

MEETING:	PLANNING COMMITTEE
DATE:	25 MARCH 2015
TITLE OF REPORT:	<p>P141368/O - PROPOSED SITE FOR 14 NEW RESIDENTIAL PROPERTIES TO INCLUDE 5 NO. AFFORDABLE PROPERTIES, VEHICLE TURNING AND LANDSCAPING AT LAND AT CASTLE END, LEA, ROSS-ON-WYE, HEREFORDSHIRE</p> <p>For: Bell Homes Ltd per Procuoro Planning Services, St Owens Cross, Ross-on-Wye, Herefordshire, HR9 9EF</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/search-and-comment-on-planning-applications/details?id=141368&search=141368

Date Received: 9 May 2014

Ward: Penyard

Grid Ref: 365470,221830

Expiry Date: 11 September 2014

Local Member: Councillor H Bramer

1. Site Description and Proposal

- 1.1 The site is located on the western side of the A40 Ross-on-Wye to Gloucester Road at Lea. It comprises a rectangular parcel of land slightly raised above road level and laid to grass. Castle End Farm is located to the north with residential dwellings to the south (The Lodge) and housing Estate called The Brambles. Opposite the site to the east is a parcel of land which originally formed part of this application this is also laid to grass a vehicular access to the rear of Lea Primary School is located immediately to the south of this land. Castle End a Grade 2* listed dwelling is located to the north of the site on the opposite side of the road.
- 1.2 The proposal, which is in outline, seeks planning permission for 14 dwellings located around a single access point and includes a pedestrian crossing across the A40 road. The application has been substantially amended during processing with the land on the opposite side of the A40 having been removed and therefore a reduction in dwellings from 28 to the now proposed scheme of 14 dwellings.

2. Policies

2.1 National Planning Policy Framework (NPPF):

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

Further information on the subject of this report is available from Mr K Bishop on 01432 260756

2.2 Saved Policies of the Herefordshire Unitary Development Plan 2007 (UDP):

- S1 - Sustainable Development
- S2 - Development Requirements
- S3 - Housing
- S7 - Natural and Historic Heritage
- DR1 - Design
- DR3 - Movement
- DR4 - Environment
- DR5 - Planning Obligations
- DR7 - Flood Risk
- E15 - Protection of Greenfield Land
- H4 - Main Villages Settlement Boundaries
- H7 - Housing in the Countryside Outside Settlements
- H10 - Rural Exception Housing
- H13 - Sustainable Residential Design
- H15 - Density
- H16 - Parking
- H19 - Open Space Requirements
- HBA4 - Setting of Listed Buildings
- HBA9 - Protection of Open Areas and Green Spaces
- T6 - Walking
- T8 - Road Hierarchy
- LA2 - Landscape Character and Areas Least Resilient to Change
- LA3 - Setting of Settlements
- LA5 - Protection of Trees, Woodlands and Hedgerows
- LA6 - Landscaping Schemes
- NC1 - Biodiversity and Development
- NC6 - Biodiversity Action Plan Priority Habitats and Species
- NC7 - Compensation for Loss of Biodiversity
- CF2 - Foul Drainage

2.3 Herefordshire Local Plan – Draft Core Strategy:

- SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS3 - Releasing Land for Residential Development
- SS4 - Movement and Transportation
- SS7 - Addressing Climate Change
- RA1 - Rural Housing Strategy
- RA2 - Herefordshire's Villages
- H1 - Affordable Housing – Thresholds and Targets
- H3 - Ensuring an Appropriate Range and Mix of Housing
- OS1 - Requirement for Open Space, Sports and Recreation Facilities
- OS2 - Meeting Open Space, Sports and Recreation Needs
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD1 - Local Distinctiveness
- LD2 - Landscape and Townscape
- LD3 - Biodiversity and Geodiversity
- LD4 - Historic Environment and Heritage Assets
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- ID1 - Infrastructure Delivery

2.4 Neighbourhood Planning:

The neighbourhood area for Lea has been designated, but there have been no consultations on issues or options to date and the draft plan is some way off being finalised. Therefore no weight can be attached to the Neighbourhood Development Plan at this stage.

2.5 Other Relevant National and Local Guidance/Material Considerations:

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

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

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

3. Planning History

- 3.1 120447 - Outline application for a four bedroom dwelling.
Refused 30 May 2012.
Appeal Dismissed 13th March 2103
- 3.2 132004 - Erection of 30 dwellings including 11 affordable.
Withdrawn 27 March 2014

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water

Welsh Water have outlined strong concerns regarding overland flooding downstream of this proposal, which in turn is having significant detrimental effect of the public sewerage network. The responsibility of land drainage rests with the local authority and/or the Environment Agency. Therefore Welsh Water recommends that the Local Authority and other agencies investigate this matter further so that appropriate solutions can be identified to address the issues surrounding flooding from overland flows.

Notwithstanding the above, we request that if planning permission is granted the following conditions are attached to any planning consent to ensure no detriment to existing residents or the environment and to Welsh Water's assets.

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

WATER SUPPLY

Welsh Water has no objection to the proposed development.

SEWAGE TREATMENT

Further information on the subject of this report is available from Mr K Bishop on 01432 260756

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

4.2 **English Heritage**

We have received amended proposals for the above scheme. We do not wish to comment in detail, but offer the following general observations.

English Heritage Advice

We note that this application now concerns only the site on the west side of the A40, and not that on the east side. This response is given on that proviso.

