

Agenda

Planning and regulatory committee

Date: Wednesday 25 July 2018

Time: 2.00 pm (or on the conclusion of the meeting to be held in the morning, if later.)

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:

Tim Brown, Democratic Services Officer

Tel: 01432 260239

Email: tbrown@herefordshire.gov.uk

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Agenda for the meeting of the Planning and regulatory committee

Membership

Chairperson	Councillor PGH Cutter
Vice-Chairperson	Councillor J Hardwick
	Councillor BA Baker
	Councillor CR Butler
	Councillor PJ Edwards
	Councillor DW Greenow
	Councillor KS Guthrie
	Councillor TM James
	Councillor MD Lloyd-Hayes
	Councillor FM Norman
	Councillor AJW Powers
	Councillor A Seldon
	Councillor WC Skelton
	Councillor SD Williams
	(1 vacancy)

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>CHAIRPERSON'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairperson.</p>	
5.	<p>180403 - 21 THE MALTINGS, DORMINGTON, HEREFORD, HR1 4FA</p> <p>Retention of residential use of former converted carport for ancillary accommodation and retention of the non-material conversion works required to be reversed by enforcement notice EN2017/002562/ZZ.</p>	9 - 16
6.	<p>174625 - TUMP FARM, FOWNHOPE, HEREFORD, HR1 4PJ</p> <p>Proposed retention of an existing caravan to be used as accommodation for a farm worker (retrospective).</p>	17 - 22
7.	<p>162261 - LAND OFF ASHFIELD WAY, BROMYARD, HEREFORDSHIRE, HR7 4BF</p> <p>Proposed site for up to 80 dwellings, garages, parking, open space and indicative road layout.</p>	23 - 34
8.	<p>DATE OF NEXT MEETING</p> <p>Date of next site inspection – 21 August 2018</p> <p>Date of next meeting – 22 August 2018</p>	

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- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
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- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
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The Chairperson or an attendee at the meeting must take the signing in sheet so it can be checked when everyone is at the assembly point.

Guide to Planning and Regulatory Committee

The Planning and Regulatory Committee consists of 15 Councillors. The membership reflects the balance of political groups on the council.

Councillor PGH Cutter (Chairperson)	Conservative
Councillor J Hardwick (Vice-Chairperson)	Herefordshire Independents
Councillor BA Baker	Conservative
Councillor CR Butler	Conservative
Councillor PJ Edwards	Herefordshire Independents
Councillor DW Greenow	Conservative
Councillor KS Guthrie	Conservative
Councillor TM James	Liberal Democrat
Councillor MD Lloyd-Hayes	It's Our County
Councillor FM Norman	Green
Councillor AJW Powers	It's Our County
Councillor A Seldon	It's Our County
Councillor WC Skelton	Conservative
Councillor SD Williams	Conservative
1 vacancy	Conservative

The Committee determines applications for planning permission and listed building consent in those cases where:

- (a) the application has been called in for committee determination by the relevant ward member in accordance with the redirection procedure
- (b) the application is submitted by the council, by others on council land or by or on behalf of an organisation or other partnership of which the council is a member or has a material interest, and where objections on material planning considerations have been received, or where the proposal is contrary to adopted planning policy
- (c) the application is submitted by a council member or a close family member such that a council member has a material interest in the application
- (d) the application is submitted by a council officer who is employed in the planning service or works closely with it, or is a senior manager as defined in the council's pay policy statement, or by a close family member such that the council officer has a material interest in the application
- (e) the application, in the view of the assistant director environment and place, raises issues around the consistency of the proposal, if approved, with the adopted development plan
- (f) the application, in the reasonable opinion of the assistant director environment and place, raises issues of a significant and/or strategic nature that a planning committee determination of the matter would represent the most appropriate course of action, or
- (g) in any other circumstances where the assistant director environment and place believes the application is such that it requires a decision by the planning and regulatory committee.

The regulatory functions of the authority as a licensing authority are undertaken by the Committee's licensing sub-committee.

Who attends planning and regulatory committee meetings?

Coloured nameplates are used which indicate the role of those attending the committee:

Pale pink	Members of the committee, including the chairman and vice chairman.
Orange	Officers of the council – attend to present reports and give technical advice to the committee
White	Ward members – The Constitution provides that the ward member will have the right to start and close the member debate on an application. In attendance - Other councillors may also attend as observers but are only entitled to speak at the discretion of the chairman.

Public Speaking

The public will be permitted to speak at meetings of the Committee when the following criteria are met:

- a) the application on which they wish to speak is for decision at the planning and regulatory committee
- b) the person wishing to speak has already submitted written representations within the time allowed for comment
- c) once an item is on an agenda for planning and regulatory committee all those who have submitted representations will be notified and any person wishing to speak must then register that intention with the monitoring officer at least 48 hours before the meeting of the planning and regulatory committee
- d) if consideration of the application is deferred at the meeting, only those who registered to speak at the meeting will be permitted to do so when the deferred item is considered at a subsequent or later meeting
- e) at the meeting a maximum of three minutes (at the chairman's discretion) will be allocated to each speaker from a parish council, objectors and supporters and only nine minutes will be allowed for public speaking
- f) speakers may not distribute any written or other material of any kind at the meeting
- g) speakers' comments must be restricted to the application under consideration and must relate to planning issues
- h) on completion of public speaking, councillors will proceed to determine the application
- i) the chairman will in exceptional circumstances allow additional speakers and/or time for public speaking for major applications and may hold special meetings at local venues if appropriate.

