

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	15 November 2017
TITLE OF REPORT:	<p>172919 - OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 64 DWELLINGS (INCLUDING 35% AFFORDABLE), ACCESS AND ASSOCIATED WORKS. MATTERS OF APPEARANCE, LAYOUT, LANDSCAPE AND SCALE ARE RESERVED FOR FUTURE CONSIDERATION. AT LAND TO THE WEST OF CHURCH HOUSE FARM, MORETON ON LUGG, HEREFORDSHIRE.</p> <p>For: Beechcroft Land Ltd and Crawford Richard Perkins per Hunter Page Planning, Thornbury House, 18 High Street, Cheltenham, Gloucestershire GL50 1DZ</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=172919&search=172919
Reason Application submitted to Committee – Redirection	

Date Received: 4 August 2017

Ward: Sutton Walls

Grid Ref: 350392,245499

Expiry Date: 28 November 2017

Local Member: Councillor KS Guthrie

1. Site Description and Proposal

- 1.1 The application site comprises an L-shaped agricultural field extending to approximately 3.7ha (9.14 acres) at the south western edge of the settlement of Moreton-on-Lugg. To its east lie Church House farm and its associated buildings. Immediately to its south and west, beyond mature hedgerows are agricultural fields with a mature tree lined hedgerow forming the boundary between these and the A49 (T). Moreton Road (the main village road), abuts the site to its north, beyond which are the residential properties that front Moreton Road and those in St Andrews Close.
- 1.2 This application seeks outline planning permission for the erection of up to 64 dwellings (including 35% affordable housing) with the matters of layout, landscape and appearance reserved for future consideration. Access is a matter for consideration as part of this proposal.
- 1.3 The proposed access into the site is via a junction from the south-side of the main village road. The access road would be 5 metres wide with 2.0 metre wide pedestrian footways provided on both sides of the carriageway,
- 1.4 The application is supported by an indicative layout plan (as inserted below) along with the following reports and documents:

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

- Planning Statement
- Design and Access Statement (Rev B) and appendices
- Flood Risk Assessment and Drainage Strategy (plus additional reports and tests)
- Ecological assessment
- Transport Assessment
- Heritage Assessment
- Archaeological Desk based assessment
- Geophysical Survey report
- Landscape Statement
- Acoustic design Statement
- Odour and Air Quality Assessment



Indicative Sketch Layout

1.5 The proposals do not at this stage stipulate the range or mix of housing to be provided.

2. Policies

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 |
| RA1 | - | Rural Housing Strategy |
| RA2 | - | Housing in settlements outside Hereford and the market towns |
| RA3 | - | Herefordshire's countryside |
| H1 | - | Affordable Housing – Thresholds and Targets |

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

H3	-	Ensuring an Appropriate Range and Mix of Housing
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

The Herefordshire Local Plan - 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/info/200185/local_plan/137/adopted_core_strategy/2

2.2 National Planning Policy Framework

In particular chapters:

Introduction - Achieving sustainable development

Section 4 - Promoting sustainable communities

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design

Section 8 - Promoting healthy communities

Section 11 - Conserving and enhancing the natural environment

Section 12 - Conserving and enhancing the historic environment

2.3 Moreton On Lugg Neighbourhood Area was designated on 14 October 2013, but a plan is not being progressed. The Parish Council expressed within the minutes of their meeting dated 7th February 2017, that they were unlikely to continue and would prefer to be included within the Rural Area Development Plan Document (RADPD). Accordingly, neither the NDP nor the RADPD have any weight for the purpose of decision making on planning applications at present.

https://www.herefordshire.gov.uk/info/200185/local_plan/298/rural_areas_site_allocation_development_plan_document

3. Planning History

3.1 None

4. Consultation Summary

Statutory Consultations

4.1 Natural England

No objection - subject to appropriate mitigation being secured

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of river wye special area of conservation
- damage or destroy the interest features for which river wye site of special scientific interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

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

Need for measures to address impacts on the River Wye.

To include;

- Developments should include at least 3 treatment trains which are designed to improve water quality
- The long-term monitoring and maintenance of the surface water drainage system should be secured by condition or legal agreement.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's more detailed standard advice on other natural environment issues is set out in their response.

