

MEETING:	PLANNING COMMITTEE
DATE:	18 NOVEMBER 2015
TITLE OF REPORT:	P132707/O - SITE FOR THE ERECTION OF UP TO 89 DWELLINGS INCLUDING AFFORDABLE HOUSING. CONSTRUCTION OF VEHICULAR ACCESS AND OTHER ASSOCIATED WORKS AT LAND ADJOINING HAWTHORN RISE, PETERCHURCH, HEREFORDSHIRE. For: Mr Peter Smith per Mr Paul Smith, 41 Bridge Street, Hereford, HR4 9DG
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=132707&search=132707
Reason Application submitted to Committee – Change of Policy	

Date Received: 1 October 2013

**Ward: Golden Valley
North**

Grid Ref: 334803,238508

Expiry Date: 8 January 2014

Local Member: Cllr PD Price

1. Site Description and Proposal

- 1.1 The application site comprises a field extending to 3.97 hectares located towards the eastern end of Peterchurch, a main settlement and the focus for proportionate growth in the Herefordshire Core Strategy. To the south is a modern residential cul-de-sac (Hawthorn Rise), the boundary of which is defined by a fence marking the rear gardens of a line of bungalows. To the east is Crossways, a larger residential estate, the boundary of which is defined by low level vegetation some trees and a grass track. To the north and beyond a mature hedgerow is agricultural land which rises steadily in a north easterly direction to Blakemere Hill, Stockley Hill and Barratt`s Hill. Beyond this is the Peterchurch Primary School and associated playing fields.
- 1.2 Public footpath PR8 is 60 metres away to the north east which links with footpath PR9 that runs through Bazley Lane some 230 metres to the north-west. Overhead electricity cables run diagonally across the site running in a west-east direction.
- 1.3 Wellbrook Manor, a part 14th century farmhouse, Grade I listed building, lies approximately 115m north east of the site.
- 1.4 This is an outline application for up to 89 dwellings (22 no. 2 bedroom dwellings, 50 no. 3 bedroom units and 17 no. 4 bedroom units) with all matters, with the exception of the means of access, reserved for future consideration. Of this total 35% of the dwellings would be affordable. An illustrative layout is provided that establishes a possible configuration of development along the spine road up slope and north eastwards. The higher density development is shown on the lower portion of land and closer to the B4348 road. The spine road joins the existing road

serving Hawthorn Rise at a point 40 metres from the junction with the B4348 road. This spine road will also provide access to the proposed recreation area.

- 1.5 It is stated that any dwellings that adjoin the north-eastern side of existing properties in Hawthorn Rise will be one and a half storey height, with any first floor window being sited away from the rear gardens of these properties.
- 1.6 The application is supported by the following documents:
- Design and Access Statement
 - Transport Assessment
 - Desk Based Assessment and Trial Trench Evaluation (Archaeology)
 - Ecological Survey and Assessment of Land
 - Drainage Appraisal
- 1.7 A significant portion of the site (1.2 hectares) between the school and Hawthorn Rise is allocated as recreational open space. This proposal seeks to relocate this recreational area to the north-east of the school. The existing overhead power lines that cross the site will remain and have influenced the illustrative layout. However, two lower voltage lines to the north-east of Hawthorn Rise will be laid underground.
- 1.8 The application is accompanied by a Draft Heads of Terms for a Section 106 Agreement which is attached at Appendix 1.

2. Policies

2.1 Herefordshire - 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 settlements
H1	Affordable housing – thresholds and targets
H3	Ensuring an appropriate range and mix of housing
OS1	Requirement for open space, sports and recreation facilities
OS2	Meeting open space, sports and recreation needs
MT1	Traffic management, highway safety and promoting active travel
LD1	Local distinctiveness
LD2	Landscape and townscape
LD3	Biodiversity and geodiversity
LD4	Historic environment and heritage assets
SD1	Sustainable design and energy efficiency
SD3	Sustainable water management and water resources
ID1	Infrastructure delivery

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>

2.2 National Planning Policy Framework (NPPF).

The following chapters are of particular relevance to this proposal:

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

2.3 National Planning Guidance

2.4 Other Relevant National Guidance:

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

2.5 Neighbourhood Planning

The Neighbourhood Plan Area was designated on 28th November 2012 the plan is being drafted but has not reached Regulation 14 stage at the present time and therefore is not sufficiently advanced to attract weight for the purpose of determining planning applications.

3. Planning History

- 3.1 110387/O – Erection of 16 dwellings, construction of revised access – Refused 2 November 2011. Dismissed on Appeal 20 July 2012 (APP/W1850/A/11/2165638)

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water: No Objection

In the light of concerns regarding the development the developer commissioned a Feasibility Study of Peterchurch Waste Water Treatment Works (WWTW) to identify a solution to accommodate the flows from the site. We are presently designing a suitable upgrade solution in order to facilitate the proposal. The improvements required can be met by the mechanism of the S106 Planning Obligation as well as the imposition of the following recommended conditions:

No dwellings hereby approved shall be beneficially occupied until necessary improvements to the Peterchurch WWTW to accommodate the foul flows from the development hereby approved (in accordance with the requirements as outlined in Welsh Water Feasibility Study) 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

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

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

- 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.

- 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.

- 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 The Environment Agency: No objection

This is on the basis that mains drainage is utilised. It is understood that a Grampian style condition would be imposed and that Welsh Water have concerns relating to feasibility. This is a matter to be resolved between Welsh Water and the developer.

The Environment Agency had objected originally to the use of a non-mains drainage solution.

Internal Council Consultees

4.3 Transportation Manager: No objection

The development is acceptable in principle, the detailed reserved matters are key to making the development suitable and integrated into Peterchurch.

The access is suitable for the development though a footpath must be constructed to the west linking to the footpath on the B4348.

