

AGENDA

Planning Committee

Date: **Wednesday 16 September 2015**

Time: **10.00 am**

Place: **Council Chamber, The Shire Hall, St Peter's Square,
Hereford, HR1 2HX**

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

For any further information please contact:

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Agenda for the Meeting of the Planning Committee

Membership

Chairman

Councillor PGH Cutter

Vice-Chairman

Councillor J Hardwick

Councillor BA Baker

Councillor CR Butler

Councillor PJ Edwards

Councillor DW Greenow

Councillor KS Guthrie

Councillor EL Holton

Councillor JA Hyde

Councillor TM James

Councillor JLV Kenyon

Councillor FM Norman

Councillor AJW Powers

Councillor A Seldon

Councillor WC Skelton

Councillor EJ Swinglehurst

Councillor LC Tawn

AGENDA

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
4.	<p>MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 2 September 2015.</p>	7 - 26
5.	<p>CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p>	
6.	<p>APPEALS</p> <p>To be noted.</p>	27 - 32
7.	<p>142349 - LAND BETWEEN GOSMORE ROAD AND THE SEVEN STARS PUBLIC HOUSE, GOSMORE ROAD, CLEHONGER, HEREFORDSHIRE HR2 9SL</p> <p>Residential development of up to 80 houses.</p>	33 - 60
8.	<p>150743 - LAND SOUTH OF THE WHEATSHEAF INN, FROMES HILL, LEDBURY</p> <p>Proposed residential development of 20 dwellings including 7 affordable houses.</p>	61 - 76
9.	<p>150789 - LAND AT TENBURY ROAD, BRIMFIELD, HEREFORDSHIRE</p> <p>Proposed residential development comprising 15 open market houses and 5 affordable houses together with estate road, allotments with car parking and children's play area.</p>	77 - 96
10.	<p>150812 - LAND OFF WESTCROFT, LEOMINSTER, HEREFORDSHIRE, HR6 8HG</p> <p>Site for proposed residential development for 30 houses.</p>	97 - 114

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 2 September 2015 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor J Hardwick (Vice Chairman)

Councillors: BA Baker, CR Butler, PJ Edwards, DW Greenow, KS Guthrie, EL Holton, JA Hyde, TM James, JLV Kenyon, FM Norman, AJW Powers, A Seldon, WC Skelton, EJ Swinglehurst and LC Tawn

In attendance: Councillor H Bramer

38. APOLOGIES FOR ABSENCE

None.

39. NAMED SUBSTITUTES

None.

40. DECLARATIONS OF INTEREST

Agenda item 10: 150431 – Land Opposite Brook Farm, Marden

Councillor BA Baker declared a non-pecuniary interest as he had been a Marden Parish Councillor when the Parish Council had considered the original application. He stated that he was able to consider the application before the Committee with an open mind.

Agenda item 11: 152012 – Church Cottage, Hoarwithy, Hereford

Councillor PGH Cutter declared a non-pecuniary interest as a member of the Wye Valley AONB Joint Advisory Committee.

Councillor J Hardwick declared a non-pecuniary interest as a member of the Wye Valley AONB Joint Advisory Committee.

Councillor EL Holton declared a non-pecuniary interest because she knew the applicant as a fellow Councillor.

41. MINUTES

RESOLVED: That the Minutes of the meeting held on 15 July 2015 be approved as a correct record and signed by the Chairman.

42. CHAIRMAN'S ANNOUNCEMENTS

None.

43. APPEALS

The Planning Committee noted the report on appeals that had been circulated as a supplement.

The Senior Litigator agreed to provide a written answer in response to a question about the payment of costs if an appeal was dismissed at a Public Inquiry.

44. 150888 - LAND TO THE WEST OF A40, WESTON-UNDER-PENYARD, HEREFORDSHIRE, HR9 7PA

(Outline application for proposed erection of (up to) 35 dwellings with new access and associated landscaping and parking.)

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mrs S Lewis, of Weston under Penyard Parish Council spoke in opposition to the Scheme. Mr C Morris, a local resident, spoke in objection. Mr G Wakefield, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor H Bramer, spoke on the application.

He made the following principal comments:

- The site had been identified as a preferred site for development in the Parish Council's 2013 housing survey. The only matter of concern was the density of development. The proposal was for 35 dwellings representing 27 dwellings per hectare; the Parish Council had requested that the development should be limited to a maximum of 18 houses representing 14 dwellings per hectare.
- The Neighbourhood Plan was expected to reach the Regulation 16 Stage within two weeks.

In the Committee's discussion of the application the following principal points were made:

- A development of 35 houses was not large and would provide 11 affordable homes for local people.
- A density of 18 dwellings was too low and did not make efficient use of the site.
- It was to be hoped that the 30 mph speed limit could be extended to assist with road safety and that a pedestrian crossing to enable people to reach the bus stop safely would be provided.
- It was requested that there should be consultation with the Parish Council on any reserved matters submission.
- It was questioned why at this late stage in the development of the Neighbourhood Plan it was at odds with the Council's view of what level of density of development was acceptable and why this had not been resolved earlier. The Development Manager commented that once the Neighbourhood Plan had been through the local consultation process the Council would comment further on any inconsistencies.

- A Member expressed reservations about the calculation of the five year housing land supply and asked when the Annual Monitoring Report would be produced.
- The Principal Planning Officer responded to a question about housing density in the village confirming that the proposed density for the site with 35 dwellings would be comparable to the density of two neighbouring sites at Penyard Gardens and Seabrook Place.
- A concern was expressed about the provision in the draft heads of terms that the maintenance of any on-site public open space would be made the responsibility of a management company. The security of funding for this arrangement was questioned. It was argued that the developer should provide the funding to ensure proper care was taken of the public open space.

The local ward member was given the opportunity to close the debate. He commented that the site was a locally preferred site for development with access to village facilities within walking distance. He accepted Members' views on the density of development.

RESOLVED: That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further 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. **B01 Development in accordance with approved plans**
5. **C01 Samples of external materials**
6. **The development shall include no more than 35 dwellings and no dwelling shall be more than two storeys high.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, H13 and the National Planning Policy Framework.

7. **H02 Single access – footway**
8. **H03 Visibility splays**
9. **H06 Vehicular access construction**
10. **H11 Parking – estate development (more than one house)**
11. **H18 On site roads – submission of details**
12. **H20 Road completion**
13. **H21 Wheel washing**
14. **H27 Parking for site operatives**

15. **H29 Covered and secure cycle parking provision**
16. **The recommendations set out in the ecologist's report from All Ecology dated October 2014 should be followed. Prior to commencement of the development, a habitat protection and enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, The scheme should include a timetable for completion of habitat protection and enhancement measures and they 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.

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

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

17. **G04 Protection of trees/hedgerows that are to be retained**
18. **G09 Details of boundary treatments**
19. **G10 Landscaping scheme**
20. **G11 Landscaping scheme - implementation**
21. **L01 Foul/surface water drainage**
22. **L02 No surface water to connect to public system**
23. **L03 No drainage run-off to public system**
24. **L04 Comprehensive and integrated draining of site**
25. **E01 Site investigation - archaeology**
26. **I13 Scheme to protect new dwellings from road noise**

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. **HN10 No drainage to discharge to highway**
3. **HN08 Section 38 Agreement & Drainage details**

4. **HN07 Section 278 Agreement**
5. **HN04 Private apparatus within highway**
6. **HN01 Mud on highway**
7. **HN24 Drainage other than via highway system**
8. **HN05 Works within the highway**
9. **HN28 Highway Design Guide and Specification**

45. 151251 - LAND ADJACENT TO THE B4222, LEA, ROSS ON WYE, HEREFORDSHIRE

(Proposed erection of up to 38 dwellings (including details of access))

The Principal Planning Officer gave a presentation on the application. He noted that the application was a resubmission of an application that had been refused by the Committee on 11 February 2015.

In accordance with the criteria for public speaking, Mr P Fountain of Lea Parish Council spoke in opposition to the Scheme. Mr S Banner, Chairman of Lea Action Group, spoke in objection. Mr B Weatherley, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor H Bramer, spoke on the application.

He made the following principal comments:

- The site was in the open countryside not on the edge of the village.
- It was a mile from the school and the access would mean that people would have to drive to it.
- He did not consider it to be the most suitable site in the village for development, as had been suggested by officers.
- Lea had met its housing allocation with up to 59 dwellings having been approved in the past 6 months.
- The site was in a valley and he considered it likely to be at risk of flooding.
- In summary nothing had changed since the Committee had refused the application in February. The grounds on which that application had been refused, set out at paragraph 3.1 of the report, remained valid.

In the Committee's discussion of the application the following principal points were made:

- The emerging Core Strategy identified a 14% minimum growth target for Lea over the plan period. That target had already been exceeded.
- The application was a resubmission and there needed to be good grounds for the Committee to overturn its previous decision. There had been no significant change

to the application. The reasons for refusing the application in February remained valid.

- There had been no accidents in the location and highway safety was not a ground for refusal.
- Drainage issues could be resolved and were not a ground for refusal. In relation to this view it was observed that Welsh Water had expressed strong concerns about overland flooding downstream of the proposal. It was also noted that the exact cost for the flood attenuation works was not yet known.
- A Planning inspector had stated in response to an appeal in another county that because an area of land had no landscape designation that did not mean that the landscape could be considered to have no value.
- The Council had indicated that it was reluctant to adopt the bridges shown on the indicative layout plans. This had implications for future maintenance.
- A concern was expressed that the provision in the Core Strategy of minimum growth targets put the Committee in a difficult position in refusing applications, particularly whilst such weight continued to be given to the absence of a five year housing land supply. It was asked when the Annual Monitoring Report and a revised assessment of the County's five year housing land supply, the current calculation of which was questioned, would be produced.

The local ward member was given the opportunity to close the debate. He reiterated his opposition to the Scheme.

The Principal Planning Officer commented that the growth targets in the Core Strategy were minimum targets. National guidance was that setting a ceiling on growth was not the preferred course and that there should be flexibility. Officers remained of the view that the site was the most appropriate for development in Lea.

He added that the draft heads of terms provided for a sum for the delivery of a flood attenuation scheme. He noted that the sum was calculated on the basis of a reduced affordable housing provision of only six dwellings. The applicant could have asked for a further reduction.

RESOLVED: That planning permission be refused for the following reasons:

- 1. The proposal represents the addition of a significant residential development in Lea where; in the context of this village location, other large-scale development has recently been approved. It is therefore considered that this proposal represents an over-development that would detrimentally change the rural character of the eastern fringe of the village, contrary to Policies DR1, H13 and LA3 of the Herefordshire Unitary Development Plan. The Council does not consider that the visual impacts of the development can be mitigated through the imposition of conditions. The scheme fails to contribute to the protection or enhancement of the natural or built environment and therefore the proposal also fails to meet the aims of the National Planning Policy Framework.**
- 2. The application is not accompanied by a completed Section 106 agreement which is considered necessary to make the development acceptable. It is therefore contrary to Policy DR5 of the Herefordshire Unitary Development**

Plan and the Council's Supplementary Planning Document on Planning Obligations.

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 and by identifying matters of concern with the proposal and clearly setting these out in the reason for refusal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

(The meeting adjourned between 11.27 and 11.40 am)

46. 143842 - LAND TO THE NORTH OF THE A40, EAST OF HUNSDON MANOR, WESTON-UNDER-PENYARD, ROSS-ON-WYE, HEREFORDSHIRE

(Outline application for 37 dwellings 13 of which would be affordable) with all matters except access reserved for future consideration)

The Principal Planning Officer gave a presentation on the application. He noted that, as stated in the Committee update, no specific representations of objection had been received in relation to the reconsultation exercise for the revised scheme before the Committee for 37 dwelling houses.

In accordance with the criteria for public speaking, Mrs S Lewis of Weston under Penyard Parish Council spoke in support of the Scheme. Mr C Bailey, a local resident, spoke in objection. Mr P Deeley, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor H Bramer, spoke on the application.

He made the following principal comments:

- The Parish Council had no objection to the proposal and the site was a preferred site for development in the Neighbourhood Plan. He too supported the proposal.
- He welcomed the public open space to be provided and the provision of a pedestrian crossing which would also benefit neighbouring developments.
- The density of development reflected the fact that part of the site would not be developed in order to preserve archaeological remains. The Neighbourhood Plan supported provision of up to 37 dwellings on the site.

In the Committee's discussion of the application the following principal points were made:

- It would be important to ensure that the public open space was properly maintained.
- The pedestrian crossing and extended 30mph speed limit should be in place before the site was occupied. The highway safety requirements of this application and application 150888 – land to the west of A40 Weston under Penyard, approved by the Committee earlier in the meeting needed to be considered in conjunction with one another.

- The Principal Planning Officer confirmed that there was capacity at the primary school. The Development Manager confirmed that if this was the case the school could not therefore benefit from the S106 agreement. It was requested that this matter should be discussed with the Chairman and local ward member.
- The Parish Council was to be congratulated for its work in completing a Neighbourhood Plan.

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

RESOLVED: That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions set out below:-

- 1 The development shall not commence until approval of the following reserved matters have been obtained from the Local Planning Authority:-

- Appearance
- Landscaping
- Layout
- Scale

An application for reserved matters shall be made to the Local Planning authority before the expiration of five years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of five years from the date of approval of the last reserved matters to be approved, which is the later.

Reason: No such details have been submitted and in accordance with Section 92 of the Town and Country Planning Act 1990.

- 2 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 the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

- 3 The Remediation Scheme, as approved pursuant to condition number 2 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 the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

- 4 The recommendations sections 1.2.1 and 1.2.9 of the updated ecologist's report from James Johnston dated January 2015 shall be followed in relation to species mitigation and habitat enhancement.

Reasons:

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

b) To comply with Policies NC8 and NC9 of 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.

- 5 An appropriately qualified and experienced clerk of works shall be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation works.

Reasons:

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

b) To comply with Policies NC8 and NC9 of 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.

- 6 Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-

- Full foul and surface water drainage details (including a) a revised drainage drawing with supporting calculations showing the final size of the infiltration basin and proposals in relation to the existing pond; b) results of infiltration testing undertaken in accordance with BRE365 and results of recorded groundwater levels; c) evidence that the applicant has considered ground contamination risks; and d) proposals for the adoption and maintenance of the surface and foul water drainage systems).
- Full details as to the proposed importation of protective topsoil and the anti-metal detecting “seeding” to the safeguarded archaeological area detailed upon Drawing number DRG REF : MF/14/GRWUP/003A/COL.ID/PLAN received 27 July 2015.
- Full details (siting/ design appearance and wording) of the archaeological remains interpretation board / sign.
- Full details of all means of enclosure (i.e. fences, walls, gates or other means of enclosure).
- Full written details of the surfacing materials to be used upon the access, driveways, turning / manoeuvring areas and parking areas.
- Unless otherwise agreed in writing with the Local Planning Authority, full details of the restoration and retention of the roadside water trough.

Development shall not commence until the written approval of the Local Planning Authority has been obtained. The development shall be carried out in strict accordance with the approved detail and thereafter maintained.

Reasons:

- a) To ensure satisfactory drainage details.
- b) To ensure suitable protection to the extensive archaeological remains of high significance, in accordance with the Central Government advice contained within paragraph 135 of the National Planning Policy Framework and Policy ARCH4 of the Herefordshire Unitary Development Plan 2007.
- c) To ensure a satisfactory appearance to the development in accordance with Policies DR1, LA2 and H13 of the Herefordshire Unitary Development Plan 2007.
- d) To ensure that a structure of local historical interest is retained.

- 7 Prior to the first occupation of the dwellinghouses within 30 metres of the A40, the noise mitigation measures specified in Section 4 on pages 5 and 6 of the Hepworth Acoustics Noise and Vibration Consultants ‘Noise Assessment’ dated March 2015 shall be fully implemented.

Reason: To ensure that the occupiers of the proposed dwellinghouses enjoy a satisfactory level of amenity not adversely affected by road traffic noise, in accordance with Policy DR13 of the Herefordshire Unitary Development Plan 2007.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification, the area outlined in green on DRG REF : MF/14/GRWUP/003A/COL.ID/PLAN received 27 July 2015 shall be kept free of any development, other than any play equipment

agreed in the cross-hatched area and any other form of development permitted by virtue of the conditions upon this planning permission.

Reason: To ensure suitable protection to the extensive archaeological remains of high significance, in accordance with the Central Government advice contained within paragraph 135 of the National Planning Policy Framework and Policy ARCH4 of the Herefordshire Unitary Development Plan 2007.

- 9 Prior to commencement of the development hereby permitted all of the trees shown to be retained, the tree the subject of the Tree Preservation Order upon the site and the trees the subject of a Tree Preservation Order the other side of the western boundary of the site whose roots and canopies encroach upon the site, shall be protected by fencing in accordance with the advice contained within BS5837:2012. Once these protective measures have been erected but prior to commencement of the development a suitably qualified arboricultural consultant appointed by the developer shall inspect the site and write to the Local Planning authority to confirm that the protective measures are in-situ. Upon confirmation of receipt of that letter by the Local Planning authority the development may commence but the tree protection measures must remain in-situ until completion of the development.

Reason: To ensure that there is no damage during the construction phase to the trees on the site to be retained and that are recognised to be of amenity value, in accordance with Policy LA5 of the Herefordshire Unitary Development Plan 2007.

- 10 Prior to commencement of the development hereby permitted the area outlined in green on DRG REF: MF/14/GRWUP/003A/COL.ID/PLAN received 27 July 2015 shall be protected by appropriate robust fencing. Once these protective measures have been erected but prior to commencement of the development a suitably qualified archaeological consultant appointed by the developer shall inspect the site and write to the Local Planning authority to confirm that the protective measures are in-situ. Upon confirmation of receipt of that letter by the Local Planning authority the development may commence but the tree protective measures must remain in-situ until completion of the development.

Reason: To ensure suitable protection to the extensive archaeological remains of high significance, in accordance with the Central Government advice contained within paragraph 135 of the National Planning Policy Framework and Policy ARCH4 of the Herefordshire Unitary Development Plan 2007.

- 11 No materials shall be stored, no vehicles or machinery stored or parked and no fires lit within the fenced areas referred to in conditions 9) and 10) above.

Reasons:

a) To ensure that there is no damage during the construction phase to the trees on the site to be retained and that are recognised to be of amenity value, in accordance with Policy LA5 of the Herefordshire Unitary Development Plan 2007.

b) To ensure suitable protection to the extensive archaeological remains of high significance, in accordance with the Central Government advice contained within paragraph 135 of the National Planning Policy Framework and Policy ARCH4 of the Herefordshire Unitary Development Plan 2007.

- 12 With regard all that part of the application site outside the area outlined in green on DRG REF : MF/14/GRWUP/003A/COL.ID/PLAN received 27 July 2015, no development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason: The application site outside of the safeguarded area in green, contains some additional archaeological remains that whilst not meriting preservation in-situ, do merit appropriate archaeological recording as mitigation of their loss. This recording would be in line with paragraph 141 of the National Planning Policy Framework, and would comply with the requirements of Policy ARCH6 of the Herefordshire Unitary Development Plan 2007.

- 13 No work on site shall take place until a detailed design and method statement for the foundation design and all new groundworks has been submitted to, and approved in writing by, the Local Planning Authority. The development hereby permitted shall only take place in accordance with the detailed scheme pursuant to this condition.

Reason: The development affects a site on which archaeologically significant remains survive and a design solution is sought to minimise disturbance through a sympathetic foundation design.

- 14 Prior to the first occupation of any of the dwellinghouses hereby permitted, visibility splays of 2.4m x 120 metres in both directions shall be provided and be kept free of obstruction above 0.9 metre measured from ground level. Thereafter these visibility splays shall be maintained free of obstruction.

Reason: In the interests of highway safety, in accordance with Policy DR3 of the Herefordshire Unitary Development Plan 2007.

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 The contaminated land assessment is required to be undertaken in accordance with good practice and needs to be carried out by a suitably competent person as defined within the National Policy Framework 2012.
- 3 The Local Planning Authority require all investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included in any submission.

4 Whilst plans MF.14.GRWP.003A and DRG REF: MF/14/GRWUP/003A/COL.ID/PLAN received 27 July 2015 has been approved in terms of access, the layout has NOT been approved. Furthermore the applicant or any future applicant with regard any subsequent reserved matters application is informed that the Local Planning Authority would be seeking an appropriate open market housing mix such as:-

- 7 x 2 bed
- 14 x 3 bed
- 3 x 4 bed

An appropriate housing mix is required to ensure compliance with para. 5.2.2 and Policy S3 of Herefordshire Unitary Development Plan together with the emerging Core Strategy.

NOTE

(In response to questions raised earlier in the meeting the Head of Development Management and Environmental Health reported the following statement received from the Assistant Director Economic Environmental and Cultural Services: "The status of the Annual Monitoring Report is that the receipt of the Inspector's report on the Core Strategy is awaited. The Annual Monitoring Report for 2014-15 should therefore be prepared by the end of this calendar year, as required by government. In the event that the Inspector concludes that the core strategy (local plan) meets the tests of soundness and that the Council can proceed to its adoption we would at that point anticipate having a 5 Year Housing Land Supply based on the release of strategic housing sites and their proposed trajectories".)

47. 150431 - LAND OPPOSITE BROOK FARM, MARDEN, HEREFORDSHIRE, HR4 9EA

(Proposed residential development of up to 50 homes)

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 R Bartup of Marden Parish Council spoke in opposition to the Scheme. Mr M Parkes, a local resident, spoke in objection. Ms R Andrews, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor KS Guthrie, spoke on the application.

She made the following principal comments:

- The site was in an elevated position in the open countryside on the edge of Marden. It was isolated and not close to the school or shops. She agreed with the Parish Council's view that the site was not sustainable. It conflicted with the National Planning Policy Framework in that it was not land of the right type, not in the right place and did not meet the community's need.