4.2 Highways England

Highways England received notification of the planning application on 30 August 2017. A review of the supporting information concluded that the proposed development would not have a significant impact on the Strategic Road Network (SRN).

However, there is a need to ensure that any impact on the SRN during construction works is minimised. We consider that this requirement is best dealt with by way of a planning condition. Therefore, a condition is recommended (see officer recommendation).

4.3 Welsh Water

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. We have reviewed the information submitted as part of this application with particular focus on the Flood Risk Assessment and Drainage Strategy dated 4th August 2017.

The report refers to a chamber in the centre of the field and whilst we have no record of any public sewer or watermain within the site boundary, the applicant should follow due diligence and investigate this further. If it is proved to be a public asset then we request that we be re-consulted in order to assess this matter further and provide specific advice to ensure it is suitably protected and sufficient access maintained.

We acknowledge the surface water strategy will not convey flows towards the public sewer and we welcome this approach to dispose of surface water by sustainable means. Our records indicate the public sewers in the vicinity of the site are designated to receive foul water only and therefore if the proposal changes we cannot support the communication of surface water to the public sewer.

With regards to the foul drainage proposal we confirm that suitable capacity exists in the public sewerage network to accommodate the proposed development. However, our preference is for sites to drain and connect to the existing public sewer via gravity, and pumping stations should only be considered where this is not possible.

Notwithstanding the above, if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent (see recommendations).

4.4 Historic England

In our view you do not need to notify or consult with us on this application under the relevant statutory provisions.

Internal Consultation Responses

4.5 Transportation Manager

The application is for outline with access only for consideration, layout for RM.

The point of access is acceptable; the visibility splays have been agreed and relate to the speed survey undertaken.

The access onto the C1120 will need to excavate the frontage; there is approximately 1m difference in level from the height of the footpath to the road level. The access road and adjacent footpaths will need to achieve a gradient of 1:20. The existing footpath will also need to achieve this gradient. This may have an impact on the roots of the adjacent trees. The trees are somewhat away from the access but the re-grading of the footpath may still have an impact on the area. No details or sections have been provided but this appears to be achievable. There is a tree stump that needs to be removed as well as the roots, and 'stubs' (infrastructure belonging to statutory undertakers) may be in the area. Any diversion will be at the developer's expense.

There are 2 potential cycle footway connections, East and West of the access which will be required as they add to the connectivity.

There will need to be improved crossing facilities from the site to the North.

The access road will need to be 5.5m wide with 10m radius.

The footpath fronting the site will need to be a minimum of 2m.

The street lighting in the vicinity of the site will need to be designed and amended as per a design to be provided as part of the S278 scheme.

This will be subject to a S278 Agreement.

The internal layout is indicative and subject to reserved matters it would be worth the applicant going for pre app on the layout as it is envisaged that this will be subject to a S38 agreement; the extent will need to be agreed. Parking will need to be based on the need and demand for the location, recognising the rural location and the relatively high car usage. A parking strategy will be required that also includes for visitor and service vehicles. The internal footpaths and connectivity need to be agreed.

Section 106 Obligations

Section 106 financial contributions as per the SPD.

Discussions ongoing with the Councils Planning Obligations Manager as to the availability of schemes that would enhance the active travel infrastructure including, footpath improvements, public transport improvements within the Moreton on Lugg catchment. The calculation for the contributions will be 42 x bed size x cost as per the SPD.

4.6 Service Manager - Built and Natural Environment (Historic Buildings) comments:

Following previous comments we would concur with the findings of the Heritage Statement and that this document is compliant with s.128 of the NPPF. As such we have no objections on the ground of policies relating to historic buildings or areas.

4.7 Service Manager - Built and Natural Environment (**Landscape**) comments:

The site forms part of the original field pattern which links with the wider open countryside. Whilst the northern side of the C1120 has undergone substantial change through the introduction of 20th century development, the southern side remains essentially unaltered.

The church of St Andrew's, Church House Farm and its associated buildings and landscape features in conjunction with the site, all contribute to the rural setting of Moreton on Lugg. As well as providing an attractive graduated approach to the village, the site functions as a gap between the A49 trunk road and the settlement.

