

MEETING:	PLANNING COMMITTEE
DATE:	28 OCTOBER 2015
TITLE OF REPORT:	<p>151315 - PROPOSED DEMOLITION OF EXISTING HOUSE AND ERECTION OF 9 DWELLINGS AT LAND AT GARRISON HOUSE, ORDNANCE CLOSE, MORETON ON LUGG, HEREFORD, HR4 8DA</p> <p>For: Mr Williams per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, Herefordshire HR1 1LH</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151315&search=
Reason Application submitted to Committee – Redirection	

Date Received: 29 April 2015

Ward: Sutton Walls

Grid Ref: 350224,245801

Expiry Date: 24 June 2015

Local Member: Councillor K S Guthrie

1. Site Description and Proposal

- 1.1 The application site is located to the north west of the village of Moreton On Lugg. The site comprises an irregular shaped parcel of land that is 0.48 hectares in size. The site lies to the north of Ordnance Close, an unadopted road that is accessed from the A49 and that currently serves nine dwellings, including Garrison House. The site comprises Garrison House, a building that was originally constructed in 1962 as an Officers Mess for the Army Ordnance Depot and for living accommodation for unmarried officers. In 2000 planning permission was obtained for the change of use to a single dwelling. This dwelling lies in a central position in the site. Vehicular access to the dwelling is currently to the east of the site and comprises a wide access drive that leads to a large hardstanding, parking and turning area. A number of mature trees front the site along Ordnance Close, behind a close board fence. The remainder of the site is mainly laid to lawn with mature hedgerow boundaries. The site slopes gently from the road northwards.
- 1.2 The application seeks Outline Planning Permission for the erection of up to 9 dwellings with all matters reserved for future consideration. The application has been amended during the course of its submission to include access to the site from the adopted highway, namely the A49. The reason for this is that Ordnance Close remains in private ownership and is an unadopted road.
- 1.3 The applicant has agreed that the proposed development would will deliver up to nine dwellings and that their combined floor area will be limited to 1,000 square metres to ensure compliance with the requirements of policy H1 of the Core Strategy.
- 1.4 The application is supported by an indicative plan, extended phase 1 Habitat Survey Report (14/3/2015), Ecology Survey report (31/7/2015) and Design and Access Statement.

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

2. Policies

2.1 National Planning Policy Framework. In particular chapters:

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

2.2 National Planning Practice Guidance

2.3 The Herefordshire Local Plan:

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 - Landscape and Townscape
LD2 - Biodiversity and Geodiversity
LD3 - Green Infrastructure
LD4 - Historic Environment and Heritage Assets
SD1 - Sustainable Design and Energy Efficiency
SD3 - Sustainable Water Management and Water Resources
SD4 - Wastewater Treatment and River Water Quality
ID1 - Infrastructure Delivery

2.4 Moreton On Lugg Neighbourhood Area was approved on 14/10/2013. Work has not commenced on drafting of the plan therefore the plan has no material weight for the purpose of determining planning applications.

2.5 The Core Strategy 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/core-strategy/adopted-core-strategy>

3. Planning History

3.1 CW2000/0434/F – Change of Use from officer mess to single dwelling unit of residential accommodation – Approved 4th April 2000.

4. Consultation Summary

Statutory Consultees

4.1 Highways England

The development will result in a modest intensification of use of the Ordnance Close / A49 junction. The junction has adequate visibility and meets design standards. There have been no recorded injury accidents at the junction in the last five years. Accordingly Highways England offers no objection to this planning application.

4.2 Welsh Water

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

Internal Council Consultees

4.3 Conservation Manager (Ecology)

I have read the ecological report and I am happy that it addresses the issues I raised. To ensure the mitigation in the report are put in place I recommend that a non-standard compliance* condition is attached to any approval as follows:

The recommendations for species and habitat enhancements set out in Section 5 of the ecologist's report from Protected Species Surveys dated July 2015 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. On completion of the enhancement measures, confirmation should be made to the local planning authority in writing together with photographic evidence of the measures implemented.

