

MEETING:	PLANNING COMMITTEE
DATE:	21 JANUARY 2015
TITLE OF REPORT:	<p>P143252/F - PROPOSED DEVELOPMENT OF 12 NOS. DWELLINGS, CONSISTING OF 4 NOS. AFFORDABLE AND 8 NOS. OPEN MARKET. WORKS TO INCLUDE NEW ROAD AND LANDSCAPING AT LAND ADJOINING KINGSLEANE, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SP</p> <p>For: Mr & Mrs Glynne Schenke per Mr R Mills, Les Stephan Planning Ltd, 9 Sweetlake Business Village, Shrewsbury, SY3 9EW</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143252&search=143252
Reason Application Submitted to Committee – Contrary to Policy / Staff Application	

Date Received: 21 February 2014

Ward: Bircher

Grid Ref: 344255,261307

Expiry Date: 23 May 2014

Local Member: Councillor WLS Bowen

1. Site Description and Proposal

- 1.1 The site, which covers an area of approx. 0.63 of an hectare, is located outside, but within close proximity to the recognised settlement boundary for Kingsland, a main village in accordance with Policy H4 of the Herefordshire Unitary Development Plan. The site is located within the Kingsland Conservation Area and nearby are listed buildings (Kingsland House Grade 2* and Arbour Farm Grade 2).
- 1.2 The site is situated alongside (east) an existing housing development known as 'Kingsleane', which is an affordable housing site and it is this housing development that is located adjacent to the settlement boundary for Kingsland. The C1036 public highway adjoins the southern side of the site, which provides easy walking route to the village's community facilities such as a primary school, village hall, post office/shop, public house, church and recycling centre. The site forms part of a cultivated field and is surrounded on its southern and northern boundaries by native hedgerows.
- 1.3 The application proposes the construction of twelve dwellings, and associated access road, which will lead into the site off the existing Kingsleane access road. The breakdown of the dwellings is two 4 bed dwellings, six 3 bed dwellings and four affordable dwellings, which consist of four 2 bed dwellings.
- 1.4 The application is made in 'full' and is accompanied by a Planning statement, Design and Access statement, Archaeology, Drainage, Affordable Housing, and Heritage statements, Ecology/Biodiversity and Landscape Management reports and a draft Section 106 agreement. Also accompanying the application are detailed proposed elevation and floor plans, site layout plan and street scene. The Draft Heads of Terms drawn up in accordance with Section 106 of the Town and Country Planning Act 1990 in-line with the Council's Supplementary Planning Document on Planning Obligations, is attached as an appendix to the report.

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

2. Policies

2.1 National Planning Policy Framework

The following sections are of particular relevance:

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

2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S7	-	Natural and Historic Environment
S10	-	Waste
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
H4	-	Main Villages: Settlement Boundaries
H7	-	Housing in the Countryside Outside Settlements
H10	-	Rural Exception Housing
H13	-	Sustainable Residential Design
H15	-	Density
H19	-	Open Space Requirements
T8	-	Road Hierarchy
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement
NC9	-	Management of Features of the Landscape Important for Fauna and Flora
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
HBA4	-	Setting of Listed Buildings
HBA6	-	New Development in Conservation Areas.

2.3 Supplementary Planning Guidance

- Kingsland Parish Plan
- Planning Obligations

2.4 Herefordshire Local Plan Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change

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

RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sports and Recreation Facilities
OS2	-	Meeting Open Space, Sports and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geodiversity
LD5	-	Historic Environment and Heritage Assests
SD1	-	Sustainable Design and Energy Efficiency
SD 3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

Neighbourhood Planning

- 2.5 Kingsland Parish Council have designated a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. An emerging neighbourhood plan may be a material consideration once it has reached submission / local authority publication stage (Regulation 16). In the case of the Kingsland Parish, the Parish Council has prepared a Neighbourhood Development Plan for the area. The neighbourhood area was designated on 15th August 2014. Work has commenced and the plan but has reached draft plan (Regulation 14) stage 5th January 2104. However no weight can be attached in the decision making process at this stage.
- 2.6 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

- 3.1 P140534/F – Proposed development of 12 number dwellings consisting of 4 affordable and 8 open market housing. Works to include new road and landscaping. Refused 25th June 2014.

The application was refused for the following reasons:

- The proposed development by reason of its design and layout does not enhance or preserve the Conservation Area and therefore will have a detrimental impact on the setting of the settlement. The proposed development is accordingly considered contrary to Policies HBA6, LA3 and H13 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.
- No completed Section 106 Agreement under the Town and Country Planning Act 1990 in relationship to planning obligations accompanied the application. Therefore, the proposal is considered contrary to Policy DR5 of the Herefordshire Unitary Development Plan.

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

The application was refused for the following reasons:

- The application site is not considered to be adjacent to the settlement boundary of the village of Kingsland. Consequently, the proposal does not comply with policy H10 of the Herefordshire Unitary Development Plan (2007).
- The proposed development fails to preserve or enhance the character and appearance of the conservation area contrary to policy HBA6 of the Herefordshire Unitary Development

Plan (2007) and to guidance contained with Planning Policy Guidance 15 - Planning and Historic Environment.

- The proposed development by virtue of its location and prominent position is considered to be harmful to the landscape quality of the area contrary to Policy LA2 of the Herefordshire Unitary Development Plan (2007). The introduction of built form in this location would harm the setting and approach to the village contrary to policy LA3 of the Herefordshire Unitary Development Plan (2007).
- The application site is designated as a Special Wildlife site and is recognised as unimproved hay meadow. As such the introduction of development would be contrary to the aims of policies NC4 and NC6 of the Herefordshire Unitary Development Plan (2007) and guidance contained within Planning Policy Statement 9 - Biodiversity and Geological Conservation.
- The proposal, when considered in relation to the adjacent affordable housing site known as Kingsleane, would create a development, harmful to the social cohesion of Kingsland by virtue of not being integrated within or with meaningful context to the existing local community, contrary to policies S1 and S3.

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

The application was refused for the following reasons:

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

- 3.4 92/418 – (Adjoining the site). Erection of ten dwellings approved 4th February 1993. Forming part of the planning approval was an associated section 39 agreement in accordance with the Wildlife and Countryside Act 1981) to ecologically manage the adjoining land and its botanical interests for a period of 10 years, expiring 3 February 2003.