Notwithstanding the above the site does not have a landscape designation and is influenced by the development fronting it. Given the topography of the site the visual effects will be localised and there is potential for mitigation.

In terms of landscape character, the proposal is a relatively large scheme for this edge of settlement location, a smaller development would be considered more in keeping with the wayside pattern of this landscape character type; Principal Settled Farmlands. However when considering the degree of adverse impact upon the landscape it is accepted that the site is undesignated and its immediate surroundings have already undergone substantial change during the 20th century. Furthermore the land is low lying and essentially flat in character this in conjunction with the field hedgerows and the landscape buffer along the A49 will reduce the visual effects of the scheme substantially.

Whilst the application is outline and the scheme is indicative only the proposed layout does respect the relic moat to the east, as well as stepping development back from the more sensitive southern boundary.

One aspect of the application the detail of which I am unable to find is the extent of hedgerow to be removed as part of the visibility splay required for access. This piece of information is required. It is anticipated this will not be extensive but does need to be established.

Based upon the understanding that the scheme will require minimal hedgerow loss it is considered that the proposal will comply with LD1 of the Core Strategy. The detail of the landscape proposed with a management scheme can be secured via a condition.

4.8 Service Manager - Built and Natural Environment (**Ecology**) comments:

I have read the ecological survey by Ecology Solutions and find it comprehensive and I concur with its evaluations. It has encompassed biodiversity and Habitats Regulations Assessment (HRA) issues and is conclusive in its findings, suggesting mitigation and ecological enhancement for the proposal as appropriate. The site does not fall within the criteria (100 dwellings) for consultation with Natural England but the report deals with the implications for HRA and foul water management as well as the surface water. I note there is a complaint raised by an objector with regard to the lack of functionality for the local sewage treatment works; although the Planning Statement declares that Welsh Water (WW) has agreed there is capacity at these works, I would advise that this is followed up with WW as the section of the SAC in the R. Lugg has been known to be a failing stretch of the river for phosphates.

If the application is to be given approval I would recommend that a non-standard condition is attached (see condition 24)

4.9 Service Manager - Built and Natural Environment (Archaeology) comments:

Standard Archaeological 'programme of work' E01 / C47 conditions recommended.

As is indicated in the submitted historic environment reports (desk-based assessment, geophysical report, heritage assessment), there is sensitivity to this site. Whilst I do not comment directly on any issues to do with the Church of St Andrew, I do have some concerns regarding risks to the *group* of heritage assets just to the west of the application area. In particular, although it is not designated, the remains of the medieval moated enclosure here are of clear interest. Also, there is identified potential for below ground remains dating to the late prehistoric and medieval periods within the zone proposed for development.

On balance however, I am of the view that harm to the heritage assets in question would be less than substantial. The significance of the moat remains is only to a limited extent to do with their setting, and the suggested landscape 'buffer' may help to provide some due protection (although the buffer would benefit from being more extensive than that implied). The importance of / risk to the below ground remains likely to be within the application area is not sufficient to justify their preservation, although mitigation for their loss should be secured via archaeological recording [NPPF Para 141, Core Strategy LD4].

4.10 Environmental Health Manager

This application is supported by an odour and air quality assessment produced by Air Quality Consultants and a noise assessment produced by Clarke Saunders Acoustics.

Air Quality

The assessment considered the likely pollutants generated by activities in the area which included emissions from the intensive poultry growing operation at Upper House farm and pollution generated by traffic i.e. bio aerosols, ammonia, PM₁₀ (fine particulates) and nitrogen dioxide. It used nationally available advice and background air quality data and was able to screen them out as being insignificant and therefore further consideration was not required. The number of light vehicle movements likely to be generated by the proposed development is below the threshold provided by Environmental Protection UK and the Institute of Air Quality Management as requiring a full detailed assessment of traffic related air quality impacts and therefore the impacts of traffic emissions on the local area were considered insignificant and not requiring further consideration.