Recommendation:

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

Internal Consultees

4.3 **Transportation Manager**

The proposal now only proposes to develop the western side of the A40, as such the crossing is still required due to the volume of traffic and the desire to cross to the school and access bus stops. The Safety Audit states that this is in a traffic calmed zone though the removal of the permanent camera has meant that speeds are higher. The audit has recommended a controlled crossing, this will be subject to a stage 2 safety audit and a S278 Agreement, this will include the footpath links to the crossing. The optimum point for the crossing is yet to be detailed, forward visibility is key.

Visibility splays at the access are not as detailed, only 76m can be achieved to the north and the splay to the south needs to be protected by a footpath and requires the 90m as detailed. Due to the numbers the access off the A40 serving the existing and the housing development will need to be adopted, the plans supplied haven't taken on board the detailed discussions previously but RM will need to incorporate the following:

- Access from the A40 into the site will be through to Castle End Farm, there will need to be a junction to the south to serve the housing site.
- The extent of the access from to the farm will need to be built to adoptable standards including drainage.
- Drainage will need to be restricted to green field run off.
- The housing site road and drainage will need to be adopted, a drainage plan for the site will need to be provided and conditioned.
- A footpath from the access road along the A40 to the crossing will need to be provided linking to other accesses.
- The internal turning head is not sufficient, the size must incorporate the councils design guide turning head as per the design guide.

- Parking outside plots 11 to 14 is not adequate, this will need to be set back of the footpath to provide visibility and to allow for people to access, 2.4m is not sufficient to access cars if vulnerable users, therefore, wider bays are required.
- If garages are to be used, the internal dimensions should be 3m x 6m.
- A plan needs to be provided for RM showing the adoptable extent of the highway.

If you are minded to approve, conditions are recommended:

4.4 Conservation Manager (Historic Buildings)

Following a site meeting on 5 December 2014 the previous application description has been amended so that the site to the north east of the A40, adjacent to Castle End, has been excluded from the scheme. It is on this basis that the following comments are made.

Castle End Farm dates from about 1900 and the proposed 14 dwellings would occupy land to the south of the farm buildings, linking up with Long Orchard and the four new dwellings (2007) to its south boundary.

It is noted that part of the south boundary of the application site adjoins the settlement boundary for Lea and the site is near to Castle End, a grade II* dwelling with outbuildings, walled garden and a grade II listed dovecote.

Until the end of the 20th century Castle End Farm and Castle End were separate from the main hub of Lea village. This gave both sites a very rural character without being entirely isolated from the village. The introduction of Long Orchard, the Brambles, village hall and school have all tended to increase the importance of the small cluster of buildings near the former village school and have consequently diminished some of the rural character to the west of the main village hub.

The application site would effectively be linking the expanded village to Castle End Farm on a plot with a relatively small frontage. However the landscaping to the south/west of the A40 is mature and dense enough at present to mask the early 21st century housing of Long Orchard, thus retaining the rural character for longer than might otherwise be the case.

The application site is particularly prominent when approached from the north on the A40 due to the road layout. The clear view over the fields to the south of the Farm would be lost post-development and would also significantly reduce the rural character of the A40 to the south-west.

In heritage terms the Castle End Farm is not considered to be of sufficient worth to be adversely affected by the proposed housing, except that the farm would be in less rural surroundings. Across the A40, Castle End and its associated buildings are not visible from the application site however its rural surroundings and distance from the village buildings will be significantly reduced.

Unfortunately this gradual erosion of the rural landscape along the A40 was already well under way before this scheme was proposed. With the recent granting of other housing sites within Lea and closer to its centre it is not clear whether the extra 14 houses proposed are absolutely necessary – a position that has changed during the process of this application.

Overall, and in consideration of the number of permissions recently granted, the retention of the rural landscape adjacent to Castle End Farm would be fundamentally preferred in order to restrict the sprawl of Lea village without improving its core. The proposed development would change the character of the surroundings to the Farm and to a more minor extent to Castle End

but it is not considered that this change alone is sufficient to recommend refusal, though it could be an added reason for refusal on other grounds.

4.5 **Conservation Manager (Landscape)**

Having reviewed the Landscape and Visual Impact Report, prepared by Anthony Jellard Associates, dated June 2014 and the Landscape layout North West Plan, Dated April 2014, Drg Nr 2327.03, I have no landscape objections to these housing proposals.

4.6 **Conservation Manager (Ecology)**

I have read the ecological assessment for the site dated 2012 which is no on the limit of its time acceptability. I note the nature of the site and the potential suitability of the site for reptiles and proposals for pre-commencement checks. I would concur with this and suggest that this is conditioned with a compliance condition as below:

The amended plans do not affect my original comments with regard to this application.

4.7 **Land Drainage Manager**

Overview of the Proposal

The Applicant's proposals are for development of 28 new dwellings on existing Greenfield land, including access and parking. The Application Form states that the site occupies an area of 1.3 hectares (ha) and is split between two fields to the east and west of the A40 measuring 0.59ha and 0.71 ha respectively.

Existing Flood Risk

Review of the EA's Flood Map for Planning (Figure 1) indicates that the Applicant's proposed development is located entirely in Flood Zone 1 where the annual probability of fluvial flooding is less than 0.1% (1 in 1000). In accordance with EA Standing Advice, as the site is greater than 1 ha in area a Flood Risk Assessment (FRA) is required to be prepared in accordance with National Planning Policy Framework (NPPF).