The size of development will have an impact on Peterchurch but this can be mitigated by maximising the pedestrian/cycle links from the development to the surrounding area.

A Section 38 agreement is required for the site as regards detailed design. Car-parking will need to be detailed together with cycle provision.

A full drainage plan is required at the Reserved Matters stage.

A Travel Plan has been put forward for this development and the submission of an Outline Travel Plan will be required.

The TA gives the speeds and vehicle numbers in this location. The village is unique in its layout and problems such as the centre of the village. Linking the village is key.

S106 contributions are required towards the following schemes which are in no particular order :

- Safer routes to school - footpath / cycleway to Fairfields School
- Gateway and engineering features - may incorporate removal of centrelines,
- work to the centre of the village - improvements to pedestrian links undertaken with the Parish Council and local community
- TRO's may be required, but the principle is that a range of measures are required to minimise the impact of the development/ Improvements to passenger waiting facilities.

4.4 Conservation Manager (Landscape) No Objection:

I note that in her landscape comments she recommends that development should be contained within the former settlement boundary and that this in all likelihood would result in a reduction of number of dwellings.

I would concur with her findings in that the hedgerow marks an historic field boundary shown in pre-war maps, as well as defining the change in contours of the landform. Retaining development within the settlement boundary would therefore confine built form to the lower slopes as well assisting in mitigating any potential visual impact from views along public rights of way to the east.

Notwithstanding the above if development were to extend beyond the village settlement boundary as shown within the indicative layout (Drawing no 752:02) it is accepted that the context for development does already exist because of the adjacent built form at Hawthorn Rise and further eastwards on the rising contours at Crossways. There are no designations on site and the integrity of 'villagescape' and the setting of listed buildings within the area will remain unaffected by the proposal.

In terms of visual impact, the Herefordshire Trail runs to the west of the proposal however with the retention of the existing hedgerow which lies parallel with the B4348, the effects of the proposal will not be unduly harmful. The public right of way PR9 will afford filtered views of the proposal however the vegetation lining Bazley Lane will mitigate the impact of the proposal. Views from public right of way PR8 will be elevated with the likelihood of open views of the development.

The proposal will include 1.32 hectares of recreational space, given that this will bring about the provision of this allocation, this can therefore be seen as an opportunity for enhancement.

In conclusion, as previously stated in my initial paragraph I would concur with Ms Tinkler's findings, however it is accepted that the adverse effects identified may not be considered so significant as to give rise to a landscape objection.

If the application is approved the following recommendations should be considered:

- Where development extends beyond the defined settlement boundary in particular along the eastern edge of the proposal development should be confined to single storey dwellings.
- The density of the proposal should be reduced in order to reflect the transition between built form and the open countryside.
- Whilst it is noted that the layout is indicative, the northern section of the proposal lacks consideration of the existing pattern of the land and the proposed relationship between the dwellings and recreational space is not well conceived. Built form following the line of the contours of the land and the existing pattern of development is preferable.

- Existing field boundaries within the development should be retained and given the appropriate space and treatment to ensure the longevity of the trees and hedgerow.
- New boundaries should be instated to the east of the development in order to create robust landscape buffers to contain development and filter views from the east.

4.5 Conservation Manager (Ecology):

I have read the ecological report by Willder Ecology dated June 2013 and broadly agree with its findings although I have some reservations concerning the conclusions regarding reptiles. Grass snakes are known to occur along this stretch of hills and slow worms have been found at Vowchurch. Conditions on the site are not pristine but the vegetation coupled with piles of rubble could well harbour some individuals of the latter species. Any mitigation will have to be informed by proper survey with a targeted proposal for mitigations. We can condition this but the surveys will need to be carried out in April/May ideally.

My major concern is the proposal for non-mains drainage of foul water. This area of Peterchurch is susceptible to field drainage flooding. As well as a soak-away being inadequate at some periods of the year, disposal of treated into a watercourse which finds its way to the R. Dore Special Wildlife Sites would not be acceptable. For a development of this size which will output over 30 000 litres of foul per day, it is not clear how this can be accommodated. Potentially this could well mean 60 kg of phosphate a day at least finding its way to the R. Dore with a direct water channel discharge. If this is not correct then we need to some figures to substantiate the proposal.

Before committing to any conditions we need some affirmation from the applicant that these issues will be adequately addressed. We will also be asking for habitat enhancement plans to integrate with any landscape proposals in order to cater for biodiversity improvements for the site.

4.6 Conservation Manager (Historic Buildings Officer): No objection

The proposed development that is the subject of the current outline application for planning permission involves the construction of 89 dwellings on land adjoining Hawthorn Rise in Peterchurch. The site does not form part of a conservation area but there are a number of listed buildings relatively nearby. These include the grade I listed Wellbrook Manor, the grade I listed Church of St Peter and the grade II listed Crossways House.

Peterchurch has grown considerably during the 20th century. Prior to the beginning of the 20th century, these listed buildings were dispersed and very much set into an undeveloped agricultural landscape. They have effectively been linked through the development of Peterchurch during the 20th century and now form part of a settled village environment. The former character and appearance of the wider setting of each of the listed buildings is still retained in part through their relationship with an open agricultural landscape in various directions from their respective locations.

The proposed site is located roughly at the centre of a triangle formed by the three listed buildings. This triangle is geographical in nature but the topography of the local area, the presence of intervening development and vegetation and the overall lack of strong visual linkages between the listed buildings means that while the proposed site falls within the wider development of the listed buildings, it does not form an obvious part of their setting and rather would link in to what is already a comparatively densely developed area. With this in mind I would not consider the development of the proposed site to cause harm to the wider setting of the relevant listed buildings. There is some distance between the site and the listed buildings and as noted, the general topography, landscaping and intervening development prevents very clear visual relationships between the site and surrounding heritage assets. In addition, the

proposed development would form an addition to what is already very much an established townscape character of the village.

