

MEETING:	PLANNING COMMITTEE
DATE:	17 SEPTEMBER 2014
TITLE OF REPORT:	P140942/O - SITE FOR RESIDENTIAL DEVELOPMENT OF UP TO 60 HOUSES AT LAND OFF PIXIEFIELDS, WESTFIELDS, CRADLEY, HEREFORDSHIRE For: Quercus PRF LLP per Mr James Spreckley, Brinsop House, Brinsop, Hereford, Herefordshire, HR4 7AS
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141157&search=141157

Date Received: 31 March 2014

Ward: Hope End

Grid Ref: 372434,246847

Expiry Date: 1 July 2014

Local Members: Councillors CNH Attwood and AW Johnson

1. Site Description and Proposal

- 1.1 The application site extends to 2.39 hectares of grazing land, lying between Pixiefields to the south and Chockbury Lane to the north. To the south and east lie the existing housing of Pixiefields estate, Credenleigh and housing fronting Chockbury Lane. The northern boundary of the site is defined by a mature native species hedgerow with Chockbury Lane, immediately beyond. The western boundary is similarly defined with a hedgerow and single track one-way lane. The southern boundary is also notable for the fact that it contains several mature Oak trees which are all subject to a Tree Preservation Order (TPO).
- 1.2 The site rises from just under 100 metres AOD in the south-eastern corner to just over 110 metres AOD in the north-west, rising at a gradient of approximately 1 in 15.
- 1.3 A particular feature of Cradley is that it is a village split into two parts. That which might be considered the original core, containing a number of listed buildings that include the church, is located approximately 500 metres to the west of the application site. This part of the village also contains Cradley C of E Primary School.
- 1.4 The part of the village which this proposal site adjoins contains the more recent residential developments of Oaklands; which lies to the south of the B4220, and Credenleigh and Pixiefields which, as described earlier, bound the application site directly.
- 1.5 The application is made in outline and seeks permission for the erection of up to 60 dwellings on the land. All matters apart from access are reserved for future consideration. The scheme proposes to take access from the residential estate road that serves Pixiefields and onto the B4220. The supporting documentation indicates that of the 60 dwellings proposed, 39 will be open market and 21 affordable.

1.6 The application is supported by the following documents:

- Planning Statement
- Transport Statement
- Visual Impact Assessment
- Tree Survey and Protection Plan
- Topographical Survey
- Indicative Development Framework
- Draft Heads of Terms Agreement
- Flood Risk Assessment

1.7 An initial objection from the Council's Land Drainage Engineer has resulted in amendments to the Flood Risk Assessment and the inclusion of additional third party land in order to provide a drainage outfall to Cradley Brook. The application has been re-advertised as a result and the public consultation period ends on 18th September 2014.

2. Policies

2.1 National Planning Policy Framework:

The following sections are of particular relevance:

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

2.2 Herefordshire Unitary Development Plan:

- | | | |
|-----|---|---|
| S1 | - | Sustainable Development |
| S2 | - | Development Requirements |
| DR1 | - | Design |
| DR2 | - | Land Use and Activity |
| DR3 | - | Movement |
| DR4 | - | Environment |
| DR5 | - | Planning Obligations |
| DR7 | - | Flood Risk |
| H4 | - | Main Villages: Settlement Boundaries |
| H7 | - | Housing in the Countryside Outside Settlements |
| H13 | - | Sustainable Residential Design |
| H15 | - | Density |
| H19 | - | Open Space Requirements |
| T8 | - | Road Hierarchy |
| LA2 | - | Landscape Character and Areas Least Resilient to Change |
| LA3 | - | Setting of Settlements |
| LA5 | - | Protection of Trees, Woodlands and Hedgerows |
| NC1 | - | Biodiversity and Development |
| NC8 | - | Habitat Creation, Restoration and Enhancement |

2.3 Herefordshire Local Plan Core Strategy - Deposit Draft

- | | | |
|-----|---|--|
| SS1 | - | Presumption in Favour of Sustainable Development |
| SS2 | - | Delivering New Homes |
| SS3 | - | Releasing Land For Residential Development |

SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sports and Recreation Facilities
OS2	-	Meeting Open Space, Sports and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geodiversity
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

Neighbourhood Planning

2.4 Cradley Parish Council has successfully applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed on 7 August 2013. The Parish Council will have the responsibility of preparing a Neighbourhood Development Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this early stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy.