The Applicant has submitted a completed Pro-Forma for Undertaking a Flood Risk Assessment that formed Appendix C of the Practice Guidance to PPS25. As PPS25 was superseded by NPPF in 2012, this pro-forma is no longer valid and the Applicant is advised that a standalone FRA should be prepared in accordance with NPPF and EA Standing Advice. However, following review of the submitted Pro-Forma for Undertaking a Flood Risk Assessment and the Surface Water Management Report, we consider that the relevant information has been provided and that a separate standalone FRA does not need to be provided to support this current Application.

The Applicant's Pro-Forma for Undertaking a Flood Risk Assessment confirms that the site is located in Flood Zone 1 and that this meets the requirements of the Sequential Test.

Other Consideration and Sources of Flood Risk

The Applicant's Pro-Forma for Undertaking a Flood Risk Assessment assesses the risk of flooding from other sources (namely groundwater, sewers, surface water and infrastructure failure) and concludes that the risk from these sources is low.

The bedrock geology comprises Sandstone that is classified as Secondary A aquifer. There are no reported superficial deposits and Cranfield University Soilscape mapping describes the soils

as freely draining. The site is not located within a designated groundwater Source Protection Zone.

Surface Water Drainage

The Applicant's proposed surface water drainage strategy is discussed within the submitted Surface Water Management Report.

Under Schedule 3 of the Flood Water Management Act 2010 (due to be enacted in 2015) all new drainage systems for new and redeveloped sites must meet the new National Standards for Sustainable Drainage (currently in draft) and will require approval from the Lead Local Flood Authority (Herefordshire Council). Systems that are approved by Herefordshire Council and that serve more than one property may be eligible for adoption by Herefordshire Council. Further guidance will be provided in 2015.

In accordance with the draft National Standards for Sustainable Drainage and Policy DR4 of the Unitary Development Plan, the drainage strategy should incorporate the use of Sustainable Drainage (SUDS) where possible. The surface water drainage strategy should be designed to mimic the existing drainage of the site. Infiltration measures are to be used unless it is demonstrated that infiltration is infeasible due to the underlying soil conditions.

Infiltration testing undertaken by the Applicant reported infiltration rates of between 2.8×10^{-4} m/s and 1.4×10^{-4} m/s. Whilst rates in the order of 1×10^{-4} m/s or less are slightly lower than we would usually consider for infiltration of surface water runoff, the use of infiltration to manage surface water runoff is considered a suitable approach, subject to the submission and review of detailed design information prior to construction. This should include calculations to demonstrate that the proposed soakaways will drain by 50% within the 24 hour period as recommended in BRE Digest 365 and assuming the lower of the infiltration rates obtained.

If drainage of the site cannot be achieved solely through infiltration (noting that opportunities for partial infiltration should still be maximised), the preferred options are (in order of preference): (i) a controlled discharge to a local watercourse, or (ii) a controlled discharge into the public sewer network (depending on availability and capacity). The rate and volume of discharge should be restricted to, at minimum, the pre-development Greenfield values. Reference should be made to Defra/EA document 'Preliminary Rainfall Runoff Management for Developments' (Revision E, January 2012) for guidance on calculating Greenfield runoff rates and volumes.

The Applicant proposes to construct private driveways using a permeable surfacing material. Whilst we agree with this approach, we recognise that private driveways are often altered by the homeowner during the design life of the home in conflict with planning policy. We therefore recommend that the Applicant ensures sufficient capacity within the adjacent highway drainage system (noted to comprise permeable paving or soakaways) to accommodate flow from private driveways should alterations be made.

Figure 4-1 in the Applicant's Surface Water Management Report illustrates the recommended location of proposed soakaways. We note that the figure indicates that the soakaways may be located within private gardens and that these may be within 5m of building foundations. The location of soakaways in private gardens is not the preferred approach for a number of reasons, namely:

- i. There is a high risk that homeowners could alter/impact/reduce/damage the soakaways and reduce their effectiveness.
- ii. If homeowners are responsible for maintenance, they may not undertake the routine maintenance required to ensure effective operation of the soakaways.
- iii. If another organisation is responsible for maintenance, access to the soakaways could be problematic and cause disruption.

iv. Soakaways may be inaccessible for future maintenance works, particularly for high pressure jetting that may be required to remove sediment/silt build up and/or other blockages.

v. Depending on the design of the soakaways, they may require replacement during the design life of the housing development and this would cause major disruption to residents.

No information regarding the proposed adoption and maintenance of the proposed soakaways has been provided. This must be provided by the Applicant as part of a reserved matters application.

Soakaways should not be located within 5m of building foundations in accordance with Building Regulations Part H, although the proposed use of permeable paving within private driveways (solely for the purpose of draining the driveway) would be acceptable.

The Applicant's Surface Water Management Report confirms that the soakaways will be designed to cater for the 1 in 100 year rainfall event and allow for the potential effects of climate change. We agree with this approach, but also require confirmation of the design of the below ground drainage system, overland flow routes and designing for exceedance. In accordance with Sewers for Adoption, the below ground drainage system should ensure no flooding up to the 1 in 30 year event. For events greater than the 1 in 30 year event, some flooding of the drainage system can occur, but the Applicant must demonstrate the safe management of this water to ensure no flood risk to people and property within the development and no increased risk of flooding to people and property elsewhere up to the 1 in 100 year plus climate change scenario. This information will need to be submitted as part of a reserved matters application.