4.7 Conservation Manager (Archaeology): No objection

I have now considered the initial archaeological report (please refer for detail), and have the following comments to make:

- The report has been produced to a good standard and in general gives a fair reflection of the results.
- It now seems to be the case that over the vast majority of the development area, there are unlikely to be any archaeological issues of substance.
- However, in the broad vicinity of Trench 3 (where seemingly isolated prehistoric remains of some interest were identified), there is a particular 'zone' of real sensitivity.
- Whilst it is difficult to be sure at the moment of the exact extent and significance of this zone (not least because of the constraints caused by the overhead power supply on site) it seems unlikely that it would extend further than the closest ends of negative Trenches 1, 2, & 4.
- On the other hand, given that trial trenching is a limited and imprecise tool, there is a clear risk that there will be further remains within this location. In my view, it would be reasonable to regard the zone of sensitivity as being some 50m x 50m in area - a very small proportion of the total site area.
- As regards the significance of the remains present/ likely to be present in this zone, they would certainly be of local archaeological importance, maybe of regional importance.

However, there is no evidence to suggest that they would be nationally important, and they would, I think, be of a character well suited to appropriate mitigation by archaeological recording under NPPF Para 41.

In summary therefore, whilst it would be preferable under any detailed design to avoid intrusive development of the archaeologically sensitive zone (could this zone possibly coincide with a landscape buffer, public open space etc.?). I do not think it essential that such avoidance occurs. It would be reasonable and proportionate to require an archaeological excavation of the zone as a condition of planning permission if granted, and that would be the crux of my advice here.

No objections, standard archaeological condition E01/C47 advised.

4.8 Land Drainage Engineer: No objection

Overview of the Proposal

The site occupies an area of 3.98ha of currently arable land. The site topography is generally level from its B4238 road frontage through to the mid-section between Hawthorn Rise and the school grounds. Thereafter, the land rises with increasing steepness towards its north-eastern margins. Review of the Design and Access Statement and EA indicative flood map highlights a minor watercourse located adjacent to the south-eastern site boundary. The Design and Access Statement states that this watercourse is usually dry. This watercourse discharges to the River Dore located to the west of the site.

Fluvial Flood Risk

The site is located within the low risk Flood Zone 1. However, as the site area is greater than 1ha, a Flood Risk Assessment (FRA) will be required. The FRA should address all sources of flooding in accordance with National Planning Policy Framework and should demonstrate how the development will:

Further information on the subject of this report is available from Mr A Prior on 01432 261932

- Prevent any increase in flood risk elsewhere and reduce flood risk through the layout and form of the development and the appropriate application of sustainable drainage systems; and
- Reduce flood risk by making space for water by creating flood flow paths and by identifying, allocating and safeguarding space for flood storage.

Surface Water Flood Risk

Review of the site location with regards to mapped surface water flood risk as illustrated on the uFMfSW indicates that the site is not at significant risk of surface water flooding. However, review of surrounding topography indicates that the site may be at risk of flooding from overland flow from the north-east.

Surface Water Drainage

The Design and Access Statement states that a French Drain will be provided above the northern boundary of the site. It is assumed that this drain is required to intercept overland flow from undeveloped land to the north/north-east to mitigate flood risk to the proposed development. Whilst we agree with the proposal in principle, the applicant will need to consider the potential impacts of this arrangement of flood risk associated with the receiving watercourse(s)/ discharge point(s).

The Design and Access Statement states that SUDS will be investigated and promoted within the development. We are in support of this approach and recommend that the SUDS management train is applied. The SUDS management drain gives preference to the management of surface water runoff through infiltration, followed by controlled discharge to a watercourse, followed by controlled discharge to a sewerage network. Soakaways should be located a minimum of 5m from building foundations and a minimum of 1m above normal groundwater levels in accordance with BRE Digest 365. The site is not located within a designated groundwater Source Protection Zone therefore all forms of development are considered suitable for infiltration.

It is recommended that surface water runoff is attenuated to equivalent Greenfield runoff rates (at minimum) up to and including the 1 in 100 year event (allowing for climate change effects) to prevent any increase in downstream flood risk, and where possible, provide betterment. Due to the size of this development, it is recommended that the applicant demonstrates how overland flows will be managed, in particular for events greater than the 1 in 30 year event and during rainfall events that exceed the provided surface water management system. In order to mitigate flood risk to adjacent development, it is recommended that the developer considers extreme events and overland flow routes, applying guidance set out within CIRIA C635 Designing for Exceedance in Urban Drainage.

4.9 Parks & Countryside: No objection

UDP Policy Requirements for Open space

The proposal generally meets with the policy requirements for open space and has taken account of pre-application discussion. In detail:

UDP Policies RST5 (New Open Space in/adjacent to Settlements) /RST4 (Safeguarding Existing Recreation Open Space): This development, which includes the loss of safeguarded open space and the offer of land to replace it has been supported since early conversations with the applicant and the Parish Council on the following basis:

- In accordance with UDP Policy RST5 there is a requirement of 1.2 ha of new public recreational, amenity space at Peterchurch to address deficiencies in provision and an area

is safeguarded for this purpose, which is the proposed development site. This area has not been brought forward into the public domain for recreational purposes and remains on privately owned land with no public access and constrained by overhead cables running across it.

