

AGENDA

Planning Committee

Date: **Tuesday 26 April 2016**

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

Vice-Chairman

Councillor PGH Cutter

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 6 April 2016.</p>	7 - 14
5.	<p>CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p>	
6.	<p>APPEALS</p> <p>To be noted.</p>	15 - 20
7.	<p>160613 - FORMER WHITECROSS SCHOOL, BAGGALLAY STREET, HEREFORD</p> <p>Proposed development of 69 homes, landscaping, public open space, new vehicle access and all associated works.</p>	21 - 48
8.	<p>152042 - LAND NORTH OF WHITESTONE BUSINESS PARK, WHITESTONE, HEREFORDSHIRE, HR1 3SE</p> <p>Site for proposed extra care development comprising of up to 80 passivhaus designed one, two and three bed apartments and complementary indoor and outdoor facilities, including swimming pool, gym, sauna, café, hair salon, medical and treatment rooms, allotments, putting greens and petanque pitch with associated landscaping.</p>	49 - 70
9.	<p>160530 - LAND AT CROSS PLACE, ACTON GREEN, ACTON BEAUCHAMP, HEREFORDSHIRE.</p> <p>Proposed dwelling.</p>	71 - 78
10.	<p>152204 - LAND OPPOSITE ORLETON SCHOOL, KINGS ROAD, ORLETON, HEREFORDSHIRE.</p> <p>Proposed outline application with some matters reserved for 39 no. dwellings, garages, roads, school nature area, off road school parking and allotments.</p>	79 - 100
11.	<p>DATE OF NEXT MEETING</p> <p>Date of next site inspection – 17 May 2016</p> <p>Date of next meeting – 18 May 2016</p>	

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- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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- The Shire Hall is a few minutes walking distance from both bus stations located in the town centre of Hereford.

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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 6 April 2016 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, TM James, JLV Kenyon, SM Michael, FM Norman, AJW Powers, WC Skelton, J Stone, EJ Swinglehurst and LC Tawn

In attendance: Councillors MJK Cooper and GJ Powell

169. APOLOGIES FOR ABSENCE

Apologies were received from Councillors JA Hyde and A Seldon.

170. NAMED SUBSTITUTES

Councillor SM Michael substituted for Councillor A Seldon and Councillor J Stone for Councillor JA Hyde.

171. DECLARATIONS OF INTEREST

Agenda item 7: 152578 - Proposed New Dwelling At Land At Betty Howells, North West Of Daren Farm, Llanveynoe

Councillor J Hardwick declared a non-pecuniary interest because he knew the applicant.

172. MINUTES

It was noted that draft minute no 161 had been amended to reflect that the interest recorded as having been declared in relation to agenda item 8 had in fact been declared in relation to agenda item 9.

RESOLVED: That the Minutes of the meeting held on 16 March 2016, as amended, be approved as a correct record and signed by the Chairman.

173. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

174. APPEALS

The Development Manager reported that an appeal decision had been received on Monday 4 April approving a housing development to the South of Ledbury for 321 houses. The Planning Service was reviewing the decision and information on the matter would be included in the report to the next meeting on appeals.

A Member sought clarification on a number of points about the implications of the two recent appeal decisions at Ledbury and Leintwardine where the Inspectors had determined that the Council did not have the required five year housing land supply. The

Chairman reiterated that a seminar was being arranged at which the issues could be discussed.

The Planning Committee noted the report.

175. 152578 LAND AT BETTY HOWELLS, NORTH WEST OF DAREN FARM, LLANVEYNOE, HEREFORDSHIRE, HR2 0NG

(Proposed new dwelling.)

The Senior Planning Officer gave a presentation on the application. He added that 4 further letters of support had been received. He also corrected paragraph 6.7 of the report noting that it should have referred to criterion 5 of policy RA3 rather than criterion 4.

In accordance with the criteria for public speaking, Mrs J Jones of Longtown Group Parish Council spoke in support of the application. Mr C Morel the applicant also spoke in support.

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

He made the following principal comments:

- The Applicant's family had owned the land on which the site was located for three generations and there were remains of a stone cottage that had been occupied until the 1980s.
- He remarked upon the applicants work in establishing a local business and in running the post office and local shop making them a crucial local service provider.
- The proposed dwelling would be sustainably constructed, virtually to Passivhaus standards.
- There had been no objections from consultees.
- The Parish Council supported the application. There were letters of support from local residents and no objections.
- The application fulfilled the requirements of policy SS2. It met a housing need, supported the local economy and was responsive to the needs of the community.
- Paragraph 6.7 of the report stated that criterion 5 of Policy RA 3 allowed rural exception housing in accordance with policy H2. Paragraph 6.8 of the report stated that proposals for affordable housing schemes in rural areas may be permitted on land which would not normally be released for housing where three criteria were met. Paragraph 6.1.5 of the report praised the proposed development. The only criterion of policy H2 that the report considered was not partially met was that the development must offer reasonable access to a range of services.
- The question of what constituted reasonable access needed to be considered in the local context and the distances from the proposed dwelling to services were reasonable in that context.
- The proposal was the only way the applicant could acquire a home in the locality because he owned the land and had the skills to construct the dwelling.
- The proposal warranted approval as a rural exception site.

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

- The Parish Council supported the proposal, there was local support and no objections.
- There was support for the views of the local ward member that the distance to local services was reasonable in the local context.
- The design of the proposed dwelling was good.
- There had been a dwelling on the site.
- Paragraph 6.9 of the report noted that there was a local need for affordable housing and that, subject to an appropriately worded Section 106 agreement, the development would assist in meeting that need in perpetuity. Members expressed support for such an agreement if the application were approved.
- A request was also made that the woodland surrounding the application site should be managed and protected.

The Development Manager commented that the proposal was for a dwelling in the open countryside contrary to policy. The Senior Planning Officer confirmed that a Section 106 agreement could ensure that the property remained as affordable housing. However, he did not consider that the property could be tied to the business in Longtown. With regard to protection of the woodland, a landscape management plan would be a necessary condition if approval was granted.

The local ward member was given the opportunity to close the debate. He had no additional comments.

RESOLVED: That officers named in the Scheme of Delegation to officers be authorised to grant planning permission subject to a Section 106 agreement to ensure that the property remained as affordable housing in perpetuity and any other conditions considered necessary.

176. 151755 - LAND AT DILWYN COMMON, DILWYN, HEREFORDSHIRE

(Proposed erection of 4 no. dwellings and associated landscaping and infrastructure.)

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr A Brown of Dilwyn Parish Council spoke in opposition to the Scheme. Ms L Pledge a local resident spoke in objection. Ms R Powell the applicant and Mr J Hicks the applicant's agent, spoke in support.

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

He made the following principal comments:

- There was a need for development in Dilwyn. However, the design was not in keeping with the conservation area.
- He supported the grounds of objection raised by Dilwyn Parish Council. Insufficient weight had been given to the Parish Council's views and the significant number of letters of objection.
- He expressed regret that a site visit had not been undertaken.
- The Transport Manager had originally objected to the application stating that a proper assessment of the usage of the lane was required. Following consideration of additional information, including a traffic assessment provided by the applicant, the Transport Manager had submitted a further response that did not object. The local

ward member questioned whether the traffic assessment undertaken by the applicant had been adequate. He knew that there had been accidents on the access road even if these had not been officially recorded. He also expressed concern about the use of a traffic assessment produced by residents in confidence.

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

- The proposal was a modest development that would provide homes, with gardens, for young families.
- There had been some suggestion that, contrary to paragraph 2.3 of the report, the Parish Council was developing a neighbourhood development plan. The Development Manager confirmed that no plan had been registered with the neighbourhood development team.
- There were insufficient grounds to support a refusal of the application.
- Although the view was that highway safety was not a ground for refusal in this case, it would be important to ensure that the detailed conditions relating to highway safety were implemented.
- Whilst it was clear that discussions had taken place leading to amendments to the original application it was unfortunate that there still appeared to be such local dissatisfaction with the proposal. It was to be hoped that there might still be room for some negotiation. This possibly even merited deferral of the consideration of the application.
- A Member sought clarification on the effect the absence of a 5 year housing land supply had on the application of housing related policies in the Core Strategy. He also emphasised the importance of the Committee being given definitive advice on this matter and on the annual monitoring report.
- Clarification was also sought over a concern expressed by the local ward member and objectors about the use of a traffic assessment produced by residents.

The Development Manager commented that a Court of Appeal decision meant that in the absence of a 5 year housing land supply several policies in addition to those directly related to housing, such as locational policies, were rendered out of date. However, environmental and qualitative policies still carried weight. He added that the officer recommendation would have been for approval of the application had a 5 year housing land supply been in place. The Scheme had already been considerably amended following discussions with the applicant.

The Development Manager also clarified the dispute that had arisen over the use of a traffic survey provided by local residents, referring members to the Transportation Manager's conclusion that the development was not contrary to highway safety.

The Transportation Manager commented that the provision of a footpath from the development to the village had been explored but there had been found to be no benefit in pursuing such a proposal. He added that he had no highway safety concerns about the scheme. There had been no personal injury accidents recorded; visibility splays exceeded requirements; and the speed of traffic using the road was low in both directions.

The Chairman reiterated that a seminar on the 5 year housing land supply was being arranged. He also explained that a request from the local ward member for a site visit had been received too late, Members of the Committee having already been advised that no visits would take place.

The Development Manager commented on the impact of the development on the conservation area and noted that the Conservation Manager had raised no objections to the amended scheme. However, the weight to be given to the presumption in favour of housing development was significant. He added that the scale of the development represented organic growth favoured by the Committee.

The local ward member was given the opportunity to close the debate. He reiterated that accidents had taken place on the access road. He remained of the view that insufficient regard had been had to the objections of the Parish Council and local residents.

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

- 1. A01 (one year commencement)**
- 2. B03 Amended plans**
- 3. C01 Samples of external materials**
- 4. D04 Details of window sections, eaves, verges and barge boards**
- 5. F08 No conversion of garages to habitable accommodation**
- 6. G02 Retention of existing trees/hedgerows**
- 7. G04 Protection of trees/hedgerows that are to be retained**
- 8. G09 Details of boundary treatments**
- 9. G10 Landscaping scheme**
- 10. G11 Landscaping scheme – implementation**
- 11. H03 Visibility splays**
- 12. H06 Vehicular access construction**
- 13. H09 Driveway gradient**
- 14. H13 Access, turning area and parking**
- 15. H17 Junction improvement/off site works**
- 16. H20 Road completion in 2 years**
- 17. H27 Parking for site operatives**
- 18. H29 Covered and secure cycle parking provision**

The recommendations set out in the ecologist's report from Star Ecology dated May 2015 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 integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme 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.

19. CD3 Foul/surface water drainage
20. CD5 No drainage runoff to public system
21. I20 Scheme of surface drainage
22. I21 Scheme of surface water regulation
23. I18 Scheme of foul drainage disposal
24. I16 Restriction of hours during construction

Prior to the first occupation of any of the residential development hereby permitted written evidence / certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development;

Reason: - To ensure water conservation and efficiency measures are secured, in accordance with Policy SD3 of the Hereford Local Plan – Core Strategy

25. I32 Details of external lighting

Informatives:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework
2. HN01 Mud on highway
3. HN04 Private apparatus within highway
4. HN05 Works within highway
5. HN07 Section 278 Agreement
6. HN08 Section 38 Agreement & drainage details
7. HN21 Extraordinary maintenance
8. HN24 Drainage other than via highway system

9. HN28 Highways design guide and specification

10. N16 Welsh Water informative

177. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

The meeting ended at 12.03 pm

CHAIRMAN

MEETING:	PLANNING COMMITTEE
DATE:	26 APRIL 2016
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 151248

- The appeal was received on 31 March 2016
- 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 HKSLEP Limited T/A Natalka Delicatessen
- The site is located at 61 Stanhope Street, Hereford, Herefordshire, HR4 0HA
- The development proposed is Change of use to HMO and installation of fire alarm Grade A LD2, all bedrooms and kitchen door to be replaced with fire door, all walls repainted, carpets refitted, additional shower room and toilet, one internal stud wall added. (Retrospective)
- The appeal is to be heard by Written Representations

Case Officer: Mrs Charlotte Atkins on 01432 260536

Application 153000

- The appeal was received on 31 March 2016
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Planning Conditions
- The appeal is brought by Red Miracle Ltd
- The site is located at Unit 3, 109-111 Belmont Road, Hereford, Herefordshire, HR2 7JR
- The development proposed is Variation of Condition 7 of Planning Permission CW2002/3803/F and Condition 1 of Planning Permission CW2003/3853/F.
- The appeal is to be heard by Written Representations

Case Officer: Steffan Thomas on 01432 260627

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

Application 131997

- The appeal was received on 8 April 2016
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Planning Conditions
- The appeal is brought by Mr Joseph Travis
- The site is located at Replacement dwelling at The Laurels, Llangrove, Ross on Wye, Herefordshire, HR9 6EZ
- The development proposed is Demolition of existing dwelling and attached outbuildings and construction of replacement dwelling with detached garage.
- The appeal is to be heard by Written Representations

Case Officer: Mr Roland Close on 01432 261803

Application 153239

- The appeal was received on 8 April 2016
- 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 Ms Mary George
- The site is located at The Old Coach House, Goodrich Manor, Goodrich, Ross-On-Wye, Herefordshire, HR9 6JB
- The development proposed is Proposed change of use of redundant agricultural land to amenity space and garden.
- The appeal is to be heard by Written Representations

Case Officer: Mr C Brace on 01432 261947

Application 153205

- The appeal was received on 11 April 2016
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
- The appeal is brought by Mr Paul Croucher
- The site is located at Edwyn Wood, Edwyn Ralph, Bromyard, Herefordshire, HR7 4LX
- The development proposed is Proposed first floor extension and internal alterations.
- The appeal is to be heard by Householder Procedure

Case Officer: Hazel Nash on 01432 260000

APPEALS DETERMINED

Application 141687

- The appeal was received on 10 April 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 Miss Lizzie Janes
- The site is located at Mid Summer Orchard, (Land at Oakley Cottage), Ridge Hill, Herefordshire, HR2 8AG
- The development proposed was Change of use of land from agriculture to a one family traveller site, with stationing of one mobile home, one touring caravan, parking and turning area, re-designed access and septic tank.
- The main issues were:
 - Firstly, whether the Appellant and proposed occupiers of the site fall within the PPTS definition of gypsies and travellers for planning purposes,

- Secondly, the effect of the proposed development on the character and appearance of the surrounding area,
- Thirdly, the implications of the proposal for objectives of sustainable development, and
- Fourthly, whether any harm arising from the above issues is outweighed by other considerations, including the level of need for gypsy and traveller sites, personal circumstances and Human Rights considerations.

Decision:

- The application was Refused at Planning Committee on 10 December 2014
- The appeal was Dismissed on 23 March 2016
- An Application for the award of Costs, made by the Appellant against the Council, was Dismissed

Case Officer: Mr C Brace on 01432 261947

Application 151075

- The appeal was received on 22 December 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 Simon Tinson
- The site is located at Land at 1 Bridge Street, Ledbury, Herefordshire, HR8 2AJ
- The development proposed was Proposed change of use of redundant building into single dwelling.
- The main issues were:

No. 1 Bridge Street is a Grade II listed building dating from the early 19th century. The buildings to be converted are an outbuilding linked by a partially demolished structure to what is described in the appellant's heritage statement as a summer house. This range of buildings lies to the rear of No. 1 and by virtue of their location are curtilage listed buildings. The scheme would include the formation of a new access to serve the proposed dwelling and would pass adjacent to No. 1 before emerging onto Bridge Street. As such, I consider the main issue in these appeals is whether the proposals would preserve the special architectural or historic interest of the buildings to be converted and the setting of No. 1 Bridge Street.

Decision:

- The application was Refused under Delegated Powers on 23 June 2015.
- The appeal was Allowed on 30 March 2016

Case Officer: Mr A Prior on 01432 261932

Application 151076

- The appeal was received on 22 December 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 Mr Simon Tinson
- The site is located at Land at 1 Bridge Street, Ledbury, Herefordshire, HR8 2AJ
- The development proposed was Proposed change of use of redundant building into single dwelling
- The main issues were:

No. 1 Bridge Street is a Grade II listed building dating from the early 19th century. The buildings to be converted are an outbuilding linked by a partially demolished structure to what is described in the appellant's heritage statement as a summer house. This range of buildings lies to the rear of No. 1 and by virtue of their location are curtilage listed buildings. The scheme would include the formation of a new access to serve the proposed dwelling and would pass adjacent to No. 1 before emerging onto Bridge Street. As such, I consider the main issue in these appeals is whether the proposals would preserve the special architectural or historic interest of the buildings to be converted and the setting of No. 1 Bridge Street.

Decision:

- The application was Refused under Delegated Powers on 23 June 2015
- The appeal was Allowed on 30 March 2016

Case Officer: Mr A Prior on 01432 261932

Application 151160

- The appeal was received on 11 February 2016
- 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 N W & I Roper
- The site is located at Land adj. Home Farm, Pencraig, Ross-on-Wye, Herefordshire, HR9 6HR
- The development proposed was Proposed retention of existing hard surface and driveway for storage of sugar beet and straw.
- The main issues in this case are, firstly, the effect of the scheme on the character and appearance of the Wye Valley Area of Outstanding Natural Beauty, and secondly, the impact on the setting of nearby heritage assets.

Decision:

- The application was Refused under Delegated Powers on 22 May 2015
- The appeal was Dismissed on 1 April 2016

Case Officer: Mr C Brace on 01432 261947

Application 143116

- The appeal was received on 5 June 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 Jason Lewis
- The site is located at Land to the South of Leadon Way, Ledbury, Herefordshire
- The Proposed outline planning permission for the erection of up to 321 residential dwellings (including up to 35% affordable housing, structural planting and landscaping, informal public open space, children's play area, surface water attenuation, vehicular access point from Leadon Way and associated ancillary works. All matters reserved with the exception of the main site access.
- The main issues relate to:
 - The Council's housing land supply position;
 - The effect of the development on the character and appearance of the area, including the landscape setting of the settlement, the setting of listed buildings and Ledbury Conservation Area, and the setting of the Malvern Hills Area of Outstanding Natural Beauty; and
 - Whether, in the overall planning balance, the development would represent sustainable development in the terms of the National Planning Policy Framework.

Decision:

- The application was Refused under Delegated Powers on 20 March 2015
- The appeal was Allowed on 4 April 2016

Case Officer: Mr A Banks on 01432 383085

Application 150476

- The appeal was received on 11 November 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 & Mrs Carver
- The site is located at Land adjacent to St Mary's Park, Tillington Road, Burghill, Hereford
- The development proposed was Proposed residential development (20 dwellings which includes 7 affordable homes).
- The main issues were:
 - a. The effect of the proposal on the character and appearance of the area;
 - b. Whether the proposed development is sustainable; and
 - c. The effect of the proposal on highway safety.

Decision:

- The application was Refused under Delegated Powers on 26 June 2015
- The appeal was Dismissed on 23 March 2016

Case Officer: Ms Kelly Gibbons on 01432 261781

Application 150929

- The appeal was received on 5 November 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 Harry Simpson
- The site is located at Stocks House Farm, Land West of C1109 Upper Wellington, Wellington, Hereford, Herefordshire, HR4 8AZ
- The development proposed was Proposed installation of a 1MW solar photovoltaic (PV) farm and ancillary infrastructure.
- The main issue is the effect of the development on the character and appearance of the area.

Decision:

- The application was Refused under Delegated Powers on 30 June 2015
- The appeal was Dismissed on 14 April 2016

Case Officer: Ms R Jenman on 01432 261961



MEETING:	PLANNING COMMITTEE
DATE:	26 APRIL 2016
TITLE OF REPORT:	160613 - PROPOSED DEVELOPMENT OF 69 HOMES, LANDSCAPING, PUBLIC OPEN SPACE, NEW VEHICLE ACCESS AND ALL ASSOCIATED WORKS AT FORMER WHITECROSS SCHOOL, BAGGALLAY STREET, HEREFORD For: Redrow Homes per Mr Ben Stephenson, Barton Willmore, Greyfriars House, Greyfriars Road, Cardiff, CF10 3AL
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=160613&search=160613
Reason Application submitted to Committee – Council owned land.	

Date Received: 2 March 2016

Ward: Widemarsh
Whitecross (adj)
Kings Acre (adj)

Grid Ref: 349837,240625

Expiry Date: 2 June 2016

Local Members: Councillor PA Andrews (Ward Councillor)
Councillors MN Mansell and SM Michael (Adjoining wards)**1. Site Description and Proposal**

- 1.1 The application site lies approximately 1.2m to the west of Hereford City Centre, and to the north of Whitecross Road. The site was formerly the site of the Whitecross High School and is considered to be previously developed land. The school buildings were demolished several years ago to prevent them falling into further disrepair. The application site does not include the playing fields that were associated with the school. The site covers approximately 2.1ha (including the stream corridor). The former school playing fields to the eastern and southern boundaries do not form part of the application site. The southern boundary is formed by the gardens and dwellings that front Gruneison Street and Baggallay Street. Yazor Brook stream corridor and public open space lie on the boundary to the north. The site is accessed via Baggallay Street at the point of the former school access.
- 1.2 The proposed development comprises 69 dwellings (22 of which would be affordable) associated infrastructure and public open space. The development will comprise a range of housing types varying from 1 and 2 bed apartments to 2, 3 and 4 bed dwellings that include a mix of designs and palette materials including brick and render to the main facades with a mix of slate effect and flat roof tiles of differing colours. The designs include consistent detailing in the form of simple brick or reconstructed heads and cills to openings and projected elements, such as projected end gables to add interest to the street scenes.