4. Consultation Summary

Statutory Consultees.

- 4.1 English Heritage raises no objections, indicating the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's Conservation advice. Their responses indicate that as the application affects a conservation area, the statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, 1990 Act) must be taken into account by your authority when making its decision.

The responses further state that the elevations treatment of the proposed development should be informed by the conservation area. Where the conservation area is strong in character it should reinforce the choice of materials and the rhythm and style of architectural details and form of the proposed development. If the character of the area is used in a creative way to inform the design of the new building there is an opportunity for new work to add to the design of the conservation area and create a development that reinforces the local distinctiveness of the conservation area in line with NPPF paragraphs 58 to 61. The detailed design of the scheme will be key to the success of the development. We therefore advise you to consider whether the proposed design takes these matters into consideration.

The responses indicating that If the Council is minded to approve the scheme conditions should be imposed requiring the council's prior approval of architectural details, materials and finishes in relation to both aspects of the development.

- 4.2 Welsh Water raises no objections subject to conditions with regards to foul and surface water discharges.

Internal Consultees.

- 4.3 The Parks and Countryside Manager raises no objections indicating that the final mix of housing has changed and the market housing now consists of 6 x 3 bed and 2 x 4 bed which has been acknowledged in the draft heads of terms and contributions including that for off-site play provision have been amended accordingly and are in accordance with the SPD on Planning Obligations. The initial response indicated that a contribution towards play facilities at the Millennium Green is in accordance with UDP policy requirements, the Play Facilities Study and Investment Plan and the SPD on Planning Obligations for a development of this size.
- 4.4 The Conservation Manager, (Ecology), has responded with reservations about the ecological planning history in relationship to the site and indicates *'I am bound to accept the recommendations for enhancement proposed by the ecological report given the substantial and unrealistic prospect of re-creating and maintaining the habitat for which the site was designated.'* The response recommends the attachment of a condition in order to ensure ecological mitigation is carried out as proposed.
- 4.5 The Strategic Housing Manager raises no objections.
- 4.6 The Transportation Manager recommends conditions with regards to access, parking and turning, parking for site operators and no conversion of garages to habitable accommodation.
- 4.7 The Land Drainage Manager raises no objections subject to provision of detailed surface water management design, infiltration test results, groundwater level data, drainage calculations, demonstration that the soakaways are located more than 5m from building foundations, and consideration of adoption, maintenance and siltation control.

4.8 The Conservation Manager, (Landscape), has responded to the application stating:

'Proposed Development:

The proposal comprises 12 residential dwellings with associated access and landscaping. Applications for previous smaller schemes on this site were refused in 2008 and 2009. A further scheme for 12 residential units (P140534/F) was refused in June 2014.

Site and surrounding area.

The site is a greenfield site of approximately 1 acre on land adjoining Kingsleane, Kingsland.

Landscape:

- *The application site comprises the eastern section of a large field of pasture land. To the east of the proposal is the existing development of Kingsleane and to the north and south beyond the Kingsland to Harbour Farm Road (C1036) is open countryside. The particular location of the site means that it performs a dual function; forming part of the open countryside that enhances the setting of the settlement of Kingsland, as well as maintaining a clear visual gap between the built form of West Town and Kingsleane. Given the sites prominence within the landscape, it is disappointing to note that a Landscape Appraisal to assess the impact upon both the landscape and visual amenity has not been submitted as part of the application.*
- *The site lies within the Kingsland Conservation Area. The settlement pattern of which is ribbon development that has extended along North Road. The proposal is set outside of the Village Settlement Boundary approximately 300m south of Church Road and most closely relates to the 1990's development of Kingsleane; a distinct development which has been designed in sympathy with its particular surroundings around the curvature of the road. The current proposal which comprises a cul de sac of 12 dwellings is inward looking and addresses the newly proposed street scene (Design and Access Statement October 2014). It is therefore considered that the proposed self-contained cul de sac does not integrate with the adjacent built form of Kingsleane or relate well to the character of Kingsland.*
- *The Landscape Character Type for this particular location is Principal Settled Farmlands. The strategy for which is to conserve and enhance the hedgerow pattern as well as strengthening the patterns of tree cover associated with settlements (Landscape Character Assessment 2004). It is noted that detailed landscaping plans including specifications and management details have been submitted as part of the application and these are welcomed. It can be seen from the plans that additional hedgerow planting along the western boundary as well as extensive tree planting is proposed, in line with the Landscape Character Type. It is further noted existing hedgerows are to be retained and that the area to the west of the site is within the applicant's ownership and is therefore proposed for retention as green space with opportunities for enhancement indicated.*
- *Given the particular location of this proposal and the function it performs as part of the setting of the rural settlement of Kingsland, it is considered that development in this location will impact upon the setting of Kingsland. In the event that the planning officer on weighing up the various considerations decides in favour of the proposal, I would recommend the following conditions to be applied; G04, G10 including details of SUDs proposals and boundary treatments and G11.'*

4.9 The Conservation Manager (Historic Buildings), has responded indicating:

'The site is located on the outskirts of a small cluster of dwellings known as Kingsleane, which is to the south of the main village of Kingsland. It is within the Kingsland Conservation Area which encompasses Kingsland, West Town and Kingsleane. The application is for a development of 12 dwellings arranged round a cul de sac.

Since 2008 this site has been the subject of three previous applications for housing, the first two on a smaller part of the existing field. The previous applications were considered by three different Senior Building Conservation Officers and each recommended refusal of the application. Subsequently the applications were formally refused with the last application being refused in July 2014. The Conservation Team have consistently raised strong objections to any development of the application site due to the adverse impact on the character and appearance of the Kingsland Conservation Area.

As indicated above there are three separate areas within the Kingsland Conservation Area: the main village which has developed in a linear form along a single village road; West Town which is a loose cluster of about 30 dwellings to the west of the main village; Kingsleane which is a very small cluster of housing located between Kingsland and West Town and includes the former Rectory and its outbuildings, now called Kingsland House and The Lees, both of which are grade II listed. Other than these three distinct areas the built environment is scattered and small scale.

