

MEETING:	PLANNING COMMITTEE
DATE:	2 NOVEMBER 2016
TITLE OF REPORT:	<p>160048 - PROPOSED OUTLINE PLANNING APPLICATION (ALL MATTERS RESERVED EXCEPT ACCESS) FOR THE DEVELOPMENT OF UP TO 50 RESIDENTIAL DWELLINGS WITH ASSOCIATED ACCESS ON LAND BETWEEN TILLINGTON ROAD AND ROMAN ROAD, HEREFORD.</p> <p>For: The trustees of the late Peter Matthews c/o Miss Emma Warren, CBRE, 5th floor Belvedere, 12 Booth Street, Manchester, Lancashire, M2 4AW</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=160048&search=160048
Reason Application submitted to Committee - Redirected	

Date Received: 11 January 2016 Ward: Queenswood Grid Ref: 348657,242415

Expiry Date: 20 April 2016

Local Member: Councillor PE Crockett

1. Site Description and Proposal

- 1.1 Outline planning permission with all matters bar access reserved is sought for the erection of up to 50 dwellings on a field of open pasture located at the junction of the C1095 Tillington Road and the A4103 Roman Road. The site falls within the Parish of Burghill, immediately adjacent to the UDP defined settlement boundary for Hereford City. The village of Burghill lies 1.6km to the north. Hereford city centre lies approximately 3km to the south-east.
- 1.2 The site is triangular in plan and bounded by the Tillington Road along its north-east boundary and by the A4103 Roman Road to the south. Open fields lie to the west beyond an overgrown hedgerow.
- 1.3 Existing residential development is found opposite in the form of Hospital Houses and at Lower Burlton Cottage and Lower Burlton Barns to the north-west. Beech Business Park is located to the south on the opposite side of Roman Road along with land forming part of the Three Elms strategic urban allocation and The Paddocks application site.
- 1.4 Public Right of Way (BX10) enters the site at roughly the mid-point of the site's southern boundary with the Roman Road and heads due north before terminating on the Tillington Road. To the south on the opposite side of Roman Road this footpath becomes HER37 extending to join with Huntington Lane. The site is relatively flat lying at an average height of around 72m AOD. Vehicular access is currently found at the north-western extreme of the site frontage onto Tillington Road adjacent Lower Burlton Cottage.

- 1.5 As identified above, the centre of Burghill village is located some 1.6km to north. The village of Tillington, also located within Burghill parish, is located approximately 3.4km north of the site. Both Burghill and Tillington are identified as settlements within the Hereford Housing Market Area (Figure 4.14 of the CS).
- 1.6 The application is accompanied by a range of supporting material and an illustrative masterplan demonstrating a scheme of 50 dwellings, which equates to a gross density of 33 dwellings per hectare. Access, which is for determination now, is taken from the mid-point of the Tillington Road boundary and takes the form of a simple T-junction with hedgerow removal to provide the requisite visibility splays.
- 1.7 The Council has adopted a Screening Opinion confirming it does not consider the scheme to represent development requiring the submission of an Environmental Statement.

2. Policies

2.1 The Herefordshire Local Plan - Core Strategy:-

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
SS7	-	Addressing Climate Change
HD1	-	Hereford
HD3	-	Hereford Movement
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
RA1	-	Rural Housing Distribution
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
RA3	-	Herefordshire's Countryside
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

2.2 National Planning Policy Framework 2012

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 Practice Guidance 2014

2.4 Neighbourhood Planning

The Parish Council designated a Neighbourhood Plan Area on 11 September 2013. The Regulation 16 consultation closed on August 16th 2016. Owing to a number of unresolved objections and concerns relating to the deliverability of housing site allocations the Plan has not been endorsed by the Council and will not progress to Examination. Instead, the Parish Council will be invited to review site selection and the proposed allocations to enable the re-submission of a revised plan under Regulation 16 in due course.

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 None relevant

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: Recommend conditions

We write further to our previous letter dated 29/02/2016 to update our consultation response. We would request that if you are minded to grant Planning Consent for the above development that the Conditions listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

WATER SUPPLY

4.2 The proposed development would exacerbate our water supply problems in the area. However, improvements are planned as part of our Asset Management Plan (2015 – 2020) to be completed by 31st March 2020 which will overcome the issues to the water supply system.

We consider any development prior to this date to be premature in advance of essential improvements to the public water supply system. Accordingly, we offer the following Conditions to safeguard our services to existing customers and ensure a satisfactory water supply to serve the new development:

No buildings on the application site shall be brought into use earlier than 31st March 2020, unless the upgrading of the public water supply system, into which the development shall connect has been completed and written confirmation of this has been issued to the Local Planning Authority

Reason: To ensure satisfactory mains water supply is available to properties at all times. Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

The proposed development site is crossed by two 500mm trunk water mains with the approximate position being marked on the attached Statutory Water Mains Record. Please find attached our conditions for working near a public water main.

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

SEWERAGE

- 4.3 We have considered the drainage proposal included within the Flood Risk Assessment and Drainage Strategy Ref: R/C151850/001 dated January 2016 and in the absence of infiltration tests and confirmation of a possible connection to the private surface water system we consider this proposal to be premature. We invite the submission of a further drainage strategy taking into account both foul and surface water flows. The strategy shall also account for the foul connection point offered in the condition below. We would therefore comment as follows:

Conditions

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made at or downstream of manhole reference number SO48428301 as indicated on the extract of the Sewerage Network Plan attached to this decision notice.

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

SEWERAGE TREATMENT

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

Internal Council Consultations

- 4.5 Traffic Manager: No objection

The amended layout removes the direct driveway accesses from Tillington Road, and is considered preferable.

- 4.6 It is noted that all matters except access are reserved and that the layout is therefore indicative only. Should outline permission be granted, if that layout is progressed to subsequent reserved matters or full application stage I would comment that a plan would be showing the limits of proposed adoptable roads and paths to enable assessment of the acceptability of the layout and for the Section 38 Agreement. As previously commented, the layout should be in accordance with our Highways Design Guide for New Development, and with car parking provision in accordance with that document relevant to the size of each property and with appropriate secure covered cycle storage for each plot, as previously mentioned in original comments.

- 4.7 I would add that the junction layout indicated in the Amended Transport Assessment (issue 4 dated 14.06.16) included at Appendix D of the Assessment does not agree with the layout shown on the eEscape Amended Masterplan 015-027-07 Rev C in Appendix C. The footways

should extend round the junction radii to the tangent points as shown on the CBO Drawing in Appendix D, and the treatment of the three footpath stubs from the development onto Tillington Road need to be clarified in the final design.