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

1.3 The proposed housing mix is as follows:

. House type	Bed no.	Style	No.
Open market			
York	4 bed	Semi-detached - 2 ½ storey dwellings	8
Shaftesbury	4 bed	Detached – 2 storey	5
Marlow	4 bed	Detached – 2 storey	6
Warwick	3 bed	Detached – 2 storey	3
Amberley	3 bed	Detached – 2 storey	3
Letchworth	3 bed	Semi-detached – 2 storey	10
Cambridge	4 bed	Detached – 2 storey	12
			47
Affordable Housing			
Stour	3 bed	Semi-detached – 2 storey	2
Avon	2 bed	Terrace – 2 storey	8
Dart	3 bed	End Terrace – 2 storey	2
Apartments	6 x 1 bed 3 x 2 bed	Three Storey block	9
Bungalow	4 bed	Single storey	1
			22

1.4 The density of the development is approximately 33 dwellings per hectare. The entrance to the site is at the northern end of Baggallay Street, with a key vista to the north towards the proposed open space. To the west, a single street would serve a variety of dwellings and the apartments, and to the east a street would serve 10 dwellings, that would front the open space to the south. To the north of this a further roadway serves a variety of dwellings with their rear gardens backing onto the public open space that encompass the brook/stream bank and corridor. The remainder of the site would be served from a more minor road, with raised paving and small private drives. The dwellings would, in the main, have private parking within each plot, with the remainder, in particular the apartments, having parking within designated parking courts.

1.5 The application site has several constraints that have been considered and addressed in the formation of the proposed development. The first is the existence of the flood zone associated with the Yazor Brook to the north of the site. A detailed Flood Risk Assessment (FRA) accompanies the application and formed the basis of the design work that was undertaken as part of the previous application (withdrawn). In order to address this issue, works are proposed to re-grade the southern bank of the brook to prevent flooding. These works have been designed with the biodiversity interests and designation (SINC) of the Yazor Brook in mind and in conjunction with detailed ecological and tree reports. The works proposed are identical to those previously proposed and agreed as part of application 132226. Upon completion the area will be laid to open space, with planting and ecological enhancement measures being included in this design work. The remainder of the site would be landscaped accordingly, with existing trees retained wherever possible, in particular along the southern boundary of the site.

1.6 In a central position to the north of the site, a large area of public open space is proposed including a younger children’s play area. The site also reintroduces the pedestrian/cycle crossing across the brook with links into the existing pedestrian/cycle route that runs along the

northern side of the brook, with onward connections towards the schools and facilities to the east and west.

- 1.7 The application is supported by detailed plans including site layout, plans of dwellings proposed, landscape plan, and surface water drainage design. Detailed reports also accompany the application including the written scheme of investigation (Archaeology), Ecological assessment, Flood risk assessment, Geo-Environmental assessment and a Transport Statement along with the Design and Access Statement and Planning Statement.

2. Policies

2.1 National Planning Policy Framework

Introduction - Achieving Sustainable Development
Section 4 - Promoting Sustainable Communities
Section 6 - Delivering a Wide Choice of High Quality Homes
Section 7 - Requiring Good Design
Section 8 - Promoting Healthy Communities
Section 11 - Conserving and Enhancing the Natural Environment
Section 12 - Conserving and Enhancing the Historic Environment

2.2 Herefordshire Local Plan - Core Strategy

SS1 - Presumption in Favour of Sustainable Development
SS2 - Delivering New Homes
SS3 - Releasing Land for Residential Development
SS4 - Movement and Transportation
SS6 - Environmental quality and local distinctiveness
HD1 - Hereford
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 - Landscape and Townscape
LD2 - Biodiversity and Geodiversity
LD3 - Green Infrastructure
SD1 - Sustainable Design and Energy Efficiency
SD3 - Sustainable Water Management and Water Resources
SD4 - Wastewater Treatment and River Water Quality
ID1 - Infrastructure Delivery

- 2.3 The Core Strategy 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/core-strategy/adopted-core-strategy>

3. Planning History

- 3.1 132226 – Development for 65 new dwellings with public open space and associated infrastructure and a temporary sales office – Committee resolution to grant planning permission but application withdrawn before this was issued.
- 3.2 DCCW2008/0182/F - Proposed erection of 71 no. 2, 2.5 and 3 storey, 2-6 bed houses and flats,

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

garages, 97 parking places, access roads and associated works plus temporary Haul Road from Harrow Road, for the duration of construction works – Withdrawn 16/6/2008

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water raise no objections and recommend conditions be imposed on any planning permission.
- 4.2 The Environment Agency has made the following comments:

We have no objection to the proposed development and would recommend the following comments and conditions be applied to any permission granted.

Flood Risk: As previously discussed this site is partially located in Flood Zone 3, which is the high risk zone and is defined for mapping purposes by the Agency's Flood Zone Map. Flood Zone 3 refers to land where the indicative annual probability of flooding is 1 in 100 years or less from river sources (i.e. it has a 1% or greater chance of flooding in any given year). The Environment Agency have previously provided a conditioned response to the redevelopment of this site and the latest scheme is broadly in line with previous proposals. Flood Risk Assessment (FRA): A Flood Risk Assessment has been undertaken by WSP/Parsons Brinckerhoff dated February 2016 which includes modelled Yazor Brook data obtained from Herefordshire Council. The FRA also contains minutes (Appendix D) from a pre-planning meeting held with the Environment Agency in December 2015 when the scoping of the FRA was discussed. As highlighted in the minutes, it was agreed that the finished floor levels of the properties should be based on undefended flood levels at the site. This is a precautionary approach and ignores the presence of the upstream Yazor Brook flood alleviation scheme where directs some of the flow directly to the River Wye avoiding the town centre and this site. It was also agreed that there should be no structures such as fencing in the flood storage areas adjacent to the Yazor Brook which would be Public Open Space, which was larger than in the previous application

Existing flooding in the northern part of the site, based on Herefordshire Council's modelled information, is shown in Figure 4. However, post development, the development will be on a raised platform, supported by a gabion retaining structure, and be located in Flood Zone 1 (Low Probability) and the loss of flood storage will be compensated for by lowering land immediately adjacent to the watercourse. This is a suitable approach for an allocated, brownfield site such as this and was previously agreed for the 2014 application. Section 7 and Appendix E of the FRA outlines the flood storage compensation scheme. 1218m³ of existing flood storage will be lost but will be compensated for by 1394m³ post development providing a gain of 176m³ post development. A table has not been provided confirming the losses/gains within each flood band and that the compensation scheme is on a volume for volume, level for level basis but is it acknowledged that there are gains and that these gains are greater than the previous application for the site and we are satisfied a condition can be applied to obtain further information at a later date. As agreed, there are no structures proposed in the floodplain which could affect flows or reduce flood storage capacity. The FRA confirms that a private management company will be responsible for maintaining the flood mitigation area and we presume the watercourse itself and also the gabion retaining structure.

Conditions are recommended (see recommendations at end of this report)

Foul Drainage: We would have no objection to the connection of foul water to the mains foul sewer, as proposed. The LPA must ensure that the existing public mains sewerage system has adequate capacity to accommodate this proposal, in consultation with the relevant Sewerage Utility Company.

Pollution Prevention: Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities.

Pollution prevention guidance can be viewed at:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

Export & Import of wastes at site: Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.

Internal Council Consultations

4.3 The Transportation Manager has made the following comments;

The application is for 69 houses on a site previously occupied by the secondary school which generated a significant number of trips including cars, service vehicles, cycle and footway.

The site has been subject to previous applications and transport assessments/statements.

The site is accessed onto Baggallay Street which is of sufficient width as per the councils design guide. Whitecross Road is busy during peak time, the previous applications have demonstrated the network within the vicinity is capable of accommodating the proposed development.

The site is within the city urban area and within easy reach of schools, employment, retail accessible by sustainable transport such buses, cycle and foot.

The only issues are related to access to the public footpath north of the brook, the existing will need to be upgraded to accommodate a 3m wide footway cycle link as part of the development. The footway cycle link to the road needs to be better aligned to reflect the desired route to the highway. This can be detailed at the S38 detailed design stage.

There is also a need for a crossing NW of the site accessed by parking spaces 55 and 46. There needs to be a footway cycle way to the boundary and provided as part of the development. The crossing and link to the cycle footway north of the brook will need to be added to the S106 agreement.

The cycle route from the site to Holmer Road needs to be improved for cycle access and will also need to be added to the S106 agreement, these 2 items should take priority in the list of schemes.

The parking is acceptable, garages are used as parking and as such will need to be 6m x 3m and permitted development rights removed to secure the parking.

The access road to the playing field needs to be adopted to secure access for maintenance of the field.

The access road alignment and introduction of raised tables is acceptable and will be suitable to be adopted, the extents being plots 6, 27, 33, 46, 56 and the cycle footway links to the North of the brook.

The access onto Baggallay Street will be controlled and calmed by the raised table and the internal visibility splays will be secured by the footpaths.

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

4.4 Conservation Manager (landscape) has made the following comments:

The development site is essentially a brownfield site and the proposal therefore represents an opportunity for regeneration the principle for which is supported. Pre-application advice has been sought (P153220/CE) in which the following recommendations were made:

- *The proposal requires significant works along the Yazor Brook watercourse*
- *Method statements should be supplied with details of future management of all proposals*
- *A hard and landscaping plan supplying details of boundary treatments is required*
- *Details to ensure the protection of the existing trees during the construction phase should be supplied.*

I have read the submitted landscape plan (Feb 2016) and I am satisfied that the proposed planting in the form of trees, shrubs, marginal and wildflower grass mix the length of Yazor Brook will result in the realisation of an attractive area of public open space which will serve both local residents as well as encouraging biodiversity and providing an appropriate landscape buffer.

The tree survey report unfortunately does not appear to have attached the tree constraints plan which accompanies it. However I note in the report there are a number of category U trees proposed for removal, category C are identified as potentially not significant constraints and A and B recommended for retention. The plan would serve to illustrate where removal is envisaged, RPA's for protection as well as indicating whether further tree planting is to be required to match what is to be removed.

Details of all future management over a 5 year period of all planting proposals will be required which can be satisfied via a condition.

With regard to the boundary treatments it is noted that a proposed hedgerow is shown to the eastern and southern boundaries, however no further information is supplied in terms of species and height and it is unclear why there are gaps within this boundary treatment. Unless a specific reason is identified for this I would expect to see a substantial unbroken hedge in order to provide an appropriate backdrop to the existing areas of open space.

4.5 Conservation Manager (Ecology) has made the following comments:

Thank you for consulting me again on this site's development. The updated survey from Ecology Services finds no biodiversity or protected species issues over and above previous reports from 2013. Given the lack of change, I am happy to accept the original findings upon which to base the following conditions

Habitats Regulations compliance

Commensurate with the scoping opinion issued I agree that the site is unlikely to have a significant likely effect upon the R. Wye SAC. In line with the scoping opinion, to ensure construction impact is contained, protection of the surrounding environment is assured (including upon the R. Wye SAC) and the effects upon the adjacent SINC is minimised I would require the a non-standard condition.

4.6 The Conservation Manager (Archaeology) has made the following comments:

No objections, subject to the attachment of a suitable archaeological condition (E01/C47). On this basis the application is compliant both with section 12 of the NPPF and with Policy LD4 of the Core Strategy.

4.7 The Parks and Countryside Manager has made the following comments:

Core Strategy Policies OS1: Requirement for open space, sport and recreation facilities and OS2: Meeting open space and recreation needs.

In accordance with Core Strategy OS1 and OS2, open space provision will be sought from all new residential development and considered on a site by site basis in accordance with all applicable set standards of quantity, quality and accessibility which in this instance are set out below. In this instance on site provision is required using the following standards of provision:

- *Local Evidence: Herefordshire Open Space Study 2006: data for amenity public open space has not changed significantly and it is still considered to be accurate. This recommends POS should be at a rate of 0.4ha per 1000 population.*
- *Local Evidence: Herefordshire Play Facilities Study and Investment Plan 2012 and National Evidence: Fields in Trust Guidance: These recommend children's play at a rate of 0.8ha per 1000 population. Of this 0.25ha should be formal equipped play.*

**Please note this information will form the basis of a separate SPD on POS standards currently being prepared.*

For 69 houses and at a population rate of 2.3 per house (158.7 persons) the developer should provide as a minimum the following on site provision supported by evidence bases findings.

On-site provision - Children's Play and POS

- *POS:*
 - *@ 0.4ha per 1000 population equates to 0.06ha (600sq m)*
- *Children's play area:*
 - *@ 0.8ha per 1000 population equates to 0.12ha (1200sq m) of which 0.04ha (400sqm) should be formal equipped play*

It is noted that open space and play are provided on site and as a minimum they should meet these standards. It is noted that there is no landscape plan or detail of the on-site play area at this stage to confirm this. As previously agreed given the indicative housing numbers and using the SPD on Planning Obligations development costs only a play area to the value of approximately £57,000 would be expected and it is noted that this is referenced in the planning statement.

Future Maintenance: 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 city 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.

With the changing legal issues/revising national guidance around SuDS following recent Govt consultations, at this time we are unable to advise a definitive answer on adoption and maintenance of any SuDS areas. Any adoption or maintenance agreements and associated

commuted sums/management charges with any eligible body are subject to the powers, acts and national guidance that is live and relevant at the time of adoption.

4.8 The Public Rights of Way Manager comments as follows:

The development would not appear to affect public footpath HER5 which is just the other side of the site boundary.

4.9 The Housing Manager has made the following comments:

The Housing team in principal support the application on the former Whitecross School for 69 dwellings of which 32% are to be delivered as affordable housing. The reduction in affordable housing percentage is due to discussions with the Developer, they have agreed to build out a specialist disabled 4 bed bungalow for a specific family on the waiting list which is taking the equivalent footprint of a couple of dwellings.

The tenure split is for 10 dwellings as intermediate tenure and 12 dwellings as social rent. The affordable housing are to be allocated through homepoint to those with a local connection to Hereford in the first instance.

4.10 The Land Drainage Engineer has made the following comments;

The Applicant's proposals are for the development of 69 homes on a 2.22 ha brownfield/greenfield site that has been disused since the demolition of a former school. The proposals also involve the creation of a public open space, landscaping, vehicle access and other associated works.

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that parts of the site are located within the high risk Flood Zone 3, with other parts in Flood Zones 1 and 2. Flood Zone 1 comprises land assessed as having less than a 1 in 1,000 annual probability of river flooding. Flood Zone 2 comprises land assessed as having between 1 in 100 and 1 in 1000 annual probability of flooding from rivers. Flood Zone 3 comprises land having a 1 in 100 or greater annual probability of flooding from rivers. The source of this flood risk is fluvial (river) flooding.

The Applicant has purchased flood mapping data and flood level data from Herefordshire Council. We confirm that this data is acceptable for the purpose of this planning application.

In accordance with Environment Agency standing advice, the planning application is supported by a Flood Risk Assessment (FRA). The FRA clarifies the extent and depth of fluvial flood risk within the site boundary. It considers the potential effects of climate change when assessing Flood Zones. This has been done using modelled flood data, provided by Herefordshire Council. The FRA proposes that fill is deposited on parts of the site to ensure that all areas used for housing are in Flood Zone 1. Finished floor levels for all houses are proposed to be at least 0.6m above the predicted 1 in 100 year flood level (allowing for the potential effects of climate change). We approve of this approach.

A volumetric comparison of pre- and post-development flood storage volume is included on drawings 3583-15-02-500 P2 and 3583-15-02-503 P1 (in the Appendix of the FRA). This shows the flood storage volume within the site boundary has increased post-development. It does not show the 'level for level' volumes at each depth band as would usually be expected. However, the EA make reference to this in their response to this planning application, dated 23 March 2016, stating that '*This is a suitable approach for an allocated, brownfield site such as this and was previously agreed for the 2014 application.*' They also acknowledge that '*there are gains [in*

storage volume] and that these gains are greater than the previous application for the site and we are satisfied a condition can be applied to obtain further information at a later date.’

Based on this response we do not object to the approach the Applicant has used to calculate flood volume compensation.

The Planning Practice Guidance to NPPF identifies five classifications of flood risk vulnerability and provides recommendations on the compatibility of each vulnerability classification within each of the Flood Zones, as shown in Table 2.

Table 2: Flood risk vulnerability and flood zone compatibility

EA Flood Zone	Essential Infrastructure	Water Compatible	Highly Vulnerable	More vulnerable	Less vulnerable
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	✓	Exception test required	✓	✓
Zone 3a	Exception test required	✓	✗	Exception test required	✓
Zone 3b	Exception test required	✓	✗	✗	✗

✓ Development considered acceptable
 ✗ Development considered unacceptable

The Planning Practice Guidance states that residential developments (along with their associated parking areas) are to be considered as ‘more vulnerable’ development. The Planning Practice Guidance states that areas for nature conservation (such as the proposed wildlife corridors) are ‘water compatible’ development. The Flood Risk Assessment additionally states Local Areas Equipped for Play are water compatible developments. We agree with this assessment.

With reference to Table 2, ‘more vulnerable’ development would be considered appropriate in Flood Zones 1 and 2, while ‘water compatible’ development would be considered appropriate in all flood zones. The Applicant proposes that all houses are kept within the post-development Flood Zone 1. However, no mapping has been provided which overlays the proposed development with the proposed Flood Zones. The Applicant should submit a drawing showing proposed development and the proposed Flood Zones.

In accordance with NPPF, new development should be steered away from areas at flood risk through the application of the Sequential Test. NPPF states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. We therefore recommend that the Council ensure that they are satisfied that the development meets the requirements of the Sequential Test as set out within NPPF.

If, following application of the Sequential Test, it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied. For the Exception Test to be passed, the Applicant must demonstrate:

- It is not possible for the development to be located on land with a lower probability of flooding;
- The development provides wider sustainability benefits to the community that outweigh flood risk, and;

- The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The Council must be satisfied that the development meets the first two points stated above. With regard to the third point, we believe that the submitted FRA demonstrates that the development will be safe for its lifetime without increasing flood risk elsewhere.

This guidance is in accordance with requirements of the NPPF and Policy SD3 of the Core Strategy. Guidance on the required scope of the FRA is available on the GOV-UK website at <https://www.gov.uk/planning-applications-assessing-flood-risk>.

Other Considerations and Sources of Flood Risk

The FRA gives consideration to the risk of flooding on site from all sources, including surface water, groundwater, sewers, reservoirs and canals.

The EA's Risk of Flooding from Surface Water map indicates that part of the site is at a 'low risk' of flooding from surface water. Most of this area is adjacent to the Yazor Brook and is therefore likely to be associated with flooding from the brook, which is discussed above as part of the fluvial flood risks at this site. Other areas within the site boundary that are indicated to be at risk of flooding from surface water are small and likely to be associated with a local low spot. It is considered reasonable that this will be easily addressed during the development of the site.

Bedrock and superficial geology are classified as Secondary A aquifers. Though this may increase the risk of groundwater flooding, the site has a history of use as a school and the FRA has not identified any historic records of groundwater flooding at the site. The FRA therefore characterises the risk of groundwater flooding as low to medium. We agree with this assessment.

The FRA states the risk of sewer flooding at the site is considered to be low, and that the risk of flooding from canals and reservoirs is negligible. We agree with this assessment.

Surface Water Drainage

In accordance with the NPPF, Non-Statutory Technical Standards for Sustainable Drainage Systems and Policy SD3 of the Core Strategy, infiltration features should be used in the first instance for the disposal of site-generated surface water runoff. If drainage cannot be achieved solely through infiltration due to site conditions (eg low infiltration potential or high water table), the preferred option is a controlled discharge to a local watercourse.

The Applicant has submitted a surface water drainage strategy that incorporates the use of Sustainable Drainage (SUDS) in the form of permeable paving and geocellular storage crates. The Applicant has assumed that no infiltration will be possible for the purposes of their storage calculations, with a controlled discharge to the Yazor Brook following attenuation. Whilst we agree with the proposed approach if infiltration is found to be inappropriate, we recommend that the Council requests infiltration testing to be undertaken prior to construction and that the drainage strategy is amended to incorporate infiltration systems should ground conditions permit. We also promote the use of combined attenuation and infiltration systems (for example the use of unlined attenuation features) that maximise infiltration during smaller rainfall events.

The Applicant states that the proposed development will lead to a 1 ha reduction in impermeable area when compared to the previous site usage. However, the Applicant proposes to maintain post-development runoff rates to rates comparable with existing discharge

rates. This proposal is not considered to be fully in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems that states:

“For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event”.

We recommend that the Applicant strives to provide betterment over existing conditions given the size of the development and urban location within Hereford. We recommend that, at minimum, a 20% betterment is achieved, although a lower rate that is more comparable to greenfield rates should be promoted as far as practicable.