The separation of the three areas is clearly visible when visiting the Kingsland Conservation Area and is supported by the cartographic evidence. The separation of the nodes by means of open fields is a fundamental part of the character of the conservation area. It is therefore considered critical to the preservation of the heritage asset that the balance between space and built form be respected and upheld.

As I have already commented in relation to the July 2014 application, the proposal to develop half of the field, currently separating Kingsleane and West Town, would visually link the two nodes together by significantly reducing their separation distance. The development would alter the character of the Kingsleane node by changing it to ribbon development. This would be contrary to the character of the conservation area and would neither preserve nor enhance it.

To the south of the development is the Fire Station: the proposed scheme would link the Kingsleane node to that currently detached element. Whilst an expansion to the Fire Station has previously been granted it is understood that this scheme is unlikely to be proceeding, so the site will remain as a small detached plot rather than a large facility. It currently does not dominate the views from the south but should the proposed development be constructed there will be a significant increase in built form which will link visually with the fire station and also West Town. The scale of this intrusion would be harmful to the heritage asset of the conservation area.

The layout of the proposed scheme is arranged round a cul de sac, which is not a traditional form of development in this rural context, though it has been used on infill plots in the main linear village. The access road design does allow for the retention of the existing hedgerow but this is considered inadequate compensation for the location of 12 dwellings behind the hedge which are clearly visible from both long and short views and do not reflect the rural character of the area.

The 1993 Kingsleane development immediately to the east of the application site was extremely well considered and is a positive introduction to the landscape and conservation area. It is considered that this careful scheme would be visually compromised by the development of the currently open field to the west as a more suburban form would be introduced.

The impact on the settings of the grade II listed buildings near the site would however be only slightly adverse. This is partly due to the maturity of the landscaping immediately surrounding the various buildings however the wider setting would be altered, in that the balance would change between open space and built form. The linking of West Town to Kingsleane would remove the distinction between the two nodes, to the detriment of the local character.

Overall a strong objection is again raised to any built development on this site. The scheme is considered to be contrary to policy HBA6 as it would not preserve or enhance the conservation area of Kingsland.

4.10 The Archaeology Manager raises no objections.

4.11 The Schools Organisation and Capital Investment Manager raises no objections.

5. Representations

5.1 Kingsland Parish Council has responded to the application indicating:

In response to the amended plans received their response states:

'Kingsland Parish Council met yesterday evening, Monday 5 January 2015, in an extraordinary meeting to consider the amendments to planning application P143252/F Land adjoining Kingsleane, Kingsland.

The parish council agreed that the amended plans do not change the comments provided on 27 November 2014. The parish council remains opposed to the planning application. However, in the event that the application is approved, the parish council supports the amended plans (dated 5 December 2014) in preference to the original application.'

Their initial response indicated:

'On 25 November 2014, Kingsland Parish Council voted to oppose the planning application on the following grounds:

- The proposed site for development falls outside the current settlement boundary. The parish plan for Kingsland shows clear support for most new homes to be built within the settlement boundary or using brownfield sites.*
- The emerging neighbourhood plan for Kingsland, which is in its final stages, and will shortly be submitted to Herefordshire Council, anticipates that the proposed site for development will remain outside the settlement boundary. One of the planning policies in the draft Kingsland neighbourhood plan is to conserve the traditional separation between West Town and Kingsland village – building on the proposed plot will undermine this policy.*
- Herefordshire Council's SHLAA designates the proposed site for development as having "no potential during the plan period".*
- As the proposed site is not within or adjacent to the built up area of the village it is contrary to policies in the NPPF, UDP and the emerging Core Strategy.*
- Since 2011, 40 houses have been built or given planning permission in Kingsland, which means the village is on track to achieve the development guideline of 14 percent, or 44 houses, in Herefordshire Council's Core Strategy.*

5.2 Twenty letters in support/positive comments in relationship to the application have been received. Key issues raised in support of the application can be summarised as follows:

- The affordable housing as proposed is welcomed.
- The location is considered a sustainable location with consideration to the services the village provides.
- Impact on surrounding built environment area is considered acceptable.
- No detrimental impact on public highway matters.

5.3 Letters of objection have been received from two separate households namely Patricia Potheary, Longford House, Kingsland, (1) and Mr. & Mrs. R. Sharp-Smith, Kingsland House, Kingsland. (2).

The key objections can be summarised as follows:

- Proposal is in conflict with the Kingsland Neighbourhood Plan.

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

- Location is not considered sustainable in relationship to access to local services, with poor public transport provision.
- The overall scale, design and layout of the development is considered poor and not in accordance with advice as set out in paragraph 56 (requiring good design), of the NPPF. Proposed solar panels will look prominent and are an untraditional feature within a Conservation Area.
- Detrimental impact on the character of the surrounding Conservation Area in which the site is located within.
- Proposed development does not compliment the historic field pattern of the area in which Kingsland is located within and will have an urbanisation affect on the character of the surrounding area.
- The site forms part of a field that was until recently a species rich wildflower meadow, a special wildlife site that appears to have been destroyed.
- The application site is not considered to be adjacent to the settlement boundary of the village of Kingsland.
- Not enough sufficient need for the development in Kingsland.
- The village Primary School is at full capacity and is always oversubscribed for places.
- Local employment prospects are unfavourable.
- The survey recently conducted for the Kingsland Parish Plan has identified that the majority of residents favour new housing units to be built on brown field and infill sites and within the village boundary. In addition the results of the Housing Needs Survey have not yet been analysed.
- The expansion of the built environment at this location would detract from the essential character of the area. It would significantly reduce the separation between West Town and Kingsleane and therefore be counter to the character of the area. It would be a form of ribbon development in a part of the area where it is important to retain the open fields as the local setting to the village.
- The proposed development would link Kingsleane with the fire station and significantly increase the overall scale and impact of the built form".
- The proposed Kingsland Fire Station training block and associated buildings which would have significantly altered the appearance of the conservation area has been shelved and will now not be built. Consequently there is still a characterful conservation area worth protecting. In their proposal the applicant attempts to use the Fire Station development to mitigate the effect of and therefore to support their application.
- The proposed development by virtue of its location and prominent position would be harmful to the landscape quality of the area.
- The site is designated as a Site of Special Wildlife and is a site of special interest for nature conservation. It is recognised as an unimproved hay meadow and despite the loss of the original nature of the hay meadow, it still forms part of the Green Wildlife Corridor that connects sites within the village. This corridor would disappear if it were to be developed for housing. The wildflower meadow could also be re-established.