- The large development proposed would have an adverse impact on the setting and landscape and would be out of character.
- Haywood lane which joined the A49 to Marden crossed the Grade 2* listed Leystone bridge. Heavy traffic had to cross this bridge to reach the S& A Davies site which was opposite the proposed development. The lane was also subject to flooding and was then closed by new floodgates.
- The Neighbourhood Plan was at Regulation 14 Stage. The Plan sought to achieve a vibrant village centre with proportionate growth, retaining the villager character. A consultation exercise had concluded that this was the least favoured site for development out of five identified. There was a preferred site in the heart of the village. It was proposed that a community hall would be provided as part of that development.
- There were concerns that the site was close to the River Lugg flood plain and that water run off could have an adverse effect on the River Lugg and the River Wye Special Area of Conservation (SAC). She highlighted the comments of Natural England set out in the Committee update relating to phosphate levels in the River Wye.
- She cited a number of policy grounds for refusing the application.

In the Committee's discussion of the application the following principal points were made:

- The development would provide affordable housing.
- The village was sustainable. The development had connectivity to the village and was also therefore sustainable. There were no strong grounds for refusal.
- A Member commented that the report stated that the development would not have an adverse impact on the River Lugg. Others expressed the view that the cumulative effect of phosphates in the rivers was of concern.
- The Parish Council was opposed to the proposal.
- The access to the development was 800m from the school/village hall and shop. It was generally accepted that people would use cars to travel distances greater than 400m.
- The site had been considered during the 2009 Strategic Housing Land Availability Assessment. to have significant constraints. This related to the apparent lack of pedestrian access to the village. There was a risk to pedestrians from the lorries travelling to the S&A Davies site.
- There was some suggestion that the proposed footpath from the development would not connect with the existing footpath as there was an area between the two that was in private ownership. In response the Traffic Manager commented that a footpath could be provided within the highway boundary.
- There were two other proposed potential sites within the centre of Marden, one for 90 houses next to the school.

- A concern was expressed that the development was in conflict with the neighbouring farming operation which generated frequent lorry movements. Noise attenuation measures were unsatisfactory. The development was contrary to policy DR13. It did not fulfil the definition of sustainable development within the NPPF.
- The benefits of the scheme had to be balanced against the harm it might cause. The development was on an elevated site and would have a negative impact on the landscape and the historic setting. The Conservation Manager (Landscape) had expressed some reservations. There were also environmental concerns about the impact on the River Lugg and the River Wye SAC. These factors weighed against the development.
- It had been clarified since the Committee's previous meeting that if the Committee were to refuse an application a Planning Inspector hearing any appeal would take account of the circumstances before him including any developments that might have taken place since the Committee made its decision such as, in this case, the adoption of both the Core Strategy and the Marden Neighbourhood Plan. Paragraph 17 of the NPPF stated that one of the planning principles should be that planning was plan led. This supported a decision to refuse the application.

The Development Manager commented that the Committee should consider the site on its own merits. There was no evidence that technical issues including water management could not be addressed.

The Head of Development Management and Environmental Health commented that noise had not been raised as an issue with the Environmental Health Service. In response to a question he stated that, historically there had been some local public concerns about the operation of S&A Davies. However, a residents liaison group had been established and his understanding was that matters were now satisfactory.

The local ward member was given the opportunity to close the debate. She reiterated her opposition to the proposal. She considered the development in the open countryside to be very detrimental. There were concerns about the location near to S&A Davies including noise and highway safety issues.

A motion that the application be approved was defeated.

Members advanced a number of grounds for refusal taking into account the representation of the Parish Council set out at paragraph 5.1 of the report and a number of policies cited as grounds for refusal by the local ward member. Following a brief adjournment the Senior Litigator suggested that the principal grounds for refusal Members had identified could be summarised as landscaping, lack of integration with the community and sustainability.

RESOLVED: That planning permission be refused and officers named in the Scheme of Delegation to Officers be authorised to finalise the drafting of the reasons for refusal for publication based on the grounds of landscaping, lack of integration with the community and sustainability.

48. 152012 - CHURCH COTTAGE, HOARWITHY, HEREFORD, HR2 6QQ

(Proposed oak framed conservatory to the side elevation (south))

(Councillor PGH Cutter, J Hardwick, EL Holton and EJ Swinglehurst declared non-pecuniary interests.)

The Principal Planning Officer gave a presentation on the application.

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

1. C01 – Time limit for development
2. C07 – Development in accordance with approved plans and details
3. The external joinery of the conservatory should be finished in a colour no paler than oak.

Reason: To ensure a satisfactory appearance to the development and in the interests of maintain and enhancing the character and appearance of the conservation area and to satisfy Herefordshire Local Plan policies DR1 and HBA6 and the relevant heritage aims and objectives of the National Planning Policy Framework.

Informative

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

49. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of Updates

The meeting ended at 1.20 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 2 September 2015

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

143842 - OUTLINE APPLICATION FOR 37 DWELLINGS (13 OF WHICH WOULD BE AFFORDABLE) WITH ALL MATTERS EXCEPT ACCESS RESERVED FOR FUTURE CONSIDERATION AT LAND TO THE NORTH OF THE A40, EAST OF HUNSDON MANOR, WESTON-UNDER-PENYARD, ROSS-ON-WYE, HEREFORDSHIRE

For: Mr & Mrs Mills per c/o RCA Regeneration Limited, Unit 6 De Salis Court, Hampton Lovett, Droitwich Spa, Worcestershire, WR9 0QE

ADDITIONAL REPRESENTATIONS

No specific representations of objection have been received in relation to the reconsultation exercise with respect to the revised scheme for 37 dwellinghouses.

OFFICER COMMENTS

The third sentence in paragraph 6.5 should read:-

“It is understood that 2 have already been built and 8 were committed as of 1st April 2014, leaving a residual of at least 55 new dwellinghouses”

NO CHANGE TO RECOMMENDATION

150431 - PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 50 HOMES AT LAND OPPOSITE BROOK FARM, MARDEN, HEREFORDSHIRE, HR1 3ET

For: Mr Paske per Hook Mason Limited, 41 Widemarsh Street, Hereford, Herefordshire, HR4 9EA

ADDITIONAL REPRESENTATIONS

Natural England

**River Wye SAC - Habitats Regulations Assessment (HRA) screening needed.
- Consideration is required of how and if this proposal will fit into the tally of modelled headroom.**

Natural England is concerned that the cumulative impact of developments approved should be considered relative to the conservation objective target for phosphates in the River Wye SAC.

The proposed housing numbers within the emerging Core Strategy are based on modelling which has shown that up to approximately 5300 population equivalent can be accommodated across rural HMAs 1) within the existing discharge consents (permission for Welsh Water to discharge to the River Wye SAC, granted by the Environment Agency), and 2) without causing the River Wye SAC conservation objective target for phosphates to be exceeded (without causing adverse effect on integrity (AEOI)). Additional development above what has been proposed in the emerging Core Strategy and therefore modelled as part of the Nutrient Management Plan (NMP) will affect the ability of the NMP to reduce phosphate in the River Wye SAC, and the emerging Core Strategy's HRA compliancy.

OFFICER COMMENTS

The comments from Natural England point to the need to monitor planning permissions granted, which is work on-going for a number of reasons. Ultimately sufficient headroom capacity exists to accommodate this development and the Natural England comments are not a barrier to granting outline planning permission in this case; particularly in the light of Welsh Water's acknowledgement that they can accommodate foul waste from this site without the need for any sewerage system upgrade.

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING COMMITTEE
DATE:	16 SEPTEMBER 2015
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not an executive decision

Recommendation

That the report be noted.

APPEALS RECEIVED

Application 151249

- The appeal was received on 21 August 2015
- 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 Carolyn Bradley
- The site is located at Land adjacent to Putley Court, Putley
- The development proposed is Proposed construction of a single dwelling.
- The appeal is to be heard by Written Representations

Case Officer: Mr A Prior on 01432 261932

Enforcement Notice 152499

- The appeal was received on 19 August 2015
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr John Hanson
- The site is located at Park Gate Cottage, Ivington, Leominster, Herefordshire, HR6 0JX
- The breach of planning control alleged in this notice is:
 - It appears to the Council that the above breach of planning control has occurred within the last four years.
 - The works undertaken to rebuild a redundant building constitutes operational development for which planning permission has not been granted.

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

- An application for the unauthorised development would not receive officer support as having regards to Policy H7 of the Herefordshire Unitary Development Plan it is not a location where planning permission would be granted for what is effectively a new dwelling. The site lies in an unsustainable location and is contrary to the guiding principles of the National Planning Policy Framework.
- The requirements of the notice are:
 1. Permanently cease rebuilding of the unauthorised building
 2. Permanently demolish the unauthorised building and remove all resulting brickwork and waste materials from the site to a registered waste disposal site.
- The appeal is to be heard by Written Representations

Case Officer: Mr M Tansley on 01432 261815

Application 143833

- The appeal was received on 25 August 2015
- 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 Alice Hayter
- The site is located at Lavender Cottage, Common Hill, Fownhope, Hereford, Herefordshire, HR1 4QA
- Proposed new double garage including garden store, lean-to firewood store and home office above; to include change of use of land from Orchard to residential.
- The appeal is to be heard by Written Representations

Case Officer: Mrs Charlotte Atkins on 01432 260536

Application 150269

- The appeal was received on 25 August 2015
- 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 Mr Pugh
- The site is located at Ford Dene, Ford, Leominster, Herefordshire, HR6 0PB
- The development proposed is Proposed erection of 2 no. detached bungalows
- The appeal is to be heard by Written Representations

Case Officer: Mr A Prior on 01432 261932

Application 143290

- The appeal was received on 26 August 2015
- 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 Mr Peter Clay
- The site is located at Parlours Barn, Brockhampton, Herefordshire, HR1 4SE
- The development proposed is Proposed alternative arrangement of parking area.
- The appeal is to be heard by Written Representations

Case Officer: Mrs Charlotte Atkins on 01432 260536

Application 151548

- The appeal was received on 3 September 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Planning Conditions

- The appeal is brought by Mrs Kimberley Manning
- The site is located at Land at Y Tylluan, Kinnersley, Hereford, HR3 6QA
- Proposed erection of a 14 unit cattery, 1 no. isolation unit and a reception/kitchen in the rear of the garden
- The appeal is to be heard by Written Representations

Case Officer: Mr Andrew Stock on 01432 383093

APPEALS DETERMINED

Application 142930

- The appeal was received on 13 May 2015
- 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 Mike Baggett
- The site is located at Land adjacent to Burnt House, Bridstow, Ross-on-Wye, Herefordshire
- The development proposed was Site for proposed residential development for 35 dwellings of which 13 will be affordable (37%)
- The main issues were:
 - (a) the effect of the proposed development upon the character and appearance of the appeal site and surrounding area which form part of the Wye Valley Area of Outstanding Natural Beauty (AONB), and with particular regard to the proposal's location and scale;
 - (b) the effect of the proposed development upon the free and safe movement of vehicles, pedestrians and cyclists in the vicinity of the site;
 - (c) whether the proposed scheme would constitute sustainable development;
 - (d) the possible need or otherwise for a section 106 agreement.

Decision:

- The application was Refused under Delegated Powers on 17 December 2014
- The appeal was Dismissed on 19 August 2015
- An Application for a partial award of Costs, made by the Appellant against the Council, was Dismissed

Case Officer: Mr A Banks on 01432 383085

Application 141413

- The appeal was received on 11 May 2015
- 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 Mrs Susan Evans
- The site is located at The Nest, Moreton Eye, Leominster, Herefordshire, HR6 0DP
- The development proposed was Proposed provision of two external porches to south elevation
- The main issue was whether the proposal would preserve the special architectural and historical interest of the Grade II listed building.

Decision:

- The application was Refused under Delegated on 9 December 2014
- The appeal was Allowed on 27 August 2015

Case Officer: Mr A Prior on 01432 261932

Enforcement Notice 150746

- The appeal was received on 5 March 2015
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice

- The appeal is brought by Mr Kenneth Williams
- The site is located at Wyeside, Outfall Works Road, Hereford, Herefordshire, HR1 1XY
- The breach of planning control alleged in this notice is:
 - Without planning permission, the erection of a fence in excess of 1 metre in height (being a form of operational development) adjacent to a highway.
- The requirements of the notice are:
 - Permanently reduce the height of the boundary fence, between points X and Y adjacent to the highway as shown on the attached plan, to a height not to exceed one (1) metre along its whole length.
 - Remove all material resulting from reduction of the fence from the land.
- The main issue was whether the fence constituted operational development and whether this benefited from Permitted Development Rights

Decision:

- The appeal was Dismissed on 27 August 2015

Case Officer: Mrs Charlotte Atkins on 01432 260536

Application 141550

- The appeal was received on 30 March 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by The Church Commissioners for England
- The site is located at Land West of Upper Court Road, Bosbury, Ledbury, Herefordshire
- The development proposed was Proposed site for up to 46 dwellings, new access from Upper Court, together with open space, parking and associated infrastructure.
- The main issues were:

In the light of the above and the written and oral evidence, I consider the main issues in this case to be whether the benefits of the proposed development would be significantly and demonstrably outweighed by any harm arising from its effect on the character, appearance and setting of the village and, in particular, whether the character and appearance of the Bosbury Conservation Area would be preserved or enhanced and whether the settings of listed buildings and ancient monuments would be preserved.

Decision:

- The application was Refused at Planning Committee on 19 November 2014.
- The appeal was Dismissed on 26 August 2015

Case Officer: Mr C Brace on 01432 261947

Application 142612

- The appeal was received on 28 May 2015
- 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 Brilley Court Farms Ltd
- The site is located at Cefn Farm, Brilley, Whitney-On-Wye, Hereford, Herefordshire, HR3 6JN
- The development proposed was Proposed erection of an agricultural workers dwelling
- The main issue in this case is whether there is an essential agricultural need for the proposed dwelling, which is likely to be sustained in the long term, so as to justify making an exception to the strict local and national policies of restraint on new residential development in the countryside.

Decision:

- The application was Refused under Delegated Powers on 28 October 2014
- The appeal was Allowed on 3 September 2015

Case Officer: Mr Andrew Stock on 01432 383093

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



MEETING:	PLANNING COMMITTEE
DATE:	16 SEPTEMBER 2015
TITLE OF REPORT:	<p>P142349/O - RESIDENTIAL DEVELOPMENT FOR UP TO 80 HOUSES ON LAND BETWEEN GOSMORE ROAD AND THE SEVEN STARS PUBLIC HOUSE, GOSMORE ROAD, CLEHONGER, HEREFORDSHIRE HR2 9SL</p> <p>For: Mr & Mrs Gladwyn & Mrs J Davies per Mr James Spreckley, Brinsop House, Brinsop, Hereford, Herefordshire HR4 7AS</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=142349&search=142349

Date Received: 1 August 2014

Ward: Stoney Street

Grid Ref: 345363,237694

Expiry Date: 17th September 2015

Local Member: Councillor S Williams

1. Site Description and Proposal

- 1.1 Outline planning permission with all matters bar access reserved is sought for the erection of up to 80 dwellings on land between The Seven Stars Public House and Gosmore Road, Clehonger. Clehonger is defined as a main village in both the Herefordshire Unitary Development Plan and emerging Core Strategy approximately 4km south west of the outskirts of Hereford City.
- 1.2 The site lies immediately adjacent to the settlement boundary and is bound by the B4349 to the north and Gosmore Road to the south. The village playing field and village hall lie to the west, with open countryside to the east. Clehonger Primary School stands on Gosmore Road just beyond the site's south-western corner.
- 1.3 The site is down to pasture and extends to 2.82ha, equivalent to a density of 28 dwellings/ha, contained by the two roads which run roughly in an east-west direction. There is an existing footway across its northern frontage that leads from the public house westwards towards the main body of the village. Public footpath CH12 enters the site from Gosmore Road in the south-eastern corner, runs parallel to the eastern boundary and exits onto the main road by the public house next to a bus stop. Public footpath CH4A runs alongside the site's western boundary within the village playing field before diverting around the village hall to exit on the pavement adjacent the B4349. There is a gradual fall within the site from a high-point in the south-west corner at 95mAOD to 88m AOD adjacent the pub.
- 1.4 The proposed point of vehicular access into the site is from the main B4349 road. The 30mph speed limit starts immediately east of the proposed junction.

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

- 1.5 The application is accompanied by the following documents:
- Planning, Design and Access Statement;
 - Transport Statement;
 - Ecological Assessment;
 - Flood Risk Assessment;
 - Landscape and Visual Impact Assessment;
 - Tree Report;
 - Contamination Report; &
 - S106 draft Heads of Terms.
- 1.6 A Development Framework Plan has been prepared. This illustrates the proposed point of access from the main road, and the retention of all existing hedgerow and specimen trees with the exception of that removed to create the access and a small section to allow for the extension of a proposed on-site shared footway/cycleway running parallel with the site's southern boundary. This would link the site to the public footpath network and the village playing field, school and hall beyond. A potential SUDs attenuation basin is identified on the lowest-lying land to the east. As this is an application in outline with all matters bar access reserved, there is no detailed submission relating to the appearance or scale of the development.
- 1.7 This site has, in conjunction with land adjoining Glasnant House been assessed as having low or minor constraints as part of the Strategic Housing Land Availability Assessment (HLAA/041/001/Adj Glasnant) and is considered to have good access to services such as the local primary school, shop and village hall and good public transport links to the wider area; bus stops are found immediately adjacent the site on the main road. The site falls within Flood Zone 1, the land least liable to flooding, although there is evidence of surface water flooding off-site to the east.
- 1.8 As a main village within the Hereford Housing Market Area the proportionate growth target across the parish is a minimum of 18% over the lifetime of the Core Strategy to 2031. This figure equates to 109 dwellings minus existing commitments.
- 1.9 The proposal has been screened against the Environmental Impact Assessment Regulations 2011 and is not considered to represent development requiring the submission of an Environmental Statement.

2. Policies

2.1 National Planning Policy Framework 2012. In particular chapters:

Introduction	-	Achieving sustainable development
Chapter 4	-	Promoting sustainable communities
Chapter 6	-	Delivering a wide choice of high quality homes
Chapter 7	-	Requiring good design
Chapter 8	-	Promoting healthy communities
Chapter 11	-	Conserving and enhancing the natural environment
Chapter 12	-	Conserving and enhancing the historic environment

2.2 National Planning Practice Guidance 2014

2.3 Herefordshire Unitary Development Plan 2007

S1	-	Sustainable development
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Further information on the subject of this report is available from Mr E Thomas on 01432 260479

S2	-	Development requirements
S3	-	Housing
S7	-	Natural and historic heritage
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning obligations
DR7	-	Flood risk
H4	-	Main village: Settlement boundaries
H7	-	Housing in the open countryside outside settlements
H9	-	Affordable housing
H10	-	Rural exception housing
H13	-	Sustainable residential design
H15	-	Density
H19	-	Open space requirements
HBA9	-	Protection of open areas and green spaces
T8	-	Road hierarchy
LA2	-	Landscape character and areas least resilient to change
LA3	-	Setting of settlements
LA5	-	Protection of trees, woodlands and hedgerow
NC1	-	Biodiversity and development
NC6	-	Biodiversity action plan priority habitats and species
NC7	-	Compensation for loss of biodiversity
ARCH6	-	Recording of archaeological remains
CF2	-	Foul drainage

2.4 Herefordshire Local Plan – Draft Core Strategy

SS1	-	Presumption in favour of sustainable development
SS2	-	Delivering new homes
SS3	-	Releasing land for residential development
SS4	-	Movement and transportation
SS6	-	Addressing climate change
RA1	-	Rural housing strategy
RA2	-	Herefordshire's villages
H1	-	Affordable housing – thresholds and targets
H3	-	Ensuring an appropriate range and mix of housing
OS1	-	Requirement for open space, sports and recreation facilities
OS2	-	Meeting open space, sports and recreation needs
MT1	-	Traffic management, highway safety and promoting active travel
LD1	-	Local distinctiveness
LD2	-	Landscape and townscape
LD3	-	Biodiversity and geodiversity
SD1	-	Sustainable design and energy efficiency
SD3	-	Sustainable water management and water resources
SD4	-	Wastewater treatment and river water quality
ID1	-	Infrastructure delivery

2.5 Neighbourhood Planning

Cleghonger Parish Council has recently applied to designate a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The Parish Council will prepare a Neighbourhood Development Plan for that area. There is no timescale for proposing/agreeing

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

the content of the plan at this stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy. At present, the NDP has no material weight for the purpose of determining planning applications.

2.6 Other Relevant National Guidance:

Planning for Growth	-	2011
Laying the Foundations	-	2011
Housing and Growth	-	2012

2.7 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 There have been a number of recent planning applications for residential development within Clehonger. Most notable is an outline application for the erection of up to 90 dwellings on land between the B4349 and B4352 Madley Road at the west of the village – 141964/O. This is undetermined and subject to a Welsh Water holding objection.

3.2 140056/O - Outline application for residential development of 13 dwellings with a Committee resolution to approve at Harpacre, adjacent the junction of the B4349/B4352. The resolution was to grant planning permission subject to removal of Welsh Water's holding objection, which persists.

3.3 141905/O - Outline application for the erection of 4 dwellings on land adjacent Glasnant House on the north-western boundary of the application site. Approved subject to conditions 15 April 2015

3.4 142423/F On the north side of the main road, to the rear of Bine Cottage is a site for the erection of 6 dwellings. This is undetermined and subject to a Welsh Water holding objection.

3.5 150959/O – Demolition and replacement of redundant agricultural buildings with up to 5 dwellings on land at Wellfield, Poplar Road, Clehonger. Approved 3 August 2015

3.6 142443/O – Site for the erection of three dwellings on land adjacent Garnom Bungalow, Clehonger. Approved 15 May 2015

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water:

Welsh Water has removed its holding objection subject to completion of a S106 agreement requiring financial contribution from the developer to enable requisite upgrade to the Wastewater Treatment Works. An excerpt from the confirmatory letter is set out below:-

"I refer to recent correspondence regarding the current planning application for up to 80 residential properties at land between Gosmore Road and the Seven Stars Public House Clehonger. As you will be aware, the foul discharges from the development would drain to our Clehonger Waste Water Treatment Works (WwTW) which is currently at capacity and cannot accept any further flows until improvement works are undertaken. I am mindful that at present

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

our position on the application is an objection, based on the impact of the proposal upon the receiving Clehonger Treatment Works.

In light of our concerns regarding the impact of the development, the developer commissioned a Feasibility Study of Clehonger WwTW to identify a solution to accommodate the flows from the site. I am pleased to advise a viable/deliverable solution has since been provided to the developer.