In addition to the above, the Applicant must consider the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage. Surface water should either be managed within the site boundary or directed to an area of low vulnerability. Guidance for managing extreme events can be found within CIRIA C635: Designing for exceedance in urban drainage: Good practice.

The Applicant must consider treatment of surface water prior to discharge. 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. We note that the Applicant's current proposals to discharge surface water to ground via a granular soakaway media would provide sufficient treatment for 'clean' or lightly trafficked roads as per the development proposals. However, if the applicant proposes an alternative means of discharge (for example plastic 'void formers') that do not offer the same treatment potential, we may require that treatment is provided prior to discharge.

The Applicant proposes that the main access road and its associated drainage will be adopted by Herefordshire Highways Authority. We therefore recommend that the proposed highway drainage is reviewed and approved by the Herefordshire Highways Authority prior to construction.

Foul Water Drainage

The Application Form states that foul water will be discharged to the mains sewer. We assume that this will be discussed and agreed with Welsh Water. We are aware of previous incidents of flooding of the foul drainage system in Lea and therefore recommended that these discussions take place at an early stage to confirm they can accept discharges from the development.

Overall Comment

Overall, for outline planning permission, we do not object to the proposed development on flood risk and drainage grounds. Therefore, should the Council be minded to grant outline planning permission, we recommend that the submission and approval of detailed proposals for the disposal of foul water and surface water runoff from the development is included within any reserved matters associated with the permission. The detailed drainage proposals should include:

- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- Provision of drainage calculations demonstrating the appropriate sizing of infiltrations systems in accordance with BRE635 including demonstration that the proposed soakaways will drain by 50% within a 24 hour period assuming the lower of the site's infiltration rates;
- Provision of information regarding the proposed adoption and maintenance of surface water drainage systems, noting that we recommend against locating SUDS features within private gardens where possible;

Evidence that the Applicant has sought and agreed permissions to discharge foul water from the site with the relevant authorities:

- Evidence that the Applicant is providing sufficient on-site storage to ensure that site-generated surface water runoff is controlled for all storm events up to and including the 1 in 100 year rainfall event, with a 30% increase in rainfall intensity to allow for the effects of future climate change, to ensure no increased runoff from the site when compared to existing Greenfield conditions;
- Evidence of adequate separation and/or treatment of polluted water (including that from vehicular areas) to ensure no risk of pollution is introduced to groundwater or watercourses, both locally and downstream of the site.

We recommend that the proposed highway drainage strategy is reviewed and approved by the Herefordshire Highways Authority prior to construction.

4.8 Parks and Countryside Manager

Thank you for consulting with me. I can confirm that I have no additional comments to make with reference to the amended plans and changes to the south west part of this development which are as a result of landscape comments.

4.9 Waste and Recycling Manager

My previous concerns regarding collection points for refuse and recycling remain a concern for properties located off the adoptable highway.

4.10 Schools Organisation & Capital Investment Manager

The educational facilities provided for this development site are Ryefields Early Years, Lea Primary School, John Kyrle High School, St Marys RC High School and Ross Youth.

The Childcare Sufficiency Assessment highlighted that within the Ryefields area 12% of parents are unable to seek work and 16% are prevented from getting a better job due to childcare issues. The Ryefields area has the largest significant percentage in the County who require childcare at the weekends, for shift work and overnight. An anecdotal need for child minders was also noted in both supply and demand.

The youth service within Ross-on-Wye has close working links with the extended schools service, however a major need that been identified in Tudorville and the local Councillors keen for the youth services to provide activities in this area. The youth service is also requested to work with the youth of other rural parishes but is unable to provide this as they do not currently have the resources.

Lea Primary School has a planned admission number of 15. As at the schools Summer Census 2014-

- 2 year groups were at or over capacity- YR-17, Y2-19

John Kyrle Secondary School has a planned admission number of 210. As at the schools Summer Census 2014-

- 4 year groups were at or over capacity-Y9- 225, Y10-212, Y1 1-233

St Marys RC Secondary School has a planned admission number of 135. As at the schools Summer Census 2014:-

- 4 year groups are over capacity- Y7- 155, Y8- 148, Y9- 150, Y10-149, Y1 1-132

Approximately 1% of the population are affected by special educational needs and as such the Children's Wellbeing Directorate will allocate a proportion of the monies for Primary, Secondary and Post 16 education to schools within the special educational needs sector.

Please note that the Planned Admission Number of the above year groups is based on permanent and temporary accommodation, whereas section 3.5.6 of the SPD states that the capacity should be based on the permanent accommodation, therefore, additional children may also prevent us from being able to remove temporary classrooms at John Kyrle High School that we would otherwise be able to do.

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

Contribution by No of Bedrooms	Pre-School	Primary	Secondary	Post 16	Youth	SEN	Total
2+bedroom/apartment	£117	£1,084	£1,036	£87	£432	£89	£2,845
2/3 bedroom house/bungalow	£244	£1,899	£1,949	£87	£583	£138	£4,900
4+ bedroom	£360	£3,111	£4,002	£87	£1,148	£247	£8,955

5. Representations

5.1 Lea Parish Council

The Lea Parish Council met on the 4th February 2015 to discuss Planning Application P141368/O. The meeting was attended by 4 Parish Councillors and 10 members of the public and the following matters were discussed.

Surface Water Drainage

Flooding in the centre of the village remains a major concern. Although the proposals contained some S.U.D.S. it was thought that these were inadequate when compared to those included in

the recent A40/Mill Lane application and would only compound the existing flooding problems in the village.