- The proposal would result in unacceptable overloading of the waste water system in this area of Kingsland. Welsh Water have been categorical in their assessment that no further waste water or surface runoff can be introduced into the current system.
- Winter flooding from the drains, including foul sewage, has historically been and still is, a regular occurrence on this road. This results in flooding on the corner and the filling of the adjacent ditch. During this winter particularly, the water has flowed across our land and entered the Lugg River drainage system via the stream which connects with the Pinsley Brook.
- Comments are also made about further affordable housing on a site alongside an existing affordable housing development.

5.4 Herefordshire Campaign for the Protection of Rural England has responded to the application recommending refusal of the application indicating:

Landscape

The application site is a greenfield outside the main village envelope of Kingsland. The site, together with the adjacent fields forms part of a green corridor to the western edge of the village.

Until recently the site was part of a Special (local) Wildlife Site, NC4 and NC6, listed in the UDP as SO 46/12., categorised as an unimproved hay meadow, one of a rapidly vanishing number in Herefordshire. It was that designation that ensured that an application in 2009 to build on the site was refused. No prior warning of its destruction by ploughing was given by the owner (the present applicant). Although it is now stated that the meadow was ploughed after the designation had lapsed, the action demonstrates a lack of concern for the locality's biodiversity and ecological heritage. The original designation could have been renewed.

We therefore object because we consider the proposed development will be an intrusion in the visual landscape of a green area outside the village envelope.

We also object because the development will further reduce the biodiversity on this old meadow. The land has been reseeded with grass and if left alone and cut for hay, some of the previously identified meadow flora will probably re-emerge. If built over they most certainly will not.

Neighbourhood Plan

We understand that the Kingsland Neighbourhood Plan is well advanced and does not identify this site as one that the community wishes to see developed for housing. Sites were identified elsewhere that are of sufficient area to satisfy the stated housing needs and the requirements of the new Herefordshire Local Plan. Thus the application, in terms of its location, is contrary to, and in conflict with the expressed wishes of the local community. If the site is developed it will result in over-development for the village and a disregard for the democratic principles that underpin the present government's legislation that encourages Neighbourhood Planning.

Housing Land Supply

In line with many other recent proposals for developing on greenfield sites in Herefordshire, the applicant refers to Herefordshire Council's shortfall in producing a 5 year supply of housing land, using the strictures of the NPPF to support the case for development on the site.

However, the NPPF does not state that each and every green space should be built on to provide a contribution to the 5 year supply.

The NPPF is very clear that sustainable development should be the aim of every development plan. "Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment....moving from a net loss of bio-diversity to achieving net gains for nature..." Paragraph 9

We consider that the present application fails to comply with those principles. Design and layout
The NPPF , section 7, requires good design, and indicates ways in which that might be interpreted with concepts of layout and building design that are sympathetic to local architectural vernacular form. We consider that the proposal fails to do this.

Given the success of the Kingsleane development that has been judged to integrate well into its location and general scape of the village, it is puzzling why the present application has not followed a similar path. The houses with attached garages are wide on their plots and result in a bulky aggressive street scheme. It is a scheme that might be suitable as part of a large suburban development but is totally unsympathetic to the conservation area of a village with very old origins.

We do not agree with the Design & Access statement in section 4. That the layout "is reflective of the local built environment".

NPPF , Para 64 states "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area... "

H13 "Proposals for residential development at all scales... will be expected to .. take an integrated and comprehensive approach to design , layout and landscape which respects the townscape and landscape context of the site and the distinctive character and appearance of the locality"

HCPRE considers that the proposal does not comply with H13.

HCPRE considers that the proposed design and layout will be a highly undesirable addition to Kingsland, and will moreover have a directly negative effect on the neighbouring Kingsleane.

From the details of the house designs it is unclear whether the "massive external chimney stacks" function as usable chimneys.

We are surprised that all 4 affordable properties have only 2 bedrooms. Many villages in Herefordshire are in need of affordable family homes with at least 3 bedrooms. The designs portray extremely small dwellings, with no internal storage space. Had the designs of the market houses been more similar to other properties within the village, more space might have been available for larger footprints for the 4 affordable houses.

HCPRE welcomes the proposal in 4.2 to provide solar thermal panels to all plots on the roof slopes.

In the light of the list of aspects of the application that are not in compliance with either the NPPF or Herefordshire Council's Planning principles we consider it should not be allowed.

- 5.5 The consultation responses can be viewed on the Council's website by using the following link:-
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

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

6. Officer's Appraisal

- 6.1 This application is a re-submission of a previous application (reference P140534/F), refused planning permission on 25th June 2014 following a Planning Committee site visit where members resolved that the proposed development by reason of its design and layout did not enhance or preserve the Conservation Area and therefore would have a detrimental impact on the setting of the settlement. The proposed development was considered contrary to Policies HBA6, LA3 and H13 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework. The current application under consideration seeks to address these issues.
- 6.2 The site for the proposed development adjoins an affordable housing development comprising ten dwellings which itself is adjacent to the recognised development boundary for Kingsland.
- 6.3 The key issues in relationship to this application are:

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

- Justification and need for the proposed development.
- Impact on character of the surrounding Conservation Area and Landscape.
- Ecological status of the site.
- Drainage issues.
- Development in relationship to the Kingsland Neighbourhood Plan.