The most appropriate mechanism for securing the funding to deliver this solution at the WwTW is via a S106 Planning Obligation Agreement, of which Dŵr Cymru would be a signatory. Accordingly, subject to appropriate controls contained within a S106 Agreement as well as the imposition of an appropriate condition which ensures the completion of the solution in advance of the communication of flows to the public sewerage network, **we are content to remove our objection to this planning application.**

We would therefore request that if you are minded to grant Planning Consent for the above development that the **Conditions and Advisory Notes** listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Conditions

1. No dwellings hereby approved shall be beneficially occupied until necessary improvements to the Clehonger Waste Water Treatment Works to accommodate the foul flows from the development hereby approved (in accordance with the requirements as outlined in Dwr Cymru's Feasibility Study Scope issued 07/07/2015) has been completed and confirmed in writing by the Local Planning Authority.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

2. Foul water and surface water discharges shall be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

3. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

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.

4. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

5. No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved by the Local Planning Authority.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system."

- 4.2 Natural England: An original 'holding objection' in the light of uncertainty at the treatment of foul waste has been withdrawn in the light of Welsh Water's response. The content of Natural England's latest response is set out below:-

The application site is in close proximity to the River Wye Special Area of Conservation (SAC) which is a European site. The site is notified at a national level as River Wye Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features. In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

River Wye SAC- Withdrawal of objection with conditions

- Habitats Regulations Assessment (HRA) screening needed.
- Record of consent (if approved) to be added to tally of approved housing and modelled 'headroom'.

A stretch of the river from the two sewage treatment works (STW) in Hereford (Rotherwas and Eign) to the confluence with the Lugg is at risk of exceeding the River Wye SAC conservation objective target for phosphates. Modelling has shown that up to approximately 6500 population equivalent can be accommodated 1) within the existing discharge consents (permission for Welsh Water to discharge to the River Wye SAC, granted by the Environment Agency), and 2) without causing the River Wye SAC conservation objective target for phosphates to be exceeded (without causing adverse effect on integrity (AEOI)). Your emerging local plan policy 'SD4 - Waste water treatment and river water quality' and supporting text refer to this.

The Local Planning Authority needs to consider when determining this planning application the impacts of this proposal on the River Wye SAC (i.e. will it cause the SAC to fail its conservation objectives) alone and in combination. The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site

Alone

- that the proposal is unlikely to have a significant effect on any European site subject to the conditions recorded below.

In Combination

The Local Authority needs to satisfy itself that this proposal can be accommodated within the headroom available taking into account:

- existing discharge consents (permission for Dŵr Cymru/ Welsh Water to discharge to the River Wye SAC, granted by the Environment Agency),
- the Hereford Enterprise Zone allocation,
- housing and other development with permission but not yet built,
- allocated development and policies within the emerging Core Strategy.

Conditions

We support the conditions proposed by Dŵr Cymru/ Welsh Water in their response dated the 30

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

July 2015.

River Wye Site of Special Scientific Interest (SSSI) - Withdrawal of objection – With conditions

Our concerns regarding the River Wye SSSI are the same as those for the River Wye SAC.

Cage Brook Valley SSSI - Withdrawal of objection – with conditions

This application is in close proximity to Cage Brook Valley SSSI. However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted and the conditions advised in the River Wye SAC section of this letter. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

Internal Council Advice

4.3 Transport Manager: No objection subject to conditions

The access location is acceptable as the visibility splays relate to the speeds recorded as per the design guide MfS2. The hedgerow needs to be pulled back behind the visibility splays and allow for growth not to impede visibility.

The site is on the edge of Clehonger and speeds remain a concern, treatment of the approaches will assist in managing the speed and raising the profile of Clehonger and the development. Keeping the hedgerow does prevent the travelling public being aware of an 80 unit development.

As part of the development a S278 agreement will be required to extend the footpath to the public house and a crossing facility to the bus stops including bus stop improvements such as raised kerbs and a shelter on the development side – there is insufficient room for a shelter opposite.

An important link is the cycle footway link to the south on the u73239 which will give a quiet lane access to the village. Visibility splays and footpath link will need to be delivered as part of the development and the internal S38 agreement. Further links to the village and school will need to be provided as part of the S106 as do the gateway improvements.

The development will impact on the route to Hereford, there is potential for cycle network improvements for which contributions will be sought as part of S106.

If you are minded to approve, as this is outline, please condition the link to the south, u73239 and the access including visibility splays, as per the submitted drawing: 2.4m x 105m to the west and 110m to the east. Visibility splays and detail for pedestrian access onto the unclassified road to be provided.

The extension to the TRO 30mph needs to be part of the S278 works and funded by the developer. Moving the 30mph is critical due to the close proximity to the proposed access and to enable a buffer to be provided.

4.4 Conservation Manager (Landscape): No objection subject to conditions

The Landscape Constraints

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

(a) Landscape Character

The landscape character of this area is that of rolling hills, grazed pastures and arable fields, surrounded by hedgerows. This proposed development will reduce these traditional landscape characteristics. However if the new access proposal mitigates hedgerow removal by new hedgerow planting adjacent and parallel to the hedgerow which has been removed then the visual impact on the Landscape Character will not be as high.

(b) Landscape Function and Value

The landscape function and value of this area which is outside the village settlement area, is that of public visual amenity, recreation, agricultural and biodiversity value. If the proposal accommodates the loss of visual amenity by retaining views to the east from the existing footpath, this will reduce the loss of visual amenity. The proposals should include recreational and biodiversity enhancements to the site to mitigate for loss due to development.

(c) Landscape Sensitivity and Capacity to Absorb Development

The landscape sensitivity and capacity to absorb development is reasonable, due to the boundary screening of mature native hedgerow and mature trees.

(d) Natural Landscape and Biodiversity

New habitat proposals should link with the existing native hedgerow boundaries. The eastern area of the proposed site which is a wetland area and flood retention area, should be restored and enhanced for wetland habitat.

(e) Visual and Public amenity

For visual and public amenity the existing footpath should retain views to the north east towards the open countryside.

Conclusion

From a landscape related perspective the site has the potential to accommodate this proposed development. If the proposal is to be considered further, then the following information would be required with the Reserved Matters submission:

1. A tree and hedgerow survey to boundaries, in accordance with BS5837/2012, along with proposals for the conservation, restoration and enhancement of the existing hedgerows and trees.
2. Sustainable urban drainage proposals and permeable hard surface proposals.
3. Green Infrastructure proposals to link in with the surrounding landscape, the village and the adjacent playing fields.
4. Building design and site layout plan to combine local distinctiveness with sustainability and integration of the new development into the natural, built and historic environment.
5. Hard and soft landscape details to include full planting plans, schedules and specifications for planting and protection of existing and proposed vegetation. Habitat enhancement proposals and vegetation to be removed clearly identified.
6. A Landscape and ecological management plan. This management plan should also show how the landscape and ecological maintenance is to be monitored and maintained.

I would also recommend three landscape proposals:

1. The eastern wetland area of the site represents a flood retention area and so should not be built on.
2. The existing footpath which crosses the site should have a substantial green corridor associated with any development proposals.
3. Proposed hedgerow removal required for sight lines associated with traffic leaving the site will require the replanting of a new native hedgerow parallel to the existing hedgerow to be removed. This is for habitat mitigation and screening of the new development.

4.5 Land Drainage Officer: No objection subject to conditions.

There are no objections in principle to the proposed development on flooding or drainage grounds, subject to the provision of a surface water and foul water drainage strategy that incorporates SUDS principles, provision of FRA undertaken in accordance with the NPPF and infiltration test results prior to construction.

4.6 Conservation Manager (Ecology): Protected Species: No objection

I have read the ecological report from Ecology Services and agree with their findings. I would recommend a non-standard condition for habitat enhancement be attached to any approval for this application as follows:

The recommendations set out in the ecologist's report from Ecology Services dated August 2014 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

4.7 Environmental Health (Contamination): No objection

The report was carried out to address some uncertainty regarding an area of 'unknown filled ground' (UFG) in the south east of the site. It should not, therefore, be considered a full site investigation. Its purpose was to consider whether the UFG warranted more detailed investigation and assessment. The findings of the report show that the feature identified is simply a pond which has dried up naturally or through drainage over time and as such more detailed assessment is considered unnecessary.

With the above in mind, it would seem unreasonable to recommend a condition be appended to any planning approval. However, I would recommend the following be added as a general planning note given the agricultural history of the rest of the site as some agricultural practices can cause contamination of seemingly uncontaminated sites.

Recommended note:

"It is possible that unforeseen contamination may be present on the site as a result of its former agricultural/orchard use. Consideration should be given to the possibility of encountering contamination on the site as a result of its former uses and specialist advice be sought should there be any concern about the land."

4.8 Conservation Manager (Archaeology): No objection

Although the area proposed for development is comparatively large, the location is not archaeologically sensitive and there is no indication that any archaeological heritage assets would be affected.

4.9 Housing Development Officer:

The Housing Team in principle support the application for up to 80 properties with up to 28 of the dwellings as affordable housing. The tenure mix is split 50:50 between social rent and intermediate tenure. Bedroom numbers need to be agreed prior to the submission of the reserved matters. It is proposed that the intermediate tenure units are delivered as low cost market housing, which will need to be sold in line with the figure quoted in the Technical Data of the SPD Planning Obligations at the time of completion.

4.10 Parks & Countryside Officer

UDP Policies H19 Open Space Requirements/ UDP Policy RST3 Open space Standards: In accordance with UDP Policy H19 and Policy RST3, schemes of 80 houses using the standard population rate of 2.3 which equates to 184 persons approximately would require the following:

• Children's play space (0.8ha per 1000 population)	0.14ha
• POS (0.4ha per 1000 population)	0.07 ha
• Outdoor sports (1.6ha per 1000 population)	0.29a
	Total: 0.36 ha

Evidence Bases: In accordance with the NPPF, provision of what open space, sports and recreational opportunities required in a local area should be based on robust assessments of need. The POS requirements for this site (both on and off site) should therefore be determined in accordance with the Open Space Study undertaken for PPG17 (2006) and the Play Facilities Study (2012) and the Playing Pitch Assessment for the Hereford Area (2012).

Development Framework/Design and Access Statement:

POS: The applicant has indicated an area of POS/SUDs to be provided on site to the east of the development. The size of the area and usable POS has not been shown. We would expect at least 0.07ha of POS to be provided on site to meet the policy requirement above and this will need to be confirmed at the reserved matters stage.

Children's Play: The applicant has also indicated that as the site adjoins the existing Playing Field to the west, the proposal is for an off-site contribution towards this facility (the community is currently fund-raising to improve the play offer at this site) rather than an isolated on-site provision. This is in accordance with my pre-application comments and the Play Facilities Study and Investment Plan and meets with Policy requirements identified above.

Outdoor Sports Provision: based on the evidence of Playing Pitch Assessment for the Hereford Area, there is little opportunity locally to provide a facility: there are no outdoor community use sports facilities in Clehonger, no existing clubs and no identified latent demand requiring provision on site of formal pitches. Therefore no on or off site contribution is required.

POS/SUDs: Design of the POS and SUDs area should be fully integrated with the proposed housing. Connectivity is therefore important and consideration given to access to both the existing POS in the adjacent playing fields and the proposed. It is noted that there is a cycle way proposed along the southern boundary to both areas of POS but other thought should be given to connectivity with the residential area.

Heads of Terms: It is noted that the developer covenants with Herefordshire Council to pay the sum of: £955.00 (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 on the existing adjoining Playing Field. This is supported and in accordance with the SPD on Planning Obligations.

- 4.11 Schools Capital and Investment Officer: No objection subject to completion of S.106 agreement.

5. Representations

- 5.1 Clehonger Parish Council: Objection

Whilst accepting that some development is both necessary and desirable in line with genuine need, this application would appear to be on a scale that is likely to cause issues for the existing community on a number of fronts. The housing density proposed appears to be higher than desirable for a site of this size and the number of hectares measured would dictate a development of a size of no more than 72 houses if it were to be approved. To again seek to increase the number of houses in this way, within an established community, would be unwelcome and ill advised for all of the reasons identified and would necessarily lead to a reduction in the quality of services enjoyed by the existing residents. This development would irrevocably alter the rural nature of the village and continue to exacerbate the detrimental urbanisation of greenfield sites with the consequent implications for future food production and village integrity.

The Parish Council object to this application and request the Herefordshire Planning Authority to refuse it for reasons including those detailed below :-

1) Housing Need

The proposed development does not tie in with local housing need and there is no evidence that it will provide employment opportunities. There is a wish to have a small number of affordable homes built in the parish to house persons wishing to remain within the village and pursue business opportunities.

To quantify local housing need the following observations have been noted.

Expectations in relation to the emerging Herefordshire Core Strategy (Local Development Plan) 2011 -2031, define a growth of 18% for the Parish over the remaining period of the Plan which represents approximately 100 new houses during that entire timescale.

The proposals are deeply unpopular in the village. This has been borne out by several public meetings held on the subject, one organised by the agent for the applicant in August (2014) and one by the Parish Council on 9th September (2014). The overall wish expressed in recent consultations, including those for the Parish Plan, made it very clear that the village as a whole wanted a restrained approach to further development, with a wish to maintain Clehonger's rural nature. Feedback has shown that over a quarter of the population want no development at all and those who did accept that a moderate number of new dwellings were needed clearly rejected the idea of "big estates". It is a fact that a Herefordshire Council employee, from the Housing Department, is on record for describing a development of more than 18 houses as a "ghetto" and this was recorded in the Minutes of a Parish Council Meeting at which local housing need was being discussed.

Herefordshire Councils own recent Housing Survey, published this year, identified a need for only 8 households that wish to move to a home in the Group Parish; 2 were found to have a need for affordable accommodation, 4 were found to have a need for a home on the open market, 1 was found to have a need for private rented accommodation and 1 was found to have

an undetermined need. (Source Local Housing Needs Survey for the parishes of Clehonger & Eaton Bishop).

Should the development be approved it would be the wish of residents to see, included in the plan, some bungalows for senior residents.

2) Infrastructure

There would, potentially, be an issue with the provision of fresh water and the disposal of sewerage and foul water on the site. Current provision is known to be at capacity and the increase in demand, following this volume of new build, may prejudice the provision of these facilities for existing customers of the service.

There are questions about whether the local infrastructure can take the burden of such a large development in one go. It is known that there are already very serious issues about sewage disposal in the area with many households already relying on septic tank drainage. This fact has been acknowledged in the recent planning decision over the proposed small estate at Harpacre, Clehonger which is along the same stretch of road as this proposal. This application was opposed by Welsh Water who currently has no plans for improving the out of date sewage treatment plant in the next five years. They have also opposed the Gladman proposal [141964/O] on the grounds of capacity and cost.

3) Roads and Transport

There are concerns about the safety of vehicles accessing and exiting the site on what is again quite a fast stretch of road where there is often disregard of the speed limits. This is again currently one of the main roads into Hereford City, for a number of outlying villages, and increased volumes of traffic from growth in all villages, especially at peak times will lead to further congestion on the Belmont Road, with the bulk of journeys into Hereford being made along the Belmont Road for retail, employment, leisure, education and services for the foreseeable future. There are also concerns over the visibility issues on the road.

Bus services have been under review, with subsidy cuts and route restrictions being made, so it will be a necessity to use cars as opposed to other transport options. There are also the issues of young people being able to access the facilities in the city in the absence of reliable public transport.

4) Pond and drainage area

The inclusion of the pond, on what is largely an area of bog land, has provoked concern for child welfare. For safety reasons (the risk of children drowning) it is very unwise to have a pond adjacent to the settlement. (Even Herefordshire Council filled in its paddling pool which was within the play area on King George 5ths Playing Field)

5) Hospital / Surgeries / Health Services

There are reported current capacity issues at both of the local surgeries Kingstone and Belmont, and at the Hereford County Hospital. Large increases in housing stock with, consequently, many more people to serve will necessarily lead to a reduced and more delayed service for all. This situation has recently received televised publicity with highlighting of recruitment difficulties for medical professionals.

There are currently acknowledged issues at the Accident & Emergency Department, and the inpatients service is already compromised. There are currently no plans for expansion of the Hospital or extra provision for "end of life care" (Hospice facilities).

6) Emergency Services

With cuts to emergency service provision being widespread, there is concern as to service provision for increasing numbers of households. It is noted that there is only one joint access

and exit point for the site and this will need to be sufficiently large so as to allow safe access and ingress for all types, and sizes, of vehicular traffic.

7) Environment

There are concerns, in the Parish, over the impact of a development of this size in likely sewerage and waste water issues, potential for increased dog fouling and general denigration of existing habitat. There is also the ongoing problem of lack of parking and school traffic which could potentially be exacerbated by the development. Reference again here the objections and concerns raised by Welsh Water as in the application for the Harpacre site in Clehonger.

Section 106 and funding

The Parish Council wish to make the following statement concerning any potential for there to be funding made available, for community spend, under a section 106 agreement. That should the application be approved, then any monies generated under the 106 agreement be spent entirely within the Parish for, and on behalf of, the persons who reside therein.

The list of items, not exhaustive, that the Parish would be desirous of investing in, using said monies, include the following:

- Financial support for development of Playing Field (including possible extension to size to facilitate pitches)
- To purchase piece of land at the end of Birch Hill Road and B4349 (Area which has been refused planning several times and subject to vendor's wishes)
- Support for accommodation for a Pre-school Funding towards development of the Village Hall.
- Provision of street lighting from Birch Hill Road to The Seven Stars Public House.
- Improve drainage under B4349 adjacent to The Seven Stars Public House.
- Move 30 mph sign to the other side of The Seven Stars Public House.
- Create a "pull in" bus stop by The Seven Stars Public House on either side of the road.
- To allocate an area on the west side of the site for village purposes e.g. car parking for school and sports activities (courts)
- Start up costs of a "good neighbour" scheme plus other ideas as sourced from the Parish Plan Transport funding e.g. buses
- Environmental initiatives such as solar panels on community buildings
- Funding for the Primary School

5.2 Seventeen letters of objection have been received. The content is summarised as follows:-

- In conjunction with other sites this development would far exceed Core Strategy growth targets for Clehonger over the life of the emerging plan. Along with the other large-scale site and other smaller proposals there are approximately 200 dwellings under consideration at present. The Core Strategy identifies a revised proportionate growth target of 105 dwellings;
- The vast majority of parishioners would support small-scale developments that allow the village to evolve gradually. Large-scale proposals change the nature and character of the village physically and socially;
- Large-scale development at Clehonger should be considered in the context of large-scale planning approvals at Kingstone. The strain on highway infrastructure and congestion on the main arterial route into Hereford should be considered;
- This development, with others, would add to the congestion on Belmont Road. It can take an hour to travel less than 5 miles into Hereford. The relief road, when constructed, would do little to alleviate this situation as Hereford is often the destination for this traffic i.e. for work, leisure, recreation etc;

- Bus services are poor, under threat and not likely to encourage people to leave the private motorcar at home. The latest return service from Hereford leaves at 21:30pm; not late enough to allow people to take in a film or socialise;
- Gosmore Road is busy and subject to the national speed limit for much of its length. Public footpaths exit directly onto the road. There is no pavement or pedestrian refuge and the road is narrowed by overhanging hedgerow. The potential for children living on site using this as a route to school is dangerous and a health and safety issue;
- The lower-lying part of the site floods. During episodes of heavy rain water-logging occurs;
- The existing hedgerows offer effective screening during the summer, but will not be effective in screening the development from adjoining dwellings on Gosmore Road; especially from first floor;
- This scheme, with others, would generate far too many affordable houses in one go;
- It is well-known that the sewerage treatment works are at capacity. Additional flow is likely to be detrimental to conservation objectives in the Cage Brook SSSI to which the outfall from the sewage works discharges;
- The Planning Inspectorate dismissed the appeal on land at Home Farm, Belmont; a site that is more suitable to housing than this one;
- The impact of large-scale development on the wider Herefordshire infrastructure must be considered. With reductions in a number of public services, there is bound to be an effect on service provision. GP surgeries are full and difficulties in recruiting new staff are well documented. The impact on the Kingstone GP practice should be considered in the context of large-scale permissions in that village. The same impacts are likely at the County Hospital. Fire services are also under threat. How can large-scale house-building be allowed to proceed at this rate without assurances in place?
- The scheme does not appear to include any bungalows. With an ageing population and increasingly large proportion of disabled amongst the general population, bungalows should be included;
- Residents are yet to be convinced of the demand for all this housing. Houses on the open market regularly remain unsold;
- There is very little employment locally. Most occupants of this scheme will commute to Hereford or beyond. Clehonger will be a dormitory settlement or a suburb of Hereford. The rural nature of the village should be protected;
- The point of access into the application site is unsafe. Visibility splays are insufficient and the junction located on the cusp of the 30mph limit, which is poorly observed. Vehicles are often observed travelling at 60mph on the descent from the Bowling Green;
- There is not the capacity in the local school to cater for the additional demand.

5.3 One letter of support has been received. This cites the need for affordable housing for young people hoping to continue living in the village. Houses on the open market are often not affordable to young people in full-time employment. It is also stated that the primary school and pre-school have the capacity to accommodate more children.

5.4 Herefordshire Ramblers: Concerns are expressed in relation to drainage and the impact on the conditions of footpath CH12 and also the intended tree planting, which might impede passage along the footpath if planted too close. This can be dealt with at the Reserved Matters stage.

5.5 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:-

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

6. Officer's Appraisal

6.1 Clehonger is identified within the adopted Unitary Development Plan as a main village and is also allocated as a main village within the Hereford Housing Market Area within the emerging Local Plan – Core Strategy with an 18% indicative growth target over the plan period. This equates to 109 dwellings, to 2031. As per section three above, planning permission has been granted for several small-scale developments in the recent past. The residual minimum requirement over the lifetime of the Core Strategy remains in excess of the 80 units proposed. In common with other current and recent planning applications in the village, this application is made in the context of the housing land supply deficit.

6.2 Taking the characteristics of the site into account the main issue is whether, having regard to the supply of housing land, the proposals would give rise to adverse impacts, having particular regard to the likely effects upon the character and appearance of the area, impacts arising from foul drainage, nature conservation interests and highway safety, that would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development.