- In accordance with UDP Policy RST4 the applicant has provided an area of land of 1.2 ha which is of at least equivalent community benefit and is provided in a convenient and accessible location which would be available for public use as part of the proposed development.
- In respect of connectivity and access, the applicant has indicated that the proposed and existing footpath network would provide good pedestrian links and connectivity throughout the site which is welcomed, including access to the MUGA/ recreational area for those living in other parts of the village as well and a link to the local primary school if an established link with the school and proposed recreation ground is needed.
- The proposed area of recreational land has no constraints (e.g. no over head cables) and offers good opportunities to develop a multi functional recreation ground including both sports pitches and play provision. Previously the Parish Council has indicated their support for this proposal, although the applicant hasn't established this further.
- Given the on and off-site contribution sought for play and outdoor sports requirements (see below) this proposal offers the opportunity of developing the land for recreational purposes to meet the identified needs of the community.

UDP Policy H19: Open Space Requirements (on and off site requirements) UDP Policy RST3 Open Space Standards On-Site (A and B): In accordance with UPD Policy H19 Schemes in excess of 60 houses are required to provide for:

- Children's Play Space for all ages, infants, juniors and teenagers (on-site provision)
- Out door Sports Space Provision (off-site contribution)

It is noted that the on-site provision for play includes:

- MUGA to be located in the main recreation area (B) and a very small LAP of only 100sqm (C) in a poor location next to the main access road and on the edge of the development which isn't considered suitable for young children to use and access. In accordance with the Play Facilities Study we don't support the provision of LAPS as they offer little in play value and are costly to maintain and for a development of this size it is not appropriate as they cater for infants only.
- One larger area for play is preferable. The main recreation area offers an ideal opportunity to do this and create a multi-functional area along with other sports requirements and the development of imaginative play for all ages including formal and informal natural play opportunities.
- The MUGA and LAP comes to approx. 1350sq m which is a little less than the policy requirement. In accordance with UDP Policy RST3 (0.8 ha per 1000 population of play provision) a development of this size (89 houses @ 2.2 average occupancy = 195persons) should provide approximately 0.15ha (1500sq m).
- As per pre-application comments it should be of a value of about £65K (in accordance with the SPD on Planning Obligations). Consultation with the local community and in particular the Parish Council is important to establish what is required. For example, the inclusion of a large MUGA may not be appropriate and consideration should be given to both its potential use as they can be provided in all sizes and costs (for example, 465sq m is required as a minimum for 5 aside football) and other play requirements.

It is advised that as the design progresses the local community and Parish Council are fully engaged in the process.

Off-Site: It is noted that the draft heads of terms refer to a contribution towards sports of £128,776.

Whilst this figure is correct and in accordance with pre-application advice, this was for 84 houses and therefore it may be preferable to include contributions based on size of house. It should also identify the amount towards outdoor sports facilities and the amount towards indoor sports facilities as they potentially would benefit different projects:

- Outdoor Sports contribution: In accordance with the SPD on Planning Obligations and based on the market housing:

- 1 bed - £878
- 2 bed - £1066
- 3 bed - £1,442
- 4+ bed - £818

Priorities for spend will be used in accordance with the Indoor Facilities Strategy and on priorities at the time of receiving the contribution including indoor facilities (swimming pools and leisure centres) in the nearest towns and Hereford City. Sport England advocate a 20 minute drive time to facilities in rural areas.

SUDS/Attenuation Pond (C): Is it noted that there is provision for an attenuation pond and whilst a Highways matter if it is to become an integrated part of the POS and recreation offer there are a number of issues which would require consideration with regard to future suitability and adoption;

- o Its design should take account of health and safety, and consider standing water.
- o They do make good areas for wildlife and if carefully designed be both an informal recreation area and an area for biodiversity.
- o The Parish Council would need to be willing to take on its future maintenance as POS (not including the Highways obligations).

However, looking at the location in a narrow space adjacent to the road this approach may not be appropriate and the area would need to be fenced off and remain a highways responsibility

Adoption/commuted sums: The Council would not wish to adopt any of the on-site POS, given the location. The Parish Council may be best placed. Further consultation is required to establish this and what their requirements would be.

4.10 Housing Officer: No objection

The application meets the requirement for 35% of the proposed dwellings to be affordable units. Of these 31 units 13 should be for social rent and 18 for intermediate tenures.

All the affordable homes should meet the Homes and Communities Agencies Design and Quality Standards, Lifetime Homes and at least level 3 of the Code for Sustainable Homes.

In theory I agree with everything within the Draft Heads of Terms. The style and location of the units will need to be negotiated which I understand is achievable before the submission of the reserved matters, with this in mind I am supportive of the scheme

4.11 Public Rights of Way Manager: No objection

4.12 Environmental Health & Trading Standards Manager: No objection

However I recommend a limit on the hours of construction

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

5. Representations

5.1 Peterchurch Parish Council state:

After consultation with residents of the parish, the Parish Council resolve that they would only support the application if the following issues were satisfactorily redressed.

- 1) The need for the construction of an "Attenuation Pond" (which in itself would cause a child safety hazard next to the proposed recreational areas and school) clearly highlights the inadequacy of both the proposed and existing public drainage system, in an area which already suffers with land drainage issues and is adjacent to an area which has major storm drainage problems.
- 2) The proposed onsite sewage treatment should be reconsidered and the public processing plant be improved to handle the increased volumes (30% to 40%) ensuring viability, maintenance issues, the cost of which could fall to the residents or the parish.
- 3) High voltage overhead power lines must be laid underground as the safe areas in the development could become unsupervised play areas.
- 4) Greater integrated mixture of homes on the site which should include one bedroom starter properties (to help alleviate any potential "them and us" scenario.)
- 5) All car parking should be next to the properties (children are not put at risk crossing roads unnecessarily to get to their homes while parents are distracted unpacking shopping etc.)
- 6) Adequate consideration must be given to the access and storage of recycling bins and waste generally
- 7) The installation of a roundabout at the Hawthorn Rise/B4348 junction would ensure both a safer exit from the development and create much needed traffic calming on the B4348.
- 8) MUGA:- already alternative in the village, this area would be better utilised as an amenity and car parking area for the proposed new recreation field.
- 9) 106 monies must be allocated locally following meaningful consultation with the community with consideration being given to twenty first century communication systems and a tangible public transport system.
- 10) An agreed proportion of the proposed affordable housing must have a 106 for families with local connections.
- 11) An agreed proportion of the proposed affordable housing must have a 106 for families with local connections.
- 12) Parish Council Working Group will be maintained to continually monitor work in progress should the application be approved and liaise with the developer.
- 13) Tangible agreed time scale for phases of the development.
- 14) Additional landscaping and tree planting.
- 15) Assurance that the B4348 and A465 are able to cope with the additional traffic from this development and other local developments entering Hereford.