The Applicant has provided a surface water drainage strategy, with supporting calculations, showing how surface water from the proposed development will be managed. We have no objection with the overall strategy but there are some points we would like to raise regarding the supporting calculations:

- The existing site calculations calculate runoff using a 2 hour storm event with 44.2mm rainfall:
 - The Applicant should explain why this storm has been selected;
 - The Applicant should explain how the 44.2mm rainfall has been calculated.
- The existing site calculations state the total site area = 22,236m², made up of:
 - 14,529m² impermeable;
 - 4,228m² grassed areas;

These numbers do not add up and the Applicant should clarify the existing permeable and impermeable areas

- A FSR rainfall model has been used for the proposed site:
 - This is acceptable for the planning application, but FEH should be used for information requested as part of the discharge of conditions.
- The Applicant has used a 0.75 runoff coefficient for all proposed site runoff calculations:
 - If this relates to impermeable area, it would appear to be a low estimate and the Applicant should explain how this coefficient has been derived.
- The area used in the proposed site calculations does not match that used for the existing site:
 - 9,220m² has been used for the area contributing to the geocellular crates;
 - 1,250m² has been used for the area contributing to the permeable paving;
 - This sums to 10,470m² which is roughly equal to the proposed impermeable area;
 - Including the permeable area in the existing site calculations, but not in the proposed development site calculations, is likely over-estimate the allowable runoff.
- The water level in the receiving brook seems to rise above the level of the proposed outfall:
 - Lowest Outfall IL = 55.7m AOD;
 - ‘High Water Level’ = 55.9m AOD;

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

- '1 in 100 Year +30% Flood Level' = 56.8m AOD.
- The Applicant has modelled this effect:
 - For the 55.7m AOD outfall, they have used the 1 in 100 year flood levels for all storms except the 60 minute duration, where they have used the 'High Water Level';
 - For the 56.3m outfall, they have only tested the 60 minute duration storm;
 - For both the outfalls, the Applicant should ensure that the critical storm duration has been tested with the 1 in 100 year flood levels;
 - The Applicant is yet to demonstrate the critical storm is not shorter than 60 minutes.
- The Applicant states that:
 - *Storage required for the worst case 100yr+30% storm event during the 100yr+30% brook flood surcharging event requires a storage volume of 305m³*;
 - No storage has been included in the calculations submitted for review and none of the sheets submitted for review show any flooding;
 - The Applicant should provide further explanation of how their storage volume has been calculated.
- The invert level of the storage crates is 55.88m, lower than the 'High Water Level' in the brook:
 - The Applicant should explain how they intend to deal with this issue;
 - The Applicant should ensure that any flood control structures required for this are included in the microdrainage model.
- The Applicant proposes that the required surface water storage is provided using a cellular storage system below an attenuation basin, but this is not shown on any of the submitted drainage drawings.

The FRA states that maintenance 'will be managed by a private management company'.

The submitted Flood Flow Paths drawing (3583-15-02-502 P2) illustrates the proposed overland flow routes in the event of exceedance/blockage of the surface water drainage system. The drawing shows a surface water flow route running between plots 4 and 5, and then between plots 20 and 21. All other flow routes follow the roads or public open spaces before discharging to Yazor Brook. The proposals are acceptable in principle, although we recommend that the Applicant looks to avoid providing an overland flow route that passes between development plots, with preference given to the routing of flows within roads and public open space. We also highlight that overland flow routes that direct runoff to the Yazor Brook should only become 'operational' during events greater than the 1 in 100 year event or following a system blockage. Although the drainage system may be designed to cater for the 1 in 100 year event, it is likely that features such as gullies will not have sufficient capacity for these events and local flooding will be experienced. Flooding during these events should be maintained within the site boundary and should not result in overland flow towards the Yazor Brook.

Consideration should be given to the potential pollution of groundwater or surface water features from wash down, vehicles and other potentially contaminating sources. Evidence of adequate separation and/or treatment of polluted water should be provided to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas. SUDS treatment of surface water is considered preferential for a development of this nature but 'Pollution Prevention Guidance: Use and design of oil separators in surface water drainage systems: PPG 3' provides guidance on the necessity and application of oil separators should one be required.

Foul Water Drainage

The FRA describes an existing combined sewer which crosses the site, stating that *'Prior to demolition, the site discharged both foul and surface water to a combined system along with a separate surface water system direct to the Yazor Brook.'* The FRA also states that *'To reduce the loadings within the combined sewer and ensure that there is sufficient capacity to accommodate the increase in foul flows, it is proposed to only discharge foul flows to the sewer.'*

The combined sewer to which the Applicant refers is assumed to be the Welsh Water sewer located to the south-east of the site as illustrated on submitted Welsh Water Statutory Public Sewer Record. Correspondence received from Welsh Water appears to accept the proposal to discharge foul flows from the development. The EA also make reference to the foul drainage proposals in their response to this planning application, dated 23 March 2016, stating that they *'would have no objection to the connection of foul water to the mains foul sewer, as proposed.'* We therefore have no objections to the proposals to discharge foul water from the development to this existing sewerage network.

We do, however, recommend that the Applicant submits a Foul Drainage Layout drawing showing how foul drainage will be managed within the site and how it will connect to the public foul drainage network.

Overall Comment

Our review of the surface water drainage strategy has raised a number of issues regarding the methods of calculation. However, we are confident that these issues can be adequately addressed during the detailed design of the drainage system as part of suitably worded planning conditions.

As discussed above, we also recommend that betterment over existing surface water discharge rates is achieved and promote the use of infiltration features prior to the discharge of surface water runoff to the adjacent Yazor Brook. We therefore recommend that the Applicant explores available opportunities during the detailed design of the scheme.

Overall, we have no objections to the proposed development on flood risk and drainage grounds, but recommend that the following information is requested as part of suitably worded planning conditions:

- A drawing clearly showing the location proposed development with the mapped Flood Zones, including the influence of the proposed earthworks on the mapped Flood Zones;
- A detailed surface water drainage strategy with supporting calculations that address the comments raised within this response. The drainage strategy and supporting calculations should demonstrate that opportunities for the use of SUDS features have been maximised where possible, and that there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Results of infiltration testing undertaken in accordance with BRE365;
- Confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;
- Evidence that the Applicant has sought and agreed permissions to discharge foul and surface water runoff from the site with the relevant authorities (including allowable discharge rates);

- Further detail regarding the management events that exceed the capacity of the drainage system and further detail of the proposed overland flow routes;
- Demonstration that appropriate pollution control measures are in place prior to discharge.
- Details of any proposed outfall structures and any flood control structures (including, but not necessarily limited to storage, flow control, non-return valves);
- A detailed foul water drainage strategy with supporting calculations;

5. Representations

5.1 Hereford City Council raises no objection.

5.2 West Mercia Police have made the following comments:

I do not wish to formally object to the proposals at this time. However there are opportunities to design out crime and/or the fear of crime and to promote community safety.

I note that this application makes reference to the nationally accredited Secured by Design scheme, within the Design & Access Statement and I would wish to endorse this. The principles and standards of the initiative give excellent guidance on crime prevention through the environmental design and also on the physical measures. The scheme has a proven track record in crime prevention and reduction in anti social behaviour.

5.3 22 letters of representation have been received that raise the following issues:

- Concern about additional traffic movements along Whitecross Road and at the junctions of Baggallay Street, Meyrick Street and Ingestre Street.
- Will cause additional traffic queuing on Whitecross Road
- Particular concern about construction traffic impact
- Baggallay Street, Meyrick Street and Ingestre Street are narrow with cars parked along them causing restricted access. Parking is already difficult along these streets.
- Other transport / access routes should be explored properly as the proposed access is not acceptable;
- Potential impact on ability to access Care Home, especially for emergency access;
- Concern about sewerage / drainage capacity in the area
- Some general support for the development itself, but not fusing this access.

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

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=160613&search=160613>

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 The key issues for consideration are:

1. Principle of Development
2. Highways, Access and Connectivity
3. Design and Layout
4. Affordable Housing Provision
5. Flood Risk and Mitigation
6. Landscaping and Biodiversity

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

Principle of Development

6.2 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.”

6.3 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 Herefordshire Local Plan - Core Strategy UDP policies with the NPPF where there is inconsistency in approach and objectives.

6.4 The NPPF requires at paragraph 47 that Councils maintain a 5 year supply of housing land, which in Herefordshire Council's case must be supplemented by a 20% buffer for under supply. Recent appeal decisions at Leintwardine and Ledbury have confirmed that the Council does not benefit from an NPPF compliant supply of housing and as such Core Strategy policies relevant to the supply of housing should not be considered up to date as prescribed by paragraph 49 of the NPPF.

6.5 As such, and in the light of the housing land supply deficit, the housing policies of the NPPF must take precedence over the Core Strategy 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*. This requirement is mirrored in policy SS1 of the Core Strategy.

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 Policy HD1 of the Core Strategy states that Hereford will accommodate a minimum of 6,500 new homes within the plan period. This proposed development would contribute to this required growth and as such, the proposal would comply with the aims of this housing supply policy and weight can continue to be attributed to this.

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

- 6.9 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. The relevant environmental policies of the Core Strategy that support this role are SS6, LD1, LD2, LD3 and LD4 of the Herefordshire Local Plan – Core Strategy. All of these policies are compliant with the NPPF and can continue to be given weight in the decision making process.
- 6.10 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 and significant weight must be attributed to this. Likewise S106 contributions and the new homes bonus should also be regarded as material considerations.
- 6.11 The social role is reflected in the provision of a greater supply of housing and breadth of choice, including affordable housing. In this instance, enhancements to footway and pedestrian facilities locally, and increase in population locally that would support local facilities and services can also be considered as support to the social role of sustainable development and can be afforded significant weight in the decision making process.

Highways, Access and Connectivity

- 6.12 The application site is well related to the city centre, with excellent pedestrian links to the local services, facilities and employment as well as to public transport routes. Occupants of the proposed dwellings would support these services and facilities and improve their economic growth. The site’s location is considered to be sustainable, and offers good opportunity to improve pedestrian connectivity in the locality as well and as such would comply with the aims of policy SS4 of the Core Strategy.
- 6.13 Policy MT1 of the Core Strategy requires that it is demonstrated that the strategic and local highway network can absorb traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network and encourage and positively contribute to the integration of sustainable modes of transport (walking, cycling and public transport).
- 6.14 One of the key issues arising through the public consultations for this, and previous applications, relating to this proposed development is the impact that the development may have on the local road network, in particular during the construction phase. The application is accompanied by a Transport Statement that refers to the Transport Assessment (TA) undertaken on the most recent application. The capacity issues at the junctions with Whitecross Road were addressed as part of this assessment, with a base year of 2012 and forecast year of 2022. It is concluded that the junction experienced minimal delays and queuing during peak periods and that the junction operates well within the capacity and pressures of committed development and development traffic. The Transportation Manager has carefully considered the data submitted and concludes that the traffic generation from this site would not adversely impact upon the local network in terms of traffic movement. It is also considered that there is sufficient parking provision for the dwellings within their curtilage or parking areas to ensure that parking does not ‘spill out’ onto the neighbouring roads. As some rely on the garaging (3m x 6m in footprint) a condition requiring garages to be retained for the parking of vehicles is proposed. As such it would comply with the requirements of policy MT1 of the Core Strategy.
- 6.15 It is apparent that one of the key concerns of local residents relates to the construction traffic and the movement of vehicles along Baggallay Street and neighbouring streets (Gruniesen Street, Meyrick Street and Ingestre Street). Prior to submission of the application, a public consultation meeting was held locally by the applicants and these issues were raised by local

residents at this time. Acknowledging the challenges of the site during this phase, the applicant (Redrow Homes) will operate a considerate constructor's programme and have confirmed that they will ensure that deliveries will be timed to avoid peak traffic levels on the local network and a central point of contact on site will be provided to local residents. The details of the construction management program can be agreed with the council as part of a suitably worded planning condition as suggested in the recommendations section of this report.

- 6.16 It is noted that there is a desire, locally, to find an alternative access to the site either via Yazor Road (approximately 350m to the north west) or Harrow Road / Plough Lane that lies 90m to the east of the site. Whilst local residents express this as a preference, these options do not form part of this application and these options cross land outside of the control of the applicant. Some discussion has been had in respect of these options, but it is understood that alternative accesses to the site were not possible due to ownership and financial viability constraints and that as such; the construction phases would have to be carefully managed by the applicant to ensure minimal disruption and impact.
- 6.17 This site offers excellent opportunities for walking and cycling to key services and transport links. The proposal includes upgrades and links through the site onwards towards the west (Trinity Primary School, Whitecross High School) through the re-opening of the bridge. This provides opportunities to improve the links for residents of the city who wish to travel from Whitecross Road to the West or North of the city and improve sustainability for a wider area. As such, the proposed development would comply with the sustainable development policies of the Core Strategy and the wider emphasis of sustainable development contained within the NPPF.

Design and Layout

- 6.18 Policy SD1 of the Core Strategy acknowledges that good design embraces more than simply the aesthetics of new development and includes how buildings are used, accessed and constructed. The application site is constrained by its shape, by the provision of the highway to the south to access the playing field, the flood zone to the north and ecological protection and mitigation measures required. The proposed layout is considered to reflect the local character, with the design detailing described as being 'Traditional style housing 'inspired by the 1930's Arts and Crafts era' providing the site with its own sense of place and identity. The units that front the open space areas provide natural surveillance. The different street types also help to improve legibility, connections and permeability. The built form has been developed having regard to amenity space, proximity to neighbouring property and relationships to the highways. The proposal includes a range of buildings that are considered to offer a variety of dwellings in accordance with the requirements of policy HD3 of the Core Strategy, but at the same time complement each other when viewed as a composite.
- 6.19 The design and layout of the proposed development also ensures that suitable back to back distances and relationships between homes within the site and those adjoining the site on Baggallay Street and Gruneison Street are respected. Details of boundary treatments are sought to ensure privacy is maintained.
- 6.20 Turning to the sustainability, the applicants confirm their commitment to carbon reduction, using materials with a low environmental impact that are sourced sustainably, employing a sustainable approach to water management and maximising energy efficiency and carbon reduction by minimising the demand for energy through a range of measures that are fully detailed in the design and access statement.
- 6.21 Landscaping and ecology, have formed a significant part of the overall approach to this site due to the unfortunate requirement to remove the majority of trees in the area to provide the flood mitigation works that are discussed in more detail below. New trees, hedging and shrub planting are proposed, together with new perimeter landscaping, central public space and open space along the brook corridor. The communal area has been designed at the heart of the site, and in

a location that interfaces naturally with the Yazor Brook providing natural surveillance to the new footpath / cycleway link that uses the existing bridge. In terms of the overall success of the sites design, the successful integration into the wider townscape and area will have particular emphasis on the provision of this landscaping.

- 6.22 Having regard to the above, the proposed development would comply with the requirements of policy SD1 of the Core Strategy and with the aims, in terms of design, of the National Planning Policy Framework.

Affordable Housing Provision

- 6.23 Policy H1 (affordable Housing) seeks the provision of 35% affordable homes on sites within and adjoining Hereford City. Following consultation with the Housing Manager the applicants agreed to the construction of a specialist large four bedroom bungalow to meet a specific need within the County. Acknowledging the impact of doing this (large plot requirement) it was agreed to lower the level of affordable housing to 32%. This will provide 22 affordable homes that will be secured through the Section 106 agreement, with local connection (occupation) to Hereford, in perpetuity (see Heads of Terms below)

Flood Risk, Mitigation and Drainage

- 6.24 This site is partially located in Flood Zone 3, which is the high risk zone and is defined for mapping purposes by the Agency's Flood Zone Map. Flood Zone 3 refers to land where the indicative annual probability of flooding is 1 in 100 years or less from river sources (i.e. it has a 1% or greater chance of flooding in any given year). A large portion of the site is located in Flood Zone 1; the low risk Zone, where all built development should be situated. Policy SD3 of the Core Strategy and guidance contained within the National Planning Policy Framework (chapter 10) seeks to steer vulnerable uses away from areas at risk of flooding (zone3) and lower areas (zone 1 and 2), subject to the application of exception tests.
- 6.25 The majority of the site does lie within flood zone 1, with the exception of the northern edge alongside the brook. No housing is proposed within flood zone 3 (a or b). Prior to the last application (132226) being withdrawn, an agreement was reached with the Environment Agency as to the provision of a suitable mitigation scheme that addressed the concerns about the residual flood risk. In order to do this, it is proposed to re-profile Yazor Brook bank and provide suitable flood protection in the area whilst also providing additional flood storage capacity. Additionally, the floor levels of the proposed homes will be set at a level that is 600mm above 1:100 year flood levels plus an allowance for climate change. This was the approach agreed by the previous applicants (withdrawn application) with the Environment Agency. The Environment Agency has confirmed that they raise no objections to this, subject to the imposition of appropriate conditions to ensure that the proposed scheme continues to protect future residents and dwellings. As such, the proposal, with the appropriate mitigation measure and safeguarding conditions would comply with the requirements of policy SD3 of the Core Strategy and with the guidance contained within the National Planning Policy Framework.
- 6.26 Welsh Water have been consulted and raise no objection, subject to the imposition of a condition. The Council's land drainage engineer has also been consulted and the detailed consultation response is provided in full above. They conclude that their review of the surface water drainage strategy has raised a number of issues regarding the methods of calculation. However, they confirm confidence that these issues can be adequately addressed during the detailed design of the drainage system as part of a suitably worded planning condition. An informative informing the applicant of the advice is suggested and they have also been made aware of this. Taking the specialist advice of the land drainage engineer, welsh water and the Environment Agency, officers are satisfied that the requirements of policies SD3 and SD4 can be met and can be controlled via suitable conditions as suggested below.

Landscaping and Biodiversity

- 6.27 In order to develop the site and address the issues of flooding, the proposal requires a significant amount of works along the stream corridor. This has an impact upon the biodiversity and landscape qualities of this area and these issues have been fully considered as part of the application submission as is reflected in the comments from the Conservation Manager (Landscape and Ecology). In addition to the important landscape role in the design and layout of the site discussed above, the proposed the proposed planting and mitigation do offer sufficient compensation for this loss and disturbance required during construction with planting and enhancement measures proposed with potential to enhance green infrastructure and improve the site as a whole over time. Detailed method statements would be required by way of a condition, along with ongoing maintenance and management of the areas. Subject to the relevant conditions, the proposal would comply with the requirements of policies SD1, LD1, LD2 and LD3 of the Core Strategy and the guidance contained within the National Planning Policy Framework.

Public Open Space

- 6.28 The Parks and Countryside Officer has confirmed in their comments above that the proposed development would comply with the requirements and standards of Core Strategy policies OS1 and OS2. It is noted that there is no landscape plan or detail of the on-site play area at this stage to confirm this but officers are working with the applicant to finalise these in line with the requirement of the attached draft heads of terms (play equipment / area to the value of approximately £57,000) and requirements of the Environment Agency as well. Officers are confident that a satisfactory outcome can be achieved in accordance with these policies and would recommend a condition be imposed to finalise details of this as well as the timing of delivery of the play space and future maintenance. It is likely that the future maintenance will be undertaken by a management company. Onward maintenance will be secured via the section 106 agreement in perpetuity. This will relate to the entire open space area, which will also act as a flood storage area at time of extreme flood events.

Section 106

- 6.29 In line with the requirements of policy ID1 of the Core Strategy and the Council's SPD – Planning Obligations a detailed heads of terms was submitted with the planning application and is attached to the report. CIL regulation compliant contributions have been identified to the applicant at the pre-application stage and will secure contributions towards education (Whitecross High School and Lord Scudamore School), Sustainable Transport, Play facilities and Waste Management. In addition, the S106 agreement will secure 32% affordable housing as per the specified mix and plan including both social rent and intermediate tenure. However, as the land is still in the ownership of the Council, the procedure differs slightly from the norm. The applicants will need to enter into an agreement with the vendor (The Council) called a Section 111 Agreement before the planning permission is issued. This requires them to sign the Section 106 agreement upon completion of the sale of the land and within a specified time period (expected to be simultaneous). This is reflected in the recommendation to the Committee below. A condition is also suggested that means that no works can be commenced on site without the completion of the Section 106 agreement.

The Planning Balance and Conclusions

- 6.30 The Council cannot demonstrate a five-year supply of housing land with requisite buffer. The housing supply policies (in this instance SS2 and SS3) of the Core Strategy are therefore considered to be out of-date and the full weight of the NPPF is applicable. The remaining Core Strategy policies may be attributed weight according to their consistency with the NPPF; the greater the consistency, the greater the weight that may be accorded. As detailed above, Policy HD1, that seeks to encourage residential development in Hereford is considered to be

consistent with the aims of the NPPF to encourage growth in sustainable locations and can be attributed significant weight. This proposal would support this objective.

- 6.31 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. Policy SS1 of the Core Strategy acknowledges this and mirrors the guidance at paragraph 14 of the National Planning Policy Framework.
- 6.32 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.
- 6.33 This brownfield site lies in a central location with excellent opportunities to encourage sustainable patterns of movement for its occupants and for the wider area and as such would comply with the strategic aim of the Core Strategy set out in policy SS4. This policy is clearly consistent with the guidance contained within the National Planning Policy Framework and can therefore be attributed significant weight in the decision making process. The improved pedestrian connectivity provided by the development of this site is also considered a benefit in terms of the social role of sustainability and can be attributed weight.
- 6.34 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 and should be attributed significant weight. Likewise S106 contributions and the new homes bonus should also be regarded as material considerations.
- 6.35 In providing a greater supply of housing and breadth of choice, including 32% affordable and in offering enhancements to footway and pedestrian facilities locally (on site and off site through Section 106 contributions), officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development
- 6.36 There is harm identified in the loss of trees and habitats in order to provide the required flood mitigation to develop the site. The application has carefully considered this impact and proposes to mitigate and enhance the biodiversity, green infrastructure and immediate landscape in accordance with the relevant Core Strategy policies and guidance contained within the National Planning Policy Framework. In this respect, the harm cannot be considered to be significant and demonstrable such that this would warrant the refusal of the application when considered in light of the requirements of paragraph 14 of the National Planning Policy Framework and policy SS1 of the Core Strategy. In terms of the environmental role, there are some benefits that can be attributed to the development of the site in the long term, including biodiversity and green infrastructure enhancement, and replacement of a disused brownfield site and creation of a well designed and attractive development that contributes to the built form of the area.
- 6.37 Technical matters in respect of flood risk and drainage have been considered and are found to be acceptable and in accordance with the requirements of the relevant policies of the Core Strategy. The key concern locally relating to highways capacity (and construction phases) has also been considered carefully, and whilst acknowledging the constraints and concerns, the application has successfully demonstrated that the additional traffic can be accommodated within the local and strategic highway network in accordance with policy MT1 of the Core Strategy and in accordance with the requirements of paragraph 32 of the National Planning Policy Framework. Conditions are recommended to address and manage the construction phase of development.
- 6.38 Officers conclude that the proposed development accords with the relevant policies of the Core Strategy and that there are no adverse impacts of granting planning permission that would significantly or demonstrably outweigh the benefits when assessed against the policies of the National Planning Policy Framework taken as a whole. 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 detailed below.