ODOUR

Air Quality Consultants undertook a review of the odour dispersion modelling produced in support of the expansion of the poultry housing at Upper House farm and found it to be robust. It also undertook an assessment using the methodology prescribed by the Institute of Air Quality Management in their guidance on the assessment of odour for planning. The initial risk assessment identified a potential for slight adverse odour effects at sensitive receptors from the operation of the poultry farm; therefore the odour risk was assessed in detail and the report concluded that given the distance between the poultry farm and the proposed development is over 450m and that the aforementioned odour assessment identified that odour concentrations at the receptors would be well below the relevant benchmarks, that the poultry farm would have an insignificant effect on the proposed development. To clarify, the Institute of Air Quality Management guidance will always indicate a slight adverse effect where there is a large odour source such as the poultry farm and there are high sensitivity receptors irrespective of the separation.

It is my opinion that neither air quality nor odour presents a constraint for this development.

NOISE

The Clarke Saunders noise assessment used the methodology advised by the relatively new Professional Practice Guidance on Planning and Noise, ProPG: Planning and Noise : New Residential Development May 2017 produced by Acoustics and Noise Consultants, The Institute of Acoustics and the Chartered Institute of Environmental Health. It has also had regard to advice provided by the National Planning Policy Framework, BS8233:2014 Guidance on sound insulation and noise reduction for buildings and the World Health Organisation Guidelines on community noise.

The ProPG methodology provides for an initial Stage 1 risk assessment. This found that the site at Church Farm is low risk and as such recommended that a stage 2 Acoustic design Statement be prepared. Stage 2 considers the noise impact on the site in detail and looks at appropriate outline mitigation measures.

The report advises that the stage 2 assessment demonstrates that 'by the use of suitable mitigation measures and careful design of façade performance, layout of the site and internal layout of the dwellings, acceptable noise levels can be achieved both internally and externally.' It should be noted that not all properties can achieve internal noise levels with windows open but that the use of good quality thermally sealed double glazing, with trickle ventilation would be sufficient for all noise sensitive rooms throughout the proposed development. It also recommends 1.8m high closed board fencing along the western boundary of the site.

If it is minded to grant permission a condition should be included to ensure that appropriate mitigation is provided.

I would therefore recommend a condition or similar are attached to any permission.

4.11 Parks and Countryside Comments

Open Space Requirements:

Core Strategy Policies OS1 and OS2: Core Strategy Policies OS1 and OS2 apply. Open space requirements from all new development are to be considered on a site by site basis and in accordance with all applicable set standards which are set out below. Where on-site provision is not appropriate off-site contributions may be sought where appropriate on an equally beneficial basis for the local community.

- Herefordshire Open Space Study 2006 which recommends POS should be at a rate of 0.4ha per 1000 population (to note data for amenity public open space has not changed significantly and it is still considered to be accurate),
- Local Evidence: Herefordshire Play Facilities Study and Investment Plan 2014 and National Evidence: Fields in Trust Guidance: These recommend children's play at a rate of 0.8ha per 1000 population. Of this 0.25ha should be formal equipped play.

**please note this information will form the basis of a separate SPD on POS standards currently being prepared.*

On Provision POS and Childrens Play:

For 65 houses and a population of 149.5 at an average occupancy of 2.3 per dwelling the developer should provide on-site as a minimum:

- 0.059ha (590sq m) of Public Open Space @ 0.4ha per 1000 population

- 0.118ha (1,180sq m) of Children's Play @ 0.8ha per 1000 population of which 0.037ha (370sq m) should be formal play @ 0.25ha per 1000 population.

Total 0.177ha to include 370sq m formal play

It is noted that the illustrative site layout is the same as that presented at the pre-application stage in respect the POS layout. It is acknowledged that this is an outline application but as the application progresses I would ask that more consideration is given to my comments below particularly in respect of formal play provision. On site provision appears to be focused on informal provision around SuDS and landscaping requirements.

As described in the Design and Access statement the applicant is proposing 1.09ha of POS and Green Infrastructure (to include landscape buffers and SuDs balancing ponds). This offer provides some informal amenity space. To the north/east of the site open space acts as a buffer providing a linear park and pedestrian access. Additional open space is provided more centrally incorporating a shallow semi dry balancing pond. This is a small area which also provides links to the large landscape belt/ SuDS area to the south of the development.

