

MEETING:	PLANNING COMMITTEE
DATE:	16 SEPTEMBER 2015
TITLE OF REPORT:	<p>P142349/O - RESIDENTIAL DEVELOPMENT FOR UP TO 80 HOUSES ON LAND BETWEEN GOSMORE ROAD AND THE SEVEN STARS PUBLIC HOUSE, GOSMORE ROAD, CLEHONGER, HEREFORDSHIRE HR2 9SL</p> <p>For: Mr & Mrs Gladwyn & Mrs J Davies per Mr James Spreckley, Brinsop House, Brinsop, Hereford, Herefordshire HR4 7AS</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=142349&search=142349

Date Received: 1 August 2014

Ward: Stoney Street

Grid Ref: 345363,237694

Expiry Date: 17th September 2015

Local Member: Councillor S Williams

1. Site Description and Proposal

- 1.1 Outline planning permission with all matters bar access reserved is sought for the erection of up to 80 dwellings on land between The Seven Stars Public House and Gosmore Road, Clehonger. Clehonger is defined as a main village in both the Herefordshire Unitary Development Plan and emerging Core Strategy approximately 4km south west of the outskirts of Hereford City.
- 1.2 The site lies immediately adjacent to the settlement boundary and is bound by the B4349 to the north and Gosmore Road to the south. The village playing field and village hall lie to the west, with open countryside to the east. Clehonger Primary School stands on Gosmore Road just beyond the site's south-western corner.
- 1.3 The site is down to pasture and extends to 2.82ha, equivalent to a density of 28 dwellings/ha, contained by the two roads which run roughly in an east-west direction. There is an existing footway across its northern frontage that leads from the public house westwards towards the main body of the village. Public footpath CH12 enters the site from Gosmore Road in the south-eastern corner, runs parallel to the eastern boundary and exits onto the main road by the public house next to a bus stop. Public footpath CH4A runs alongside the site's western boundary within the village playing field before diverting around the village hall to exit on the pavement adjacent the B4349. There is a gradual fall within the site from a high-point in the south-west corner at 95mAOD to 88m AOD adjacent the pub.
- 1.4 The proposed point of vehicular access into the site is from the main B4349 road. The 30mph speed limit starts immediately east of the proposed junction.

- 1.5 The application is accompanied by the following documents:
- Planning, Design and Access Statement;
 - Transport Statement;
 - Ecological Assessment;
 - Flood Risk Assessment;
 - Landscape and Visual Impact Assessment;
 - Tree Report;
 - Contamination Report; &
 - S106 draft Heads of Terms.
- 1.6 A Development Framework Plan has been prepared. This illustrates the proposed point of access from the main road, and the retention of all existing hedgerow and specimen trees with the exception of that removed to create the access and a small section to allow for the extension of a proposed on-site shared footway/cycleway running parallel with the site's southern boundary. This would link the site to the public footpath network and the village playing field, school and hall beyond. A potential SUDs attenuation basin is identified on the lowest-lying land to the east. As this is an application in outline with all matters bar access reserved, there is no detailed submission relating to the appearance or scale of the development.
- 1.7 This site has, in conjunction with land adjoining Glasnant House been assessed as having low or minor constraints as part of the Strategic Housing Land Availability Assessment (HLAA/041/001/Adj Glasnant) and is considered to have good access to services such as the local primary school, shop and village hall and good public transport links to the wider area; bus stops are found immediately adjacent the site on the main road. The site falls within Flood Zone 1, the land least liable to flooding, although there is evidence of surface water flooding off-site to the east.
- 1.8 As a main village within the Hereford Housing Market Area the proportionate growth target across the parish is a minimum of 18% over the lifetime of the Core Strategy to 2031. This figure equates to 109 dwellings minus existing commitments.
- 1.9 The proposal has been screened against the Environmental Impact Assessment Regulations 2011 and is not considered to represent development requiring the submission of an Environmental Statement.

2. Policies

2.1 National Planning Policy Framework 2012. In particular chapters:

Introduction	-	Achieving sustainable development
Chapter 4	-	Promoting sustainable communities
Chapter 6	-	Delivering a wide choice of high quality homes
Chapter 7	-	Requiring good design
Chapter 8	-	Promoting healthy communities
Chapter 11	-	Conserving and enhancing the natural environment
Chapter 12	-	Conserving and enhancing the historic environment

2.2 National Planning Practice Guidance 2014

2.3 Herefordshire Unitary Development Plan 2007

S1	-	Sustainable development
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Further information on the subject of this report is available from Mr E Thomas on 01432 260479

S2	-	Development requirements
S3	-	Housing
S7	-	Natural and historic heritage
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning obligations
DR7	-	Flood risk
H4	-	Main village: Settlement boundaries
H7	-	Housing in the open countryside outside settlements
H9	-	Affordable housing
H10	-	Rural exception housing
H13	-	Sustainable residential design
H15	-	Density
H19	-	Open space requirements
HBA9	-	Protection of open areas and green spaces
T8	-	Road hierarchy
LA2	-	Landscape character and areas least resilient to change
LA3	-	Setting of settlements
LA5	-	Protection of trees, woodlands and hedgerow
NC1	-	Biodiversity and development
NC6	-	Biodiversity action plan priority habitats and species
NC7	-	Compensation for loss of biodiversity
ARCH6	-	Recording of archaeological remains
CF2	-	Foul drainage

2.4 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
SS6	-	Addressing climate change
RA1	-	Rural housing strategy
RA2	-	Herefordshire's villages
H1	-	Affordable housing – thresholds and targets
H3	-	Ensuring an appropriate range and mix of housing
OS1	-	Requirement for open space, sports and recreation facilities
OS2	-	Meeting open space, sports and recreation needs
MT1	-	Traffic management, highway safety and promoting active travel
LD1	-	Local distinctiveness
LD2	-	Landscape and townscape
LD3	-	Biodiversity and geodiversity
SD1	-	Sustainable design and energy efficiency
SD3	-	Sustainable water management and water resources
SD4	-	Wastewater treatment and river water quality
ID1	-	Infrastructure delivery

2.5 Neighbourhood Planning

Clethonger Parish Council has recently applied to designate a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The Parish Council will prepare a Neighbourhood Development Plan for that area. There is no timescale for proposing/agreeing

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the content of the plan at this stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy. At present, the NDP has no material weight for the purpose of determining planning applications.