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

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

3. Planning History

3.1 None specifically relevant to the application site.

4. Consultation Summary

Statutory Consultations

4.1 Severn Trent Water: No objection subject to the imposition of a condition requiring the submission of detailed plans of foul and surface drainage arrangements.

4.2 Environment Agency: Site is within Flood Zone 1 but the site is greater than 1 hectare. They therefore refer to their standing advice outlining the need for the completion of a Flood Risk Assessment.

Internal Council Advice

4.3 Transportation Manager: The site is to be accessed via Pixiefields. As this is a 5.5m wide road with footways, it is adequate for the size of the proposed development as well as the existing development. The route to the site from the B4220 requires substantial repair and maintenance, particularly to the surface. This should be done before the occupation of the first dwelling and will require the imposition of a condition to require the completion of a Section 278 Agreement.

4.4 Conservation Manager (Ecology): Concurs with the findings of the ecological report submitted with the application that the site has low ecological value with little evidence of protected

species use. Supports the application subject to a condition to secure biodiversity enhancement.

4.5 Parks and Countryside Manager: Comments that the application identifies an area of POS/Recreation and play in the top north western corner which looks to be the flattest part of the site. Would normally expect play areas to be more centrally located from both a surveillance and access point of view, but acknowledge that this is a large area providing opportunity for both formal and informal public open space, play and kick-about. Given its location, the plan also identifies a footpath around the edge of the site linking the play area to Chockbury Lane and the balancing pond area which is supported. Future consideration will need to be given at a more detailed planning stage as to how the rest of the development will link and connect to both the proposed and existing open spaces. At 0.27 hectares, the size of the area indicated is in excess of usual policy requirements for a development of this size. Subject to the details provided in the Draft Heads of Terms Agreement the proposal is supported.

4.6 Waste Operations Team Leader: No objection but any detailed scheme should ensure that suitable access is provided for waste refuse vehicles.

4.7 Housing Development Officer: Supports the application in principal as it meets the need to provide 35% affordable housing on the site which equates to 21 units. The Draft Heads of Terms confirms that the units will be split 11units for social rent and 10 units for intermediate tenure and that the dwellings will be built to HCA Design and Quality standards, Lifetime Homes standards and Code Level 3 of the Code for Sustainable Homes with local connection to the parish of Cradley.

Advises that the exact mix and location of the affordable units will need to be agreed prior to the submission of the Reserved Matters application.

4.8 Education: No objection subject to the provision of financial contributions as outlined in the Heads of Terms Agreement that accompanies the application.

4.9 Land Drainage Engineer: On the basis of the revised Flood Risk Assessment raises no objection to the application subject to the imposition of conditions and comments as follows:

The applicant has removed individual property soakaways on site. All surface water flows are directed to an attenuation basin which discharges into Cradley Brook or into a swale/attenuation basin which infiltrates flows into the ground for all rainfall events up to the 1 in 100 year rainfall event, including an allowance for climate change. There is capacity within the swale/attenuation basin for flows arising as a result of greater return period events than the 1 in 100 year event. In the event of more extreme events, or should system failure occur, a bund is proposed in the south of the site to protect third party properties to the south of the site from flooding. Flood flows would be directed to roads to the south-west/south of the site and there would be no increased risk to people or property within the site or elsewhere.

The applicant has submitted calculations demonstrating that acceptable rates of discharge less than the greenfield rate are being proposed and that the half drain time for the swale/attenuation basin is approximately 24 hours, in accordance with BRE Digest 365 guidance. The detention areas have a suitable freeboard allowance.

We do not object to this outline planning application on flood risk and surface water drainage grounds and recommend that the following are required as part of any reserved matters application and / or as pre-commencement conditions:

- Provision of detailed drainage design drawings;

- Confirmation of any adoption agreements relevant to the management of surface water and confirmation of who will be responsible for maintenance of the different aspects of the Applicant's proposed system should be provided;
- Evidence of adequate separation and/or treatment of polluted water (including that from vehicular areas) should be provided to ensure no risk of pollution is introduced to groundwater or watercourses, both locally and downstream of the site.