- 4.8 With reference to the Hereford Relief Road, the Transport Assessment makes reference in 6.22 to the corridor for the road and the impact on the site. The Assessment includes in Appendix F a sample alignment extracted from the Study of Options 2010 report, Northern Core 1 Sheet 17 of 32 incorrectly stating in 6.22 that this shows the route of the road in the area of the proposed site. The plan referred to and included in Appendix F shows a study alignment for the road, as indicated in Figure ES2 in the Study of Options Report 2010, with the full Northern Corridor identified in Figure ES1 of that report and also shown in the Herefordshire Local Plan Core Strategy 2011-2031 on the Hereford Key Diagram on page 51. I can confirm that the northern extreme of the development site is some 150metres to the south of the southern edge of the identified Northern Corridor and therefore would be very unlikely to impact the future deliverability of the road.
- 4.9 Other aspects such as highway network impact and junction capacity have been confirmed as acceptable in the original comments. Those comments also identified that the proposed 30mph speed limit extension would require a Traffic Regulation Order. The full cost of that process and implementation of the resultant changes, to include extension of street lighting, would be borne by the applicant.
- 4.10 Conservation Manager (Landscape): No objection

The site for the proposed outline application for 50 houses is a segment of pasture land adjacent to the urban Settlement Boundary along its eastern extents, with open countryside to the west. Existing residential development forms a cluster of detached dwellings immediately north of the site the boundary partially marked by garden brick walling. A row of semi-detached brick dwellings front onto the C1095 Tillington Road and to the south beyond the A4103 is mixed development in the form of a commercial estate and the static caravan site Bovingdon Park. There are no formal landscape designations but the site is crossed by PROW BX10.

- Within the Urban Fringe Sensitivity Analysis 2010 the area in which the site lies is defined as high-medium sensitivity. Whilst the site itself remains agricultural land and sits within the Principal Settled Farmlands landscape character type, its immediate surroundings are subject to the characteristics of an urban fringe; The start of mixed development marking the transition between open countryside and urban scene as well as the reduced tranquillity as a result the two roads adjacent to the site.
- A further consideration is the proposed western urban extension (Three Elms) as set out in policy HD5 of the Core Strategy this will incorporate extensive residential development and employment land which will reach the A4103 the site will be viewed in this context.
- Pre-application advice was provided for the site (P151159/CE) in which a landscape and visual impact assessment was requested. Having read the report and visited the site I am satisfied that neither the landscape nor visual impact will be significant. As previously stated the site is not designated is located upon the urban fringe which will be further altered by the proposed expansion. In terms of visual impact the site is relatively well contained. Given its topography it is not prominent within its surroundings and many views are either filtered by vegetation or surrounding built form. The application therefore conforms to LD1 of the Core Strategy.
- In terms of the indicative layout as set out on the illustrative master plan, I would recommend further consideration be given to the road configuration and siting/orientation of dwellings in order to achieve more satisfactory layout. Green infrastructure should be an integral part of the design in particular along the route of the PROW. I would not wish to see parking areas intruding upon the area of POS and would like to see clear pedestrian links between the PROW and the POS to ensure it is usable space. It appears from the masterplan (although this is not stated in the arboricultural statement) that a section of

hedgerow is to be removed along the north eastern boundary given that there is only provision for one access the hedgerow should be retained or if the removal is necessary to achieve visibility splays the hedgerow should be reinstated.

- 4.11 An arboricultural statement has been submitted and a number of category C hedgerow trees shown. I would therefore recommend that a plan be submitted indicating the RPA's of both trees and hedgerow in accordance with BS5837:2012 as well as landscape drawings and plant details as part of the reserved matters application.

I note the amended masterplan and have read the submitted landscape and visual appraisal I am satisfied with the indicative layout.

Having looked at the required visibility splays shown in the Transport Statement Drawing CBO-0335-001 I would recommend the reinstatement of a new hedgerow (H15) which accommodates the visibility and retains the landscape character.

- 4.12 Land Drainage Officer: No objection subject to conditions

Overview of the Proposal

- 4.13 The Applicant's proposals are to construct 50 residential dwellings on a currently greenfield site. The Applicant states that the site measures 1.48 ha in area. The low point of the site is to the south west corner. Roman Road, which forms the southern site boundary, is typically raised above the site level.

Fluvial Flood Risk

- 4.14 Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1. Flood Zone 1 comprises land assessed as having less than a 1 in 1,000 annual probability of river flooding. As the site is greater than 1ha, the planning application should be supported by a Flood Risk Assessment (FRA) undertaken in accordance with National Planning Policy Framework (NPPF) and its supporting Planning Practice Guidance. The Applicant has submitted a FRA which demonstrates that the site is in Flood Zone 1.

Other Considerations and Sources of Flood Risk

- 4.15 The FRA gives consideration to the risk of flooding on site from all sources, including surface water, groundwater, sewers, reservoirs and other locally identified sources of flooding.

The FRA states that the site is located 'predominantly outside areas of predicted surface water flooding'. Review of the EA's Risk of Flooding from Surface Water map (Figure 2) indicates that there is a strip of land adjacent to the southern site boundary which is at high risk of surface water flooding. This is considered likely to coincide with the raised embankment for Roman Road in this location. Review of the Proposed Site Plan indicates that the proposed houses will be set back from the southern site boundary and therefore this risk is unlikely to pose a risk of flooding to properties within the site. We do, however, recommend that the Applicant takes this potential 'low point' into account when developing the design of this site and proposed access roads/drainage features within this area.

The FRA states that there is anecdotal evidence of a culvert crossing the site, but states that this is subject to confirmation. This must be determined prior to the submission of any reserved matters application as the layout of this culvert may influence the layout of the development and/or the need to realign the culvert. If it is confirmed that a culvert crosses the site then any associated flood risk will also need to be quantified and mitigated. This may require a more

detailed investigation than the determination of the contributing area and the tracing of the pipe route, as suggested in the FRA.

It is noted that a minor watercourse runs north to south, about 300m west of the site. The FRA states that the site is at least 7m above the level of this watercourse and that the flood risk posed by this watercourse is low. We agree with this assessment.

Surface Water Drainage

- 4.16 The Applicant has provided a surface water drainage strategy showing how surface water from the proposed development will be managed.

The strategy demonstrates that surface water can be attenuated within the site between the 1 in 1 year event and up to the 1 in 100 year event (allowing for the potential effects of climate change). Betterment over existing discharge rates has been provided during larger storms. We approve of this approach.

- 4.17 In accordance with the NPPF, Non-Statutory Technical Standards for Sustainable Drainage Systems and Policy SD3 of the Core Strategy, the drainage strategy should incorporate the use of Sustainable Drainage (SUDS) where possible. Our review of the Cranfield University Soils mapping indicates that the site is underlain by freely draining soils which suggests that infiltration may be a viable means of surface water discharge, subject to review of groundwater levels. We note, however, that the bedrock beneath the site comprises Raglan Mudstone Formation (siltstone and mudstone) which may reduce the sites potential for infiltration of surface water runoff.

- 4.18 The FRA submitted by the Applicant states that the surface water design assumes that no soakage will be possible but that it will be used if infiltration rates allow it. Assuming poor infiltration rates, the Applicant is proposing to discharge surface water runoff to a Welsh Water combined sewer to the south-east of the site. It is essential that the Council consults with Welsh Water to confirm the suitability of this proposal and, if appropriate, agree allowable discharge rates. The Applicant is proposing to attenuate flow to a maximum rate of 2l/s through a Hydro-Brake with a 67mm diameter outlet. This is considered appropriate, but a call to the manufacturer confirmed that Hydro-Brakes this small are more prone to blockage than larger units. The Applicant must therefore set out their proposed approach to managing blockage risks associated with this flow control device.