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	25 JULY 2018
TITLE OF REPORT:	<p>180403 - RETENTION OF RESIDENTIAL USE OF FORMER CONVERTED CARPORT FOR ANCILLARY ACCOMMODATION AND RETENTION OF THE NON-MATERIAL CONVERSION WORKS REQUIRED TO BE REVERSED BY ENFORCEMENT NOTICE EN2017/002562/ZZ. AT 21 THE MALTINGS, DORMINGTON, HEREFORD, HR1 4FA</p> <p>For: Mr Wilson per Mr J. S Brearley, 42 Rectory Avenue, High Wycombe, Bucks, HP13 6HW</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=180403&search=180403
Reason Application submitted to Committee – re-direction	

Date Received: 1 February 2018

Ward: Backbury

Grid Ref: 358346,240256

Expiry Date: 21 May 2018

Local Member: Councillor J Hardwick

1. Site Description and Proposal

- 1.1 The development comprises the conversion of an outbuilding formerly used as garages and storage to self-contained residential accommodation which is to be used as ancillary accommodation to the main house. The accommodation comprises: kitchen, living room, store with shower on the ground floor and a bedroom with en-suite shower on the first floor. A dormer window has been installed to light the first floor room.
- 1.2 The development was carried out without planning permission and the applicant now seeks retrospective permission for residential accommodation, ancillary to the main house. Permitted development rights were removed in the decision notice granting permission for the original development.
- 1.3 The development constitutes a conversion of part of the former outbuildings to the adjacent Dormington Court, a grade II Listed Building. The outbuildings were converted to form garaging and storage areas for the three houses known as 21 to 23 The Maltings which were constructed to form a small courtyard development following the granting of planning permission in 1995. These outbuildings are not listed.
- 1.4 The access to the property is shared with Nos 22 and 23 The Maltings.

Further information on the subject of this report is available from Mr Steve Davies on 01432 260119

- 1.5 21 The Maltings was constructed with four-bedroom accommodation but has since been reduced to three bedrooms by knocking two bedrooms into one. The dwelling also incorporates a single-storey ground-floor area, formerly a store, converted to form part of the accommodation and currently used as a home-office where it is understood the applicant operates an accountancy business.

2. Policies

Herefordshire Local Plan – Core Strategy

- 2.1 SS1 – Presumption in favour of sustainable development.
SD1 – Sustainable design and energy efficiency.
RA2 – Housing in settlements outside Hereford and the market towns.
LD4 – Historic environment and heritage assets.
MT1 Traffic management, highway safety and promoting active travel
- 2.2 National Planning Policy Framework (NPPF)
- 2.3 The Dormington and Mordiford Group NDP has not progressed beyond designation stage and therefore whilst a material consideration has no weight with the decision making process.
- 2.4 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/info/200185/local_plan/137/adopted_core_strategy

3. Planning History

- 3.1 **SH951128PF:** Demolition of outbuildings and construction of three 2-storey houses including part-conversion of existing buildings. Approved.
- 3.2 **Enforcement Notice 2017:** This seeks to restore the use of the outbuildings to use as garages. Whilst this application remains to be determined that is held in abeyance.

4. Consultation Summary

Statutory Consultations

- 4.1 None
- 4.2 Internal Council Consultations
- 4.2.1 Transportation Manager; No objection subject to four parking spaces being provided and maintained with adequate manoeuvring area to allow vehicles to exit the site in a forward direction.
- 4.2.2 Historic Buildings Officer:

Whilst the building in question is situated within 70m of three designated heritage assets, Grade II* Church of St. Peter, and Grade II Dormington House and Dormington Court, it is considered that the alteration has caused less than substantial harm in heritage policy terms, and that the impact on the setting of the listed buildings has been minimal. On this basis, there would have been no heritage objection to the conversion of the structure; however, clarification may have been sought on the loss of parking/amenity space and how that was to be addressed without the need for new structures or areas of hard standing. Equally, it would have been advised that the use of a dormer window in this context was not in keeping with the form of the

Further information on the subject of this report is available from Mr Steve Davies on 01432 260119

garage, and that rooflights would have been a preferable solution to provide the roof space with light and ventilation.

5. Representations

5.1 Parish Council: Objects – development of three dwellings was provided with appropriate parking for that number of dwellings. Addition of fourth dwelling leads to lack of parking, congestion, reduced visibility at junction of access with main road and access problems for emergency vehicles.

5.2 Nine letters/emails of objection have been received the main points are summarised as follows:

- Inadequate parking.
- Originally 4 or 5 spaces with No 21 now reduced.
- Traffic congestion within the mews.
- Shared access to other properties obstructed.
- Parking on road verges obstructing visibility at junction onto main road.
- Restricted turning space within the site.
- Conversion could be used as 2-bedrooms thereby increasing traffic/parking problems.
- Access impeded for emergency vehicles.
- Traffic hazard for pedestrians crossing main road to bus stop.
- Existing business use of No 21 increases traffic problems.
- Footpath blocked.
- Cars having to reverse onto main road.
- Remaining garage should have internal partition and pillar removed to allow for easier access.
- Parking in front of No 21 will compromise ease of access to No 22's garages.

5.3 The applicants' agent has submitted a supporting statement which also comments on the background to the enforcement notice.

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=180403&search=180403

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

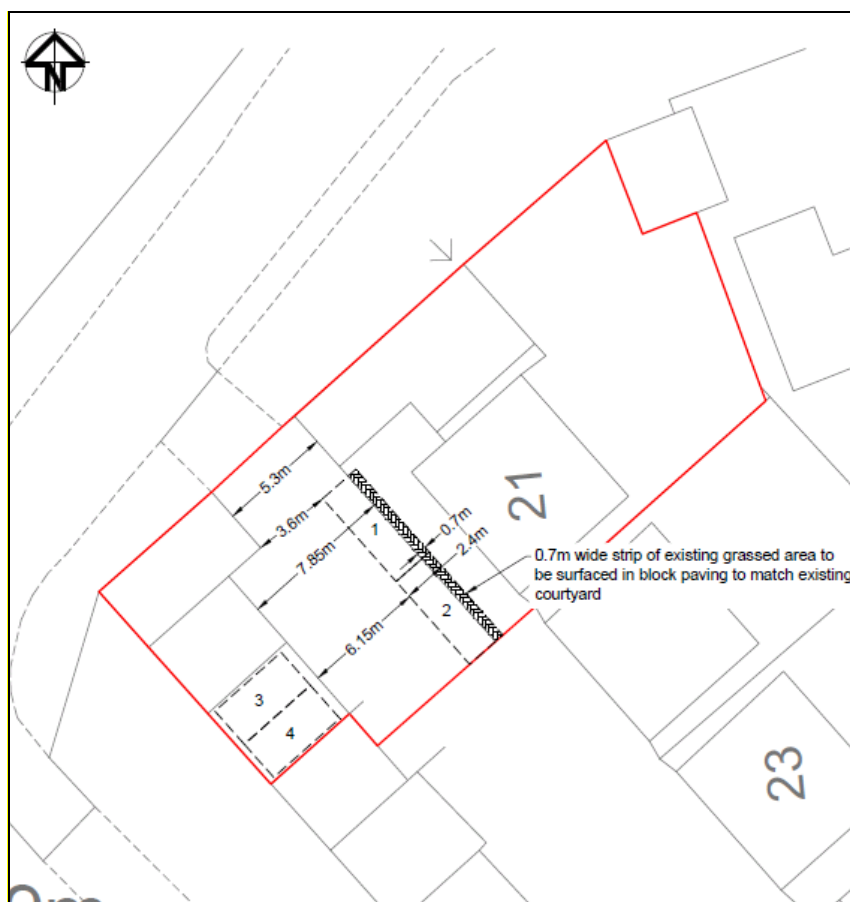
"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.2 The application is assessed against the relevant policies of the Herefordshire Local Plan – Core Strategy and the National Policy Planning Framework. The Dormington and Mordiford Group Neighbourhood Development Plan is only at the drafting stage with no submission to the council as yet and therefore whilst a material consideration has no weight within the decision making process.