Justification and Need for the Proposed Development

- 6.4 The application seeks full planning permission for the erection of twelve dwellings on land outside a main village's settlement boundary (Policy H4 of the UDP). The application, in common with many considered by Planning Committee recently, is submitted against the backdrop of a published absence of a 5-year housing land supply as required by the National Planning Policy Framework (2012).
- 6.5 In response to the acknowledged deficit the Council introduced an interim protocol in July 2012. This recognised that in order to boost the supply of housing in the manner required it would be necessary to consider the development of sites outside existing settlement boundaries. The protocol introduced a sequential test, with priority given to the release of sites immediately adjoining settlements with town or main village status within the UDP. For proposals of five or more, the sites in the first rank in terms of suitability would be those identified as having low or minor constraints in the Strategic Housing Land Availability Assessment (SHLAA).
- 6.6 The position as regards the scale of the housing land supply deficit is evolving. Whilst the latest published position confirms a deficit, the magnitude of deficit reduces if all sites that are identified as suitable, achievable and available are taken into account. This presupposes, however, that these sites will come forward within 5 years and that they will be given planning permission. As such, it remains the case that for the purposes of housing delivery the relevant policies of the UDP can be considered out of date. As such, and in accordance with paragraph 14 of the NPPF the Council should grant permission for *sustainable* housing development unless:-
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.*
- 6.7 The Government's position on this locally has also been confirmed by a recent appeal decision for 35 dwellings at Kingstone. The appointed Inspector made it clear that in the context of a housing land supply deficit there can be no legitimate objection to the principle of development outside the UDP defined development boundary; UDP Policy H4 being out of date.
- 6.8 There remains a requirement for the development to accord with other relevant UDP policies and NPPF guidance; paragraph 14 makes it clear that the balance between adverse impacts and benefits should be assessed against the policies in the NPPF as a whole. However, in terms of principle, if the development is acceptable in all other respects, officers consider that the conflict with UDP policy H7 is not a reason for refusal that could be sustained on appeal.
- 6.9 As well as consideration of the principle of developing a green-field site the application raises a number of material considerations requiring assessment against saved UDP policies and guidance laid down in the NPPF. Firstly there is the assessment as to whether the development would represent sustainable development. The NPPF refers to the social, environmental and economic dimensions of 'sustainable development', but does not define the term. Paragraph 49 of the NPPF indicating that '*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of*

deliverable housing sites.' In this case the site is considered to represent a sustainable location for development, the village of Kingsland providing a range of services considered necessary to sustain a typical household.

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

Impact on the Character of the Surrounding Conservation Area and Landscape

- 6.12 The Council is under a statutory duty to consider the impact of the proposal upon the adjoining heritage assets. The site is located within the designated Conservation Area for Kingsland and within close proximity to the setting of two nearby listed buildings. Namely Kingsland House, (Grade II*), and Arbour Farm. (Grade II). Impacts on the settings of the listed buildings as well as the Conservation Area are a material consideration in the determination of this application.
- 6.13 Paragraph 132 of the NPPF indicates in relationship to the historic environment:

'When considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.'

Paragraph 134 of the NPPF states:

'Where a development proposal will lead to less than substantial harm to the significance of a designated asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

- 6.14 The Conservation Manager objects to the development, indicating concerns about impact on the landscape and build character of the surrounding environment, which includes the existing 'Kingsleane' development alongside the eastern side of the site. The Kingsleane development consists of 10 dwellings looking onto a 'village green' type landscape, that was granted planning approval on 4th February 1993. This is considered a unique 'affordable housing' scheme, which has integrated into the surrounding built environment, and as the Conservation Manager commented in the response to the application *'it is a rare scheme which adds distinction to its surroundings without hiding behind hedges'*, the response further stating that it is a sensitive detailed design with skilful concealment of the access and parking arrangements.
- 6.15 The key UDP policies in relationship to Conservation and Landscape issues are Policies HBA4: Setting of listed buildings, HBA6: New development within Conservation Areas, LA2: Landscape character and areas least resilient to change and LA3: Setting of settlements.
- 6.16 Policy HBA4 indicates that development proposals which would adversely affect the setting of listed buildings will not be permitted and that impacts will be judged in terms of scale, massing, location, detailed design and the effects of its uses and operations. It is considered that the development will not have any adverse impact on the setting of any nearby listed buildings, (nearest being Kingsland House and Arbour Farm), and this is acknowledged by the Conservation Manager who has indicated in her response that impacts on the setting of the listed buildings near the site will only be 'slightly adverse, and it is noted that English Heritage raise no objections on this issue. Therefore the development is considered to be in accordance with Policy HBA4 of the UDP and the NPPF on this matter.

- 6.17 Policy HBA6 indicates development will not be permitted unless it preserves or enhances its character and appearance. The policy refers to a requirement for a comprehensive design approach in order to address a number of issues such as in relationship to the development, the type and scale of uses proposed, which should compliment existing uses and help to preserve and enhance the character and vitality of an area, whilst respecting scale, massing and height of adjoining buildings and surrounding character and where the setting of and views are important to the character and appearance of an area, these should be safeguarded and protected as should topographical features such as trees and hedgerows and landscape features that contribute to the character and appearance of the area.
- 6.18 Policies LA2 refers to new developments that would adversely affect either the overall character of the landscape, as defined by the Landscape Character Assessment and the Historic Landscape Characterisation or its key attributes or features, will not be permitted. Proposals should demonstrate that landscape character has influenced their design, scale, nature and site selection. Policy LA3 indicates that development will only be permitted where it would not have an adverse effect upon the landscape setting of the settlement concerned and that important visual approaches into settlements, views of key buildings, open areas into development, green corridors, ridgelines and surrounding valued open countryside will be particularly protected and, where necessary, enhanced. The policy also states that the creation of open space, green wedges, and tree lines will be promoted where they compliment and enhance landscape character and townscape. Whilst the concerns as raised by the Conservation Manager in relationship to UDP policy HBA6 is recognised, it is acknowledged that the development proposes retention of the native historic hedgerows that were a key positive contributor to the overall character of the area when the Conservation Area was considered.
- 6.19 The Kingsland Conservation Area was designated in 1975 and its critique refers to Kingsland being a linear village and that a considerable proportion of the village is made up of more recent development and that the actual street scenes in Kingsland are very varied, often depending on how much the trees and hedgelines have been removed when new development has been initiated. The report puts a strong emphasis on the varied character of the settlement and also refers to the nature of trees and hedgerows that give the settlement a strong character and disappointingly notes that in some locations native hedgerows have been removed in order to enable housing development. The Landscape Character Assessment clarifies Kingland as being an area of 'Principle Settled Farmlands' to which its key characteristics are hedgerows used for field boundaries in an area notably domestic in character.
- 6.20 The application site is separated from the adjacent public highway by a native hedgerow and the development does not propose removal of any native boundary hedgerows, which were and in some aspects are still a strong character feature of the immediate area and will help integrate the development into the landscape when viewing the site from the boundary of the Conservation Area nearest to the application site. Further still the applicants propose further landscape enhancement proposals which will enhance the landscape character in relationship to the development as proposed. The built up areas of the main section of the village and the 'West Town area' located mainly alongside the A4110 public highway will still retain a separate identity, as farmland will continue to separate the two built up areas. It can therefore be argued that the development represents a suitable small scale development, as a natural progression of the village's built environment, in order to provide sustainable housing development which will help towards the Council's available house building land supply. Whilst it is not similar in scale to the existing Kingsleane development, this 'affordable' housing development located on the corner of the adjacent C1036 highway will retain its unique character, as the proposed development will not compete with this scheme, whilst retaining the hedgerow character around the site that was evidently a strong landscape character of the area when the Conservation Area was firstly considered for Conservation Area designation.
- 6.21 With consideration to the location and its Conservation designation, on balance the development is considered to be in accordance with the aims of the NPPF and although it proposes a new build development on a site alongside an existing residential development which does have a special