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

Reasons:

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

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

**A compliance condition allows works related to the condition to commence and then to be discharged on completion.*

4.4 Transportation Manager

Has no objection to the grant of permission. The proposal is acceptable.

Note that there are some deficiencies in the sustainable transport links to Moreton-on-Lugg, but these are on land owned / controlled by others.

1. Footway along A49 is not to current recommended width (2.0m)

2. There is no footway for the first 40m or so of Ordnance Close
3. There are no dropped kerbs at either end of the two existing footway links

4.5 Education

Both Wellington Primary School and Aylestone Secondary Schools have spare capacity in all year groups. No contributions required.

4.6 Parks and Countryside Manager

In accordance with UDP Policy H19 developments of less than 10 are required to provide POS on a pro rata basis.

In this instance an off-site contribution would be sought towards improvements to existing POS in the village in consultation with the Parish Council. In accordance with the Play Facilities Study and Investment Plan, the village play area owned and managed by the Parish Council although recently improved for younger children still requires investment for older children. If this is seen as a priority for the Parish Council (they do not have a neighbourhood plan) and this development would only bring in a small amount, then in accordance with the SPD on planning obligations the contributions for market housing only would be as follows:

- 1 x bed:£193
- 2 x bed: £235
- 3 x bed: £317
- 4+ x bed: £386

4.7 Commissioning Officer (Housing)

I would be looking for 3 low cost market units 1 x 2 bed and 2 x 3 bed houses. Local connection to Moreton-on-Lugg. Initial house sale price for the 2 bed would be £102,300 and the 3 beds £115,100. The discount in perpetuity would need to be supplied by way of 2 open market valuations but this could prove difficult because we do not know what the units will look like

5. Representations

5.1 Moreton on Lugg Parish Council made the following comments:

The Council as whole are unanimously very concerned regarding the proposed planning application and the implications this will have on access to and from the A49. The stretch of road from Moreton Road to the Moreton Business Park entrance has within the last 9 months seen two fatalities and several serious accidents. If the proposed development goes ahead the heavy construction vehicles and subsequent occupant vehicles will substantially increase usage of this already dangerous stretch of road. The Parish Council have serious reservations regarding this development and would like to register their opposition to the planning application

5.2 Eleven letters of objection have been received that raise the following issues:

- Concern about the legalities / ability to grant planning permission without resolving legal issues over rights of access. Who would maintain it in the future?
- Ordnance Close is in private ownership (part owned by various parties) and they have an obligation to maintain it. No consultation with the owners of the road about how they would access / use this for construction traffic.
- Additional traffic from 9 dwellings would be a significant increase in use (doubling numbers of dwellings)

- Ordnance close was not built for this many dwellings
- Highways England are basing their opinion on insufficient data – not all incidents require police assistance
- A49 dangerous due to speed of traffic and the sharp turn when leaving the A49 from the north.
- As you slow down to turn in traffic not aware of cars doing this
- Examples of accidents and near misses provided – these go unrecorded so the HE may not realise the difficulties
- Local residents have contacted the HE independently over the years to ask for a right hand turn
- Cumulative increases of traffic movements onto the A49 nearby – Moreton Business Park, poultry units, quarry – are these taken into account
- Access should go through the old camp to rear of the site allowing them to use the purpose built junction with filter lane
- New cycleway will add the conflict of cyclists
- Habitat survey – Concern about timing of surveys (bats and birds)
- Applicant offers to re-surface Ordnance Close
- 2 fatalities in the area recently
- Proposed access (as shown on indicative plan) would be opposite 7 Ordnance Close and would impact on amenity and privacy (lights and being able to see into property). Access should be where it is now.
- Loss of trees would cause significant impact:
 - Reducing screening Moreton Business Park
 - Reducing Biodiversity
 - Failing to reduce traffic noise and pollution from the A49
 - Reducing screening from adjacent houses
 - Changing skyline and reducing the feel good factors and benefits of living in a green and pleasant environment
- Doubling the number of dwellings in the close will not be in keeping with character of area – density higher
- Four bed dwellings would be small – selling prices would be outside of the average Herefordian based on current average wages and even more so for first time buyers.
- Will any consideration be given to current sewerage systems now and in future?
- The change from lawn to hard standing / dwellings could cause surface water issues
- Demolition of Garrison House – Asbestos survey required as MoD have a habit of using this when multi-occupancy.
- The close is a small, family friendly close