2.6 Other Relevant National Guidance:

Planning for Growth	-	2011
Laying the Foundations	-	2011
Housing and Growth	-	2012

2.7 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 There have been a number of recent planning applications for residential development within Clehonger. Most notable is an outline application for the erection of up to 90 dwellings on land between the B4349 and B4352 Madley Road at the west of the village – 141964/O. This is undetermined and subject to a Welsh Water holding objection.

3.2 140056/O - Outline application for residential development of 13 dwellings with a Committee resolution to approve at Harpacre, adjacent the junction of the B4349/B4352. The resolution was to grant planning permission subject to removal of Welsh Water's holding objection, which persists.

3.3 141905/O - Outline application for the erection of 4 dwellings on land adjacent Glasnant House on the north-western boundary of the application site. Approved subject to conditions 15 April 2015

3.4 142423/F On the north side of the main road, to the rear of Bine Cottage is a site for the erection of 6 dwellings. This is undetermined and subject to a Welsh Water holding objection.

3.5 150959/O – Demolition and replacement of redundant agricultural buildings with up to 5 dwellings on land at Wellfield, Poplar Road, Clehonger. Approved 3 August 2015

3.6 142443/O – Site for the erection of three dwellings on land adjacent Garnom Bungalow, Clehonger. Approved 15 May 2015

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water:

Welsh Water has removed its holding objection subject to completion of a S106 agreement requiring financial contribution from the developer to enable requisite upgrade to the Wastewater Treatment Works. An excerpt from the confirmatory letter is set out below:-

"I refer to recent correspondence regarding the current planning application for up to 80 residential properties at land between Gosmore Road and the Seven Stars Public House Clehonger. As you will be aware, the foul discharges from the development would drain to our Clehonger Waste Water Treatment Works (WwTW) which is currently at capacity and cannot accept any further flows until improvement works are undertaken. I am mindful that at present

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our position on the application is an objection, based on the impact of the proposal upon the receiving Clehonger Treatment Works.

In light of our concerns regarding the impact of the development, the developer commissioned a Feasibility Study of Clehonger WwTW to identify a solution to accommodate the flows from the site. I am pleased to advise a viable/deliverable solution has since been provided to the developer.

The most appropriate mechanism for securing the funding to deliver this solution at the WwTW is via a S106 Planning Obligation Agreement, of which Dŵr Cymru would be a signatory. Accordingly, subject to appropriate controls contained within a S106 Agreement as well as the imposition of an appropriate condition which ensures the completion of the solution in advance of the communication of flows to the public sewerage network, **we are content to remove our objection to this planning application.**

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

Conditions

1. No dwellings hereby approved shall be beneficially occupied until necessary improvements to the Clehonger Waste Water Treatment Works to accommodate the foul flows from the development hereby approved (in accordance with the requirements as outlined in Dwr Cymru's Feasibility Study Scope issued 07/07/2015) has been completed and confirmed in writing by the Local Planning Authority.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

2. Foul water and surface water discharges shall be drained separately from the site.

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

3. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

4. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

5. No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved by the Local Planning Authority.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system."

- 4.2 Natural England: An original 'holding objection' in the light of uncertainty at the treatment of foul waste has been withdrawn in the light of Welsh Water's response. The content of Natural England's latest response is set out below:-

The application site is in close proximity to the River Wye Special Area of Conservation (SAC) which is a European site. The site is notified at a national level as River Wye Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features. In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

River Wye SAC- Withdrawal of objection with conditions

- Habitats Regulations Assessment (HRA) screening needed.
- Record of consent (if approved) to be added to tally of approved housing and modelled 'headroom'.

A stretch of the river from the two sewage treatment works (STW) in Hereford (Rotherwas and Eign) to the confluence with the Lugg is at risk of exceeding the River Wye SAC conservation objective target for phosphates. Modelling has shown that up to approximately 6500 population equivalent can be accommodated 1) within the existing discharge consents (permission for Welsh Water to discharge to the River Wye SAC, granted by the Environment Agency), and 2) without causing the River Wye SAC conservation objective target for phosphates to be exceeded (without causing adverse effect on integrity (AEOI)). Your emerging local plan policy 'SD4 - Waste water treatment and river water quality' and supporting text refer to this.

The Local Planning Authority needs to consider when determining this planning application the impacts of this proposal on the River Wye SAC (i.e. will it cause the SAC to fail its conservation objectives) alone and in combination. The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site

Alone

- that the proposal is unlikely to have a significant effect on any European site subject to the conditions recorded below.

In Combination

The Local Authority needs to satisfy itself that this proposal can be accommodated within the headroom available taking into account:

- existing discharge consents (permission for Dŵr Cymru/ Welsh Water to discharge to the River Wye SAC, granted by the Environment Agency),
- the Hereford Enterprise Zone allocation,
- housing and other development with permission but not yet built,
- allocated development and policies within the emerging Core Strategy.

Conditions

We support the conditions proposed by Dŵr Cymru/ Welsh Water in their response dated the 30

July 2015.

River Wye Site of Special Scientific Interest (SSSI) - Withdrawal of objection – With conditions

Our concerns regarding the River Wye SSSI are the same as those for the River Wye SAC.

Cage Brook Valley SSSI - Withdrawal of objection – with conditions

This application is in close proximity to Cage Brook Valley SSSI. However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted and the conditions advised in the River Wye SAC section of this letter. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

Internal Council Advice

4.3 Transport Manager: No objection subject to conditions

The access location is acceptable as the visibility splays relate to the speeds recorded as per the design guide MfS2. The hedgerow needs to be pulled back behind the visibility splays and allow for growth not to impede visibility.

The site is on the edge of Clehonger and speeds remain a concern, treatment of the approaches will assist in managing the speed and raising the profile of Clehonger and the development. Keeping the hedgerow does prevent the travelling public being aware of an 80 unit development.