RECOMMENDATION

Subject to the completion of a Section 111 agreement under the Local Government Act 1972 and Section 1 of the Localism Act 2011 requiring the applicant to complete, under section 106 of the Town & Country Planning Act 1990 an 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 the approved plans**
- 3. C01 Samples of external materials**
- 4. E01 Site investigation - archaeology**
- 5. G10 Landscaping scheme**
- 6. G11 Landscaping scheme - implementation**
- 7. G04 Protection of trees/hedgerows that are to be retained**
- 8. G18 Provision of play area/amenity area**
- 9. H18 On site roads - submission of details**
- 10. H11 Parking - estate development (more than one house)**
- 11. H20 Road completion in 2 years**
- 12. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with the requirements of policy SD4 of the Herefordshire local plan - Core Strategy

- 13. The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located marked out on site before works commence and no operational development shall be carried out within 6 metres either side of the centreline of the public sewer.**

Reason: To protect the integrity of the public sewer and avoid damage thereto

protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

14. The recommendations set out in Section 6.3.10 and 6.3.11 of the ecologist's preliminary report dated January 2013 should be followed unless otherwise agreed in writing by the local planning authority. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to carry out further survey work to establish the presence or otherwise of reptiles and protected species of mammal, and to oversee the ecological mitigation work.

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

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

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

16. I16 Construction Management Plan to include:

- Hours of working during construction
- site compound location
- parking for site operatives
- parking for visitors
- turning area / parking area for delivery lorries
- Hours for deliveries
- Delivery management strategy
- details of considerate constructors (contact details for local residents)
- routing of delivery vehicles during consultation phase

17. I51 Details of slab levels

18. B07 Section 106 Agreement - as per attached heads of terms

19. Finished floor levels shall be set no lower than 600mm above the undefended 1% plus climate change flood level shown in Appendix C (Modelled Watercourse Table) and Drawing Number 3583-15-02-503/P1 (Appendix E) unless otherwise agreed in writing by the LPA.

Reason: To protect the proposed dwellings from flood risk for the lifetime of the

development in accordance with the requirements of policy SD3 of the Herefordshire Local Plan - Core Strategy and guidance contained within the National Planning Policy Framework.

20. Flood storage compensation, shall be carried out, in accordance with the details submitted, including Section 7 of the FRA dated February 2016, including Drawing Numbers 3583-15-02-500/P2 and 3583-15-02- 503/P1 (Appendix E) unless otherwise agreed in writing by the LPA, in consultation with the Environment Agency.

Reason: To minimise flood risk and enhance the flood regime of the local area having regard to the requirements of policy SD3 of the Herefordshire Local Plan - Core Strategy and guidance contained within the National Planning Policy Framework.

21. There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within the flood storage compensation area highlighted in blue on Drawing Numbers 3583-15-02-500/P2 and 3583-15-02-503/P1 (Appendix E).

Reason: To ensure the flood storage area works efficiently over the lifetime of the development having regard to the requirements of policy SD3 of the Herefordshire Local Plan - Core Strategy and guidance contained within the National Planning Policy Framework.

22. A maintenance scheme must be in place for the watercourse, flood mitigation area and gabion retaining wall.

Reason: To ensure the flood storage area continues to operate effectively over the lifetime of the development having regard to the requirements of policy SD3 of the Herefordshire Local Plan - Core Strategy and guidance contained within the National Planning Policy Framework.

23. M17 Water Efficiency - Residential

24. H29 Secure Covered cycle parking provision

25. F08 – No conversion to garage to habitable accommodation

INFORMATIVES:

1. HN10 No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

2. HN08 Section 38 Agreement & Drainage details

3. HN28 Highways Design Guide and Specification

4. HN05 Works within the highway

5. HN01 Mud on highway

6. N11A Wildlife and Countryside Act 1981 (as amended) - Birds

- 7. **N11C General**
- 8. **W01 Welsh Water Connection to PSS**
- 9. **N14 Party Wall Act 1996**
- 10. **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.**

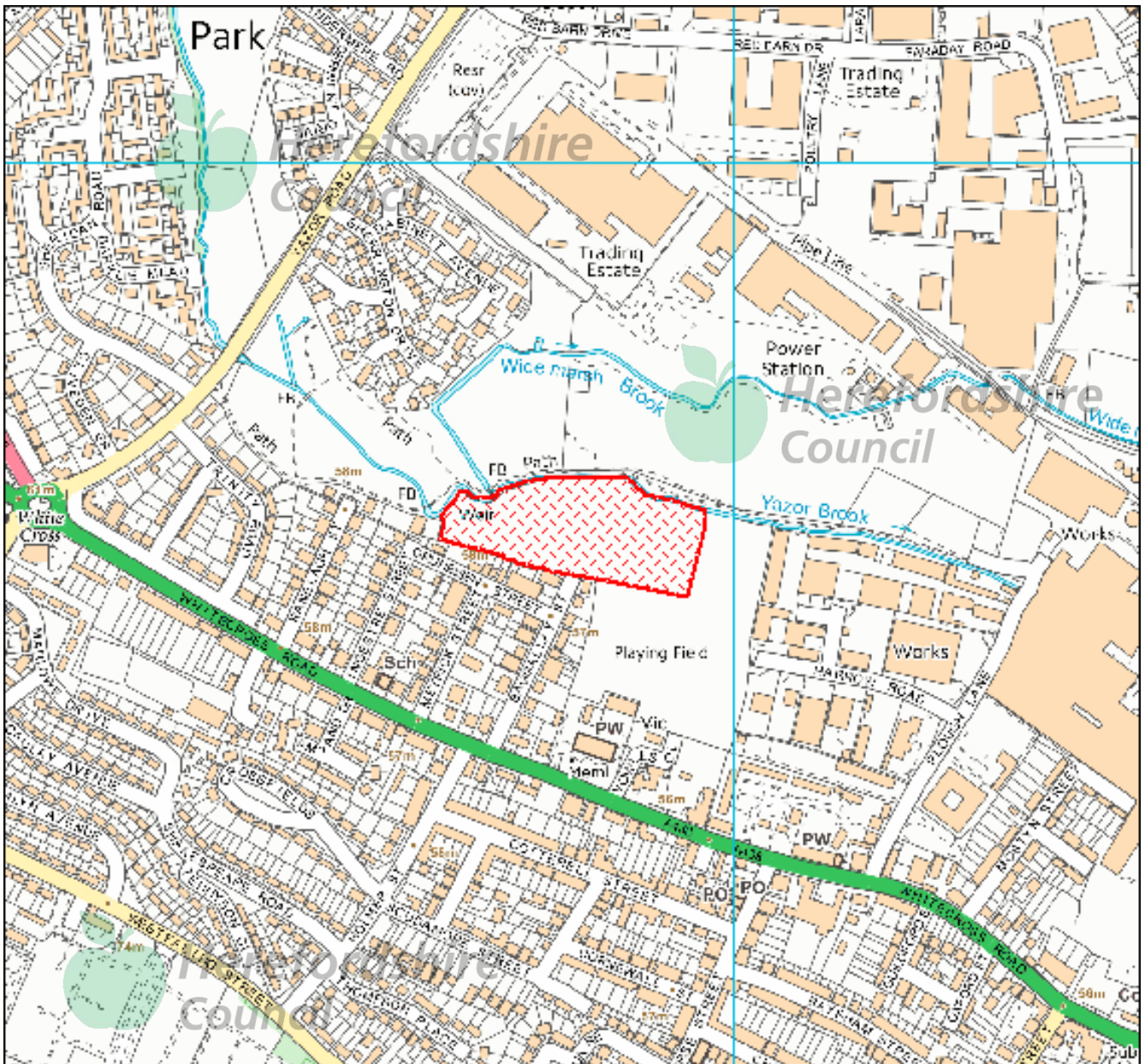
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: 160613

SITE ADDRESS : FORMER WHITECROSS SCHOOL, BAGGALLAY STREET, HEREFORD, HEREFORDSHIRE

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HEADS OF TERMS

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

Application: 160613

Site address: **Former Whitecross School Site, Baggally Street, Hereford**

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 (31 x 4 bed units and 16 x 3 bed 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 **£282,071.00** (index linked) to provide enhanced educational infrastructure at Lord Scudamore Primary School and Whitecross High School, with 1% allocated for Special Education Needs. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£147,920.00** (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:

There needs to be a footway cycle way to the boundary and provided as part of the development. The crossing and link to the cycle footway north of the brook will need to be added to the S106 agreement.

- a) Improvements to the cycle route from the site to Holmer Road
- b) Provision of a crossing and link to the cycle / footway north of the brook (NW of site)
- c) Widening of the existing footpath from Plough Lane to Yazor Road to provide a shared cycleway/footpath
- d) Pedestrian improvements at the Grimmer Road/Whitecross Road signalised junction

NOTE: A Sec278 agreement may also be required and/or used in lieu of the above contributions depending on the advice from the local Highways Authority

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£5,520.00 (index linked)** per dwelling. The contribution will be used to provide 1x waste and 1x recycling bin for each residential property. The sum shall be paid on or before the commencement of the development.
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 flood mitigation/defence scheme, attenuation basin and/or SUDS which may be

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

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 to provide an on-site play area, to cater for toddlers and older children, to the value of around £57,000.
6. The on-site play area shall be completed and made available for use in accordance with a phasing programme to be agreed in writing with Herefordshire Council
7. The developer covenants with Herefordshire Council that 32% (22) of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H1 of the Herefordshire Local Plan – Core Strategy or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.

Affordable dwelling shall be provided as set out in drawing number: 3583.15.02.105 Rev A (Affordable Housing Plan) with the tenures as follows:

- 10 x Intermediate Tenure
- 12 x Social rent

8. 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.
9. 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:-:

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 paragraphs 9 & 10 of this schedule

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 whom has:-

10.1. a local connection with the Hereford

10.2. in the event of there being no person with a local connection to Hereford 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.

11. For the purposes of sub-paragraph 9.1 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

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- 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 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 payment, 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 5 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
14. 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.
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:	26 APRIL 2016
TITLE OF REPORT:	<p>152042 - SITE FOR PROPOSED EXTRA CARE DEVELOPMENT COMPRISING OF UP TO 80 PASSIVHAUS DESIGNED ONE, TWO AND THREE BED APARTMENTS AND COMPLEMENTARY INDOOR AND OUTDOOR FACILITIES, INCLUDING SWIMMING POOL, GYM, SAUNA, CAFE, HAIR SALON, MEDICAL AND TREATMENT ROOMS, ALLOTMENTS, PUTTING GREENS AND PETANQUE PITCH WITH ASSOCIATED LANDSCAPING, AT LAND NORTH OF WHITESTONE BUSINESS PARK, WHITESTONE, HEREFORDSHIRE, HR1 3SE</p> <p>For: Mr Collins per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Pontrilas, Hereford, Herefordshire HR2 0EL</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152042&search=152042
Reason Application submitted to Committee – Redirection	

Date Received: 13 July 2015
Expiry Date: TBC

Ward: Hagley

Grid Ref: 356602,242651

Local Member: Councillor DW Greenow

1. Site Description and Proposal

- 1.1 Outline planning permission is sought for the erection of a development comprising the erection of up to 80 units of 'extra care' accommodation on land adjacent Whitestone Business Park, Withington, Herefordshire. The application site is a paddock, bounded by the Business Park to the south, the A4103 to the north, Barnamore House to the east and the C1130 to the west.
- 1.2 'Extra care' is a term used to describe specialist housing, typically for the elderly who whilst in need of an element of domiciliary care, are still independent to the extent that they wish to remain in their own homes.
- 1.3 The site extends to 1.38ha of unimproved pasture and is enclosed on all sides by a semi-mature tree belt. Levels descend from the main road to the north, with the effect that adjoining buildings within the estate are at a lower-level than the site. Access is taken from the estate road on the south-western boundary and this is where vehicular access is proposed.
- 1.4 Although made in outline with all matters bar access reserved, the material submitted with the scheme details five distinct building blocks and detailed hard and soft landscaping proposals.

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

On the site's western boundary is a proposed facilities block, incorporating leisure and community facilities. Parallel to the site's northern boundary are two blocks of accommodation, with the same parallel to the southern boundary; this orientation allowing for attainment of the Passivhaus standard. Boundary planting would be retained and enhanced as appropriate. The proposals have been amended during the consultation stage with the effect that the height is now reduced to a maximum of 3 storeys from 4. This has had the effect of likely reducing the final number of apartments to nearer 75 than 80. The application promotes predominantly 2-bed accommodation, with some 1-bed apartments and a small proportion of 3-bed units. Given this is an application made in outline, the actual mix would be determined at the Reserved Matters stage.

- 1.5 In order to ensure the development is meeting the expressed need for this accommodation, the applicant has proposed that occupancy be limited to those aged 60 and above, who have been clinically assessed and confirmed as being in need of a minimum level of care. It would thus be a condition of occupation that prospective residents are in need of a level of domiciliary care, the need for which may grow more acute over time. Draft Heads of Terms have been drawn up that would define the occupancy restrictions and also require the completion of off-site highway works in the form of a controlled pedestrian crossing of the A4103 and provision of an electric pool car and community mini-bus. The attainment of Passivhaus certification would also be required by the S106 agreement, which also relates how the on-site facilities would be accessible to members of the local community. A draft Heads of Terms is appended to the report.
- 1.6 Although submitted in outline with all matters bar access reserved, the scheme is supported by the following documentation:-
- A Planning Statement
 - A Design and Access Statement
 - Masterplan
 - Landscaping proposals
 - Flood Risk Assessment
 - Transport Statement
 - Ecology Assessment and enhancement proposals
 - Environmental Noise Survey
 - Framework Travel Plan
 - A series of 3D visualisations
- 1.7 As above, the scheme has been amended during the application process and necessary re-consultation carried out accordingly. The Council has concluded the scheme is not development requiring the submission of an Environmental Statement.

2. Policies

- 2.1 The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

Herefordshire Local Plan – Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Ensuring Sufficient Housing Land Delivery
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
RA1	-	Rural Housing Distribution
RA2	-	Housing in Settlements Outside Hereford and the Market Towns

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

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	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and River Water Quality
ID1	-	Infrastructure Delivery

2.2 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

2.3 National Planning Practice Guidance

2.4 Neighbourhood Plan

Withington Neighbourhood Plan Area was designated on 12th July 2013. The plan is presently being drafted and whilst a material consideration is not sufficiently advanced to attract weight for the purposes of determining Planning Applications.

2.5 The Core Strategy 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/core-strategy/adopted-core-strategy>

3. Planning History

3.1 None

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: No objection

We (DCWW) have undertaken internal assessments and concluded that capacity exists to accommodate the proposed development.

4.2 Environment Agency: No objection

Internal Council Consultations

4.3 Transportation Manager: The proposed development is off the A4103 via the C1130 and a short length of private drive.

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

A pedestrian route to the village is offered through the provision of the footway and controlled crossing point on the A4103. This will be secured via a S278 agreement and associated planning condition. The provision of this link will represent a benefit as it will assist with direct access between the site and the village as well as allow access on foot to Whitestone Business Park. The proposal will also have the benefit of providing raised kerbs for the bus stops in the vicinity, this can be easily accommodated. The provision of this will replace the requirement for S106.

The access point is acceptable though an amendment is required to provide a radius at the entrance rather than that shown; the radius needs to be 10m.

The proposal provides 1, 2 and 3 bed units as well as a swimming pool, gym, café and shop. It is understood that these facilities will be available to the general public (via some form of membership arrangement) and will be an attraction in their own right.

92 car parking spaces are proposed to cater for the units and recreational attractions as well as employees. Further work is required to ensure the parking numbers are suitable, whether this needs to be further supported in the S106 linked to a robust travel plan needs to be explored. The visitor demand for parking could be significant.

The internal layout for the road is for consideration at the Reserved Matters stage, though the layout provided, whilst being low key, doesn't allow for easy use. The parking layout at 45 degrees to internal roads should be supported by a 3.6m minimum carriageway to allow for manoeuvres. Access by the emergency services such as ambulance, and fire as well as service vehicles may require a wider access road too.

It is important to ensure larger vehicles can be accommodated as problems may arise and result in indiscriminate parking in the vicinity of the development. I note that a representation making this point has been received.

Secure covered cycle parking needs to be provided as part of the development.

If you are minded to approve, please add conditions and informatives as requested and set out in the recommendation.

4.4 Land Drainage Officer: No objection subject to conditions

We recommend that the following information is submitted to the Council for approval prior to construction as part of any subsequent planning conditions:

- A detailed drainage strategy, with supporting calculations, showing the location and size of drainage features and demonstrating how discharge rates/volumes from the site are restricted to no greater than pre-developed rates for all events between the 1 in 1 year and 1 in 100 year events, with climate change allowance.
- Calculations that demonstrate that there will be no flooding of the proposed drainage system up to the 1 in 30 year event, and that any flooding of the drainage system that may occur during events between the 1 in 30 and 1 in 100 year events will be managed within the site boundary;
- Results of infiltration testing undertaken in accordance with BRE365 and confirmation that the base of any infiltration structure or unlined structure is greater than 1m about the groundwater level;
- Confirmation that discharge to the public sewerage system is approved in principle by the relevant authority;
- Information regarding the proposed adoption and maintenance of the proposed drainage systems.

4.5 Housing Commissioning Officer: Support

I refer to the amended plans and can confirm that I have reviewed the scheme and wish to add to my original comments of the 19th August 2015. Although I do not require any affordable extra care units in this area, there is a major disparity in the current supply of specialist housing against what is needed in the Hereford HMA. This scheme will go some way in meeting the requirements to provide an additional 331 units of extra care housing within Hereford HMA by 2020, as outlined in the Herefordshire Older People's Housing Strategy.

Most existing retirement housing is for rent, however 'older' households own their own home and wish to continue to do so. There is a shortage of extra care housing for sale for older people to move into. This scheme would increase the market availability and help sustain independence in older age whilst also providing security should people's needs change or deteriorate.

I therefore support this application to provide up to 80 extra care units.

4.6 Conservation Manager (Landscape): No objection

Following on from the submission of the initial masterplan and my earlier comments, I have revisited the site and read the amended masterplan in conjunction with the submitted sections.

I am satisfied that given the gradient of the land the newly proposed development on the northern perimeter of the site will not extend in height significantly beyond existing development. The proposal can be successfully assimilated into the surrounding landscape and therefore accords with LD1 of the Core Strategy.

I would recommend the following conditions be attached to the permission. G04 (tree protection) in respect to the existing trees on site and G10 to include a detailed landscape scheme.

4.7 Conservation Manager (Historic Buildings): No objection

The site does not lie within a Conservation Area but there are a number of listed buildings nearby, although not abutting the site. The Green (grade II) is adjacent to the western boundary of the Whitestone Business Park; a barn (grade II) to the east, on the same side of the A4103, and the Baptist Chapel (grade II) to the north west, on the opposite side of the A4103. In assessing this proposal, Policy HBA4 Setting of listed buildings will be relevant.

Owing to topography, the proposed buildings for the extra care development are likely to be higher than the existing industrial units on the Whitestone Business Park; however given the distance and existing landscape features, it is considered that the proposal would not unduly harm the setting of the above mentioned listed buildings. Any such harm would certainly be less than substantial and therefore weighed in the balance against public benefits arising as per NPPF paragraph 134.

4.8 Conservation Manager (Ecologist): No objection.

I have read the ecology report and agree with the findings of somewhat limited biodiversity for this site. I note that the report contains an outline ecological enhancement plan which I think could be more detailed in its specification of ecological benefits. I propose that a non-standard condition is attached to any approval as follows:

"The recommendations set out in the ecologist's report from Ecology services dated July 2015 should be followed unless otherwise agreed in writing by the local planning authority. Prior to

commencement of the development, a detailed habitat enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.”

- 4.9 Environmental Health Manager (Noise): Recommends a condition to require the submission, prior to commencement, of an assessment via BS4142 of the impact of rating industrial and commercial sound on the proposed residential premises. This shall use the methodology specified in BS4142 and include an assessment of all mitigation measures and use the objective method for the assessment of character correction, the results of which shall be supplied in writing to the local authority. Attenuation measures such as may be necessary will be agreed in writing by the Council and implemented prior to the first use of any of the dwellings approved.

5. Representations

- 5.1 The Withington Group Parish Council objects to the proposed development as it is totally unacceptable in the location to the South side of the A4103 and being ‘divorced’ from the village. The Council has considered the amended plans but they do not overcome the fundamental objection of the site being on the ‘wrong’ side of the A4103.

1. ‘Elderly’ residents need to walk about for exercise with or without a partner or dog. There are no complete acceptable pedestrian friendly routes connecting to this site and no safe pedestrian crossing of the highway adjoining the site.
2. It is not sure whether there are restrictions on the operating hours of the Business Park. If not, this could create problems if noise and light were to cause a nuisance in the future, as the quiet enjoyment of the residential use would take precedent over the industrial use under environmental health legislation.
3. It is noted that the community facilities would be on a ‘restricted’ access basis for Withington residents, presumably meaning a membership joining fee. As there are many low income earners and pensioners in Withington, what are the details of the agreement for the use of the facilities (This requires clarification in the section 106 agreement). There is also clarification needed as to what community facilities are to be provided. (e.g. Are health care facilities included for Withington residents in the form of an outreach doctor’s surgery?)
4. There is a very limited bus service to Hereford, which does not operate after 4.30 from Hereford, and mainly runs through the village rather than to the A4103. No weight should be given to the availability of public transport.
5. If it is considered that there is a need for this facility, then a location nearer the heart of the village should be sought, and proposals submitted for inclusion in the Neighbourhood Plan. It is understood by the Parish Council that there are no policies in the Core Strategy to support this development outside the settlement boundary.
6. The traffic flow and vehicle size along the A4103, and on the link between the A4103 and A438, both, (i) generated by the Whitestone Business Park, and (ii) as through traffic, would create too great a conflict with this type of development.
7. The outlook from the development and for the residents does not reflect the key requirement on page 38 of the applicants’ support document in that the site does not enjoy ‘rural views’ but either looks internally, or at the adjoining Whitestone Business Park. (as shown on the submitted sketches)
8. The original intention for the use of this area was as a landscape buffer zone for the business park to the south. This has been achieved and should be maintained as such.

