Mr M Tansley on 01432 261815**

**Application 121503/F**

- The appeal was received on 18 March 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 Frans Robey
- The site is located at Upper House Farm, Bacton, Hereford, Herefordshire, HR2 0AU
- The development proposed was Proposed campsite for 5 demountable tents (6 months holiday season)
- The main issues were: The effects of the proposed development on the character and appearance of the surrounding countryside; and Whether there would be safe access to the proposed development

**Decision:**

- The application was Refused under Delegated Powers on 7 November 2012
- The appeal was originally Dismissed on 21 August 2013
- The appellant challenged the Inspector's decision at the High Court and was successful. The decision on the appeal was quashed by order of the High Court.
- The appeal has been re-determined by another Inspector and the decision was made on the 11<sup>th</sup> June 2014 and was dismissed.

**Case Officer: Mr A Prior on 01432 261932**

**Application 131979/O**

- The appeal was received on 20 February 2014
- 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 Roy Harrison
- The site is located at Land adjacent to Three Penny Bit Cottage, Lugwardine, Hereford
- The development proposed was Erection of three detached 2 storey dwellings with access drive.
- The main issue(s) are the effect of the proposal on a) protected trees on the site and b) the character and appearance of the area.

**Decision:**

- The application was Refused under Delegated Powers on 28 October 2013
- The appeal was Dismissed on 12 June 2014

**Case Officer: Mr E Thomas on 01432 260479**

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



<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>25 JUNE 2014</b>
<b>TITLE OF REPORT:</b>	<p><b>P140534/F - PROPOSED DEVELOPMENT OF 12 NOS. DWELLINGS, CONSISTING OF 4 NOS. AFFORDABLE AND 8 NOS. OPEN MARKET. WORKS TO INCLUDE NEW ROAD AND LANDSCAPING AT LAND ADJOINING KINGSLEANE, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SP</b></p> <p><b>For: Mr &amp; Mrs Glynne Schenke, Harbour House, Kingsland, Leominster, Herefordshire HR6 9SE</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=140534">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=140534</a>

**Date Received: 21 February 2014**

**Ward: Bircher**

**Grid Ref: 344255,261307**

**Expiry Date: 23 May 2014**

Local Members: Councillor WLS Bowen

## **1. Site Description and Proposal**

- 1.1 The site which covers an area of approx. 0.63 of an hectare, is located outside, but within close proximity to the recognised settlement boundary for Kingsland, a main village in accordance with Policy H4 of the Herefordshire Unitary Development Plan. The site is located within the Kingsland Conservation Area and nearby are listed buildings (Kingsland House and Arbour Farm).
- 1.2 The site is situated alongside, (eastern elevation), an existing housing development known as 'Kingsleane', which is an affordable housing site and it is this housing development that is located alongside but outside the recognised development boundary for Kingsland. The C1036 public highway adjoins the southern side of the site, which is located within easy walking distance of the village's community facilities such as a primary school, village hall, post office/shop, public house, church and recycling centre. The site forms part of a recently cultivated field and is surrounded on its southern and northern boundaries by native hedgerows.
- 1.3 The application proposes the construction of 12 dwellings, and associated access road, which will lead into the site off the existing Kingsleane access road. The breakdown of the dwellings is 4 – four bed units, 4 – three bed units and 4 affordable units, which consist of 2 – two bed units and 2 – three bed units.
- 1.4 The application is made in 'full' and is accompanied by a Planning Statement, which includes sections on the design and access statement, archaeology, drainage, affordable housing, heritage, draft Section 106 agreement and ecological/biodiversity. Also accompanying the application is an ecological report, proposed elevation and floor plans and site layout plan. The Draft Heads of Terms drawn up in accordance with Section 106 of the Town and Country

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

Planning Act 1990 in-line with the Council's Supplementary Planning Document on Planning Obligations, is attached as an appendix to the report. Amended plans indicating minor amendments to the overall scheme, further information to supplement information on drainage issues and comments in response to comments received in relationship to the application, were later received in support of the application from the applicant in order to address concerns raised by objections received.

## 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
Section 12	-	Conserving and Enhancing the Historic Environment.

### 2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S7	-	Natural and Historic Environment
S10	-	Waste
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
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
T8	-	Road Hierarchy
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
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
HBA4	-	Setting of Listed Buildings
HBA6	-	New Development in Conservation Areas.

### 2.3 Supplementary Planning Guidance

- Kingsland Parish Plan
- Planning Obligations



## 2.4 Herefordshire Local Plan Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
RA1	-	Rural Housing Strategy
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
LD5	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD 3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

## 2.5 Neighbourhood Planning

Kingsland Parish Council has successfully applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The Parish Council will have the responsibility of preparing a Neighbourhood Development Plan for the area. There is no timescale for proposing/agreeing the content of the plan at this early stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy.

- 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:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

## 3. **Planning History**

- 3.1 NW09/2679/F – Residential development comprising 10 number affordable houses with car parking, shared access and landscaping. Refused 15 December 2009.

The application was refused for the following reasons:

- The application site is not considered to be adjacent to the settlement boundary of the village of Kingsland. Consequently, the proposal does not comply with policy H10 of the Herefordshire Unitary Development Plan (2007).
- The proposed development fails to preserve or enhance the character and appearance of the conservation area contrary to policy HBA6 of the Herefordshire Unitary Development Plan (2007) and to guidance contained with Planning Policy Guidance 15 - Planning and Historic Environment.
- The proposed development by virtue of its location and prominent position is considered to be harmful to the landscape quality of the area contrary to Policy LA2 of the Herefordshire Unitary Development Plan (2007). The introduction of built form in this location would harm

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

the setting and approach to the village contrary to policy LA3 of the Herefordshire Unitary Development Plan (2007).

- The application site is designated as a Special Wildlife site and is recognised as unimproved hay meadow. As such the introduction of development would be contrary to the aims of policies NC4 and NC6 of the Herefordshire Unitary Development Plan (2007) and guidance contained within Planning Policy Statement 9 - Biodiversity and Geological Conservation.
- The proposal, when considered in relation to the adjacent affordable housing site known as Kingsleane, would create a development, harmful to the social cohesion of Kingsland by virtue of not being integrated within or with meaningful context to the existing local community, contrary to policies S1 and S3.

3.2 NW08/1915/F - Residential development comprising 10 affordable housing units, car parking and shared access and landscaping. Refused 22<sup>nd</sup> October 2008.

The application was refused for the following reasons:

- The application site is not considered to be adjacent to the settlement boundary of the village of Kingsland. Consequently, the proposal does not comply with policy H10 of the Herefordshire Unitary Development Plan (2007).
- The proposed development fails to preserve or enhance the character and appearance of the conservation area contrary to policy HBA6 of the Herefordshire Unitary Development Plan (2007) and to guidance contained with PPG15 - Planning and Historic Environment.
- The proposed development by virtue of its location and prominent position is considered to be harmful to the landscape quality of the area contrary to Policy LA2 of the Herefordshire Unitary Development Plan (2007). The introduction of built form in this location would harm the setting and approach to the village contrary to policy LA3 of the Herefordshire Unitary Development Plan (2007).
- The application site is designated as a Special Wildlife site and is recognised as unimproved hay meadow. As such the introduction of development would be contrary to the aims of policies NC4 and NC6 of the Herefordshire Unitary Development Plan (2007) and guidance contained within PPS9 - Biodiversity and Geological Conservation.
- The proposal, when considered in relation to the adjacent affordable housing site known as Kingsleane, would create a development, harmful to the social cohesion of Kingsland by virtue of not being integrated within or with meaningful context to the existing local community, contrary to policies S1 and S3.
- The proposed development fails to make provision for or in lieu of a small children's /infants' play area, properly equipped and fenced and therefore fails to meet the criteria of policy H19 of the Herefordshire Unitary Development Plan (2007).
- The proposal would result in unacceptable over-loading of the waste water treatment works and as such would be detrimental to the local environmental and public health, and therefore contrary to Herefordshire Unitary Development Plan policies DR2 and CF2.

- 3.3 92/418 – (Adjoining the site). Erection of ten dwellings approved 4<sup>th</sup> February 1993. Forming part of the planning approval was an associated section 39 agreement in accordance with the Wildlife and Countryside Act 1981) to ecologically manage the adjoining land and its botanical interests for a period of 10 years, expiring 3 February 2003.

#### 4. Consultation Summary

##### Statutory Consultees.

- 4.1 English Heritage raises no objections, indicating the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's Conservation advice.
- 4.2 Welsh Water raises no objections subject to conditions with regards to foul and surface water discharges.

##### Internal Consultees.

- 4.3 The Parks and Countryside Manager raises no objections.
- 4.4 The Conservation Manager, (Ecology), has responded to the application indicating it is not appropriate for him to comment on the application, as the site has undergone recent drastic changes by means of soil cultivation and that he has no ecological grounds for objecting to the application but neither does he wish to give it support.
- 4.5 The Strategic Housing Manager raises no objections.
- 4.6 The Transportation Manager recommends a condition with regards to access, parking and turning.
- 4.7 The Land Drainage Manager raises no objections subject to provision of detailed surface water management design, infiltration test results, groundwater level data, drainage calculations, demonstration that the soakaways are located more than 5m from building foundations, and consideration of adoption, maintenance and siltation control.
- 4.8 The Conservation Manager, (Landscape), has responded to the application stating:

*'The application site is the eastern part of a field which separates the West Town area of Kingsland from Kingsleane. The site falls within the Kingsland conservation area. This area is described as the landscape type 'Principal Settled Farmlands' which is characterised by field boundary hedgerows and mixed farming land use. The field, which is designated as Special Wildlife Site has recently been ploughed and re-seeded. While this operation has eliminated its biodiversity interest, as noted in the consultation response by the Ecological Consultant, in visual terms, the field will retain its pastoral character, albeit of a more uniform appearance. The field has native species hedgerow on its roadside, northern and eastern boundaries and ornamental hedging on its western boundary.*

*Previous schemes in 2008 and 2009, which were refused, related to smaller developments than is now proposed. The current scheme is for a residential development of 12 units arranged round a cul de sac. In respect of both previous schemes, one of the reasons for refusal was on landscape grounds: it was considered that new housing development on this site would cause harm to the landscape quality of the area and to the setting and approach to the village and as such would be contrary to policies LA2 and LA3.*

*It is considered that the field continues to contribute to the rural setting of Kingsland together with providing visual separation between the West Town area of the village and Kingsleane.*

*Given this context, any proposed housing scheme would need to be of a very high quality of design to overcome these fundamental concerns.*

*While the existing Kingsleane development is a high quality design which responds to the village context, with houses fronting onto a small green, the proposed layout of the new housing development does not respond to the village context; it is a conventional suburban housing estate layout with the layout focussed around the access road. The affordable housing plots look very cramped. The proposal to incorporate native species hedgerow as the boundary treatment will not make up for the spatial deficiencies.*

*Regrettably it is not considered that the scheme could be supported because it would not contribute positively to the landscape quality of the area nor to the setting and approach to the village and it would detract from rather than enhance the existing Kingsleane development. As such it would be contrary to policies LA2, LA3 and DR1.'*

4.9 The Conservation Manager (Built Environment) has responded indicating:

*'The application site is the eastern part of a field which separates the West Town area of Kingsland from the residential node of Kingsleane. Previous schemes in 2008 and 2009, which were refused, related to smaller plots than is now proposed. The current scheme is for a residential development of 12 units arranged round a cul de sac.*

*The site is within the large conservation area of Kingsland which covers the ribbon development of the main village to the north of the site, the small node of Kingsleane and the cluster of dwellings at West Town to the west of the site. In between these elements are agricultural fields which give a distinctly rural character to the area both from within the Conservation Area boundary and when viewed from outside. The pattern of development locally is very clear and the balance between built form and the spaces between is critical to the area's character. The small scale of the local visible built form and its varied character in Kingsleane avoids an impression of ribbon development or indeed suburbanisation.*