- 6.3 Policy RA2 supports sustainable housing in identified settlements which includes Dormington. This application seeks retention of ancillary accommodation not a separate dwelling in its own right to provide accommodation for a housekeeper. Having regard to the lack of amenity space, the restricted parking, the nature and character of the housing in the immediate area and the density that would result it is not considered an appropriate location for a new separate dwelling.
- 6.4 Policy SD1 seeks to safeguard residential amenity for existing and proposed residents. This includes, but is not restricted to the convenience and availability of vehicular access and parking.
- 6.5 The home office use relates to a sole operator accountancy business with occasional client visits. Such a use is not considered to constitute a material change of use of the dwelling. This of course would be subject to change should the intensity of the use increase.
- 6.6 The main issue in this case centres on the access/parking situation and this is the subject of the objections.
- 6.7 Photographic and video evidence has been provided which supports the claims that the combined use of No 21 as a dwelling/home office and subject development, leads to congestion of the courtyard area around No 21 leading to obstruction of the access to the other two properties, a safety hazard to pedestrians using the access and safety issues at the junction of the access with the adjacent main road. There is evidence that this congestion makes it difficult for vehicles to turn within the available space and are therefore sometimes reversing onto the highway.
- 6.8 A few minutes spent observing this junction reveals that the road is busy, carrying a substantial amount of traffic travelling to and from Mordiford, and that speeds are high. There is also a bus-stop opposite the junction and pedestrians cross the road here to reach it.
- 6.9 There is a concave bend in the road at this point and verges are provided which allow visibility in both directions. There is evidence that vehicles sometimes park on these verges when the courtyard is congested, leading to restricted visibility at the junction. However examination of the grass on these verges reveals little wear, leading to the conclusion that this is not a common occurrence.
- 6.10 Having reviewed the evidence I take the view that the current parking arrangements within the courtyard in front of No 21 can be inadequate and create congestion and potentially compromise highway safety.
- 6.11 The main issue with this application, therefore, is whether sufficient provision of parking and turning space can be provided and its proper future use adequately ensured.
- 6.12 The original development provided four garage/carport spaces for No 21. Two of these spaces have been incorporated into the recent development and the other two are currently used for storage. There is no formal or safe street-parking adjacent to the property. All of the parking and manoeuvring of traffic associated with no 21 is therefore likely to take place either within the courtyard or informally on the adjacent road or its verges where it potentially causes a traffic hazard.
- 6.13 No 21 was constructed as a four-bedroom house and subsequently converted to three bedrooms. It could be easily converted back to four bedrooms. The proposed ancillary one-bed accommodation produces a further parking requirement, but could also be used as 2-bedroom accommodation. Indeed, the applicant gained Building Regulations approval for the development and the Building Regulations plans annotated the room which is now described as a 'Store Room with Shower Room' as 'Bedroom 1'. There is therefore the potential for six

bedrooms to be used within the overall accommodation. There is also a building on the property, adjoining the dwelling, that was formerly part of the original outbuildings of Dormington Court and which has subsequently been converted to a 'home-office' used by the applicant thereby creating potential for further traffic.

- 6.14 Extensive consultation has taken place with the Council's Transportation Manager and the objections and evidence supplied have been carefully considered. The Transportation Manager has advised that if four spaces which comply with the standard guidelines (Highways Design for New Developments) can be provided within the property, allowing adequate turning space within the courtyard and boundaries of the property, the development will be acceptable in relation to parking and access.
- 6.15 A parking scheme has been submitted by the applicant showing two external parking spaces and two spaces within the garages all of which conform to the guidelines and which is regarded as acceptable by the Council's Transportation Manager. Acceptable manoeuvring space is also provided.



Extract from parking layout 4. Drwg no. 1126/004 rev D

- 6.16 A condition can be imposed requiring the two remaining garages, which are currently used for storage, to be kept available for parking together with the provision of two marked spaces created by modifying the landscaped area in front of the No 21. and surfaced and finished in accordance with a scheme to be submitted and approved by the Council.
- 6.17 On this basis the objections on parking and highway safety grounds can be overcome and it is recommended that planning permission be granted, subject to the following conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any further conditions considered necessary by officers named in the scheme of delegation to officers:

1. The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 21 The Maltings, Dormington, Herefordshire. HR1 4FA.

Reason: It would be contrary to Policies RA2 and SD1 of the Herefordshire Local Plan – Core Strategy to grant planning permission for a separate dwelling in this location.

2. Within one month of the date of this decision the existing double garage shall be available for use for the garaging of private motor vehicles and the garage shall at no time be converted or used for any other purpose.

Reason: To ensure adequate off street parking arrangements remain available at all times and to comply with Policy MT1 of the Herefordshire Local Plan – Core Strategy.

3. Within 3 months of the date of this permission the parking spaces show on drawing number 1126/004 rev D dated 19th June 2018 shall be laid out and properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles and the remaining courtyard within the boundaries of the property shall be kept clear at all times.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy.