- 5.2 Four letters of support have been received. The content is summarised as follows:-

- The scheme represents a high quality scheme for those who are not yet in need of nursing home accommodation;
- The scheme would provide an environment where the elderly can maintain independence within the context that responsive care is available as and when needed;

- The housing on offer would present the opportunity for social interaction with like-minded individuals with facilities on site and the potential for mini-bus/pool car facilities for trips into Hereford;
- The fact that the site is not within the city centre is a benefit to those who'd rather live out of town;
- There is a dearth of this type of accommodation, which can only be in more demand given the county's ageing population;
- The loss of a green field is sad, but more than off-set by the benefits, which include a sustainable approach to design.

5.3 One letter of qualified comment has been received from the adjoining Greendale Carpets and Flooring business, who own the building to the south of the site. It states as follows:

Whilst we have no major objection to the principle of the development and appreciate the need for this type of housing we would not wish to feel that this would endanger any further expansion of our site on the land at the end of our building which the proposed new development would overlook. We have already increased the building once in 2004 and may look to do again in the future. We would welcome any reassurance you could give us identifying that this would not be a problem, as we would not wish to enter into major expense in applying for planning permission prior to the new development taking place to protect our interest.

Secondly we would ask that full consideration is given to the likely level of parking needed for the development from residents, staff and visitors to the residential and communal facilities. In the interest of safety we would not like to see vehicles overflowing onto the road which is used by large commercial vehicles delivering and collecting from the business park or onto our adjacent private parking area to the front or side of our building thereby creating danger to pedestrians and traffic users attempting to negotiate the three junctions onto the main A4103.

5.4 Two letters of representation have been received. These refer to concerns in respect of traffic generation and the consequent impacts on the safe operation of the A4103/C1130 junction and ask that careful consideration be given to potential impacts.

5.5 As described above the scheme has been amended post-submission. The applicant's explanation of these changes is set out below:-

Reduction in height

1.2 The scale and massing of the development has been reviewed and as a consequence, the northern blocks have been reduced in height to three storeys. This means that no part of the development will now exceed three storeys and importantly, the development will now almost entirely be below the height of the existing tree belt that surrounds the site.

Pedestrian crossing

1.4 The opportunity to further improve the pedestrian links between the development site, Whitestone Business Park and the village has been investigated. As a consequence, the proposals now include a traffic light controlled crossing of the A4103.

This crossing will provide a seamless pedestrian and cycle link both from the site to the village and vice versa for existing residents using the new community facilities or working on the business park. The crossing will also tie in with the approved David Wilson Homes layout although is not dependent on this development.

Key points within the draft Heads of Terms are:

- The occupation of units is restricted by a S106 obligation requiring occupants to be in need of a minimum care package which includes a specified level of personal care.
- Similarly, the occupation is restricted to those aged 60 or above.

- The S106 also applies eligibility criteria and an undertaking for an initial assessment of care needs with regular reviews. Residents care needs will change over time and this system will ensure the care package is regularly reviewed and is responsive to resident's needs.

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

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152042&search=152042>

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 The application seeks outline planning permission for the erection of an extra care specialist housing scheme on land adjoining Whitestone Business Park to the south of the A4103. The site is, for planning purposes, within the open countryside, but is bound on two sides by existing development and the A4103 on a third, with a Committee resolution to grant outline planning permission for the 69 dwelling scheme to the north-west (Ref: 151150). Withington, which is defined as a figure 4.14 settlement within the Hereford Housing Market Area lies to the north. The land is not allocated or safeguarded within the CS for employment purposes.
- 6.2 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."*
- 6.3 The Development Plan for the area comprises the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies, referred to at section 2.1, are relevant as is CS paragraph 2.11, which references the predicted rise in the proportion of older people and thus *"a need to plan for the consequence of an ageing population, for example by providing for supported and extra care housing, and ensuring better access to health care and community facilities."* Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 further confirms that proposals that accord with the policies of the CS (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise. This is the presumption in favour of sustainable development.
- 6.4 As per the NPPF, the delivery of sustainable housing development to meet objectively assessed need is a central theme of the CS. Policy SS2 'Delivering new homes' confirms that Hereford, with the market towns in the tier below, is the main focus for new housing development. SS2 also confirms the use of "previously developed land in sustainable locations will be encouraged."
- 6.5 It is also clear that failure to maintain a robust NPPF compliant supply of housing land will render the housing supply policies of the CS out-of-date. Policy SS3 'Ensuring sufficient housing land delivery', thus imposes requirements on the Council in the event that completions fall below the trajectory set out in the CS Appendix. Although the situation is fluid, as recognised by the Inspector for the Ledbury appeal, the Council cannot demonstrate a robust supply of housing land at present. Accordingly, policies relevant to the supply of housing are, in accordance with the NPPF paragraph 49, out-of-date. However, this does not render such policies an irrelevance and they may still be afforded weight. For the avoidance of doubt, Inspectors have determined that SS2, SS3, RA1 and RA2 are all relevant to the supply of housing in the rural context.

- 6.6 Extra care housing is not expressly defined within the Core Strategy, although Policy H3 (3) states that larger schemes should “provide housing capable of meeting the specific needs of the elderly population by providing specialist accommodation for older people in suitable locations.”
- 6.7 The sub-text to Policy H3 (5.1.19) refers to the ‘Herefordshire Older People’s Survey 2012’ and an “increasing requirement for new housing to cater for older people.” It is stated further that this need will be met through a combination of measures including provision of specialist accommodation in locations where the principle of residential development is accepted. It can be seen, therefore, that the presumption is that specialist accommodation for the elderly should be directed to locations where the principle of general needs housing is acceptable.
- 6.8 The age structure of the county’s population as expressed at figure 3.3 of the CS suggests a significant increase in the number of residents within the county aged over 65 and the need to provide homes for the elderly to live independently as well as a need for specialist housing with extra care. The need for extra care accommodation by Housing Market Area (HMA) to 2020 and 2030 is expressed below. Withington is within the Hereford HMA where the need is greatest; as would be expected given the proportion of the County’s population living within it.

	Bromyard	Golden Valley	Hereford	Kington	Ledbury	Leominster	Ross on Wye
Extra Care required by 2020	73	40	331	42	72	124	191
Extra Care required by 2030	28	15	160	24	48	58	72
Total	101	55	491	66	120	182	263

- 6.9 Current planning permissions and applications for specialist extra care housing all lie within the Hereford Housing Market Area, as set out below.

	Parish	Planning ref:	HMA	Status	Number
Whitestone Business Park	Withington	152042/O	Hereford	Submitted	80
Holmer West	Holmer	150478/O	Hereford	Submitted	80
ESG	Hereford	130888/O	Hereford	Approved	60

- 6.10 It should be noted that although the ESG scheme (130888/O) was granted outline planning permission in August 2013, this permission will expire in August 2016 and there is no evidence of a Reserved Matters application being submitted. Likewise the Holmer West strategic urban extension application is as yet undetermined. Even if approved promptly, there is no guarantee that either the current application or the units proposed on the Holmer West Strategic Urban Extension would be completed by 2020, thus adding in real terms to the shortfall moving forward. Officers conclude, therefore, that the need for extra care housing within the county and within the Hereford HMA is evident and pressing and it is not guaranteed that the requirement by 2020 (331 units) will be met. This is a significant material consideration telling in favour of the scheme.
- 6.11 In this specific case there has been some conjecture as to whether the scheme, particularly when taking account of the occupancy restrictions (i.e. compulsory purchase of a care package and minimum age); can be described as C2 Residential Institution or C3 dwelling houses? The

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

relevance of this distinction is that this defines the CS policies against which the scheme should principally be held i.e. should the scheme be considered against RA2, or does a more nuanced assessment which takes into account the wider spectrum of housing need be applied?

- 6.12 A number of appeal decisions have considered this matter. These are instructive but cannot substitute for an assessment of the case in hand. Officers consider that the scheme should be taken to represent C3 development on the basis that the apartments will be entirely self-contained, with leisure and community facilities contained within a building that is physically separate from the vast majority of the living accommodation. Moreover, although residents will be subject to medical assessment confirming their need for care and will have to purchase a care package, this does not differentiate the scheme from warden controlled housing or individuals still living in their own homes but receiving outreach care. It is not clear at this stage, what vetting procedure the medical assessment will introduce and therefore how 'in need of care' prospective residents will need to be in order to qualify for residency.
- 6.13 Officers accept that there may be instances where some occupants of the scheme (and schemes like this) may, over time, require more significant levels of domiciliary care, such that their occupancy is more akin to C2. This ability to respond flexibly to fluctuations in the demand for personal care within the home setting is one of the defining characteristics of extra care. It is concluded, therefore, that the scheme is principally C3, but with the potential for some occupants to require levels of care akin to C2, with some D2 leisure use. It is considered that the scheme can be described as C3 with the ability to provide 'extra care' in the individual's home whilst allowing them to maintain a level of independence. This is considered a significant benefit. As such, officers conclude that this scheme is for C3 residential development and that Core Strategy Policies relevant to the supply of housing would be applicable were the Council able to demonstrate a 5-year supply of housing. However, given that Policy RA2 is expressed in positive terms, officers consider that weight may still be attributed to the policy and that an assessment of the scheme against the criteria of Policy RA2 remains necessary.

Assessment against RA2

- 6.14 RA2 deals with housing in settlements outside Hereford and the market towns. Withington is a main settlement listed at 4.14. The Neighbourhood Development Plan (NDP) is not adopted, yet permission exists in outline for two large schemes (31 and 33 units respectively) on land adjoining Vine Tree Close and land adjoining The Chapel. A committee resolution to approve the 69 unit scheme on land adjoining Southbank is awaiting completion of the legal agreement. Thus the indicative minimum requirement for housing growth within the parish during the lifetime of the CS is well on the way to being met.
- 6.15 In the absence of a NDP that attracts weight, the CS confirms that housing schemes should be assessed against their relationship to the main built up part of the settlement; the intention being to avoid unsustainable patterns of development that give rise to isolated residential development, that are inaccessible and give rise to attendant landscape harm.
- 6.16 The core principles upon which RA2 is founded can be summarised as an expectation that development proposals should reflect the size, role and function of the village concerned; make best use of brownfield land where possible; result in high-quality, sustainable development which enhances local character where possible and does not result in unsustainable patterns of development. It is my view, therefore, that although out-of-date, RA2 may continue to attract reduced weight in the determination of this application. This is because it is positively worded and does not, in advance of an NDP, seek to impose a cap on development. It does, however, require development to be built within or adjacent the main built up part of the settlement concerned, and that locational aspect of the policy cannot, in your officers' opinion, carry weight in the current context.
- 6.17 In this case, however, the application site is separated from the settlement by the A4103, yet adjoining a large industrial complex (Whitestone Business Park) to the south and dwelling to the

east. Officers consider that in this context the site may reasonably be described as adjacent the main built up part of the settlement and would not result in an isolated or unsustainable pattern of development. Moreover, the scheme is dependent upon the construction of a controlled pedestrian/cyclist crossing of the A4103, which will be delivered by the developer via a S278 agreement as specified in the draft Heads of Terms. Your officers consider that this connection, which will benefit not only residents of the scheme, but the wider community in Withington by making Whitestone more accessible to those living north of the A4103, results in an acceptable relationship between the site and the village in terms of accessibility. Officers are also conscious of the proposed pool car and community mini-bus, which are specified for inclusion in the S106 agreement; thus ensuring their continued accessibility to residents.

- 6.18 RA2 further requires that development proposals should “*result in development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting.*” This criteria of RA2 is endorsed by a range of related CS policies, including LD1 (Landscape and townscape and LD2 (Biodiversity and geodiversity) which both require the restoration and enhancement of existing biodiversity features. LD1 and LD2 may, in your officers’ opinion, be afforded full weight as they go to the pursuit of the environmental dimension of sustainable development, which should be pursued jointly with the economic and social roles. They do not explicitly restrict the supply of housing land. Following the reduction in scale from 4 storeys to 3, the Conservation Manager (Landscape) has no objection to the proposal and existing tree cover will be maintained and enhanced in accordance with CS Policy objectives.
- 6.19 Officers also consider that the scheme, although in outline, can be considered as high quality and sustainable. The applicants have committed to the attainment of Passivhaus certification and are content this be a requirement of the S106 agreement. Passivhaus is a rigorous building standard and is an approach that corresponds with CS objectives as expressed in a range of policies. SD1 underpins the desire that development proposals should utilise physical sustainability measures and energy conservation infrastructure; an approach that is inherent with Passivhaus, which far exceeds Building Regulation requirements. On this basis, the scheme is considered to accord with RA2 (3) in that it would result in a high quality, sustainable scheme that is appropriate to its context and attainment of Passivhaus certification in particular, is something that officers are minded to give significant weight to in the planning balance.
- 6.20 The fourth RA2 criteria requires that the proposal in question results in the delivery of “*schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.*”
- 6.21 As above, the need for extra care accommodation within the county is clear and delivery uncertain. Whilst H3 underpins the principle that extra care should be directed to locations where general needs housing would be supported, there is comparatively little evidence of the need as expressed within the Hereford HMA being met. It is considered likely that if delivery of bespoke schemes is challenging in the Hereford HMA, then this can be extended throughout the county. Thus, whilst it cannot be stated that this scheme meets a need or local demand at the parish level, this is countered by the contribution that the scheme would make towards an identified need within the Hereford HMA, allied to the specific benefits of the scheme and the lack of demonstrable adverse impacts.
- 6.22 In this respect, it should be noted that while the scheme may not meet a Withington-specific need, it does introduce leisure facilities that will be made available to the wider community locally. In this regard CS Policy SC1 is also relevant. The pre-text to SC1 at para 5.1.30 explains that ‘the Core Strategy aims to achieve sustainable communities across Herefordshire and improve the well-being of its people. This requires an effective balance between the provision of new housing and employment and providing the social and community facilities required to support growth’.

6.23 Para 5.1.31 explains that the lack of local services, particularly in rural areas is key issue in Herefordshire. Para 5.1.32 explains that:-

‘Social and community facilities can be defined as physical facilities for different individuals and communities, which are provided by a range of organisations (public, private and voluntary). They provide for the health, welfare, social, educational, spiritual, recreational, leisure and cultural needs of the community. These facilities play an important role in the development of a vibrant community by creating a sense of place and providing a place for people to meet and interact socially. They also offer services that are essential for education, health and wellbeing; and support community cohesion and benefit the general quality of life of residents’.

6.24 Para 5.1.33 explains this can include health and social care facilities as well as facilities such as community centres and shops. Development proposals which protect, retain or enhance existing social and community infrastructure or ensure that new facilities are available as locally as possible will be supported. Such proposals should be in or close to settlements, have considered the potential for co-location of facilities and where possible be safely accessible by foot, by cycle and public transport.

6.25 The policy and supplementary text at paragraphs 5.1.35, 5.1.39 and 5.1.41 has a focus on co-location of services and facilities, as proposed by this development. It can be seen, therefore, that the scheme, in providing community facilities by use for the occupants of the scheme and wider community, underpins several CS objectives.

6.26 The overriding conclusion, is that this multi-faceted scheme cannot easily be bracketed against a specific CS policy, more that a broad range of policies are in play. However, it is clear that assessment of the site’s location and accessibility, in the context that the CS directs specialist housing to sites where the principle of general needs housing is acceptable. Having conducted an assessment against RA2, officers consider that in this specific location the principle of development is acceptable. This rests on the delivery of the controlled pedestrian/cyclist crossing of the A4103 and provision of the accessible leisure facilities and community transport, which will be bound up in the S106 agreement.

Other Matters

Noise

6.27 The scheme is supported by a noise assessment. The EHO Manager confirms that road traffic noise falls within acceptable parameters. The other principal noise source arises from Browns antiques centre to the south, which has extraction equipment which is clearly audible from the application site. The application site area has been drawn to encompass the Brown’s site and the requisite notice has been served. This gives reasonable certainty that a condition requiring noise attenuation relative to this extraction equipment can be enforced if necessary. However, it will be necessary for the applicants to conduct a detailed assessment of the individual noise sources as per the BS4142 methodology to inform whether the noise reductions sought are deliverable. This will be required via a Grampian condition that would prevent development (other than site clearance) prior to such noise attenuation measures that are necessary being approved in writing.

Transport

6.28 The issue of accessibility by non-car borne modes is discussed above and officers are content that with the measures described, the site is one that in accordance with NPPF guidance and the CS presents the opportunity to access the site via sustainable modes. The Transportation Manager has confirmed that the proposed controlled crossing of the A4103 is acceptable from a safety perspective and this will in itself promote the safe crossing of the A4103 and will enhance

the opportunity for existing Withington residents to access the site and Whitestone Business Park beyond. Officers consider this a significant benefit of the scheme.

- 6.29 The Transportation Manager has confirmed that the parking provision will, in the context of use of the community facilities by visitors, require careful consideration at the Reserved Matters stage. Evidence, however, suggests that car ownership in extra care schemes can be as low as 30%, but equally schemes should make provision for staff and visitors. A Travel Plan will be required and the pool car and minibus proposed will be part of this and bound up in the S106 agreement.
- 6.30 Officers consider that the scheme accords with the provisions of CS Policy MT1 insofar as they are relevant to the case in hand. Specifically the provision of communal transport and a controlled crossing of the A4103 will reduce reliance on private motor vehicles and encourage more short-distance journeys on foot; which at present may be less likely owing to a lack of controlled crossing of the A4103. In this respect the development is considered to respond positively to MT1 (2) & (3) in particular, which require that development should “*promote and where possible incorporate integrated transport connections and supporting infrastructure...including access to means other than private motorised transport*” and “*encourage active travel behaviour to reduce numbers of short distance car journeys through the use of travel plans and other promotional and awareness raising activities.*”

Affordable Housing

- 6.30 As per 4.5 above, the Housing Commissioning Officer is not requesting any affordable units be provided. This is on the basis that there is little demand from RSLs for this type of accommodation in a location such as this and evidence suggests that by far the greatest demand for such units derives from the open market sector in any case. There is concern, therefore, that affordable units on a development such as this would remain unfilled.

7. The Proposals in the Planning Balance

- 7.1 The application is for ‘specialist ‘extra care’ housing. Policy H3 says this should normally only happen where the principle of residential development is acceptable. In this case, and in the absence of a neighbourhood plan, officers consider that holistic assessment against RA2 demonstrates that the principle of development is acceptable; there being an absence of demonstrable harm, the site being of low environmental sensitivity and development here not resulting in isolated and unsustainable patterns of development. Weight should also be attributed to the demonstrable need for specialist older persons’ housing and the contribution that the proposal would make in fulfilling the need.
- 7.2 The NPPF describes the three dimensions of sustainable development as comprising the economic, social and environmental roles. These are to be pursued together as they are mutually dependent.

Economic Role

- 7.3 The scheme would result in a positive benefits in economic terms. As well as providing for a development for which there is a demonstrable need, the economic benefits can be summarised as:
- Direct and indirect job creation – the application form suggests that 49FTE jobs would be created;
 - Expenditure by the resident population;
 - Expenditure arising through the construction phase itself, with attendant creation and support for construction jobs and those in related sectors.

Social Role

7.4 The scheme gives rise to significant benefits in terms of the social role. As well as meeting a defined and pressing need for this type of specialist housing, the other key social benefits are summarised as follows:-

- The development would provide a controlled crossing of the A4103, which will provide connectivity in both directions i.e. from site to village and from village to site and employment estate beyond;
- The scheme promotes Passivhaus principles and offers other facilities to be accessible to the community;
- The development responds positively to the identified need for specialist older persons' accommodation by proposing that purchase of care is mandatory and that occupants be aged 60 or over;
- The scheme will make a contribution towards the supply of housing land, provided specifically for a housing type for which there is a demonstrable and burgeoning unmet need;
- The scheme would assist in promoting good health and well-being, the maintainance of independence and self-sufficiency in older age with a reduction of social isolation;
- Supporting sustainable rural communities through providing facilities to serve the wider community locally;and
- Providing leisure, social and health facilities with locally run outreach domiciliary care service.

Environmental Role

7.5 The scheme is also considered to give rise to positive benefits in environmental terms.

- The site is of low environmental sensitivity;
- The Conservation Manager does not object to the landscape impact of the amended scheme;
- The Conservation Manager has no objection in relation to ecology or the setting of designated heritage assets within the locality;
- The scheme would help address climate change via sustainable, high quality and energy efficient Passivhaus accommodation.

Conclusion

7.6 Having regard to S38(6) of the Planning and Compulsory Purchase Act 2004, officers consider that the proposal accords with the provisions of the Core Strategy when taken as a whole. Moreover, and in the light of the lack of housing land supply and evidence of under-supply for this particular type of specialist accommodation, officers consider that in light of the positive benefits arising and lack of significant or demonstrable adverse impacts, the application should be recommended for approval as per the NPPF test at paragraph 14. This is subject to completion of a legal agreement that fulfils the objectives described above, as per the attached draft Heads of Terms.

RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms appended to 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. **H03 Visibility splays**
5. **H04 Visibility over frontage - 2m from the C1130 to east as per drawing**
6. **H06 Vehicular access construction**
7. **H09 Driveway gradient - 1 in 20**
8. **H17 Junction improvement/off site works**
9. **H21 Wheel washing**
10. **H27 Parking for site operatives**
11. **H30 Travel plans**
12. **Height of development – no more than 3 storeys**
13. **Noise condition**
14. **C01 Samples of external materials**
15. **Tree protection**
16. **G04 Protection of trees/hedgerows that are to be retained**
17. **G09 Details of Boundary treatments**
18. **G10 Landscaping scheme**
19. **Off site highway works**
20. **Foul water and surface water discharges shall be drained separately from the site.**

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

21. **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.

22. **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.

23. The recommendations set out in the ecologist's report from Ecology services dated July 2015 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a detailed habitat enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies LD1, LD2 and LD3 of the Herefordshire Local Plan – Core Strategy.

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

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. HN01 Mud on highway
3. HN02 Public rights of way affected
4. HN04 Private apparatus within highway
5. HN05 Works within the highway
6. HN07 Section 278 Agreement
7. HN10 No drainage to discharge to highway
8. HN25 Travel Plans
9. HN24 Drainage other than via highway system
10. N02 Section 106 Obligation

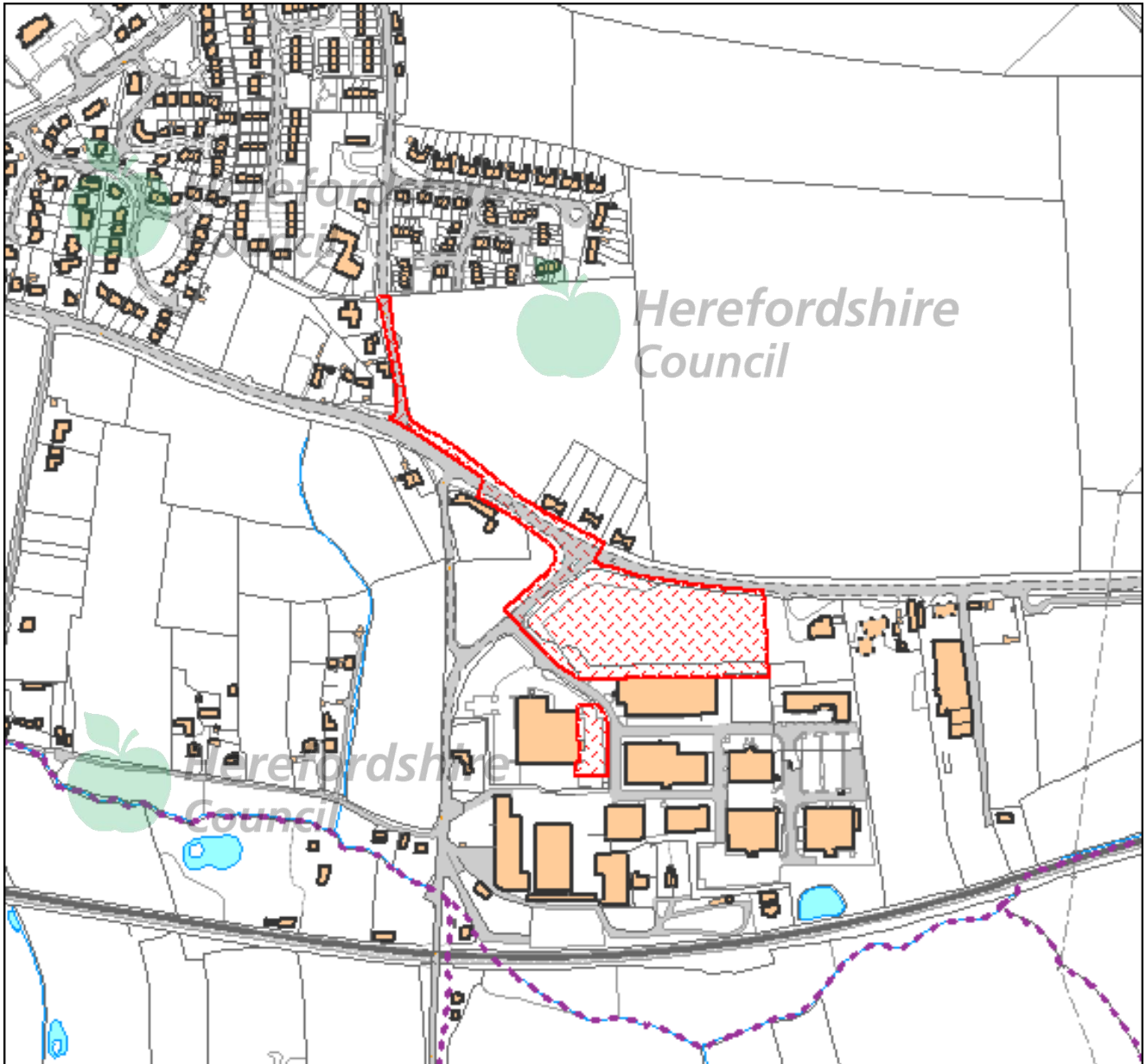
Decision:

Notes:

Background Papers

Internal departmental consultation replies.

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



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

APPLICATION NO: 152042

SITE ADDRESS : LAND NORTH OF WHITESTONE BUSINESS PARK, WHITESTONE, HEREFORDSHIRE, HR1 3SE

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

DRAFT HEADS OF TERMS

152042 - Site for proposed extra care development comprising of up to 80 Passivhaus designed one, two and three bed apartments and complementary indoor and outdoor facilities, including swimming pool, gym, sauna, cafe, hair salon, medical and treatment rooms, allotments, putting greens and petanque pitch with associated landscaping, parking, sustainable drainage, noise attenuation and new footpath link.

The Owner covenants with the Council that the Development shall be carried out and used and Occupied in accordance with the following restrictions and obligations and not otherwise:

1. Occupation of the Extra Care Units

1.1 No Extra Care Units will be Occupied except in accordance with the following restrictions and obligations:

- (a) Person who are at least 60 years of age; and
- (b) In need of Personal Care by reason of old age, disablement, medical needs or treatment; and
- (c) persons who have undergone a Health Assessment prior to Occupation to establish the need for Personal Care; or
- (d) a spouse or partner of a person satisfying the criteria in paragraphs 1(a) and (b) above, who either at the time of initial Occupation within the Development or subsequently;
 - (i) resides in the same unit of accommodation; or
 - (ii) resides in a separate unit of accommodation within the Development by virtue of their own or their spouses or partner's medical needs

1.2 Prior to Occupation of the Extra Care Units the residents of the Extra Care Units will have undergone a Health Assessment to establish the need for Personal Care by reason of old age, disablement, medical needs or treatment.

1.3 Prior to Occupation of the Extra Care Units the residents of the Extra Care Units shall purchase a Basic Care Package which will provide the initial level of Personal Care that they need as established by the Health Assessment.

1.4 For the duration of Occupation of each Extra Care Unit the resident of that Extra Care Unit will be in receipt of Personal Care which will be provided through the Basic Care Package and if required through the provision of additional Personal Care as provided in paragraph 1.5 of this Part.

1.5 The Owner shall make available to the residents of the Extra Care Units any additional Personal Care to purchase over and above that

provided by the Basic Care Package should the need for such additional Personal Care be identified following the Health Assessment or any review thereof.

- 1.6 For the avoidance of doubt in the event a person in Occupation of the Extra Care Units dies or vacates such units, the spouse or partner of such person shall be entitled to remain within the Extra Care Unit irrespective of whether they satisfy the criteria in paragraphs 1(a) or (b)
- 1.7 The Owner shall procure that the Basic Care Package is made available to and purchased by all residents of the Extra Care Units on an annual basis for the period of their Occupation of such units, the fee for which will be controlled by the Owner and/or the Developer through the service charge for the Extra Care Units.

2 Passivhaus

- 2.1 To procure the construction of the Extra Care Units in accordance with the Permission and the details to be approved by the Council pursuant to a reserved matters application and the following standard:
 - (a) Passivhaus Standard
 - (b) To obtain evidence from a CEHP (Certified European Passivhaus) designer that the proposed certification that the proposed design and specification of the Extra Care Units comply with Passivhaus certification. Such evidence must include full PHPP (Passivhaus Planning Package) assessment, proposed construction method including specification for all external envelope elements, general arrangement plans, sections and elevations, key junction details and ventilation design.
- 2.2 Upon the first Occupation of the final Extra Care Unit, to provide the Council with Passivhaus certification from the Passivhaus Institute in Darmstadt demonstrating compliance with Passivhaus design.

3 Facilities and Transport Facilities

- 3.1 Within 12 months of Occupation of the first Extra Care Unit or prior to the Occupation of no more than 35% of the Extra Care Units, whichever is the sooner, the Owner shall:
 - (a) complete and equip the Facilities in accordance with the design and details to be approved by the Council pursuant to a reserved matters application and
 - (b) provide the Transport Facilities.

- 3.2 Before first Occupation of the Development, the terms in the form of a community use agreement for the use of the Facilities and Transport Facilities by the Local Community shall be agreed in writing between the Owner or Developer and the Council (both acting reasonably)
- 3.3 The community use agreement referred above shall as a minimum include:
- a) Identification on a scaled plan the rooms and facilities that will be available for public use including means of access
 - b) An availability schedule/timetable
 - c) Charging schedule and booking system
 - d) Management and maintenance of the Facilities and Transport Facilities
 - e) Terms and conditions for hire
- 3.4 The Facilities and Transport Facilities shall be made available to the Local Community in accordance with the community use agreement.

4 Domiciliary and Virtual Extra Care

- 4.1 Before first Occupation of the Development details of Domiciliary and Virtual Extra Care service available to the Local Community shall be agreed in writing between the Owner and the Council (both acting reasonably)
- 4.2 The Owner shall procure that Domiciliary Care and a Virtual Extra Care network will be available to the Local Community subject to the payment of the appropriate fees applicable at the time within 12 months of Occupation of the first Extra Care Unit.

Ed Thomas
Principal Planning Officer
March 2016



MEETING:	PLANNING COMMITTEE
DATE:	26 APRIL 2016
TITLE OF REPORT:	160530 - PROPOSED DWELLING AT LAND AT CROSS PLACE, ACTON GREEN, ACTON BEAUCHAMP, HEREFORDSHIRE. For: Mr R Oliver, Cross Place, Acton Beauchamp, Worcester, Herefordshire WR6 5AA
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=160530&search=160530
Reason Application submitted to Committee - Redirection	

**Date Received: 22 February 2016 Ward: Bishops Frome Grid Ref: 369739,249938
& Cradley**

Expiry Date: 28 April 2016

Local Member: Councillor PM Morgan.

1. Site Description and Proposal

- 1.1 The site is located approximately 7.6 km (4.75 miles) south-east of Bromyard, at Acton Green This area comprises a cluster of roadside houses around the crossroads on the A465 Hereford to Bromyard road. The plot of land lies between two dwellings Cross Place a cottage and The Quest a bungalow.
- 1.2 The proposal is for a three bedroom chalet bungalow in the curtilage of Cross Place. The proposed dwelling measures 15m by 9 m in floor plan, and some 2.5 metres to eaves and 6 metres to ridge. External finish is proposed as red brick under tiles. Internally a kitchen, study, lounge and bed are shown at ground floor with a further 2 bedrooms, bathroom and en-suite within the roof.
- 1.3 A roadside wall and high hedge would be removed alongside the C1138 road to provide a vehicular entrance into the present garden area which currently houses small greenhouses. The properties either side have no boundary fence or wall between these properties each having an open aspect into each others land.
- 1.4 On the opposite side of the road lie two Grade II listed buildings (furthest away) Dawefields and Rose Cottage (nearest to site). These are set back deep into their respective plots away from the C1138 road opposite 'The Quest'.

- 1.5 The application is supported by a written need statement, ecological assessment and soil porosity assessment. The applicant advises that they will move into the new dwelling and will give their existing real estate (Cross Place) to their daughter and partner.

2. Policies

2.1 Herefordshire Local Plan: Core Strategy (October 2015).

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for New Development
RA3	-	Herefordshire's Countryside
RA5	-	Re-use of Rural Buildings
H2	-	Rural Exceptions Housing
SS6	-	Environmental Quality and Local Distinctiveness
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD4	-	Historic Environment and Heritage Assets
MT1	-	Traffic Management and Highway Safety
SD1	-	Sustainable Design and Energy Efficiency
SD4	-	Waste Water Treatment and River Water Quality

- 2.2 The Core Strategy 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/core-strategy/adopted-core-strategy>

2.3 National Planning Policy Framework (NPPF):

Chapter 6: Delivering a Wide Choice of High Quality Homes
Chapter 7: Requiring Good Design

Paragraph 14 (presumption in favour of sustainable development)
Paragraph 49 (5 Year Housing Land Supply)
Paragraph 55 (New Housing in the Countryside)

2.4 National Planning Practice Guidance:

Use of Planning Conditions (ID21a)
Planning Obligations (ID23b)
Design (ID26): Form, Scale, Details, Materials

2.5 Neighbourhood Plans

There is no Neighbourhood Development Plan being produced for Acton Beauchamp Parish.

3. Planning History

- 3.1 MH1768/89 - 2 bedroom self contained residential unit for daughter and son-in-law Approved.

DCNE2003/2851/V CLOPD - Residential accommodation within curtilage of site (re MH1768/89) Approved.

151183 - Rear Extension, alteration to rear bay window and internal reconfiguration to main house Approved.

4. Consultation Summary

4.1 Statutory Consultations

None.

4.2 Internal Council Consultations

Transportation Manager: No objection.

5. Representations

5.1 Acton Beauchamp Parish Council: No objection.

5.2 Six letters of support have been received raising the following points

- A local family who should be supported in this proposal.
- The building sits well with the neighbouring house (also a bungalow).

One letter of objection has been received stating that Officers have advised them that a new house in Acton Beauchamp parish would not be supported. There are highway concerns as well at this location.

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

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=160530&search=160530>

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 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."

6.2 Here, the Herefordshire Local Plan ('HLP') is the development plan. The Core Strategy(CS) is a fundamental part of the HLP and sets the overall strategic planning framework for the county, shaping future development.

6.3 The strategic Policy SS1 sets out a presumption in favour of sustainable development as required by the NPPF and directs that proposals which accord with the policies of the CS shall be approved, unless material considerations indicate otherwise. One such consideration is the NPPF which advises at paragraph 47 that Local Authorities maintain a robust five year supply of housing land. Failure to demonstrate an NPPF compliant housing land supply will render the housing supply policies of the CS. At present, the Council cannot demonstrate a 5-year supply of housing land and as such the policies of the CS cannot be inherently relied upon.

6.4 The delivery of sustainable housing development to meet objectively assessed needs is a central CS theme, reflecting the objectives of the NPPF. Policy SS2 'Delivering new homes' directs that Hereford and the market towns shall be the main focus for new housing

development with proportionate growth of sustainable rural settlements, which are exhaustively listed at figures 4.14 and 4.15, also supported.

- 6.5 In terms of rural settlements, CS Policy RA2 firstly requires that that proposals accord with the relevant Neighbourhood Development Plan ('NDP') or where there is no NDP with the Council prepared Rural Areas Site Allocation Development Plan Document, both of which will prescribe a 'settlement boundary'. The application site is within the Parish of Acton Beauchamp who are not producing a neighbourhood plan and is not a settlement listed under Policy RA2 where proportionate growth is envisaged.
- 6.6 Bromyard is the closest CS identified settlement to the site a distance of 7.6km. The site cannot therefore be considered to be within or adjacent to an identified settlement and the proposal is fundamentally contrary to Policy RA2. Accordingly the site is considered to be in open countryside where RA3 is the appropriate policy. Remembering that the Council cannot presently demonstrate an NPPF compliant supply of housing land, it is your officers' opinion that Bromyard also represents the closest settlement to the site which could reasonably be described as 'sustainable' in terms of its ability to provide everyday facilities and services. Therefore and having regard to the specific characteristics of this application, the housing supply dimension of the CS is considered to comply with the direction of the NPPF.
- 6.7 At the time of writing of writing this report this Council does not have a 5 year housing land supply, as per paragraph 49 of the NPPF, and consequently less weight is given to Policies SS2, SS3 and RA3 of the Local Plan in respect of new housing supply.
- 6.8 Recent appeal decisions at Leintwardine and Ledbury and a Court of Appeal judgment amongst other points came to the view that 'out of date' policies because of the housing land supply being under 5 years do not become irrelevant, it is simply that the weight is for the decision maker. The decision overall is one of planning judgment and balance, which includes the weight properly attributable to the NPPF and the housing shortfall and all other relevant policies and facts.
- 6.9 New housing development is directed to Hereford City, Market Towns and settlements identified for proportionate growth. The proposal is located outside of such areas in Herefordshire's countryside where Policy RA3 is relevant in respect of new housing. The proposal does not meet any of the criteria (1-7) in that Policy that would allow for such development at this rural location namely:
- Meets an agricultural or forestry need or farm diversification enterprise;
 - Is for a rural enterprise;
 - Is a replacement dwelling;
 - Sustainable reuse of redundant or disused building in association with Policy RA5 [This proposal does not involve the re-use of an existing building];
 - Is rural exception housing (Policy H2);
 - Exceptional or innovative design;
 - Site for Needs of gypsies or travellers.

Nor does this proposal satisfy Policy H2 (rural exception sites) which allows for affordable housing schemes where:

- This assists in meeting a proven local need;
- Affordable housing is made available and retained in perpetuity for local people in need of affordable housing; and
- The site respect the characteristics of its surroundings, demonstrates good design; and offers reasonable access to a range of services and facilities normally identified in a Policy RA2 settlement.

- 6.10 The National Planning Policy Framework (with its three dimensions to sustainable development (namely the economic, social and environmental roles) in paragraph 6 states that the purpose of the planning system is to contribute to the achievement of sustainable development, as defined in paragraphs 18 to 219 of the NPPF.
- 6.11 This development is in a countryside location some 7.6 km by road from Bromyard town centre with its attendant shops and services and recreational resources. This is not on balance considered to be a sustainable location for new private market housing which does not satisfy any exception in Policy RA3 which would allow for such development.
- 6.12 The supporting information provided by the applicant sets out the personal circumstances for the new dwelling, along with support from local residents on this matter. While this is a social dimension to sustainable development (in the NPPF), personal circumstances do not run with the land on which permission relate, and in the long term this cannot be made a planning condition of any planning permission.

Design/Neighbouring Amenity/Landscape

- 6.13 The proposed design is simple and is not of any architectural excellence however in the context of the neighbouring bungalow it would not be out of character at this location, with no appreciable wider landscape implications. Residential amenity for existing and future residents would be safeguarded due to the orientation and design of the dwelling in relation to neighbouring dwellings.

Historic Environment and Heritage Assets

- 6.14 The two listed buildings on the opposite side of the road are sufficiently set back so as to their setting being preserved along the roadside.

Accessibility/Highway Safety

- 6.15 The Transportation Manager raises no objection. This is close to the crossroads and on a single width carriageway where traffic speeds are likely to be low. The C1138 road is straight at this location with some forward visibility.

Waste Water

- 6.16 A package sewage treatment unit would be provided which would provide capacity to deal with waste water from the proposed dwelling. There is a neighbouring field available for underground soakaway pipes.

Ecology

- 6.17 No ecological implications arise from proposal, as evidenced in the supporting information.

Conclusion

- 6.18 As the Council has been found unable to demonstrate an NPPF compliant housing land supply at appeal, paragraph 49 thereof requires that applications are considered for their ability to represent sustainable development rather than for their inherent conformity with the Local Plan. However, and for the reasons explained within this report, the CS is considered to accord with the aims and objectives on the NPPF in this instance and the housing supply policies of the CS, Policy SS2 and the housing supply dimensions of Policies RA1 and RA3 in particular here, are considered to retain significant weight.