Impact on Foul Drainage System

It was generally felt that no more clarity regarding foul drainage had been given to the amended application as opposed to the original application

Impact on Highways

Concerns about the location of the pedestrian crossing were expressed, fearing backing up of traffic towards the blind bend on the A40 a section of road well known for speeding. Concerns were raised regarding potential restrictions caused by traffic, to and from the proposed site, to get to the school.

Type of Housing Provision

There is provision for 6 affordable houses or flats on the site. Concerns were raised about the significant proportion of affordable housing that was already available in the village. Concern was also raised regarding the amount of different styles of houses planned throughout the village.

Environmental and Visual Impact

Concerns were raised regarding the applications houses were not set back far enough from the A40 and that the indicative layout was very suburban.

Having heard the discussions, parishioners were asked to vote on the application, all were against the application.

The Parish Councillors voted, all were against the application.

5.2 57 Letters of objection and a 222 signed petition have been received some of which related to the original application and some objectors have submitted more than one representation. The comments pertaining to the amended application are as follows:-

1. Serious concerns regarding access and road safety particularly regarding the road geometry and proposal for a Pelican crossing
2. The height of the houses on the edge of the A40 will dominate the surrounding area and be very intrusive in what has been a natural and rural break in the landscape.
3. The development is not sustainable and would suburbanise the area near Castle End and the village school
4. Barnwell Manor Case which ruled on the duties of a Local Authority under S 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and pointed out that the more recent High Court Judgement in the case of The Forage Field Society & Ors R (On the Application Of) v Sevenoaks District Council [2014] which has reinforced the interpretation of the Barnwell Manor Case in law "the scales are not evenly balanced and it is not sufficient to weigh simply the harm (to a listed building) against the public benefits. If harm will be caused to a listed building or its setting, there is a strong presumption against granting planning permission and that it is now settled in law that preserving a listed building or its setting means doing no harm".
5. The urbanisation will be supported by the Pelican crossing and lighting which will also create harm to the setting of Castle End Grade 2*.
6. This proposal will stimulate more development under the guise of infill within the village.
7. Outline planning permission has already been granted for a significant number of houses near the petrol filling station to cover the need for Lea.
8. Flooding in the centre of Lea is a serious consideration and this will further exacerbate the situation with more hard surfaces.
9. The setting of the Grade 2* listed building, Castle End will be compromised.

10. The site has not been assessed under the SHLAA process and preferable alternative sites have been identified.
11. Other applications have been refused in Lea recently and this should also be refused for similar reasons
12. Lea Primary School does not have the capacity to take further children.
13. Impact on the amenity of adjoining neighbours

5.3 One letter of support has been received stating:-

1. Makes full use of the village area
2. It relieves the intense pressure to build in the centre of the village
3. Least impact to the flooding situation in the centre of the village
4. Development will blend into the existing village
5. Better access to school with a proper road crossing in the northern end of the village

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

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

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

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

6. Officer's Appraisal

6.1 Lea is identified within the adopted Unitary Development Plan as a main village and is also allocated as a main village within the Hereford Housing Market Area within the emerging Local Plan – Core Strategy with a 14% indicative growth target over the plan period. This equates to approximately 31 dwellings when this is viewed in relation to the number of dwellings in the village, however this is likely to be more when compared to the dwellings within the Parish as is envisaged following the examination of the Core Strategy. The application is made in the context of the housing land supply deficit. The scheme has been significantly reduced following consultation responses and now only seeks planning permission for one parcel of land for 14 dwellings. The parcel of land on the opposite side of the road adjacent to the Lea Primary School having been removed from the application.

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

The Principle of Development in the Context of 'Saved' UDP Policies the NPPF and Other Material Guidance

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

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

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

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

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

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

- 6.7 The NPPF refers to the pursuit of sustainable development as the golden thread running through decision-taking. It also identifies the three mutually dependent dimensions to sustainable development; the economic, social and environmental dimensions or *roles*.
- 6.8 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land. The social dimension also refers to the need to ensure an appropriate supply of housing to meet present and future needs and this scheme contributes towards this requirement with a mix of open market and affordable units of various sizes. Fulfilment of the environmental role requires the protection and enhancement of our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use resources prudently and moving towards a low-carbon economy.
- 6.9 In this instance officers consider that in terms of access to goods and services the site is sustainably located whereas the delivery of up to 14 dwellings, together with contributions towards public open space, sustainable transport, flood defences(or affordable housing) and education infrastructure would contribute towards fulfilment of the economic and social roles. These are significant material considerations telling in favour of the development.

Impact on Landscape Character

- 6.10 NPPF Paragraph 109 states that valued landscapes should be protected and enhanced. Paragraph 113 advises local authorities to set criteria based policies against which proposal for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. It goes further, however, and confirms that *‘distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.’* Appeal decisions have also confirmed that although not containing the ‘cost-benefit’ analysis of the NPPF, policies LA2 (landscape character), LA3 (setting of settlements), NC1 (biodiversity and development), NC6 (biodiversity action plans), NC7 (compensation for loss of biodiversity) and HBA4 (setting of listed buildings) are broadly consistent with chapter 11 of the NPPF.
- 6.11 The application site has no formal landscape designation. It lies in open countryside outside but adjacent the settlement boundary. It is noted that the Conservation Manager (landscape) has confirmed no objection to the amended scheme. It is therefore accepted that the proposed development is not likely to adversely affect the character of the wider Herefordshire landscape.

