

MEETING:	PLANNING COMMITTEE
DATE:	7 October 2015
TITLE OF REPORT:	151121 - PROPOSED RESIDENTIAL DEVELOPMENT OF 10 NO DWELLINGS AT LAND OFF HIGH STREET, LEINTWARDINE, HEREFORDSHIRE For: Mr Stewart per Mr Alastair Stewart, 7 Sweetlake Business Park, Shrewsbury, Shropshire, SY3 9EW
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151121&search=151121
Reason Application submitted to Committee – Contrary to Policy	

Date Received: 14 April 2015

Ward: Mortimer

Grid Ref: 340346,274721

Expiry Date: 15 July 2015

Local Member: Councillor CA Gandy

1. Site Description and Proposal

- 1.1 The application site forms part of a larger field used for grazing. It lies immediately to the north of the recently constructed doctor's surgery and on the northern fringe of the village.
- 1.2 The site is positioned on rising land and is raised above the level of the A4113 by approximately 2.5 metres. The boundary between the two is comprised of a roadside bank with an unmanaged hedgerow on top. Other boundaries to the north and south are comprised of post and wire fences with some hawthorn trees along the northern boundaries. A public footpath runs in an east / west direction parallel to, but outside of, the application site to the north. The site otherwise has no other discernible features.
- 1.3 The proposal is made in outline with all matters reserved for further consideration and is for the erection of 10 dwellings. Although not specified as a matter to be determined, it is evident that access will be taken from the access road serving the doctor's surgery.
- 1.4 The application is supported by the following documents:
 - Design & Access Statement
 - Archaeological Survey
 - Ecological Assessment
 - Landscape Appraisal

2. Policies

2.1 National Planning Policy Framework:

The following sections are of particular relevance:

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

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
H7	-	Housing in the Countryside Outside Settlements
H9	-	Affordable Housing
T8	-	Road Hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
NC1	-	Biodiversity and Development
NC8	-	Habitat Creation, Restoration and Enhancement
ARCH1	-	Archaeological Assessments and Field Evaluations
ARCH5	-	Sites of Lesser Regional or Local Importance

2.3 Herefordshire Core Strategy Deposit Draft:

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land For Residential Development
SS4	-	Movement and Transportation
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
H3	-	Ensuring an Appropriate Range and Mix of Housing
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
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

2.4 Neighbourhood Planning:

Leintwardine Parish Council has successfully applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed on 13 October 2014. The Parish Council will have the responsibility of preparing a Neighbourhood Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this early stage, but the plan must be in general conformity with the

strategic content of the emerging Core Strategy. In view of this no material weight can be given to this emerging Plan.

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

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

3. Planning History

- 3.1 There is no planning history specifically relevant to the application site. However, the planning permission for the doctor's surgery is relevant and its details are as follows:

N120960/F – Approved 13 July 2012 – The detailed plans include the provision of a new means of access directly on to the A4113.

4. Consultation Summary

Statutory Consultations

- 4.1 Severn Trent Water – No objections subject to condition

Internal Council Consultations

- 4.2 Transportation Manager - The access is existing and suitable for vehicular use. Details of pedestrian routing and provision will be required at Reserved Matters stage.

- 4.3 Public Rights of Way Manager – Footpath LX6 does not appear to be affected by the proposal. No objection.

- 4.4 Conservation Manager

Ecology – No objection subject to the imposition of a condition to ensure that the recommendations as set out within the ecology report as submitted by the applicant are followed, and to require the submission of a habitat protection and enhancement scheme prior to the commencement of development.

Archaeology - The site has a degree of archaeological interest, particularly in the southern/eastern part of the site, where Roman period features and finds were present. However, the intermittent remains encountered do not seem to indicate a particularly high level of archaeological sensitivity and significance here. Any harm to the archaeological interest can be mitigated. Accordingly, subject to the attachment of a suitable archaeological condition to any permission granted, I would have no objections.

Landscape – The National Planning Policy Framework, Item 11, 109 states:

'The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and soils'

Proposed house plots number 6 and 10 are extremely close to the existing northern boundary hedgerow. Adequate space should be provided between the existing hedgerow and the proposed housing for maintenance requirements of this existing native hedgerow. The agricultural land classification of this site is a Grade 3 soil, which is a good to moderate soil.