- 6.19 The site is located in a rural location some distance from a sustainable settlement as identified in the CS. This will mean that occupancy of the dwelling will give rise to significant journeys to Bromyard and beyond for basic day to day shopping, other services and recreation which has overriding economic and environmental implications due to car use reliance. Consequently this is not considered a sustainable location for this proposal.
- 6.20 Policy SS1 and RA3 of the Herefordshire Local Plan seek to achieve sustainable development, and given this proposal's location in the countryside, some distance from day to day shopping, other services and recreation this is considered contrary to that Local Plan and the National Planning Policy Framework. The personal circumstances of the applicant are not an overriding material consideration in this instance.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. **The proposal is contrary to Policies SS1 and RA3 of the Herefordshire Local Plan: Core Strategy (October 2015), and the requirement to achieve sustainable development in the National Planning Policy Framework (2012).**

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 and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason(s) for the refusal, approval has not been possible.**

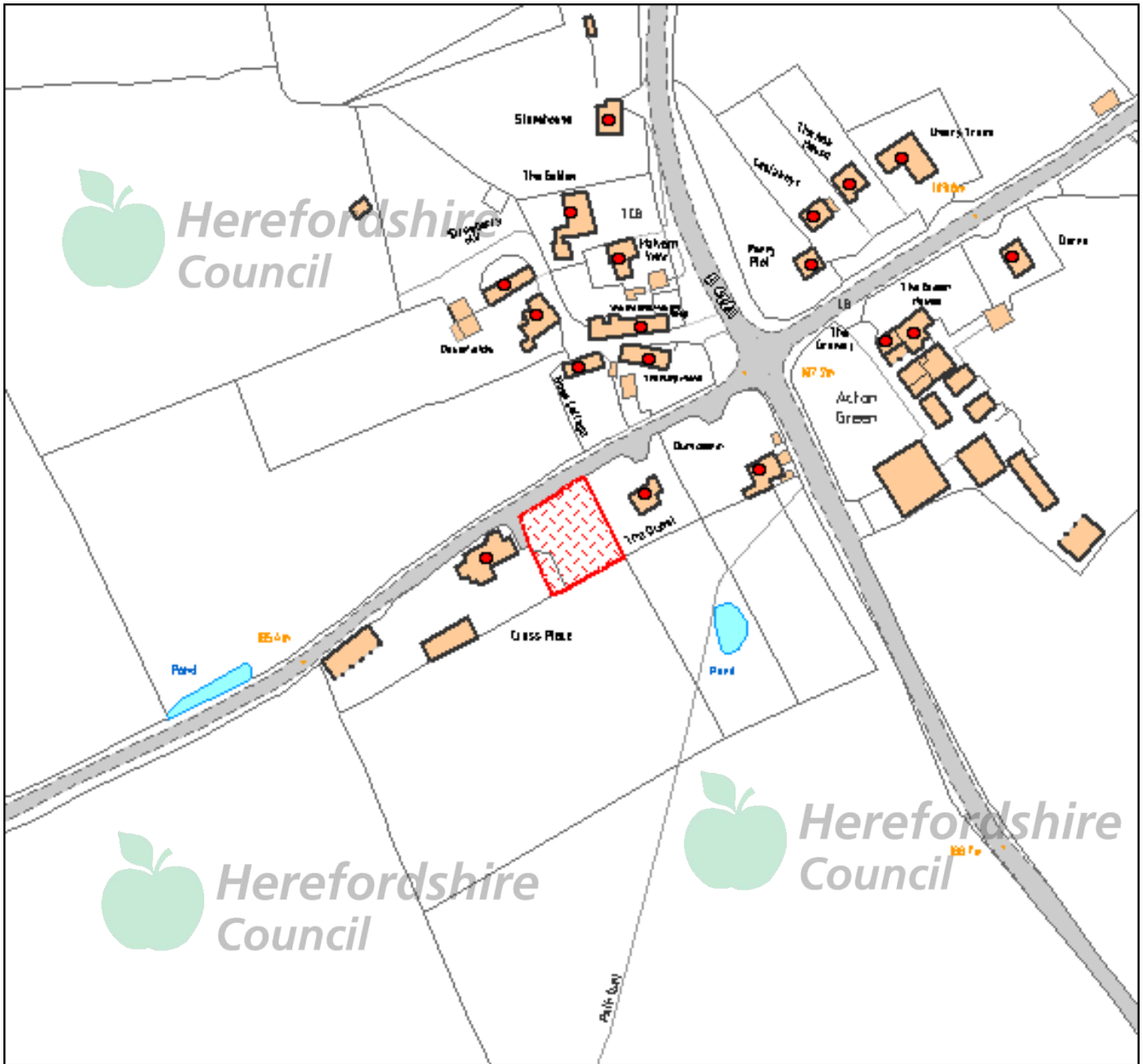
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 160530

SITE ADDRESS : LAND AT CROSS PLACE, ACTON GREEN, ACTON BEAUCHAMP, HEREFORDSHIRE

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MEETING:	PLANNING COMMITTEE
DATE:	26 APRIL 2016
TITLE OF REPORT:	<p>152204 - PROPOSED OUTLINE APPLICATION WITH SOME MATTERS RESERVED FOR 39 NO. DWELLINGS, GARAGES, ROADS, SCHOOL NATURE AREA, OFF ROAD SCHOOL PARKING AND ALLOTMENTS AT LAND OPPOSITE ORLETON SCHOOL, KINGS ROAD, ORLETON, HEREFORDSHIRE</p> <p>For: Mr Price per Mr John Needham, 22 Broad Street, Ludlow, Shropshire, SY8 1NG</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152204&search=152204
Reason Application submitted to Committee – Redirection	

Date Received: 27 July 2015

Ward: Bircher

Grid Ref: 349598,267476

Expiry Date: 6 April 2016

Local Member: Councillor WLS Bowen

1. Site Description and Proposal

- 1.1 The proposed site is an irregularly shaped parcel of agricultural land of some 2.63 hectares, located on the north eastern edge of the settlement. It is bounded to the east by Kings Road, the main road running through the centre of the village, and is opposite Orleton Primary School. The existing housing development of Hallets Well is located immediately to the south west while the north/north western boundary is defined by the Orleton Brook which meanders along this edge of the site. The site is essentially flat and all of the boundaries are well vegetated with a combination of trees and mature hedgerows.
- 1.2 The application is made in outline with access and layout to be determined at this stage. Appearance, landscaping and scale are all reserved for future consideration.
- 1.3 The submitted plans show a development of 39 dwellings. The proposed development is split into parts. The housing development is limited to 1.70 hectares in the south westerly part of the site and bounding Hallets Well. The balance of the land is to be dedicated to community uses. Some 0.22 hectares is set aside for a dedicated car park for Orleton Primary School; a nature ecological area of some 0.37 hectares is also gifted to the school and an area of 0.4 hectares is earmarked as allotments for the community.
- 1.4 The scheme is to be served by a single vehicular access for both the residential development and car parking facilities for the school. A footpath is also shown within the application site, emerging onto Kings Road directly opposite the school.

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

1.5 Heads of Terms have been agreed with the applicant's agent and are appended to the report.

2. Policies

2.1 Herefordshire Local Plan - Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land For Residential Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
RA1	-	Rural Housing Distribution
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	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

2.2 National Planning Policy Framework:

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

2.3 Neighbourhood Planning

Orleton are producing a joint Neighbourhood Plan with Richards Castle. The Neighbourhood Area was designated on 29th July 2013. A regulation 14 submission is expected shortly, however, whilst a material consideration it is not sufficiently advanced to attract weight for the purposes of determining planning applications.

2.4 The Herefordshire Local Plan Core Strategy 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/core-strategy/adopted-core-strategy>

3. Planning History

3.1 None relevant to this application

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water – no objections
- 4.2 Severn Trent – no objection subject to condition
- 4.3 Environment Agency – Comment as follows:

Flood Risk: A portion of this site falls within Flood Zone 3 (High Probability) and 2 (Medium Probability) of the Orleton Brook, classed as an ordinary watercourse, on our Flood Map. The majority of the southern part of the site is shown to lie In Flood Zone 1 (Low Probability) i.e. outside of the 1 in 1000 year extent.

Our Flood Map for Planning at this location is based on a national, generalised mapping technique rather than a detailed hydraulic model. Whilst this type of modelling ignores the presence and impacts of structures such as bridges and culverts, the flood zones are relatively accurate as they use topographic data (LiDAR).

We are aware of historical flooding in Orleton (1963, 1976, 1990, 2000, and 2002) and particularly in 2007 when 10 properties flooded in the village. We recommend that Steve Hodges is contacted at Herefordshire Council for further information on the historical flooding. As a consequence there are proposals to investigate a potential flood alleviation scheme in Orleton in the form of an upstream attenuation reservoir.

Sequential Test: The NPPF details the requirement for a risk-based ST in determining planning applications. See paragraphs 100–104 of the NPPF and the advice within the Flood Risk and Coastal Change Section of the government's NPPG.

Paragraph 101 of the NPPF requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a ST. It states that *'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding'*.

Whilst a portion of the site is located within Flood Zone 3 the site has been designed to ensure that all built development is located within Flood Zone 1, the low risk Zone. If the LPA are satisfied that this site is appropriate for development then we would offer the following comments on the Flood Risk Assessment (FRA).

Flood Risk Assessment: Hydro-Logic Services have undertaken a FRA for this application (Ref: K0515/1 dated July 2015). Figure 2.4 of the FRA confirms that the vast majority of the site proposed for housing falls outside of the 1 in 1000 year extent on our current Flood Map for Planning. A sequential approach to the development of the site has been used with all residential (More Vulnerable) buildings located within Flood Zone 1, school car parking in Flood Zone 2 and allotments and nature areas in Flood Zone 3. As a consequence no hydraulic modelling has been undertaken as part of the FRA (including blockages of the downstream bridge structure) and no finished floor levels have been proposed.

We accept this is an outline application with 1.7ha of the 2.6ha site being proposed for housing though a development layout has been included. Though the dwellings are located in Flood Zone 1, given the proximity to the watercourse and floodplain, we would still recommend raising the finished floor levels to protect them from extreme flood events/potential blockages of the

bridge structure. In addition, we would suggest that flood notices be considered for the primary school car park.

The impacts of climate change have not been considered and to ensure there is no increased flood risk to third parties there should be no raising of ground levels within Flood Zones 2 and 3 i.e. within the nature area, allotments or car park.

As highlighted above, Orleton has a history of flooding and Herefordshire Council, as the Lead Local Flood Authority, are proposing a potential flood alleviation scheme and this is on our 6 year Medium Term Plan (MTP). For a development of this size, we would suggest that a developer contribution be agreed to help towards reducing flood risk to the site given that the allotments, nature area and car park are all at potential risk but also to the benefit the whole of Orleton. As the flood alleviation scheme is proposed by Herefordshire Council we suggest Steve Hodges is contacted to discuss a suitable contribution.

In summary we have no objections to these proposals from a flood risk perspective given that the residential units are all proposed in Flood Zone, subject to condition

Internal Council Consultations

4.4 Transportation Manager – Comments awaited

4.5 Conservation Manager (Landscape) – Comments as follows:

The landscape character of the proposed site is that of Wet Pasture Meadows. Proposed soft landscape boundary features and site landscaping should emphasis this landscape character.

The major part of the site of proposed development is located in a Flood Zone 1 – a low flood risk area. The northern part of the site is located in a Flood Zone 2. Correctly no housing has been proposed in this northern part of the site.

The proposed site lies adjacent to a conservation area on its south western boundary. There will be a loss of a green field site on this conservation boundary which will change the character of the village density. There are views into the site from the western site boundary from the nearby footpath OL1. This visual impact when seen from footpath OL1 requires sensitive mitigation to reduce this visual impact.

4.5 Conservation Manager (Archaeology) – no objection

4.6 Conservation Manager (Ecology) – no objection subject to condition

4.7 Land Drainage Engineer – Comments as follows:

Figure 1 indicates that the northern part of the site is located partially in the high risk Flood Zone 3, where the annual probability of flooding from fluvial sources is greater than 1% (1 in 100), and partially in the medium risk Flood Zone 2 where the annual probability of flooding from fluvial sources is between 1% and 0.1% (between 1 in 100 and 1 in 1000).

As the site is greater than 1 ha and located within Flood Zones 2 and 3, a Flood Risk Assessment (FRA) is required in accordance with National Planning Policy Framework (NPPF) as part of the planning application. A FRA has been provided by the Applicant.

The proposed residential development is proposed to be located in the southern part of the site, outside of the mapped Flood Zone 3 area. The new car park is proposed in the north of the site on land identified as Flood Zone 2, and the School Nature Area and allotments are proposed in the area identified as Flood Zone 3.

The Applicant has demonstrated application of the site-specific Sequential Test, with the most vulnerable development (residential dwellings) proposed to be located in the low risk Flood Zone 1, and less vulnerable development (the car park, allotments and the School Nature Area) proposed to be located in Flood Zone 2 and 3. We agree with this approach.

For outline planning permission, we believe that the Applicant has provided sufficient information to demonstrate that a site-specific Sequential Test has been adopted and that there is a viable means of discharging surface water runoff within increasing risk to people and property elsewhere. However, as explained above, whilst we have no objection the location of less vulnerable development in areas identified to be at flood risk, it is assumed that this stage that these works will require no raising of ground levels or result in no change to the current hydraulic regime. Should the works cause a change to the current hydraulic regime or reduce the volume of flood storage within this area, we recommend that a more detailed assessment is undertaken in consultation with the Environment Agency prior to the Council granting outline permission.

If the Council are minded to grant permission for this development, it is imperative that a more detailed assessment of flood risk is provided as part of any subsequent reserved matters application. The following information should be provided as part of a more detailed assessment and design development:

- An updated FRA which includes detailed flood mapping clarifying the extent and depth of flood zones in relation to the proposed development, with flood levels provided for the 1 in 100 year event with climate change allowance, and information on how the proposed development will be protected against flood risk including flood resilience measures. The Applicant should assess the potential impacts of the scheme on flood risk elsewhere and, if necessary, incorporate mitigation such as the provision of flood compensation storage.
- Results of soil infiltration tests and groundwater monitoring undertaken in winter to provide worst-case soil infiltration rates and groundwater levels.
- If infiltration techniques are found to be not feasible, the Applicant should provide an outline surface water drainage strategy that considers other forms of disposal in accordance with the SUDS hierarchy as set out in NPPF.
- Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with a 30% increase in rainfall intensity to allow for the effects of future climate change.
- Evidence that the Applicant has considered designing for exceedance, up to and including the 1 in 100 year rainfall event, with a 30% increase in rainfall intensity to allow for the effects of future climate change.
- Demonstration that appropriate pollution control measures are in place prior to discharge.

The Council's Senior Land Drainage Engineer also advises that a study has been completed to establish the feasibility of developing a flood alleviation scheme. The study has shown that there would be merits in developing a flood storage area at Orleton. He also comments that during storms highway drainage on Millbrook Way becomes overwhelmed.

To reduce flood risk within Orleton we are seeking funding to promote the flood storage area and/or highway drainage improvements. At this stage a cost estimate has not been completed, however an initial budget of £50,000 may be assumed. We consider that a £30,000 developer contribution would be needed to assist in delivery.

4.8 Environmental Health and Trading Standards Manager – no objection

4.9 Public Rights of Way Manager – no objection

4.10 Education – Comments as follows:

The educational facilities provided for this development site are Orleton Primary School, and Wigmore High School.

Orleton Primary School has a planned admission number of 30. As at the schools summer census 2015 two year groups are at or over capacity- Y4=30, Y5=34

The school will require additional classroom space to accommodate the needs of the children created by this development and we would therefore be seeking the contribution to replace the current mobile classroom with a permanent build classroom that is the recommended size and can therefore accommodate larger groups.

Wigmore Secondary School has a planned admission number of 90. As at the schools summer census 2015 two year groups are at or over capacity- Y9=90, Y1=93

The school will require additional classroom space to accommodate the needs of the children created by this development and we would therefore be seeking the contribution to replace the history classroom accommodation with permanent build spaces that are built to the recommended size and can accommodate larger groups.

In accordance with the SPD the Children's Wellbeing Directorate would therefore be looking for a contribution to be made that would go towards the inclusion of all additional children generated by this development. The Children's Wellbeing contribution for this development would be as follows:

Contribution by no. of bedrooms	Primary	Secondary	Total
2+ bedroom apartment	£1,084	£1,036	£2,120
2/3 bedroom house or bungalow	£1,899	£1,949	£3,848
4+ bedroom house or bungalow	£3,111	£4,002	£7,113

4.11 Waste Operations Team Leader – Comments as follows:

Development will require 1 x 180 litre general rubbish bin and 1 x 240 litre green recycling bin for each property therefore a s.106 contribution of £3120 is requested.

4.12 Parks & Countryside Manager – Comments as follows:

It is noted that there is no on-site POS or Play on this site or an off-site contribution in lieu of this, but land gifted to the local community and school including:

- 0.4ha Allotments for the community
- 0.37ha nature ecological area gifted to the school

The formal play element would probably be not required. In accordance with the Play Facilities Study and Investment Plan villages of this size (500+) are required to provide a medium sized play area and Orleton is well catered for in this respect. The village does have a good sized play area which caters for all ages (infants, juniors, teenagers which has recently been refurbished, is of good quality and meets the need of the current population. Although there is room to further expand it the Parish Council and Village Hall Committee would need to demonstrate that additional equipment is needed in order for an off-site contribution to be requested from this site.

5. Representations

5.1 Orleton Parish Council

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

Orleton Parish Council held an extraordinary meeting on 3 September 2015 in order to consider planning application 152204 Land opposite Orleton School, Kings Road, Orleton. The parish council opposes the proposed outline planning application on the following grounds:

1. Infrastructure – Orleton Parish Council is undertaking a neighbourhood development plan, and sees a need for new housing, however, at this time the infrastructure in the village will not support this. There is a long running problem with the sewage infrastructure which dates back 20 years or more, and is currently the subject of an investigation by Severn Trent Water's Investment Planning team to try and identify suitable remedial works (please see Severn Trent July 2015 update below, and more information is available on request).

"[We]...have been looking into this scheme since we last met. As you are aware, we have been to site, interviewed the residents who flood and we also went to your Parish Council meeting.... The MH surveys are complete and the Flow Monitors go in this week. Having spoken to the residents we know that there is overland flow from the bridge restriction and that gullies have been put in to mitigate this flow I think the upstream property flooding is related to this overland flow. From inspection I think the problem is flat back-falling sewers in the rear gardens of the affected properties causing pollution. This is supported by pollution reports in DWF condition. The solution is a relay the sewer in the road (as the gardens are well kept, with trees sheds hedges etc). We have identified the potential route and scoped this up roughly. Our contractor Amey has visited the site to confirm that the solution is buildable. I need to wait for a verified model to confirm the upstream issues but I am confident that we are getting to the bottom of the problem."

Several times per year, raw sewage leaks from the system. At other times, heavy rainfall overwhelms the infrastructure leading to local flooding fed from the manhole covers on the adjacent Kings Road. Any development must depend on an adequate infrastructure and this is not in place at this time at Orleton.

Contrary to the flood report, Kings Road does flood, and at one point was impassable for five days. A local resident reported five serious floods in 45 years, several in the past 10 years. Another local resident reported that their garden, which will be adjacent to the proposed development floods each year. The proposed soakaways in the development would be the responsibility of the residents to check after heavy rainfall and once per month, which is an unrealistic expectation, and will inevitably lead to increased surface water run off in an area of the village which already has problems with surface water run off, and on a site which is immediately adjacent to a flood zone and an area of Kings Road which is known to flood.

2.Road safety – The proposed car park for the school means children will need to cross Kings Road to get to school on the opposite side. This in itself is a risk without an adequate crossing. However, the proposed access to the development is located where there is no pavement on either side of Kings Road, which means the children will need to walk on the road. At busy times, when children are being dropped off and picked up from school, this lack of pavement and crossing will lead to children walking on the road on both sides of Kings Road and crossing the road at all points between the school and proposed entrance to the development.

3. Scale – The neighbourhood plan questionnaire asked what scale of development is appropriate for any one development, and the answer is clear: ideally 2-5 houses (50-54%). Only 11 percent considered a development with more than 10 houses to be appropriate. The proposal to build 39 houses is out of scale with the wishes of local people and would be an overdevelopment of the village.

For the reasons of sewage infrastructure, flooding, road safety and overdevelopment, Orleton Parish Council urges that the planning application is refused.

Following the receipt of additional information and re-consultation, the parish council's further comments are as follows:

The field highlighted for development flooded in 2007 and 2008. Historically, sewage leaked into the field on one occasion. The parish council has already provided funding to establish allotments in a neighbouring parish, so there is no expectation of funding from the parish council for allotments on this site.

With regard to earlier comments on road safety, the provision of a footpath on the proposed development is noted. However, there is no provision for a secure road crossing, which means people and children will be crossing the road all along the proposed new footpath in order to access the school.

5.2 West Mercia Police – Comment as follows:

I do not wish to formally object to the proposals at this time. However there are opportunities to design out crime and/or the fear of crime and to promote community safety.

I note that this application does not make reference to crime reduction measures within the Design Access Statement. There is a clear opportunity within the development to achieve the Secured by Design award scheme. The development appears to have good access control and natural surveillance already built into the design. The principles and standards of the award give excellent guidance on crime prevention through the environmental design and also on the physical measures. The scheme has a proven track record in crime prevention and reduction which would enhance community safety in this village.

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

Highway matters

- Inadequate local road network to accommodate increased traffic movements
- Existing congestion problems around the school as parents drop off and collect children
- Concern about the safety of children having to cross a busy and dangerous road from the proposed car park
- Intensification in the use of Kings Road / B4362 junction where visibility is poor

Flood risk

- The site is within a flood plain with a recent history of flooding
- Development on the site will increase the risk of flooding elsewhere
- Concerns that the use of proposed car park, allotments and nature area would be untenable as they are located on areas prone to flood

Infrastructure

- Increased pressure on a sewage system that is already at capacity. There have already been numerous complaints by local residents to Severn Trent about incidents of sewage backing up.
- Lack of capacity at the school
- Increased pressure on other local services, such as the doctors surgery

Amenity issues

- Disturbance will be caused to local residents during construction from noise on site
- Other pollution problems during construction, particularly dust

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

- Loss of amenity and overlooking of properties on Hallets Well

Other matters

- The number of dwellings proposed is too many
- Smaller scale growth should be promoted
- The proposal contributes nothing in terms of economic growth and the development will simply serve commuters to larger towns such as Ludlow, Leominster and Hereford
- There is no demand for allotments in the village
- Adverse impacts on wildlife

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

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152204&search=152204>

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

Policy Context

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

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

6.2 In this instance the Development Plan for the area is the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies, referred to at section 2.1, are relevant to development of this nature. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms proposals that accord with the policies of the Core Strategy (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

6.3 As per the NPPF, the delivery of sustainable housing development to meet objectively assessed needs is a central Core Strategy theme. Policy SS2 'Delivering new homes' confirms that Hereford, with the market towns in the tier below, is the main focus for new housing development. In the rural areas new housing development will be acceptable *"where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community."*

6.4 Equally it is clear that failure to maintain a robust NPPF compliant supply of housing land will render the housing supply policies of the Core Strategy out-of-date. Policy SS3 'Ensuring sufficient housing land delivery' thus imposes requirements on the Council in the event that completions fall below the trajectory set out in Core Strategy Appendix 4.

6.5 The matter of housing land supply has been the subject of particular scrutiny at three recent appeal inquiries and, in reaching their decisions for housing development at Rosemary Lane, Leintwardine and land off Leadon Way, Ledbury two separate Inspectors have concluded that the Council is not able to demonstrate a 5 year supply of housing land. Therefore, policies relevant to the supply of housing are, in accordance with paragraph 49 of the NPPF, out-of-date. However, this does not render such policies an irrelevance and they may still be afforded some weight. For the avoidance of doubt, the Inspectors involved with the appeals referred to

above have determined that SS2, SS3, RA1 and RA2 are all relevant to the supply of housing in the rural context.