The Conservation Manager (Landscape) considers that the site can accommodate development, although this is contingent on the Reserved Matters submission reflecting the need to enhance landscaping around the site. The Development Framework plan partly reflects this requirement with enhanced green infrastructure identified.

- 6.12 On the basis that conditions will be imposed requiring the protection of hedgerows and SUDS scheme, and in the context of the housing supply situation, the principle of development is considered acceptable in the context of 'saved' UDP policies LA2 and LA3.

Impact on Heritage Assets

- 6.13 Sited to the north and across the opposite side of the road is the Grade 2* listed Castle End with a walled garden protruding south. This property forms an important focal point at the entrance to the village when you approach from the north and west. Views of the application site from the upper floors will be seen but due to the topography of the area, walled garden and ground floor level of Castle End visual intrusion of the application site and Castle End is restricted and the two do not cause harm to each other. This is confirmed by English Heritage who have removed their objection to the application.
- 6.14 The Conservation Manager (Historic Buildings) considers the proposal would change the character of the surroundings to the Farm and to a more minor extent to Castle End but having regard to NPPF paragraph 134 it is not considered that this change alone is sufficient to recommend refusal.
- 6.15 Reference has also been made to the intrusion of the Pelican Crossing to the setting of Castle End with the urbanisation of the area. Whilst the provision of the crossing and lights will create an urban feel to the area it is note considered to create a detrimental impact on the setting of Castle End. This feature was included within the development framework plan which raised no objections from English Heritage and the Conservation Manager (Historic Buildings).
- 6.16 The proposal is therefore considered to be in compliance with policies HBA4 of the HUDP and Para 134 of the NPPF

Impact on Ecological Interests

- 6.17 The Council's Ecologist concurs with the findings of the submitted ecological appraisals. It is concluded that the proposal will not have a significant impact on ecological interests. Subject to the imposition of conditions and informatives as set out below, the development is considered to accord with the provisions of the Development Plan and NPPF guidance.

Transport

- 6.18 The Transportation Manager is content that a suitable access and crossing can be achieved although further detailed work will be required as part of the reserved matters application. Comments relating to the development framework plan are noted however these can be incorporated within the subsequent submission.
- 6.19 Therefore the Transportation Manager concludes that the scheme is acceptable relative to the requirements of paragraph 32 of the NPPF

Land Drainage and Flood Risk

- 6.20 The centre of Lea suffers from flooding and is an identified flood risk area. The Council has commissioned a report to identify the issues and means to alleviate the situation. The findings of this report confirm that solutions can be achieved and further work is to be progressed. Due to the topography of the area and with the centre of Lea located within the 'dip' all waters

gravitate towards the centre of the village. This has resulted in flooded properties and the closure of the main A40 road.

- 6.21 This planning application through the S106 seeks to provide a significant sum (£300,000) towards a flood attenuation scheme. The monies have been calculated on reduced affordable housing provision as identified by the housing needs survey for the village. The six required affordable units are being provided on the site adjacent to the Petrol Filling Station and the agent has confirmed his client is agreeable for the funding to be used for flooding or affordable housing elsewhere. This sum will enhance the contribution already achieved giving a combined figure of £780,000.
- 6.22 The exact figure for the flood attenuation works is not yet known however by establishing funding towards a scheme its implementation will inevitably be brought forward and enable additional inward investment from other agencies to fund the scheme. Any monies remaining will be used to provide additional off site-affordable housing. This is considered to be a key economic and social aspect to the scheme which should be given significant weight in the decision making process.

S106 Contributions

- 6.23 The S106 draft Heads of Terms are appended to the report. CIL regulation compliant contributions have been negotiated. The agent has confirmed agreement to the Draft Heads of Term which provide for a raft of contributions.

Impact on Adjoining Residential Amenity

- 6.24 Loss of amenity arising from direct and prejudicial overlooking is a material consideration. In this case, officers are satisfied that development of the site is possible without undue impact on adjoining property, particularly those dwellings adjoining the site to the north east and south. Clearly this will be contingent on detailed consideration at the Reserved Matters stage. The development framework plan provides for dwellings fronting the main road with gable end onto properties to the south on the roadside. This is considered acceptable.
- 6.25 Adoption of this approach would ensure adequate separation distances, although care would need to be taken to ensure that dwellings on the site's periphery are constructed at a level that does not result in an undue overbearing impact. At this stage, however, officers are satisfied that an appropriate layout at the Reserved Matters stage would be capable of according with the requirements of saved UDP policy H13 and NPPF paragraph 12, which demands good standards of amenity.

Foul Drainage and Water Supply

- 6.26 The Water Authority has outlined strong concerns regarding overland flooding downstream of this proposal which in turn has had significant detrimental effect on the public sewerage network. However it should be noted that this proposal seeks to fund substantial works of improvement to resolve this matter. They raise no objection to the development in terms of the capacity of the treatment works to cater for the additional foul waste flow or provision of a water supply subject to appropriate conditions as recommended.

The Neighbourhood Plan

- 6.27 Lea Parish Council has designated a neighbourhood plan area. Paragraph 17 of the NPPF, states that planning should be *'genuinely plan led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of an area'*.

- 6.28 However there have been no consultations on the issues or options to date and therefore the draft plan is somewhat off being finalised. Therefore no weight can be attached to the Neighbourhood Plan at the present time.