*The previous comments of my former colleagues still apply in relation to the principle of development on the site and also its relationship with the 1992 development to the east. I therefore repeat their comments here:*

*"The present Kingsleane development is an exception which has expended the capacity of settlement pattern in its vicinity to accept modern housing without harm. It is a rare scheme which adds distinction to its surroundings without hiding behind hedges. That achievement is to do with the careful, formal layout of the scheme, the sensitive detailed design, the scale of the parts, and the skilful concealment of the access and parking arrangements. The existing scheme works as a formal range of estate cottages with their layout and character dictated by a pleasant green square.*

*The proposed expansion would completely destroy the distinction of the present Kingsleane by extending its built form in an entirely different way with buildings of inferior design in a strikingly different layout, which is dictated and visually dominated by its road layout.*

*Tacking this scheme on to Kingsleane would spoil its carefully considered form. The proposals would erode the space around Kingsleane, which is a key to its visual quality, and introduce a suburban form of development that would appear incongruous in this rural setting."*

*The character of this portion of the Kingsland Conservation Area is shaped by the separation distances between the nodes of built form. The current proposal would reduce that separation significantly and in fact more than the previous two refused schemes. This would clearly be contrary to the character of the area and therefore would neither preserve nor enhance the conservation area. This in turn is considered contrary to Policy HBA6.*

*Any development should not need to rely on hiding behind hedges and fences in order to be considered acceptable, as seems to be suggested in the Planning Statement. Whilst the retention of existing hedges is to be welcomed generally they should not be fundamental to the acceptability or otherwise of design, layout and location of a development. The scheme would be visible from Arbour Lane and also from the wider road network, particularly from the south and would appear to link the West Town and Kingsleane nodes.*

*It is not considered that the scheme layout and proposal is particularly sympathetic to the 1992 development. The layout turns its back on Arbour Lane and fronts onto the cul de sac which is contrary to the character of this part of the conservation area and its traditional pattern of development.*

*Overall it is not considered that the scheme preserves or enhances the conservation area. The traditional development patterns and most particularly the spaces between developed areas would not be respected by the proposal and therefore cannot be supported in terms of the impact on the built heritage environment.'*

4.10 The Archaeology Manager raises no objections.

## **5. Representations**

5.1 Kingsland Parish Council has responded to the application indicating:

*'Kingsland Parish Council supports the planning application subject to: i) satisfactory drainage arrangements being put in place for the site; ii) the use of alternative measures for the disposal of foul water such as a willow bed system on the retained land to the west of the development site; iii) the houses conform to code 4 building standards; iv) there is no further development of the land to the west of the development site.'*

5.2 Three letters in support of the application have been received from P. Bowden, Mill Bungalow, Cholstrey, Leominster, Ms S. Althorp, 400 Buckfield Road, Leominster and Mr. A. Bowden via email. The letters state support for the application and especially in relationship to the provision of affordable housing on site.

5.3 Two letters of objection have been received from Roger Lovelace, Pool Cottage, Norton Canon and Mr. & Mrs. R. Sharp-Smith, Kingsland House, Kingsland.

The objections can be summarised as follows:

- Site is located in a Conservation Area.
- The site forms part of a field that was until recently a species rich wildflower meadow, a special wildlife site that appears to have been destroyed.
- The application site is not considered to be adjacent to the settlement boundary of the village of Kingsland.
- Not enough sufficient need for the development in Kingsland.
- It is not appropriate or desirable to position more affordable units next to those that are already present at Kingsleane, as policy favours "pepper potting" throughout an area and in smaller numbers. Open market housing does not constitute an "exceptional need". Even when the forthcoming Core Strategy is in place Kingsland's contribution to the County's housing shortfall could arguably already be being largely met by the present granted planning permissions. In addition since the 2008 and 2009 unsuccessful planning

applications on this same site, other houses have been built, in the interim, within the village including a number of individual properties and 20 no. units at The Showers Farm.

- The village Primary School is at full capacity and is always oversubscribed for places.
- Local employment prospects are unfavourable.
- Local public transport is poor at best.
- The survey recently conducted for the Kingsland Parish Plan has identified that the majority of residents favour new housing units to be built on brownfield and infill sites and within the village boundary. In addition the results of the Housing Needs Survey have not yet been analysed.
- The proposed development fails to preserve or enhance the character and appearance of the conservation area of the village, which was established to preserve the historic environment of this area.
- The expansion of the Kingsleane group would detract from the essential character of the area. It would significantly reduce the separation between West Town and Kingsleane and therefore be counter to the character of the area. It would be a form of ribbon development in a part of the area where it is important to retain the open fields as the local setting to the village.
- The proposed development would link Kingsleane with the fire station and significantly increase the overall scale and impact of the built form.
- The scheme, is of an unimaginative design, and is much larger than the former proposals.
- The proposed Kingsland Fire Station training block and associated buildings which would have significantly altered the appearance of the conservation area has been shelved and will now not be built. Consequently there is still a characterful conservation area worth protecting. In their proposal the applicant attempts to use the Fire Station development to mitigate the effect of and therefore to support their application.
- The proposed development by virtue of its location and prominent position would be harmful to the landscape quality of the area.
- The site is designated as a Site of Special Wildlife and is a site of special interest for nature conservation. It is recognised as an unimproved hay meadow and despite the loss of the original nature of the hay meadow, it still forms part of the Green Wildlife Corridor that connects sites within the village. This corridor would disappear if it were to be developed for housing. The wildflower meadow could also be re-established.
- The proposal would result in unacceptable overloading of the waste water system in this area of Kingsland. Welsh Water have been categorical in their assessment that no further waste water or surface runoff can be introduced into the current system.
- Winter flooding from the drains, including foul sewage, has historically been and still is, a regular occurrence on this road. This results in flooding on the corner and the filling of the adjacent ditch. During this winter particularly, the water has flowed across our land and entered the Lugg River drainage system via the stream which connects with the Pinsley Brook.

5.4 Herefordshire Campaign to Protect Rural England has responded to the application indicating:

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

*'In 2009 a similar application was refused on the grounds that the field was a Special (Local) Wildlife Site NC4 and NC6. and listed in the UDP as S0 46/12.*

*Until a few weeks ago the same objection could have been made. However the owner/applicant has, without a Screening Test, or an EIA, ploughed the unimproved hay meadow thus removing the indigenous species. The conclusion must be that the destruction of the site was deliberate in order to circumvent an objection to the planning application. Such an act appears to be flagrantly manipulative and displaying no regard to the intrinsic value of a Wildlife Site that has been in existence for many years. Furthermore the ploughing has left no headlands on any of the 4 sides.*

*The field with its hedgerows appears on the Tithe Map.*

*The NPPF , section 11, para 109 recommends protection of such sites.*

*The applicant states that not all the hedgerows are in good condition. As someone who has recently surveyed many hedges I have a different opinion. The sole species poor boundary is the western one adjacent to the applicant's house.*

*There are further problems with the application. The design of the houses pays scant regard to the increasing needs for low carbon footprints. No solar panels or pv tiles are used, despite the site being open.*

*The statement that soakaways and rain water butts will deal with water run-off is naive. 12 dwellings plus associated hard surface approaches will increase run-off at a spot where there is a history of inadequate drainage. No drainage systems are proposed in detail. No data are provided as to the permeability of the ground, or calculations in the face of predictions in increased rainfall due to climate change.*

*Run-off from contaminated groundwater and excess sewage will find its way into the Pinsley Brook which feeds into the Lugg. The Lugg already has higher contamination levels than are acceptable.'*

5.5 Hereford Nature Trust object to the application on the basis that it would be contrary to the Herefordshire Council Planning Policies.

5.6 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](http://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 site for the proposed development adjoins an affordable housing development comprising 10 dwellings which itself is adjacent to the recognised development boundary for Kingsland.

6.2 The key issues in relationship to this application are:

- Justification and need for the proposed development.
- Impact on character of the surrounding Conservation Area and Landscape.
- Ecological status of the site.

- Drainage issues.

Justification and need for the proposed development.

- 6.3 The application seeks full planning permission for the erection of 12 dwellings on land outside a main village's settlement boundary (Policy H4 of the UDP). The application, in common with many considered by the 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).
- 6.4 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).
- 6.5 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.*
- 6.6 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.
- 6.7 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 on appeal.
- 6.8 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. Paragraph 49 of the NPPF indicates that '*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.*' In this case the site is considered



to represent a sustainable location for development, the village of Kingsland providing a range of services considered necessary to sustain a typical household.

- 6.9 With consideration to the Council's housing development land shortfall and the services provided in Kingsland, (which are within walking distances of the site), and the fact that the application site is located immediately alongside an existing housing development that is adjacent to the settlement boundary, the site is considered sustainable in terms of its location.
- 6.10 Therefore in terms of the principle of the development and sustainability issues the development is considered to be in accordance with the National Planning Policy Framework and Policy S1 of the UDP.

Impact on the character of the surrounding conservation area and landscape.

- 6.11 The site is located within the designated Conservation Area for Kingsland and within close proximity to the setting of three nearby listed buildings, namely Kingsland House, (Grade II\*), and Arbour Farm. (Grade II).
- 6.12 The Conservation Manager objects to the development, indicating concerns about impact on the landscape and build character of the surrounding environment, which includes the existing 'Kingsleane' development alongside the eastern side of the site. The Kingsleane development consists of 10 dwellings looking onto a 'village green' type landscape, that was granted planning approval on 4<sup>th</sup> February 1993. This is considered a unique 'affordable housing' scheme, which has integrated into the surrounding built environment, and as the Conservation Manager commented in the response to the application *'it is a rare scheme which adds distinction to its surroundings without hiding behind hedges'*, the response further stating that it is a sensitive detailed design with skilful concealment of the access and parking arrangements.
- 6.13 The key UDP policies in relationship to Conservation and Landscape issues are Policies HBA4: Setting of listed buildings, HBA6: New development within Conservation Areas, LA2: Landscape character and areas least resilient to change and LA3: Setting of settlements.
- 6.14 Policy HBA4 indicates that development proposals which would adversely affect the setting of listed buildings will not be permitted and that impacts will be judged in terms of scale, massing, location, detailed design and the effects of its uses and operations. It is considered that the development will not have any adverse impact on the setting of any nearby listed buildings, (nearest being Kingsland House and Arbour Farm), and it is noted that the Conservation Manager and English Heritage raise no objections on this issue. Therefore the development is considered to be in accordance with Policy HBA4 of the UDP and the NPPF on this matter.
- 6.15 Policy HBA6 indicates development will not be permitted unless it preserves or enhances its character and appearance. The policy refers to a requirement for a comprehensive design approach in order to address a number of issues such as in relationship to the development, the type and scale of uses proposed, which should complement existing uses and help to preserve and enhance the character and vitality of an area, whilst respecting scale, massing and height of adjoining buildings and surrounding character and where the setting of and views are important to the character and appearance of an area, these should be safeguarded and protected as should topographical features such as trees and hedgerows and landscape features that contribute to the character and appearance of the area.
- 6.16 Policy LA2 states that new developments that would adversely affect either the overall character of the landscape, as defined by the Landscape Character Assessment and the Historic Landscape Characterisation or its key attributes or features, will not be permitted. Proposals should demonstrate that landscape character has influenced their design, scale, nature and site selection. Policy LA3 indicates that development will only be permitted where

it would not have an adverse effect upon the landscape setting of the settlement concerned and that important visual approaches into settlements, views of key buildings, open areas into development, green corridors, ridgelines and surrounding valued open countryside will be particularly protected and, where necessary, enhanced. The policy also states that the creation of open space, green wedges, and tree lines will be promoted where they complement and enhance landscape character and townscape. Whilst the concerns as raised by the Conservation Manager in relationship to UDP policies are recognised, it is acknowledged that the development proposes retention of the native historic hedgerows that were a key positive contributor to the overall character of the area when the Conservation Area was considered.