The Principle of Development in the context of 'saved' UDP policies the NPPF and other material guidance

6.3 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:
"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.4 In this instance the Development Plan for the area is the Herefordshire Unitary Development Plan 2007(UDP). The plan is time-expired, but relevant policies have been 'saved' pending the adoption of the Herefordshire Local Plan - Core Strategy. UDP policies can only be attributed weight according to their consistency with the NPPF; the greater the degree of consistency, the greater the weight that can be attached. The Local Plan – Core Strategy Examination in Public took place during February 2015. Although the Inspector's report is anticipated shortly, Core Strategy Policies presently attract no weight for the purposes of decision taking.

6.5 The two-stage process set out at S38 (6) above requires, for the purpose of any determination, assessment of material considerations. In this instance, and in the context of the housing land supply deficit, the NPPF is the most significant material consideration for the purpose of decision-taking. NPPF Paragraph 215 has the effect of superseding UDP policies with the NPPF where there is inconsistency in approach and objectives. As such, and in the light of the housing land supply deficit, the housing policies of the NPPF must take precedence over the UDP housing supply policies and the presumption in favour of approval as set out at NPPF paragraph 14 is engaged *if* development can be shown to be *sustainable*.

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

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

6.7 In the context of the UDP and the Council's acknowledged shortfall of housing land supply it is the second bullet point and the weighing of positive and negative impacts in the 'planning balance' that is relevant in this case. The decision-taker must decide whether the development

before them is representative of sustainable development having regard to the policies of the NPPF as a whole if the positive presumption is to be engaged.

6.8 Although not expressly defined, the NPPF refers to the three dimensions of sustainable development as being the economic, environmental and social dimensions.

6.9 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land, which is further reinforced in Chapter 6 – Delivering a wide choice of high quality homes. Paragraph 47 requires that local authorities allocate sufficient housing land to meet 5 years' worth of their requirement with an additional 5% buffer. Deliverable sites should also be identified for years 6-10 and 11-15. Paragraph 49 states:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.”

6.10 The social dimension *also* refers to the need to ensure an appropriate supply of housing to meet present and future needs and this scheme contributes towards this requirement with a mix of open market and affordable units of various sizes. Fulfilment of the environmental role requires the protection and enhancement of our natural, built and historic environment; and, as part of this, helping to improve biodiversity.

6.11 In this instance officers consider that in terms of access to goods, services and employment opportunities the site is sustainably located, furthermore, the construction of up to 80 dwellings, including 35% affordable, on a SHLAA low/minor constraints site would contribute towards fulfilment of the economic and social roles. These are significant material considerations telling in favour of the development.

Assessment of the scheme's sustainability having regard to the NPPF and Housing Land Supply

6.12 The NPPF refers to the pursuit of sustainable development as the golden thread running through decision-taking. It also identifies the three mutually dependent dimensions to sustainable development; the economic, social and environmental dimensions or *roles*.

6.13 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land. The social dimension also refers to the need to ensure an appropriate supply of housing to meet present and future needs and this scheme contributes towards this requirement with a mix of open market and affordable units of various sizes. Fulfilment of the environmental role requires the protection and enhancement of our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use resources prudently and moving towards a low-carbon economy.

6.14 In this instance officers consider that in terms of access to goods, services and employment opportunities the site is sustainably located in terms of the ability to access village facilities, including the public house, village hall, shop, playing fields and primary school; all of which are within easy walking distance of the site. The delivery of up to 80 dwellings, including 35% affordable, together with contributions towards public open space, sustainable transport and education infrastructure would contribute towards fulfilment of the economic and social roles. These are significant material considerations telling in favour of the development. The scheme's contribution towards fulfilment of the environmental role is discussed below.

Impact on landscape character

- 6.15 NPPF Paragraph 109 states that valued landscapes should be protected and enhanced. Paragraph 113 advises local authorities to set criteria based policies against which proposal for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. It goes further, however, and confirms that *'distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.'* Appeal decisions have also confirmed that although not containing the 'cost-benefit' analysis of the NPPF, policies LA2 (landscape character), LA3 (setting of settlements), NC1 (biodiversity and development), NC6 (biodiversity action plans), NC7 (compensation for loss of biodiversity) and HBA4 (setting of listed buildings) are broadly consistent with chapters 11 and 12 of the NPPF.
- 6.16 The application site has no formal landscape designation. It lies in open countryside outside but adjacent the settlement boundary on a site designated in the SHLAA as having low/minor constraints.
- 6.17 The Conservation Manager (landscape) recognises the site's function as part of the Principal Settled Farmlands landscape character, but concludes that the site has the ability to accommodate residential development provided suitable mitigation is incorporated. In this respect conditions will be imposed requiring the protection of hedgerows, and in the context of the housing supply situation, the principle of development is considered acceptable in the context of 'saved' UDP policies LA2 and LA3.

Impact on heritage assets

- 6.18 There are no designated heritage assets within the built up part of the village. All Saints Church in 'Old Clehonger' is over a kilometre to the east and Cage Brook House and New Mill stand over a kilometre away to the west. The listed complex at Lower Mawfield lies off to the south at similar distance from the site. Given the distances, intervening features and topography, officers consider that the development proposed would have no impact on any designated or non-designated heritage assets and thus complies with saved UDP policy HBA4 (Setting of Listed Buildings) and Chapter 12 of the NPPF.

Impact on ecological interests

- 6.19 Paragraph 109 of the NPPF requires that the planning system should minimise impacts on biodiversity and provide net gains where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.
- 6.20 In this instance the submitted ecological report considers that other than the hedgerows, which will be largely preserved by the scheme, the site has limited ecological interest supporting no species of note. The Council's Ecologist confirms this assessment of the site's interest and that subject to the imposition of a condition requiring the formulation of a habitat protection and enhancement scheme, has no objection to the proposal.
- 6.21 The other principal ecological issue is that arising from foul drainage in the event that a connection to the mains could not be made. Welsh Water has now removed its objection provided the developer covenants to make a financial contribution towards the necessary upgrade of the foul system. This has been agreed and is reflected in the wording of the recommendation. In association, Natural England has also withdrawn its holding objection subject to imposition of the Welsh Water conditions, which are included in the recommended conditions set out below.

Transport

- 6.22 The site's location offers the opportunity to access local goods and services on foot. The site is close to or adjoining the village playing field, primary school, village hall and pre-school. The public house adjoins to the east. Bus stops and the village shop are a short distance away; the former being directly outside the site on the main road. The site frontage on the main road is already served by a 2.0m footway.
- 6.23 In his comments above the Traffic Manager confirms that the proposed visibility splays of 2.4m x 110m to the east and 105m to the west are acceptable and in accordance with measured speeds. To further reduce speeds on the downhill approach into the village it is recommended that the developer fund a Traffic Regulation Order via the S106 agreement in order to extend the 30mph limit further to the east (Hereford side), with the potential introduction of 'gateway' features. Otherwise improvements to bus stops and cycle links, will be required via s38 and s278 agreements and required via planning condition.
- 6.24 The Traffic Manager concludes that subject to these measures the scheme is acceptable relative to the requirements of paragraph 32 of the NPPF and would not result in residual cumulative impacts that are severe.

S106 contributions

- 6.25 The S106 draft Heads of Terms are appended to the report. CIL regulation compliant contributions have been negotiated and are summarised as follows:

'Education Contribution'

£1,201.00	(index linked) for a 2 bedroom open market dwelling
£2143.00	(index linked) for a 3 bedroom open market dwelling
£3471.00	(index linked) for a 4+ bedroom open market dwelling

'Sustainable Transport Contribution'

£1,720.00	(index linked) for a 2 bedroom open market dwelling
£2,580.00	(index linked) for a 3 bedroom open market dwelling
£3,440.00	(index linked) for a 3 bedroom open market dwelling

'Off site play'

£965.00	(index linked) for a 2 bedroom open market dwelling
£1,640.00	(index linked) for a 3 bedroom open market dwelling
£2,219.00	(index linked) for a 4+ bedroom open market dwelling

The S106 will also include provisions to ensure 35% of the development meets the definition of affordable housing, together with requisite standards and eligibility criteria.

A restriction is also imposed requiring the provision of 0.36ha of on-site public open space. A maintenance contribution towards the management of on-site public open space and any necessary SUDs system, which will either be adopted by the Council or placed with a Management Company or other body, will also be required.

Impact on adjoining residential amenity

- 6.26 The application is made in outline with all matters bar access reserved. The Development Framework plan does not define the position of dwellings within the site, but officers are content that a layout could be devised that would respect the privacy of adjoining dwellings.

Sustainable Design

- 6.27 The application is made in outline and seeks to establish the principle of development. In terms of design, however, the applicant has confirmed that all dwellings shall follow a fabric first approach to energy efficiency. The site offers good opportunity to construct on an orientation that ensures optimum exposure to passive solar gain and for solar thermal and PV panels.

The Neighbourhood Plan

- 6.28 Paragraph 17 of the NPPF, states that planning should be '*genuinely plan led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of an area*'. Clehonger Group Parish Council has only comparatively recently applied to designate a neighbourhood plan area. Accordingly, the Neighbourhood Plan is not presently sufficiently far advanced to be attributed weight for the purposes of decision-taking and planning applications cannot, in these circumstances, be refused because they are potentially prejudicial to the neighbourhood plan.

7. Summary and Conclusions

- 7.1 The Council cannot demonstrate a five-year supply of housing land with requisite buffer. The housing policies of the UDP are thus out-of-date and the full weight of the NPPF is applicable. UDP policies may be attributed weight according to their consistency with the NPPF; the greater the consistency, the greater the weight that may be accorded. The pursuit of sustainable development is a golden thread running through both plan-making and decision-taking and identifies three dimensions to sustainable development; the economic, social and environmental roles.
- 7.2 When considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that the presumption in favour of approval is engaged. The site lies outside but directly adjacent the settlement boundary on a SHLAA site that was designated as having low/minor constraints. Clehonger is, having regard to the NPPF, a sustainable location and this site is well placed to benefit from good pedestrian connectivity to village facilities. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel).
- 7.3 The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic role. Likewise S106 contributions and the new homes bonus should also be regarded as material considerations. In providing a greater supply of housing and breadth of choice, including 35% affordable and in offering enhancements to footway and pedestrian crossing facilities locally, officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development.
- 7.4 The Conservation Manager (Landscapes) confirms the application site has the ability to accommodate residential development subject to the retention of landscape features and the development would exert no influence on the setting or significance of any designated or non-designated heritage assets.
- 7.5 Officers conclude that subject to the completion of a S106 agreement, there are no highways, drainage, ecological or archaeological issues that should lead towards refusal of the application and that any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits. It is therefore concluded that the presumption in favour of sustainable development should be engaged and that planning permission should be granted subject to the completion of a legal undertaking and planning

conditions. The conditions will include a requirement to limit the number of dwellings to no more than 80 and to formulate an integrated foul and surface water run-off scheme. Officers would also recommend the developer conducts further consultation with the Parish Council and local community as regards the detail of any forthcoming Reserved Matters submission.

RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, [incorporating a 'Welsh Water' contribution], officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further 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. C01 Samples of external materials**
- 5. The development shall include no more than 80 dwellings and no dwelling shall be more than two storeys high.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, H13 and the National Planning Policy Framework.

- 6. H06 Vehicular access construction**
- 7. H09 Driveway gradient**
- 8. H11 Parking - estate development (more than one house)**
- 9. H17 Junction improvement/off site works**
- 10. H18 On site roads - submission of details**
- 11. H19 On site roads - phasing**
- 12. H20 Road completion in 2 years**
- 13. H21 Wheel washing**
- 14. H27 Parking for site operatives**
- 15. H29 Secure covered cycle parking provision**
- 16. H30 Travel plans**
- 17. No dwellings hereby approved shall be beneficially occupied until necessary improvements to the Clehonger Waste Water Treatment Works to accommodate the foul flows from the development hereby approved (in accordance with the requirements as outlined in Dwr Cymru's Feasibility Study Scope issued 07/07/2015) has been completed and confirmed in writing by the Local Planning Authority.**

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

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

18. **L01 Foul/surface water drainage**
19. **L02 No surface water to connect to public system**
21. **L03 No drainage run-off to public system**
22. **L04 Comprehensive & Integrated draining of site**
23. **G04 Protection of trees/hedgerows that are to be retained**
24. **G10 Landscaping scheme**
25. **G11 Landscaping scheme - implementation**
26. **The recommendations set out in the ecologist's report from Ecology Services dated August 2014 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

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

27. **Prior to commencement of development, a Construction Environmental Management Plan shall be submitted for approval in writing by the local planning authority and shall include timing of the works, details of storage of materials and measures to minimise the extent of dust, odour, noise and vibration arising from the construction process. Specific measures to safeguard the integrity of any local private water supplies should be highlighted such as pollution risk and increased use projections. The Plan shall be implemented as approved.**

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

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

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. **HN10 No drainage to discharge to highway**
3. **HN08 Section 38 Agreement & Drainage details**
4. **HN07 Section 278 Agreement**
5. **HN04 Private apparatus within highway**
6. **HN28 Highways Design Guide and Specification**
7. **HN27 Annual travel Plan Reviews**
8. **HN25 Travel Plans**
9. **HN13 Protection of visibility splays on private land**
10. **N02 Section 106 obligation**

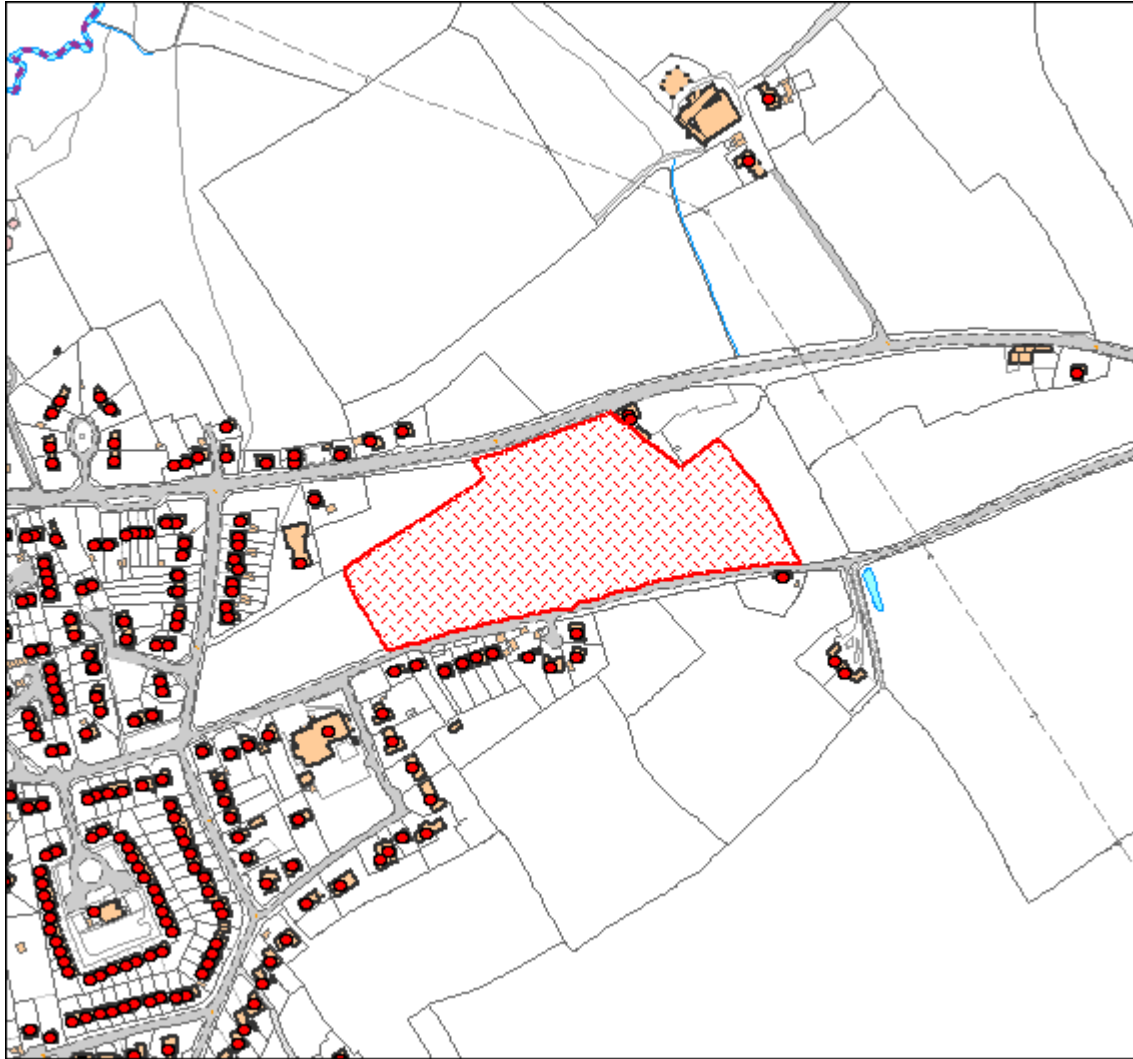
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 142349/O

SITE ADDRESS : LAND BETWEEN, GOSMORE ROAD AND THE SEVEN STARS PH, GOSMORE ROAD, CLEHONGER, HEREFORDSHIRE

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

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 1st April 2088. All contributions in respect of the residential development are assessed against general market units only.

Planning application: P142349/O

Residential development for up to 80 houses on land between Gosmore Road and the Severn Stars Public House, Gosmore Road, Clehonger, Herefordshire.

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

£1,201.00	(index linked) for a 2 bedroom open market dwelling
£2143.00	(index linked) for a 3 bedroom open market dwelling
£3471.00	(index linked) for a 4+ bedroom open market dwelling

The contributions will provide for enhanced educational infrastructure at Clehonger Primary School. The sum shall be paid in 4 equal instalments on the first occupation of 25%, 50%, 75% and 100% of the open market houses and may be pooled with other contributions if appropriate.

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

£1,720.00	(index linked) for a 2 bedroom open market dwelling
£2,580.00	(index linked) for a 3 bedroom open market dwelling
£3,440.00	(index linked) for a 4+ bedroom open market dwelling

The contributions will provide for sustainable transport infrastructure to serve the development. The sum shall be paid in 4 equal instalments on the first occupation of 25%, 50%, 75% and 100% of the open market houses and may be pooled with other contributions if appropriate.

The sustainable transport infrastructure will include:

- Improvements to the highway network to facilitate pedestrian/cycle access to the village school

Note: The following works are necessary to make the development acceptable and will be delivered through a Section 278 highway agreement:

- *A footway/cycleway to the south of the site linking Gosmore Road at either end.*
 - *At the western end of the site the new footway/cycleway will link with an existing footpath through the adjacent playing field.*
 - *A new footway will extend from the existing footway on the B4339, adjacent to the Severn Stars Public House, towards Hereford. Dropped kerbs will be provided to facilitate access to a bus stop on land opposite the Severn Stars Public House.*
 - *Extension of the 30mph speed limit beyond the Severn Stars Public House.*
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

£965.00	(index linked) for a 2 bedroom open market dwelling
£1,640.00	(index linked) for a 3 bedroom open market dwelling
£2,219.00	(index linked) for a 4+ bedroom open market dwelling

The contributions will provide for off-site play facilities on the adjacent playing field which may include formal play for toddlers, children and teenage age groups. The sum shall be paid in 4 equal instalments on the first occupation of 25%, 50%, 75% and 100% of the open market houses and may be pooled with other contributions if appropriate.

4. The developer covenants with Herefordshire Council to provide 0.07 hectares of on-site Public Open Space. The on-site public open space shall be made available on or before occupation of the 1st open market dwellinghouse.
5. The developer covenants with Herefordshire Council to either pay Herefordshire Council a 15 year commuted sum for maintenance of the on-site Public Open Space (POS), if to be adopted by the Council. Such sum to be calculated in accordance with the Council's tariffs. Alternatively, the maintenance of the on-site Public Open Space

will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable ongoing arrangement; or through local arrangements such as the parish council or a Trust set up for the new community for example. There is a need to ensure that good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

Note: The attenuation basin will be transferred to the Council with a 60 year commuted sum. This will be done as part of the land transfer.

6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£80.00** (index linked) per dwelling. The contributions will provide waste reduction and recycling in Hereford. The sum shall be paid in 4 equal instalments on the first occupation of 25%, 50%, 75% and 100% of the open market houses 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. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 80% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
9. The Affordable Housing Units must be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-
 - 9.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 9.2 satisfy the requirements of paragraph 12 of this schedule

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

10. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of who has:-

10.1 a local connection with the parish of Clehonger;

10.2 in the event there being no person with a local connection to the parish of Clehonger the adjoining parishes;

10.3 in the event there being no person with a local connection to the above parish any other person ordinarily resident within the administrative area of Herefordshire Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 10.1 above

11. For the purposes of sub-paragraph 10.1 and 10.2 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:

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

11.2 is employed there; or

11.3 has a family association there; or

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

11.5 because of special circumstances

12. In the event that the Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3, 6 and 7 above for the purposes specified in the agreement within 10 years of the date of the receipt of the final monies, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.

13. The sums referred to in paragraphs 1, 2, 3 and 6 above shall be linked to an appropriate index of indices selected by the Council with the intention that such sums will be adjusted according to any percentage in prices occurring between the date of the Section 106 Agreements and the date the sums are paid to the Council.

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

14. The developer covenants with Herefordshire Council to pay a surcharge of 1% 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 commencement of the development.
15. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.