5.3 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 The application falls to be considered having regard to the following issues:

1. Principle of Development
2. Character of the Area
3. Affordable Housing requirements

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

4. Access and Highway Safety
5. Biodiversity
6. Section 106 Agreement

6.2 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.”

6.3 In this instance the Development Plan is the recently adopted Herefordshire Local Plan Core Strategy. Policy SS1 enforces what is at the heart of the Government’s National Planning Policy Framework in its ‘*presumption in favour of sustainable development*’. This policy states:

When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.

Planning applications that accord with the policies in this Core Strategy (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise - taking into account whether:

- a) *any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in national policy taken as a whole; or*
- b) *specific elements of national policy indicate that development should be restricted*

6.4 Policies SS2 (Delivering new homes) and SS3 (Releasing land for residential development) of the Core Strategy set out clearly the need to ensure sufficient housing land delivery across the County. In order to meet the targets of the Core Strategy the Council will need to continue to support housing growth by granting planning permissions where the developments meet with the policies of the Core Strategy, (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans)

6.5 Policy RA1 of the Core Strategy identifies that Herefordshire Rural areas will need to find a minimum of 5,300 new dwellings between 2011 and 2031 to contribute towards the county’s housing needs. The dwellings will be broadly distributed across the seven Housing Market Areas (HMA’s). Moreton-on-Lugg lies within the Hereford HMA.

6.6 Moreton-on-Lugg is identified as being a settlement which will be the main focus of proportionate housing development (figure 4.14). This seeks an 18% minimum growth target over the plan period across the area. This equates to a minimum of 63 dwellings, to 2031. As there are a number of planning permissions already secured in the area, the residual minimum requirement over the lifetime of the Core Strategy is 61 and therefore remains well in excess of the 9 units proposed.

6.7 RA2 is relevant as guiding development in these rural settlements. It states:-

“The minimum growth target in each rural Housing Market Area will be used to inform the level of housing development to be delivered in the various settlements set out in Figures

4.14 and 4.15. Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets.

Housing proposals will be permitted where the following criteria are met:

1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.15 proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement; and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;
2. Their locations make best and full use of suitable brownfield sites wherever possible;
3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and
4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlement, reflecting local demand.

Specific proposals for the delivery of local need housing will be particularly supported where they meet an identified need and their long-term retention as local needs housing is secured as such.”

- 6.8 Moreton-on-Lugg has not yet progressed to Regulation 14 (draft) stage in their Neighbourhood Development Plan process and as such the proposed development falls to be considered in light of the above criteria.