Summary and Conclusions

- 6.29 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.
- 6.30 When considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that the presumption in favour of approval is engaged. The site lies outside but directly adjacent the settlement boundary. Lea is, having regard to the NPPF, a sustainable location and this site is well placed to benefit from good pedestrian connectivity to village facilities. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel).
- 6.31 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, and in offering enhancements to footway and pedestrian crossing facilities locally, officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development. In addition the contribution towards the flood attenuation scheme is considered to carry significant weight in the planning balance.
- 6.32 The Conservation Manager (Landscapes) confirms the application site has the ability to accommodate residential development and raises no objections. The site does not exert any influence on the setting of the heritage asset that is considered harmful as confirmed by both English Heritage and the Conservation Manager (Historic Buildings) as identified in the report. Certainly any impact such as there may be is likely to result in less than substantial harm to the significance of the heritage assets.
- 6.33 Officers conclude that there are no highways, ecological issues that should lead towards refusal of the application and that any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits. It is therefore concluded that the presumption in favour of sustainable development should be engaged and that planning permission should be granted subject to the completion of a legal undertaking and planning conditions. The conditions will include a requirement to limit the number of dwellings to no more than 14 and to formulate an integrated foul and surface water run-off scheme. The commencement of the development will also be controlled to run in parallel with the flood alleviation scheme. Finally officers would also recommend the developer conducts further consultation with the Parish Council and local community as regards the detail of any forthcoming Reserved Matters submission.

RECOMMENDATION

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

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

That planning permission be granted subject to the following conditions:

- 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. The submission of reserved matters in respect of layout, scale, appearance and landscaping and the implementation of the development shall be carried out in accordance with the approved plans.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, HBA4 and LA4 and the National Planning Policy Framework.

- 5. The development shall include a mix of dwellings of no more than 14 dwellings.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, H13, HBA4 and the National Planning Policy Framework.

- 6. H03 Visibility Splays**
- 7. H06 Vehicular Access Construction**
- 8. H09 Driveway Gradient**
- 9. H11 Parking - Estate Development (more than one house)**
- 10. H13 Access Turning Area and Parking**
- 11. H17 Junction Improvement/Off Site Works**
- 12. H18 On Site Roads - Submission of Details**
- 13. H19 On Site Roads – Phasing**
- 14. H20 Road Completion in 2 years**
- 15. H21 Wheel Washing**
- 16. H27 Parking for Site Operatives**
- 17. H29 Secure Covered Cycle Parking Provision**
- 18. H30 Travel Plans**
- 19. L01 Foul/Surface Water Drainage**
- 20. L02 No Surface Water to Connect to Public System**
- 21. L04 Comprehensive & Integrated Draining of Site**

22. L03 No Drainage Run-Off to Public System
23. G04 Protection of Trees/Hedgerows that are to be Retained
24. G10 Landscaping Scheme
25. G11 Landscaping Scheme – Implementation
26. K4 Nature Conservation – Implementation
27. Prior to commencement of the development, reptile survey and mitigation should be carried out in accordance with the recommendations set out in Section 6 of the ecologist’s report from Penny Anderson Associates dated April 2012.

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

Reasons:

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

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

28. The recommendations set out in Section 6 of the ecologist’s report from Penny Anderson Associates dated April 2012 should be followed in relation to habitat enhancement unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

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

Reasons:

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

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

INFORMATIVES:

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

2. **HN10 No Drainage to Discharge to Highway**
3. **HN08 Section 38 Agreement & Drainage details**
4. **HN07 Section 278 Agreement**
5. **HN04 Private Apparatus Within Highway**
6. **HN28 Highways Design Guide and Specification**
7. **HN27 Annual Travel Plan Reviews**
8. **HN25 Travel Plans**
9. **N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
10. **N11C General**