- 6.17 The Kingsland Conservation Area was designated in 1975 and its critique refers to Kingsland being a linear village and that a considerable proportion of the village is made up of more recent development and that the actual street scenes in Kingsland are vary varied, often depending on how much the trees and hedgelines have been removed when new development has been initiated. The report puts a strong emphasis on the varied character of the settlement and also refers to the nature of trees and hedgerows that give the settlement a strong character and disappointingly notes that in some locations native hedgerows have been removed in order to enable housing development. The Landscape Character Assessment clarifies Kingsland as being an area of 'Principle Settled Farmlands' to which its key characteristics are hedgerows used for field boundaries in an area notably domestic in character.
- 6.18 The application site is seperated from the adjacent public highway by a native hedgerow and the development does not propose removal of any native boundary hedgerows, which were and in some aspects are still a strong character feature of the immediate area and will help integrate the development into the landscape when viewing the site from the boundary of the Conservation Area nearest to the application site. The built up areas of the main section of the village and the 'West Town area' located mainly alongside the A4110 public highway will retain their separate identity, as farmland will continue to separate the two built up areas. It can therefore be argued that the development represents a suitable small scale development, as a natural progression of the village's built environment, in order to provide sustainable housing development which will help towards the Council's available house building land supply. Whilst it is not similar in scale to the existing Kingsleane development, this 'affordable' housing development located on the corner of the adjacent C1036 highway will retain its unique character, as the proposed development will not compete with this scheme, whilst retaining the hedgerow character around the site that was evidently a strong landscape character of the area when the Conservation Area was firstly considered for Conservation Area designation.
- 6.19 With consideration to the location and its Conservation designation, on balance the development is considered to be in accordance with the aims of the NPPF and although it proposes a new build development on a site alongside an existing residential development which does have a special identity of its own, the development subject to this application does retain the boundary hedgerows which were clearly a defining character of the area when it was considered for Conservation status. In the wider context of the village it is considered on balance the development will integrate satisfactorily and therefore preserve the Conservation Area. Consideration also has to be given to the Council's lack of five year land supply and the requirement for a presumption in favour of sustainable development must be given significant weight in the planning balance.

#### Ecological status of the site.

- 6.20 Objections have been received from Herefordshire Nature Trust and Herefordshire Campaign to Protect Rural England, (HCPRE), as well as comments made in the two letters of objection,

received from members of the public, with regards to the ecological interests of the site, which is a designated special wildlife site.

- 6.21 The UDP identifies the site as a special area for conservation, as a special wildlife site, (ref: SWS 46/012). In accordance with planning approval reference 92 418 dated 4<sup>th</sup> February 1993, the applicants agreed to a Section 39 agreement under the Wildlife and Countryside Act 1981 and the Town and Country Planning Act 1990 in consideration of the affordable housing. The Section 39 agreement was to ensure that the adjoining meadow was managed for a period of 10 years in order to retain the variety of flora on the land to the east of Harbour House, (including the site subject to this application). The agreement allowed the production of hay on site and stated that the applicants must control notifiable weeds in accordance with good agricultural practice and that surrounding hedgerows were to be retained and managed. This agreement expired on 3<sup>rd</sup> February 2003 as confirmed in a letter from the Council to the applicant dated 2<sup>nd</sup> March 2005.
- 6.22 The Planning Ecologist has responded to the application indicating that the site has undergone some drastic changes as a result of ploughing and re-seeding and that it would not be appropriate for him to object to the application on ecological grounds, as the inherent biodiversity interest has been lost. Natural England in a letter dated April 3 2014 have not indicated any objections to the development in relationship to the biodiversity interests of the site.
- 6.23 With consideration to the circumstantial evidence, it is considered that a refusal based on ecological issues could not be sustained in the event of an appeal.

#### Drainage issues.

- 6.24 Kingsland Parish Council in response to the application indicated support subject to satisfactory drainage arrangements being put in place for the site and the use of alternative arrangements for the disposal of foul water. One of the letters of objection received as well as HCPRE also raised concerns about flooding and drainage issues.
- 6.25 Welsh Water have responded to the application with no objections recommending conditions be attached to any approval notice issued with regards to foul and surface water drainage from the site. The Land Drainage Manager also raises no objections subject to provision of detailed surface water management design, infiltration test results, groundwater level data, drainage calculations, demonstrating that the soakaways are located more than 5 metres from building foundations and consideration of adoption maintenance and siltation control.
- 6.26 It is considered that drainage issues can be adequately addressed via the attachment of suitably worded conditions as recommended to any approval notice issued.

#### Other Matters

- 6.27 Layout of affordable housing on site next to the existing affordable housing has been raised as a matter of concern in a letter of objection received from members of the public. The application proposes 4 affordable houses as part of the development. This is considered acceptable and the Council's Housing Manager raises no objections. Whilst it is acknowledged that the affordable housing on site is located next to the existing affordable housing development, overall this is considered acceptable as the rest of the development is for unencumbered housing which overall will help to integrate the different housing tenures in this part of the village.
- 6.28 Concerns have also been raised about the capacity of Kingsland Primary School and its ability to accommodate more children as a result of the development. The Planning Obligations Manager raises no objections in respect of the Draft Heads of Terms submitted in support of

the application which makes a contribution towards local infrastructure requirements which includes Kingsland primary school.

- 6.29 Issues have also been raised about public transport issues. It is noted that the Transportation Manager raises no objections.
- 6.30 Design has also been raised as an issue in that the development is of unimaginative design and is much larger than the former proposals. With consideration to the surrounding built environment, the overall design and layout, and with consideration to the issues as discussed earlier in this report, on balance the design and layout is considered acceptable.
- 6.31 Reference is made to Kingsland Fire Station which is located on the opposite side of the C1036 road alongside the southern side of the site and a previous planning approval for fireman training facilities. This approval is still valid and was subject to a Judicial Challenge which was dismissed by the High Court.
- 6.32 Concerns have been raised about the forthcoming Kingsland Neighbourhood Plan and Kingsland's contribution towards the County's housing supply and that most residents favour brown field development. Refusal of planning permission on these issues and grounds of prematurity cannot be justified where a draft local plan has yet to be submitted for examination. It is Officer opinion that the emerging core strategy is still at a relatively early stage of preparation and as such prematurity cannot be argued as a reason to refuse this application.
- 6.33 The comments as made by Kingsland Parish Council with regards to land to the west of the site are noted and Members are reminded that each application has to be considered on its own merits. Dwelling construction standards will have to be in accordance with Building Regulation standards and it has been established that development of the site is sustainable.
- 6.34 A Draft Heads of Terms drawn up in accordance with the Town and Country Planning Act 1990 on planning obligations has been submitted in support of the application to which no objections are raised. They provide for a raft of contributions amounting to £103,612, details of which are appended to this report.

### Conclusions

- 6.35 Whilst it is acknowledged that the planning history of the site is one of 'refusal' of development, the issues as raised by the Conservation Manager have been fully considered and the retention of the native hedgerow together with utilising the existing access into Kingsleane results in the development overall preserving the Conservation Area. In addition the Council's lack of a five year house land supply must be given significant weight within the planning balance. Accordingly the appraisal demonstrates that development on site is now considered acceptable with reference to the Conservation Area and its original designation, landscape impact and the fact that the application does not propose removal of any native hedgerows which were clearly an important historic feature of the area when the Kingsland Conservation Area was adopted.
- 6.36 It has been demonstrated that the ecological issues with regards to the site designation cannot be sustained as a reason for refusal, Drainage issues are considered to be addressed satisfactory with the attachment of appropriate conditions.
- 6.37 Other matters as raised by members of the public have been considered and raise no issues of concern in order to warrant a recommendation for refusal. Finally the Parish Council comments whilst not objecting to the application have been noted and considered.

6.38 Therefore the planning application is considered acceptable and is recommended for approval.

## **RECOMMENDATION**

**That subject to the applicants signing a Section 106 agreement in accordance with the Town and Country Planning Act 1990 in accordance with the detail as contained in the attached heads of terms to this report that 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. **D04 Details of window sections, eaves, verges and barge boards**
5. **D05 Details of external joinery finishes**
6. **F14 Removal of permitted development rights**
7. **G02 Retention of trees and hedgerows**
8. **G09 Details of Boundary treatments**
9. **G10 Landscaping scheme**
10. **G11 Landscaping scheme - implementation**
11. **Prior to any development on site details will be submitted to and approved in writing by the Local Planning Authority with regards to a detailed surface water management design, which will include detail with regards to infiltration tests results, groundwater level data, drainage calculations and soakaways located more than 5 metres in distance from building foundations.**

**Reason: In order to ensure protection from flooding with adequate drainage and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.**

12. **L01 Foul/surface water drainage**
13. **L02 No surface water to connect to public system**
14. **L03 No drainage run-off to public system**
15. **H13 Access, turning area and parking**

## **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. HN01 Mud on highway
3. HN04 Private apparatus within highway
4. HN05 Works within the highway
5. HN07 Section 278 Agreement
6. HN17 Design of street lighting for Section 278
7. HN10 No drainage to discharge to highway
8. Dwr Cymru Welsh Water Advisory Notes

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water’s Development Services on 0800 917 2652.

Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.

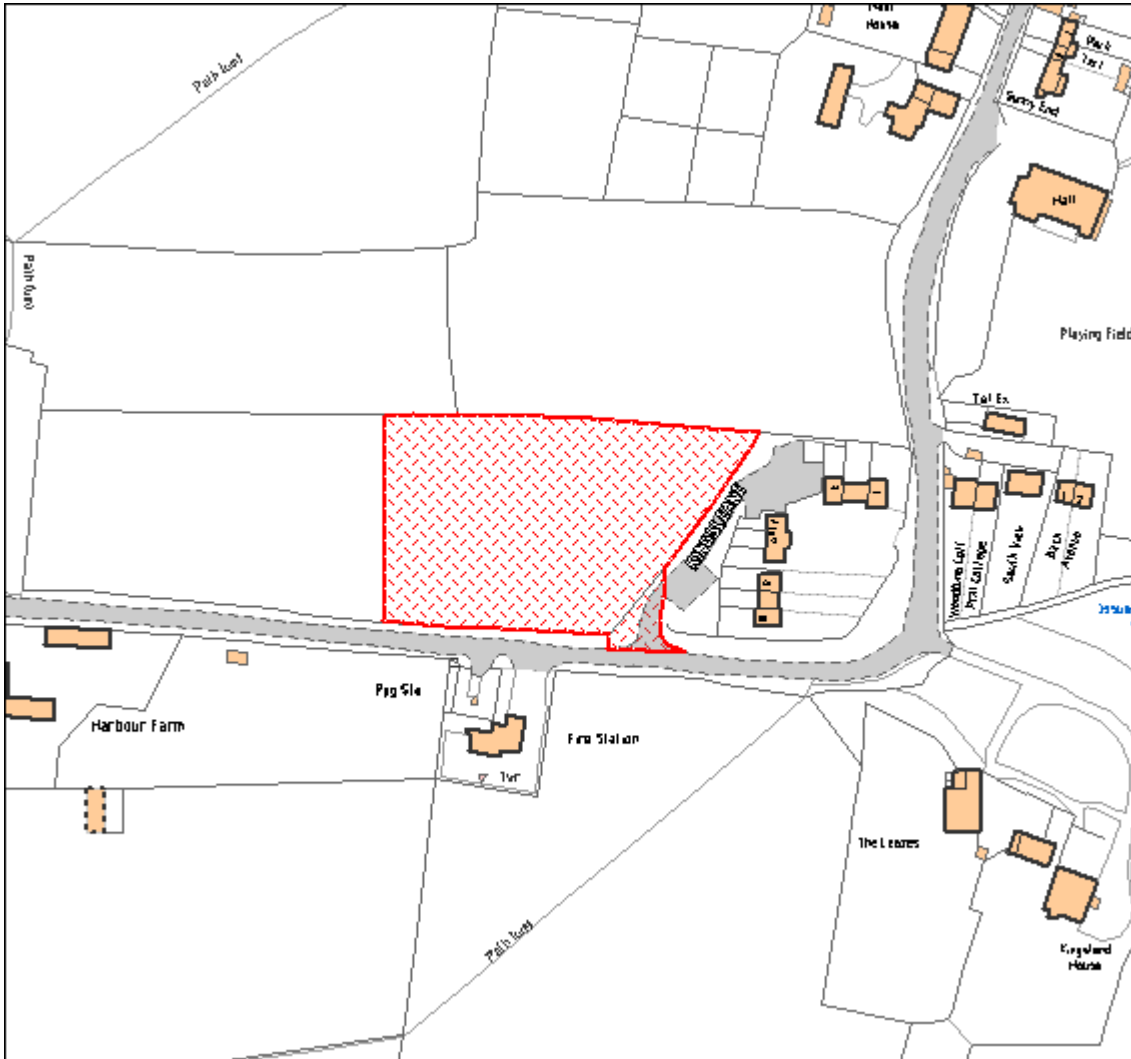
Welsh Government introduced the Welsh Ministers Standards on the 1 October 2012 and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with us at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on our Developer Services Section of our website – [www.dwrcymru.com](http://www.dwrcymru.com). Further information on the Welsh Ministers Standards can be found on the Welsh Government website – [www.wales.gov.uk](http://www.wales.gov.uk).