5.2 Peterchurch Parish Council further advise:

I would like to reiterate that the Parish Council insist on being consulted about the allocation of all Section 106 funding relevant to this application.

After consultation with residents of the parish, the Parish Council resolve that they would only support the application if the issues were satisfactorily redressed, as set out above.

5.3 39 letters of objection have been received. The content is summarised below:

- Totally alters character of village
- Beyond settlement boundary, therefore open countryside
- 2005 parish plan- said no more housing estates
- Contrary to Policies in Core Strategy
- Number of dwellings not needed
- Houses for sale in village i.e 18 (4 in Hawthorne Rise)
- Build in and around Hereford i.e race-course
- Need sheltered housing; 1 and 2 bedroom units
- Schools over sub-scribed
- Waiting times now at surgery
- No employment in vicinity
- Contrary to Paragraph 16 of NPPF as regards sustainable transport
- Limited bus service i.e no evenings or Sundays Buses full already on route to Hereford
- Car dependent .Increase in traffic movements 400-500?
- Close to junction with Closure Place, inherent conflict
- Access point insufficient width
- Restricted visibility on B road at school run times
- Access for waste collection facilities
- Does water supply exist for number of dwellings
- High voltage lines away from open space , but what about dwellings
- Close boarded fencing needed for dwellings in Hawthorn Rise, not barbed wire
- Foul drainage will not work with tanks, note Environment Agency objects
- Note limited life of proposed French drains , whose responsibility ?
- Quantity of surface water now pooling to rear of properties and then runs between Crossways and Hawthorn Rise to where as it is not evident.
- Developer should complete existing planning permissions
- Overlooking of properties in Hawthorn Rise
- No ecological appraisal submitted
- Setting of grade I listed building
- Need community centre
- Need good standard of construction
- Still mounds of rubbish on site

5.4 The applicant's agent in response to the Landscape officer's objection makes the following points

Objections relate solely to a single line on northern side, but does not include development elsewhere or beyond the north-west boundary.

You will note from revised illustrative plan a substantial hedgerow with intermittent feature would reiterate and reflect the character of the local landscape identified in Council's adopted Landscape Character Assessment as comprising: *Networks of small winding lands nestling within a matrix of hedged fields.*

The local landscape is also identified as having " *a notably domestic character, defined chiefly by the scale of the field pattern, the nature and density of its settlement and its traditional land uses*". Considered that planting of hedgerow and intermittent trees would not run counter to these characteristics in the landscape

The LCA identifies .. *inappropriate maintenance and degradation and loss of hedgerows which are one of the most significant features in the landscape*This proposal would move towards reduction in size of field, not its enlargement which the LCA specifically identifies as a negative landscape change. Rather the planting of a hedgerow and trees and reinstatement of existing will reinforce local landscape character.

Development would conserve and enhance hedgerow pattern

Only small element of overall scheme objected too. The LCA prevents the loss of hedgerows and small fields not the creation of more hedgerows or the creation of a smaller field as proposed.

- 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 Peterchurch is identified as a settlement within the Core Strategy suitable for proportionate growth over the lifetime of the Core Strategy. Peterchurch has a wide range of facilities including: schools, shop, police station, fire station, industrial estate and good transport links to Hereford and Hay-on-Wye. The indicative growth target is a minimum of 12% in the Golden Valley. The minimum number required with the plan period after taking into account recent permissions is 54 dwellings.
- 6.2 The application is made in outline with all matters bar access reserved and involves the erection of up to 89 dwellings with 35% affordable on land to the north-east of the B4348. The site for residential development comprises an inverted 'L' shape. It is also a site that has been identified within the SHLAA study as a site of low constraints.
- 6.3 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, heritage assets in the form of the listed building (Wellbrook Manor) and archaeology, surface water and foul drainage arrangements and increased traffic movements such that these would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development.

Planning Policy

- 6.4 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."
- 6.5 In this instance the Development Plan for the area is the Herefordshire Core Strategy recently adopted.

- 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; and*
 - *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 Core Strategy and the identified housing targets across the county, the decision-taker must decide whether the development before them is representative of sustainable development having regard to the provisions of the Core Strategy and the NPPF.
- 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.
- “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 within one of the largest settlements in proximity to the main population centre (Hereford) whereas the delivery of up to 89 dwellings, including 35% affordable, and community open space would contribute towards fulfilment of the economic and social roles. These are significant material considerations telling in favour of the development. In this case, it is the assessment of the development’s approach to fulfilment of the environmental role, with specific reference to landscape character and the impact on the setting of listed buildings that is critical.

Impact on landscape character, visual amenity and heritage assets

- 6.12 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.’* Core Strategy policies SS6

(environmental quality and local distinctiveness) (landscape character), LD1 (landscape and townscape), LD2 (biodiversity and geodiversity), LD3 (green infrastructure) and LD4 (historic environment and heritage assets) are broadly consistent with chapters 11 and 12 of the NPPF.