The Herefordshire Unitary Development Plan, following policies state:

S1. Sustainable Development, *'Respecting patterns of local distinctiveness and landscape character in both town and country, safeguarding landscape quality and visual amenity'*

The landscape character of the proposed site is that of a 'Principal Settled Farmlands' which is composed of hedgerows as field boundaries. Proposed soft landscape boundary features should emphasis this landscape character. The Landscape Strategy Proposals Drw No 1 shows that this is being proposed.

S2. Development Requirements, *'Taking a risk-based precautionary approach to flood risk and the effects of flooding elsewhere, having regard to indicative flood risk in the major flood plains of the Rivers Wye and Lugg and their tributaries'*

There is an area outside the site to the north which has flooding issues. Appropriate Sustainable Drainage proposals should therefore be proposed to identify how sustainable drainage is to be implemented on the proposed site, to control site water run off and water pollution control.

DR1. Design, *'Where relevant to the proposal, 1. All development will be required to, promote or reinforce the distinctive character and appearance of the locality in terms of layout, density, means of access and enclosure, scale, mass, height, design and materials. 2. Respect the context of the site, taking into account the landscape character and topography, including longer distance views and ridgeline'*.

The proposed site will require footpath access to the village via the High Street. There should also be a footpath connection to the existing ProW footpath LX6 on the northern boundary.

LA2. Landscape Character and areas resilient to change, *'Proposals should demonstrate that landscape character has influenced their design, scale, nature and site selection. Where appropriate, developers will be encouraged to restore degraded or despoiled landscapes to their inherent character'*

On the southern side of the existing southern boundary hedgerow, a mown grass strip offers no biodiversity value to the existing newly planted native hedgerow. Native hedgerow ground cover flora should be planted adjacent and parallel on the southern side of this recently newly hedgerow to offer biodiversity value and visual amenity.

LA5. Protection of trees, woodlands and hedgerows, *'Through the enhancement and protection of individual trees, tree groups woodlands and hedgerows'*

Existing trees and hedgerows on site should be protected during the construction activities on site.

4.5 Land Drainage Engineer

The Applicant should provide a surface water drainage strategy showing how surface water from the proposed development will be managed. The strategy must demonstrate that there is no flooding of the sewerage system up to the 1 in 30 year event and no increased risk of flooding to the site or downstream of the site as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change.

We have no objections in principle to the proposed development on the grounds of flood risk and drainage. However we recommend that the following information is provided as part of any subsequent reserved matters application:

- A detailed surface water drainage strategy that includes drawings and calculations that demonstrate consideration of SUDS techniques, no surface water flooding up to the 1 in 30 year event and no increased risk of flooding as a result of development up to the 1 in 100 year event and allowing for the potential effects of climate change;
- A detailed foul water management strategy;
- Proposals for the adoption and maintenance of the surface and foul water drainage systems. Prior to construction we would also require the following information to be provided;
- Results of infiltration testing undertaken in accordance with BRE365 and results of recorded groundwater levels, noting that the base of any infiltration structure should be a minimum of 1m above the highest recorded groundwater level.

If infiltration testing indicates that surface water cannot be managed via soakaway, an alternative system must be proposed by the Applicant and approved by the Council prior to construction,

5. Representations

5.1 Leintwardine Group Parish Council object to planning application P151121/O on the grounds that:

- The Leintwardine Village Design Statement states that any development should protect existing views in & out of the village and asserts that any development should avoid masking or diminishing local landmarks.

Any building within the site would impinge upon the panorama leading into the village and would detract from the rural setting of Leintwardine. Policy LA2 of the UDP does not support any proposals which would have an adverse effect on the overall character of the landscape.

The proposed development would have a significant and demonstrable adverse impact on the setting of Leintwardine village. This would outweigh any of the benefits of the proposed development and be contrary to Policy LA3 "Setting of Settlements" of the adopted UDP and Paragraphs 132 and 233 of the NPPF.

- The proposed access to the site is below the brow of a hill with no clear visibility in either direction. There are already 3 other junctions onto the main 'A road existing within a 20 metre stretch.

No allocation for pedestrians has been made within the proposal. There is no pavement from the site to the main A road and no pavement from the vehicular egress along the main A road to join the existing footpath.

Pedestrian egress would therefore have to be made by crossing from the site, across the Leintwardine Surgery access road and car park, and then using the Leintwardine Surgery footpath.

The vehicular access suggested would be shared with the existing Leintwardine Surgery. The surgery access already has issues because the splay is not sufficient and because the access road is not wide enough for 2 vehicles to pass each other.