Although it is in excess of the policy requirements, planning for healthier spaces is good practice and any on site provision should be designed to be of a usable size offering a range of recreation opportunities and experiences appropriate to the site and location. The multi-functional approach is supported. However the SuDS and swales including the small central area of POS running through the development although an attractive feature will have a limited potential for recreation and the linear park will act primarily as a buffer and footpath link. The best opportunities will be on the large landscape belt/SuDs area which if designed to take account of standing water could provide opportunities for play and recreation as well as wildlife and biodiversity.

The potential to include large amounts of informal POS should not reduce the need to provide some formal play provision in meeting the requirements set out above. Although I previously asked for some on-site formal play provision at the pre-application stage and I note this is echoed by some of the local residents as part of the community consultation none is shown on the illustrative layout. The applicant has mentioned that as part of the heads of terms for this site, obligations are likely to be sought such as contributions towards formal play, leaving me to believe an off-site contribution may be negotiated. On-site provision is still the preferred option. Although there is an existing play area and recreation ground in the village it is some distance away and it is not of a size which could accommodate the additional residents arising from this development unless investment is made. It is a small play area and in accordance with the play facilities investment plan lacking in provision for older children in particular. In my pre-application comments I suggested that given the more natural on-site provision of POS and SUDs and swales, that there is an opportunity to design on site provision to reflect this to include natural play and wooden play equipment/play trails for example.

Open Space/play/SuDs Adoption:

Suitable management and maintenance arrangements will be required to support any provision of open space and associated infrastructure within the open space in line with the Council's policies. This could be 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 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.

The Council's SuDS Handbook (draft) provides advice and guidance on the inclusion of SuDs on new development. The applicant should seek further advice from the Council at the earliest opportunity.

Outdoor Sports Provision:

In accordance with the outdoor sports investment plan there is no requirement in Moreton-on-Lugg. Although there is an existing junior/mini football pitch in the village which is of poor quality, there is no existing club or evidence of latent demand.

4.12 Housing Manager Comments

In principal I support this application as it is providing open market and affordable housing on this site and the applicant has met the required 35% affordable housing contribution. However, during the pre-application process an indication of the mix and sizes was provided to the applicant and this has not been reflected in the application.

I appreciate that this is an outline application with only access and associated works to be considered, however the indicative mix provided doesn't take into account the needs for the area. Policy H3 ensures that there is an appropriate range and mix of housing that will contribute to the creation of balanced and inclusive communities, by providing housing to meet the needs of all households including the elderly, young families and single people and by ensuring that housing is capable of being adapted for people in the community. This is a requirement for both the open market and affordable housing. The indicative layout does not cater for bungalows and provides an over supply of 4 bed accommodation.

The Herefordshire Local Housing Market Assessment (LHMA) gives an indication of what unit sizes are required for both the open market and affordable housing and should be taken into account when planning a scheme. In addition to this, the affordable housing need should not be confused with the open market need as they are separate. Therefore if an application proposes a number of 2 and 3 beds for affordable it should not be assumed that this would meet the open market need.

Below is a breakdown of unit requirements for this site.

Open Market	Affordable Housing
12 x 2 beds to include 2 bungalows (2)	6 x 2 beds for social rent with 2 as bungalows M4
22 x 3 beds to include 2 bungalows	4 x 3 beds for social rent
8 x 4 beds	1 x 4 bed for social rent
	6 x 2 beds for intermediate tenure
	7 x 3 beds for intermediate tenure

In order for me to support this application and I would look for a condition which would ensure that any reserved matters submitted would reflect the above mix with a S106 to ensure local connection for the affordable housing.

4.13 Land Drainage Comments

We have no objections in principle to the proposed development. We do however stress that we are not in agreement with the submitted surface water drainage calculations. The layout of the development suggests that there is sufficient open space to the south of the development to incorporate additional attenuation should this be provided and that revised calculations / drawings can therefore be submitted with the reserved matters application.