- 4.19 In accordance with the hierarchy of drainage options as set out in NPPF Planning Practice Guidance, discharging to a combined sewer should only be considered after consideration has been given to the discharge of surface water runoff to ground, followed by discharge to a watercourse, followed by discharge to a surface water sewer or highway drain. The Applicant states that consideration will be given to infiltration to ground should ground conditions allow. We approve of this approach and recommend that infiltration testing is undertaken in accordance with BRE365 to inform the detailed design of the drainage system. If infiltration is feasible, a revised drainage strategy will need to be submitted for review and approval. We also strongly promote the use of combined infiltration and attenuation techniques that maximise infiltration during smaller rainfall events, even in soils with lower permeability. We do not believe that there are watercourses within close proximity to the site to receive a gravity discharge of surface water runoff. However, we note that the Applicant states that there is a private surface water sewer in Tillington Road and we recommend that the Applicant check whether the proposed surface water system can outfall to this existing surface water sewer. We also note that there are existing road gullies along Tillington Road, as well as a kerb drainage system along Roman Road, and recommend that the Applicant consults with the Council's asset management team if the options as discussed above are not viable.

- 4.20 The FRA proposes the use of a below ground geocellular storage crate to attenuate flow prior to discharge to the public sewerage system. Given the size of this development and its location within a greenfield setting, we would have expected best practice SUDS techniques to be used that maximise the management of surface water on the ground surface. We note that this approach was illustrated within the Proposed Site Plan. Whilst we appreciate that there may be other reasons that are influencing the selection of drainage techniques (such as adhering to Welsh Water adoption requirements) we recommend that opportunities for best practice SUDS are explored further. We also highlight that storage of surface water runoff between the 1 in 30 year event and 1 in 100 year event does not necessarily need to be attenuated below ground, and can be directed towards less vulnerable areas of the site for storage on the ground surface.
- 4.21 As per above, the Applicant must consider the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage. Whilst below ground storage up to the 1 in 100 year event may be provided, the surface water drainage system will be temporarily surcharged by these events and temporary storage will be required. Surface water should either be managed within the site boundary or directed to an area of low vulnerability. Guidance for managing extreme events can be found within CIRIA C635: Designing for exceedance in urban drainage: Good practice.
- 4.22 Consideration should also be given to the control of potential pollution of ground or surface waters from wash down, vehicles and other potentially contaminating sources. Evidence of adequate separation and/or treatment of polluted water should be provided to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas. SUDS treatment of surface water is considered preferential but consideration can be given to 'Pollution Prevention Guidance: Use and design of oil separators in surface water drainage systems: PPG 3' if necessary. It is noted that the site is partially located with Zone 3 (outer catchment) of a groundwater source protection zone and, therefore, pollution control is an important consideration, particularly if infiltration features or unlined attenuation features are proposed.

Foul Water Drainage

- 4.23 In accordance with Policy SD4 of the Core Strategy, the Applicant should provide a foul water drainage strategy showing how it will be managed. Foul water drainage must be separated from the surface water drainage. The Applicant should provide evidence that contaminated water will not get into the surface water drainage system or nearby watercourses.

Overall Comment

- 4.24 Prior to granting planning permission we recommend that the Council requests confirmation that the proposals are considered acceptable to Welsh Water, most notably the proposal to discharge surface water runoff to the combined sewer should other options for managing surface water prove unviable.
- 4.25 If Welsh Water agree to the proposals in principle, it is still essential that the Applicant provides further demonstration as part of any reserved matters application that other options have been explored for the management of surface water runoff in accordance with the hierarchy of drainage options as set out in NPPF Planning Practice Guidance. For a development of this size and given the uncertainty regarding the management of surface water runoff, it would be beneficial if the Applicant could undertake infiltration testing to support the reserved matters application.
- 4.26 If another method of discharging surface water runoff is proven feasible, a revised drainage strategy will need to be submitted for review and approval as part of the reserved matters application. We also strongly promote the use of combined infiltration and attenuation techniques that maximise infiltration during smaller rainfall events, even in soils with lower

permeability. We also stress that we would expect to see best practice SUDS measures in a development of this size and location.

- 4.27 The FRA states that there is anecdotal evidence of a culvert crossing the site, but states that this is subject to confirmation. This must be determined prior to the submission of any reserved matters application as the layout of this culvert may influence the layout of the development and/or the need to realign the culvert. If it is confirmed that a culvert crosses the site then any associated flood risk will also need to be quantified and mitigated. This may require a more detailed investigation than the determination of the contributing area and the tracing of the pipe route, as suggested in the FRA.
- 4.28 If an appropriate reserved matters application is made and the Council is minded to grant planning permission, we will recommend that the following information is requested as part of suitably worded planning conditions:
- Results of infiltration testing undertaken in accordance with BRE365.
 - Confirmation of groundwater levels to demonstrate that the base of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice.
 - Demonstration of the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage.
 - Demonstration that appropriate pollution control measures are in place prior to discharge. The Applicant should take into consideration the groundwater source protection zone located beneath part of the site.
 - A detailed foul water drainage strategy showing how foul water from the development will be disposed of.
 - Confirmation of the authority responsible for the adoption and maintenance of the proposed drainage systems.

Ecology

- 4.29 I note that the Arboricultural Report (Urban Green/CBRE Ltd November 2015) does not mention any of the current UK tree pathogen issues – in particular Chalara (Ash Dieback Disease) that is endemic to England and Herefordshire and on the continent has led to a 95-98 mortality rate in *Fraxinus excelsior* – no different outcome is happening or expected in the UK. I would expect the next stage – an Arboricultural Impact Assessment and Arb. Method Statement (with Root Protection Plan) to take this issue into consideration and it should also be a guiding factor in a detailed landscaping, planting and biodiversity enhancement plan. Both of these will be required under Reserved Matters. I am confident that with a well designed biodiversity mitigation and enhancement plan, combined with a well planned “Quality not Quantity” and “right tree in the right place” landscaping scheme and a green infrastructure establishment and maintenance plan, that the site’s ecological interests can be improved

The biodiversity plan should also include detailed working method statements and specifications and locations for the mitigation and enhancements recommended in the ecology report (Urban Green – October 2015).

I would suggest the following conditions for elements required as Reserved Matters are included if the outline application is approved.