Character of the Area

- 6.9 Ordnance Close comprises a small cul-de-sac of two storey dwellings with those to the north being semi-detached properties, with the exception of Garrison House, and those to the south being detached properties. The dwellings have good sized residential curtilages and off road parking. The frontages of the properties are predominantly open plan and laid to lawn. The eastern and western ends of the cul-de-sac also host mature trees, with those to the west being subject to Tree Preservation Orders.
- 6.10 The site is well related in terms of built form to the main village (and was formerly within the settlement boundary as designated in the UDP), with the dwellings along St Andrews Close. The density of development in Ordnance Close (excluding Garrison House) is currently approx. 13 per hectare with other residential development in the locality also being relatively low, with St Andrews Close (approx. 19 per hectare) consisting of mainly detached dwellings. Further east, the dwellings on St Peters Close (approx. 28 per hectare) and Cedar Close (approx. 30 per hectare) are a slightly increased density. This proposal for 9 dwellings on the 0.48 hectare site would represent a density of approx. 19 per hectare. This is considered to be comparable to the surrounding area and not at odds with its character.
- 6.11 The application is outline only with all matters reserved. Whilst an indicative plan has been submitted with the application, the access, layout, scale, appearance and landscaping would form part of a Reserved Matters application. These submissions should seek to not only address some of the concerns raised by local residents, but also the requirements of policy RA2 above. In addition to this Core Strategy policy SD1 (Sustainable Design and Energy Efficiency) seeks to secure high quality design and well planned development, that positively contribute to the character of the area and that development successfully integrates into the existing built, natural and historic environment. This policy also seeks the inclusion of physical

sustainability measures, including orientation of buildings, provision of water conservation measures, storage for bicycles and waste, including provision for recycling and enabling renewable energy and energy conservation infrastructure. Policy SD3 deals specifically with water consumption and a condition is recommended to address this requirement. The use of sustainable construction methods is also pursued in this policy. These requirements must be considered alongside those of residential amenity in the progression of any approval. Officers would also expect the exploration of the retention of trees along the street frontage and mature landscape boundaries as these would help to integrate the development into the street scene and wider area. This assessment is required by policy LD1 of the Core Strategy that acknowledges the importance and value of the landscape and seeks to conserve landscape features such as trees and boundary hedgerows.

- 6.12 Officers are satisfied, that whilst this application is in Outline form only at this stage, this is a small scale development that can be, though careful design and consideration, assimilated successfully into the locality, whilst providing a relatively modest, but important, number of dwellings to the parish that will count towards the minimum 18% increase in dwellings sought in the parish and Hereford Housing Market Areas by policy RA1 of the Core Strategy.

Affordable Housing

- 6.13 Policy H1 of the Core Strategy established the affordable housing targets for the County. This policy states that all new open market housing proposals on sites of more than 10 dwellings which have a maximum combined gross floor space of more than 1000 sqm will be expected to contribute towards meeting affordable housing needs. This application relates to a development under the threshold of ten dwellings and has confirmed that the maximum gross floor area would not exceed 1000 sqm. A condition is recommended to control this, and any subsequent reserved matters application would be required to comply with this. As such, this proposal is compliant with the requirements of policy H1 of the Core Strategy.

Access and Highway Safety

- 6.14 Ordnance Close is a privately owned road that is dual width and has a footway running along its northern side, crossing to the south side at the approach to the A49 Junction. There is good pedestrian connectivity to the main village, via the footway along the A49 and back towards the village and its services, as well as access to the bus stop on the A49. It is also understood that a new cycleway will be delivered as part of the Moreton Business Park development.
- 6.15 Local residents raise two key issues:
1. The access to the site is via an unadopted road that is not entirely in the ownership of the applicant;
 2. Highway safety issues in respect of the junction of Ordnance Close and the A49 (intensification of use and highway safety)
- 6.16 The application submission was amended during the process to include within the application site area, the means of access to the site along the existing unadopted road (Ordnance Close) from the A49. By statutory definition a private or unadopted street is a road not maintainable at public expense. However, a private road is not necessarily a road to which the public does not have access. In this instance the application process identified that there were multiple landowners and that access was not completely in the control of the applicant. Whilst Ordnance Close is an unadopted road, the road is of a width and nature that is sufficient for two vehicles to pass each other and it has an existing pedestrian footway. It is considered that the unadopted road is capable of absorbing the additional traffic movements without detriment to highway or pedestrian safety. In that respect it complies with the requirements of policy MT1 of the Core Strategy.