4. The ancillary accommodation and the dwelling known as 21 The Maltings, Dormington, Herefordshire HR1 4FA shall not be sold, leased or let separately from each other.

Reason: It would be contrary to the policy of the local planning authority to grant permission for a separate dwelling in this location having regard to Policies RA2 and SD1 of Herefordshire Local Plan-Core Strategy which seeks to safeguard residential amenity for existing and proposed residents.

5. Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1 and of Schedule 2, shall be carried out.

Reason - In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy.

INFORMATIVE:

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

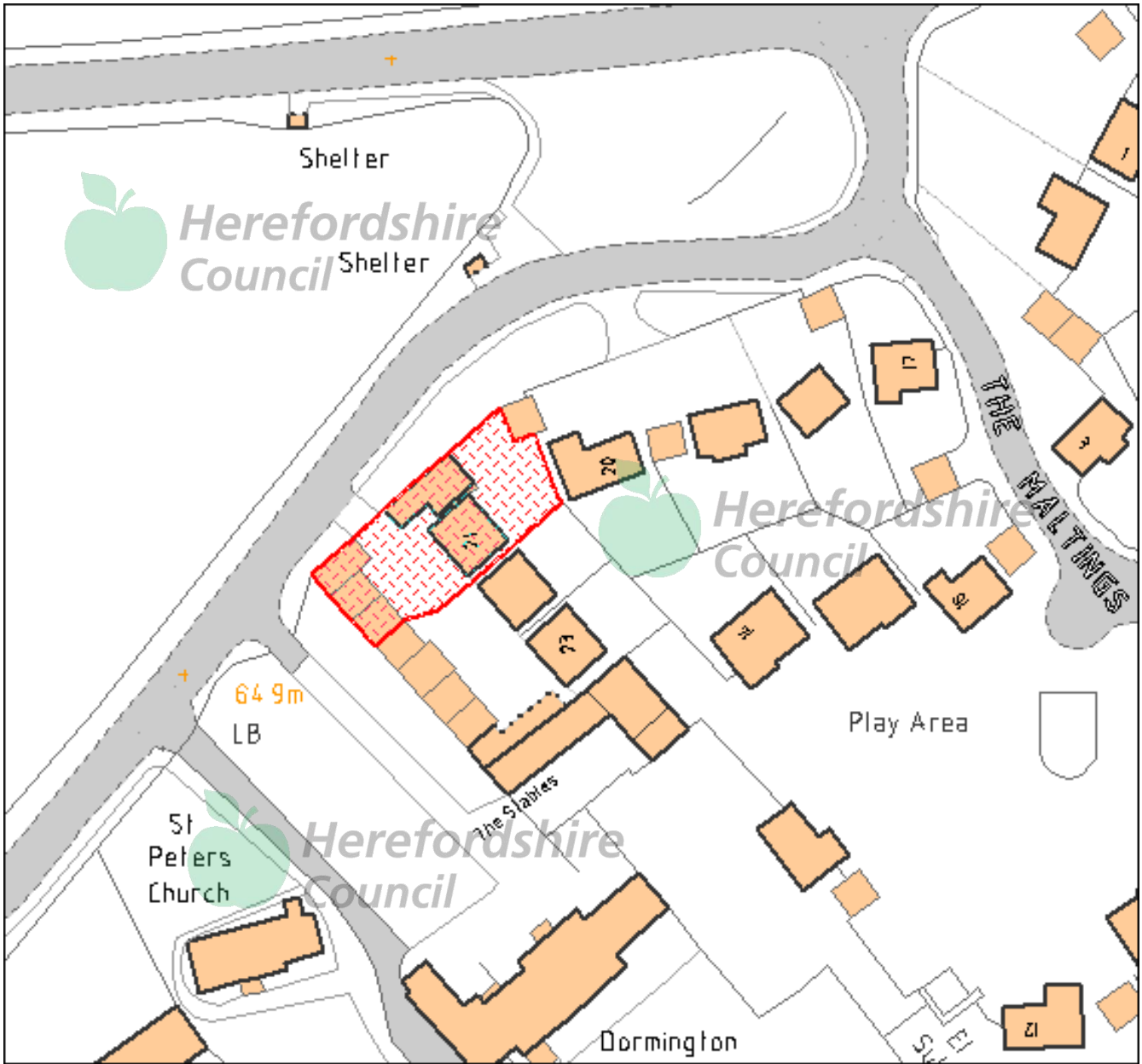
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 180403

SITE ADDRESS : 21 THE MALTINGS, DORMINGTON, HEREFORD, HEREFORDSHIRE, HR1 4FA

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Further information on the subject of this report is available from Mr Steve Davies on 01432 260119

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	25 JULY 2018
TITLE OF REPORT:	<p>174625 - PROPOSED RETENTION OF AN EXISTING CARAVAN TO BE USED AS ACCOMMODATION FOR A FARM WORKER. (RETROSPECTIVE) AT TUMP FARM, FOWNHOPE, HEREFORD, HR1 4PJ</p> <p>For: Mr Williams per Mr Ben Griffiths, Coneybury, Detton, Cleobury Mortimer, DY148LW</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=174625&search=174625
Reason Application submitted to Committee – Re-direction	

Date Received: 11 December 2017 Ward: Backbury Grid Ref: 357930,233309

Expiry Date: 1 August 2018

Local Member: Councillor J Hardwick (Councillor WLS Bowen is fulfilling the role of local ward member for this application.)

1. Site Description and Proposal

- 1.1 The site lies in open countryside within the Wye Valley Area of Outstanding Natural Beauty (WVAONB) to the south of the village of Fownhope. It lies to the east of Caplor Lane (C1273) and near to Public Rights of Way (PROW) FWD7 situated to the east of the site. In addition the site lies within 750 metres of the River Wye. The site forms part of the Tump Farm farming unit. The landscape is undulating, with loose knit, sporadic development and the landscape type is recognised as principal settled farmlands
- 1.2 The site is approximately 700 metres to the east from Caplor Lane and can be seen from properties situated on Caplor Lane. The caravan has been sited on land in close proximity to large farm buildings which can also be seen from properties on Caplor Lane. The caravan is not visible from PROW FWD7 which lies to the west of the site. The caravan also benefits from screening on its southern boundary by large established trees
- 1.3 The application is retrospective and seeks to retain the caravan on land at Tump Farm for an agricultural worker to occupy in order to meet the identified functional need of the farming business.