Tree Protection and Assessment

- 4.30 *No development shall commence on site, or materials or machinery brought to the site for the purposes of development until a BS5837:2012 Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS) and Root Protection Areas have been completed with a copy supplied to, and received by the planning authority.*

Reason: The proper consideration of potential impacts on protected species and biodiversity assets is a necessary initial requirement before any groundworks are undertaken so as to ensure that the nature conservation interest of the site is protected. So as to comply with Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

Nature Conservation - Site Protection

- 4.31 *No development shall commence on site, or materials or machinery brought to the site for the purposes of development until the protection areas identified and required in the AIA, AMS and RPA and the work method statements as outlined in the Ecology Report (Urban Green – October 2015) have been implemented on site. The protection measures shall be maintained in good condition in situ on site until the completion of all works and the removal of materials and machinery at the end of development, at which time they must be removed from site and any disturbance made good.*

Reason: The proper consideration of potential impacts on protected species and biodiversity assets is a necessary initial requirement before any groundworks are undertaken so as to ensure that the nature conservation interest of the site is protected. So as to comply with Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

Habitat Enhancement Scheme

- 4.32 *No new development shall commence on site until, based on the recommendations in the ecology report a detailed habitat & biodiversity enhancement scheme, including but not limited to type and location of bat roosting and bird nesting mitigation/enhancements, a lighting plan. This should be included in, or related to, a detailed landscape & planting proposal with an associated 5 year establishment and replacement plan. And be submitted to, and approved in writing by, the local planning authority. The mitigation/enhancement scheme and landscaping plan shall be implemented as approved.*

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 4.33 Environmental Health Manager: Qualified comment

I am in receipt of the revised noise assessment which gives further detail on the specific noise levels in external areas of the site as requested as well as a proposed layout and noise mitigation measures. The revised assessment also considers noise from the existing industrial estate on the other side of the Roman Road.

In general terms our department has no objections to this site for development. However, I do have concerns about noise levels to the proposed houses at the junction of Tillington Road and Roman Road as external amenity areas are likely to be compromised.

Road traffic noise inside the proposed houses and to amenity areas would be an issue for those immediately adjacent to the Roman Road and Tillington Road and so any full application would need to be accompanied by detailed proposed mitigation measures so that we can be satisfied that the design standards of BS8233 are complied with. At the design stage, it may be appropriate to consider key living spaces such as bedrooms and living rooms are placed furthest away from these two busy roads.

4.34 Parks and Countryside Officer:

POS/Play requirements. Amendments to the masterplan include the relocation of the play area from the south-easterly corner to the north-eastern corner. This means it is now away from the road junction at Roman Road and Tillington Road which is supported as per my previous comments.

The relocated play area although in a better location which offers reasonable access now fronts Tillington Road which is not ideal and is bounded by the internal access road. Although the applicant has considered enclosing the play area by railings to the north and east and native scrub planting to the west I would still ask that further consideration is given to the health and safety of younger children particularly from a surveillance point of view. The proposed play areas are not that well over looked given the roads and planting and what looks to be mainly back gardens which surround the area although the applicant has at least suggested locating the infants play area in the more central part. I consider that it could still be better integrated into the housing development to create a more central attractive overlooked play and community space providing both formal and informal recreation opportunities.

The applicant hasn't given an indication of size and should also demonstrate that for a development of this size the proposal as a minimum meets the Core Strategy Policy requirements for open space set out below and on-site provision should also include an amount of POS/informal recreation as well as formal play provision.

For up to 50 houses at a population rate of 2.3 persons per house (115 in total) these are:

- POS: 0.046ha (460sq m) @ 0.4ha per 1000 population
- Children's Play: 0.092ha (920sq m) @ 0.8ha per 1000 population of which 0.28ha (280sq m) should be formal play @0.25ha per 1000 population. That said the applicant has shown the play provision in some detail (which is welcomed at this stage) and has proposed 2 areas consisting of a LEAP and a LAP.
- The LEAP (for older children) will contain at least 6 play experiences to be detailed at a later stage.
- The LAP (for infants) will consist of informal natural play such as mounding, tunnels and timber play equipment.

This approach including the provision for both infants and juniors on the same site would be supported as not only will it encourage children to play together but will offer more in play value and sustainability. Some thought has been given to the type and amount of play appropriate for each age group with a combination of both natural and equipped play. The linear nature of the site will also help to create more imaginative play area.

4.35 Schools Capital and Investment Manager: No objection subject to agreement of education contribution as set out below.

The educational facilities provided for this development site are Burghill Primary School and Whitecross High School.

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

Contribution by no. of bedrooms	Primary	Secondary	Total
2+bedroom apartment	£1,084	£1,036	£2,120
2/3 bedroom house or bungalow	£1,899	£1,949	£3,848
4+ bedroom house or bungalow	£3,111	£4,002	£7,113

4.36 Team Leader – Waste Operations: No objection subject to provision being made for a 26 ton Refuse Collection Vehicle.

5. Representations

5.1 Burghill Parish Council: Objection. The objection below was made in response to the original submission.

Burghill Parish Council objects to the development at the corner of Tillington and Roman Roads for the following reasons:

1. The consultation document refers to the site as a brownfield site (pages 9/52), this is incorrect, the site is open countryside, it is a greenfield site, with a public footpath running across it.

2. The site was considered and assessed during Burghill Neighbourhood Development Plan but was deemed to be unsuitable for development as a Greenfield site in open countryside. Development of this pasture would represent urban creep and change the rural surrounding area.

3. The submitted trip rate data is questioned as it appears to be suggesting an average of 23 trips per day from the site, which would be less than one trip per household. This is justified by the proximity to local services suggesting that car use will be at a minimum. Yet the plans make provision for two car spaces per household.

4. On weekday mornings traffic travelling towards Hereford backs up on the A4103 Roman Road back to Bovingdon Park mobile home site and to the Hospital Farm entrance on the Tillington Road, this will make exiting the site difficult and exacerbate the existing traffic issues. The speed of traffic heading towards Tillington is also known locally to be much greater than that suggested in the application.

5. The applicant’s noise impact assessment was carried out over a 24 hour period between a Friday and Saturday and took an average over that period; Burghill PC does not consider that reflective on an accurate traffic noise survey. Additional vehicles from 50 dwellings will make a considerable impact on the noise experienced by existing residents in the area.

6. The design and access statement (page 40, 6.15) states that a turning head is provided at the western end of the proposed street terminating at the site boundary to allow for possible future extension, by default this application if successful will support western spread urbanisation.

7. The plan supporting the application showed a very small play area in probably the worst place on the proposed site, if the application reaches the detailed planning stage the PC would like to see the location changed so children are away from the potential dangers of an A road and size of the play area increased.

5.2 Hereford City Council: Objection

The permissions given for residential developments on sites in close proximity to this one mean that the cumulative impact of developing this site is more than the area can reasonably bear. It constitutes an ill-considered over development of the area.