As part of the development a S278 agreement will be required to extend the footpath to the public house and a crossing facility to the bus stops including bus stop improvements such as raised kerbs and a shelter on the development side – there is insufficient room for a shelter opposite.

An important link is the cycle footway link to the south on the u73239 which will give a quiet lane access to the village. Visibility splays and footpath link will need to be delivered as part of the development and the internal S38 agreement. Further links to the village and school will need to be provided as part of the S106 as do the gateway improvements.

The development will impact on the route to Hereford, there is potential for cycle network improvements for which contributions will be sought as part of S106.

If you are minded to approve, as this is outline, please condition the link to the south, u73239 and the access including visibility splays, as per the submitted drawing: 2.4m x 105m to the west and 110m to the east. Visibility splays and detail for pedestrian access onto the unclassified road to be provided.

The extension to the TRO 30mph needs to be part of the S278 works and funded by the developer. Moving the 30mph is critical due to the close proximity to the proposed access and to enable a buffer to be provided.

4.4 Conservation Manager (Landscape): No objection subject to conditions

The Landscape Constraints

(a) Landscape Character

The landscape character of this area is that of rolling hills, grazed pastures and arable fields, surrounded by hedgerows. This proposed development will reduce these traditional landscape characteristics. However if the new access proposal mitigates hedgerow removal by new hedgerow planting adjacent and parallel to the hedgerow which has been removed then the visual impact on the Landscape Character will not be as high.

(b) Landscape Function and Value

The landscape function and value of this area which is outside the village settlement area, is that of public visual amenity, recreation, agricultural and biodiversity value. If the proposal accommodates the loss of visual amenity by retaining views to the east from the existing footpath, this will reduce the loss of visual amenity. The proposals should include recreational and biodiversity enhancements to the site to mitigate for loss due to development.

(c) Landscape Sensitivity and Capacity to Absorb Development

The landscape sensitivity and capacity to absorb development is reasonable, due to the boundary screening of mature native hedgerow and mature trees.

(d) Natural Landscape and Biodiversity

New habitat proposals should link with the existing native hedgerow boundaries. The eastern area of the proposed site which is a wetland area and flood retention area, should be restored and enhanced for wetland habitat.

(e) Visual and Public amenity

For visual and public amenity the existing footpath should retain views to the north east towards the open countryside.

Conclusion

From a landscape related perspective the site has the potential to accommodate this proposed development. If the proposal is to be considered further, then the following information would be required with the Reserved Matters submission:

1. A tree and hedgerow survey to boundaries, in accordance with BS5837/2012, along with proposals for the conservation, restoration and enhancement of the existing hedgerows and trees.
2. Sustainable urban drainage proposals and permeable hard surface proposals.
3. Green Infrastructure proposals to link in with the surrounding landscape, the village and the adjacent playing fields.
4. Building design and site layout plan to combine local distinctiveness with sustainability and integration of the new development into the natural, built and historic environment.
5. Hard and soft landscape details to include full planting plans, schedules and specifications for planting and protection of existing and proposed vegetation. Habitat enhancement proposals and vegetation to be removed clearly identified.
6. A Landscape and ecological management plan. This management plan should also show how the landscape and ecological maintenance is to be monitored and maintained.

I would also recommend three landscape proposals:

1. The eastern wetland area of the site represents a flood retention area and so should not be built on.
2. The existing footpath which crosses the site should have a substantial green corridor associated with any development proposals.
3. Proposed hedgerow removal required for sight lines associated with traffic leaving the site will require the replanting of a new native hedgerow parallel to the existing hedgerow to be removed. This is for habitat mitigation and screening of the new development.

4.5 Land Drainage Officer: No objection subject to conditions.

There are no objections in principle to the proposed development on flooding or drainage grounds, subject to the provision of a surface water and foul water drainage strategy that incorporates SUDS principles, provision of FRA undertaken in accordance with the NPPF and infiltration test results prior to construction.

4.6 Conservation Manager (Ecology): Protected Species: No objection

I have read the ecological report from Ecology Services and agree with their findings. I would recommend a non-standard condition for habitat enhancement be attached to any approval for this application as follows:

The recommendations set out in the ecologist's report from Ecology Services dated August 2014 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

4.7 Environmental Health (Contamination): No objection

The report was carried out to address some uncertainty regarding an area of 'unknown filled ground' (UFG) in the south east of the site. It should not, therefore, be considered a full site investigation. Its purpose was to consider whether the UFG warranted more detailed investigation and assessment. The findings of the report show that the feature identified is simply a pond which has dried up naturally or through drainage over time and as such more detailed assessment is considered unnecessary.

With the above in mind, it would seem unreasonable to recommend a condition be appended to any planning approval. However, I would recommend the following be added as a general planning note given the agricultural history of the rest of the site as some agricultural practices can cause contamination of seemingly uncontaminated sites.

Recommended note:

"It is possible that unforeseen contamination may be present on the site as a result of its former agricultural/orchard use. Consideration should be given to the possibility of encountering contamination on the site as a result of its former uses and specialist advice be sought should there be any concern about the land."

4.8 Conservation Manager (Archaeology): No objection

Although the area proposed for development is comparatively large, the location is not archaeologically sensitive and there is no indication that any archaeological heritage assets would be affected.

4.9 Housing Development Officer:

The Housing Team in principle support the application for up to 80 properties with up to 28 of the dwellings as affordable housing. The tenure mix is split 50:50 between social rent and intermediate tenure. Bedroom numbers need to be agreed prior to the submission of the reserved matters. It is proposed that the intermediate tenure units are delivered as low cost market housing, which will need to be sold in line with the figure quoted in the Technical Data of the SPD Planning Obligations at the time of completion.