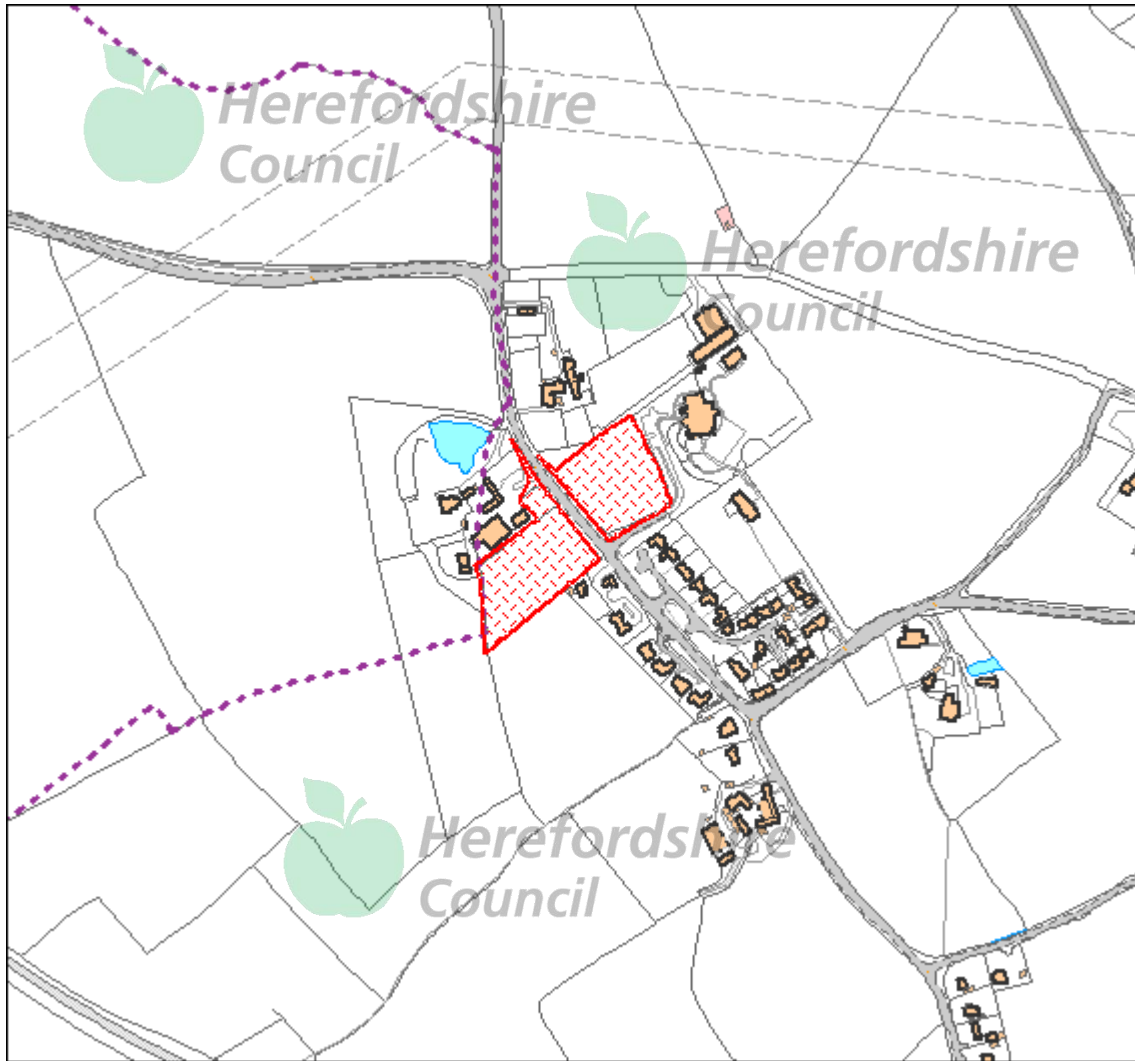
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: 141368/O

SITE ADDRESS : LAND AT CASTLE END, LEA, ROSS-ON-WYE, 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 1st April 2008. All contributions in respect of the residential development are assessed against general market units only.

Planning application reference: P141368/O

Proposed site for 14 new residential properties, vehicle turning and landscaping on land at Castle End, Lea, Ross-on-Wye, Herefordshire

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

£2,845.00 (index linked) for a 2 bedroom open market dwelling

£4,900.00 (index linked) for a 3 bedroom open market dwelling

£8,955.00 (index linked) for a 4+ bedroom open market dwelling

The contributions will provide for enhanced educational infrastructure at Ryefield Early Years, Lea Primary School, John Kyrle High School, St Mary's Roman Catholic School, Ross 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:

£2,457.00 (index linked) for a 2 bedroom open market dwelling

£3,686.00 (index linked) for a 3 bedroom open market dwelling

£4,915.00 (index linked) for a 4+ bedroom open market dwelling

The contributions will provide for sustainable transport infrastructure to serve the development including improvements to the bus stop to the north east of the development site and pedestrian and bus infrastructure improvements at the crossroads in the village centre. The sum shall be paid on or before occupation of the 1st open market dwellinghouse and may be pooled with other contributions if appropriate.

Note: the new footpath adjacent to the A40 and the pedestrian crossing will be a condition of the planning permission delivered through a section 278 agreement

3. In accordance with UDP Policy H19, developments of 14 dwellings are expected to provide a small children's play area. It is noted that none is provided on site and this is supported as they offer little in play value and are costly to maintain. Therefore, the developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

£965.00 (index linked) for a 2 bedroom open market dwelling

£1,640.00 (index linked) for a 3 bedroom open market dwelling

£2,219.00 (index linked) for a 4 bedroom open market dwelling

The contributions will be used off-site and in consultation with the local community. There is an existing play area and recreation ground in Lea which is owned and maintained by Gloucestershire Housing Association. It is a medium sized well used play area but is in need of some improvements to make it a better site as identified in the Play Facilities Study and Investment Plans.

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

£408.00 (index linked) for a 1 bedroom open market dwelling

£496.00 (index linked) for a 2 bedroom open market dwelling

£672.00 (index linked) for a 3 bedroom open market dwelling

£818.00 (index linked) for a 4 bedroom open market dwelling

The contributions will provide for off-site indoor play facilities within Ross-on-Wye. In the more rural areas such as Lea 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

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

The contributions will provide for enhanced Library facilities in Ross-on-Wye. 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 **£120.00** (index linked) per dwelling. The contribution will provide for waste reduction and recycling in Ross-on-Wye. 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 to pay Herefordshire Council **£300,000.00** (index linked) for the delivery of a flood attenuation system in Lea. In the event that the monies are not required for the flood attenuation system the monies will revert to the delivery of off-site affordable housing. The sum shall be paid on or before occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.

8. Given the location of the development Herefordshire Council would not wish to adopt any on site Public Open Space. 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 the parish council or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

Note: If an attenuation basin is proposed it will be transferred to the Council with a 60 year commuted maintenance sum. This will be done as part of the Section 38 process.

9. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3, 4, 5 6 and 7 above for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
10. The sums referred to in paragraphs 1, 2, 3, 4, 5, 6 and 7 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
11. 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.
12. 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

17/3/15