identity of its own, the development subject to this application does retain the boundary hedgerows which were clearly a defining character of the area when it was considered for Conservation status. The layout, scale and design is considered to be much improved to that of the previous refused application providing an improved relationship to the Conservation Area and its preservation with a proposal considered much more sympathetic to the surrounding built character. In the wider context of the village, the development, on balance, will integrate satisfactorily and therefore overall will preserve and enhance the Conservation Area. Consideration also has to be given to the Council's lack of five year land supply and the requirement for a presumption in favour of sustainable development must be given significant weight in the planning balance.

Ecological Status of the Site

- 6.22 Objections have been received from Herefordshire Campaign for the Protection of Rural England, (HCPRE), as well as comments made in a letter of objection from a member of the public, with regards to the ecological interests of the site, which is a designated special wildlife site.
- 6.23 The UDP identifies the site as a special wildlife site, (ref: SWS 46/012). In accordance with planning approval reference 92 418 dated 4th February 1993, the applicants agreed to a Section 39 agreement under the Wildlife and Countryside Act 1981 and the Town and Country Planning Act 1990 in consideration of the affordable housing. The Section 39 agreement was to ensure that the adjoining meadow was managed for a period of 10 years in order to retain the variety of flora on the land to the east of Harbour House, (including the site subject to this application).The agreement allowed the production of hay on site and stated that the applicants must control notifiable weeds in accordance with good agricultural practice and that surrounding hedgerows were to be retained and managed. This agreement expired on 3rd February 2003 as confirmed in a letter from the Council to the applicant dated 2nd March 2005.
- 6.24 The Planning Ecologist has responded indicating he accepts the recommendations for enhancement proposed by the ecological and amended landscape reports submitted in support of the application given the substantial and unrealistic prospect of fully re-creating and maintaining the habitat for which the site itself was originally designated. It is recommended that a condition is attached to any approval notice issued as recommended by the Conservation Manager(Ecology) in order to ensure ecological mitigation as proposed is carried out.
- 6.25 It is considered that a refusal based on ecological issues could not be sustained.

Drainage Issues

- 6.26 A letter of objection received raises concerns about flooding and drainage issues.
- 6.27 Welsh Water have responded to the application with no objections recommending conditions be attached to any approval notice issued with regards to foul and surface water drainage from the site. The Land Drainage Manager also raises no objections subject to provision of detailed surface water management design, infiltration test results, groundwater level data, drainage calculations, demonstrating that the soakaways are located more than 5 metres from building foundations and consideration of adoption maintenance and siltation control.
- 6.28 It is considered that drainage issues can be adequately addressed via the attachment of suitable worded conditions attached to any approval notice.

Development in relationship to the Kingsland Neighbourhood Plan

- 6.29 Concerns have been raised about the forthcoming Kingsland Neighbourhood Plan and Kingsland's contribution towards the County's housing supply and that most residents favour brownfield development and that the site is not allocated for residential development or within the proposed settlement boundary, in accordance with the emerging Kingsland neighbourhood plan. The Neighbourhood Plan has only reached reg 14 stage(draft plan) where no weight can be attached in the planning balance. The emerging core strategy examination will begin on the 10 February and likewise no weight can be attached. As such prematurity cannot be argued as a reason to refuse this

application. The Council cannot at present rely on emerging Core Strategy policies or that of associated neighbourhood plan proposals

Other Matters

Benefits Arising From the Proposal

- 6.30 S38(6) of the Planning and Compulsory Purchase Act necessitates review of other material considerations alongside the provisions of the Development Plan in exercising the 'planning balance'. The main material consideration in the context is the National Planning Policy Framework, which supersedes the housing supply policies of the UDP. As such the acknowledged shortfall in deliverable housing sites represents a consideration of significant weight in favour of the scheme. The scheme would also boost the supply of housing as well as contribute towards addressing the current need for affordable housing within the parish. In terms of the economic dimension of sustainable development, the development would introduce benefits in terms of the New Homes Bonus, as well as investment in jobs and construction in the area.
- 6.31 S106 contributions of £86,578 have been confirmed. It is agreed that contributions towards education infrastructure, open space, library and waste/recycling facilities and sustainable transport strategies are compliant with the CIL regulations (122(2)). In this respect the scheme complies with 'saved' UDP policy DR5, the Planning Obligations SPD and the Framework.

Kingsland Primary School

- 6.32 Concerns have also been raised about the capacity of Kingsland Primary School and its ability to accommodate more children as a result of the development. The Planning Obligations Manager raises no objections in respect of the Draft Heads of Terms submitted in support of the application which makes a contribution towards local infrastructure requirements which includes Kingsland primary school. It is also noted that a letter dated 13th October in support of the application from the headteacher of Kingsland Primary School supports the application.

Transportation

- 6.33 Issues have also been raised about public transport issues. It is noted that the Transportation Manager raises no objections. As indicated earlier in this report the site is considered sustainable being located alongside existing residential development that forms part of a main village in accordance with policy H4 of the UDP.