4.10 Parks & Countryside Officer

UDP Policies H19 Open Space Requirements/ UDP Policy RST3 Open space Standards: In accordance with UDP Policy H19 and Policy RST3, schemes of 80 houses using the standard population rate of 2.3 which equates to 184 persons approximately would require the following:

• Children's play space (0.8ha per 1000 population)	0.14ha
• POS (0.4ha per 1000 population)	0.07 ha
• Outdoor sports (1.6ha per 1000 population)	0.29a
	Total: 0.36 ha

Evidence Bases: In accordance with the NPPF, provision of what open space, sports and recreational opportunities required in a local area should be based on robust assessments of need. The POS requirements for this site (both on and off site) should therefore be determined in accordance with the Open Space Study undertaken for PPG17 (2006) and the Play Facilities Study (2012) and the Playing Pitch Assessment for the Hereford Area (2012).

Development Framework/Design and Access Statement:

POS: The applicant has indicated an area of POS/SUDs to be provided on site to the east of the development. The size of the area and usable POS has not been shown. We would expect at least 0.07ha of POS to be provided on site to meet the policy requirement above and this will need to be confirmed at the reserved matters stage.

Children's Play: The applicant has also indicated that as the site adjoins the existing Playing Field to the west, the proposal is for an off-site contribution towards this facility (the community is currently fund-raising to improve the play offer at this site) rather than an isolated on-site provision. This is in accordance with my pre-application comments and the Play Facilities Study and Investment Plan and meets with Policy requirements identified above.

Outdoor Sports Provision: based on the evidence of Playing Pitch Assessment for the Hereford Area, there is little opportunity locally to provide a facility: there are no outdoor community use sports facilities in Clehonger, no existing clubs and no identified latent demand requiring provision on site of formal pitches. Therefore no on or off site contribution is required.

POS/SUDs: Design of the POS and SUDs area should be fully integrated with the proposed housing. Connectivity is therefore important and consideration given to access to both the existing POS in the adjacent playing fields and the proposed. It is noted that there is a cycle way proposed along the southern boundary to both areas of POS but other thought should be given to connectivity with the residential area.

Heads of Terms: It is noted that the developer covenants with Herefordshire Council to pay the sum of: £955.00 (index linked) for a 2 bedroom open market unit £1,640.00 (index linked) for a 3 bedroom open market unit £2,219.00 (index linked) for a 4+ bedroom open market unit to provide enhanced off-site play infrastructure on the existing adjoining Playing Field. This is supported and in accordance with the SPD on Planning Obligations.

- 4.11 Schools Capital and Investment Officer: No objection subject to completion of S.106 agreement.

5. Representations

5.1 Clehonger Parish Council: Objection

Whilst accepting that some development is both necessary and desirable in line with genuine need, this application would appear to be on a scale that is likely to cause issues for the existing community on a number of fronts. The housing density proposed appears to be higher than desirable for a site of this size and the number of hectares measured would dictate a development of a size of no more than 72 houses if it were to be approved. To again seek to increase the number of houses in this way, within an established community, would be unwelcome and ill advised for all of the reasons identified and would necessarily lead to a reduction in the quality of services enjoyed by the existing residents. This development would irrevocably alter the rural nature of the village and continue to exacerbate the detrimental urbanisation of greenfield sites with the consequent implications for future food production and village integrity.

The Parish Council object to this application and request the Herefordshire Planning Authority to refuse it for reasons including those detailed below :-

1) Housing Need

The proposed development does not tie in with local housing need and there is no evidence that it will provide employment opportunities. There is a wish to have a small number of affordable homes built in the parish to house persons wishing to remain within the village and pursue business opportunities.

To quantify local housing need the following observations have been noted.

Expectations in relation to the emerging Herefordshire Core Strategy (Local Development Plan) 2011 -2031, define a growth of 18% for the Parish over the remaining period of the Plan which represents approximately 100 new houses during that entire timescale.

The proposals are deeply unpopular in the village. This has been borne out by several public meetings held on the subject, one organised by the agent for the applicant in August (2014) and one by the Parish Council on 9th September (2014). The overall wish expressed in recent consultations, including those for the Parish Plan, made it very clear that the village as a whole wanted a restrained approach to further development, with a wish to maintain Clehonger's rural nature. Feedback has shown that over a quarter of the population want no development at all and those who did accept that a moderate number of new dwellings were needed clearly rejected the idea of "big estates". It is a fact that a Herefordshire Council employee, from the Housing Department, is on record for describing a development of more than 18 houses as a "ghetto" and this was recorded in the Minutes of a Parish Council Meeting at which local housing need was being discussed.

Herefordshire Councils own recent Housing Survey, published this year, identified a need for only 8 households that wish to move to a home in the Group Parish; 2 were found to have a need for affordable accommodation, 4 were found to have a need for a home on the open market, 1 was found to have a need for private rented accommodation and 1 was found to have

an undetermined need. (Source Local Housing Needs Survey for the parishes of Clehonger & Eaton Bishop).

Should the development be approved it would be the wish of residents to see, included in the plan, some bungalows for senior residents.

2) Infrastructure

There would, potentially, be an issue with the provision of fresh water and the disposal of sewerage and foul water on the site. Current provision is known to be at capacity and the increase in demand, following this volume of new build, may prejudice the provision of these facilities for existing customers of the service.

There are questions about whether the local infrastructure can take the burden of such a large development in one go. It is known that there are already very serious issues about sewage disposal in the area with many households already relying on septic tank drainage. This fact has been acknowledged in the recent planning decision over the proposed small estate at Harpacre, Clehonger which is along the same stretch of road as this proposal. This application was opposed by Welsh Water who currently has no plans for improving the out of date sewage treatment plant in the next five years. They have also opposed the Gladman proposal [141964/O] on the grounds of capacity and cost.

3) Roads and Transport

There are concerns about the safety of vehicles accessing and exiting the site on what is again quite a fast stretch of road where there is often disregard of the speed limits. This is again currently one of the main roads into Hereford City, for a number of outlying villages, and increased volumes of traffic from growth in all villages, especially at peak times will lead to further congestion on the Belmont Road, with the bulk of journeys into Hereford being made along the Belmont Road for retail, employment, leisure, education and services for the foreseeable future. There are also concerns over the visibility issues on the road.

Bus services have been under review, with subsidy cuts and route restrictions being made, so it will be a necessity to use cars as opposed to other transport options. There are also the issues of young people being able to access the facilities in the city in the absence of reliable public transport.