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:** 140534/F

**SITE ADDRESS :** LAND ADJOINING KINGSLEANE, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SP

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# DRAFT HEADS OF TERMS

## PROPOSED PLANNING OBLIGATION AGREEMENT

### Section 106 Town and Country Planning Act 1990

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1<sup>st</sup> April 2008. All contributions in respect of the residential development are assessed against general market units only.

Planning application: P140534/F

Proposed erection of 12 dwellings comprising 4 x 3 bed open market, 4 x 4 bed open market, 2 x 2 bed affordable and 2 x 3 bed affordable on land adjoining Kingsleane, Kingsland, Leominster, HR6 9SE

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£55,420.00** (index linked) for enhanced educational infrastructure at Coningsby Early Years, Kingsland Primary School, Wigmore High School, St Mary's Roman Catholic School, Teme Valley Youth and the Special Education Needs Schools. The sum shall be paid on or before first occupation of the 1<sup>st</sup> open market dwellinghouse, and may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£24,080.00** (index linked) for sustainable transport infrastructure to serve the development, which sum shall be paid on or before occupation of the 1<sup>st</sup> open market dwellinghouse and may be pooled with other contributions if appropriate. The sustainable transport infrastructure will include improvements to the public right of way network within the vicinity of the development, improved crossing facilities between the application site and village facilities and improved bus infrastructure within the vicinity of the development .
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£15,436.00** (index linked) for off-site play facilities. The contribution will be used in accordance with the Play Facilities Study and Investment Plan 2012. The Millennium Green which is owned and maintained by the Parish Council offers a small infants play area which although has recently been improved requires more investment for older children to make it a larger play facility. The sum shall be paid on or before occupation of the 1<sup>st</sup> open market dwellinghouse and may be pooled with other contributions if appropriate.

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



4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£5,960.00** (index linked) This is subject to completing an Indoor Facility Investment Plan currently being undertaken externally to develop a strategy for the Indoor Facilities using future proofing (2031) methodology to identify deficiencies in existing provision both quantity and quality above and beyond investment required to bring facilities up to a standard which is fit for purpose. This work should identify where additional investment is required in meeting future needs. Alternatively in the more rural areas such as Kingsland, if the Parish Council has or is in the process of identifying investment required for village hall/sports halls to improve quality/quantity to meet local community needs, for instance, via their Neighbourhood Planning process, this should also be considered as a local priority. The sum shall be paid on or before occupation of the 1<sup>st</sup> open market dwellinghouse and may be pooled with other contributions if appropriate.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£1756.00** (index linked) for enhanced Library facilities in Leominster. The sum shall be paid on or before the occupation of the 1<sup>st</sup> 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 **£960.00** (index linked). The contribution will provide for waste reduction and recycling in Leominster. The sum shall be paid on or before occupation of the 1<sup>st</sup> open market dwelling, and may be pooled with other contributions if appropriate.
7. The developer covenants with Herefordshire Council that 35% of the residential units shall be “Affordable Housing” which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations (2008).
8. Of those Affordable Housing units, at least 2 (two) shall be made available for social rent with the remaining 2 (two) being available for intermediate tenure occupation.
9. 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.

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

10. 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:-

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

10.2 satisfy the requirements of paragraph 12 of this schedule

11. 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:-

11.1 a local connection with the parish of Kingsland;

11.2 in the event there being no person having a local connection to the parish of Kingsland a person with a connection to Aymstrey, Shobdon, Eyeton, Yarpole, Eardisland and Monkland & Stretford;

11.3 in the event there being no person with a local connection to any of the above parish or wards 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 11.1 and 11.2 above

12. For the purposes of sub-paragraph 11.1 and 11.2 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:

12.1 is or in the past was normally resident there; or

12.2 is employed there; or

12.3 has a family association there; or

12.4 a proven need to give support to or receive support from family members; or

12.5 because of special circumstances

13. 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.
14. 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.
15. 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.
16. The sums referred to in paragraphs 1, 2, 3, 4, 5 and 6 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.
17. 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.
18. 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.

Yvonne Coleman

Planning Obligations Manager





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>25 JUNE 2014</b>
<b>TITLE OF REPORT:</b>	<p><b>P140684/O - DEVELOPMENT OF UP TO 290 DWELLINGS, INCLUDING AFFORDABLE HOUSING, PUBLIC OPEN SPACE, ACCESS, LANDSCAPING, GROUND MODELLING AND ASSOCIATED WORKS AT LAND EAST OF THE A40, ROSS ON WYE, HEREFORDSHIRE</b></p> <p><b>For: Markey Builders (Gloucester) Ltd per Hunter Page Planning, Thornbury House, 18 High Street, Cheltenham, Gloucestershire, GL50 1DZ</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=140684">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=140684</a>

**Date Received: 6 March 2014**

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

**Grid Ref: 361030,225146**

**Expiry Date: 6 June 2014**

Local Members: Councillors AM Atkinson and PGH Cutter

## **1. Site Description and Proposal**

- 1.1 The application site is located on a large parcel of agricultural land of approximately 23 hectares lying to the east of Ross on Wye, adjacent to the A40, with the A449 to the north. It is bounded to the south by the Rudhall Brook with agricultural land further to the east.
- 1.2 The site slopes in a northerly direction where it eventually becomes flatter. Its immediate boundaries primarily consist of hedgerows to the east and west; although depleted in some areas and a belt of trees along the Rudhall Brook to the south. The northern boundary currently comprises a fence line with a service station and coffee shop further beyond.
- 1.3 The Tanyard Lane residential development; a permission for 87 dwellings, is currently under construction on a parcel of land on the opposite site of the A40. The permission included the construction of a new roundabout on the A40 which has been completed, is positioned to the southern end of this application site and provides access to it.
- 1.4 The site is approximately one kilometre to the east of Ross on Wye town centre and approximately 1.2 kilometres from the boundary of the River Wye Area of Outstanding Natural Beauty (AONB).
- 1.5 The application comprises a development of up to 290 residential dwellings, 35% of which will be affordable, and provision of public open space, access and other associated works. The application is made in outline with all matters apart from access reserved for future consideration.

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Further information on the subject of this report is available from Mr A Banks on 01432 383085

- 1.6 It is proposed to provide access via the roundabout serving the Tanyard Lane development. A new 'arm' will be created which will run into the site and provide access to southern part of the site. The scheme also proposes the construction of a second new roundabout on the A40 to serve the northern section of the development. The accompanying Transport Assessment and associated drawings provide full details of the proposed access arrangements and show that the carriageway width will be narrowed to 6.1 metres on the approaches to both roundabouts.
- 1.7 The plans also show the provision of new pedestrian crossings directly to the south of both roundabouts. The alterations involved with the creation of the new roundabout also show the creation of a new 3 metre wide shared footway and cycle lane on the western side of the A40, linking the crossing point to Ledbury Road. To the south, the application proposes a new 3 metre wide shared footway and cycle lane along the eastern side of the A40 to the Hildersley roundabout.
- 1.8 The application also includes an illustrative layout plan which provides a broad indication of areas to be developed and the inclusion of significant green spaces to the south and east.
- 1.9 The application is also accompanied by the following documents:
- Design and Access Statement
  - Transport Assessment and draft Travel Plan
  - Landscape and Visual Impact Assessment
  - Ecological Assessment
  - Flood Risk Assessment and Drainage Strategy
  - Archaeological Survey
  - Statement of Community Involvement
  - Heads of Terms Agreement
  - Noise Assessment Report
- 1.10 The applicant also submitted a request for an Environmental Impact Assessment (EIA) Screening Opinion to determine whether the proposal was likely to constitute EIA development. The Council's adopted screening opinion stated that the proposed development would not have significant effects on the environment and that therefore the development is not EIA development as defined by the Town and Country Planning (Environmental Assessment) Regulations 2011.

## 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
DR1	-	Design
DR2	-	Land Use Activity
DR3	-	Movement
DR4	-	Environment

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Further information on the subject of this report is available from Mr A Banks on 01432 383085

DR5	-	Planning Obligations
DR13	-	Noise
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H7	-	Housing in the Countryside Outside Settlements
H13	-	Sustainable Residential Design
H19	-	Open Space Requirements
T8	-	Road Hierarchy
LA1	-	Areas of Outstanding Natural Beauty
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement
CF2	-	Foul Drainage

### 2.3 Herefordshire Local Plan Core Strategy – Deposit Draft

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
RW1	-	Development in Ross on Wye
RW2	-	Land at Hildersley
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

Ross on Wye Town Council has successfully applied to designate their Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed on 9 September 2013. The Town Council will have the responsibility of preparing a Neighbourhood Development Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this early 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:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

### 3. Planning History

- 3.1 None identified specifically for this application site. However planning permission for the erection of 87 dwellings and associated infrastructure, including the construction of a new roundabout on the A40 (DCSE2008/0095/F) is relevant.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Environment Agency: The majority of the site lies in Flood Zone 1. As the site is greater than 1 hectare the Council are referred to their standing advice regarding the requirements for the completion of a Flood Risk Assessment.
- 4.2 Welsh Water: No objection subject to the imposition of conditions to ensure that foul and surface water are disposed of separately.
- 4.3 Natural England: No objection to this proposal. It is noted that there is further potential to deliver environmental gains and would welcome the provision of priority habitat as a part of a high quality green infrastructure corridor on site.

It is noted that the site is within the immediate setting of the Wye Valley AONB. It is also noted that the Council's own urban fringe sensitivity analysis highlighted this land's contribution to maintaining the quality of the AONB. That local assessment is important and should be given great weight in determining this application.

The applicant's Landscape and Visual Impact Assessment concludes that there will be limited effects on views from the AONB, but visual effects need to be considered alongside effects on landscape character. Given that the development would constitute an extension to the town of Ross on Wye (which is within the AONB) it may significantly alter the character of that part of the town, how the settlement relates to its wider landscape setting and therefore that whole section of the AONB boundary.