5. Representations

5.1 Cradley Parish Council: Object to the application on the following grounds:

The number of proposed houses (up to 60) is far in excess of the requirements identified within the draft Core Strategy - allowing for committed development since 2011 this requirement is now less than 50 houses. In addition, 60 houses is a massive overdevelopment of a site that at a maximum could accommodate 30 houses. Furthermore, the whole development area is outside the current settlement boundary and the top part of the site is visible from the AONB, further limiting development opportunity.

- 5.2 The road infrastructure cannot support a development of this size with the likely traffic movements causing hazards for existing residents in Pixiefield and potentially overloading the existing junction with the Bosbury Road. There will also be likely increased use of the "sunken lane" adjacent to the development which currently is a quiet lane for use by walkers and horse riders. There may even be a loss to the sunken lane itself, which of course is one of Herefordshire's scarcer rural heritage assets.
- 5.3 Other infrastructure such as sewerage and flood protection are both now actually beyond the limit of capacity and will not be able to accommodate additional housing of this number. Flooding being a particular concern in relation to the potential impact on the Cradley Brook and future risks associated with climate change induced events.
- 5.4 The facilities in the village cannot support a development of this size, the school is a considerable way from the site at the other end of the village and is already full to capacity. Cradley is in danger of losing its bus service, the Post Office stores has now closed and the local Doctors surgery would also be unable to cope with the additional numbers required.
- 5.5 West Mercia Police: Note that the application does not make reference to crime reduction measures within a Design Access Statement but advise that there are opportunities to design out crime and/or the fear of crime and to promote community safety which would be recommended.
- 5.6 Forty eight letters objecting to the application have been received. In summary the points raised are as follows:
- The site lies outside the existing settlement boundary for the village.
 - The proposal is premature and undermines the emerging Core Strategy and Neighbourhood Planning.
 - The Core Strategy should be given considerable weight as it is at an advanced stage.
 - The proposals would result in a massive increase in traffic that will cause nuisance to local residents and compromise highway safety.
 - The road into the proposed site is not suitable as it is only a small cul-de-sac.
 - Access should be delivered directly from the A4103.
 - The proposed development is too large. New proposals should be smaller and spread more equally across the village as a whole.
 - The village has a limited bus service that is currently at risk of being cut. This places an even greater reliance on the car.

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

- The proposal will put increased pressure on existing services. The doctors surgery and school are already both at capacity and post office has been closed.
- The proposals will result in increased light pollution from street lighting and new houses.
- Increased traffic will reduce air quality.
- The proposals represent over-development and will cause a loss of privacy to existing residents.
- A plan to show the proposed development in greater detail should be provided.
- The proposal will increase the risk of flooding from surface water run-off during periods of prolonged and heavy rainfall for existing properties on Pixiefields. These impacts are not properly explored in the Flood Risk Assessment.
- The Flood Risk Assessment submitted does not explore the idea of flood risk betterment as suggested by the NPPF.
- The NPPF requires a precautionary approach with respect to flood risk. The application should be refused in the absence of site specific infiltration tests to demonstrate that the proposed method of dealing with surface water will manage it safely.
- The proposed surface water drainage solution as outlined in the amended Flood Risk Assessment will require engineering operations within the Root Protection Zone of the TPO Oak trees and would be detrimental to their longevity.

5.7 One letter has been received making general comments about the application. This is specific to access and suggests that the southern end of the single track one way road just beyond the access to Pixiefields should be widened and used as an access for construction traffic and to provide an alternative access to the development site.

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

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

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

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

6. Officer's Appraisal

Principle of Development

6.1 The issue of the Council's lack of a five year housing land supply has been well rehearsed over recent months by other applications and appeal decisions for residential development on land outside of settlement boundaries identified by Policy H4 of the Herefordshire Unitary Development Plan (the UDP). This application is submitted on the same basis and relates to a site that was considered to have low constraints when assessed under the Council's 2012 Strategic Housing Land Availability Assessment (SHLAA).

6.2 In order to establish a degree of consistency in the absence of housing policies that are considered to be up-to-date with the National Planning Policy Framework (NPPF), the Council has adopted an interim protocol for the consideration of applications that would otherwise be contrary to Policy H7 of the UDP. It accepts that appropriate residential development outside the development boundaries of main settlements may be permitted to help address the housing shortfall, subject to all other material planning considerations, and specifies that sites should be located adjacent to main settlements defined by Policy H4 of the UDP. This approach is consistent with the NPPF which presumes in favour of sustainable development.