4) Pond and drainage area

The inclusion of the pond, on what is largely an area of bog land, has provoked concern for child welfare. For safety reasons (the risk of children drowning) it is very unwise to have a pond adjacent to the settlement. (Even Herefordshire Council filled in its paddling pool which was within the play area on King George 5ths Playing Field)

5) Hospital / Surgeries / Health Services

There are reported current capacity issues at both of the local surgeries Kingstone and Belmont, and at the Hereford County Hospital. Large increases in housing stock with, consequently, many more people to serve will necessarily lead to a reduced and more delayed service for all. This situation has recently received televised publicity with highlighting of recruitment difficulties for medical professionals.

There are currently acknowledged issues at the Accident & Emergency Department, and the inpatients service is already compromised. There are currently no plans for expansion of the Hospital or extra provision for "end of life care" (Hospice facilities).

6) Emergency Services

With cuts to emergency service provision being widespread, there is concern as to service provision for increasing numbers of households. It is noted that there is only one joint access

and exit point for the site and this will need to be sufficiently large so as to allow safe access and ingress for all types, and sizes, of vehicular traffic.

7) Environment

There are concerns, in the Parish, over the impact of a development of this size in likely sewerage and waste water issues, potential for increased dog fouling and general denigration of existing habitat. There is also the ongoing problem of lack of parking and school traffic which could potentially be exacerbated by the development. Reference again here the objections and concerns raised by Welsh Water as in the application for the Harpacre site in Clehonger.

Section 106 and funding

The Parish Council wish to make the following statement concerning any potential for there to be funding made available, for community spend, under a section 106 agreement. That should the application be approved, then any monies generated under the 106 agreement be spent entirely within the Parish for, and on behalf of, the persons who reside therein.

The list of items, not exhaustive, that the Parish would be desirous of investing in, using said monies, include the following:

- Financial support for development of Playing Field (including possible extension to size to facilitate pitches)
- To purchase piece of land at the end of Birch Hill Road and B4349 (Area which has been refused planning several times and subject to vendor's wishes)
- Support for accommodation for a Pre-school Funding towards development of the Village Hall.
- Provision of street lighting from Birch Hill Road to The Seven Stars Public House.
- Improve drainage under B4349 adjacent to The Seven Stars Public House.
- Move 30 mph sign to the other side of The Seven Stars Public House.
- Create a "pull in" bus stop by The Seven Stars Public House on either side of the road.
- To allocate an area on the west side of the site for village purposes e.g. car parking for school and sports activities (courts)
- Start up costs of a "good neighbour" scheme plus other ideas as sourced from the Parish Plan Transport funding e.g. buses
- Environmental initiatives such as solar panels on community buildings
- Funding for the Primary School

5.2 Seventeen letters of objection have been received. The content is summarised as follows:-

- In conjunction with other sites this development would far exceed Core Strategy growth targets for Clehonger over the life of the emerging plan. Along with the other large-scale site and other smaller proposals there are approximately 200 dwellings under consideration at present. The Core Strategy identifies a revised proportionate growth target of 105 dwellings;
- The vast majority of parishioners would support small-scale developments that allow the village to evolve gradually. Large-scale proposals change the nature and character of the village physically and socially;
- Large-scale development at Clehonger should be considered in the context of large-scale planning approvals at Kingstone. The strain on highway infrastructure and congestion on the main arterial route into Hereford should be considered;
- This development, with others, would add to the congestion on Belmont Road. It can take an hour to travel less than 5 miles into Hereford. The relief road, when constructed, would do little to alleviate this situation as Hereford is often the destination for this traffic i.e. for work, leisure, recreation etc;

- Bus services are poor, under threat and not likely to encourage people to leave the private motorcar at home. The latest return service from Hereford leaves at 21:30pm; not late enough to allow people to take in a film or socialise;
- Gosmore Road is busy and subject to the national speed limit for much of its length. Public footpaths exit directly onto the road. There is no pavement or pedestrian refuge and the road is narrowed by overhanging hedgerow. The potential for children living on site using this as a route to school is dangerous and a health and safety issue;
- The lower-lying part of the site floods. During episodes of heavy rain water-logging occurs;
- The existing hedgerows offer effective screening during the summer, but will not be effective in screening the development from adjoining dwellings on Gosmore Road; especially from first floor;
- This scheme, with others, would generate far too many affordable houses in one go;
- It is well-known that the sewerage treatment works are at capacity. Additional flow is likely to be detrimental to conservation objectives in the Cage Brook SSSI to which the outfall from the sewage works discharges;
- The Planning Inspectorate dismissed the appeal on land at Home Farm, Belmont; a site that is more suitable to housing than this one;
- The impact of large-scale development on the wider Herefordshire infrastructure must be considered. With reductions in a number of public services, there is bound to be an effect on service provision. GP surgeries are full and difficulties in recruiting new staff are well documented. The impact on the Kingstone GP practice should be considered in the context of large-scale permissions in that village. The same impacts are likely at the County Hospital. Fire services are also under threat. How can large-scale house-building be allowed to proceed at this rate without assurances in place?
- The scheme does not appear to include any bungalows. With an ageing population and increasingly large proportion of disabled amongst the general population, bungalows should be included;
- Residents are yet to be convinced of the demand for all this housing. Houses on the open market regularly remain unsold;
- There is very little employment locally. Most occupants of this scheme will commute to Hereford or beyond. Clehonger will be a dormitory settlement or a suburb of Hereford. The rural nature of the village should be protected;
- The point of access into the application site is unsafe. Visibility splays are insufficient and the junction located on the cusp of the 30mph limit, which is poorly observed. Vehicles are often observed travelling at 60mph on the descent from the Bowling Green;
- There is not the capacity in the local school to cater for the additional demand.

5.3 One letter of support has been received. This cites the need for affordable housing for young people hoping to continue living in the village. Houses on the open market are often not affordable to young people in full-time employment. It is also stated that the primary school and pre-school have the capacity to accommodate more children.

5.4 Herefordshire Ramblers: Concerns are expressed in relation to drainage and the impact on the conditions of footpath CH12 and also the intended tree planting, which might impede passage along the footpath if planted too close. This can be dealt with at the Reserved Matters stage.