10 new properties would substantially increase the amount of vehicular use within the area. This would undoubtedly create traffic issues and highway safety problems in the immediate vicinity, leading to pedestrian and vehicular conflict to the detriment of highway safety in the area. This proposal is therefore contrary to Policy S6 of the Herefordshire UDP and Paragraph 32 of the NPPF.

- Herefordshire Council's Strategic Housing Land Availability Assessment designates the site as having considerable constraints. These constraints have not been mitigated within this planning application.
- The site is currently undeveloped and wholly tied to the historic setting of Leintwardine. The village of Leintwardine is located over the site of the Roman town of Branogenium. In recognition of its considerable heritage interest and significance, much of the village is a scheduled monument. Prominent earthworks reflecting the defences of Branogenium are still present in many locations, particularly along the western margin, close to this site.

The need for protection of scheduled monuments is clearly stated in both local & national policy.

Saved policy ARCH 3 of Herefordshire Unitary Development Plan (UDP) 2007 states that 'Development proposals and works which may adversely affect the integrity, character and setting of scheduled monuments will not be permitted'. Paragraph 132 of the National Planning Policy Framework (NPPF) stresses that the significance of a designated heritage asset can be harmed or lost through alteration or development within its setting and that the substantial harm to such assets should be wholly exceptional.

- Paragraph 14 of the NPPF states that "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking."

Leintwardine currently has issues with capacity:

1. schools are full;
2. water treatment and sewage cannot cope with current usage and need work to enable them to meet existing demand;
3. the GP surgery is full & cannot obtain staff to meet demand;
4. the nearest available dentist is over 12 miles away;
5. water run-off along the High Street is already heavy and would be exacerbated by the proposed development.

The availability of employment within the area is low and public transport is wholly inadequate (there is currently no direct route to Hereford) which would necessitate an increase in vehicle use.

Creating large scale developments within the area in these current circumstances would be entirely unsustainable and contrary to Paragraph 14 of the NPPF.

5.2 Nine letters of objection have been received from local residents. In summary the points raised are as follows:

- The site is identified as having significant constraints by the Strategic Housing Land Availability Assessment (SHLAA).
 - It occupies the highest point in the village and is visually obtrusive.
 - The proposals would harm the scenic and distinctive rural character of the approach to the village and will degrade the local landscape.
 - The development will cause light pollution.
 - The development relies on an inadequate means of access
 - The site is located beyond the settlement boundary and the scheme is a creeping, ribbon development.
 - The indicative layout suggests that further development will follow. Such piecemeal development is unacceptable and is designed to circumvent Section 106 requirements.
 - There has been no community engagement.
 - Unsustainable development. No local employment and poor transport links.
 - No capacity in the local primary school.
 - Facilities in the village are limited and reliance will be on larger towns such as Leominster and Ludlow.
 - The proposed density of the scheme is too high.
- The Leintwardine Neighbourhood Planning Group are about to make a 'call for sites'. It is regrettable that this application has been made in advance of this and it would be helpful if it were to be withdrawn so that residents can be involved in determining where development takes place.

5.3 Two letters with mixed comments have also been received. In summary the points raised are as follows:

- The site is acceptable in terms of its size and scale.
- The current access to the doctor's surgery has appropriate visibility splays.
- The houses would be screened by the existing roadside hedge.
- The roadside hedge must be retained to ensure that a rural aspect is maintained.
- The proposal is not ribbon development.
- Villagers have been vocal in objecting to other recent plans but have said that they are not opposed to smaller scale development that includes bungalows. The scheme is for 10 dwellings and is considered to be small scale, and includes four bungalows.
- Any permission should include a condition that the detailed design should follow the guidance set out in the Village Design Statement.
- There are no valid planning grounds to refuse this application.

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 Leintwardine is identified within the adopted Unitary Development Plan as a main village and is also allocated as a main village within the Leominster Housing Market Area within the emerging Local Plan – Core Strategy with a minimum 14% growth target over the plan period.

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

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

regard to the likely effects upon the character and appearance of the area, highway safety and means of access to the site, archaeology and the availability of services and employment opportunities locally, 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 National Planning Policy Framework (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 practical 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*.

6.7 The NPPF approach to Housing Delivery is set out 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 preferably years 11-15 too. Paragraph 47 underlines that UDP housing supply policies should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

6.8 The Council’s published position is that it cannot currently demonstrate a five year supply of housing land. This has been reaffirmed by the published Housing Land Supply Interim Position Statement – May 2014. This, in conjunction with recent appeal decisions, confirms that the Council does not have a five year supply of deliverable housing land, is significantly short of being able to do so, and persistent under-delivery over the last 5 years renders the authority liable to inclusion in the 20% bracket.