6.3 In simple geographic terms the site is compliant with the interim protocol as it is immediately adjacent to Cradley's settlement boundary. The village has a number of existing services that include a primary school and doctor's surgery and, in accordance with the NPPF, is considered to be one that is sustainable and appropriate for further development. This is reflected by the fact that it has been identified in the emerging policies of the Core Strategy as

a village that is appropriate for proportionate growth. The determination of this application therefore rests with other material planning considerations and whether they outweigh the Council's lack of a five year housing land supply.

Prematurity

- 6.4 Some letters of objection have suggested that the application is premature and that it should be refused as it will prejudice the emerging Core Strategy and Neighbourhood Plan for Cradley.
- 6.5 Paragraph 14 of the National Planning Policy Guidance (NPPG) offers some useful advice on this matter. It advises that refusals on the grounds of prematurity will usually be limited to circumstances where both:
- a) The proposal is so substantial or that its cumulative effect is so significant that to grant planning permission would undermine the plan-making process by pre-determining decisions about scale, location or phasing of new developments that are central to an emerging Local Plan or Neighbourhood Planning; and,
 - b) The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 6.6 The advice in the NPPG specifically goes on to state that:
- Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local authority publicity period.*
- 6.7 With regard to the two points outlined above, it is your officers view that neither is met to justify refusal on the grounds of prematurity. The substantial and cumulative effect of any proposal needs to be considered in terms of the Core Strategy as a whole. It is accepted that a development of up to 60 dwellings will have a significant effect on Cradley locally, but in terms of the county as a whole its effect on strategic policy objectives is limited. Cradley is identified in the emerging Core Strategy for proportionate growth and, whilst there may be some debate between objectors and the applicant's agent about the precise number of dwellings that this equates to, it is clear that the site was the only one identified in the village through SHLAA as having low or minor constraints.
- 6.8 At present the emerging Core Strategy has yet to be submitted for examination. The Neighbourhood Plan area has been agreed for Cradley but until the Core Strategy is at an advanced stage a detailed document will not be produced.
- 6.9 It is therefore concluded that there is insufficient justification for the proposal to be refused on the grounds of prematurity.

Service Capacity

- 6.10 Cradley is a sustainable settlement. It is identified as a main settlement in the UDP and, as discussed above, is given a similar status by the emerging Core Strategy. Some of the correspondence received opines that existing services are currently at capacity and will be unable to accommodate the development proposed, with particular reference made to the school and doctor's surgery. Other correspondence notes that the village post office has recently closed (although it is understood that a limited service is being provided elsewhere within the village), and that local bus services are likely to be cut.
- 6.11 A contrary debate is that such services will only continue to be sustained in villages if they support further growth. The Draft Heads of Terms attached as an appendix to this report makes provision for education contributions and the advice from colleagues is that only one

year group at Cradley Primary School is currently over capacity, and that the projected intake for the coming year is 20 pupils.

- 6.12 Notwithstanding concerns raised about the capacity of the existing sewerage system, Severn Trent has not objected to the application. This would imply that they are content that there is sufficient capacity within the existing foul system to accommodate the development.

Flood Risk

- 6.13 Your officers have received detailed advice from the Land Drainage Engineer throughout the consideration of this application. An initial objection highlighted that infiltration is not deemed to be a feasible means of discharging surface water from the site and it was recommended that attenuation of all flows on site to the greenfield rate prior to discharge off-site be required. Concern was also raised that the original proposals did not make any provision for extreme rainfall events beyond the design requirements of the attenuation systems, or in the event of a systems failure.
- 6.14 The solution that is proposed removes the reliance on individual property soakaways which work on the basis of surface water directly infiltrating the ground. The drainage solution now proposed directs surface water to two attenuation basins where it is contained during a rainfall event and discharged at greenfield runoff rates. The Land Drainage Engineer has assessed the report completed by the applicant's drainage consultant and the detailed objections made by a local resident and has confirmed that the scheme is acceptable subject to the imposition of conditions as outlined in Paragraph 4.9. On the basis of the advice received your officers are satisfied that the proposal will not give rise to an increased risk of flooding arising from surface water runoff and therefore the proposal accords with Policy DR7 of the Herefordshire UDP.