5.3 22 letters of objection have been received. The content is summarised as follows:

- The development proposes an extension of the urban area to the north of Roman Road, which would be uncharacteristic of the semi-rural environment. Roman Road is a barrier beyond which estate style housing is inappropriate;
- The volume of traffic on Tillington Road in particular has increased vastly over the last 20 or 30 years. Whilst the application grossly under-states the vehicle numbers associated with the development, it is also the case that traffic leaving the site will have great difficulty in joining Tillington Road at peak times;
- The application inaccurately describes the site as brownfield. It is not and has never been developed. Brownfield sites nearer to the city centre should be built on first;
- This site is contrary to the emerging Burghill and Tillington Neighbourhood Development Plan and is not identified for development in the Core Strategy. It does not appear necessary that this site be developed to meet the Council's housing targets over the lifetime of the Core Strategy;
- The area will see significant growth in the short to medium term. The Holmer West site has a resolution to approve and the Three Elms development (up to 1,200 houses) is now submitted. There are well documented issues with local infrastructure, including schools, the local hospital, GP surgeries and sewerage. The development will exacerbate these problems;
- Benefits arising to the local population are non-existent. Rather, the site will adversely affect amenity, resulting in overlooking, loss of character and adverse impacts for users of the public footpath crossing the site;
- There will be adverse effects for wildlife;
- Surface water run-off is a concern. Ground conditions are thought likely to prevent infiltration and surface water flooding is already apparent during periods of heavy rainfall. Concern is also expressed in relation to the propensity for discharging surface water to the Yazor Brook, with attendant risk to property downstream;
- Potential contamination of groundwater is also a concern; particularly in the context of large-scale abstraction for commercial uses on the southern side of Roman Road;
- Housing development would be better located adjacent Rotherwas;
- The scheme will add to the urban creep in the area and allied to Three Elms will detract from the unique character of the Huntington Conservation Area;
- Residents will suffer adverse impacts from road traffic, whereas additional traffic congestion arising from more vehicles will affect air quality on the busy routes into and out of Hereford;
- Existing residents will suffer from noise associated with vehicle turning movements and increased risk of accident when accessing their own properties;
- The site was identified in the SHLAA as having significant constraints. It is not suitable for development;

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

- Development of this nature will result in the coalescence of Hereford and Burghill. Existing residents of Hospital Houses and Lower Burlton are Burghill parishioners and don't wish to become part of suburban Hereford;
- Arguing that development will "strengthen the residential character and coherence of the residential street" misses the point completely. Hospital Houses are a collection of dwellings that have historically been surrounded by agricultural land in a rural context. It is not a street.

5.4 On behalf of Bobblestock Surgery PRIME UK have submitted a representation requesting a contribution towards the provision of a new GP surgery. This is on the basis that the existing surgery has no capacity and cannot expand on its present site. A feasibility study is thus underway concerning the construction of a new surgery at a cost of circa £3 million. The per-patient cost is calculated below and translates to a required contribution of £28,750 in this case.

New Surgery Calculation

Build Cost £3,000,000

Cost per patient £250

Total number of patients 12,000

Number of people per dwelling 2.3 (115)

Contribution required: 250 x 115 = £28,750

5.5 In response to concerns and objection received in response to the original submission the applicants provided amended proposals in July and as above these have been consulted upon. The additional information comprised a revised illustrative layout with POS relocated from the SE corner and direct drives onto Tillington Road removed. A noise survey was also submitted.

Further comments in response to the Land Drainage comments were also received. These confirm that foul and surface water drainage will be dealt with separately and that infiltration testing to determine whether infiltration to ground is viable will be undertaken as part of the detailed design. This will be required via planning conditions.

5.6 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 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."

6.2 In this instance the Development Plan for the area comprises the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies, referred to at section 2.1, are relevant. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms that proposals that accord with the policies of the CS (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise. SS1 also imports an equivalent of the NPPF paragraph 14 'test' where relevant policies are out-of-date, stating that permission will be granted unless material considerations indicate otherwise – taking into account whether "any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies

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

in national policy taken as a whole or specific elements of national policy indicate that development should be restricted.

- 6.3 As per the NPPF, the delivery of sustainable housing development to meet objectively assessed need is a central theme of the CS. Policy SS2 'Delivering new homes' confirms that Hereford, with the market towns in the tier below, is the main focus for new housing development. In the rural areas new housing development will be acceptable "where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community."
- 6.4 Equally it is clear that failure to maintain a robust NPPF compliant supply of housing land will render the housing supply policies of the CS and by extension adopted NDPs out-of-date. Policy SS3 'Ensuring sufficient housing land delivery' thus imposes requirements on the Council in the event that completions fall below the trajectory set out in Appendix 4.
- 6.5 Having regard to the above, I consider the main issues are as follows:-
- Housing delivery and the weight to be apportioned to the draft NDP in the context of the housing land supply shortfall;
 - The impact of the development upon the character and appearance of the area;
 - The impact of the development upon the local highway and pedestrian/cycling facilities;
 - Whether, having regard to the Development Plan and material considerations, the development can be regarded as sustainable.

Housing Delivery

- 6.6 In recognition of the continued failure to demonstrate a robust supply of housing land, the Council has recently invoked the third mechanism outlined under SS3 and adopted an interim position statement that utilises evidence from the Strategic Housing Land Availability Assessment to identify additional housing land. The site was assessed via the Hereford Housing and Economic Land Availability Assessment (September 2015) as site entry Bur01. Whilst the landscape is recognised as being sensitive, the overall assessment is that the site, owing to its location relative to the urban edge and employment opportunities, is suitable for residential development. It is a site that the interim position statement therefore seeks to promote.
- 6.7 The interim position statement also seeks to give additional weight to prospective allocations within NDPs that have reached Regulation 16. As above, the draft NDP has not proceeded to referendum following the Regulation 16 consultation. Instead it has been returned to the parish on account of concerns in relation to the methodology underpinning the putative housing allocations and consequently their deliverability. This site was not identified as an allocation. The NDP steering group will now reconsider options with the expectation that they devise an alternative strategy that fulfils the requirements of CS Policies RA1 and RA2 i.e. a strategy that either allocates land for new housing or otherwise demonstrates delivery to provide levels of housing to meet the indicative minimum target by indicating levels of suitable and available capacity.
- 6.8 For the present therefore, and having regard to NPPF paragraph 216, it is your officers' opinion that overall the NDP attracts very limited weight for the purpose of decision-making in this instance and that the draft housing policies attract no weight. This reflects the stage of preparation and the extent to which there are unresolved objections to relevant policies; factors that have combined to determine that the NDP should not proceed to Examination.
- 6.9 Taking all of the above into account, it is your officers' opinion that the site is appropriate for residential development in spatial terms. Whilst it is recognised that the site is within Burghill and Tillington Parish, there is considerable uncertainty surrounding the approach to housing

delivery at the parish level such that the NDP cannot attract significant weight. The site is well-related to Hereford City and further weight is added by the recent adoption of the interim position statement which states a clear preference for SHLAA minor constraints sites such as this. Thus, having regard to the fact that policies relevant for the supply of housing are out-of-date, officers conclude overall that the principle of development at this location is acceptable.