It is of course possible that the proposed site layout and extensive green infrastructure, or further revision to their design, would enable the development to be accommodated without a significant impact on the purpose of designation.

- 4.4 Highways Agency: Have raised no objection to the application

#### Internal Council Advice

- 4.5 Transportation Manager – No objection subject to the imposition of conditions. Detailed comments on the suite of highway improvement works are as follows:

The concern with the development is the treatment of the A40 from the Overross to Hildersley roundabout. This section of the A40 has always been seen as a trunk road, an extension of the A40, A449, and the M50, wide and straight. The introduction of the roundabout for the Tanyard Lane does assist in reducing speeds in this location. The concern remained on how the development could reduce the impact of the A40 as a road and introduce a street environment whereby pedestrians and cyclist would be able to cross the A40 and link to Ross-on-Wye.

- 4.6 There are 4 desire routes from the site, these are:

- Schools off Ledbury Road
- Town Centre - Tanyard Lane



- Hildersley roundabout and the Town and Country Trail to access the Industrial areas including Model Farm
  - Employment to the North crossing the trunk road (Ross Labels).
- 4.7 The link to Ross labels is a concern for the HA. The other 3 links have been put forward in drawing number SK03 Rev B. The proposal introduces footway cycle links and an additional roundabout south of Overross, the footway cycle link to Hildersley roundabout must link to the Town and Country Trail.
- 4.8 To facilitate crossing of the A40, two controlled crossings are proposed, on their own this would not be acceptable, but it is proposed to change the environment from the traditional A40 by reducing the width of the carriageway at the approaches of the roundabout and introduce gateway features. The applicant has put forward measures to suppress speeds and influence driver behaviour between Hildersley and Overross roundabout such as red surfacing and hatching, further surface treatment as necessary which could form transverse strips or edges to give the impression of narrowing the carriageway width. If the design requires further narrowing this can be accommodated when building the footway cycle link, or the introduction of the central reserve.
- 4.9 The new roundabout proposed is a compact roundabout. In order to work effectively it requires sufficient traffic flow from each arm to prevent vehicles moving along the A40 with minimal deflection (without needing to reduce speed).
- 4.10 The highway improvement works described above would be subject to detailed design and would be the subject of a S38 and S278 Agreement. I am satisfied the S278 Agreement gives sufficient mechanisms to ensure the design of the A40 roundabout will provide as safe an environment as possible for the site and the travelling public. The design will be subject to the Design Check and Safety Audit process built in to the S278 process.
- 4.11 The site does not currently benefit from a bus service and therefore contributions through a Section 106 Agreement will be required introduce a public transport service. This will include provision and improvements to public transport infrastructure - passenger waiting facilities. A contribution should also be made to provide a new controlled crossing facility on Ledbury Road to accommodate pedestrian movements from the site to John Kyrle High School.
- 4.12 Conservation Manager (Ecology) – No objection subject to condition.
- 4.13 Archaeology – No objection subject to condition.
- 4.14 Public Rights of Way Manager - The applicant's plans appear to show public footpath RR2A in the correct position, and that it will remain unaffected by the development. Therefore no objection is raised to the proposal.
- 4.15 Education – No objection subject to the provision of financial contributions as outlined in the Heads of Terms Agreement that accompanies this application.
- 4.16 Housing Development Manager – No objection subject to the provision of affordable housing in accordance with the Draft Heads of Terms Agreement.
- 4.17 Land Drainage Engineer - There are no objections in principle on flooding or drainage grounds, subject to the provision of a detailed drainage strategy that incorporates SUDS principles and infiltration test results prior to construction.
- 4.18 Environmental Health Officer: Contaminated Land: Having reviewed the location of the site it is noted that it is to the south of a petrol station. Petrol stations are a potentially contaminative use and sometimes it is possible for leaks to migrate off site. With the precautionary principle

in mind the imposition of conditions to further investigate potential contamination is recommended.

- 4.19 Environmental Health Officer: Noise: It is recommended that the grant of any outline permission is on condition that any application for the detail of the development is accompanied by a new noise assessment with noise mapping to show the levels of noise affecting the houses and outdoor areas. The assessment should demonstrate how acceptable levels of noise will be achieved and the design and layout should aim to achieve the best practicable standards of noise levels for the development. This is required as road works associated with the on-going residential development at Tanyard Lane opposite may have influenced the results of the original assessment.
- 4.20 Parks & Countryside Manager: Comments awaited

## **5. Representations**

- 5.1 Ross Rural Parish Council: Objects to the application on the grounds of lack of connectivity. The proposed linkages to the town centre for pedestrians and cyclists are inadequate, compounding its likely traffic generation effects. The development will also exacerbate the existing pressures on the social infrastructure of the town. The Council has a further concern about the lack of any natural boundary to further development.
- 5.2 Ross Town Council: No objection. Members were disappointed not to be consulted over the draft Heads of Terms at an earlier stage. They wish it to be noted:
- 1) On site play space – depending on the outcome of the Community Governance Review. Consideration should be given to the newly formed parish council of the area rather than Herefordshire Council.
  - 2) Members support Herefordshire Council in terms of sports provision, outdoor sports provision and sustainable transport but would like to discuss details of proposed expenditure. They would like reassurance that the proposed cycleway/footpath to Hildersley links safely to the Town and Country Trail, and crossings over the A40 are light controlled.
- 5.3 Campaign to Protect Rural England: Object to the application. In summary the points raised are as follows:
- Views from Ross, from the Wye Valley AONB, from the A449, the A40 and also from Public Footpath RR2A will all be adversely affected.
  - The additional proposed roundabout, south of the existing roundabout on the A40/A449 will exacerbate the considerable and sometimes dangerous access onto the existing busy roundabout.
  - The proposal to have 290 homes in this area is against the recommendations of the Core Strategy which selected Hildersley as the best strategic site for the required housing (200 houses) with the Overross area ruled out.
  - The potential danger to future residents and service traffic, and in particular, to residents' children, if these homes are built, appears to be an overriding reason for rejection of the proposal.
- 5.4 Ross Civic Society: Object to the application. In summary the points raised are as follows:
- The addition of a second roundabout will have undesirable consequences for traffic.
  - The proposal to create cycle tracks along the A40 towards Hildersley will not create satisfactory links without either an underpass or footbridge.
  - The scheme will irrevocably change what is a highly visible agricultural landscape.
  - The threat of further expansion towards the M50 is not addressed.

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Further information on the subject of this report is available from Mr A Banks on 01432 383085

- The future of the Council's chosen strategic site at Hildersley will be called into question if this application is approved.

5.5 Open Spaces Society: Object to the application. They do not concur with the view expressed by the Council's Public Rights of Way Officer and are of the opinion that the route of the footpath will be affected at its northern end.

5.6 Twelve letters of objection have been received in response to the statutory consultation period. In summary the points raised are as follows:

- The site lies beyond the settlement boundary as defined by the UDP.
- The proposal will undermine the Council's strategic land allocation for 200 dwellings at Hildersley.
- The site was not considered as being appropriate for development at the Draft Preferred Options Stage in July 2010 due to concerns about landscape sensitivity and limited vehicular access.
- The Core Strategy should be given considerable weight as it is at an advanced stage.
- This will open the floodgates for further development on land between Ross on Wye and the M50.
- The A40 presently forms a defined edge to the town and this should be retained.
- The scale of the development is questioned and it is suggested that it would make more sense to have smaller plots throughout the town.
- The site is separated from the town by the A40. It is a busy road and crossing it represents an unacceptable hazard to pedestrians.
- The proposal will see a substantial increase in traffic movements. The road network will be unable to cope.
- The proposal lacks connectivity and the possibilities of either an underpass or bridge have been discounted.
- There will be unacceptable levels of disruption during construction.
- Ross does not have the infrastructure to support the further development that is proposed. This includes schools, doctors and dental surgeries which are already at capacity, as well as the emergency services.
- The scheme will result in unacceptable landscape impacts and will detrimentally affect the setting of the Wye Valley AONB.

5.7 Two letters of support have also been received. In summary the points raised are as follows:

- The proposal will provide much needed dwellings for Ross on Wye.
- It will help to support the local high street and vibrancy of the area.
- The scheme is sympathetic to the local environment with plenty of green spaces.
- The speed limit on the A40 should be reduced.
- The scheme will provide social housing and is key to the regions growth.

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

## 6. Officer's Appraisal

### Principle of Development

- 6.1 The issue of the Council's lack of a five year housing land supply has been well rehearsed over recent months by other applications and appeal decisions for residential development on land falling beyond defined residential areas.
- 6.2 In order to establish a degree of consistency in the absence of housing policies that are considered to be up-to-date with the NPPF the Council has adopted an interim protocol for the consideration of applications that would otherwise be contrary to housing policies contained within the UDP. It accepts that appropriate residential development outside the development boundaries of main settlements may be permitted to help address the housing shortfall, subject to all other material planning considerations, and specifies that sites should be located adjacent to main settlements. This approach is consistent with the NPPF which presumes in favour of sustainable development.
- 6.3 The site has been assessed in the 2012 Strategic Housing Land Availability Assessment (SHLAA) and is considered to have significant constraints. In considering whether it is suitable for development the assessment comments as follows.
- 6.4 This site lies on the dual carriageway and is physically separated from the town having no relationship with the town's services and facilities. Southern boundary is weak. The site has significant landscape constraints; however housing could be developed on the site at a cost to the landscape setting of the town. Significant landscape buffer would be required to the east to help contain and screen potential development.
- 6.5 Notwithstanding the fact that the site is considered to have significant constraints the assessment does conclude that it is suitable for development and has the potential to accommodate up to 550 dwellings. It is therefore considered that the principle of development is acceptable. The site is sustainable in accordance with the NPPF and the key determining factors are considered to be whether the landscape impact of the proposed development can be appropriately mitigated and whether an appropriate level of connectivity can be achieved between the site and town centre. There are a number of other important material planning considerations which include whether the proposal is premature and will unduly affect the delivery of the Core Strategy, the potential impact of the proposal on the surrounding highway network, flood risk and drainage and ecology. These matters will all be considered in the following paragraphs of this report.

### Prematurity

- 6.6 One of the letters objecting to the application is concerned that the application is premature. It opines that the Draft Core Strategy is at an advanced stage and that if this application is approved it will undermine the plan-making process by predetermining the location of the urban extension for Ross-on-Wye which is central to the emerging Local Plan.
- 6.7 The emerging Core Strategy outlines a projected requirement for 900 new dwellings in Ross on Wye over the plan period. It also identifies a strategic site on land at Hildersley on which it is envisaged that around 200 dwellings will be provided. This is the only strategic site for the town, leaving a shortfall of 700. With extant planning permissions and as yet un-developed sites identified in the UDP taken into account, this figure is reduced to 475 dwellings.

Paragraph 14 of the National Planning Practice Guidance (NPPG) offers some useful advice on the matter of prematurity. It advises that refusals on the grounds of prematurity will usually be limited to circumstances where both:

- a) The proposal is so substantial or that its cumulative effect is so significant that to grant planning permission would undermine the plan-making process by pre-determining decisions about scale, location or phasing of new developments that are central to an emerging Local Plan or Neighbourhood Planning; and,
- b) The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

6.8 The advice in the NPPG specifically goes on to state that:

*Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local authority publicity period.*

At present the emerging Core Strategy is subject to a further period of public consultation and has yet to be submitted for examination. The Neighbourhood Plan area has been agreed for Ross on Wye and was adopted on 9 September 2013, but until the Core Strategy is at an advanced stage a detailed document will not be produced. In light of this it is your officers' view that a reason for refusal based on the grounds of prematurity cannot be justified.