2. Policies

- 2.1 Herefordshire Local Plan Core Strategy:

LD1 – Landscape and Townscape
LD2 – Biodiversity and Geodiversity

Further information on the subject of this report is available from Mr Clive Lloyd on 01432 383403

SD3 – Sustainable Water Management and Water Resources
SD4 – Waste Water Treatment and River Water Quality
MT1 – Traffic Management, Highway Safety and Promoting Active Travel
RA3 – Herefordshire, s Countryside
RA4 – Agricultural, Forestry and Rural Enterprise Dwellings

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/info/200185/local_plan/137/adopted_core_strategy

2.2 National Planning Policy Framework

2.3 Fownhope Neighbourhood Plan (FNDP)

The site is located within the Fownhope Neighbourhood area. The FNDP was adopted on 22nd July 2016 and now forms part of the Development Plan for Herefordshire. The following policies are of particular relevance:

FW1 – Sustainable Development
FW2 – Safeguarding the Wye Valley Area of Outstanding Natural Beauty
FW3 - Flooding
FW4 – Sewage
FW11 – Housing in the Countryside

The Fownhope Neighbourhood Plan can be veiwed by using the following link:

https://www.herefordshire.gov.uk/downloads/file/8847/neighbourhood_development_plan

3. Planning History

3.1 None relevant

4. Consultation Summary

4.1 Statutory Consultations

4.2 Wye Valley Area of Natural Beauty (WVAONB)

The application is unlikely to have a significant detrimental impact on the natural beauty of the WVAONB. However currently the caravan is conspicuous from certain perspectives and should be better screened to fit into the landscape and to comply with the FNDP. The WVAONB Management Plan Strategic Objective WV-D2 states “Encourage and support high standards of design, materials, energy efficiency, drainage and landscaping in all developments, including Permitted Development, to ensure greater sustainability and that they complement and enhance the local landscape character and distinctiveness including scale and setting and minimise the impact on the natural environment”. The need for this agricultural accommodation should also be strictly monitored in the event that the farming enterprise might change negating the necessity for the accommodation.

4.3 Welsh Water

SEWERAGE

As the applicant intends utilising a septic tank facility we would advise that the applicant contacts The Environment Agency / Herefordshire Council Land Drainage Department who may have an input in the regulation of this method of drainage disposal. However, should

circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

4.4 Natural England

No objection – subject to appropriate mitigation being secured

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of River Wye Special Area of Conservation
- damage or destroy the interest features for which River Wye / Lugg Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Foul sewage to be disposed in line with Policy SD4 of the adopted Herefordshire Core Strategy. Where a package treatment plant is used for foul sewage, this should discharge to a soakaway or a suitable alternative if a soakaway is not possible due to soil/geology.
- Surface water should be disposed of in line with Policy SD3 of the adopted Herefordshire Core Strategy and the CIRIA SuDS Manual (2015) C753.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Subject to the above appropriate mitigation being secured, we advise that the proposal can therefore be screened out from further stages in the Habitats Regulations Assessment process, as set out under Regulation 63 of the Habitats Regulations 2017.

Internal Council Consultations

4.5 Transportation

Proposal acceptable, with no conditions or informatives required

4.6 Ecology

The site lies within 750m of the River Wye and lies within the Discharges “any discharge of water or liquid waste....” River Wye SAC and SSSI Impact Risk Zone and so sufficient and detailed information is required to be submitted to allow the authority and Natural England to assess the proposals.... Subject to this information being received then I can see no other ecology related constraints or comments on this application and with the supplied updated foul water plans subject to implementation as part of the approved plans I could conclude that there would be no unmitigated likely significant effects on the River Wye SSSI and SAC.

4.7 County Land Agent

The application is supported in that a need from an agricultural position has been identified for a dwelling close to the cattle yard to enable stock to be adequately supervised to comply with the requirements of the ‘5 freedoms’ of animal management.

Basically it is to enable the stock man to go round the stock during the night and spend as much time with calving cows is necessary. In this case they also lamb approx. 470 ewes over 2

months, and whereas they would not be given permission for a permanent dwelling, it would be necessary to have some form of temporary accommodation for the shepherd during that period

5. Representations

5.1 Fownhope Parish Council

Support the application but note that the application does not comply with Policy FW2 of the FNDP and therefore we would like to see some screening or a change in colour which would help to camouflage the caravan within the view from this exposed side.

5.2 Four responses of qualified support were received, with the issues raised being ones of screening and sympathetic colour finish.

5.3 Three responses of objection were received with issues of concern being unsightly, visible to properties situated on Caplor Lane (C1273) and lack of 106 Agreement, limiting occupation to a key worker employed by Tump Farm.

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=174625&search=174625

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 The site is neither within or adjacent to a main built up area of any listed settlement in the Herefordshire Local Plan – Core Strategy (CS). As such the site is considered to be in open countryside and CS policy RA3 applies. This policy limits residential development to seven listed exceptions and of this criterion 1 is applicable. This states that development "meets an agricultural need or other farm diversification enterprise for a worker to live permanently at or near their place of work and complies with policy RA4(2) which states that a dwelling should "be sited so as to meet the identified functional need within the unit".

6.3 Paragraph 55 of the NPPF includes reference to such proposals.

6.4 The proposal seeks to retain the caravan on land at Tump Farm for an agricultural worker to occupy in order to meet the identified functional need of the farming business.

6.5 The key considerations are policies RA3 and RA4 of the CS and the location is within the WVAONB.

6.6 In regard to RA3 and RA4 the County Land Agent report has identified an agricultural need for accommodation in the proposed location and it is therefore in accord with policies. RA3, and RA4 of the CS and FW1 and FW11 of the FNDP.