6.9 In this context, therefore, the proposed erection of 10 dwellings, on a deliverable and available site is a significant material consideration telling in favour of the development to which substantial weight should be attached.

- 6.10 Taking all of the above into account, officers conclude that in the absence of a five-year housing land supply and advice set down in paragraphs 47 & 49 of the NPPF, the presumption in favour of sustainable development expressed at Paragraph 14 of the NPPF is applicable if it should be concluded that the development proposal is sustainable. As such, the principle of development cannot be rejected on the basis of its location outside the UDP settlement boundary.

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

- 6.11 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*.
- 6.12 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 by proposing to provide a mix of bungalows and two storey dwellings. 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 movement towards a low-carbon economy.
- 6.13 Leintwardine is a main village within the UDP and also identified as a main village in the Herefordshire Local Plan – Core Strategy. Officers consider that in terms of access to local services that include a primary school, shop, public house and public transport the site is sustainable. The delivery of 10 dwellings, including four bungalows, would contribute towards fulfilment of the economic and social roles. These are significant material considerations telling in favour of the development.
- 6.14 The site is not subject to any environmental designations. The Council's Archaeological Advisor has confirmed the findings of the archaeological appraisal and that there is limited sensitivity or significance on this site. He is content that any impacts can be mitigated by condition. Similarly the Council's Ecologist does not object to the application and recommends that a condition be imposed to secure a programme of ecological enhancements in accordance with the recommendations outlined in the ecology survey.

Landscape Impacts and Settlement Setting

- 6.15 The application site is located approximately 250 metres north of the Conservation Area boundary and immediately north of existing built development. The character of the northern approach to the village has been changed considerably in recent years through the development of the new doctor's surgery and affordable housing scheme opposite, both of which have provided considerable social benefits. These developments set the context for this proposal in terms of built form.
- 6.16 The application has been submitted in outline, with all matters reserved for future consideration, including landscaping. However, the applicant has indicated their intention to retain the existing roadside hedge and this is also shown on the landscape strategy plan. The site can currently be seen from the A4113 when travelling in a northerly direction. However, the approved scheme for the doctor's surgery included planting along its northern boundary. This has been implemented and, once it becomes more established, it will serve to filter views of any development.
- 6.17 From more distant viewpoints the site is concealed by a combination of undulating landform, tree cover and neighbouring built form and as a result it is your officer's opinion that the

proposal would not assume a degree of visual prominence that would be detrimental to the surrounding landscape or the setting of the village.

- 6.18 The existing roadside hedge is integral to the approach to the village and, with its retention, it is considered that the setting and character of the northerly part of the village would be maintained. Although the proposal does extend development on previously un-developed land its scale and form are not considered to be at odds with the landscape character of the area and it is therefore concluded that the proposal is compliant with Policies LA2 and LA3 of the UDP.

Highway Impacts

- 6.19 Saved UDP Policy DR3 and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 30 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 32 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where *'the residual cumulative impacts of development are severe.'*
- 6.20 Although not dealt with as a reserved matter, it is clear that the most practical way to provide access to the site is via the access created for the doctor's surgery. The junction details were carefully considered in respect of the application for the surgery and contrary to the objections received about visibility at its junction with the A4113, it is considered to be acceptable. This is reflected in the advice from the Transportation Manager.
- 6.21 It has been pre-supposed that the existing access to the surgery provides the most cost-effective and practical way of gaining access to the site. If the application is to be approved it is recommended that a condition specifically requiring this is imposed. The development will bring about intensification in use of the junction, but it is your officer's view that it is more than capable of accommodating the additional movements that are likely to be generated without compromising highway safety. The scheme is therefore considered to be compliant with Policy DR3 of the UDP and paragraph 32 of the NPPF.

Other Matters

- 6.22 One letter of objection has referred to the increase in light pollution that would result if the development were to be permitted. Given the scale of the development proposed and its relative proximity to the existing built form of the village it is not considered that this represents a valid reason to refuse the application. Street lighting is controlled by the Parish Council.
- 6.23 The ecological value of the field itself is limited. The importance lies in the habitat that the roadside hedge in particular provides and, as previously stated, it is to be retained. A detailed landscaping scheme, based on the landscape strategy submitted by the applicant, will also offer the potential to create ecological enhancements in accordance with Policy NC8 of the UDP.
- 6.24 Members will note that the heads of terms appended to this report includes a commuted sum contribution in lieu of the provision of affordable housing on the site. There has been a significant provision of affordable housing in the village in recent years and at the present time there is not a need for a further provision. The amount requested is to be agreed and is subject to a valuation of the land on an assumption that planning permission is granted. This is subject to on-going discussion between officers and the applicants agent and the committee will be updated on this matter at the meeting.