- 6.17 The difficulties arise with the legal position of rights of access and who would take responsibility for the ongoing maintenance of the unadopted road. Whilst these concerns are noted, these are civil matters that would need to be resolved by the applicant (or their successor) in order to ensure that the relevant agreements were in place before works were commenced / dwellings occupied. Any planning determination would not override any private rights or restrictions held by these landowners / residents. Planning Permission cannot be refused on these grounds. The Local Planning Authority is not in a position to offer advice on this legal matter and has encouraged the objectors to take their own legal advice. It is noted that the applicant has offered to re-surface Ordnance Close upon completion of construction, and whilst this may be a benefit to the scheme and could be seen as an opportunity to those local residents to resurface without cost to them, is not considered a necessity of the planning permission. As such, we would not seek to control this as part of a planning permission.
- 6.18 Objections have also been raised to the proposal having specific regard to highway safety at the junction of the A49 and Ordnance Close. These concerns relate primarily to the movements required when entering the site from both the north and south where vehicles are slowing or stopping to turn and where other vehicles using the A49 have to slow to accommodate this. Objectors also note the recent accidents on the A49 in the locality and the concern about the speeds along this highway.
- 6.19 Highways England has the jurisdiction over the A49 and as such they are the Statutory Consultee in this instance. They raise no objection to this proposal and confirm that it is their opinion that the development will result in a modest intensification of use of the Ordnance Close / A49 junction and that the junction has adequate visibility and meets design standards. They advise that there have been no recorded injury accidents at the junction in the last five years. On this basis, officers are of the opinion that the proposal would comply with the requirements of policy MT1 of the Core Strategy and with the requirements of paragraph 32 of the NPPF that states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

Biodiversity

- 6.20 The application submission has been supported by a Phase 1 Habitat survey and latterly a protected species survey. Policy LD2 of the Core Strategy seeks to ensure that development proposals conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire. The Council's Ecologist is now satisfied, following the submission of the ecology surveys, that subject to a condition that the recommendations for species and habitat enhancements set out in Section 5 of the ecologist's report from Protected Species Surveys dated July 2015 are undertaken the proposal would comply with the requirements of this policy and with the guidance contained within the NPPF.

Section 106 Requirements

- 6.21 Policy ID1 of the Core Strategy seeks to secure provision for new and / or enhancement of existing infrastructure, services and facilities to support development and sustainable communities. This can be secured through a section 106 agreement and a draft Heads of Terms is appended to this report that seeks contributions for transport infrastructure, open spaces / play and waste. There is no requirement for an education contribution in this instance as the schools affected have capacity in all year groups. Subject to the completion of the Section 106 agreement, the proposed development would be compliant with the requirements of policy ID1 of the Core Strategy.

Conclusions

- 6.22 Both Core Strategy policy SS1 and paragraph 14 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where they accord with the development plan. The site's location is well

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

located to the main settlement of Moreton-on-Lugg and has good access to local services and public transport offering a genuine opportunity for alternative means of travel to its occupants. The principle of development is considered to be acceptable, with detailed design matters being considered in the Reserved Matters stage to ensure compliance with, in particular Policies RA2, SD1 and LD1 of the Core Strategy.

- 6.23 Officers are of the opinion that the existing un-adopted road that serves the development is sufficient to absorb the additional traffic generated from the development and Highways England have raised no objection to the proposed development. The concerns raised by the Parish Council and local residents have been carefully considered but officers are of the opinion that this relatively small scale development would comply with the requirements of policy MT1 of the Core Strategy and with the guidance contained within the National Planning Policy Framework. Matters of impact upon biodiversity have been resolved satisfactorily and the requirements of policy LD2 are met. The recommendation below requires the completion of the section 106 agreement to ensure compliance with the requirements of policy ID1.
- 6.24 Having regard to the three indivisible dimensions of sustainable development as set out in the Core Strategy and NPPF, officers conclude that the scheme, when considered as a whole, is representative of sustainable development and that the presumption in favour of approval is therefore engaged. The contribution that the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic and social roles. Likewise S106 contributions should also be regarded as material considerations when making any decision.
- 6.25 The adoption of the Core Strategy confirms, at this moment in time, a five year housing land supply of 5.24 years (Published March 2015). The provision of a five year housing land supply is only feasible when the Local Planning Authority continue to grant planning permission for housing to meet its growth targets, including the current shortfall. Small scale sites such as the one proposed are vital to support the growth required over the plan period and to ensure a continued five year housing land supply for the County.
- 6.26 This proposed development is considered to be sustainable development, for which there is a presumption in favour and as such, it is officers' recommendation that this is approved with the appropriate conditions, subject to the completion of the Section 106 agreement in accordance with the Heads of Terms attached to this report.