#### Landscape and Ecological Impacts

- 6.9 The applicant's visual appraisal concludes that the site is clearly visible from a few publicly accessible viewpoints, and that it is barely discernible from the AONB due to the topography, existing development and existing belts of mature trees and hedgerows. Having assessed the site and the surrounding area your officers concur with this. The substantive elements of the Wye Valley AONB lie to the west and are intersected by the built form of the town. There are no clear views of the site from the AONB. Any views that might be gained from public vantage points to the east are similarly seen in the context of the town, and particularly the 20th century residential developments that lie immediately to the west of the A40.
- 6.10 There is limited inherent landscape quality on the site itself as the majority of it; approximately 13 hectares, comprises one large agricultural field. The contribution that it makes is a cumulative one with the wider rural area and the positive effect that this has on the setting of Ross on Wye. There is a lack of development to the south and east and this large tract of land does form part of the rural setting of the town. The low-lying damp meadows along Rudhall Brook are considered to be the most important landscape and biodiversity feature and therefore should be protected from development.
- 6.11 The illustrative plan has due regard to the significance of the Rudhall Brook through the retention of a substantial tract of land along the southern boundary for agricultural use. The plan also indicates the creation of a new hedgerow to define this area and also suggests new planting throughout the development and the effect of this is to create a degree of visual containment that has been eroded through the previous removal of hedgerows to allow the intensive farming of the land.
- 6.12 The A40 and residential environs of Ross on Wye immediately to its western side create a hard urban edge to the town. Whilst the proposal clearly extends beyond this, the illustrative plan leaves another large area of open space along the eastern boundary, shows development with a feathered edge to soften its visual impact and suggests the reinforcement of the hedge along the eastern boundary. It is considered that this represents a significant package of mitigation measures that will help to create links to the open countryside and limit any perceived impact upon the setting of the Wye Valley AONB. It is therefore considered that, subject to the submission of a detailed landscaping scheme based on the illustrative proposals shown, the proposal accords with Policies LA1, LA2 and LA3 of the UDP.

- 6.13 As stated in earlier paragraphs, due to the agricultural use of the land, the site has limited biodiversity value, the main area of value being the area immediately surrounding Rudhall Brook. The ecological survey that accompanies the application concludes that, subject to its recommendations for biodiversity enhancement the development proposals will have no adverse effects on any statutory or non-statutory designated sites.
- 6.14 The scheme retains the majority of hedgerows, with only very minor losses to facilitate access. New hedgerow and tree planting will more than offset the very minor losses to the hedgerows and other habitat creation/enhancements such as species-rich grassland and attenuation basins will enhance the site in ecological terms over the existing situation. As such, it is considered the proposals accord with Policies NC1, NC6, NC7 and NC8 of the UDP.

#### Highways and Connectivity

- 6.15 The Transport Assessment that supports the application concludes that safe and appropriate access arrangements can be provided to serve the scheme and that the addition of development traffic is not forecast to have a material impact on the strategic and local highway network. It further concludes that the proposed development is sustainably located and that the pedestrian and cycle connections proposed to be provided as part of the scheme will enable future residents to travel on foot and on cycle to local amenities.
- 6.16 Paragraph 32 of the NPPF is key to the highway impact debate where it states;
- Plans and decisions should take account of whether improvements can be undertaken within the transport network that cost effectively mitigate the significant impacts of the development. Development should only be presented or refused on transport grounds where the residual cumulative impacts of the development are severe.*
- 6.17 The Highways Agency initially issued a direction not to approve the application pending the submission of further review by the applicant's transport consultant of the Transport Assessment and Travel Plan. This has been completed to their satisfaction and they have removed their direction.
- 6.18 The Council's Transportation Manager has provided detailed comments regarding the highway improvement works proposed and is content that they will secure the degree of connectivity required between the site, town and the allocated employment site at Model Farm to the south.
- 6.19 Some letters of objection have suggested that, if approved, the proposals should include either the provision of a bridge or underpass as a means of pedestrian crossing of the A40. The scheme includes two controlled crossings and this is the preferred method in respect of current industry standards. Evidence suggests that pedestrians will use the most direct route to cross; i.e. at surface level, and that other solutions such as bridges or underpasses are not well used. The proposal is to be determined on the basis of the measures included in the application and your officers are satisfied that they will mitigate the impacts of the proposal.
- 6.20 Some objections are concerned that there would be unacceptable levels of disruption during construction. Although it is not clear, it is assumed that this is in reference to the requirement for further road works to provide a second access. It is accepted that such highway works would cause a level of disruption to vehicle movements for a period whilst construction works are completed, but this is not reason in itself to withhold permission.
- 6.21 In conclusion, it is your officers' view that the proposal does provide the degree of connectivity required. The Transport Assessment submitted with the application demonstrates that the proposal will not unacceptably compromise highway safety and that there is sufficient capacity within the road network; particularly at the junction of the A40 and A449 at the Overross roundabout. This has been confirmed by the response from the Highways Agency who have

not objected to the application. It is therefore considered that the proposal accords with the requirements of Paragraph 32 of the NPPF as outlined above, and policies H13 and T8 of the UDP.

### Service Capacity

- 6.22 Some of the correspondence received opines that existing services are currently at capacity and will be unable to accommodate the development proposed, with particular reference made to schools, doctors and dental surgeries and emergency services. Conversely, the letters of support received put forward a contrary debate that additional development is required to support local services.
- 6.23 The Draft Heads of Terms makes provision for education contributions for schools within the locality and the applicant's agent has confirmed that their client is content to meet this. No evidence is provided to suggest that other services are at capacity.

### Conclusion

- 6.24 The application successfully demonstrates that the scheme proposed meets the concerns regarding the delivery of the site in respect of landscape impact and connectivity. The NPPF is clear at Paragraph 14 that local planning authorities should approve proposals that accord with the development plan without delay and, where the development plan is absent, silent or relevant policies are out-of-date should also grant permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
  - specific policies in the Framework indicate development should be restricted.
- 6.25 Your officers are sufficiently contented that there are no material planning considerations that significantly outweigh the benefits of granting permission and that the proposal is compliant with other policies contained within the NPPF. Subject to the completion of a Section 106 Agreement the application is recommended for approval.

## **RECOMMENDATION**

**That subject to the applicants signing a Section 106 agreement in accordance with the Town and Country Planning Act 1990 that Outline planning permission be granted subject to the following conditions:**

- 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. E01 Site investigation - archaeology**
- 6. The recommendations set out in Sections 5.2 and 5.3 the ecologist's report from Ecological Solutions Ltd. dated January 2014 should be followed in relation to the identified species and habitats. Prior to commencement of the development, a full working method statement for ecological works including the species mitigations with the full habitat protection and enhancements proposed should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved. An appropriately qualified and experienced ecological**

clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

**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 and the National Planning Policy Framework

7. L01 Foul/surface water drainage
8. L02 No surface water to connect to public system
9. L03 No drainage run-off to public system
10. L04 Comprehensive & Integrated draining of site
11. Foul flows only from the proposed development shall be discharged to the 375mm public combined sewerage system located in Over Street, at or downstream of manhole SO60242601.

**Reason:** To protect the integrity of the public sewerage system and to comply with Policy CF2 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

12. 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.

**Reason:** In order that any potential risks from contaminated land are properly assessed and to comply with Policy DR10 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

13. The Remediation Scheme, as approved pursuant to condition no. (12) 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.

**Reason:** In order that any potential risks from contaminated land are properly assessed and to comply with Policy DR10 of the Herefordshire Unitary Development



**Plan and the National Planning Policy Framework.**

- 14. Prior to the commencement of the development hereby approved the applicant or any successor in title shall enter into an agreement under Section 278 of the Highways Act 1980 to determine the extent and precise details of highway improvement works required along the A40. The works as approved shall be completed in accordance with a timetable to be submitted to and agreed in writing by the local planning authority.

**Reason:** In order to provide an appropriate means of access to the site and to comply with Policies H13 and T8 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

- 15. I13 Scheme to protect new dwellings from road noise
- 16. H17 Junction improvement/off site works
- 17. H21 Wheel washing
- 18. H30 Travel plans

**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. HN01 Mud on highway
- 3. HN04 Private apparatus within highway
- 4. HN05 Works within the highway
- 5. HN07 Section 278 Agreement
- 6. HN08 Section 38 Agreement & Drainage details
- 7. HN10 No drainage to discharge to highway

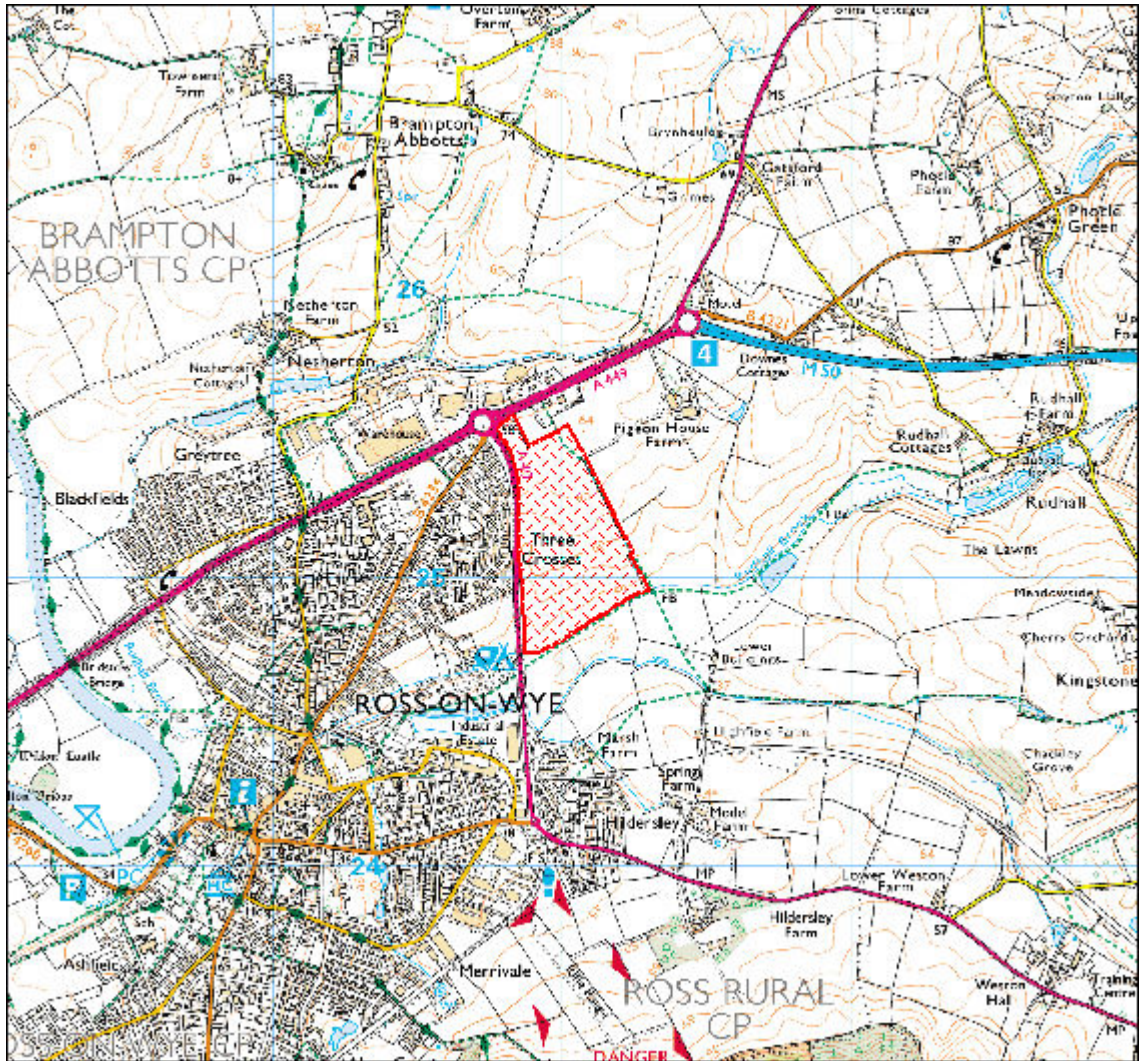
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 140684/O