- 6.6 Irrespective of the weight to be ascribed to the Core Strategy housing supply policies, it is useful to review the application in context. Orleton is identified as one of the rural settlements within the Leominster Housing Market Area (HMA). These settlements are to be the main focus of proportionate housing development in the rural areas. The strategy set out at Core Strategy Policy RA1 is to ascribe an indicative housing growth target for the settlements listed within each rural HMA. Within the Leominster rural HMA the indicative minimum housing growth is 14%. In terms of actual housing numbers the minimum growth target for Orleton between 2011 and 2031 is 53 dwellings. 28 commitments or completions have been identified between the period of 2011 and 2014, leaving a shortfall of the minimum growth target of 25.
- 6.7 The growth target should not be seen as a ceiling to development and proposals should be considered in terms of paragraph 14 of the NPPF which states that the presumption in favour of sustainable development requires the granting of planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.8 The preamble to RA2 – Housing in settlements outside Hereford and the market towns states: *“Within these [figure 4.14] settlements carefully considered development which is proportionate to the size of the community and its needs will be permitted.”* The proactive approach to neighbourhood planning in Herefordshire is also noted and that when adopted, Neighbourhood Development Plans (NDPs) will be the principal mechanism by which new rural housing will be identified, allocated and managed. In this case however, the Neighbourhood Plan is not sufficiently far advanced to be given any weight in the determination of this application.
- 6.9 In the absence of a NDP that attracts weight, the CS confirms that housing schemes should be assessed against their relationship to the main built up part of the settlement; the intention being to avoid unsustainable patterns of development that give rise to isolated residential development, that are inaccessible and give rise to attendant landscape harm.
- 6.10 The core principles upon which RA2 is founded can be summarised as an expectation that development proposals should reflect the size, role and function of the village concerned; make best use of brownfield land where possible; result in high-quality, sustainable development which enhances local character where possible and does not result in unsustainable patterns of development. It is my view, therefore, that although out-of-date, RA2 may continue to attract reduced weight in the determination of this application. This is because it is positively worded and does not, in advance of an NDP, seek to impose a cap on development. It does, however, require development to be built within or adjacent the main built up part of the settlement concerned, and that locational aspect of the policy cannot, in your officers’ opinion, carry weight in the current context.
- 6.11 However, it is your officers opinion that the site is adjacent to the main built up part of the settlement, being bounded immediately to the south west by existing dwellings and being opposite Orleton Primary School. It would not result in an isolated or unsustainable pattern of development and the detailed design of the scheme would be agreed at a reserved matters stage.
- 6.12 In this instance, officers consider that there is no overriding harm in the context of Policy RA2. The proposal is therefore representative of sustainable development when held against both the Core Strategy and paragraph 14 of the NPPF.

Highway Matters

- 6.13 Policy MT1 of the Core Strategy 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).
- 6.14 Kings Road is a local distributor road. It runs past Orleton Primary School and on through the middle of the village. The site is located within a 30mph zone.
- 6.15 It is acknowledged that the road does become congested during the mornings and afternoon as parents drop and collect their children at school – this has been witnessed first hand by the case officer. The problems arise due to a lack of parking. The proposal seeks to address this through the provision of a car park and a pedestrian link. This would ultimately require parents and children to cross Kings Road but, in light of the fact that on-street parking should be entirely absent, this is not considered to be inherently dangerous. Visibility is good in both directions at the point of the pedestrian crossing and the speed survey that forms part of the Transport Statement accompanying the application shows that the 85th percentile speed in both directions is 30mph.
- 6.16 The proposed vehicular access is located at a position to optimise visibility in both directions. The Transport Statement advises that visibility splays in excess of minimum standard requirements can be achieved and having assessed this on site, your officers see no evidence to dispute this.
- 6.17 Projections based on TRICS data suggest that traffic movements at the peak AM period (8.00 – 9.00) amount to 15 movements out of the junction, or one every 1 ½ minutes. Even with the daily vehicle movements associated with the school, there is no evidence available to suggest that the local road network could not accommodate this growth.
- 6.18 There is no documented evidence of accidents along Kings Road within the immediate vicinity of the school, and one accident at the junction with the B4362. Its severity was considered to be slight.
- 6.19 In conclusion, the provision of a new car park to provide parents with off-street parking when dropping off and collecting their children from school is considered to represent a significant improvement in terms of highway safety. Appropriate vehicular access can be provided and it is concluded that the scheme accords with policy MT1 of the Core Strategy and paragraph 32 of the NPPF.

Flooding

- 6.20 It is acknowledged that part of the site falls within a flood zone 2 and 3. These areas have been left free from residential development and are to be used to provide the car park, nature area for the school and allotments. The dwellings are located within areas which, according to Environment Agency flood maps, are less susceptible to flood and are accordingly designated as flood zone 1.

- 6.21 In commenting on the application, the Environment Agency acknowledge the content of the Flood Risk Assessment supporting the application and that there is evidence of historical flooding in the village. They also identify that the dwellings are located in flood zone 1 and do not object to the application from a flood risk perspective. However, they do recommend conditions requiring the details of finished floor levels of the dwellings to be submitted, that flood notices are displayed for the primary school car park and that there should be no raising of ground levels within Flood Zones 2 and 3 i.e. within the nature area, allotments or car park.
- 6.22 It is also recommended that a financial contribution is requested to help towards reducing flood risk to the site given that the allotments, nature area and car park are all at potential risk, but also to the benefit the whole of Orleton. Further consultation with the Council's Senior Drainage Engineer has confirmed that a flood alleviation scheme for the village is presently being developed and a contribution of £30,000 towards this is requested. This is accepted by the applicant and is reflected in the Draft Heads of Terms appended to this report.
- 6.23 The location of dwellings on land falling outside of the flood zone shows that the applicant has taken a sequential approach towards development in accordance with the NPPG and the first criteria of policy SD3 of the Core Strategy. The latter also requires that, where flooding is identified as an issue, new developments should seek to reduce flood risk through the inclusion of flood storage or compensation measures. An agreement to contribute towards a flood alleviation scheme that will not only benefit the site but also the wider village demonstrates this and officers therefore conclude that the proposal accords with policy SD3 of the Core Strategy.

Local Infrastructure

- 6.24 Many of the objections received refer to problems with the local sewage system and that during periods of heavy rainfall it becomes inundated and lacks sufficient capacity for existing dwellings. The parish council's comments refer to discussions and correspondence that they have had with Severn Trent, and part of the latter is re-produced by the Parish Council in their comments at paragraph 5.1(1). This would appear to suggest that the situation is being exacerbated by overland flow caused by a restriction in the flow of Orleton Brook caused by a bridge restriction.
- 6.25 The comments received from Severn Trent do not reflect the discussions that have taken place with the Parish Council. Officers have forwarded the Parish Council's comments on to Severn Trent for their further consideration and response but to date none has been received.
- 6.26 The problems of overland flow of the Orleton Brook are part of the wider flooding issue that the flood alleviation scheme referred to in earlier paragraphs seeks to address.

Visual Implications/Setting of the Settlement

- 6.27 The proposal will inevitably change the character of the area in terms of the landscape and the setting of the village. It is currently an agricultural field bounded by mature hedgerows and a watercourse. The perception of open countryside will clearly be altered if the site is developed. The Conservation Manager has commented in detail on the application and, whilst acknowledging the changes in character to the area, does not object to the scheme.
- 6.28 Although the proposal does extend development on previously un-developed land, its scale and form are not considered to be at odds with the landscape character of the area. The site is considered to form a natural extension to the village and reflects the modern development that has occurred over the past 30 years. It is therefore concluded that the proposal is compliant with Policy LD1 of the Core Strategy.

Amenity

- 6.29 Some local residents have expressed concerns about the impact that the proposed development will have on residential amenity, referring to proximity to existing dwellings on Hallets Well and also nuisance that may arise during the construction phase should planning permission be granted.
- 6.30 With reference to the first of these points, the proposed dwellings on the south western boundary are a minimum of 35 metres, when measured back-to-back, from the dwellings on Hallets Well. An industry standard of 22 metres back-to-back distance is usually applied to new residential estates, but this is not enshrined in any planning policy. Nevertheless, the proposal sees a minimum separation distance well in excess of this and subject to the submission of a landscaping scheme along the shared boundary this will ensure an appropriate level of residential amenity is afforded to both existing and proposed dwellings.
- 6.31 Concerns relating to nuisance likely to be caused during the construction phase are short-term issues that will ordinarily be mitigated through good practice on behalf of the developer. However, it is entirely reasonable for the local planning authority to impose conditions relating to these aspects of a scheme. The submission of a construction management plan and details to ensure that access is provided to the site before any other aspect of the development takes place are considered both reasonable and necessary and are included in the recommendation below. On this basis the proposal is considered to be compliant with policy SD1 of the Core Strategy.

Other Matters

- 6.32 A group Tree Preservation Order bounds the site to the west. This falls outside of the scope of the development and dwellings are located well away from them to ensure that they will not have an impact upon them. The recommendation includes a condition to ensure the protection of all trees and hedges to be retained during the construction phase.
- 6.33 Orleton Conservation Area encompasses all of the village, including more modern C20th elements that bound the application site. The more historic parts are located further to the south west and the closest listed building is the church, some 250 metres away. Your officers have assessed the potential impact of the development on these heritage assets and, by virtue of their distance from the site and the intervening modern development, do not consider that there is a demonstrable impact upon their character or setting. The proposal is considered to accord with policy LD1 of the Core Strategy and the NPPF.

Summary and Conclusions

- 6.34 Both Policy SS1 of the Core Strategy and paragraph 14 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that developments should be approved where they accord with the development plan. The site is adjacent to the built area of Orleton. The village is sustainable and is one where proportionate growth will be promoted.
- 6.35 The principle of development is considered to be acceptable, with the detailed design and landscaping to be dealt with at the reserved matters stage. The proposed dwellings on the south western boundary are a minimum of 35 metres, when measured back-to-back, from the dwellings on Hallets Well. Subject to the submission of a landscaping scheme along the shared boundary this will ensure an appropriate level of residential amenity and ensure compliance with Policy RA2, SD1 and LD1 of the Core Strategy.

- 6.36 Whilst local residents concerns have been considered, the proposed development complies with the requirements of policy MT1 of the Core Strategy and with the guidance contained within the National Planning Policy Framework. Matters of impact upon biodiversity have been resolved satisfactorily and the council's Ecologist is content that the mitigation measures proposed in the ecology report that accompanies the application are sufficient to ensure that the requirements of policy LD2 are met.
- 6.37 The application demonstrates that potential flood risks have been considered in the preparation of the application. Residential development lies outside of those areas most prone to flooding. The applicant is also agreeable to a contribution towards flood alleviation to mitigate any impacts in this regard. The proposal accords with policy SD3 of the Core Strategy.
- 6.38 Infrastructure impacts are similarly addressed through contributions towards education improvements and, in the absence of an objection from Severn Trent, there are insufficient grounds to recommend refusal on the basis that the proposal will overload existing sewage treatment facilities.
- 6.39 In assessing the three indivisible dimensions of sustainable development as set out in the Core Strategy and NPPF, officers are of the opinion that the scheme is representative of sustainable development and that the presumption in favour of approval is engaged. 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 and social roles. Likewise S106 contributions as outlined in the draft heads of terms agreement appended to this report should also be regarded as a material consideration when making any decision.
- 6.40 To conclude, the proposed development is considered to represent a sustainable development for which there is a presumption in favour of and, as such, the application is recommended for approval subject to conditions and the completion of the Section 106 agreement in accordance with the heads of terms attached to this report.

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. Details of the appearance, landscaping and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 3. The development hereby permitted shall be begun either before the expiration of**

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three years from the date of this permission, or before the expiration of two years from the date of the approval of the last reserved matters to be approved, whichever is the later.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

4. **Development, including works of site clearance, shall not begin until a Habitat Enhancement Plan, including a timetable for implementation, based on the recommendations set out at Section 4 of the Ecological Appraisal submitted with the planning application and integrated with the landscaping scheme to be submitted pursuant to condition 1 above, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Habitat Enhancement Plan.**

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 Policy LD2 of the Herefordshire Local Plan – Core Strategy, and to comply with Policy LD2 in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

5. **Prior to the commencement of development , including any works of site clearance or ground preparation, an Arboricultural Method Statement specifying the measures to be put in place during the construction period, for the protection of those trees and hedgerows to be retained, shall be submitted to and approved in writing by the local planning authority. The Method Statement shall be prepared in accordance with the principles set out in BS 5837:2012 – Trees in relation to design, demolition and construction: Recommendations. Development shall be carried out in accordance with approved Method Statement.**

Reason: To safeguard the amenity of the area and to ensure that the development conforms to Policies SD1, LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6. **No development, including any works of site clearance, shall commence during the bird nesting season (1 March – 31 August inclusive) unless it has been demonstrated through the submission of a method statement that shall previously have been submitted to and approved in writing by the local planning authority, that nesting birds can be adequately protected. Development shall be carried out only in accordance with the approved details which may include, but are not confined to, the timing of work, pre-work checks, avoidance of nesting areas, and protection zones around nesting areas.**

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 Policy LD2 of the Herefordshire Local Plan – Core Strategy, and to comply with Policy LD2 in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

7. **The landscaping details to be submitted pursuant to condition 1 above shall include, but are not confined to, the following:**

- **plans at a scale of 1:200 or 1:500 showing the layout of proposed tree, hedge and shrub planting and grass areas;**

- a written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment;
- proposed finished levels and contours;
- the position, design and materials of all site enclosure and boundary treatments between and around dwellings, around the boundaries of the site as a whole and around areas of open space;
- hard surfacing materials;
- minor structures (eg play equipment, street furniture, refuse storage areas, signage etc);
- a timetable for implementation;
- a scheme for the ongoing management and maintenance of all landscaped areas, other than private domestic gardens, including the nature area and allotments, including long term design objectives, management responsibilities and maintenance schedules.

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

8. Prior to commencement of development details of the proposed slab levels of the dwellings hereby approved in relation to a datum point outside the development site, shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To protect the development from flooding and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

9. Development shall not begin in relation to the provision of road and highway drainage infrastructure until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the Local Planning Authority. No dwelling may be occupied until the road and highway drain serving the dwelling has been completed.

Reason: To ensure an adequate and acceptable means of access is available before any dwelling is occupied and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

10. Prior to the first occupation of any of the dwellings hereby approved a scheme for the provision of covered and secure cycle parking within the curtilage of each dwelling shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The cycle parking shall be installed and made available for use prior to occupation of the dwelling to which it relates and shall be retained for the purpose of cycle parking in perpetuity.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

11. No development shall take place, including works of site clearance, until details of a sustainable surface water drainage scheme, has been submitted to and approved in

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writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details and timetable. The scheme to be submitted shall:

- provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- include a timetable for implementation of the scheme in relation to each phase of the development; and,
- provide a management and maintenance plan for the scheme, for the lifetime of the development, which shall include the arrangements for adoption of the scheme by any public authority or statutory undertaker, and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that effective surface water drainage facilities are provided for the proposed development and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

12. Prior to the commencement of development, details of the car park shown on the approved plan shall be submitted to and approved in writing by the local planning authority and capable of use and shall be constructed and capable of use prior to the first occupation of any of the dwellings hereby approved.

Reason: To ensure that highway improvements intended to mitigate the impacts of the development are available prior to its first occupation and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy 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.

DRAFT

HEADS OF TERMS

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

Planning Application – P152204/O

Site address:

[Land opposite Orleton School Kings Road Orleton Herefordshire](#)

Planning application for:

Proposed Outline application with some matters reserved for 39 no. dwellings, garages, roads, school nature area, off road school parking and allotments.

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):

£2,120 (index linked) for a 2 bedroom apartment open market unit

£3,848 (index linked) for a 2/3 bedroom open market unit

£7,113 (index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at Orleton Primary School and Wigmore Secondary 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):

£1,966 (index linked) for a 2 bedroom open market unit

£2,949 (index linked) for a 3 bedroom open market unit

£3,932 (index linked) for a 4+ bedroom open market unit

to provide a sustainable transport infrastructure to serve the development. The 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, in consultation with the Parish Council, at its option for any or all of the following purposes:

a) Creation of new and enhancement in the usability of existing footpaths and cycleways in the locality

b) Safer routes to school

NOTE: A Sec278 agreement may also be required and/or used in lieu of the above contributions depending on the advice of the local Highways Authority

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 open market property. The sum shall be paid on or before the commencement of the development

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4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £30,000. The contribution will be used for a flood alleviation scheme for Orleton. The sum shall be paid on or before the commencement of development.

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

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

£193.00 (index linked) for a 1 bedroom open market unit

£235.00 (index linked) for a 2 bedroom open market unit

£317.00 (index linked) for a 3 bedroom open market unit

£368.00 (index linked) for a 4 bedroom open market unit

The contributions will be used for more informal play and recreation opportunities which exist in the rural areas. This would be identified 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.

The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

7. The developer covenants with Herefordshire Council that 35% (14 units on basis of a gross development of 39) 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.

NOTE: the mix of tenure and unit size of the affordable units shall be agreed with Herefordshire Council:

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

8. 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.

9. 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:-:

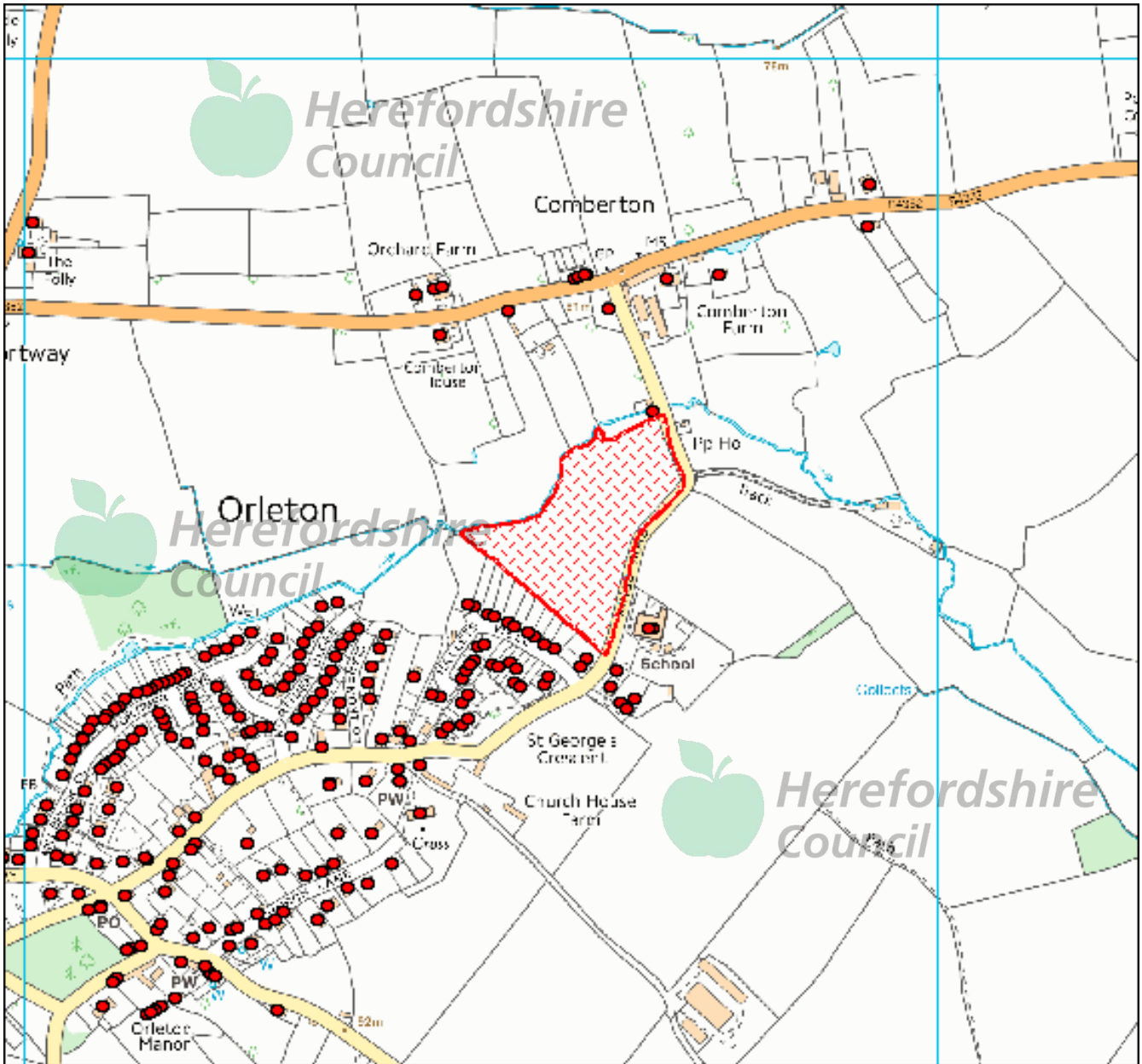
9.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and

9.2. satisfy the requirements of paragraphs 9 & 10 of this schedule

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 whom has:-
 - 10.1. a local connection with the parish of Orleton
 - 10.2. in the event of there being no person with a local connection to Orleton 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.
11. For the purposes of sub-paragraph 9.1 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 Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, and 5 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.
13. The sums referred to in paragraphs 1, 2, 3, and 5 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
14. 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.
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.

Peter Clasby
Planning Obligations Manager

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APPLICATION NO: 152204

SITE ADDRESS : LAND OPPOSITE ORLETON SCHOOL, KINGS ROAD, ORLETON, HEREFORDSHIRE

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