Summary and Conclusions

- 6.25 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.
- 6.26 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 in the absence of significant and demonstrable adverse impacts, the application should be approved.
- 6.27 The site lies outside but adjacent to the settlement boundary for Leintwardine and is, having regard to the NPPF and saved and emerging local policies, a sustainable location. The site is well served by a range of services that only exist in a few of Herefordshire's villages, including a doctor's surgery, primary school and shop. There is a potential to ensure pedestrian accessibility to and from the development to these services. These opportunities will ensure that prospective residents have a genuine choice of transport modes. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel).
- 6.28 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. In providing a greater supply of housing and breadth of choice, which will include four bungalows, officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development.
- 6.29 It has been demonstrated that the proposal will not harm the landscape character of the area or the setting of the village and officers conclude that there are no landscape, highways, 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.
- 6.30 It is therefore concluded that planning permission should be granted subject to the completion of a Section 106 Planning Obligation in accordance with the Heads of Terms appended to this report, and appropriate planning conditions. The conditions will include a requirement to limit the number of dwellings to no more than 10 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, 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. A01 Time limit for commencement (full 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 10 dwellings and no dwelling shall be more than two storeys high. In accordance with the details submitted with the application, at least four of the dwellings shall be bungalows.**

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. **H11 Parking – estate development (more than one house)**
7. **H18 On site roads – submission of details**
8. **H20 Road completion**
9. **H21 Wheel washing**
10. **H27 Parking for site operatives**
11. **H29 Covered and secure cycle parking provision**
12. **The recommendations set out in the ecologist’s report from Turnstone dated April 2015 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 integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, The scheme should include a timetable for completion of habitat protection and enhancement measures and they 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.

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

13. **G04 Protection of trees/hedgerows that are to be retained**
14. **G09 Details of boundary treatments**
15. **G10 Landscaping scheme**
16. **G11 Landscaping scheme - implementation**
17. **Prior to the commencement of the development hereby approved the following details shall be submitted to and approved in writing by the local planning authority:**

- **A detailed surface water drainage strategy that includes drawings and**

calculations that demonstrate consideration of SUDS techniques, no surface water flooding up to the 1 in 30 year event and no increased risk of flooding as a result of development up to the 1 in 100 year event and allowing for the potential effects of climate change;

- A detailed foul water management strategy;
- Proposals for the adoption and maintenance of the surface and foul water drainage systems. Prior to construction we would also require the following information to be provided;
- Results of infiltration testing undertaken in accordance with BRE365 and results of recorded groundwater levels, noting that the base of any infiltration structure should be a minimum of 1m above the highest recorded groundwater level.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that effective drainage facilities are provided for the development and that no adverse impacts occur to the environment or the existing public sewerage system so as to comply with Policy CF2 of the Herefordshire Unitary Development Plan and the NPPF.

18. E01 Site investigation – archaeology

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. HN01 Mud on highway
6. HN28 Highway Design Guide and Specification

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

DRAFT HEADS OF TERMS

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

Planning Application – 151121

Site address:

Land off High Street, Leintwardine

Planning application for:

Outline application for a proposed residential development of 10 dwellings with all matters reserved

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

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

£2,845 (index linked) for a 2 bedroom apartment open market unit

£4,900 (index linked) for a 2/3 bedroom open market unit

£8,955 (index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at Leintwardine Primary School, Wigmore Secondary School and for Special Educational Needs. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