Highway Matters

- 6.15 Paragraph 32 of the NPPF is key to the highway impact debate where it states:

Plans and decisions should take account of whether improvements can be undertaken within the transport network that cost effectively mitigate the significant impacts of the development. Development should only be presented or refused on transport grounds where the residual cumulative impacts of the development are severe.

- 6.16 The Transportation Manager has visited the site and has considered the contents of the Transport Statement that accompanies the application, and has raised no objection to the proposed use of Pixiefields to gain access to the site. The estate road is considered to be of sufficient width to accommodate the additional traffic that would be generated by such a proposal and the junction with the B4220 offers good visibility in both directions. His comments acknowledge the need for repairs to the road surface in Pixiefields and he has recommended that any approval is subject to a condition to secure its improvement. Given the additional wear to the carriageway that will result from the proposal, this is not considered to be unreasonable and is necessary to facilitate the development.
- 6.17 There have been suggestions that access should be gained directly from the A4103, it is assumed via Chockbury Lane. It is unlikely that the requisite visibility splays could be achieved and the introduction of significant traffic movement would, in your officers opinion, seriously compromise highway safety as this junction emerges at the top of a hill where a short overtaking lane ends.
- 6.18 In conclusion, the proposal will not result in severe impacts on the highway network and the proposal is compliant with Policies H13 and T8 of the Herefordshire UDP and the advice given by the NPPF.

Landscape and Ecological Impacts

- 6.19 The topography of the site does provide a constraint to the development of the site and the indicative development framework that accompanies the application takes account of this by proposing to site an area of open space on the most elevated and visually prominent part of the site. The Landscape Impact Assessment that accompanies the application acknowledges that the development will be seen from public vantage points, including the Malvern Hills AONB. Your officers concur with its conclusion that this will, however, be in the context of the built form of the village as a whole, particularly as the prevailing character of this part is of 20th century residential development.
- 6.20 The detailed layout and design of the scheme will be subject to a Reserved Matters application should planning permission be granted in outline but the site represents an obvious expansion in visual terms and it is considered to be acceptable in principle. The notion of locating the open space in the north western corner of the site is welcomed and the plans clearly indicate that existing hedgerow boundaries to the north and west will be retained. These are important landscape buffers and their retention will help to mitigate the impact of the development on the surrounding rural area, in particular the rural character of Chockbury Lane and the single track lane that runs alongside the western boundary. This accords with Policy LA3 of the UDP which seeks to protect the setting of settlements and those characteristics that contribute towards it.
- 6.21 The retention of the hedgerows is also important in terms of biodiversity as they represent green corridors between the site and other areas. The Council's Ecologist has concluded that the site has limited ecological value and, subject to an appropriately worded condition, the scheme offers an opportunity for biodiversity enhancement in accordance with Policy NC8 of the Herefordshire UDP.
- 6.22 The indicative development framework also proposes a buffer along the southern boundary, keeping development away from the English Oak trees that are covered by a TPO. This would include the bund that is proposed as part of the drainage arrangements for the site ensuring that development does not encroach on their Root Protection Areas. Conditions are recommended to secure this. It is therefore concluded that the proposal also accords with Policy LA5 of the UDP.

Conclusion

- 6.23 The Council cannot demonstrate a five-year supply of housing land with requisite buffer. The housing policies of the UDP are thus out of date and the full weight of the NPPF is applicable. UDP policies may be attributed weight according to their consistency with the NPPF; the greater the consistency, the greater the weight that may be accorded. The pursuit of sustainable development is a golden thread running through both plan-making and decision-taking and identifies three dimensions to sustainable development; the economic, social and environmental roles.
- 6.24 When considering these three points, officers consider that the scheme represents sustainable development and therefore there is a presumption in favour of development. The site lies outside but directly adjacent to Cradley. The village has been identified as a main settlement in the UDP and continues to be considered as a sustainable settlement under Policy RA1 of the emerging Core Strategy.
- 6.25 The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic role. Likewise S106 contributions and the new homes bonus should also be regarded as material considerations. In providing a greater supply of housing and breadth of

choice, including 35% affordable, officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development.