- 6.7 The WVAONB officer confirms that the application would not have a significant detrimental impact on the area however; screening measures should be employed to allow the caravan to fit into the landscape and achieve compliance in respect of the FNDP. It is also noted that Fownhope Parish Council also support the application with a recommendation that screening measures are employed in respect of the caravan.
- 6.8 Subject to appropriate conditions it is considered that the proposal also complies with policies LD1 and LD2 of the CS and policy FW2 of the FNDP
- 6.9 The applicant has agreed to a neutral paint finish and/or suitable screening together with a suitable planting scheme which would contribute to screening the caravan from properties on Caplor Lane, the applicant has also agreed to a condition being placed on the caravan restricting use to an agricultural worker.
- 6.10 The site is located in Flood Zone 1 and therefore is not at risk of flooding, with storm water to be managed by way of a field based soakaway system. Foul water is managed by way of a septic tank with field based soakaway being consistent with policies SD3, SD4 of the CS and policies FW3 and FW4 of the FNDP.
- 6.11 Conclusion

I therefore, conclude that this application accords with policies LD1, LD2, SD3, SD4, and MT1, RA3 and RA4 of the CS and policies' FW1, FW2, FW3, FW4, and FW11 of the FNDP

RECOMMENDATION

That planning permission be granted subject to the following condition below and any other conditions considered necessary by officers named in the scheme of delegation to officers:

- 1. **F27 Agricultural occupancy**
- 2. **F22 Temporary permission & reinstatement of land (mobile home/caravan)**
- 3. **C96 Landscape scheme**
- 4. **C97 Landscape implementation scheme**
- 5. **C86 Colour of caravan**

INFORMATIVE:

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

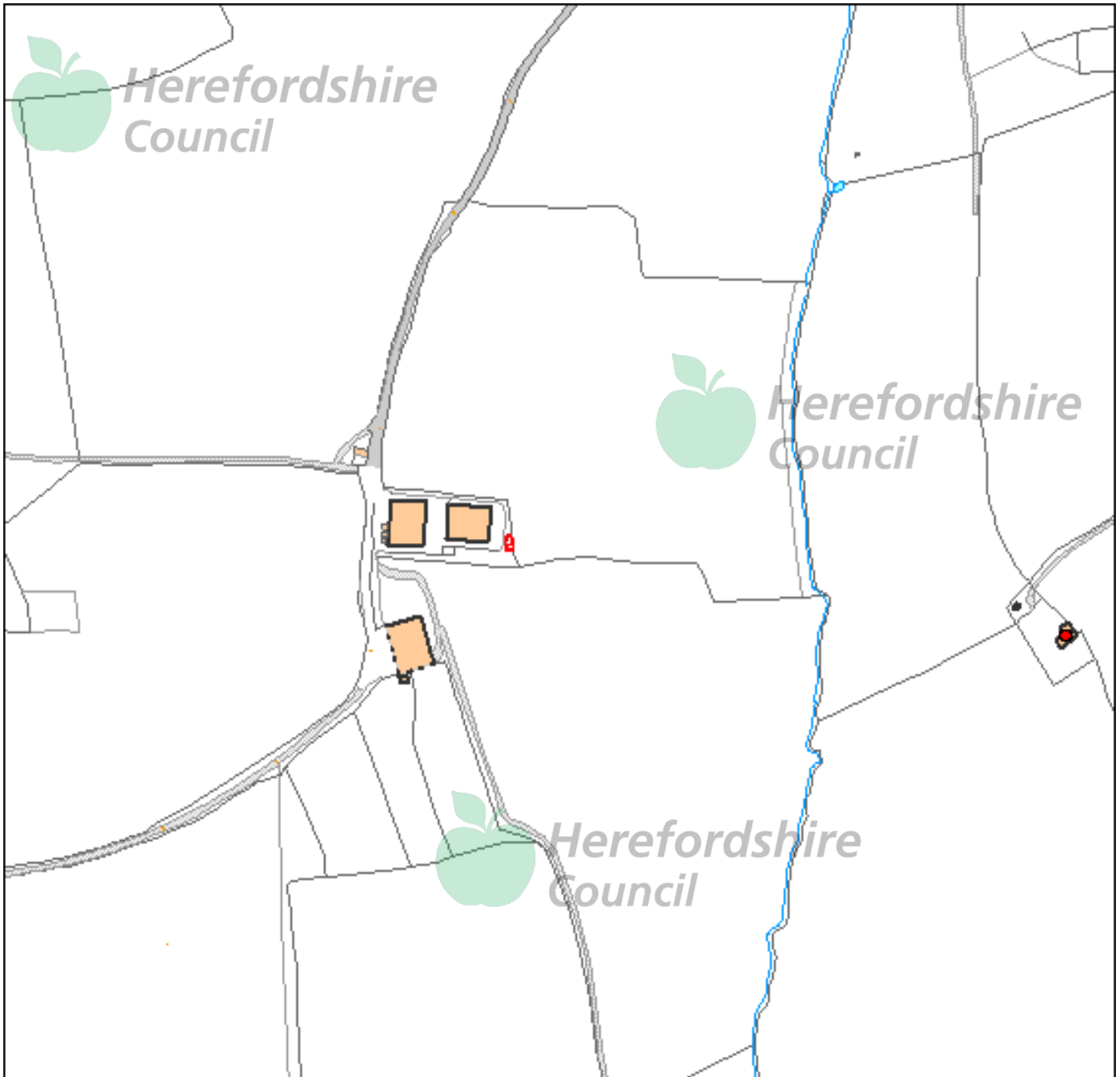
Decision:

Notes:

Background Papers

None

Further information on the subject of this report is available from Mr Clive Lloyd on 01432 383403



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APPLICATION NO: 174625

SITE ADDRESS : TUMP FARM, FOWNHOPE, HEREFORD, HEREFORDSHIRE, HR1 4PJ

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Further information on the subject of this report is available from Mr Clive Lloyd on 01432 383403

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	25 JULY 2018
TITLE OF REPORT:	162261 - PROPOSED SITE FOR UP TO 80 DWELLINGS, GARAGES, PARKING, OPEN SPACE AND INDICATIVE ROAD LAYOUT AT LAND OFF ASHFIELD WAY, BROMYARD, HEREFORDSHIRE, HR7 4BF For: NT & R Eckley per 22 Broad Street, Ludlow, Shropshire, SY8 1NG
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=162261&search=162261
Reason Application submitted to Committee – Amend draft heads of terms and committee recommendation	

Date Received: 19 July 2016

Ward: Bromyard West Grid Ref: 364874,254047

Expiry Date: 16 November 2017

Local Member: Councillor A Seldon

1. The planning application

1.1 This planning application was reported to planning and regulatory committee on 2nd August 2017 and 13th September 2017. It is being returned to committee to resolve purely three points of process namely;

- Clarification is required on the sports contribution in the draft heads of terms appended to the committee report dated 13th September 2017;
- Clarification is required on the health contribution in the draft heads of terms appended to the committee report dated 13th September 2017;
- The printed minutes of the decision made by the committee on 13th September 2017 do not reflect the officer recommendation/resolution.