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

£ 2,457 (index linked) for a 2 bedroom open market unit

£ 3,686 (index linked) for a 3 bedroom open market unit

£ 4,915 (index linked) for a 4+ bedroom open market unit

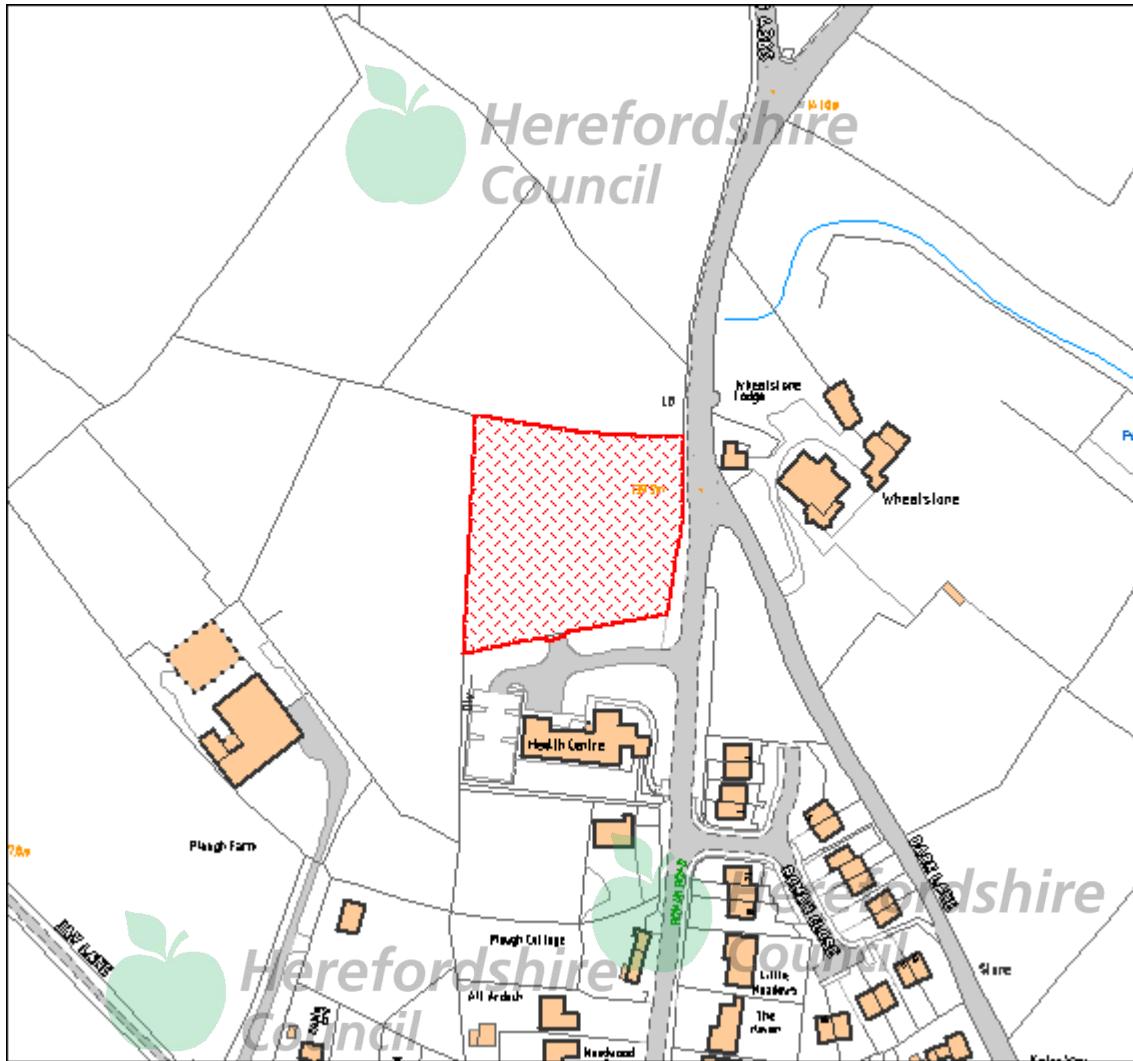
to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

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

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

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£80** (index linked) per dwelling. The contribution will be used to provide 1x waste and 1x recycling bin for each dwelling. The sum shall be paid on or before occupation of the 1st open market dwelling.
4. The developer covenants with Herefordshire Council to provide an off-site contribution, **(the amount of which is to be agreed)** towards the delivery of affordable housing.
5. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3 and 4 above for the purposes specified in the agreement within 10 years of the date of payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
6. The sums referred to in paragraphs 1, 2 and 3 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.
7. If the developer wishes to negotiate staged and/or phased trigger points upon which one or more of the covenants referred to above shall be payable/delivered, then the developer shall pay a contribution towards Herefordshire Council's cost of monitoring and enforcing the Section 106 Agreement. Depending on the complexity of the deferred payment/delivery schedule the contribution will be no more than 2% of the total sum detailed in this Heads of Terms. The contribution shall be paid on or before the commencement of the development.
8. 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.

Andrew Banks
Principal Planning Officer



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APPLICATION NO: 151121

SITE ADDRESS : LAND OFF HIGH STREET, LEINTWARDINE, HEREFORDSHIRE

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