Design

- 6.34 Design and layout has also been raised as an issue in that the development does not appear significantly different to the previous refused application and that solar panels as proposed are a prominent and untraditional feature that appear incongruous in this part of the Conservation Area. The layout still retains a road dominated arrangement and that parking arrangements for motor cars in relationship to the affordable housing appears dominant.
- 6.35 With consideration to the surrounding built environment and landscape which includes reference to the heritage assets, it is considered that the revised plans submitted indicate a layout, design and scale of development that is appropriate and acceptable in relationship to the location and it is noted that many of the letters in support of the application make reference to the requirement for dwellings of a scale as proposed. Solar panels as proposed it is understood are as a result of member comments to the previous application refused planning permission.

Kingsland Fire Station

- 6.36 Reference is made to Kingsland Fire Station which is located on the opposite side of the C1036 road alongside the southern side of the site and a previous planning approval for training facilities. This approval is still valid and was subject to a Judicial Challenge which was dismissed by the High Court.

Further Housing Development

- 6.37 Comments with regards to land to the west of the site are noted and members are reminded that each application has to be considered on its own merits. Dwelling construction standards will have to be in accordance with Building Regulation standards and it has been established that development of the site is sustainable.
- 6.38 A Draft Heads of Terms drawn up in accordance with the Town and Country Planning Act 1990 on planning obligations has been submitted in support of the application to which no objections are raised. They provide for a raft of contributions amounting to £86,578 details of which are appended to this report.

7. Conclusion

- 7.1 In accordance with S38 (6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.2 In the weighing of material considerations regard must be had to the provisions of the NPPF; especially in the context of a shortage of deliverable housing sites. It is acknowledged that the development places reliance upon the presumption in favour of sustainable development as set out at paragraph 14 of the NPPF in the context of a housing land supply deficit, but equally that the emerging policies of the Core Strategy and Neighbourhood Plan are not sufficiently advanced to attract weight in the decision-making process.
- 7.3 The contribution that the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged. The raft of S106 contributions are also noted. The ability of an increased population to underpin local services is also recognised.
- 7.4 Whilst it is acknowledged that the planning history of the site is one of 'refusal' of development, the issues as raised by the Conservation Manager have been fully considered and the retention of the native hedgerows together with utilising the existing access into Kingsleane results in the development overall preserving the Conservation Area, (a recognised heritage asset), and it is considered that the different built-up nodes, as referred to by the Conservation Manager will still be recognisable and impacts on these are considered on balance acceptable. The Conservation Manager acknowledges that impacts on the settling of the listed buildings in the vicinity is considered acceptable, indicating the impact on the nearest listed buildings, will be only slightly adverse. In addition the Council's lack of a five year house land supply must be given significant weight within the planning balance. Accordingly the appraisal demonstrates that development on site is now considered acceptable with reference to the Conservation Area and its original designation, landscape impact and the fact that the application does not propose removal of any native hedgerows which were clearly an important historic feature of the area when the Kingsland Conservation Area was adopted. In addition the applicants have also offered further landscape/biodiversity mitigation which it is considered will enhance the surrounding area is also considered material consideration the planning balance.
- 7.5 Therefore Officers consider that in the context of existing development within Kingsland, the design of the proposal in terms of its layout and architecture is acceptable. As such on issues in relationship to heritage assets, the surrounding historic built environment and landscape, on balance, the development is considered acceptable. It is acknowledged that concern have been raised as outlined in this report, but equally many letters of support from residents of Kingsland have been received. Issues of concern as raised are considered to be addressed satisfactorily with appropriate conditions attached to any approval notice issued.

- 7.6 When considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that the presumption in favour of approval is engaged.
- 7.7 It has been demonstrated that the ecological issues with regards to the site designation cannot be sustained as a reason for refusal, Drainage issues are considered to be addressed satisfactory with the attachment of appropriate conditions
- 7.8 Any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits and it is recommended that planning permission be granted subject to the completion of a legal undertaking under Section 106 of the Town and Country Planning Act 1990 and planning conditions as referred to below.

RECOMMENDATION

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

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
 - Site plan as proposed - amended drawing number P301 - Rev. A
 - Site location plan submitted in support of the application.
 - Plot 1 Floor plans and elevations - drawing number P100- Rev A.
 - Plots 2 and 3 Floor plans and elevations - amended drawing number P101 - Rev B
 - Plot 4 Floor plans and elevations - drawing number P102- Rev A.
 - Plot 5 Floor plans and elevations- amended drawing number P103- Rev B.
 - Plot 6 Floor plans and elevations - amended drawing number P104- Rev B.
 - Plot 7 Floor plans and elevations - amended drawing number P105- Rev B.
 - Plot 8 Floor plans and elevations - drawing number P106- Rev A.
 - Plots 9 and 10 Floor plans and elevations - amended drawing number P107- RevB
 - Plot 11 Floor plans and elevations - amended drawing number P108 - Rev B.
 - Plot 12 Floor plans and elevations - drawing number P109 - Rev A.
- 3. C01 Samples of external materials**
- 4. D04 Details of window sections, eaves, verges and barge boards**
- 5. D05 Details of external joinery finishes**
- 6. F14 Removal of permitted development rights**
- 7. G04 Protection of trees/hedgerows that are to be retained.**
- 8. G09 Details of Boundary treatments**
- 9. G10 Landscaping scheme**
- 10. G11 Landscaping scheme - implementation**
- 11. Prior to any development on site details will be submitted to and approved in writing by the Local Planning Authority with regards to a detailed surface water management design, which will include detail with regards to infiltration tests results, groundwater**

level data, drainage calculations and soakaways located more than 5 metres in distance from building foundations.