MEETING:	PLANNING COMMITTEE
DATE:	16 SEPTEMBER 2015
TITLE OF REPORT:	150473 - PROPOSED RESIDENTIAL DEVELOPMENT OF 20 DWELLINGS INCLUDING 7 AFFORDABLE HOUSES AT LAND SOUTH OF THE WHEATSHEAF INN, FROMES HILL, LEDBURY, For: Mr Howe per Mr Paul Lodge, 30 Eign Gate, Hereford, Herefordshire, HR4 0AB
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150473&search=150473
Reason Application submitted to Committee – Contrary to policy	

Date Received: 16 February 2015 **Ward: Bishops Frome and Cradley** **Grid Ref: 368128,246419**

Expiry Date: 1 June 2015

Local Member: Councillor PM Morgan

1. Site Description and Proposal

- 1.1 The site is located off the A4103 on land to the rear of The Wheatsheaf Inn, Fromes Hill, occupying an elevated position on the southern edge of the village. Access onto the site is currently gained via a minor public highway, which runs past the site on its western boundary.
- 1.2 The site comprises an area of grassland, divided into two small fields, and is bound by fencing, short sections of hedgerow and lines of trees. The buildings, hardstanding and short-mown lawn of the Wheatsheaf Inn lie adjacent to the northern boundary while small fields of grassland border the site on its eastern, southern and south-western boundaries. The site is roughly rectangular, 120m long by 80m wide, and encompasses an area of approximately 0.9 hectares.
- 1.3 The application is made in full and proposes a residential development of 20 houses including 7 affordable dwellings accessed via a shared surface. The housing includes a mixture of 4 No. 2 bedroom houses, 12 No. 3 bedroom houses and 4 No. 4 bedroom houses. These include both detached and semi-detached houses and a short terrace of 3 units as part of the affordable provision.
- 1.4 The layout of the scheme has been amended since its original submission to take account of concerns raised about the means of access to the site. This was originally intended to be taken via the road running along the western boundary, but is now proposed to be taken directly off the A4103 at the north-eastern corner of the site.

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

1.5 The application is accompanied by the following documents:

- Detailed elevations and site layout plans
- Design & Access Statement
- Preliminary Ecological Appraisal
- Tree Survey & Arboricultural Impact Assessment
- Planting Schedule
- Transport Statement (including a seven day speed survey)

2. Policies

2.1 National Planning Policy Framework (NPPF):

The following sections are of particular relevance:

Introduction	-	Achieving sustainable development
Section 4	-	Promoting sustainable transport
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 Saved Policies of the Herefordshire Unitary Development Plan 2007 (UDP):

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
H6	-	Housing in Smaller Settlements
H7	-	Housing in the Countryside Outside Settlements
H10	-	Rural Exception Housing
H13	-	Sustainable Residential Design
H15	-	Density
H16	-	Parking
T8	-	Road Hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
CF2	-	Foul Drainage

2.3 Herefordshire Local Plan – Draft Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS7	-	Addressing Climate Change
RA1	-	Rural Housing Strategy

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

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
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

2.4 Neighbourhood Planning

A Neighbourhood Area for Bishops Frome and Fromes Hill was designated on 8th November 2013. The Parish Council will prepare a Neighbourhood Development Plan for that area. The plan must be in general conformity with the strategic content of the emerging Core Strategy, but is not sufficiently advanced to attract weight for the purpose of decision-taking.

2.5 Other Relevant National and Local Guidance/Material Considerations:

National Planning Practice Guidance (2014)
 Annual Monitoring Report
 Five Year Housing Land Supply (2013-2018) Interim Position Statement
 Planning for Growth – 2011
 Laying the Foundations – 2011
 Housing and Growth – 2012
 Green Infrastructure Strategy – 2010

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 DCNE2004/1093/F – Four 3 bed houses, new access, parking for dwellings and formation of a new car park for public house – Refused and dismissed on appeal – 18th April 2005.

3.2 The appeal proposal sought to introduce a new access immediately to the east of the public house and the Inspector concluded that visibility would be significantly reduced due to the position of Jasmine Cottage immediately adjacent to the roadside and to the west of the site. He concluded that the restricted visibility from and to the proposed junction would unacceptably increase hazards on this part of the A4103

4. Consultation Summary

Statutory Consultations

4.1 Severn Trent Water – No objection subject to condition

4.2 Welsh Water – No objection

Internal Council Consultations

4.3 Transportation Manager – Comments awaited.

4.4 Conservation Manager

Archaeology – No objection

Landscapes – No objection subject to the imposition of conditions

Historic Buildings – No objection as the proposal will not harm the settings of listed buildings

4.5 Parks & Countryside Officer - It is noted that this development is for 20 dwellings which in accordance with UDP policies H19 and RST3 is required to provide public open space and a small children's play area for infants. It is noted that the site layout plan makes no on-site provision to meet this requirement. This is supported as it would be small, offer little in play value and be costly to maintain.

In the more rural parishes such as this, where there is no formal provision, it is more appropriate to use a contribution towards improving access to the more natural open spaces and informal play opportunities which exist. Therefore, I would ask that a contribution is sought to be used towards improving the public rights of way network in and around the village in accordance with the Public Rights of Way Improvement Plan, on priorities at the time of receiving the contribution and in consultation with the Parish Council.

4.6 Housing Officer – The proposal meets the requirement to provide 35% affordable housing on site and the mix and tenure proposed meets the need for the area. The application is supported subject to the completion of a Section 106 Agreement.

4.7 Education – No objection to the proposal subject to a Section 106 Agreement in accordance with the Council's Planning Obligations Supplementary Planning Document.

4.8 Land Drainage Engineer - Prior to construction, we recommend that the following information is provided as part of planning conditions and submitted to the council prior to construction:

- A detailed drainage design, with supporting calculations, showing the location and sizes of any soakaways, demonstrating how discharges from the site are restricted to no greater than pre-developed rates between the 1 in 1 year and 1 in 100 year events (with climate change allowance), and demonstrating that no flooding from the drainage system will occur up to the 1 in 30 year event.
- Evidence of infiltration testing in accordance with BRE365 at locations of proposed soakaways to support the design. Groundwater levels should also be provided as Standing Advice recommends the invert levels of soakaways are a minimum of 1m above the groundwater level.
- A revised drainage layout demonstrating that the required separation distance between the package treatment plant and adjacent properties has been achieved.

If infiltration is not proven feasible, we would require evidence of an alternative drainage strategy and confirmation of agreement with the relevant sewerage provider (if necessary), with discharge rates restricted to pre-development Greenfield values where possible.

4.9 Public Rights of Way Officer – No objection

5. Representations

5.1 Bishops Frome Parish Council – Support the application and comment as follows:

The Parish Councillors discussed this application and the consensus of the Parish Councillors present at the meeting, and with those Parishioners asked in Fromes Hill, was in favour of the application but with conditions.

A large development was not a favourite option in our recent questionnaire for the Neighbourhood Plan and this site was not one of the suggested areas for development at Fromes Hill, due to its situation on the opposite side of the main Hereford to Worcester road A4103. The development will increase the population of Fromes Hill on the south side of the road. There have been numerous accidents and fatalities on this road.

Part of the conditions for granting approval of this scheme should be a number of traffic calming measures. A pedestrian crossing with traffic lights between the Wheatsheaf and Uplands side (School pick up, proposed play areas, Church, shops, cafe and hairdressers) would be a minimum. The Council should pursue a 30mph speed limit and other traffic calming measures. As part of the approval (106) the Parish Council request an amount towards the play area in the field next to the Church.

5.2 Two letters of objection have been received. The first, as summarised below, was received in response to the original application prior to the amendments to the access arrangements. The second is summarised separately and was received in response to the further consultation period following the submission of amended plans.

Objection 1

- The access is dangerous with limited visibility onto the A4103
- Vehicle speeds along the A4103 often exceed the 40 mph speed limit
- Concerned about the proposed footpath through the pub garden and the implications for the security of young children using the play area within.

Objection 2

- The primary concern relates to road safety. The proposed access is near the point where the two lanes of traffic merge into one and where the speed restriction drops from 60 to 40 mph.
- In the past 17 years there have been many road traffic accidents over this stretch of road including a fatality and believe that effectively adding a minor road at this point would add to the accident count.

5.3 Campaign to Protect Rural England – object to the application. In summary the points raised are as follows:

- Detrimental to the character and appearance of the landscape
- Contrary to UDP policy.
- Concerns about highway safety.
- Fromes Hill is a small village with few amenities. The proposal is not sustainable.
- No evidence of any specific community need.

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

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

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

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

6. Officer's Appraisal

6.1 Fromes Hill is identified within the adopted Unitary Development Plan as a smaller settlement where modest infill developments for single dwellings may be permitted. However, the significance of the settlement has been elevated by the emerging Core Strategy which has designated it as a main village within the Ledbury Housing Market Area with a 14% indicative growth target over the plan period.

6.2 Taking the characteristics of the site into account the main issue is whether, having regard to the supply of housing land, the proposals would give rise to adverse impacts, having particular regard to the likely effects upon the character and appearance of the area, the scale of the development proposed and its cumulative effects with other proposals in the locality, highway safety and the availability of services and employment opportunities locally that would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development.

The Principle of Development in the Context of 'saved' UDP Policies, the National Planning Policy Framework (NPPF) and Other Material Guidance

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

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

6.4 In this instance the Development Plan for the area is the Herefordshire Unitary Development Plan 2007(UDP). The plan is time-expired, but relevant policies have been 'saved' pending the adoption of the Herefordshire Local Plan - Core Strategy. UDP policies can only be attributed weight according to their consistency with the NPPF; the greater the degree of consistency, the greater the weight that can be attached.

6.5 The two-stage process set out at S38 (6) requires, for the purpose of any determination under the Act, assessment of material considerations. In this instance, and in the context of the housing land supply deficit, the NPPF is the most significant material consideration. Paragraph 215 recognises the primacy of the Development Plan but, as above, only where saved policies are consistent with the NPPF:-

"In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that maybe given)."

6.6 The practical effect of this paragraph is to supersede the UDP with the NPPF where there is inconsistency in approach and objectives. As such, and in the light of the housing land supply deficit, the housing policies of the NPPF must take precedence and the presumption in favour of approval as set out at paragraph 14 is engaged if development can be shown to be sustainable.

6.7 The NPPF approach to Housing Delivery is set out in Chapter 6 – Delivering a wide choice of high quality homes. Paragraph 47 requires that local authorities allocate sufficient housing land to meet 5 years' worth of their requirement with an additional 5% buffer. Deliverable sites should also be identified for years 6-10 and preferably years 11-15 too. Paragraph 47 underlines that UDP housing supply policies should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

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

- 6.8 The Council's published position is that it cannot demonstrate a five year supply of housing land. This has been reaffirmed by the published Housing Land Supply Interim Position Statement – May 2014. This, in conjunction with recent appeal decisions, confirms that the Council does not have a five year supply of deliverable housing land, is significantly short of being able to do so, and persistent under-delivery over the last 5 years renders the authority liable to inclusion in the 20% bracket.
- 6.9 In this context, therefore, the proposed erection of 20 dwellings, including 35% affordable, on a deliverable and available site is a significant material consideration telling in favour of the development to which substantial weight should be attached.
- 6.10 Taking all of the above into account, officers conclude that in the absence of a five-year housing land supply and advice set down in paragraphs 47 & 49 of the NPPF, the presumption in favour of sustainable development expressed at Paragraph 14 of the NPPF is applicable if it should be concluded that the development proposal is sustainable. As such, the principle of development cannot be rejected on the basis of its location outside the UDP settlement boundary.

Assessment of the Scheme's Sustainability Having Regard to the NPPF and Housing Land Supply

- 6.11 The NPPF refers to the pursuit of sustainable development as the golden thread running through decision-taking. It also identifies the three mutually dependent dimensions to sustainable development; the economic, social and environmental dimensions or roles.
- 6.12 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land. The social dimension also refers to the need to ensure an appropriate supply of housing to meet present and future needs and this scheme contributes towards this requirement with a mix of open market and affordable units of various sizes. Fulfilment of the environmental role requires the protection and enhancement of our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use resources prudently and movement towards a low-carbon economy.
- 6.13 Fromes Hill is identified as a main village in the Herefordshire Local Plan – Core Strategy and I therefore follows that the Council's position is that it is a sustainable settlement. The site is immediately adjacent to the main built elements of the village and it is your officers view that it is sustainably located. The delivery of 20 dwellings, including 35% affordable, together with contributions towards public open space, sustainable transport and education infrastructure, would contribute towards fulfilment of the economic and social roles. These are significant material considerations telling in favour of the development.
- 6.14 The site is not subject to any environmental designations and the Council's Conservation Manager observes that the scheme has the potential to deliver ecological enhancement in accordance with saved UDP policy and NPPF objectives subject to an appropriately worded condition to achieve this objective.

Impact on Landscape Character and the Setting of the Village

- 6.15 NPPF Paragraph 109 states that valued landscapes should be protected and enhanced. Paragraph 113 advises local authorities to set criteria based policies against which proposal for any development on or affecting protected wildlife or geo-diversity sites or landscape areas will be judged. It also confirms that 'distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.' Appeal decisions have also confirmed that although not containing

the 'cost-benefit' analysis of the NPPF, policies LA2 (landscape character), and LA3 (setting of settlements) are broadly consistent with chapter 11 of the NPPF.

- 6.16 The application site has no formal landscape designation. It lies in open countryside outside, but adjacent to the settlement boundary. The site is not immediately visible when approaching along the A4103 from the east (Worcester) due to a combination of existing roadside vegetation and the fact that the site is located to the rear of the pub car park and beer garden. The Wheatsheaf Inn is very much the prominent feature on this approach to the village and will remain so should the scheme be permitted.
- 6.17 The Council's Landscape Officer considers that the proposal is unlikely to cause undue landscape or visual impact and subject to conditions to require a detailed landscaping scheme, it is considered to be acceptable.
- 6.18 It is acknowledged that the proposal represents a significant addition to the housing stock in the village but the site represents an obvious opportunity to provide housing land. The proposal is quite low density but this reflects the overall character of the settlement and it is therefore concluded that the proposal will not adversely affect the landscape character of the area, nor will it detrimentally affect the setting of Fromes Hill and the proposal is consequently considered to accord with policies LA2 and LA3 of the UDP.

Highway Matters

- 6.19 Saved UDP Policy DR3 and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 30 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 32 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where *'the residual cumulative impacts of development are severe.'*(NPPF para. 32).
- 6.20 The A4103 is the main link between Hereford and Worcester and carries a high volume of traffic. Its primary, if not only, function is to facilitate vehicular movement and speeds are currently limited to 40mph through the village. Officers were initially concerned that the proposal to create an access onto the lane to the west of the application site would result in severe cumulative impacts as visibility at its junction with the A4103 is severely curtailed in a westerly direction by the presence of Jasmine Cottage. The 'y' distance at the junction is well short of the requisite 110 metres to the nearside edge of the carriageway that would be applied to the creation of a new access and, without adequate visibility to the west, highway safety will be severely compromised to the detriment of road users due to the resulting intensification in the use of the A4103 / C1159 junction.
- 6.21 Officers were also mindful of the appeal decision in 2005 relating to a proposal for four dwellings on part of the land associated with the Wheatsheaf Inn. The scheme proposed to create a new access to serve the dwellings immediately to the east of the pub but was refused due to concerns about highway safety and the fact that Jasmine Cottage obscured visibility in a westerly direction.
- 6.22 Following discussions with the applicant's agent and further assessment of the site, it was decided to amend the application and to provide access directly onto the A4103 at the easterly edge. The applicant has commissioned further work including a seven day speed survey. This confirms that, notwithstanding the 40 mph speed limit, actual traffic speeds through the village are in excess of this, being an average of 46 mph in an easterly direction and 44 mph to the west at the 85 percentile. This translates to a requirement for visibility splays of 98 metres to

the east and 94 metres to the west. Officers have independently assessed the capability for these splays to be achieved and can confirm that they can.

- 6.23 It is therefore concluded that, in its amended form, the proposal will not be detrimental to highway safety and is compliant with Policies DR3 and T8 of the UDP and paragraphs 30 – 32 of the NPPF.

Summary and Conclusions

- 6.24 The Council cannot demonstrate a five-year supply of housing land with requisite buffer. The housing policies of the UDP are thus out-of-date and the full weight of the NPPF is applicable. UDP policies may be attributed weight according to their consistency with the NPPF; the greater the consistency, the greater the weight that may be accorded. The pursuit of sustainable development is a golden thread running through both plan-making and decision-taking and identifies three dimensions to sustainable development; the economic, social and environmental roles.
- 6.25 When considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that in the absence of significant and demonstrable adverse impacts, the application should be approved.
- 6.26 The site lies immediately adjacent to the village and is, having regard to the NPPF and saved and emerging local policies, a sustainable location.
- 6.27 The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic role. In providing a greater supply of housing and breadth of choice, including the provision of affordable housing, and in offering an amount of open space in excess of policy requirements, officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development.
- 6.28 Officers conclude that there are no landscape, highways, drainage, ecological or other environmental issues that should lead towards refusal of the application and that any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits.
- 6.29 It is therefore concluded that planning permission should be granted subject to the completion of a Section 106 Planning Obligation in accordance with the Heads of Terms appended to this report and appropriate planning conditions. Accordingly the application is recommended for approval.

RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any other further conditions considered necessary

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with approved plans**
3. **C01 Samples of external materials**
4. **H02 Single access – footway**

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

5. **H03 Visibility splays**
6. **H06 Vehicular access construction**
7. **H11 Parking – estate development (more than one house)**
8. **H18 On site roads – submission of details**
9. **H20 Road completion**
10. **H21 Wheel washing**
11. **H27 Parking for site operatives**
12. **H29 Covered and secure cycle parking provision**
13. **G04 Protection of trees/hedgerows that are to be retained**
14. **G09 Details of boundary treatments**
15. **G10 Landscaping scheme**
16. **G11 Landscaping scheme - implementation**
17. **The recommendations set out in Section 5 of the ecologist’s report from Swift Ecology dated January 2015 should be followed in relation to species mitigation and habitat enhancement. Prior to commencement of the development, a full working method statement for the protected species present together with a habitat enhancement plan integrated with the landscape proposals 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 and site clearance.

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

18. **The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The submitted details should include the following information:**
 - **A detailed drainage design, with supporting calculations, showing the location and sizes of any soakaways, demonstrating how discharges from the site are restricted to no greater than pre-developed rates between the 1 in 1 year and 1 in 100 year events (with climate change allowance), and demonstrating that no flooding from the drainage system will occur up to the 1 in 30 year event.**

- Evidence of infiltration testing in accordance with BRE365 at locations of proposed soakaways to support the design. Groundwater levels should also be provided as Standing Advice recommends the invert levels of soakaways are a minimum of 1m above the groundwater level.
- A revised drainage layout demonstrating that the required separation distance between the package treatment plant and adjacent properties has been achieved.

The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

INFORMATIVES:

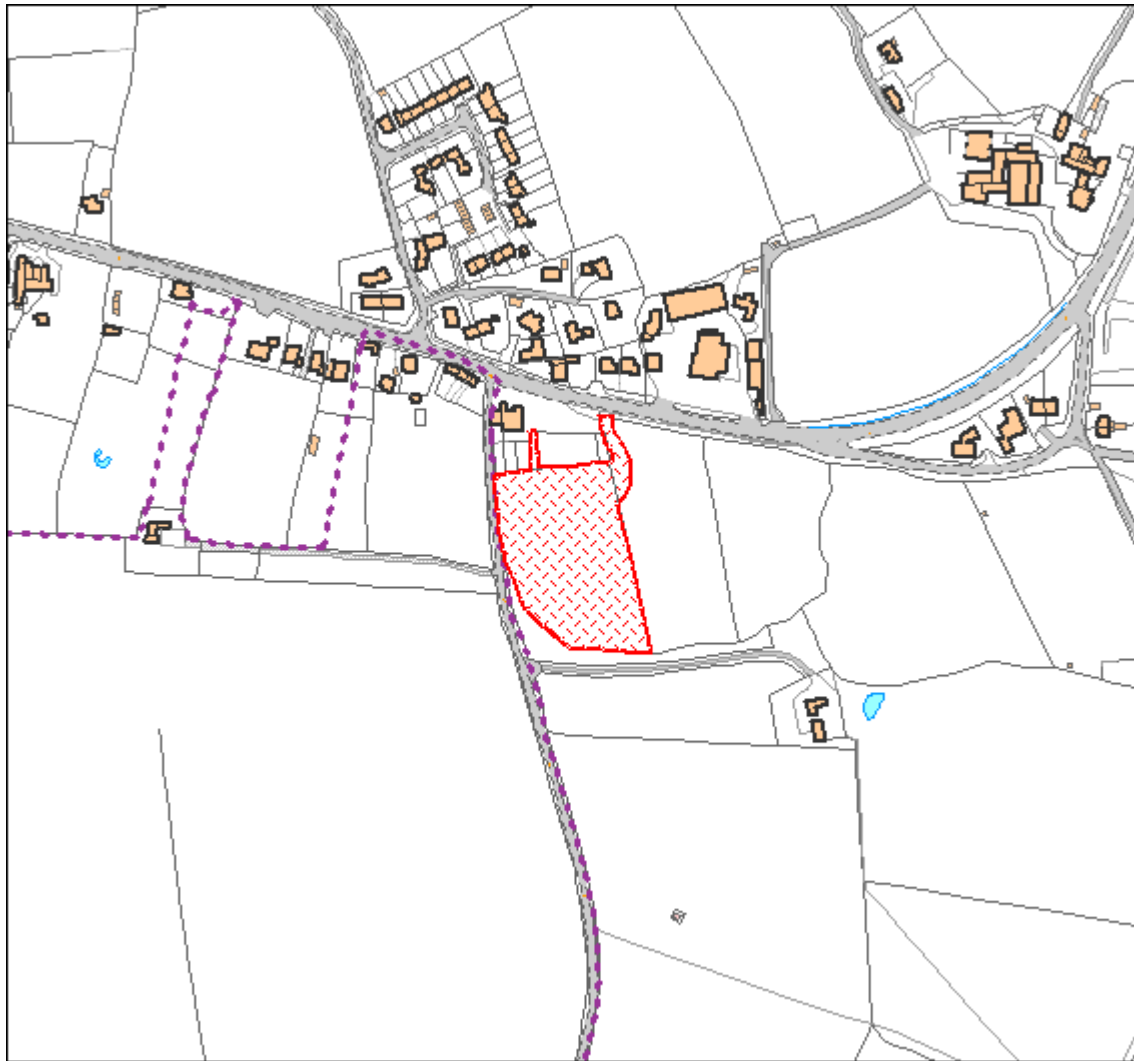
1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. HN10 No drainage to discharge to highway
3. HN08 Section 38 Agreement & Drainage details
4. HN07 Section 278 Agreement
5. HN04 Private apparatus within highway
6. HN01 Mud on highway
7. HN24 Drainage other than via highway system
8. HN05 Works within the highway
9. HN28 Highway Design Guide and Specification
10. HN05 Works within the highway

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 150473

SITE ADDRESS : LAND SOUTH OF THE WHEATSHEAF INN, FROMES HILL, LEDBURY,
HEREFORDSHIRE

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

DRAFT HEADS OF TERMS

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

Application Reference No – 150473

Site address:

Land South of the Wheatsheaf Inn, Fromes Hill, Ledbury

Planning application for:

Proposed residential development of 20 dwellings including 7 affordable houses

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008, and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). All contributions in respect of the residential development are assessed against general market units only except for item 3 which applies to all new dwellings.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£29535** (index linked) to provide enhanced educational infrastructure at Burley Gate Primary School. 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 **£52,878.00** (index linked) to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

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

- a) Traffic calming and traffic management measures in the locality
 - b) New pedestrian crossing facilities
 - c) Creation of new and/or enhancement in the usability of existing footpaths and cycleways connecting the site to the wider locality
 - d) Public initiatives to promote sustainable modes of transport
 - e) Safer routes to school
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£80** (index linked) per dwelling. The contribution will be used to provide 1x waste and 1x recycling bin for each dwelling. The sum shall be paid on or before the commencement of the development
 4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£4,397** to be used towards improving off-site children's play facilities in the locality and/or for more informal recreation opportunities which exist in and around Fromes Hill as per the priorities identified in the Council's Public Right of Way Improvement Plans at the time of receiving the contribution and in consultation with the local parish council

NOTE: Any attenuation basin and/or SUDS which may be transferred to the Council will

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

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

5. The developer covenants with Herefordshire Council that 35% (7 on basis of a gross development of up to 20 units) 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.