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:-

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

6. Officer's Appraisal

6.1 Clehonger 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 an 18% indicative growth target over the plan period. This equates to 109 dwellings, to 2031. As per section three above, planning permission has been granted for several small-scale developments in the recent past. The residual minimum requirement over the lifetime of the Core Strategy remains in excess of the 80 units proposed. In common with other current and recent planning applications in the village, this application is made in the context of the housing land supply deficit.

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, impacts arising from foul drainage, nature conservation interests and highway safety, 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. The Local Plan – Core Strategy Examination in Public took place during February 2015. Although the Inspector's report is anticipated shortly, Core Strategy Policies presently attract no weight for the purposes of decision taking.

6.5 The two-stage process set out at S38 (6) above requires, for the purpose of any determination, assessment of material considerations. In this instance, and in the context of the housing land supply deficit, the NPPF is the most significant material consideration for the purpose of decision-taking. NPPF Paragraph 215 has the effect of superseding UDP policies 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 over the UDP housing supply policies and the presumption in favour of approval as set out at NPPF paragraph 14 is engaged *if* development can be shown to be *sustainable*.

6.6 NPPF Paragraph 14 states that for decision making, the presumption in favour of sustainable development means:-

- *"Approving development proposals that accord with the development plan without delay; &*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:-*
 - any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted."

6.7 In the context of the UDP and the Council's acknowledged shortfall of housing land supply it is the second bullet point and the weighing of positive and negative impacts in the 'planning balance' that is relevant in this case. The decision-taker must decide whether the development

before them is representative of sustainable development having regard to the policies of the NPPF as a whole if the positive presumption is to be engaged.

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

6.9 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land, which is further reinforced in Chapter 6 – Delivering a wide choice of high quality homes. Paragraph 47 requires that local authorities allocate sufficient housing land to meet 5 years' worth of their requirement with an additional 5% buffer. Deliverable sites should also be identified for years 6-10 and 11-15. Paragraph 49 states:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.”

6.10 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.

6.11 In this instance officers consider that in terms of access to goods, services and employment opportunities the site is sustainably located, furthermore, the construction of up to 80 dwellings, including 35% affordable, on a SHLAA low/minor constraints site would contribute towards fulfilment of the economic and social roles. These are significant material considerations telling in favour of the development.

Assessment of the scheme's sustainability having regard to the NPPF and Housing Land Supply

6.12 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*.

6.13 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.

6.14 In this instance officers consider that in terms of access to goods, services and employment opportunities the site is sustainably located in terms of the ability to access village facilities, including the public house, village hall, shop, playing fields and primary school; all of which are within easy walking distance of the site. The delivery of up to 80 dwellings, including 35% affordable, together with contributions towards public open space, sustainable transport and education infrastructure would contribute towards fulfilment of the economic and social roles. These are significant material considerations telling in favour of the development. The scheme's contribution towards fulfilment of the environmental role is discussed below.

Impact on landscape character

- 6.15 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 chapters 11 and 12 of the NPPF.
- 6.16 The application site has no formal landscape designation. It lies in open countryside outside but adjacent the settlement boundary on a site designated in the SHLAA as having low/minor constraints.
- 6.17 The Conservation Manager (landscape) recognises the site's function as part of the Principal Settled Farmlands landscape character, but concludes that the site has the ability to accommodate residential development provided suitable mitigation is incorporated. In this respect conditions will be imposed requiring the protection of hedgerows, 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

- 6.18 There are no designated heritage assets within the built up part of the village. All Saints Church in 'Old Clehonger' is over a kilometre to the east and Cage Brook House and New Mill stand over a kilometre away to the west. The listed complex at Lower Mawfield lies off to the south at similar distance from the site. Given the distances, intervening features and topography, officers consider that the development proposed would have no impact on any designated or non-designated heritage assets and thus complies with saved UDP policy HBA4 (Setting of Listed Buildings) and Chapter 12 of the NPPF.

Impact on ecological interests

- 6.19 Paragraph 109 of the NPPF requires that the planning system should minimise impacts on biodiversity and provide net gains where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.
- 6.20 In this instance the submitted ecological report considers that other than the hedgerows, which will be largely preserved by the scheme, the site has limited ecological interest supporting no species of note. The Council's Ecologist confirms this assessment of the site's interest and that subject to the imposition of a condition requiring the formulation of a habitat protection and enhancement scheme, has no objection to the proposal.
- 6.21 The other principal ecological issue is that arising from foul drainage in the event that a connection to the mains could not be made. Welsh Water has now removed its objection provided the developer covenants to make a financial contribution towards the necessary upgrade of the foul system. This has been agreed and is reflected in the wording of the recommendation. In association, Natural England has also withdrawn its holding objection subject to imposition of the Welsh Water conditions, which are included in the recommended conditions set out below.

Transport

- 6.22 The site's location offers the opportunity to access local goods and services on foot. The site is close to or adjoining the village playing field, primary school, village hall and pre-school. The public house adjoins to the east. Bus stops and the village shop are a short distance away; the former being directly outside the site on the main road. The site frontage on the main road is already served by a 2.0m footway.
- 6.23 In his comments above the Traffic Manager confirms that the proposed visibility splays of 2.4m x 110m to the east and 105m to the west are acceptable and in accordance with measured speeds. To further reduce speeds on the downhill approach into the village it is recommended that the developer fund a Traffic Regulation Order via the S106 agreement in order to extend the 30mph limit further to the east (Hereford side), with the potential introduction of 'gateway' features. Otherwise improvements to bus stops and cycle links, will be required via s38 and s278 agreements and required via planning condition.
- 6.24 The Traffic Manager concludes that subject to these measures the scheme is acceptable relative to the requirements of paragraph 32 of the NPPF and would not result in residual cumulative impacts that are severe.