- 6.26 Of the other material planning considerations that have been identified through the consultation process and responses from consultees and members of the public, none carry such significance as to outweigh the presumption in favour of sustainable development. The revisions made to the Flood Risk Assessment and drainage strategy have resolved the original concerns raised by the Land Drainage Engineer and, whilst development will inevitably increase traffic movements through Pixiefields and at its junction with the B4220, these impacts are not considered to be severe.
- 6.27 It is your officer's opinion that there are no matters of such weight to justify the refusal of this application and impacts associated with granting planning permission can be addressed through the imposition of appropriately worded conditions. The proposal accords with those saved policies of the Herefordshire Unitary Development Plan that are compliant with the National Planning Policy Framework, and consequently with the Framework itself. It is therefore recommended that planning permission be granted subject to the completion of a Section 106 Agreement and the imposition of conditions.

RECOMMENDATION

Subject to the expiration of the public consultation period on 18th September 2014 and that no new material planning considerations are raised, officers named in the Scheme of Delegation to Officers be authorised to complete a Section 106 Town & Country Planning Act 1990 planning obligation agreement in accordance with the Heads of Terms stated in the report, and 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. A05 Plans and particulars of reserved matters**
- 5. Prior to commencement of the development, a habitat and species enhancement scheme based upon Section 5 of the report by Ecology Services dated April 2014 should be submitted to and be approved in writing by the local planning authority. The work shall be implemented as approved and an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological enhancement work.**

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

- 6. Prior to the commencement of the development hereby approved the applicant or any successor in title shall enter into an agreement under Section 278 of the Highways Act (date) to determine the extent of highway improvement works required along the residential estate road of Pixiefields from the boundary of the application site to its junction with the B4220. The works as approved shall be completed prior to the occupation of the first dwelling on the site.**

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

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

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and to comply with Policies DR4 and DR7 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

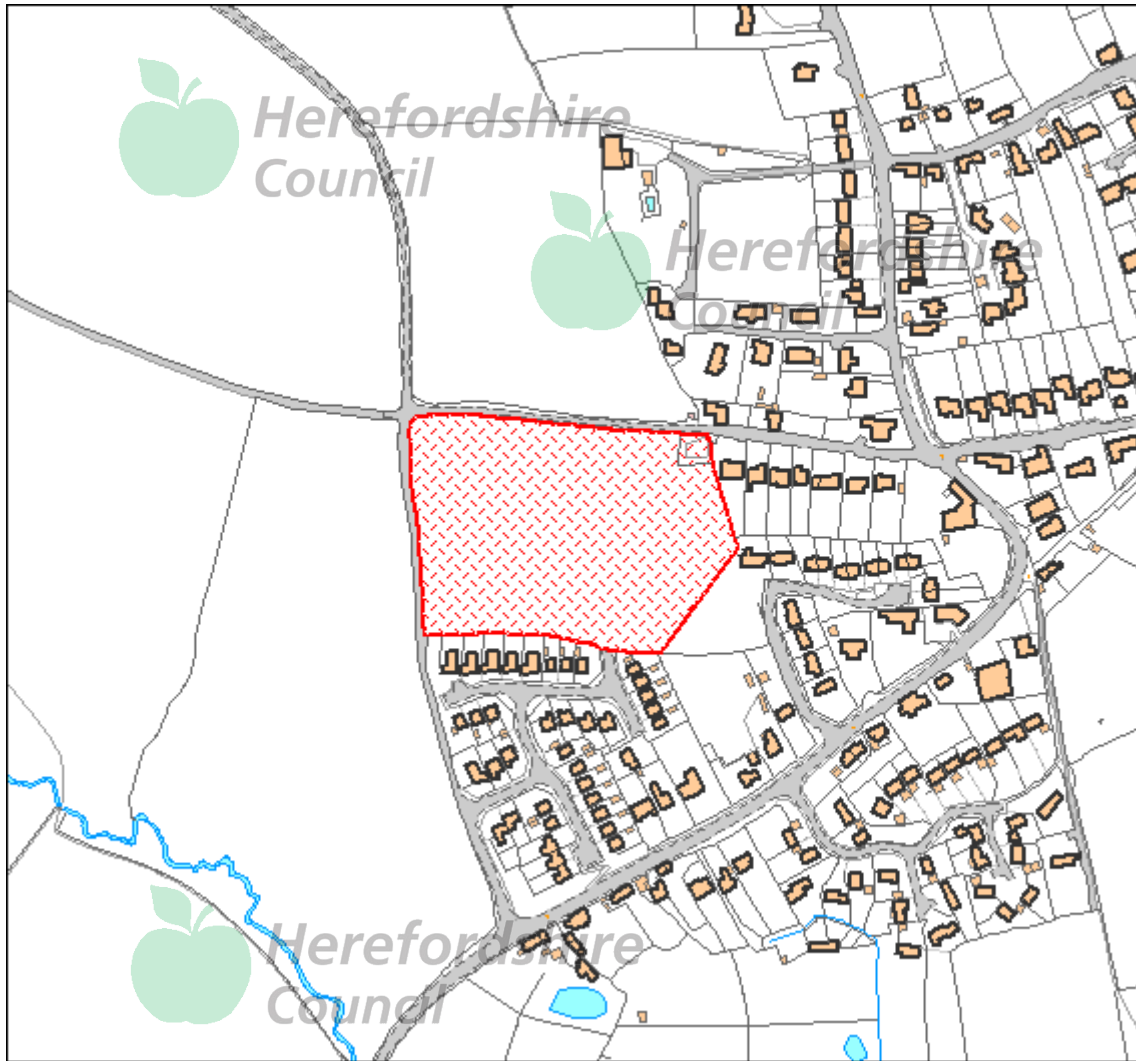
8. L01 Foul/surface water drainage
9. L02 No surface water to connect to public system
10. L03 No drainage run-off to public system
11. M02 Limit rate of surface water discharge
12. G03 Retention of existing trees/hedgerows
13. G04 Protection of trees/hedgerows that are to be retained
14. G17 Provision of open space and play areas (outline permissions)
15. I26 Interception of surface water run off