- 6.10 At the present, therefore, the contribution that the scheme would make towards the supply of housing (including 35% affordable housing), particularly in the context of close connection to the county's main focus for growth, is a significant material consideration telling in favour of the proposal. Moreover, development of this site for housing does not conflict with the spatial strategy as set out at CS policies SS2 and SS3.
- 6.11 It being established that the principle of development at this location is considered acceptable it falls to consider the proposal against the relevant policies outlined at section 2.1 above. This exercise establishes the degree to which there are any adverse impacts to weigh against the benefits in determining whether the proposal, having regard to the development plan and material considerations, is sustainable development.

Character and Appearance of the Area

- 6.12 The proposal is for housing and the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Other than the policies that are relevant for the supply of housing, other CS Policies continue to attract full weight. In this case I refer to the 'LD' policies and policies relevant to highways and movement and public open space.
- 6.13 Policy LD1 'Landscape and townscape' requires, *inter alia*, that development should demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas. Schemes should also incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings, with the maintenance and extension of tree cover where important to amenity...through new planting to support green infrastructure.
- 6.14 The Council's urban fringe sensitivity analysis considers the site of high-medium sensitivity although it is not subject to any form of landscape or historic designation. It should not be considered, in the terms of the framework, a 'valued landscape' and its baseline character is influenced by the urban fringe as well as open countryside beyond.
- 6.15 Whilst a significant change in terms of appearance and character is axiomatic, the illustrative layout takes care to respond sensitively to the strong boundary features by conserving and enhancing them where possible. Significant additional tree planting is proposed, on a site that has, boundary planting aside, no landscape features. Against its current agricultural use and as recognised by the Landscape Officer, the scheme is considered to represent an opportunity to enhance bio-diversity. Officers consider the scheme complies with Policy LD1 in every respect.
- 6.16 Policy LD2 'Biodiversity and geodiversity' requires the conservation, restoration and enhancement of the county's biodiversity and geodiversity assets. Development considered likely to harm sites and species of European importance will not be permitted. This links back to NPPF paragraph 118 – a restrictive policy. In this case the ability to connect foul drainage to the mains sewer has overcome any doubt that the scheme might pose a threat to the conservation objectives of the River Wye SAC/SSSI and its tributaries. As above, through significant native species landscaping, the proposal offers the opportunity to enhance bio-diversity and Green Infrastructure as per the requirements of Policy LD3. This will be considered more fully at the Reserved Matters stage.

- 6.17 Policy LD4 'Historic environment and heritage assets', requires, inter alia, that development affecting heritage assets and the wider historic environment should preserve or where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design. In this case the site has no direct effect on any designated or non-designated heritage assets. The Huntington Conservation Area (a designated heritage asset) stands to the south at a distance of approximately 370 metres. It contains a number of historic buildings, including Grade II listed houses and the Grade II listed Church of St Mary Magdelene.
- 6.18 Given the intervening features, topography and self-contained nature of the application site, it is my view that the impact on designated and non-designated heritage assets will be negligible and that LD4 is not breached accordingly. In reaching this conclusion I have also had regard to the fact that the Three Elms Strategic Urban Extension, whilst maintaining a buffer to the conservation area, proposes housing development on the land to the south of the current application site and thus in closer proximity to the conservation area.
- 6.19 Overall, on this main issue officers accept that the loss of a greenfield to residential development will have an adverse impact on the character and appearance of the area by comparison with the baseline situation. However, the site is not subject to any environmental designation and development has the potential to enhance bio-diversity and green infrastructure in accordance with LD2 and LD3. Heritage assets would also be unaffected; resulting in no conflict with LD4.

Highway Matters

- 6.20 Core Strategy Policy MT1 'Traffic management, highway safety and promoting active travel' deals with highway matters. NPPF paragraph 32 confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development (i.e. post-mitigation) are severe.
- 6.21 Policy MT1 requires that development proposals should demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development. Development should also promote and, where possible, incorporate integrated transport connections and supporting infrastructure (depending on the nature and location of the site), including access to services by means other than private motorised transport and encourage active travel behaviour to reduce numbers of short distance car journeys through the use of travel plans and other promotional and awareness raising activities.
- 6.22 The site would be served by a single vehicular access at roughly the mid point of the Tillington Road frontage, beyond the properties opposite. The access would take the form of a simple priority junction arrangement, with a 5.5 metre wide carriageway, 10 metre radii and 2 metre wide footways to both sides. Visibility splays are 2.4m x 94m to the north-west and 2.4m x 70m to the south-east.
- 6.23 Tillington Road past the site frontage is a single carriageway road of approximately 6 metres in width. It travels on a straight alignment and runs north-west to Tillington and Burghill and south-east to the A4103. The first circa 130 metres of the route travelling northwest from the A4103 includes frontage properties to the north and is subject to a 30mph speed limit. From this point, the route is subject to a 40mph speed limit along the remainder of the site frontage.
- 6.24 The Transportation Manager has no objection and is content that the submitted arrangement represents a suitable basis on which to issue outline planning permission subject to conditions. The junction works will also be subject to detailed assessment via a S278 application, which will also require a TRO to extend the 30mph limit to the north-west beyond the access into the

application site. In conclusion on the third main issue, officers are content that the scheme accords with CS Policy MT1. The Transportation Manager is also content that the local highway network can absorb the additional traffic generated without compromising the safe operation of the network.

S106

- 6.25 The application is accompanied by a draft Heads of Terms, as appended, that makes provision for contributions towards education, sustainable transport, on-site play equipment, a surgery contribution and the provision of and eligibility for occupation of the affordable housing. I am content that these contributions are fair, reasonable and necessary to make the development acceptable and thus compliant with the CIL Regulations.

Impacts on Amenity of Adjoining Property

- 6.26 Concerns have been expressed in relation to the propensity for overlooking and adverse impacts on amenity arising from the loss of views from existing properties opposite. The CS and NPPF require new development to ensure a good standard of amenity for all existing and future occupants of land and buildings (SD1 and NPPF paragraph 17).
- 6.27 Whilst concern in respect of the loss of views is understood and officers are sympathetic, it is well-established in case law that there is no right to a view. This issue is not material to decision-making.
- 6.28 The potential for adverse impacts arising from loss of privacy is material to decision-making and must be weighed in the planning balance. In this instance the dwellings backing onto Lower Burlton Cottage are, according to the illustrative layout plan, 12.5m from the common boundary. There is also the potential for the introduction of additional boundary planting along this boundary and subject to an appropriate layout and orientation of houses at the Reserved Matters stage, officers are content that any adverse impact can be mitigated such that SD1 is not breached.

Ecology

- 6.29 The Council's Ecologist is content that the submitted assessment is an accurate reflection of the site's ecological interest and offers no objection subject to conditions.

Noise

- 6.30 A noise report has been prepared to address road traffic and potential for noise emanating from Beeches Business Park. The report concludes that some form of mitigation will be required in order to ensure that noise levels fall within acceptable bounds within private garden spaces. This will be governed by a planning condition requiring the formulation and submission for agreement in writing of a noise attenuation scheme. The Environmental Health Manager (noise) has no objection in principle.