- 6.13 The application site has no formal landscape designation and represents a logical location for the extension of the village. It is accepted that the proposed development is not likely to adversely affect the character of the wider Herefordshire landscape or its visual amenity. It will be viewed from the public footpath linking Crossways and Bazeley Lane and will in part be viewed from the B4348 Road, notwithstanding the overhead power-lines, which are not built under, provide an uninterrupted view through the site uphill toward the well treed slope of Stockley Hill and the existing embankment and hedgerow adjoining the B4348 road affords some screening.
- 6.14 The key issue revolves around the contribution that the existing field pattern makes to the landscape, which is characterised by small to medium sized hedged fields. The proposed site to the north-east in particular straddles what is considered to be a substandard hedgerow given the gaps in it. This hedgerow defines the field boundary and it will be retained and reinforced by further planting such that notwithstanding the extension of residential development beyond this field boundary, this defined field boundary will provide a degree of visual separation..
- 6.15 Although your officers recognise that whilst there will be direct impacts arising from loss of pasture land and its replacement with housing and the direct impact upon the amenity of neighbours, these must be weighed against the benefits of the scheme, including those relevant to the economic and social roles outlined above. Officers acknowledge that this development will alter the character of the village in this location, however, this is mitigated by the presence of existing adjoining residential development and by further landscaping and the lower density development proposed on the more elevated part of the site. This will need to be mitigated by landscaping as stated by the Conservation Manager (Landscape).
- 6.16 In terms of mitigation, this can be provided with hedgerow and tree planting along the north eastern boundary that delineates the existing field boundary with sparse vegetation. This will enhance this part of the landscape particularly when viewed from footpath PR8. This planting will also provide an opportunity for a wildlife corridor. It should also be noted that the development extends beyond the north western boundary towards the area allocated for the recreation area. Conditions will be imposed requiring the formulation of detailed planting and management proposals to ensure that an appropriate form of development is brought to fruition at the Reserved Matters stage.
- 6.17 The harm to landscape character is localised in an edge of village location that officers do not consider prejudicial to the overarching character of the Principal Settled Farmlands typology There will also be no adverse harm to the setting of two grade I listed buildings (designated heritage assets).i.e Wallbrook Manor and the church of St .Peter and Crossways House a grade II listed building on the B4348 road, this is given the extent of existing development, the distance between the heritage assets and the proposal site and the topography. Therefore, the proposal accords with the provisions of Policy LD4 in the Core strategy and Chapter 12 in the National Planning Policy Framework.
- 6.18 The final issue relates to archaeology. There has already been some excavation of the site as detailed in the submitted assessment. There is the possibility of further finds across the site, this can though be appropriately recorded as necessary with the imposition of a planning condition. This course of action is supported by the Conservation Manager.

Transport

- 6.19 The means of access is the only matter to be determined at this stage. The use of the existing access point onto the B4348 road is logical given that it has the requisite visibility splays. It will

also assist in retaining the roadside hedgerow. A new access point would have required more hedgerow removal and engineering works given the difference in levels between the site and the B4348 road.

- 6.20 The spine road will provide access to the recreation area that will be developed in accordance with the aims of the Parish Council. The development will also provide footpath links to the north east to public footpath PR8 and to the north-west to join the footpath that runs along Bazley Lane that provides access to the local shop, library, church and public house on the opposite side of the B4348 road. It is intended to improve Bazley Lane for this purpose as well as provide improved footpath /cycleway facilities to Fairfield school.
- 6.21 There are problems identified with cars parking at either end of the school day along the B4348 road and concerns about increased use of the existing junction which is nearly opposite the junction into Closure Place, on the opposite side of the road. This only occurs at peak periods and the Transportation Manager is satisfied, following submission of a Transport Assessment, that the B4348 has the capacity to handle the additional traffic flows. Whilst, it is acknowledged that there will be an increase in traffic flows this needs to be viewed in the context of improved pedestrian and cycle provision, improved bus-services and traffic calming measures along the B4348 road which could result in gateways at either end of the village and other beneficial highway improvements. This scheme with the attendant contribution could facilitate improvements across the village, including the barrier that the B4348 provides to pedestrians in particular crossing the classified road.

Foul drainage

- 6.22 This is an issue raised by Welsh Water, the Environment Agency and Parish Council. It is a matter that has arisen previously on other sites including one at Kingstone, when on appeal the appointed Inspector concluded that a Grampian style condition could reasonably be imposed. This approach is one that the applicant anticipates in the event that planning approval was supported.
- 6.23 Welsh Water has in this instance following the provision of a Feasibility Study recommended conditions that should be attached together with a requirement that the funding required to upgrade the Waste Water Treatment Works is facilitated via a clause in a section 106/Planning Obligation. The key issue is that this process undertaken by the developer under the control of Welsh Water has established that subject to the above provisos foul drainage generated by this development can be satisfactorily dealt with.

Surface water drainage

- 6.24 Surface water drainage will need to be provided such that the run-off rate including at storm time is consistent with the run-off for this greenfield site. This is feasible subject to conditions as recommended by both the Land Drainage Officer and the Transportation Manager, the latter being of significance as regards run-off from the spine road and other estate roads and the design for the attenuation pond(s) and french drains which has been the focus of some representations. It is considered that the design of such features can be controlled in order to allay fears relating to health and safety, in relation to young children. This site is on a hillside and therefore given the scale of development mitigation for run-off has to be provided, the design for which will be the subject of planning conditions and separate agreements with the Highway Authority.

Public Open Space

- 6.25 The scheme makes provision for recreation space as required by Policies OS1 and OS2 in the Core Strategy. The siting is well related to the school, as was the allocated site. It is though removed from the constraint of the overhead power-lines which increases the potential for

increased use as compared to the allocated site, which with the emergence of the Core Strategy was subject to possible change. The provision of recreation land is important given the needs of the village and the fact that just under half of the proposed site is affected by this policy allocation.