Informatives:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. N11A Wildlife and Countryside Act 1981 (as amended) - Birds
3. N11C General
4. HN04 Private apparatus within highway
5. HN28 Highways Design Guide and Specification
6. HN05 Works within the highway

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: 140942/O

SITE ADDRESS : LAND OFF PIXIEFIELDS, WESTFIELDS, CRADLEY, HEREFORDSHIRE

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

DRAFT HEADS OF TERMS

PROPOSED PLANNING OBLIGATION AGREEMENT

Section 106 Town and Country Planning Act 1990

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

Planning Application – 140942/O

Residential development comprising 39 open market and 21 affordable homes at Land off Pixiefields, Westfields, Cradley, Herefordshire

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

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

The contribution will provide enhanced educational infrastructure at Cradley Primary School, St Josephs RC Primary School, John Masefield Secondary School, St Marys RC High School, Early Years, Post 16, Youth Services and Special Education Needs. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate. The sum shall be paid in 3 equal instalments on the first occupation of the 10th, 20th and 29th open market dwellinghouse.

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

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

The contributions will provide for sustainable transport infrastructure to serve the development, which sum shall be paid in 3 equal instalments on the first occupation of the 10th, 20th and 29th open market dwellinghouse.

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

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

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

f) Safer routes to school

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

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

The contributions will provide for enhanced Library facilities. The sums shall be paid in 3 equal instalments on the first occupation of the 10th, 20th and 29th open market dwellinghouse.

4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£120.00** (index linked) per open market dwelling. The contribution will provide for waste reduction and recycling in Ledbury. The sums shall be paid in 3 equal instalments on the first occupation of the 10th, 20th and 29th open market dwellinghouse.

5. The maintenance of the 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 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: The attenuation basin will need to be transferred to the Council with a commuted sum calculated in accordance with the Council's tariffs over a 60 year period.

6. The developer covenants with Herefordshire Council that 35% (21 units – on basis of development of 60) 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.

7. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.

8. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-:

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

8.2 satisfy the requirements of paragraphs 8 & 9 of this schedule

9. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
 - 9.1 a local connection with the parish of Cradley and Storrige
 - 9.2 in the event there being no person having a local connection to the parish of Cradley and Storrige a person with a connection to the adjacent parishes;
 - 9.3 in the event of there being no person with a local connection to the above parishes any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 9.1 above.
10. For the purposes of sub-paragraph 8.1 and 8.2 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
 - 10.1 is or in the past was normally resident there; or
 - 10.2 is employed there; or
 - 10.3 has a family association there; or
 - 10.4 a proven need to give support to or receive support from family members; or because of special circumstances;
11. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to such subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
12. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 4 of the 'Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes' or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
13. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3 and 4 above, for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
14. The sums referred to in paragraphs 1, 2, 3 and 4 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.

15. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
16. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.