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. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**
- 3. A04 Approval of reserved matters**
- 4. A05 Plans and particulars of reserved matters**
- 5. The maximum combined gross floor space of the development hereby approved shall be no more than 1000sqm.**

Reason: Having regard to policy H1 of the Herefordshire Local Plan Core Strategy, there is no requirement for affordable housing subject to compliance with this

criteria.

6. **B01 Development in accordance with the approved plans**
7. **C01 Samples of external materials**
8. **G05 Pre-Development tree work**
9. **G04 Protection of trees/hedgerows that are to be retained**
10. **G11 Landscaping scheme - implementation**
11. **H13 Access, turning area and parking**
12. **H18 On site roads - submission of details**
13. **H29 Secure covered cycle parking provision**
14. **H27 Parking for site operatives**
15. **I16 Restriction of hours during construction**
16. **The recommendations for species and habitat enhancements set out in Section 5 of the ecologist's report from Protected Species Surveys dated July 2015 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. On completion of the enhancement measures, confirmation should be made to the local planning authority in writing together with photographic evidence of the measures implemented. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

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

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

17. **L01 Foul/surface water drainage**
18. **L02 No surface water to connect to public system**
19. **L03 No drainage run-off to public system**
20. **Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 shall be submitted to and approved in writing by the local planning authority and implemented as approved.**

Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 2. N03 - Access Rights

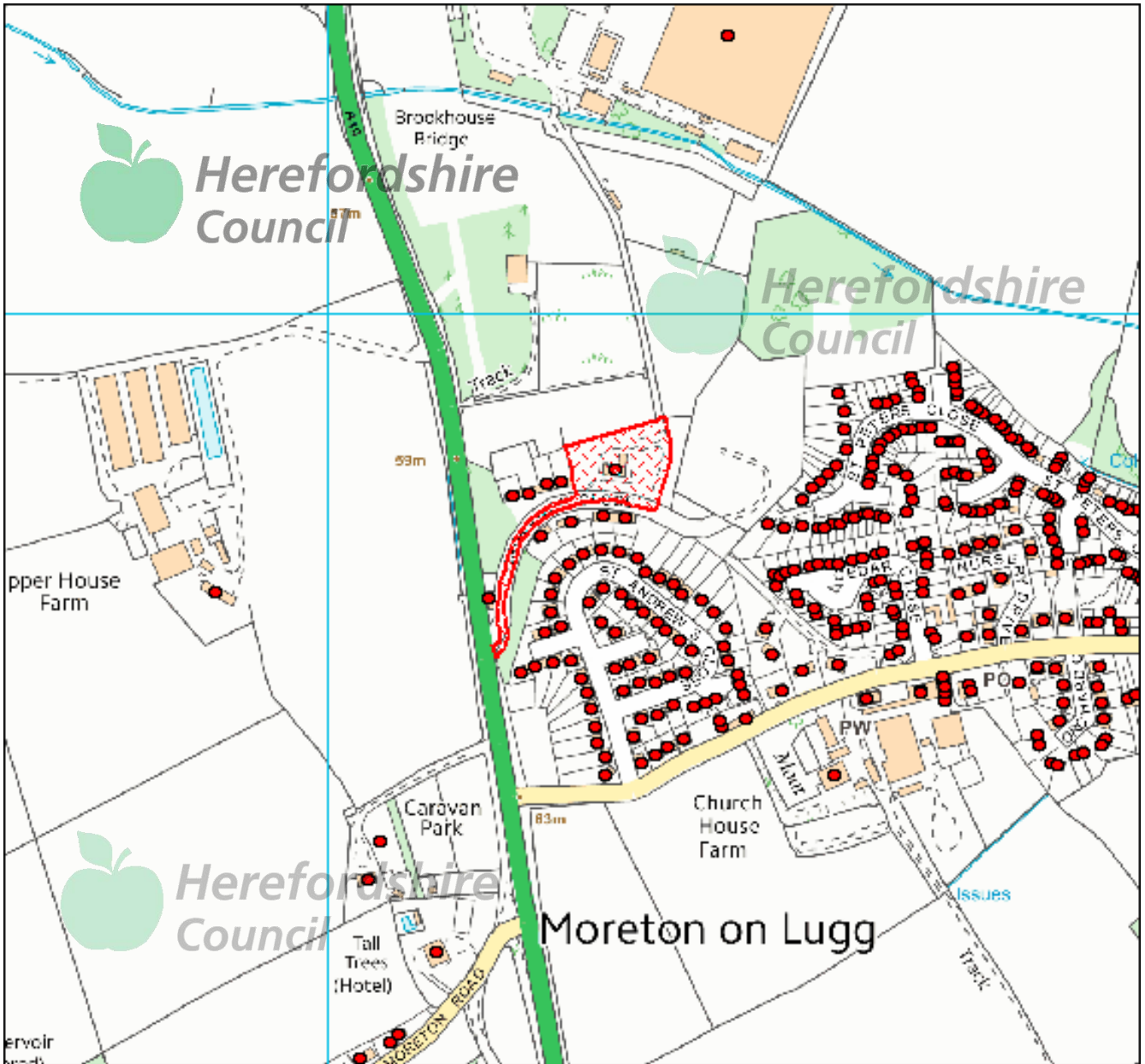
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: 151315

SITE ADDRESS : LAND AT GARRISON HOUSE, ORDNANCE CLOSE, MORETON ON LUGG, HEREFORD, HR4 8DA

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

HEADS OF TERMS

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

Planning Application – 151315

Site address: Land at Garrison House, Ordnance Close, Moreton on Lugg, Herefordshire, HR4 8DA

Proposal: Proposed demolition of existing house and erection of 9 dwellings

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.

Transportation

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

£1720.00 - (index linked) for a 2 bedroom open market unit

£2589.00 - (index linked) for a 3 bedroom open market unit

£3440.00 - (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, in consultation with the Parish Council and Highways England, at its option for any or all of the following purposes:

- a) Traffic calming and traffic management measures in the locality, including traffic Regulation Order
- 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 or school transport improvements and provision

The sum shall be paid on or before occupation of the 1st open market dwelling unless phased payments are agreed with the Local Planning Authority.

Public Open Space / Play

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

£193.00 (index linked) for 1 bedroom open market unit

£235.00 (index linked) for a 2 bedroom open market unit

£317.00 (index linked) for a 3 bedroom open market unit

£386.000 (index linked) for a 4+ bedroom open market unit

To provide an off-site contribution towards improvements to existing Public Open Space in the village, in consultation with the Parish Council. This will be accordance with the Play Facilities Study and Investment Plan. The contribution would be used in accordance with the Play

Facilities Strategy and Investment Plans and in consultation with the local Parish Council and community. There is an existing the village play area owned and managed by the Parish Council although recently improved for younger children still requires investment for older children

The sum shall be paid on or before occupation of the 1st open market dwelling unless phased payments are agreed. With the local planning Authority.

Waste

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 unless phased payments are agreed with the Local Planning Authority.
4. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2 and 3 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.
5. 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.
6. 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.
7. 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.

Miss Kelly Gibbons
October 2015