**SITE ADDRESS :** LAND EAST OF THE A40, ROSS ON WYE, HEREFORDSHIRE

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Further information on the subject of this report is available from Mr A Banks on 01432 383085



<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>25 JUNE 2014</b>
<b>TITLE OF REPORT:</b>	<b>P140056/O - LAND FOR RESIDENTIAL DEVELOPMENT AT LAND ADJACENT TO HARPACRE, CLEHONGER, HEREFORD</b>  <b>For: Messrs Price &amp; Boucher per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, Herefordshire HR1 1LH</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=140056">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=140056</a>

**Date Received: 13 January 2014**      **Ward: Stoney Street**      **Grid Ref: 344831,237701**

**Expiry Date: 14 April 2014**

Local Member: Councillor DC Taylor

## **1. Site Description and Proposal**

- 1.1 Planning permission is sought in outline with all matters reserved for the erection of an originally unspecified number of dwellings on the 0.83ha site associated with Harpacre and Lansdown Villa, Clehonger. An indicative master-plan / layout has been provided showing 13 dwellings with access off the B4349. The land was rejected in the Herefordshire Strategic Housing Land Availability Assessment (SHLAA) due to "Inadequate visibility at the junction with B4349 and physical proximity to B4352 and B4349 junction".
- 1.2 The site lies on the north western edge of Clehonger, a Unitary Development Plan (UDP) main village about 4km south west of the outskirts of Hereford City. Much of Clehonger is a recently developed community south of the B4349 and B4352 roads, with the 'new' village sited some 1.2km from the church and the 'old' village. The 'new' village is situated on the south side of a 'triangle' of land formed by the B4352 to the north, leading north-westwards to Madley, and the B4349 leading south-westwards towards Kingstone; both these settlements are approximately 3km from Clehonger. Beyond the western side of this triangle is the open and rural, gently undulating landscape between Madley and Kingstone, characterised by commons and marshlands. The site is in an area known as Gorsty Common, which reflects its traditional landscape character, and that of the wider area.
- 1.3 The site is situated in a locally prominent position on a triangle of land at the junction of the B4349 and B4352. It is relatively well-integrated into the north western side of the village, and is close to the existing settlement boundary which lies on the east side of the B4349 to the east of the site, and also includes residential development on the north side of the B4352 to the north of the site. Outside the settlement boundary, to the north west is a large property with outbuildings; to the south west and south are Harpacre, also with outbuildings (and within the application site boundary), and Cherry Orchard. There is an area of orchard / paddock along the south west boundary.

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

- 1.4 The site lies above the steep and densely-wooded, north-west-facing slope of the Cage Brook valley; Cage Brook is a tributary of the River Wye which lies approximately 2km to the north. The site is relatively flat although its north western side falls towards the brook. It is currently down to rough pasture. It comprises two fields separated by a hedge, with the existing built complex at Harpacre in the southern corner of the site along part of the B4349 frontage. The application site also has buildings in the north western corner. The site boundaries are mostly marked by hedges including a dense, 2 – 3m tall mainly hawthorn hedge along the north side of the B4349 which returns along the northern boundary / B4352. The smaller field has mature trees along the northern boundary, and as the road descends towards the brook, the site is considerably higher than the road, with a steep embankment between them.
- 1.5 There are some good, mature trees in the site boundary hedges and Harpacre's garden, but there are no free-standing trees in the fields. There is currently access into both fields from Harpacre from the B4349.

## 2. Policies

### 2.1 National Planning Policy Framework (NPPF):

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 2007 (UDP) – Saved Policies

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S6	-	Transport
S7	-	Natural and Historic Heritage
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
H4	-	Main Villages: Settlement Boundaries
H7	-	Housing in the Countryside Outside Settlements
H13	-	Sustainable Residential Design
T11	-	Parking Provision
LA2	-	Landscape Character and Areas Least Resilient to Change
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement

### 2.3 Herefordshire Location 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
RA2	-	Herefordshire's Villages
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geo-diversity
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources

2.4 The Parish Council is yet to commence work on the Neighbourhood Plan but will shortly apply for a Neighbourhood Plan area designation.

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:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

### 3. Planning History

3.1 SH930608PO: Proposed plant equipment store and two dwellings on land adjoining Lansdown Villa: Withdrawn.

SH931249/O: Proposed dwelling and new access to serve Lansdown Villa: Refused.

### 4. Consultation Summary

#### Statutory Consultees

4.1 Welsh Water: The proposed development would overload the Waste Water Treatment Works. No improvements are planned within Dwr Cymru Welsh Water's Capital Investment Programme. We consider any development prior to improvements being made to be premature and therefore OBJECT to the development.

It may be possible for the developer to fund the accelerated provision of replacement infrastructure or to requisition a new sewer under Sections 98 - 101 of the Water Industry Act 1991. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

#### Internal Council Advice

4.2 Conservation Manager (Landscapes):

The site is in 'open countryside' outside the village settlement boundary. It has no landscape designation.

The site is relatively well-integrated into the north western side of the village, and is close to the existing settlement boundary. The site is not greatly sensitive to change and has the capacity to accept a certain amount of dwellings. Housing of this scale in this location would represent an acceptably modest extension to the village and would not result in coalescence. It would not be out of keeping with the local village-scape as, subject to good quality design, it should be able to be successfully integrated into the surrounding built form without adverse effects on its character.

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There is the potential for localised adverse visual effects and the amenity of local residents could be affected but there is potential for mitigation. Any proposals for landscape mitigation / compensation / enhancement should be well-designed, appropriate and in keeping with local landscape character.

If approval is granted, the scheme layout will need to be informed by various technical assessments, for example a Landscape Appraisal, an FRA (SuDS needs to be an integral element of the site arrangement and both hard and soft landscape), arboricultural (to BS5837:2012 standard) and ecological (to BS 142020:2013) assessments.

All existing vegetation, both on the boundaries and within the site (including the hedge between the fields) should be retained, protected, enhanced, and managed in the long term. The integrity of the steep embankment between the site and the B4352 needs to be maintained and I would not recommend building too close to this.

The indicative layout shows 13 dwellings but a lower density would be preferable and more in keeping with the rural village edge character. It could be that bungalows are most appropriate at the north eastern end of the site.

Any building on the junction needs to be very sensitively considered, both in terms of how it relates to the character of that vista as well as to views from the south and north west.

#### 4.3 Conservation Manager (Ecology): No objection.

There is no evidence of protected species such as badger although there is some potential for bat foraging and use of the bounding hedges as flight lines for a number of species. I can see no possibility of the site being occupied by other protected species.

The hedgerow is moderately species rich in places but overall it would not appear that it falls within the purview of the Hedgerow Regulations. My opinion however, is that it should be retained as far as possible in its entirety.

The grassland is more valuable in that there are a number of species which indicate its origins as a lowland meadow. The sward has been cropped quite heavily. It is suspected many meadow species have little chance of maintaining themselves hence the diversity has been reduced somewhat. The field has had significant proportions damaged by storage of manure and perhaps supplementary livestock feeding patches which have caused the sward to become coarse and colonised by weed, scrub and coarse grasses. Overall, I think it might be classified as degraded semi-improved species rich grassland.

This pasture has potential for restoration and to enable some suppressed species to flourish under a different grazing regime. I would invite the applicant to investigate translocation of the better portion of the turf to another site. I would envisage approximately an area of between 0.1 - 0.2 ha if possible.

#### 4.4 Traffic Manager:

##### **Visibility Splays**

The application is made in outline with all matters reserved, although an indicative layout plan has been produced. In the context of the SHLAA, the site has been revisited in more detail. The indicative plan shows the provision of a junction with the B4349 at a point south-west of the existing entrance to Harpacre at the furthest point from the B4349/4352 junction. The plan also shows the provision of a pedestrian crossing point.

A small section of hedge needs to be removed which will open up the visibility back towards the north-east and the junction of the B4349 and B4352. A tree to the south-west encroaches on highway land in the opposite direction and needs to be cut back to achieve visibility. The provision of a 2m verge around the site is required and will need to be maintained. This would address and safeguard the visibility achieved from the junction. The internal layout will be detailed in reserved matters, but as submitted requires further work in regards to service strips, car parking and accessibility.

### **Connectivity to Clehonger**

The B4349 acts as a barrier between the site and the main body of the village. At 13 dwellings the scheme is considered of sufficient magnitude to require the provision of a pedestrian crossing of the B4349. A design which needs to be audited for visibility needs to be provided. The junction must be designed to Herefordshire Councils Design Guide for New Developments and will need to be adopted under a S38 Agreement and can be secured via condition and assessed as part of the Reserved Matters submission.

A S278 agreement will be required, with work to be completed at the developer's expense. This has been discussed and agreed with the developer.

4.5 Schools Capital & Investment: No objection. The primary school has one year group at capacity and a contribution towards additional capacity is required. There is surplus capacity at the catchment secondary school.

4.6 Housing Development: Support.

The housing needs survey for Clehonger identified a need for 36 affordable dwellings. Although slightly out-of-date, no affordable units have been delivered within the village since the survey was undertaken and the evidence of need is therefore considered robust. It is confirmed that the provision of two pairs of semi-detached units is acceptable.

Eligibility would be via the usual local connection criteria with priority given to those with a local connection to Clehonger is the first instance cascading out to the adjoining parishes of Eaton Bishop, Allensmore, Callow & Haywood, Belmont rural and Breinton. This control can be provided for within the S106 agreement.

## **5. Representations**

5.1 Clehonger Parish Council: Support the application.

5.2 Two letters of objection and one letter of support have been received from local residents. The content is summarised as follows:-

### Objections

- Concern is expressed in relation to the number of dwellings proposed in relation to highway safety and the impact on foul and surface water drainage.
- There is the potential for subsidence if dwellings are placed at the top of the bank above the B4352.
- There is no pedestrian link to the village, meaning this is not a suitable site in terms of connection to village amenities.
- The proposals will result in the loss of view and amenity at adjoining properties.

### Support

- The village needs modest size new housing developments to meet local need.

- The village is well-placed to support new housing with good amenities, including a primary school, shop, post-office, pub and village hall.
- The site is well-related to existing development.

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](http://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 13 dwellings, including 4 affordable units on land outside but immediately adjacent the settlement boundary for Clehonger (Policy H4 of the UDP). All matters bar access are reserved for future consideration.
- 6.2 The application is submitted against the backdrop of a published absence of a 5-year housing land supply as required by the National Planning Policy Framework (NPPF) (2012). The Council has recently published an interim statement on housing land supply. This concludes that the Council can only demonstrate between 2.09 and 2.60 years' worth of supply – the figure dependent upon whether housing requirements are assessed using the now outdated Regional Spatial Strategy Phase 2 review panel figures (18,000 dwellings) or the emerging Core Strategy requirement (16,500).
- 6.3 In response to this 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).
- 6.4 In the light of this 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.*
- 6.5 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.
- 6.6 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.
- 6.7 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,

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environmental and economic dimensions of 'sustainable development'. 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, Clehonger is a UDP main village and identified as a centre for proportionate growth in the emerging Local Plan. The village is served by a shop, post office, pub, village hall and primary school and has reasonable public transport provision to Hereford and beyond.