For the avoidance of doubt, the term intermediate tenure shall not include equity loans or affordable rent.

The mix will comprise;

2 and 3 Bed units

6. All the affordable housing units shall be completed and made available for occupation in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
7. 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:-:
 - 7.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 7.2 satisfy the requirements of paragraphs 7 & 8 of this schedule
8. 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:-
 - 8.1 a local connection with the parish of Bishops Frome and Castle Frome
 - 8.2 in the event of there being no person with a local connection to Bishops Frome and Castle Frome any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 9.1 above.
9. For the purposes of sub-paragraph 8.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
 - 9.1 is or in the past was normally resident there; or
 - 9.2 is employed there; or
 - 9.3 has a family association there; or
 - 9.4 a proven need to give support to or receive support from family members; or
 - 9.5 because of special circumstances;

10. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3 and 4 above, for the purposes specified in the agreement within 10 years of the date of payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
11. The sums referred to in paragraphs 1, 2, 3 and 4 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.
12. If the developer wishes to negotiate staged and/or phased trigger points upon which one or more of the covenants referred to above shall be payable/delivered, then the developer shall pay a contribution towards Herefordshire Council's cost of monitoring and enforcing the Section 106 Agreement. Depending on the complexity of the deferred payment/delivery schedule the contribution will be no more than 2% of the total sum detailed in this Heads of Terms. The contribution shall be paid on or before the commencement of the development.
13. 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.



MEETING:	PLANNING COMMITTEE
DATE:	16 SEPTEMBER 2015
TITLE OF REPORT:	<p>150789 - PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 15 OPEN MARKET HOUSES AND 5 AFFORDABLE HOUSES TOGETHER WITH ESTATE ROAD, ALLOTMENTS WITH CAR PARKING AND CHILDREN'S PLAY AREA AT LAND AT TENBURY ROAD, BRIMFIELD, HEREFORDSHIRE</p> <p>For: Mr Tong per Mr Gary Burton, Lydiatt Place, Wyson Lane, Brimfield, Ludlow, Herefordshire SY8 4NP</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150789&search=150789
Reason Application submitted to Committee – Contrary to policy	

Date Received: 18 March 2015

**Ward: Leominster
North and Rural**

Grid Ref: 352853,267971

Expiry Date: 17 June 2015

Local Member: Councillor J Stone

1. Site Description and Proposal

- 1.1 The application site is an irregular rectangular shape with the north boundary following the curved line of the C1051 (Tenbury Road). The site amounts to approximately 1.6 hectares and is flat with a small number of orchard trees. It would appear to have been used latterly as pasture and is bounded on the north, east and south sides by traditional hedgerows. The west boundary is marked by a post and wire fence.
- 1.2 The site lies on the eastern edge of the village of Brimfield. Surrounding land uses are predominantly agricultural but the main built environs of the village are located approximately 70 metres to the west. Some wayside development does extend out of the village centre on the north side of Tenbury Road opposite the application site.
- 1.3 The north boundary is defined by Tenbury Road, which joins the village to the A456 at Brimfield Cross. The east boundary is defined by an agricultural track which gives access to five pasture fields. Close to the south boundary, passing through a field owned by the applicant, is a public footpath which runs between the village centre and Aynall Lane to the east.
- 1.4 Brimfield is one of the larger villages in north Herefordshire and benefits from a range of services and facilities including St. Michael's parish church, the Methodist chapel and meeting room, the village hall with post office, a village shop, a sports and social club, two public houses and a small commercial estate. It is also on a bus route, is immediately adjacent to the A49 and is four miles from Ludlow, which acts as its service centre.

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

- 1.5 The application is made in full and is for the erection of twenty dwellings, five of which are affordable. The plans also include the provision of an area for allotments and areas of open space. The plans have been amended since their original submission to respond to comments made by the case officer and also to address matters raised through the original consultation period. Following the receipt of amended plans and information a further period of consultation was undertaken and the summary in section 5 of this report reflects all of the comments received.
- 1.6 The open market housing comprises five 4 bed dwellings, five 3 bed and five 2 bed, all of which are detached. The affordable units are two 3 bed dwellings and three 2 bed arranged as a pair of semi detached and terrace respectively.

2. Policies

2.1 National Planning Policy Framework (NPPF):

The following sections are of particular relevance:

Introduction	-	Achieving sustainable development
Section 4	-	Promoting sustainable transport
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 Saved Policies of the Herefordshire Unitary Development Plan 2007 (UDP):

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
H4	-	Main Villages – Settlement Boundaries
H7	-	Housing in the Countryside Outside Settlements
H9	-	Affordable Housing
H13	-	Sustainable Residential Design
H15	-	Density
H16	-	Parking
T6	-	Walking
T8	-	Road Hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
CF2	-	Foul Drainage

2.3 Herefordshire Local Plan – Draft Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes

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

SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS7	-	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
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

2.4 Neighbourhood Planning

Brimfield & Little Hereford Group Parish Council are preparing a Neighbourhood Plan. At the time of preparing this report they had reached the Regulation 15 stage. The Local Planning Authority were to publicise the consultation from 12 August 2015 until 23 September 2015. This is the Regulation 16 stage. At the end of that 6 week period the Plan can be considered as a material consideration in the determination of a planning application.”

- 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 relevant to this application

4. Consultation Summary

Statutory Consultations

- 4.1 Severn Trent Water – No objection subject to condition

- 4.2 Welsh Water – No objection

Internal Council Consultations

- 4.3 Transportation Manager – No objection subject to the imposition of conditions

- 4.4 Conservation Manager

Landscapes

The proposal lies at the periphery of the village where the wayside pattern of ribbon development is indicative of the Principal Settled Farmlands landscape character type in which the site lies. However in the main, development is restricted to the northern side of the highway and the indicative masterplan submitted does not demonstrate a continuation of this wayside pattern. Notwithstanding the above the site, due to its essentially flat landform, is not visually

prominent within the settlement itself and is therefore unlikely to be of significant harm to the landscape character.

It does however function as part of the eastern gateway to the settlement therefore consideration should be given to how the proposal fronts onto Tenbury Road and sits within the open countryside.

It is noted that an extensive length of hedgerow is to be removed in order to meet the visibility splay requirements altering the character of the approach to this rural settlement. Consideration should also be given to access to the development being gained by the adjacent track way along the eastern site boundary which would enable the hedgerow to remain intact and thus contain the proposal more effectively.

The PRoW BF2 runs close to the southern boundary of the site linking the village with the church of St Michael and the open countryside beyond including Brimfield Hill. It is considered that with a proposal of this nature a landscape appraisal should be submitted in order to fully assess the implications of development on the site as well as identifying opportunities and constraints which in turn feed into the design process itself.

It is further noted that there are a number of fruit trees on site, unfortunately historic maps do not extend this far north and it is not possible to ascertain if these form part of a remnant orchard. However these in conjunction with the hedgerow as well as the mature oak along the eastern boundary should be assessed by an arboriculturalist.

Indicative landscape proposals should be submitted and detailed proposals and management plan may then be submitted as part of a condition.

Ecology

Notwithstanding the accuracy of the ecological report for this application I have to object. The site is flagged up as a Traditional Orchard site which means that there is a presumption against development. I'm afraid, this is another case of removal of habitat prior to a planning application resulting reduction of existing biodiversity. The ecologist who carried out the survey (after site clearance) clearly states the importance of site, but this situation clearly demonstrates again a pre-application site clearance with the assumption that the process of approval might be eased.

The ecologist's report states:

"However, approximately a third of the proposed development site has previously been a traditional (Perry Pear) orchard.

At the time of survey there was evidence that 11 (apparently healthy) orchard trees and two declining/dead orchard trees had recently been felled. The felled trees remained in situ and/or had been processed into cord-wood. Three mature (healthy) orchard trees remain within the proposed development site.

(Former) trees within the proposed development site may be used by Nobel Chafer Beetle {Gnorimus nobilis}."

I would also add that felling of old orchard trees (dead or not) runs the risk of breaching wildlife legislation if bat roosts are removed or protected species harmed as a result.

There is a national and local imperative to conserve Traditional Orchards and their associated species which may comprise locally and nationally scarce species of insects, birds, plants and fungi. The importance of these sites is reflected in the National Planning Policy Framework (NPPF). This supports the protection of UK and Local Biodiversity Action Plan Habitats and Species (now Habitats/Species of Principle Importance) as listed under Section 14 of the NERC

Act 2006 which includes the ecological aspects of the habitat and species of the site that are also protected under NC6. The Local Planning Authority has a presumption against development within such areas as outlined in policy NC6.

I'm afraid the Herefordshire countryside cannot sustain site clearance of this nature and still preserve the landscape and biodiversity interest in its landscape. There was clearly potential to retain and improve the existing traditional orchard trees whilst still allowing some development of the site but the proposal to leave three trees and plant a few others is not a proportionate mitigation for the loss which has occurred.

Traditional Orchards are also an important feature in the wider landscape and should be protected under UDP Policy LA2.

I'm afraid all I would recommend at the moment is a refusal. The loss of trees on the site (to allow what would appear to be an extra six dwellings) is not acceptable and I would recommend that if approval is to be given, then an area of new planting commensurate with the mature tree area lost should be allocated to a revised scheme.

A condition for this enhancement should be placed upon any future approvals for development of this site to ensure compliance.

4.5 Parks & Countryside Officer -

UDP Policy H19 and RST3; In accordance with UDP Policy H19 a development of 15 dwellings at an average occupancy of 2.3 (total 34.5) is required to provide public open space (POS) and a small children's play area for both infants and juniors as follows:

- POS (0.4 ha per 1000 population) 0.013ha (130sq m)
- Play both formal and informal (0.8 ha per 1000 population) 0.026ha (260sq m) of which less than 0.008ha (86sq m) should be formal (in accordance with the Fields In Trust Standards of provision - 0.25ha per 1000 pop)
Total 0.0391ha (390sq m)

On-Site Provision: On-site provision is generally supported given the applicant has provided well in excess of the policy requirements above all of which appear to be usable spaces. In doing so the applicant has provided:

- A central POS - This includes the retention of 5 of the old orchard trees (apple, pear and oak) and to be planted with perry pear trees to augment the surviving orchard trees in the form of a traditional orchard to be future maintained via a resident controlled management company. This is supported but a survey is recommended prior to any future management.
- 812 sq m of children's play space and an improved footpath link - Although on-site provision for small developments is generally not supported, in this case this is considered to be a very generous offer over 3 x the policy requirement and it has potential to provide a good usable space for a development of this size.
- The applicant will improve access by providing a new footpath link to the existing network to enable easier and safer access to the village centre which would include the existing play area next to the village hall which although small catering for younger children only is considered to be in good condition. To note, the new footpath link will need to be legally linked to the definitive route of the existing footpath.

- In this instance, for such a small development I wouldn't ask for the play space to be equipped unless the applicant wants to, given the offer of informal play opportunities and the new footpath link.
- Five allotments - This is not a policy requirement but presumably has been provided in support of local need and can be managed accordingly?
- Future Maintenance/Adoption - Suitable management and maintenance arrangements will be required to support any provision of open space and associated infrastructure within the open space in line with the Council's policies. It is noted that the applicant makes reference to a resident controlled management company. This is supported as Herefordshire Council would not wish to adopt these areas. The management company will need to be demonstrably adequately self-funded or will be funded through an acceptable ongoing arrangement as there is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.
- Draft Heads of Terms: The applicant has made reference to the potential for an off-site contribution in meeting policy requirements but has asked that in respect of this the on site provision of open space, children's play, the footpath link and allotments are taken in to account. This is supported and off-site contributions will not be required.

4.6 Housing Officer – The application is supported subject to the completion of a Section 106 Agreement. The mix and tenure meets the needs of the local area.

4.7 Education – No objection to the proposal subject to a Section 106 Agreement in accordance with the Council's Planning Obligations Supplementary Planning Document

4.8 Public Rights of Way Officer – No objection to the development, but any proposed changes to the public rights of way will need to be agreed with the Network Regulation Manager

5. Representations

5.1 Brimfield & Little Hereford Group Parish Council - The Parish Council support this development with the following modifications:

- The proposed 4-bedroom dwellings to be replaced with bungalows. The emerging Neighbourhood Plan does not recommend dwellings with more than 3-bedrooms. This is to enable both young people to get onto the housing ladder and the elderly to downsize their properties.
- Improved access/road safety concerns to be taken into consideration especially with speeding traffic along this stretch. We suggest that the 30mph limit be extended further along the road towards Brimfield Cross with new signage/traffic calming measures to be implemented to alleviate the potential hazards of a new junction with extra traffic. It is suggested that the developer should make a contribution to this via S106 Planning Obligations.

5.2 One objection submitted on behalf of eleven local residents, and three individual letters of objection have been received. In summary the points raised are as follows:

- The proposal is outside of the settlement boundary and is contrary to policy.
- Too many dwellings in one go for the village to absorb. The proposal is contrary to the emerging Neighbourhood Plan which specifies that limited numbers of dwellings should be built at one time.

- The proposal is not representative of the views of the village, contrary to the suggestion of the application.
- The preference is for no development in the village at all.
- Brimfield should no longer be designated as a main village as it has few services. The proposal is therefore unsustainable.
- There are already empty properties in the village and six affordable dwellings that have been approved are yet to be built.
- The development amounts to a housing estate in the village that is out of context with its surroundings.
- The proposal is not low density.
- The Neighbourhood Plan requires that only 15 dwellings should be built on the site.
- The site is separated from the main part of the village.
- Concerns about highway safety. The entrance to the site is on a dangerous zig-zag on the Tenbury Road.
- The road is used as a cut through by commuter traffic from the A49 to the A465.
- The proposed design of the dwellings does not reflect the local vernacular of the area.
- The impacts of the development on local residents vastly outweigh the benefits.
- 10 orchard trees have been removed over the last 12 months without consent.
- The proposed children's play area is superfluous and a contribution should instead be made towards improving the existing playground at the village hall.
- The detailed design of the dwellings have few "green" credentials.

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

- The proposal is the most favoured of the options considered by residents for the Neighbourhood Plan.
- The proposal is supported by the majority of village residents.
- It enables access into and out of Brimfield without adding to congestion problems in Wyson and has a more direct and safer access to the A49 and A456 without adding to risks at the Salwey junction.
- Close proximity to the village via an improved footpath.
- Low flood risk.
- The proposal provides a variety of housing stock, allotments, green space and play area as requested as part of Neighbourhood Plan feedback.

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

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

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

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

6. Officer's Appraisal

6.1 Brimfield is identified within the adopted Unitary Development Plan as a main village and is also allocated as a main village within the Leominster Housing Market Area within the emerging Local Plan – Core Strategy with a 14% indicative growth target over the plan period.

6.2 Taking the characteristics of the site into account the main issue is whether, having regard to the supply of housing land, the proposals would give rise to adverse impacts, having particular regard to the likely effects upon the character and appearance of the area, the scale of the development proposed and its cumulative effects with other proposals in the locality, highway safety landscape and ecology, and the availability of services and employment opportunities locally that would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development.

The Principle of Development in the Context of ‘saved’ UDP Policies, the National Planning Policy Framework (NPPF) and Other Material Guidance

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

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

6.4 In this instance the Development Plan for the area is the Herefordshire Unitary Development Plan 2007(UDP). The plan is time-expired, but relevant policies have been ‘saved’ pending the adoption of the Herefordshire Local Plan - Core Strategy. UDP policies can only be attributed weight according to their consistency with the NPPF; the greater the degree of consistency, the greater the weight that can be attached.

6.5 The two-stage process set out at S38 (6) requires, for the purpose of any determination under the Act, assessment of material considerations. In this instance, and in the context of the housing land supply deficit, the NPPF is the most significant material consideration. Paragraph 215 recognises the primacy of the Development Plan but, as above, only where saved policies are consistent with the NPPF:-

“In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

6.6 The practical effect of this paragraph is to supersede the UDP with the NPPF where there is inconsistency in approach and objectives. As such, and in the light of the housing land supply deficit, the housing policies of the NPPF must take precedence and the presumption in favour of approval as set out at paragraph 14 is engaged if development can be shown to be sustainable.

6.7 The NPPF approach to Housing Delivery is set out in Chapter 6 – Delivering a wide choice of high quality homes. Paragraph 47 requires that local authorities allocate sufficient housing land to meet 5 years worth of their requirement with an additional 5% buffer. Deliverable sites should also be identified for years 6-10 and preferably years 11-15 too. Paragraph 47 underlines that UDP housing supply policies should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

6.8 The Council's published position is that it cannot demonstrate a five year supply of housing land. This has been reaffirmed by the published Housing Land Supply Interim Position Statement – May 2014. This, in conjunction with recent appeal decisions, confirms that the Council does not have a five year supply of deliverable housing land, is significantly short of being able to do so, and persistent under-delivery over the last 5 years renders the authority liable to inclusion in the 20% bracket.

6.9 In this context, therefore, the proposed erection of 20 dwellings, including 35% affordable, on a deliverable and available site is a significant material consideration telling in favour of the development to which substantial weight should be attached.

6.10 Taking all of the above into account, officers conclude that in the absence of a five-year housing land supply and advice set down in paragraphs 47 & 49 of the NPPF, the presumption in favour of sustainable development expressed at Paragraph 14 of the NPPF is applicable if it should be concluded that the development proposal is sustainable. As such, the principle of development cannot be rejected on the basis of its location outside the UDP settlement boundary.

Assessment of the Scheme's Sustainability Having Regard to the NPPF and Housing Land Supply

- 6.11 The NPPF refers to the pursuit of sustainable development as the golden thread running through decision-taking. It also identifies the three mutually dependent dimensions to sustainable development; the economic, social and environmental dimensions or roles.
- 6.12 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land. The social dimension also refers to the need to ensure an appropriate supply of housing to meet present and future needs and this scheme contributes towards this requirement with a mix of open market and affordable units of various sizes. Fulfilment of the environmental role requires the protection and enhancement of our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use resources prudently and movement towards a low-carbon economy.
- 6.13 Brimfield is identified as a main village in the Herefordshire Local Plan – Core Strategy and it therefore follows that the Council's position is that it is a sustainable settlement. The site is immediately adjacent to the main built elements of the village and it is your officers view that it is sustainably located. The delivery of 20 dwellings, including 35% affordable and the provision of allotments, together with contributions towards sustainable transport and education infrastructure, would contribute towards fulfilment of the economic and social roles. These are significant material considerations telling in favour of the development.

Impact on Landscape Character and the Setting of the Village

- 6.14 NPPF Paragraph 109 states that valued landscapes should be protected and enhanced. Paragraph 113 advises local authorities to set criteria based policies against which proposal for any development on or affecting protected wildlife or geo-diversity sites or landscape areas will be judged. It also confirms that 'distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.' Appeal decisions have also confirmed that although not containing the 'cost-benefit' analysis of the NPPF, policies LA2 (landscape character), and LA3 (setting of settlements) are broadly consistent with chapter 11 of the NPPF.
- 6.15 The Landscape Officer's comments acknowledge that the site does form part of the eastern approach to the village but that, due to the relatively flat landform, the proposed development will have a limited impact on the landscape character of the locality. The removal of the roadside hedge to facilitate an appropriate means of access and visibility splays will inevitably result in an immediate change, but can be mitigated through a landscaping scheme. On balance, it is not considered that the landscape impacts of the proposal outweigh the need to provide additional housing.
- 6.16 It is acknowledged that the proposal represents a significant addition to the housing stock in the village but the site represents an obvious opportunity to provide housing land. The proposal is quite low density but this reflects the overall character of the settlement and it is therefore concluded that the proposal will not adversely affect the landscape character of the area, nor will it detrimentally affect the setting of Brimfield. The proposal is consequently considered to accord with policies LA2 and LA3 of the UDP.

Ecological Impacts

- 6.17 The site is not subject to any environmental designations but the Council's Ecologist notes that it is defined as a traditional orchard of which there is a presumption in favour of protection in accordance with policy NC6 of the UDP. He therefore objects to the application.

- 6.18 The policy requires that habitats that are listed in the UK and Herefordshire Biodiversity Actions Plans (BAPs) should be protected and that developments that might result in a threat to them will not be permitted unless the reasons for the development clearly outweigh the need to safeguard the habitat. Traditional orchards are one of the habitats listed in the Herefordshire BAP and therefore the policy is material to the determination of the application.
- 6.19 Whilst the Council's Ecologist has objected to the application, it is evident from visiting the site that very little is left to resemble a traditional orchard and, although there are signs that a small number of trees have been removed quite recently, this has been the case for some time. The proposal makes provision for the remaining trees to be retained and it has been suggested by the applicant's agent that a landscaping scheme could include new planting of orchard trees within the open space at the centre of the site. Given the current condition of the site, this would go some way to re-instating and enhancing the biodiversity associated with traditional orchards in accordance with policy NC8 of the UDP.