Foul Drainage

- 6.31 Welsh Water does not object subject to conditions and the Land Drainage comments draw the same conclusion. Whilst there is not certainty as to the ability to deal with surface water via infiltration alone, the scheme is in outline and further assessment will be necessary in advance of Reserved Matters submissions. On this basis I am content that subject to the imposition of planning conditions, the scheme would not conflict with the objectives of CS Policies SD3 and SD4. A Grampian condition is recommended in relation to upgrades to the water supply such that occupation cannot take place until Welsh Water has completed the works. This is reflected in the recommendation.

7. The Planning Balance

- 7.1 The application is for housing and in the light of the housing land supply deficit must be considered against the test prescribed at NPPF paragraph 14 and CS Policy SS1. Permission should be granted, therefore, unless the adverse impacts of doing so would *significantly* and *demonstrably* outweigh the benefits when assessed against the NPPF when considered as a whole. There are no restrictive policies applicable.
- 7.2 In the context of the housing land supply shortfall, progress with the NDP and having regard to the site's location and relative accessibility, the principle of development is acceptable. The Officer's Appraisal assesses the scheme against the principal relevant policies and concludes that the scheme is in accordance with them. There is an absence of demonstrable harm, the site is not subject to any landscape or conservation designation and there are no objections from statutory or internal consultees. Allied to this, weight should also be attributed to the demonstrable need for housing and the contribution that the proposal would make in fulfilling the need for affordable housing.
- 7.3 The NPPF describes the three dimensions of sustainable development as comprising the economic, social and environmental roles. These are to be pursued together as they are mutually dependent.

Economic Role

- 7.4 The scheme would result in positive benefits in economic terms. As well as providing for a development for which there is a demonstrable need, the economic benefits can be summarised as:
- Expenditure by the resident population;
 - Expenditure arising through the construction phase itself, with attendant creation and support for construction jobs and those in related sectors;
 - New homes bonus.

Social Role

- 7.5 The scheme gives rise to significant benefits in terms of the social role, again arising principally from the supply, in a sustainable location, of general needs and affordable housing.

Environmental Role

- 7.6 The scheme is also considered to have negligible environmental impacts.
- The site utilises land that is not the subject of any landscape, conservation or other environmental designation;
 - The Conservation Manager does not object to the landscape impact of the scheme;
 - The Conservation Manager has no objection in relation to ecology or the setting of designated heritage assets within the locality;

Conclusion

- 7.7 Having regard to s38(6) of the Planning and Compulsory Purchase Act 2004, officers consider that the proposal accords with the provisions of the Core Strategy when taken as a whole. Moreover, and in the light of the lack of housing land supply and evidence of under-supply for market and affordable housing, officers consider that given the positive benefits arising and lack of significant or demonstrable adverse impacts, the application should be recommended for

approval as per the NPPF test at paragraph 14. The position for the present is that significant weight cannot be attributed to the emerging NDP. The recommendation is contingent on the completion of a S106 agreement in accordance with the draft Heads of Terms.

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, and as appended, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any further conditions considered necessary by officers.

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. **H06 Vehicular access construction**
5. **H17 Junction improvement/off site works**
6. **H21 Wheel washing**
7. **No development shall commence or site huts, machinery or materials brought onto the site, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:**
 - a. **Wheel cleaning apparatus which shall be operated and maintained during construction of the development hereby approved.**
 - b. **Parking for site operatives and visitors which shall be retained and kept available during construction of the development.**
 - c. **A noise management plan including a scheme for the monitoring of construction noise.**
 - d. **Details of working hours and hours for deliveries**
 - e. **A scheme for the control of dust arising from building and site works**
 - f. **A scheme for the management of all waste arising from the site**

The agreed details of the CMP shall be implemented throughout the construction period.

Reason: In the interests of the residential amenity of properties within the locality and of highway safety in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

8. **H29 Secure covered cycle parking provision**
9. **H30 Travel Plans**
10. **E01 Site investigation – archaeology**
11. **G04 Protection of trees/hedgerows that are to be retained**

12. **None of the dwellings hereby approved shall be occupied before 31st March 2020, unless the upgrading of the public water supply system, into which the development shall connect has been completed and written confirmation of this has been issued to the Local Planning Authority**

Reason: To ensure satisfactory mains water supply is available to properties at all times. Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

13. **Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made at or downstream of manhole reference number SO48428301 as indicated on the extract of the Sewerage Network Plan attached to this decision notice.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment so as to comply with Herefordshire Local Plan – Core Strategy Policies SD1, SD3 and SD4.

14. **No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment so as to comply with Herefordshire Local Plan – Core Strategy Policies SD1, SD3 and SD4.

15. **No development shall commence on site, or materials or machinery brought to the site for the purposes of development until the work method statements as outlined in the Ecology Report (Urban Green – October 2015) have been implemented on site. The protection measures shall be maintained in good condition in situ on site until the completion of all works and the removal of materials and machinery at the end of development, at which time they must be removed from site and any disturbance made good.**

Reason: The proper consideration of potential impacts on protected species and biodiversity assets is a necessary initial requirement before any groundworks are undertaken so as to ensure that the nature conservation interest of the site is protected. So as to comply with Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

16. **No new development shall commence on site until, based on the recommendations in the ecology report a detailed habitat & biodiversity enhancement scheme,**

including but not limited to type and location of bat roosting and bird nesting mitigation/enhancements, a lighting plan. This should be included in, or related to, a detailed landscape & planting proposal with an associated 5 year establishment and replacement plan. And be submitted to, and approved in writing by, the local planning authority. The mitigation/enhancement scheme and landscaping plan shall be implemented as approved.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

17. I51 Details of slab levels
18. I16 Restriction of hours during construction
19. I01 Scheme of noise attenuating measures
20. The development hereby approved shall be for no more than 50 dwellings

Reason: To define the terms of the permission and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

21. The development shall be carried out strictly in accordance with the approved plans contained in the following schedule except where otherwise stipulated by conditions attached to this permission:

Plan Description	Drawing number
Location Plan	EVW/102
Site Access Plan	CBO-0335-001

22. G19 Details of play equipment

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 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 in the National Planning Policy Framework.
2. HN01 Mud on highway
3. HN02 Public rights of way
4. HN04 Private apparatus within highway
5. HN05 Works within the highway
6. HN07 Section 278 Agreement
7. HN10 No drainage to discharge to highway