- 6.8 The Conservation Manager concludes, moreover, that the site integrates well with the existing built form and can accommodate development without undue adverse impact on the village-scape or any identified features of historic or cultural significance. In this respect the scheme is considered to comply with saved UDP policies LA2 and LA3.

#### **Vehicular and pedestrian access**

- 6.9 The Traffic Manager's comments at 4.4 above serve to illustrate that a safe and appropriate means of pedestrian and vehicular access can be provided into the site and the original rejection under the SHLAA is overcome. The junction with the B4349 will afford the necessary visibility and allow for retention of hedgerow. The pedestrian crossing will require removal of some of the existing hedgerow opposite to enable provision for pedestrian visibility and waiting room. The detail will be subject to safety audit and presented at the Reserved Matters stage. Officers are content that subject to the imposition of conditions the proposal is acceptable in terms of highway safety, capacity and connectivity to village amenities. As such the proposal is considered to comply with saved UDP policy DR3 and NPPF guidance.

#### **Impact upon residential amenity**

- 6.10 The application is made in outline with all matters reserved for consideration at the Reserved Matters stage. Although the submitted layout is indicative, and not necessarily reflective of the detailed proposal that may come forward at the Reserved Matters stage, it does demonstrate that 13 dwellings and the retained Harpacre can be laid out on site without requiring undue proximity to the nearest affected dwellings, although careful consideration would be required so as to ensure that the relationship between proposed plot 1 and the neighbouring dwelling Cherry Orchard is acceptable.
- 6.11 Officers are content that the scheme would comply with 'saved' policy H13 and guidance laid out in paragraph 17 of the NPPF.

#### **Drainage**

- 6.12 Welsh Water has imposed a holding objection to the development citing a lack of capacity at the waste water treatment plant. Officers recognise that this will need to be resolved prior to planning permission being granted and the wording of the recommendation reflects this. Negotiations are on-going with Welsh Water.

#### **Ecology**

- 6.13 The Ecological Advisor has identified a comparatively species rich grassland, the better portion of which is suggested for relocation to a location where it can recover. This approach is acceptable to the applicants, who have land within their control that could act as recipient for the relocated grassland. Officers are content that this, in conjunction with the retention of the road side hedgerow minimise the impact on biodiversity in accordance with NPPF guidance.

#### **Affordable housing provision**

- 6.14 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.

The provision of four 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 Clehonger in the first instance as per the draft Heads of Terms attached to this report.

### **Neighbourhood Planning**

- 6.15 The Parish Council has not yet designated a Neighbourhood Plan Area, although an application is expected shortly. At this stage, therefore, there is no neighbourhood plan to consider. The Parish Council has, however, expressed its support for the proposal.

### **Conclusion**

- 6.16 The site is immediately adjacent the settlement boundary (H4) and Clehonger 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 no identified significant and demonstrable adverse impacts outweighing the benefits associated with the scheme. The applicants have also agreed to the translocation of the existing grassland of most value and are thus mitigating the effects on biodiversity. The recommendation is one of approval subject to the conditions specified below. The wording of the resolution reflects the need to complete the S106 agreement and overcome the existing Welsh Water holding objection.

### **RECOMMENDATION**

**That subject to the completion of a S106 agreement and resolution and removal of Welsh Water's holding objection, officers named in the scheme of delegation be authorised to issue planning permission subject to the conditions below and any other conditions considered necessary:-**

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. **H04 Visibility over frontage**
5. **H08 Access closure**
6. **H09 Driveway gradient**
7. **H11 Parking - estate development (more than one house)**
8. **H13 Access, turning area and parking**
9. **H17 Junction improvement/off site works**
10. **H20 Road completion in 2 years**
11. **H21 Wheel washing**
12. **H27 Parking for site operatives**
13. **I51 Details of slab levels**

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- 14. **G04 Protection of trees/hedgerows that are to be retained**
- 15. **G10 Landscaping scheme**
- 16. **G11 Landscaping scheme - implementation**
- 17. **Development shall not commence until details of the scheme for translocation of an agreed area of existing grassland on site (between 0.1-02ha) has been submitted to and approved by the local planning authority. The scheme shall include detailed proposals for the removal, storage, transportation and re-laying of the grassland at a location that shall also be agreed in writing.**

**Reason: To ensure that the ecological interest associated with the site is preserved so as to comply with Unitary Development Plan Policies NC1 and NC7 and the National Planning Policy Framework.**

- 18. **I18 Scheme of foul drainage disposal**
- 19. **I20 Scheme of surface water drainage**

**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. **HN01 Mud on highway**
- 3. **HN04 Private apparatus within highway**
- 4. **N16 Welsh Water Informative**
- 5. **HN05 Works within the highway**
- 6. **HN22 Works adjoining highway**
- 7. **HN08 Section 38 Agreement & Drainage details**
- 8. **HN07 Section 278 Agreement**

Decision: .....

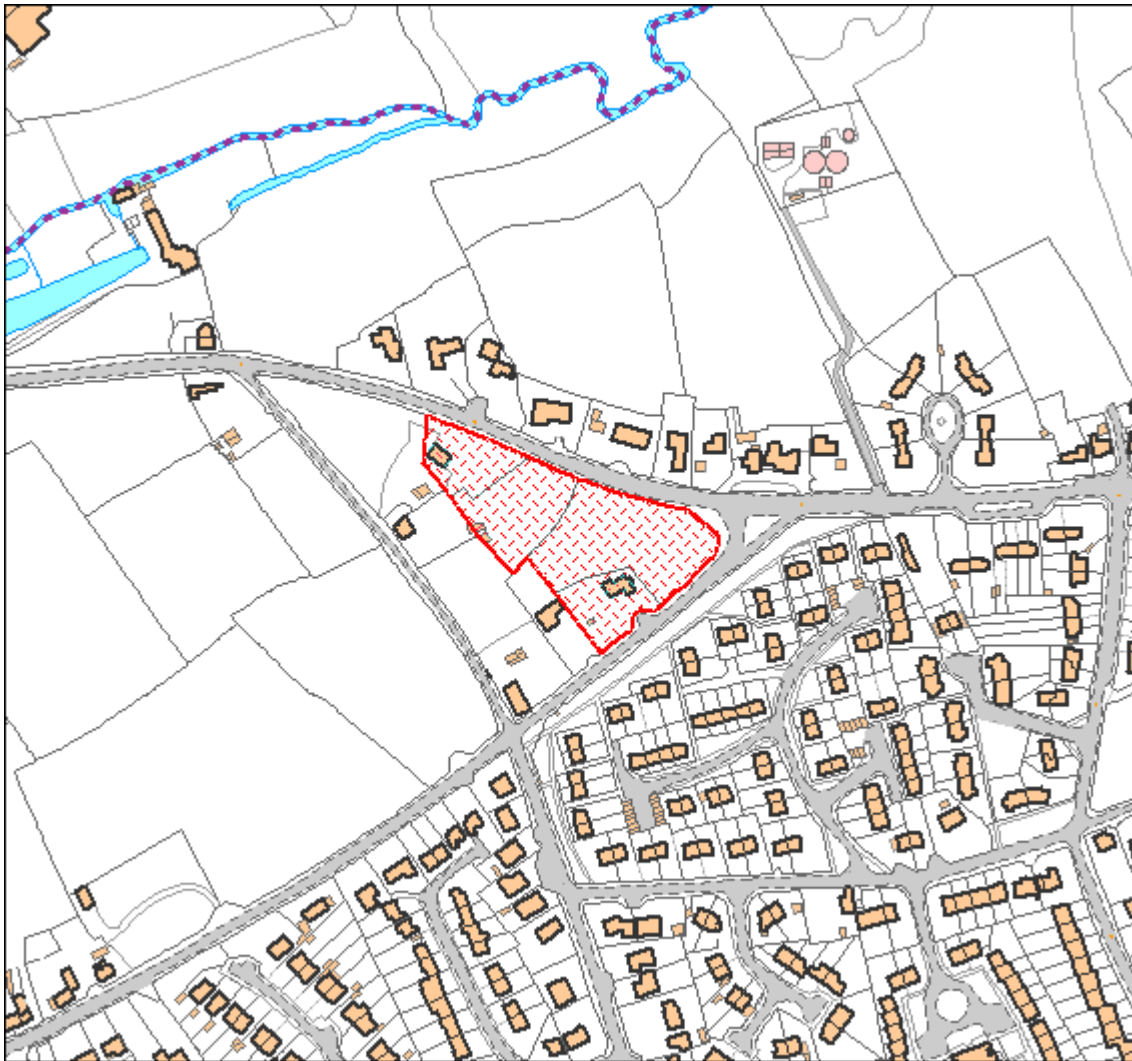
Notes: .....

**Background Papers**

Internal departmental consultation replies.

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**APPLICATION NO:** 140056/O

**SITE ADDRESS :** LAND ADJACENT TO HARPACRE, CLEHONGER, HEREFORD

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# HEADS OF TERMS

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

### Application Number: 140056/O

Proposal: Land for residential development on land at Harpacre, Clehonger, Herefordshire

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1<sup>st</sup> April 2008. All contributions in respect of the residential development are assessed against on general market units only.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of (per open market unit):  
£3,106 (index linked) for a 2/3 bedroom open market unit  
£5,273 (index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at South Hereford City Early Years, Clehonger Primary School, a proportionate contribution towards St. Mary's High School St Francis Xavier R.C Primary School and Hereford City Youth with 1% allocated for Special Education Needs. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sums of (per open market unit):  
£1966.00 (index linked) for a 2 bedroom open market unit  
£2949.00 (index linked) for a 3 bedroom open market unit  
£3932.00 (index linked) for a 4+ bedroom open market unit

to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:

- 2.1. The provision of a
- 2.2. Pedestrian improvements

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sums of (per open market unit):  
£965.00 (index linked) for a 2 bedroom open market unit  
£1,640.00 (index linked) for a 3 bedroom open market unit  
£2,219.00 (index linked) for a 4+ bedroom open market unit

To provide enhanced off-site play infrastructure within the locality of the application site. The contribution would be used in accordance with the Play Facilities Strategy and Investment Plans and in consultation with the local Parish Council and community. There is an existing small neighbourhood play area in the village which is in need of refurbishment in places as some of the equipment is now at the end of its life. A village of the size of Clehonger requires a neighbourhood play area therefore investment at the existing facility will help ensure that a quality facility is provided.

4. The developer covenants with Herefordshire Council to pay 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+ bedroom open market unit

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for sports (contribution based around the requirements of policy H19 and RST4 of the UDP and Sport England Sports Facilities Calculator). The money shall be used by Herefordshire Council to provide enhanced indoor sports facilities in Hereford City.

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

£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+ 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 1<sup>st</sup> 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 £120.00 (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 1<sup>st</sup> open market dwelling, and may be pooled with other contributions if appropriate.
7. The developer covenants with Herefordshire Council that 35% 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.
8. Of those Affordable Housing units, an agreed percentage shall be made available for social rent with the remainder being available for intermediate tenure occupation.
9. 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.
10. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-
- 10.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
- 10.2. satisfy the requirements of paragraphs 11 & 12 of this schedule
11. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
- 11.1. a local connection with the parish of Clehonger
- 11.2. in the event of there being no person with a local connection to Clehonger any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 12.1 above.
12. For the purposes of sub-paragraph 13.1 of this schedule ‘local connection’ means having a connection to one of the parishes specified above because that person:
- 12.1. is or in the past was normally resident there; or
- 12.2. is employed there; or
- 12.3. has a family association there; or

12.4. a proven need to give support to or receive support from family members; or

12.5. because of special circumstances;

13. 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 such 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.
14. 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.
15. In the event that Herefordshire Council does not for any reason use the sums 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.
16. The sums referred to in paragraphs 1, 2, 3, 4, 5 and 6 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.
17. 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.
18. 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.

June 2014