S106 contributions

- 6.25 The S106 draft Heads of Terms are appended to the report. CIL regulation compliant contributions have been negotiated and are summarised as follows:

'Education Contribution'

£1,201.00	(index linked) for a 2 bedroom open market dwelling
£2143.00	(index linked) for a 3 bedroom open market dwelling
£3471.00	(index linked) for a 4+ bedroom open market dwelling

'Sustainable Transport Contribution'

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

'Off site play'

£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 S106 will also include provisions to ensure 35% of the development meets the definition of affordable housing, together with requisite standards and eligibility criteria.

A restriction is also imposed requiring the provision of 0.36ha of on-site public open space. A maintenance contribution towards the management of on-site public open space and any necessary SUDs system, which will either be adopted by the Council or placed with a Management Company or other body, will also be required.

Impact on adjoining residential amenity

- 6.26 The application is made in outline with all matters bar access reserved. The Development Framework plan does not define the position of dwellings within the site, but officers are content that a layout could be devised that would respect the privacy of adjoining dwellings.

Sustainable Design

- 6.27 The application is made in outline and seeks to establish the principle of development. In terms of design, however, the applicant has confirmed that all dwellings shall follow a fabric first approach to energy efficiency. The site offers good opportunity to construct on an orientation that ensures optimum exposure to passive solar gain and for solar thermal and PV panels.

The Neighbourhood Plan

- 6.28 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'*. Clehonger Group Parish Council has only comparatively recently applied to designate a neighbourhood plan area. Accordingly, the Neighbourhood Plan is not presently sufficiently far advanced to be attributed weight for the purposes of decision-taking and planning applications cannot, in these circumstances, be refused because they are potentially prejudicial to the neighbourhood plan.

7. Summary and Conclusions

- 7.1 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.
- 7.2 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 on a SHLAA site that was designated as having low/minor constraints. Clehonger 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).
- 7.3 The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic role. Likewise S106 contributions and the new homes bonus should also be regarded as material considerations. In providing a greater supply of housing and breadth of choice, including 35% affordable 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.
- 7.4 The Conservation Manager (Landscapes) confirms the application site has the ability to accommodate residential development subject to the retention of landscape features and the development would exert no influence on the setting or significance of any designated or non-designated heritage assets.
- 7.5 Officers conclude that subject to the completion of a S106 agreement, there are no highways, drainage, ecological or archaeological 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 80 and to formulate an integrated foul and surface water run-off scheme. 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, [incorporating a 'Welsh Water' contribution], officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary.

- 1. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**
- 3. A04 Approval of reserved matters**
- 4. C01 Samples of external materials**
- 5. The development shall include no more than 80 dwellings and no dwelling shall be more than two storeys high.**

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

- 6. H06 Vehicular access construction**
- 7. H09 Driveway gradient**
- 8. H11 Parking - estate development (more than one house)**
- 9. H17 Junction improvement/off site works**
- 10. H18 On site roads - submission of details**
- 11. H19 On site roads - phasing**
- 12. H20 Road completion in 2 years**
- 13. H21 Wheel washing**
- 14. H27 Parking for site operatives**
- 15. H29 Secure covered cycle parking provision**
- 16. H30 Travel plans**
- 17. No dwellings hereby approved shall be beneficially occupied until necessary improvements to the Clehonger Waste Water Treatment Works to accommodate the foul flows from the development hereby approved (in accordance with the requirements as outlined in Dwr Cymru's Feasibility Study Scope issued 07/07/2015) has been completed and confirmed in writing by the Local Planning Authority.**

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

18. **L01 Foul/surface water drainage**
19. **L02 No surface water to connect to public system**
21. **L03 No drainage run-off to public system**
22. **L04 Comprehensive & Integrated draining of site**
23. **G04 Protection of trees/hedgerows that are to be retained**
24. **G10 Landscaping scheme**
25. **G11 Landscaping scheme - implementation**
26. **The recommendations set out in the ecologist's report from Ecology Services dated August 2014 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

Reason: To ensure that all species and sites 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's Unitary Development Plan.

27. **Prior to commencement of development, a Construction Environmental Management Plan shall be submitted for approval in writing by the local planning authority and shall include timing of the works, details of storage of materials and measures to minimise the extent of dust, odour, noise and vibration arising from the construction process. Specific measures to safeguard the integrity of any local private water supplies should be highlighted such as pollution risk and increased use projections. The Plan shall be implemented as approved.**

Reasons: To ensure that all species and sites 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's Unitary Development Plan.

To comply with policies NC8 and NC9 within 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.

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. **HN13 Protection of visibility splays on private land**
10. **N02 Section 106 obligation**