Highway Matters

- 6.20 Saved UDP Policy DR3 and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 30 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 32 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where *'the residual cumulative impacts of development are severe.'*(NPPF para. 32).
- 6.21 There are two aspects to the objections received on highway safety grounds. First is that the position of the access to the site is unsafe and that appropriate visibility cannot be achieved. Second is that the Tenbury Road is used as a cut through between the A49 and A456 and that the introduction of additional traffic movements will increase the risk of accidents.
- 6.22 Following discussions with the applicant's agent and further assessment of the site, the case officer requested that the applicant commissioned further work in respect of highway matters including a seven day speed survey. This has confirmed that average traffic speeds along the Tenbury Road are 33.6 mph in an easterly direction and 37.7 mph to the west at the 85 percentile. This translates to a requirement for visibility splays of 42 metres to the east and 51 metres to the west. Officers have independently assessed the capability for these splays to be achieved and can confirm that they can, although their provision will require the removal and re-planting of the roadside hedge.
- 6.23 The traffic survey also provides information about average traffic movements and these are detailed in the table below:

	Eastbound	Westbound	Two-Way
AM Peak Hour	52	98	150
PM Peak Hour	70	83	153
12 Hours	553	711	1264
24 Hours	687	839	1525

- 6.24 The table shows that at the highest hourly peak, 98 traffic movements were recorded, or one every 48 seconds. The information submitted as part of the amended scheme suggests that the development will generate an additional twelve movements at the AM peak and 10 at the PM peak.

- 6.25 Even in the context the surrounding area, the road is quite lightly trafficked and the introduction of vehicle movements associated with 20 new dwellings can be accommodated within the existing network. The plans demonstrate that appropriate visibility splays can be provided and the scheme will not give rise to severe cumulative impacts and it is therefore concluded that, in its amended form, the proposal will not be detrimental to highway safety and is compliant with Policies DR3 and T8 of the UDP and paragraphs 30 – 32 of the NPPF.

Compliance with the emerging Core Strategy and Neighbourhood Plan

- 6.26 At the time of writing this report the Core Strategy has been the subject of a further four week period of public consultation following further modifications to reflect the Government's recent Ministerial Statement on wind turbines. The consultation period expired on 10th August and it is anticipated that the Inspector's Report will be received in the near future. However, until the report is received by the Council the policies in the emerging Core Strategy are considered to have limited weight.
- 6.27 As reported at paragraph 2.4 of this report, the emerging Neighbourhood Plan is currently at Regulation 16 stage and is the subject of a public consultation period. It is noted that the draft plan identifies the application site as that which is preferred for residential development. It advises that the site is 1.6 hectares in size and that development will be acceptable for up to a maximum of 15 dwellings on an appropriate part of the site, provided at a maximum density of 15 per hectare.
- 6.28 The proposal meets other objectives of the emerging Neighbourhood Plan as it provides affordable housing and an area for allotments. However, it does not strictly accord with the emerging policy of the Neighbourhood Plan as it exceeds the 15 proposed.
- 6.29 It is not evident that there is a particular rationale behind the housing number limit for the site and, as the NPPF advises:

"Planning policies and decisions should ensure that developments:... optimise the potential of the site to accommodate development..."

- 6.30 The adoption of the Neighbourhood Plan will depend upon its compliance with the NPPF and the Core Strategy. Policy SS2 refers to housing density and it says that:

"Residential density will be determined by local character and good quality design. The target net density across the county is between 30 and 50 dwellings per hectare, although this may be less in sensitive areas."

- 6.31 In your officers view the proposal for up to 20 dwellings at an approximate density of 14 is a very low density. However, the site is at the periphery of the village where dwellings tend to be set within larger curtilages. The low density approach is more reflective of this and therefore is accepted. A density lower than this would seem to be at odds with a desire to make best use of land and would be increasingly difficult to justify.

Summary and Conclusions

- 6.32 The Council cannot demonstrate a five-year supply of housing land with requisite buffer. The housing policies of the UDP are thus out-of-date and the full weight of the NPPF is applicable. UDP policies may be attributed weight according to their consistency with the NPPF; the greater the consistency, the greater the weight that may be accorded. The pursuit of sustainable development is a golden thread running through both plan-making and decision-taking and identifies three dimensions to sustainable development; the economic, social and environmental roles.

- 6.33 When considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that in the absence of significant and demonstrable adverse impacts, the application should be approved.
- 6.34 The site lies outside but adjacent to the settlement boundary for Brimfield and is, having regard to the NPPF and saved and emerging local policies, a sustainable location. The scheme provides opportunities to create a pedestrian link through to the village which can be secured through the imposition of an appropriately worded condition. The provision of allotments is an objective of the Brimfield Neighbourhood Plan and the scheme proposes to provide the requisite affordable housing, demonstrating a fulfilment of the social dimension of sustainable development. The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic role.
- 6.35 It has been demonstrated that the proposal will not harm the landscape character of the area or the setting of the village, subject to the imposition of appropriately worded conditions. Although an objection has been raised by the Council's Ecologist about the status of the land as a traditional orchard, it is clear that few trees remain and the site has little biodiversity value in this regard. The scheme offers the opportunity to reinstate orchard planting and enhance biodiversity value in accordance with policy NC7 of the UDP.
- 6.36 Officers conclude that there are no landscape, highways, drainage or ecological issues that should lead towards refusal of the application and that any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits.
- 6.37 It is therefore concluded that planning permission should be granted subject to the completion of a Section 106 Planning Obligation in accordance with Heads of Terms and appropriate planning conditions.

RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any other further conditions considered necessary

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with approved plans**
3. **C01 Samples of external materials**
4. **H03 Visibility splays**
5. **H06 Vehicular access construction**
6. **H11 Parking – estate development (more than one house)**
7. **H18 On site roads – submission of details**
8. **H20 Road completion**
9. **H21 Wheel washing**

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

10. **H27 Parking for site operatives**
11. **H29 Covered and secure cycle parking provision**
12. **G04 Protection of trees/hedgerows that are to be retained**
13. **G10 Landscaping scheme**
14. **G11 Landscaping scheme - implementation**
15. **The recommendations set out in Section 8 of the ecologist's report from Star Ecology dated 13th February 2015 should be followed in relation to species mitigation and habitat enhancement. Prior to commencement of the development, a full working method statement for the protected species present together with a habitat enhancement plan integrated with the landscape proposals 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 and site clearance.

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

16. **The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.**

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

17. **Prior to the first occupation of the development hereby approved details of the proposed pedestrian link with public footpath BF2 to the south of the site shall be submitted to and approved in writing by the local planning authority. The link shall be constructed in accordance with the approved details, shall be available for use upon the first occupation of the site and shall be retained in perpetuity.**

Reason: To ensure the creation of a pedestrian link upon first occupation of the site and to ensure its connectivity with the rest of the village in accordance with T6 of the 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. HN10 No drainage to discharge to highway
3. HN08 Section 38 Agreement & Drainage details
4. HN07 Section 278 Agreement
5. HN04 Private apparatus within highway
6. HN01 Mud on highway
7. HN24 Drainage other than via highway system
8. HN05 Works within the highway
9. HN28 Highway Design Guide and Specification

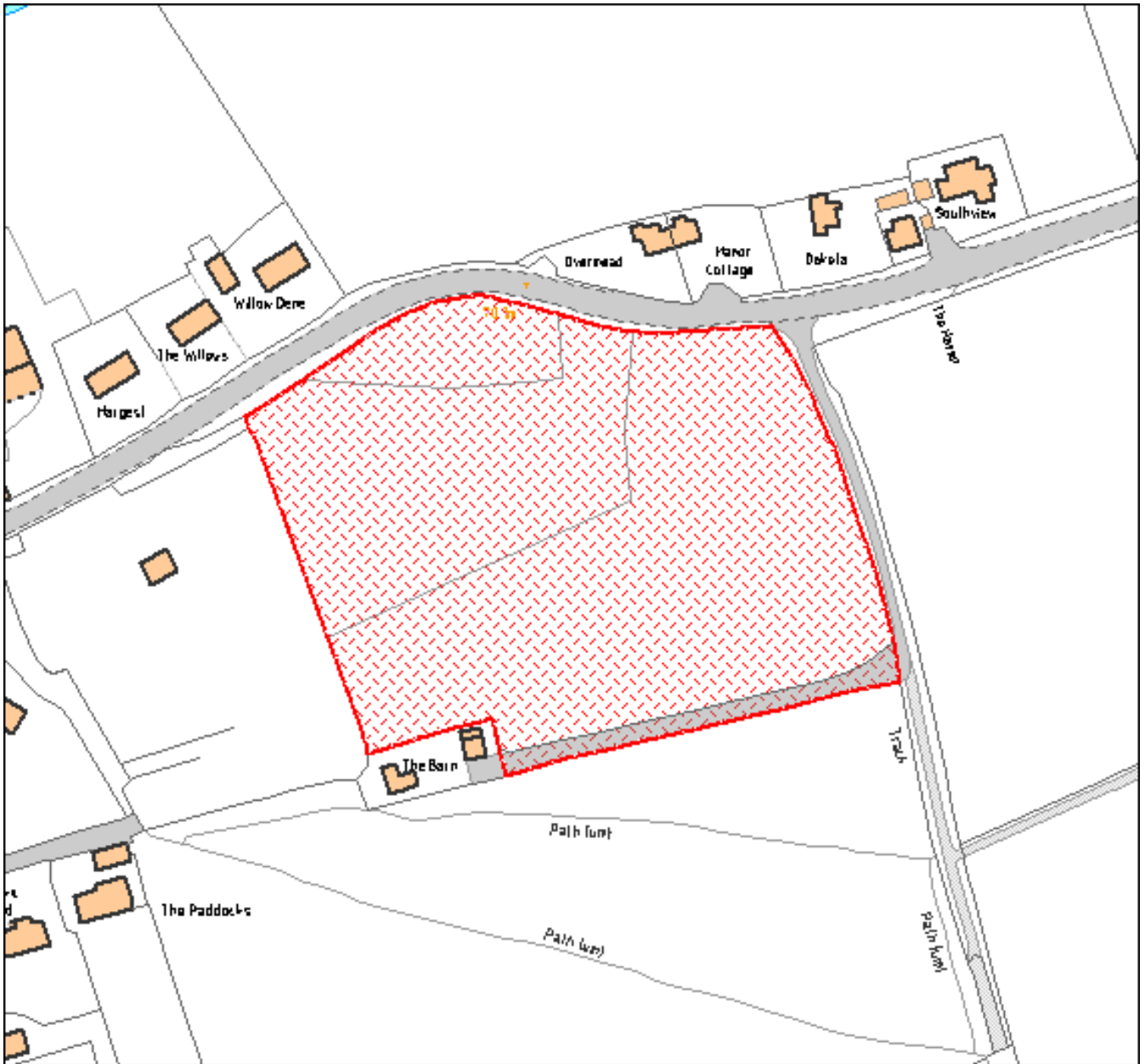
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 150789

SITE ADDRESS : LAND AT TENBURY ROAD, BRIMFIELD, HEREFORDSHIRE

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

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 1st April 2008. All contributions in respect of the residential development are assessed against general market units only.

Planning Application – 150789/F

Proposed residential development of 20 dwellings (including 5 affordable dwellings) on land at Tenbury Road, Brimfield

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£79,895**. The contribution will provide enhanced educational infrastructure at Orleton Primary School, Wigmore High School, St Marys RC High School, Early Years, Post 16, Youth Services and Special Education Needs. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£55,000**. The contributions will provide for sustainable transport infrastructure to serve the development. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Traffic calming and traffic management measures in the locality
 - b) New pedestrian and cyclist crossing facilities
 - c) Creation of new and enhancement in the usability of existing footpaths and cycleways connecting to the site
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£1,600** towards waste and recycling facilities. The contribution will be used to provide 1x waste and 1x recycling bin for each dwelling. The sum shall be paid on or before occupation of the 1st open market dwelling
4. The maintenance of the on-site Public Open Space (POS) and allotments will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the parish council and/or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

NOTE: Any attenuation basin and/or SUDS which may be transferred to the Council will require a commuted sum calculated in accordance with the Council's tariffs over a 60 year period
5. The developer covenants with Herefordshire Council that 25% (5 on the basis of a development of 20 dwellings) 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.

6. 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.
7. 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:-
 - 7.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 7.2 satisfy the requirements of paragraphs 7 & 8 of this schedule
8. 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:-
 - 8.1 a local connection with the parish of Brimfield and Little Hereford.
 - 8.2 in the event there being no person having a local connection to the parish of Brimfield and Little Hereford a person with a connection to the adjacent parishes;
 - 8.3 in the event of there being no person with a local connection to the above parishes 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 7.1 above.
9. For the purposes of sub-paragraph 6.1 and 6.2 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
 - 9.1 is or in the past was normally resident there; or
 - 9.2 is employed there; or
 - 9.3 has a family association there; or
 - 9.4 a proven need to give support to or receive support from family members; or because of special circumstances;

10. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2 and 3 above, for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
11. The sums referred to in paragraphs 1, 2 and 3 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.
12. 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.
13. 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.

Andrew Banks
7th September 2015



MEETING:	PLANNING COMMITTEE
DATE:	16 SEPTEMBER 2015
TITLE OF REPORT:	150812 - SITE FOR PROPOSED RESIDENTIAL DEVELOPMENT FOR 30 HOUSES AT LAND OFF WESTCROFT, LEOMINSTER, HEREFORDSHIRE, HR6 8HG For: Mr Bates per Miss Lorraine Whistance, 85 St Owen Street, Hereford, Herefordshire, HR1 2JW
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150812&search=150812
Reason Application submitted to Committee – Contrary to Policy	

Date Received: 19 March 2015

**Ward: Leominster
South**

Grid Ref: 348629,258732

Expiry Date: 26 June 2015

Local Member: Councillor PJ McCaull

Introduction

This introduction provides an update following the deferral of the original application by this Committee on 5 August. The original report follows this introduction and recommendation for completeness.

The application was originally submitted for the erection of 35 dwellings and was deferred by Planning Committee on 5th August in order that officers could enter into further discussions with the applicant and their agent. The Committee was particularly concerned that the application for 35 dwellings represented overdevelopment and that a smaller development with the provision of some green space would be a preferable option.

In response to this the applicant has amended the description of the application and has reduced the housing numbers to 30. An amended plan has also been submitted which simply shows the means of access to the site.

The amended scheme has been subject to further public consultation and this is due to expire on 10th September. At the time of writing, no further objections have been received. If any are received they will be reported verbally.

The original application did not attract any objections from statutory or internal council consultees and a reduction in numbers will not materially affect any of the consultation responses originally received.

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

With a reduced number of dwellings the housing density is reduced from 27 to 24 per hectare. The applicant has responded to the concerns raised by the Committee and the lower density offers the potential to increase areas of green space and ensure that residential amenity of surrounding dwellings is protected. However, the Committee is reminded that the application is made in outline and that access is the only matter to be determined at this stage.

Your officers conclude that the issues remain the same and the proposal remains acceptable and it is therefore recommended that the application is approved.

1. Site Description and Proposal

- 1.1 The site comprises 1.28 hectares of relatively flat, overgrown rough pastureland that lies between residential properties on Barons Cross Road, Ropewalk Avenue and Westcroft. It is roughly rectangular in shape and is partially dissected by an overgrown hedgerow running through the middle of the site in an approximate east / west direction with a second hedgerow running roughly north / south, meaning that the site has three component parts.
- 1.2 The northern, eastern and southern boundaries abut residential properties, while a hedgerow forms the boundary to the west with agricultural land beyond. A small section of the eastern boundary is also shared with the play area on Ropewalk Avenue.
- 1.3 A pumping station in a fenced enclosure is located at the centre of the site with vehicular access gained via a gated entrance onto Westcroft, where the site has a road frontage of approximately 25 metres.
- 1.4 The application is made in outline with all matters apart from access reserved for future consideration, and is for the erection of up to thirty five dwellings, eight of which are to be affordable. The application includes an indicative layout to show how the dwellings might be accommodated on the site. This is based on a desire to retain much of the hedgerow that runs through the centre of the site. However, it should be noted that layout and landscaping are both matters that are reserved for future consideration.
- 1.5 The application is accompanied by the following documents:
 - Design & Access Statement
 - Transport Statement
 - Flood Risk Assessment
 - Ecology Survey & Mitigation Strategy
 - Draft Heads of Terms Agreement

2. Policies

2.1 National Planning Policy Framework:

The following sections are of particular relevance:

Introduction	-	Achieving sustainable development
Section 6	-	Promoting sustainable transport
Section 6	-	Delivering a wide choice of high quality homes
Section 7	-	Requiring good design
Section 8	-	Promoting healthy communities

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H9	-	Affordable Housing
H15	-	Density
T8	-	Road Hierarchy
LA5	-	Protection of Trees, Woodlands and Hedgerows
NC1	-	Biodiversity and Development
NC8	-	Habitat Creation, Restoration and Enhancement

2.3 Herefordshire 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
LO1	-	Development in Leominster
H1	-	Affordable Housing – Thresholds and Targets
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 Geodiversity
ID1	-	Infrastructure Delivery

2.4 Neighbourhood Planning

Leominster Town Council has successfully applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed on 27 July 2012. The Town Council will have the responsibility of preparing a Neighbourhood 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. In view of this no material weight can be given to this emerging Plan.

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 DCNC2003/0917/O – Erection of eight dwellings, demolition of existing pump house and construction of new station - Refused 20/05/03 for the following reason:

The site is located outside the settlement boundary of Leominster as shown on Inset Map No. 1 in the Leominster District Local Plan (Herefordshire). Consequently, for policy purposes the site

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

is located in open countryside where there is a presumption against further housing development unless there is an exceptional need for the dwellings. While the applicant has submitted evidence of affordable housing need, Policy A.48 of the Local Plan is considered inappropriate in this case in that this policy relates to development adjacent to villages only and not to Leominster. Accordingly, the proposal conflicts with Policies A.2 (D)(iv), A.48 and A.53 of the Leominster District Local Plan (Herefordshire), Policy H.20 of the Hereford and Worcester County Structure Plan.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water - No objections subject to the imposition of conditions to require that surface water is drained separately from the site and should not discharge to the main sewer. They also comment that the proposed development is within close proximity of a public foul sewerage pumping station and that no habitable buildings should be constructed within a 15m vicinity of the pumping station so as to minimise any effects of noise and odour nuisance.

Internal Council Consultations

- 4.2 Transportation Manager - The traffic uplift from the development is minimal and the highway network is easily capable of absorbing the traffic generated by the development. The proposal as presented is acceptable subject to the imposition of conditions.
- 4.3 Conservation Manager (Ecology) - No objection subject to the imposition of a condition to ensure that the recommendations as set out within the ecology report as submitted by the applicant are followed, and to require the submission of a habitat protection and enhancement scheme prior to the commencement of development.
- 4.4 Environmental Health Officer (Contaminated Land) - Records indicate part of the site was formerly partially occupied by land associated with a brick works. This area is later described as an area of 'unknown filled ground'. These may be considered potentially contaminative uses. Accordingly any planning permission should be conditioned to require further investigation and mitigation.
- 4.5 Housing Officer - I can confirm that in principal I support the above application to provide eight affordable dwellings on the above site. The applicant has been in discussion with Housing Partnerships and the suggested mix and tenure meets the needs of the local area.
- 4.6 Waste Operations Team Leader - No objection to the design and Swept path analysis is acceptable for a refuse collection vehicle. However, a concern over just how narrow the road layout is remains in that if any vehicle were to park on the edges then access into the site will be difficult without causing damage.

5. Representations

- 5.1 Leominster Town Council – Objects to the application and makes the following comments:
- The proposal is premature to the emerging Local and Neighbourhood Plans which designate adequate land locally to support additional development allocated for Leominster. This site is not one of those designated sites;
 - The proposal is sited outside the limits of built development and outside the settlement boundary which is supported in both the existing Core Strategy and the emerging Local Plan for Herefordshire;

- The existing and emerging Local Plan has designated this site as being located in open countryside and this designation is still valid and supported by the emerging Neighbourhood Plan;
- The proposal will result in the infilling of an important open space which has a diverse and valuable ecological system and is home to many species of plants and wildlife;
- The proposal will be detrimental to the privacy and quality of life of the existing residents whose properties surround the site. The proposed dwellings will be located very close to existing properties and will result in overlooking issues and loss of privacy;
- The proposal would significantly increase traffic movements on a daily basis in the area and the current highway infrastructure does not have the capacity to cope with approximately 200 extra vehicle movements per day;
- The majority of the traffic will egress on to Bargates which is already a failing EU air quality hotspot.

5.2 Leominster Civic Society - Objects to the application and makes the following comments:

- The application site is outside the settlement boundary as supported by the Core Strategy. It is not a site designated for housing in the Local Plan and Neighbourhood Plans currently emerging.
- Sites which are not designated for development need to be conserved as part of Leominster's open spaces and are important to the survival of wildlife.
- The site provides an important 'green lung' and a vista of grass and trees which is a significant amenity to neighbouring houses.
- The Civic Society is concerned about the effect of traffic generated by these houses on the local network of fairly narrow streets. Additionally this traffic can only increase the severe air pollution problem at Bargates.

5.3 30 letters of objection have been received from local residents. In summary the points raised are as follows:

Policy Related Matters

- The site is outside of the existing settlement boundary.
- The reason for refusal given in 2003 is still valid. There have been no changes in circumstances since that time.
- The proposals are contrary to policy.
- The plans provide for access onto adjoining land to the west. The proposal represents piecemeal development.
- The application is opportunistic with weakened planning constraints.
- Housing should be in the right place at the right time. This might be the right place, but it is the wrong time.
- There is already sufficient development waiting to take place in the area.
- New development should take place on Brownfield sites such as the Barons Cross Camp site first.