- 8. **HN25 Travel Plans**
- 9. **N02 Section 106 obligation**

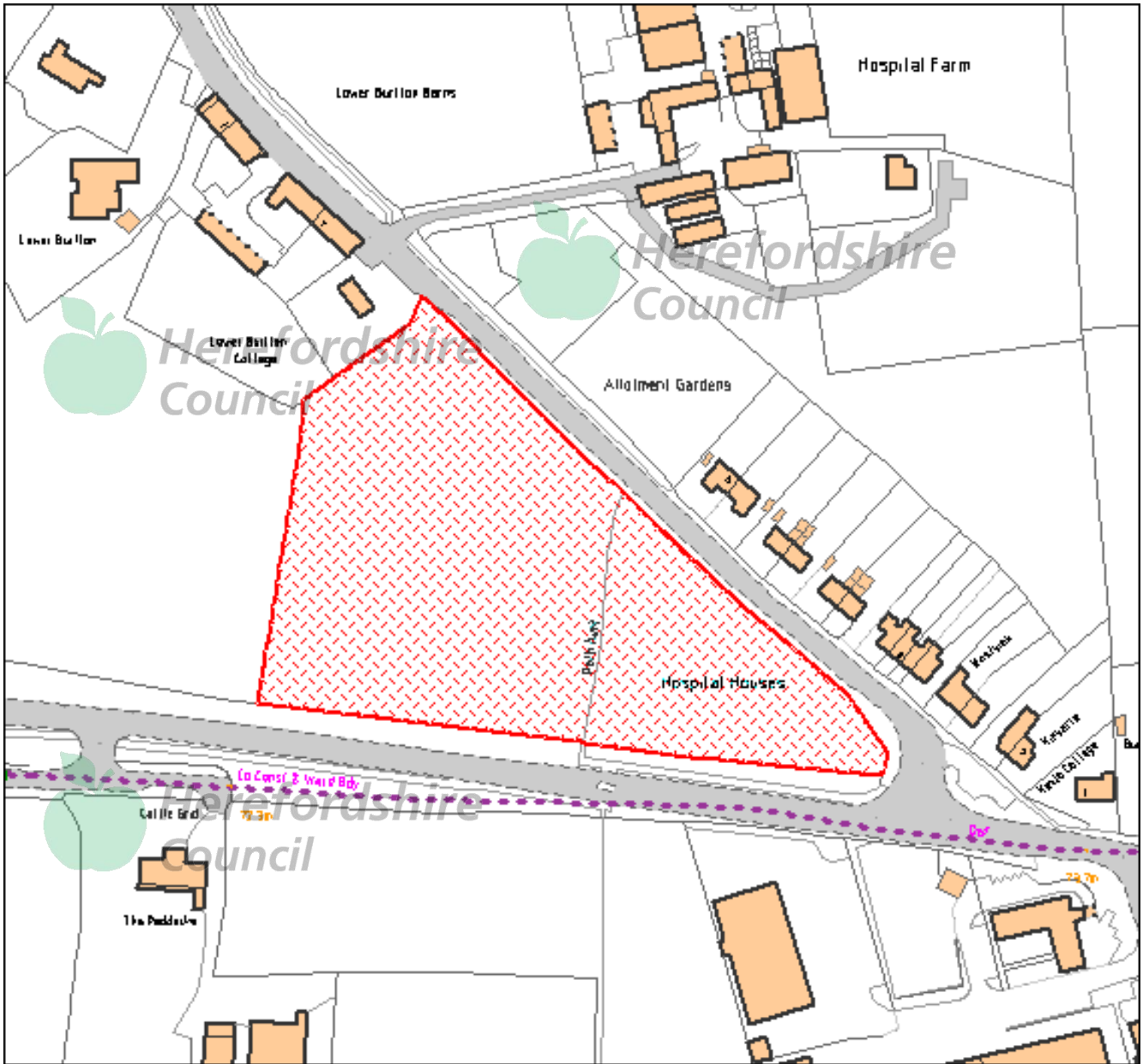
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: 160048

SITE ADDRESS : LAND BETWEEN TILLINGTON ROAD AND, ROMAN ROAD, HEREFORDSHIRE

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

DRAFT

HEADS OF TERMS

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

Planning Application – P160048/O

Site address:

[Land between Tillington Road and Roman Road](#)

Planning application for:

Proposed outline planning application (all matters reserved except access) for the development of up to 50 residential dwellings with associated access.

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

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

£ 1,084.00 (index linked) for a 2 bedroom apartment open market unit

£ 1,899.00 (index linked) for a 2/3 bedroom open market unit

£ 3,111.00 (index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at Burghill Primary School. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

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

£ 1,721.00 (index linked) for a 2 bedroom open market unit

£ 2,583.00 (index linked) for a 3 bedroom open market unit

£ 3,442.00 (index linked) for a 4+ bedroom open market unit

to provide sustainable transport infrastructure to serve the development. The 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, at its option for any or all of the following purposes:

- a) Pedestrian access improvements to the following facilities as shown on Walking Catchment & Site Accessibility Plan Figure 3.1:
 - Trinity Primary School
 - Holmer Primary School
 - Whitecross High School

- Employment units at Beech Business Park
 - Bobblestock Doctors Surgery
 - Foodstore/newsagent at Bobblestock
- b) Upgrade of existing bus stop infrastructure on A4103, Three Elms Road and Kempton Avenue/Grandstand Road

NOTE: A Section 278 agreement will also be required for the extension of the 30mph speed limit on Tillington Road and the provision of 2m wide footways either side of the access with dropped crossing points (tactile paved) to either side of the access and opposite side of the road.

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £80.00 (index linked) per dwelling. The contribution will be used to provide 1x waste and 1x recycling bin for each open market property. The sum shall be paid on or before the commencement of the development.
4. The developer covenant with Herefordshire Council to provide on-site green infrastructure to include;
 - Public Open Space: 0.046ha (460sq m) @ 0.4ha per 1000 population
 - Children's Play: 0.092ha (920sq m) @ 0.8ha per 1000 population of which 0.28ha (280sq m) should be formal play @0.25ha per 1000 population.
5. The maintenance of any on-site Public Open Space (POS) will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the parish council and/or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

NOTE: Any attenuation basin and/or SUDS which may be transferred to the Council will require a commuted sum calculated in accordance with the Council's tariffs over a 60 year period
6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £960.00 (index linked) per open market dwelling. The contributions will be used for outdoor football, cricket and rugby provision in Hereford City. This would be identified as per the priorities identified in the Council's Outdoor Sports Investment Plan at the time of receiving the contribution and in consultation with the local parish council. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
7. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £28,750.00 (index linked) towards a new surgery. The sum shall be paid on or before commencement of the development, and may be pooled with other contributions if appropriate.
8. The developer covenants with Herefordshire Council that 35% of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H1 of the Herefordshire Core Strategy or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
9. The developer covenants with Herefordshire Council that the tenure of the affordable housing shall comprise 54% social rented and 46% intermediate.
10. All the affordable housing units shall be completed and made available for occupation in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
11. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time

to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-:

- 11.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 11.2. satisfy the requirements of paragraphs 12 & 13 of this schedule
12. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
- 12.1. a local connection with the parish of Hereford City
 - 12.2. in the event of there being no person with a local connection to Hereford City any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 10.1 above.
13. For the purposes of sub-paragraph 11.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
- 13.1. is or in the past was normally resident there; or
 - 13.2. is employed there; or
 - 13.3. has a family association there; or
 - 13.4. a proven need to give support to or receive support from family members; or
 - 13.5. because of special circumstances;
14. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 6 and 7 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.
15. The sums referred to in paragraphs 1, 2, 3, 6 and 7 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
16. 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.
17. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Yvonne Coleman
Planning Obligations Manager
27 September 2016