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

12. L01 Foul/surface water drainage
13. L02 No surface water to connect to public system
14. L03 No drainage run-off to public system
15. H13 Access, turning area and parking
16. The recommendations for species mitigation and habitat enhancement must be carried out in accordance with the details in Section 7 and 8 of the ecologist's report from Starr Ecology dated December 2013 together with the subsequent amended landscape proposals contained in the Amended Landscape Management Plan, revised Soft Landscape Proposals and specifications from John Challoner Associates dated October 2014. The work shall be implemented as approved with written confirmation of completion accompanied by photographic evidence to be submitted to the Local Planning Authority for formal discharge of this condition. An appropriately qualified and experienced ecological clerk of works must be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

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

17. H27 Parking for site operators.
18. F08 No conversion of garages to habitable accommodation

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. HN01 Mud on highway
3. HN04 Private apparatus within highway
4. HN05 Works within the highway
5. HN07 Section 278 Agreement
6. HN17 Design of street lighting for Section 278
7. HN10 No drainage to discharge to highway

8 Dwr Cymru Welsh Water Advisory Notes

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

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

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

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

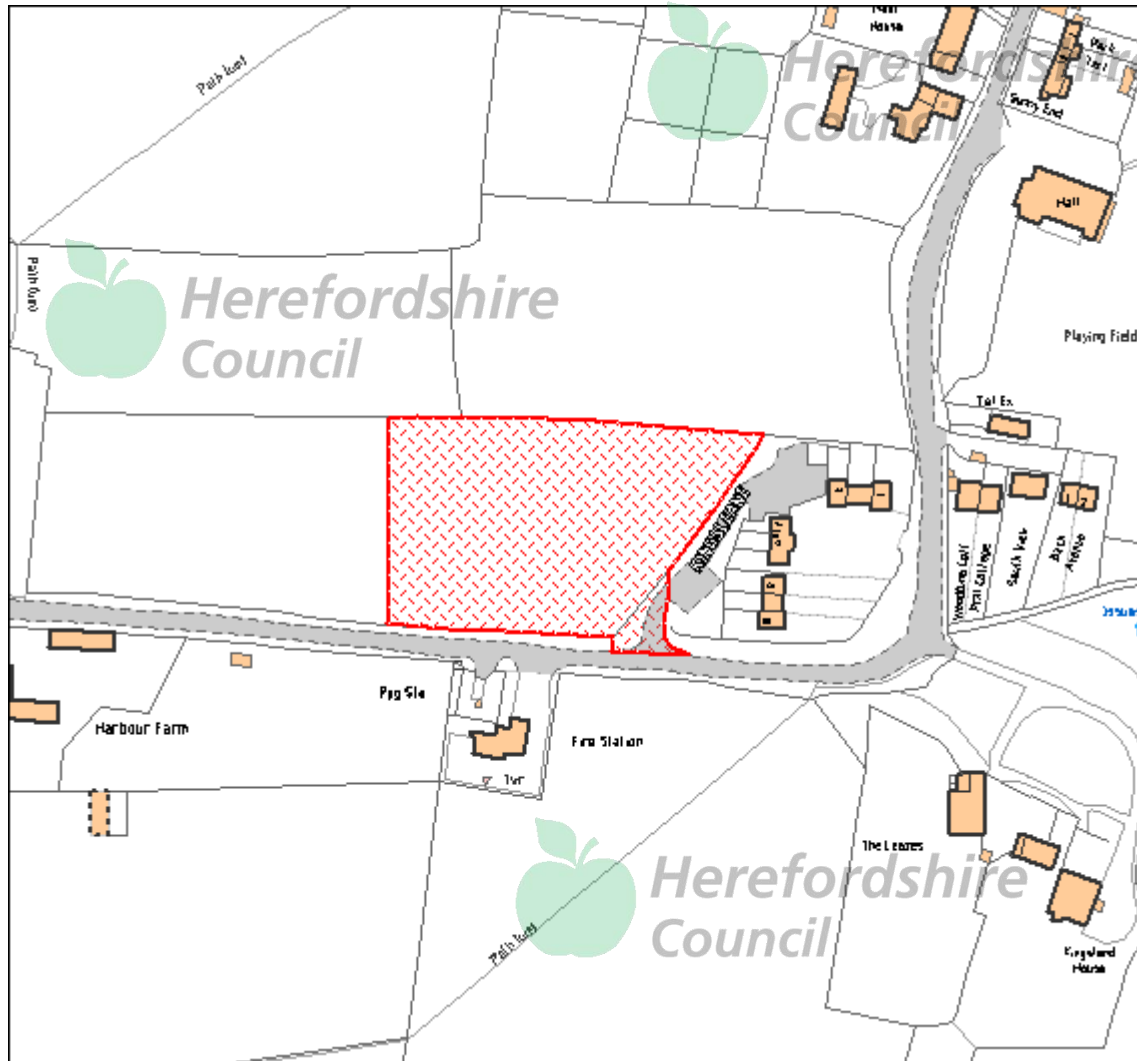
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 140534/F

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

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DRAFT HEADS OF TERMS

PROPOSED PLANNING OBLIGATION AGREEMENT

Section 106 Town and Country Planning Act 1990

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

Planning application: P140534/F

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

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

4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£5,960.00** (index linked) This is subject to completing an Indoor Facility Investment Plan currently being undertaken externally to develop a strategy for the Indoor Facilities using future proofing (2031) methodology to identify deficiencies in existing provision both quantity and quality above and beyond investment required to bring facilities up to a standard which is fit for purpose. This work should identify where additional investment is required in meeting future needs. Alternatively in the more rural areas such as Kingsland, if the Parish Council has or is in the process of identifying investment required for village hall/sports halls to improve quality/quantity to meet local community needs, for instance, via their Neighbourhood Planning process, this should also be considered as a local priority. The sum shall be paid on or before occupation of the 1st open market dwellinghouse and may be pooled with other contributions if appropriate.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£1756.00** (index linked) for enhanced Library facilities in Leominster. The sum shall be paid on or before the occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£960.00** (index linked). The contribution will provide for waste reduction and recycling in Leominster. The sum shall be paid on or before occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.
7. The developer covenants with Herefordshire Council that 35% of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations (2008).
8. Of those Affordable Housing units, at least 2 (two) shall be made available for social rent with the remaining 2 (two) being available for intermediate tenure occupation.
9. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.

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

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

10.2 satisfy the requirements of paragraph 12 of this schedule

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

11.1 a local connection with the parish of Kingsland;

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

11.3 in the event there being no person with a local connection to any of the above parish or wards any other person ordinarily resident within the administrative area of Herefordshire Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 11.1 and 11.2 above

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

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

12.2 is employed there; or

12.3 has a family association there; or

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

12.5 because of special circumstances

13. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to a subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
14. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 3 of the 'Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes' or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
15. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3, 4, 5 and 6 above for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
16. The sums referred to in paragraphs 1, 2, 3, 4, 5 and 6 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
17. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
18. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Yvonne Coleman

Planning Obligations Manager