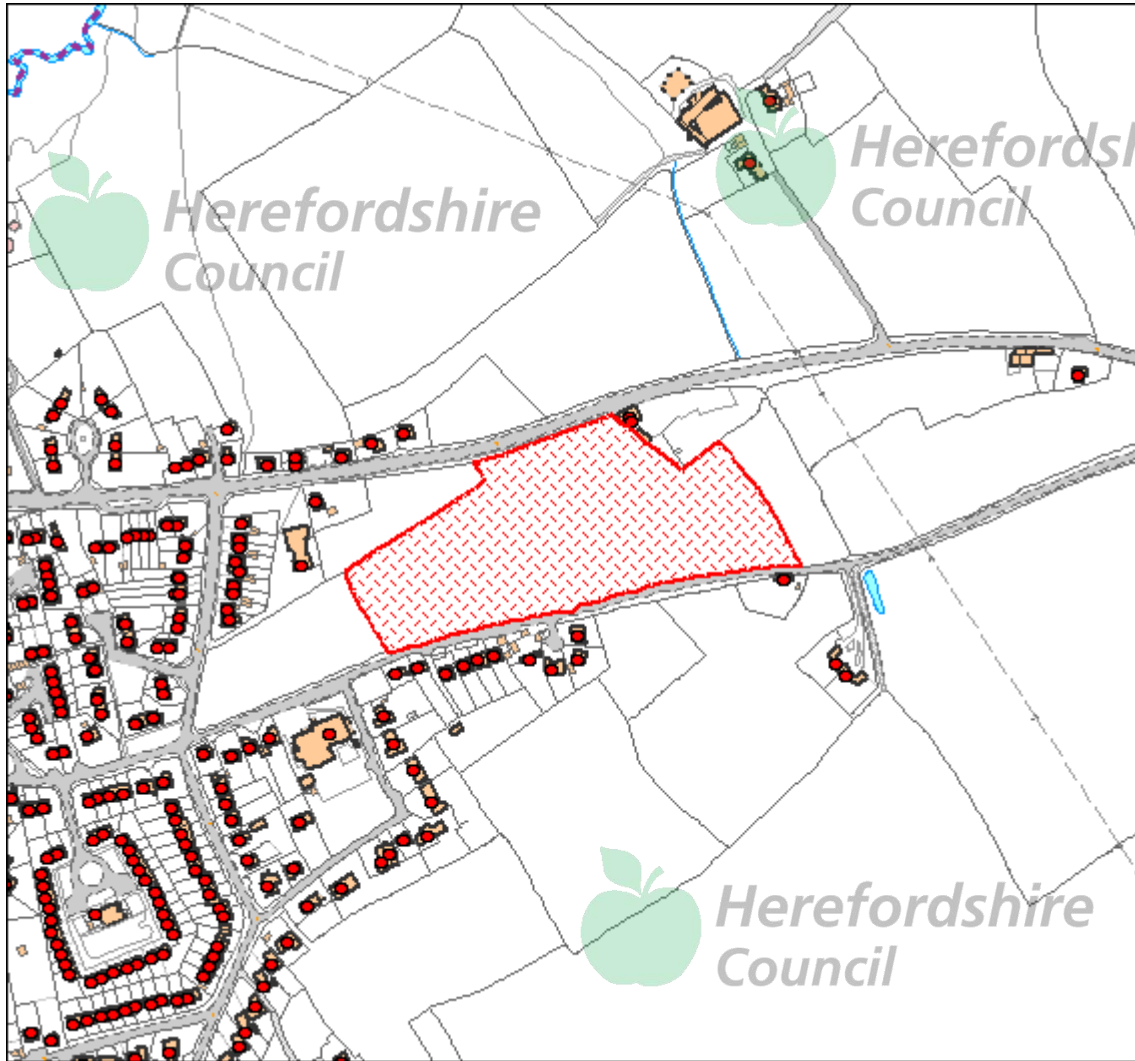
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 142349/O

SITE ADDRESS : LAND BETWEEN, GOSMORE ROAD AND THE SEVEN STARS PH, GOSMORE ROAD, CLEHONGER, HEREFORDSHIRE

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

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 2088. All contributions in respect of the residential development are assessed against general market units only.

Planning application: P142349/O

Residential development for up to 80 houses on land between Gosmore Road and the Severn Stars Public House, Gosmore Road, Clehonger, Herefordshire.

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

£1,201.00	(index linked) for a 2 bedroom open market dwelling
£2143.00	(index linked) for a 3 bedroom open market dwelling
£3471.00	(index linked) for a 4+ bedroom open market dwelling

The contributions will provide for enhanced educational infrastructure at Clehonger Primary School. The sum shall be paid in 4 equal instalments on the first occupation of 25%, 50%, 75% and 100% of the open market houses and may be pooled with other contributions if appropriate.

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

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

The contributions will provide for sustainable transport infrastructure to serve the development. The sum shall be paid in 4 equal instalments on the first occupation of 25%, 50%, 75% and 100% of the open market houses and may be pooled with other contributions if appropriate.

The sustainable transport infrastructure will include:

- Improvements to the highway network to facilitate pedestrian/cycle access to the village school

Note: The following works are necessary to make the development acceptable and will be delivered through a Section 278 highway agreement:

- *A footway/cycleway to the south of the site linking Gosmore Road at either end.*
- *At the western end of the site the new footway/cycleway will link with an existing footpath through the adjacent playing field.*
- *A new footway will extend from the existing footway on the B4339, adjacent to the Severn Stars Public House, towards Hereford. Dropped kerbs will be provided to facilitate access to a bus stop on land opposite the Severn Stars Public House.*
- *Extension of the 30mph speed limit beyond the Severn Stars Public House.*

3. 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 provide for off-site play facilities on the adjacent playing field which may include formal play for toddlers, children and teenage age groups. The sum shall be paid in 4 equal instalments on the first occupation of 25%, 50%, 75% and 100% of the open market houses and may be pooled with other contributions if appropriate.

4. The developer covenants with Herefordshire Council to provide 0.07 hectares of on-site Public Open Space. The on-site public open space shall be made available on or before occupation of the 1st open market dwellinghouse.
5. The developer covenants with Herefordshire Council to either pay Herefordshire Council a 15 year commuted sum for maintenance of the on-site Public Open Space (POS), if to be adopted by the Council. Such sum to be calculated in accordance with the Council's tariffs. Alternatively, the maintenance of the on-site Public Open Space

will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable ongoing 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 that good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

Note: The attenuation basin will be transferred to the Council with a 60 year commuted sum. This will be done as part of the land transfer.

6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£80.00** (index linked) per dwelling. The contributions will provide waste reduction and recycling in Hereford. The sum shall be paid in 4 equal instalments on the first occupation of 25%, 50%, 75% and 100% of the open market houses 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. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 80% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
9. 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:-
 - 9.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 9.2 satisfy the requirements of paragraph 12 of this schedule

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

10.1 a local connection with the parish of Clehonger;

10.2 in the event there being no person with a local connection to the parish of Clehonger the adjoining parishes;

10.3 in the event there being no person with a local connection to the above parish 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 10.1 above

11. For the purposes of sub-paragraph 10.1 and 10.2 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:

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

11.2 is employed there; or

11.3 has a family association there; or

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

11.5 because of special circumstances

12. In the event that the Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3, 6 and 7 above for the purposes specified in the agreement within 10 years of the date of the receipt of the final monies, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.

13. The sums referred to in paragraphs 1, 2, 3 and 6 above shall be linked to an appropriate index of indices selected by the Council with the intention that such sums will be adjusted according to any percentage in prices occurring between the date of the Section 106 Agreements and the date the sums are paid to the Council.

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

14. The developer covenants with Herefordshire Council to pay a surcharge of 1% 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 commencement of the development.
15. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.