2. Sports Contribution

2.1 The draft heads of terms appended to the committee report stated that, 'All contributions in respect of the residential development are assessed against open market units only except for item 3 (*waste – my insertion*) which applies to all new dwellings'.

2.2 Part 4 of the draft heads of terms appended to the report stated;

4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £1,218.00 (index linked). The contributions will be used for football, cricket and rugby sports facilities and would be identified as per the priorities identified in the Playing Pitch Assessment

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

for the Bromyard Area 2012 and the Outdoor Sports Investment Plan 2016 in the Sports Partnership Investment Plan at the time of receiving the contribution and in consultation with the local parish council.

- 3.3 It could be inferred from the above that the contribution of £1,218.00 (index linked) is the total sports contribution. However, this is not the case. The figure of £1,218.00 is payable on each open market dwelling. A revised draft heads of terms is appended to this report so it is clear that this contribution applies to each open market dwelling.

4 Health Contribution

- 4.1 The draft heads of terms appended to the committee report stated that, 'All contributions in respect of the residential development are assessed against open market units only except for item 3 (*waste – my insertion*) which applies to all new dwellings'.

- 4.2 Part 5 of the draft heads of terms appended to the report stated;

5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £21,494 (index linked). The contributions will be used for the development of the infrastructure for the provision of primary and community healthcare services in Bromyard in consultation with the NHS Herefordshire CCG and Nunwell Doctors Surgery.

- 4.3 It could be inferred from the above that the contribution of £21,494 (index linked) is payable per open market dwelling. However, this is not the case. The total health contribution is £21,494. A revised draft heads of terms is appended to this report so it is clear that this is the total contribution payable in respect of health provision.

5 Printed minutes of the committee

- 5.1 The officer recommendation in the planning committee report dated 13 September 2017 stated;

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

That planning permission be granted subject to the following conditions:

- 5.2 The printed minutes of the committee record that 'Councillor PM Morgan proposed and Councillor EJ Swinglehurst seconded a motion to approve the application in line with the officer recommendation. The motion was carried; 9 in favour; 3 against; and 2 abstentions.

- 5.3 However, the printed minutes of the meeting record the decision as being;

That planning permission be granted subject to the following conditions:

- 5.4 The wording of the printed minute therefore does not accurately reflect the wording of the recommendation which the committee approved. This therefore needs to be amended so that the council has the authority to complete the Section 106 agreement.

RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the amended Heads of Terms attached to this report, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning

permission, subject to the conditions below and any other further conditions considered necessary:

1. **A02 Time limit for submission of reserved matters (outline permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **B01 Development in accordance with the approved plans**
5. **No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:**
 - a. **Wheel cleaning apparatus which shall be operated and maintained during construction of the development hereby approved.**
 - b. **Parking for site operatives and visitors which shall be retained and kept available during construction of the development.**
 - c. **A noise management plan including a scheme for the monitoring of construction noise.**
 - d. **Details of working hours and hours for deliveries**
 - e. **A scheme for the control of dust arising from building and site works**
 - f. **A scheme for the management of all waste arising from the site**
 - g. **A travel plan for employees.**
 - h. **The agreed details of the CMP shall be implemented throughout the construction period.**
 - i.

Reason: In the interests of the residential amenity of properties within the locality and of highway safety in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6. **Prior to the first occupation of any of the dwellings hereby approved a Travel Plan which contains measures and targets to promote alternative sustainable means of transport for residents and visitors with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the Local Planning Authority upon reasonable request.**

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

7. **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.

8. 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 3 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

9. The recommendations for species mitigation and habitat enhancements set out in the ecologist's reports for this application from Shropshire Wildlife Surveys be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. Prior to commencement of the development, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to inspect the site and ensure there is no impact upon protected species by clearance of the area. A species mitigation and ecological enhancement plan should be submitted to the local authority for approval and the scheme implemented as approved.

Reason: 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).

10. G03 Retention of existing trees/hedgerows
11. G10 Landscaping scheme
12. G11 Landscaping scheme - implementation
13. H06 Vehicular access construction
14. I44 No burning of materials/substances during construction phase
15. I55 Site Waste Management
16. M17 Water Efficiency - Residential
17. Prior to the commencement of development the developer shall agree in writing with the local planning authority a scheme for the delivery of the open market housing hereby approved. This scheme shall comprise a schedule outlining the number of 2, 3 and 4 (+) bed dwellings proposed at the Reserved Matters stage; the overall mix being in general accord with the Council's Local Housing Market Assessment (or any successor document, adopted for these purposes by the local planning authority).

Reason: To define the terms of the permission and to comply with Policy H3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