Amenity Concerns

- The indicative layout would be particularly detrimental to the amenities of 76 to 80 Westcroft, causing significant overlooking, loss of privacy and loss of daylight.
- Air quality problems at the Bargates junction will be made worse by further development.
- The proposal is overbearing and out of scale in terms of its appearance compared with existing development.
- There are no green spaces within the locality and children currently have to play in the streets
- Anti-social behaviour within the Ropewalk Avenue play area will be increased if it is linked to a new area within the application site.
- The proposed development may lead to a rise in criminal activity.

Highway Issues

- The proposal will add to existing traffic problems, particularly around the junction of Westcroft and Westfield Walk.
- There is a bus stop opposite the proposed access to the application site. This is likely to cause a conflict in vehicular movements that will be detrimental to highway safety.
- There have already been a number of near misses along Westcroft and opposite the application site.
- Visibility is poor at the site entrance.
- This application should not be approved until the 'bypass' is constructed.

Ecology and Landscape Impact

- The woodland and grass paddock is an important landscape feature and a key component of the setting of Leominster. The proposal will erode this character.
- The area provides a valuable urban nature conservation feature and is a home for lots of local wildlife, including protected species such as bats and Barn Owls.

Drainage

- Properties on Barons Cross Road that bound the application site are all on septic tanks and the proposed dwellings may suffer odour nuisance from them.
- Sewage and drainage systems will not be able to manage the additional dwellings.
- The site is very wet and serves as a natural drainage area.

Other Matters

- Local services are already stretched; particularly the doctors surgery and local schools.
- There are inaccuracies on the application form, particularly with regard to flooding and the proximity of watercourses.

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

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

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

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

6. Officer's Appraisal

6.1 Leominster is one of the county's market towns and the extent of its residential area is defined by Policy H1 of the HUDP. In the emerging Core Strategy it is anticipated that the town will accommodate a minimum of 2,300 new dwellings, of which approximately 1,500 will be provided on a strategic site on land to the south west of the town and the site to which this application relates.

6.2 Taking the characteristics of the site into account the main issue is whether, having regard to the supply of housing land, the proposals would give rise to adverse impacts, having particular regard to the likely effects upon the character and appearance of the area, the scale of the development proposed, the residential amenity of existing dwellings bounding the application site, highway safety and the loss of a green space on the edge of the town, that would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development.

The Principle of Development in the Context of 'saved' UDP Policies, the National Planning Policy Framework (NPPF) and Other Material Guidance

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

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

6.4 In this instance the Development Plan for the area is the Herefordshire Unitary Development Plan 2007(UDP). The plan is time-expired, but relevant policies have been 'saved' pending the adoption of the Herefordshire Local Plan - Core Strategy. UDP policies can only be attributed weight according to their consistency with the NPPF; the greater the degree of consistency, the greater the weight that can be attached.

6.5 The two-stage process set out at S38 (6) requires, for the purpose of any determination under the Act, assessment of material considerations. In this instance, and in the context of the housing land supply deficit, the NPPF is the most significant material consideration. Paragraph 215 recognises the primacy of the Development Plan but, as above, only where saved policies are consistent with the NPPF:-

"In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

6.6 The practical effect of this paragraph is to supersede the UDP with the NPPF where there is inconsistency in approach and objectives. As such, and in the light of the housing land supply deficit, the housing policies of the NPPF must take precedence and the presumption in favour of approval as set out at paragraph 14 is engaged if development can be shown to be *sustainable*.

6.7 The NPPF approach to Housing Delivery is set out in Chapter 6 – Delivering a wide choice of high quality homes. Paragraph 47 requires that local authorities allocate sufficient housing land to meet 5 years' worth of their requirement with an additional 5% buffer. Deliverable sites should also be identified for years 6-10 and preferably years 11-15 too. Paragraph 47 underlines that UDP housing supply policies should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

- 6.8 The Council's published position is that it cannot demonstrate a five year supply of housing land. This has been reaffirmed by the published Housing Land Supply Interim Position Statement – May 2014. This, in conjunction with recent appeal decisions, confirms that the Council does not have a five year supply of deliverable housing land, is significantly short of being able to do so, and persistent under-delivery over the last 5 years renders the authority liable to inclusion in the 20% bracket.
- 6.9 In this context, therefore, the proposed erection of up to 35 dwellings, including eight affordable units, on a deliverable and available site is a significant material consideration telling in favour of the development to which substantial weight should be attached and, should the application be approved, would provide the justification for reaching a different conclusion to the outcome of the application that was refused in 2003.
- 6.10 Taking all of the above into account, officers conclude that in the absence of a five-year housing land supply and advice set down in paragraphs 47 & 49 of the NPPF, the presumption in favour of sustainable development expressed at Paragraph 14 of the NPPF is applicable if it should be concluded that the development proposal is sustainable. As such, the principle of development cannot be rejected on the basis of its location outside the UDP settlement boundary.

Assessment of the Scheme's Sustainability Having Regard to the NPPF and Housing Land Supply

- 6.11 The NPPF refers to the pursuit of sustainable development as the golden thread running through decision-taking. It also identifies the three mutually dependent dimensions to sustainable development: the economic, social and environmental dimensions or *roles*.
- 6.12 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land. The social dimension also refers to the need to ensure an appropriate supply of housing to meet present and future needs and this scheme contributes towards this requirement with a mix of open market and affordable units of various sizes. Fulfilment of the environmental role requires the protection and enhancement of our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use resources prudently and movement towards a low-carbon economy.
- 6.13 Leominster is one of the county's market towns and, in the hierarchy of settlement pattern, is accordingly a main focus for population. It has a good range of shops, services and employment opportunities and the site is well positioned to access all of these facilities. Accordingly Leominster is considered to be a sustainable settlement and the delivery of up to 35 dwellings, including eight affordable, together with contributions towards public open space, sustainable transport and education infrastructure, would contribute towards fulfilment of the economic and social roles. These are significant material considerations telling in favour of the development.
- 6.14 The site is not subject to any environmental designations and the Council's Conservation Manager does not object to the scheme, subject to the imposition of an appropriately worded condition to mitigate the impacts of the scheme.

Impacts on Residential Amenity

- 6.15 As stated previously, the application has been made in outline with all matters apart from access reserved for future consideration. The applicant's agent has submitted an indicative layout plan with the application to show how the site might be development if permission is granted in outline. This has given rise to objections from residents bordering the site who are

concerned that development will be detrimental to their residential amenity and will cause unacceptable levels of overlooking and loss of privacy.

- 6.16 The layout provided as part of the original submission would certainly give rise to unacceptable detriment to the amenity of 76 Westcroft and this has been brought to the attention of the applicant and their agent. As a result they have submitted an alternative layout that shows bungalows rather than two storey dwellings on the adjacent boundary. Whilst this may be a more appropriate approach and would certainly lessen the impact on no. 76 as it would remove a significant amount of overlooking from first floor windows, some concerns remain locally. However, the alternative layout does demonstrate that there are alternatives for the provision of dwellings on the site. It is acknowledged that there are amenity issues to be addressed in the detailed design stage, but these are not considered to be so fundamental to prevent the grant of an outline planning permission.
- 6.17 Some objectors have referred to a pre-existing problem of anti-social behaviour around the play area on Ropewalk Avenue, and suggested that this will be increased if it is linked to an area of open space on the application site.
- 6.18 There is nothing to suggest that a larger play area will give rise to a greater degree of anti-social behaviour. The way to address this is through the detailed design of the scheme, ensuring that the area of open space is overlooked and well used, so as to reduce the opportunity for anti-social behaviour. Given that this is an outline application, such matters could be addressed at the reserved matters stage, should outline permission be granted.

Highway Matters

- 6.19 Saved UDP Policy DR3 and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 30 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 32 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where *'the residual cumulative impacts of development are severe.'*(NPPF para. 32).
- 6.20 There are two elements to the objections received on highway safety grounds. First that the position of the access to the site is unsafe and that appropriate visibility cannot be achieved. Second is that the proposal will generate additional traffic movements that cannot be accommodated by the existing road network, particularly around the junction of Westcroft and Westfield Walk.
- 6.21 The application is supported by a Transport Statement (TS). This considers in detail the potential impacts of the development on the local road network, including Westfield Walk and its respective junctions with the A44 (The Bargates and Ryelands Road). The TS uses TRICS data to determine the average traffic movements from the development proposed. It suggests that these will amount to 19 trips (a combination of arrivals and departures to and from the site) during the AM peak (between 08:00 and 09:00), and 18 trips during the PM peak (17:00 and 18:00). The TS concludes that the proposed trip generation of the site would have a minimal impact on the surrounding highway network.
- 6.22 The Transportation Manager has visited the site and assessed the Transport Statement completed by the applicant's highway consultant and has advised that he is satisfied that the highway network is capable of accommodating the additional traffic that is likely to be generated by the proposal. The site is well related to Leominster Town Centre and would have ready access to a range of facilities by foot. There are regular local bus services and the site is within

walking distance of the railway station. Whilst it is acknowledged that there is localised congestion on Westfield Walk as a combined result of the lack of parking at the doctor's surgery and of drivers using it as a 'rat run', it is not considered that the cumulative impact of existing road conditions and the proposed development are such that it would result in severe highway impacts that would make the application unacceptable. It is therefore concluded that the proposal is compliant with Policies DR3 and T8 of the UDP and paragraphs 30 – 32 of the NPPF.

Air Quality at the A44 Bargates Junction

- 6.23 The A44 Bargates junction is one of only three areas in the county that is the subject of an Air Quality Management Plan. Some objections have referred to this and have suggested that the proposed development will exacerbate the current situation and bring about a further decline in air quality at the junction.
- 6.24 The National Planning Policy Guidance (NPPG) contains information for practitioners about the type of information to be provided in a Transport Statement. It advises that statements should be proportionate to the development proposed and also makes specific mention of the need to consider likely environmental impacts of transport related development, particularly in relation to environmentally sensitive areas such as air quality management areas.
- 6.25 Accordingly the Transport Statement does include a section that considers the impact of the development on the Bargates junction. It identifies the fact that a management plan is in place and that some of its recommendations have been implemented; including the re-sequencing of the traffic lights, whilst other improvements are on-going. The annual traffic flow data from 2006 to 2013 has also been provided and demonstrates that movements through the junction have remained at a consistent level over the 8 year period, suggesting that air quality has not worsened over that time.
- 6.26 The issue to be considered here is whether the development will have a cumulative detrimental effect on air quality at the Bargates junction.
- 6.27 The traffic flow figures for the Bargates junction between 2006 and 2013 show an average annual daily flow of 16,000 vehicles. The proposed development is for up to 35 dwellings and is considered to be modest in terms of the traffic that it is likely to generate as confirmed by the Transportation Manager's comments, and is negligible in terms of the amount of traffic moving through the junction on a daily basis. Furthermore, drivers entering and leaving the application site would have a choice of turning left or right at the junction of Westcroft and Westfield Walk. Drivers turning left are more likely to turn left again onto the A44 rather than turning right and back towards the Bargates junction and therefore your officer would conclude that the proposed development would not have a demonstrable detrimental impact upon air quality.

Ecology and Landscape Impacts

- 6.28 The application site is surrounded on three sides by residential development and it defines the character of the area. Residential development continues further along Barons Cross Road and is punctuated by the Morrisons supermarket on its southern side. The proposal represents a logical 'rounding off' of built development and it is not considered that the site makes any meaningful contribution to the wider landscape setting of Leominster. It is not considered that the scheme is detrimental to the landscape character of the area and therefore the proposal is compliant with policies LA2 and LA3 of the UDP.
- 6.29 The site has been surveyed by an appropriately qualified ecologist and his report has been independently assessed by the Council's Ecologist. The conclusion of both is that the likely effects of the development upon the biodiversity of the site can be mitigated through the imposition of conditions.

- 6.30 The applicant's intention is to retain a tree and hedge line that runs through the middle of the site. This has particular value as a landscape feature and also as a 'green corridor' for wildlife, and therefore an integrated approach to landscaping and biodiversity enhancement is vital to ensure that the scheme complies with policy NC8 of the UDP.

Drainage

- 6.31 Some of the letters of representation consider that there is insufficient capacity within the existing sewage system to accommodate the development. However, Welsh Water does not object to the application, subject to the imposition of conditions. In light of the response from a statutory undertaker, who are obligated to provide a connection to the mains sewer where available, your officers do not consider that there are grounds to refuse the application in this regard.
- 6.32 Objectors have also referred to a potential nuisance that might be caused to prospective residents arising from odours from existing septic tanks serving properties on Barons Cross Road. Your officers consider that this is likely to be a matter of maintenance and is not a justification for the refusal of this application.

Summary and Conclusions

- 6.33 The Council cannot demonstrate a five-year supply of housing land with requisite buffer. The housing policies of the UDP are thus out-of-date and the full weight of the NPPF is applicable. UDP policies may be attributed weight according to their consistency with the NPPF; the greater the consistency, the greater the weight that may be accorded. The pursuit of sustainable development is a golden thread running through both plan-making and decision-taking and identifies three dimensions to sustainable development: the economic, social and environmental roles.
- 6.34 When considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that in the absence of significant and demonstrable adverse impacts, the application should be approved.
- 6.35 The site lies outside but adjacent to the settlement boundary for Leominster and is, having regard to the NPPF and saved and emerging local policies, a sustainable location. It is within walking distance of a range of local services and although only an outline application, it is evident that there are opportunities to ensure pedestrian permeability and connectivity. These opportunities will ensure that prospective residents have a genuine choice of transport modes. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel).
- 6.36 The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic role. In providing a greater supply of housing and breadth of choice, including the provision of affordable housing, and in offering an amount of open space in excess of policy requirements, officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development.
- 6.37 Officers conclude that there are no landscape, highways, drainage, ecological or other environmental issues that should lead towards refusal of the application and that any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits.

- 6.38 It is therefore concluded that planning permission should be granted subject to the completion of a Section 106 Planning Obligation in accordance with the Heads of Terms appended to this report and appropriate planning conditions. The conditions will include a requirement to limit the number of dwellings to no more than 35 and to formulate an integrated foul and surface water run-off scheme. Officers would also recommend the developer conducts further consultation with the Town Council and local community as regards the detail of any forthcoming Reserved Matters submission, paying particular regard to the concerns raised throughout the determination of this application with regard to residential amenity.

RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary

1. **A01 Time limit for commencement (full permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **A05 Plans and particulars of reserved matters**
5. **C01 Samples of external materials**
6. **The development shall include no more than 35 dwellings and no dwelling shall be more than two storeys high.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, H13 and the National Planning Policy Framework.

7. **H02 Single access – footway**
8. **H03 Visibility splays**
9. **H06 Vehicular access construction**
10. **H11 Parking – estate development (more than one house)**
11. **H18 On site roads – submission of details**
12. **H20 Road completion**
13. **H21 Wheel washing**
14. **H27 Parking for site operatives**
15. **H29 Covered and secure cycle parking provision**
16. **The recommendations for species and habitat enhancements set out in the Preliminary Herptofauna Mitigation Strategy from Nigel Hand dated June 2015 should be completed as approved before development commences on site. On completion of the mitigation measures, confirmation of the translocation should be made to the local planning authority in writing together with photographic evidence**

of the measures implemented.

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

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

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

17. G04 Protection of trees/hedgerows that are to be retained
18. G09 Details of boundary treatments
19. G10 Landscaping scheme
20. G11 Landscaping scheme - implementation
21. L01 Foul/surface water drainage
22. 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 the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

23. The Remediation Scheme, as approved pursuant to condition 22 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 the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

24. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

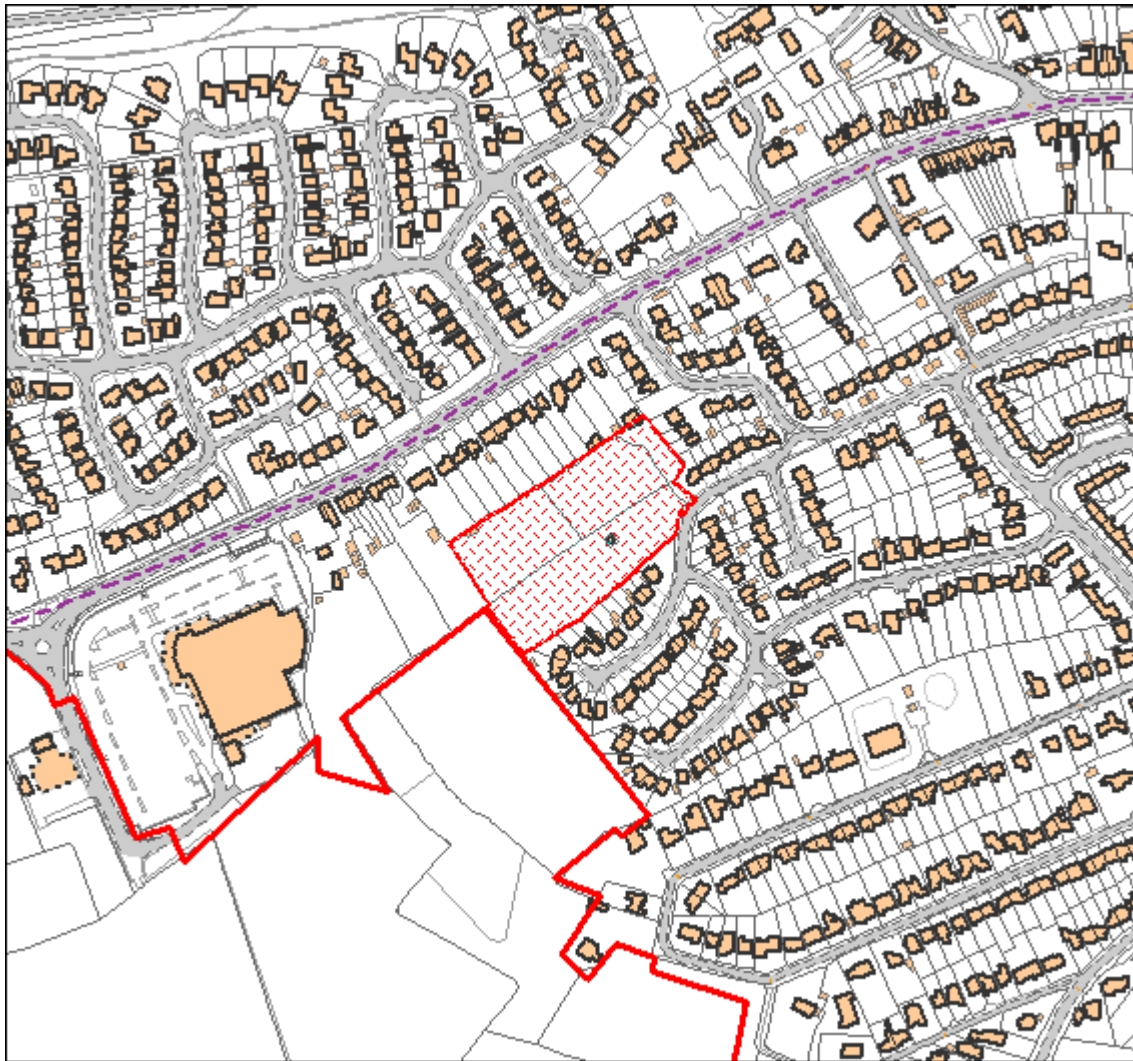
25. L02 No surface water to connect to public system
26. L03 No drainage run-off to public system
27. L04 Comprehensive and integrated draining of site

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. HN10 No drainage to discharge to highway
3. HN08 Section 38 Agreement & Drainage details
4. HN07 Section 278 Agreement
5. HN04 Private apparatus within highway
6. HN01 Mud on highway
7. HN24 Drainage other than via highway system
8. HN05 Works within the highway
9. HN28 Highway Design Guide and Specification
10. The assessment required by condition 22 should be undertaken in accordance with good practice guidance and should be carried out by a suitably competent person as defined within the National Planning Policy Framework 2012. The assessment must also include asbestos sampling and analysis and this should be included with any submission.

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 150812

SITE ADDRESS : LAND OFF WESTCROFT, LEOMINSTER, HEREFORDSHIRE, HR6 8HG

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

DRAFT HEADS OF TERMS

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

Planning Application – 150812

Site address:

Land at Westcroft, Leominster

Planning application for:

Residential Development for the erection of 35 dwellings and associated infrastructure

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008, and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). All contributions in respect of the residential development are assessed against open market units only except for item 3 which applies to all new dwellings.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of (per open market unit):

£1,084 (index linked) for a 2 bedroom apartment open market unit

£1,899 (index linked) for a 2/3 bedroom open market unit

£3,111 (index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at Leominster Primary School. 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):

£1,721 (index linked) for a 2 bedroom open market unit

£2,583 (index linked) for a 3 bedroom open market unit

£3,442 (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:

- a) Traffic calming and traffic management measures in the locality
- b) New pedestrian and cyclist crossing facilities
- c) Creation of new and enhancement in the usability of existing footpaths and cycleways connecting to the site
- d) Provision of and enhancement of existing localised bus infrastructure
- e) Public initiatives to promote sustainable modes of transport
- f) Safer routes to school

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £80 (index linked) per dwelling. The contribution will be used to provide 1x waste and 1x recycling bin for each dwelling. The sum shall be paid on or before occupation of the 1st open market dwelling.
4. The maintenance of any on-site Public Open Space (POS) will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the parish council and/or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

NOTE: Any attenuation basin and/or SUDS which may be transferred to the Council will require a commuted

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

sum calculated in accordance with the Council's tariffs over a 60 year period

5. The developer covenants with Herefordshire Council that 25% (8 units – on basis of development of 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.
6. Of those Affordable Housing units, at least four shall be made available for social rent with the remainder being available for intermediate tenure occupation.
7. 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.
8. 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:-
 - 8.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 8.2. satisfy the requirements of paragraphs 11 & 12 of this schedule
9. 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:-
 - 9.1. a local connection with the parish of Leominster
 - 9.2. in the event of there being no person with a local connection to Leominster 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.
10. 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:
 - 10.1. is or in the past was normally resident there; or
 - 10.2. is employed there; or
 - 10.3. has a family association there; or
 - 10.4. a proven need to give support to or receive support from family members; or
 - 10.5. because of special circumstances;
11. 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.
12. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 4 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.

13. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 4, 5, 6 and 7 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.
14. The sums referred to in paragraphs 1, 2, 3, 4, 5, 6 and 7 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.
15. 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.
16. 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.

Andrew Banks
Principal Planning Officer