- 6.26 Officers consider that in the circumstances this proposal represents a genuine, long-term benefit to the community in a convenient and accessible location relative to the existing facilities that accords with the requirements of Core Strategy Policies OS1 and OS2 and NPPF paragraphs 70 and 73.

S106 contributions

- 6.27 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’ – £349,800 based on current housing mix

‘Sustainable Transport Contribution’ - £181,855 based on current housing mix. This money would be directed towards sustainable transport projects, with potential expenditure on traffic calming and speed management measures, including gateway features at each end of village, possibly a roundabout, improvements to Bazley Lane, footpath/cycleway provision to Fairfield School and improvements to passenger waiting facilities and improvements to bus services.

‘Off site play’ - £86,466 based on current housing mix. This contribution would be directed towards playing pitches in accordance with the Playing Pitch Assessment for the Golden Valley Area.

‘Waste & Recycling’ – is now £80 per unit to cover the cost of the bins.

The S106 will also include provisions to ensure 35% of the development meets the definition of affordable housing (up to 31 units), together with requisite standards and eligibility criteria.

The developer covenants to provide an area of 1.2 hectares for public open space, including 1500sqm MUGA/play space/recreation area and would be available for public use . Exact detail of MUGA/play area/recreation space will be sought in consultation with Parish Council.

Finally the agreement will also provide for Improvements to Peterchurch Waste Water Treatment Works.

Impact on adjoining residential amenity

- 6.28 This is a material consideration notwithstanding that the layout plan submitted is illustrative only. The potential area for possibilities for overlooking are in relation to properties adjoining the western and north eastern boundaries of Hawthorn Rise and the western boundary of Crossways. However, it is evident that the illustrative plan submitted has addressed this by siting dwellings which will be one and a half storey away from rear garden boundaries and without first floor windows. This approach was adopted for an earlier scheme that was the subject of a dismissed Appeal; the appeal being dismissed solely on access grounds. Therefore, it is considered that there are no substantive grounds for resisting development. Notwithstanding, this is a matter more appropriately determined at the Reserved Matters stage. Therefore, good standards of amenity can be achieved in accordance with Core Strategy Policy SD1 and NPPF Paragraph12 in the NPPF.

Ecology

- 6.29 The Council's Ecologist requests pre-commencement surveying of the site for reptiles. This can be secured by planning condition. Concerns have also been raised to the use of non-mains drainage, this again is addressed by planning condition requiring details for a foul drainage.

Summary and Conclusions

- 6.30 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. This is carried on in the provisions of the Core Strategy objectives which translate into policies encouraging social progress, economic prosperity and controlling environmental quality.
- 6.31 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 is mostly inside what was previously defined as the settlement boundary, notwithstanding the new settlement boundary will only be defined on adoption of the Neighbourhood Plan. Policy RA2 in the Core Strategy states that *in the period leading up to definition of appropriate settlement boundaries the Council will assess applications against their relationship to the main built form of the settlement*. Therefore, given the context of the site and relationship to existing residential areas it is concluded that the proposal accords with this policy requirement. This is a SHLAA minor constraints site in what is, having regard to the NPPF, a sustainable location with good access to a wide variety of services, facilities and employment opportunities. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel).
- 6.32 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 Section 106 contributions should also be regarded as material considerations. In providing a greater supply of housing and breadth of choice, including 35% affordable, officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development. Beyond this, the application also makes provision for community open space, which will be dedicated to the Parish Council. Monies will also secure improvements to pedestrian and cycle way provision. In broader terms it is considered that this is the one feasible site in Peterchurch that can provide the scale of housing proposed and associated community benefits.
- 6.33 The tension, in this case, relates to the environmental role. Whilst it is acknowledged that the north eastern area of development is sited beyond the existing rudimentary hedgerow, this hedgerow is considered to have limited ecological value and landscape value. Nevertheless, the layout submitted reinforces this field boundary with additional hedgerow and tree planting and therefore retains and respects the existing field pattern. There are not substantive policy grounds for resisting development beyond this boundary given the contribution this boundary currently makes in the wider landscape and given the shortfall in housing provision. The proposal site will also not impinge upon the setting of Wellbrook Manor further up slope and to the east of the site. In ecological terms, officers conclude that there is no overriding evidence of significant or demonstrable harm of nature conservation interests.
- 6.34 Additional traffic will join the B4348, however, this road is capable of taking the increased traffic volumes that will be mitigated by improvements to pedestrian access from the site via existing public footpaths, improvements to access to Fairfield school allied with traffic calming measures throughout the village secured through Section 106 contributions. It is within this wider context that the proposal needs to be assessed not simply one as generating more traffic.

- 6.35 The means of foul and surface water drainage can be provided subject to a Grampian condition in relation to foul drainage provision and standard conditions in relation to surface water management. As regards foul drainage the onus is on the developer to secure a satisfactory means of disposal which can be secured via the Section 106 Agreement/ Planning Obligation. Surface water drainage details will be subject of approval of the Council's Land Drainage Officer and Transportation Manager.
- 6.36 Officers conclude that there are no overriding landscape, highways, drainage, recreation and ecological issues that should lead towards refusal of the application and that any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits. It is therefore recommended that planning permission be granted subject to the completion of a legal undertaking and planning conditions.