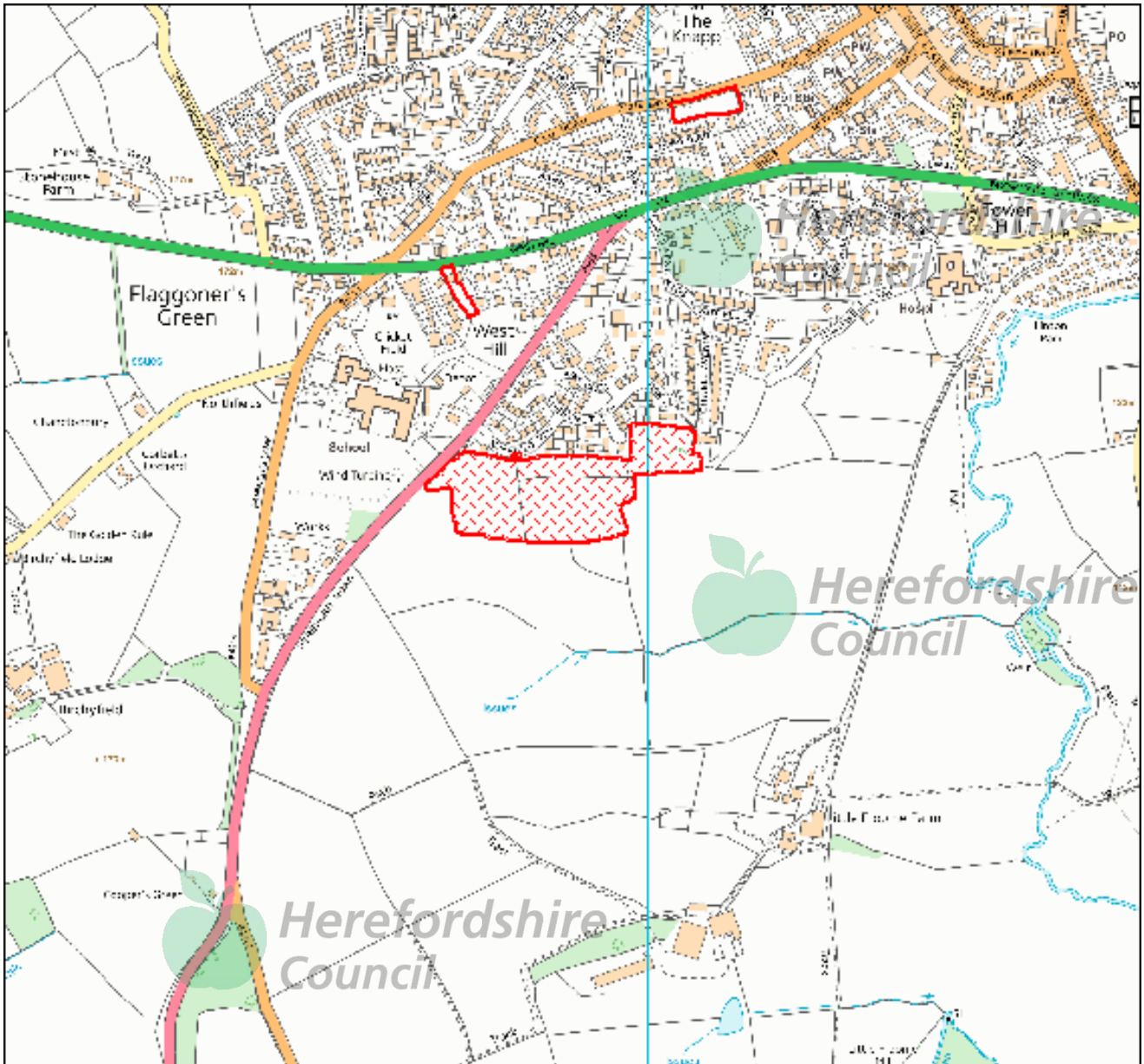
- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in 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. This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.**
- 3. HN04 Private apparatus within highway**
- 4. HN01 Mud on highway**
- 5. HN28 Highways Design Guide and Specification**
- 6. HN25 Travel Plans**
- 7. HN05 Works within the highway**
- 8. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com**
- 9. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 162261

SITE ADDRESS : LAND OFF ASHFIELD WAY, BROMYARD, HEREFORDSHIRE, HR7 4BF

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

DRAFT HEADS OF TERMS

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

Planning Application – P162261/O

Site address:

Land off Ashfield Way, Bromyard, Herefordshire, HR7 4BF

Planning application for:

Site for up to 80 no. dwellings, garages, parking and open space, access and roads

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

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

£ 1,290.00 (index linked) for a 2 bedroom apartment open market unit

£ 2,281.00 (index linked) for a 2/3 bedroom open market unit

£ 3,718.00 (index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at St Peters Primary School. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

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

£ 1,966.00 (index linked) for a 2 bedroom open market unit

£ 2,949.00 (index linked) for a 3 bedroom open market unit

£ 3,932.00 (index linked) for a 4+ bedroom open market unit

to provide 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) Traffic Regulation Order to extend the 40mph speed limit beyond Panniers Lane
- b) Provision of dropped crossings and pedestrian refuge to facilitate access to the school on the A465
- c) Extension of footway towards Panniers Lane with dropped crossings and pedestrian refuge to facilitate access to local facilities including the Hope Family Centre

NOTE: A Sec278 agreement may also be required depending on the advice of the local

Highways Authority

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £80.00 (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.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £1,218.00 (index linked) per open market dwelling. The contributions will be used for football, cricket and rugby sports facilities and would be identified as per the priorities identified in the Playing Pitch Assessment for the Bromyard Area 2012 and the Outdoor Sports Investment Plan 2016 in the Sports Partnership Investment Plan 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.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the total sum of £21,494 (index linked). The contributions will be used for the development of the infrastructure for the provision of primary and community healthcare services in Bromyard in consultation with the NHS Herefordshire CCG and Nunwell Doctors Surgery. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
6. The developer covenants with Herefordshire Council to provide a minimum green infrastructure provision of 0.21 hectares to include;
 - Public Open Space: 0.073ha (960sq m) and
 - Children's Play: 0.14ha (1900sq m) to include a kick-about area and formal play space catering for children of all ages: infants, juniors and teenagers.
7. 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
8. The developer covenants with Herefordshire Council that 40% of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H1 of the Herefordshire Local Plan Core Strategy 2011 – 2031 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.
9. 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.
10. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the

following requirements:-:

- 10.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 10.2. satisfy the requirements of paragraphs 11 & 12 of this schedule
11. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
- 11.1. a local connection with the parish of Bromyard & Winslow
 - 11.2. in the event of there being no person with a local connection to Bromyard & Winslow 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.
12. For the purposes of sub-paragraph 10.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
- 12.1. is or in the past was normally resident there; or
 - 12.2. is employed there; or
 - 12.3. has a family association there; or
 - 12.4. a proven need to give support to or receive support from family members; or
 - 12.5. because of special circumstances;
13. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 4 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.
14. The sums referred to in paragraphs 1, 2, 3, 4 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.
15. 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.
16. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Planning Obligations Manager
13 July 2018