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. B01 Development in accordance with the approved plans**
- 5. G03 Retention of existing trees/hedgerows**
- 6. G04 Protection of trees/hedgerows to be retained**
- 7. G09 Details of boundary treatments**
- 8. G10 Landscaping scheme**
- 9. G11 Landscaping scheme - implementation**
- 10. E01 Site investigation archaeology**
- 11. H06 Vehicular access construction**
- 12. H11 Parking-estate development (more than one house)**
- 13. H17 Junction improvement/off site works**
- 14. H18 On site roads -submission of details**
- 15. H19 On site roads- phasing**
- 16. H20 Road completion in 2 years**
- 17. H21 Wheel washing**
- 18. H27 Parking for site operatives**

19. **H29 Secure covered cycle parking provision**
20. **H30 Travel plans**
21. **Prior to commencement of the development, a reptile survey should be conducted with results and any mitigation necessary submitted to, and be approved in writing by the local planning authority and the work shall be implemented as approved.**
22. **No development shall take place until a foul drainage scheme to satisfactorily accommodate the foul water discharge from the site has been submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use and no dwelling shall be occupied until the approved foul drainage system has been constructed, completed and brought into use in accordance with the approved scheme.**
23. **I20 Scheme of surface water drainage**
24. **I21 Scheme of surface water regulation**
25. **I16 Restriction of hours during construction**
26. **No dwellings hereby approved shall be beneficially occupied until necessary improvements to the Peterchurch 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) 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
27. **Foul water and surface water discharges shall be drained separately from the site.**

Reason: To protect the integrity of the public sewerage system.
28. **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.
29. **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.
30. **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.

INFORMATIVES:

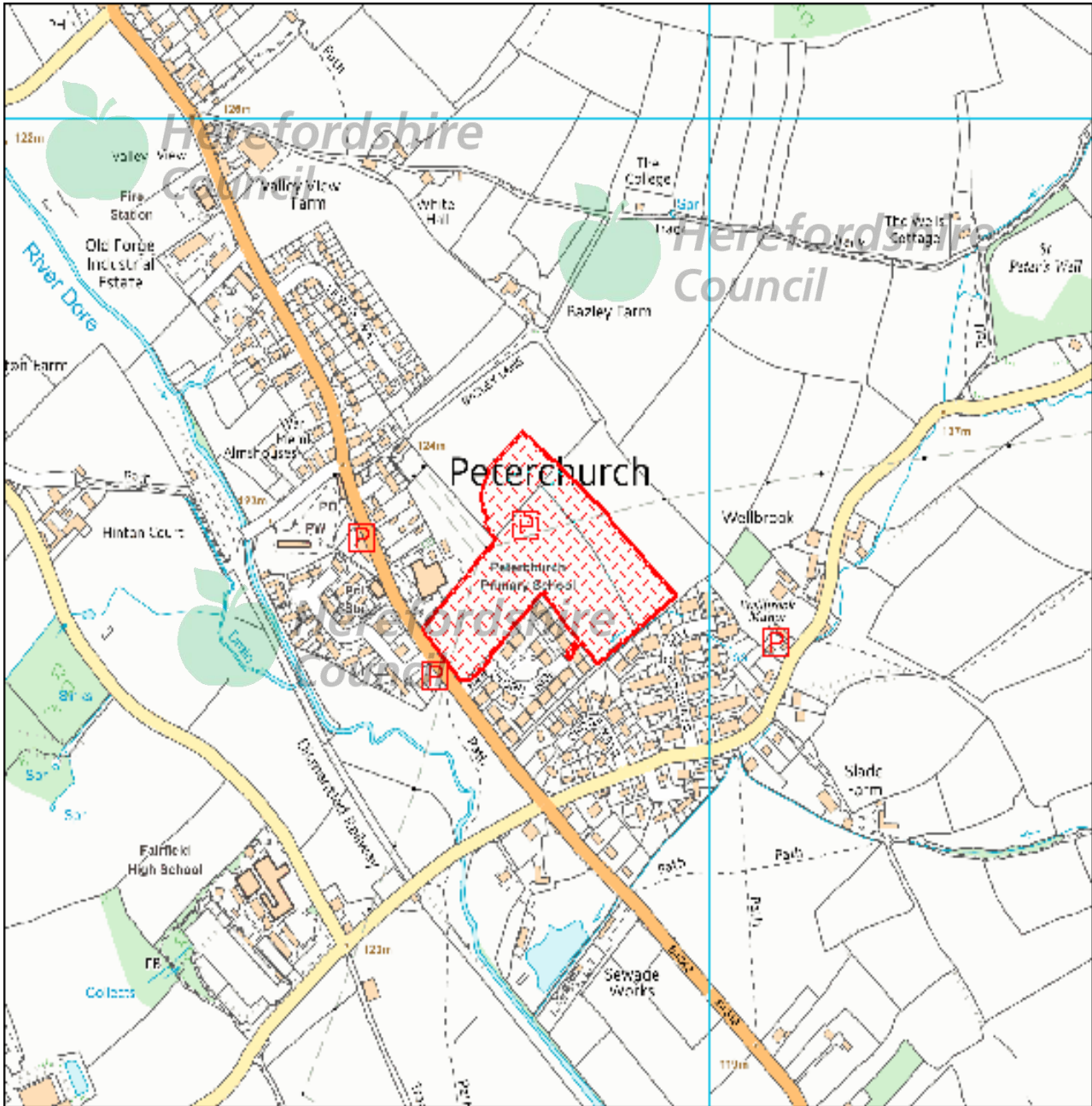
- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in 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. HN08 Section 38 & Drainage details**
- 3. HN07 Section 278 Agreement**
- 4. HN04 Private apparatus within highway**
- 5. HN28 Highways design Guide and Specification**
- 6. HN27 Annual Travel Plan Reviews**
- 7. HN25 Travel Plans**
- 8. S106**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 132707/O

SITE ADDRESS : LAND ADJOINING HAWTHORN RISE, PETERCHURCH, HEREFORDSHIRE

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Further information on the subject of this report is available from Mr A Prior on 01432 261932