Should the Council be minded to grant outline planning permission, we recommend that the Applicant submits the following information within any subsequent reserved matters application:

- Assessment of flood risk from groundwater, sewers and consideration of any historic flood events, and inclusion of appropriate mitigation is required.
- Revised greenfield runoff rate and post-development discharge calculations that are undertaken in accordance with The SuDS Manual and that use FEH2013 rainfall and ensuring like for like comparison with baseline conditions.
- Results of soil infiltration tests undertaken in accordance with BRE365 and demonstration that groundwater levels are a minimum of 1m below any unlined attenuation or infiltration structures. If the results of soil infiltration tests show that infiltration techniques are feasible on site, the surface water drainage strategy must be re-designed to include infiltration techniques.
- Information on how surface water that exceeds the capacity of drainage features (including temporary surcharging of drainage inlet features such as gullies) will be managed within the site up to and including the 1 in 100 annual probability event + climate change to ensure no unacceptable flood risk to the development and no increased flood risk to people, property and infrastructure elsewhere.
- Evidence that the attenuation pond will not be located in close proximity to areas indicated to be at risk of flooding.
- Details of the attenuation pond, including cross sections, invert level at the bottom of the pond, invert levels of incoming and outgoing pipes, levels at the top of the pond, maximum water level and freeboard.
- Details of the proposed outfall to the existing ditch and cross section showing connection between attenuation pond and the ditch.
- Assessment of flood risk caused by blockage of the attenuation pond outfall and details of proposed overflow structures.
- Detailed drainage calculations that demonstrate there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change.
- If the attenuation pond will hold water above adjacent ground level, assessment of the potential failure of above-ground attenuation features, including assessment of residual risks to downstream receptors, and proposed mitigation and management measures.
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of and illustrating the location of key drainage features, including pumping station and alignment of the proposed raising main.
- Confirmation from Welsh Water that foul water from the development can be discharged to the public foul sewer located along the road to the north of the site.
- Confirmation from Welsh Water that they will adopt the proposed foul water drainage system, including the proposed pumping station;
- Foul water calculations, including foul water storage calculations for the pumping station;
- Drawing showing details of the proposed pumping station and raising main;
- Demonstration that appropriate access is available to maintain drainage features, including the pumping station and attenuation pond.

Best practice SUDS techniques should be considered. As discussed in our response, we would welcome the wider use of SUDS throughout the development, and also promote the use of combined attenuation and infiltration features that maximise infiltration during smaller rainfall events.

Ordinary Watercourse Consent will be required for discharge to the adjacent watercourse.

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

4.14 Waste Management

Please refer to "Guidance Notes for storage and collection of domestic refuse and recycling" for advice with regards to Waste Management arrangements for households.

www.herefordshire.gov.uk/downloads/file/2883/guidance_notes_for_storage_and_collection_of_domestic_refuse_and_recycling

The area is accessed currently by a 26 tonne refuse collection vehicle (RCV). The maximum distance between the collection point of the bins and where the vehicle can safely access is 25 metres. Collection points would need to be provided for any properties located over 25 metres from where the vehicle can access.

4.15 Education Comments

The educational facilities provided for this development site are Wellington Primary School and Aylestone High School.

Wellington Primary School has a planned admission number of 15. As at the schools Summer census 2017:-

- One year group is at or over capacity - Y1=19

Aylestone Secondary School has a planned admission number of 150. As at the schools Summer census 2017:-

- All Year groups have spare capacity - no contribution.

Approximately 1% of the population are affected by special educational needs and as such the Children's Wellbeing Directorate will allocate a proportion of the monies for Primary, Secondary and Post 16 education to schools within the special educational needs sector. Although there is currently surplus capacity with the catchment secondary school and therefore we are unable to ask for a full contribution as indicated in the SPD towards this element please note that 1% of the contribution will go towards Special Educational Needs provision within the Local Authority maintained Special Schools and therefore we would still be seeking this 1% contribution.

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	Pre-School	Primary	Post 16	SEN	Total
2+bedroom apartment	£117	£1,084	£87	£89	£1,377
2/3 bedroom house or bungalow	£244	£1,899	£87	£138	£2,368
4+ bedroom house or bungalow	£360	£3,111	£87	£247	£3,805

4.16 Forward Planning comments

Principle of residential development

The Core Strategy identifies Moreton-on-Lugg as one of the County's rural settlements that will be the main focus for proportionate housing growth in the plan period to 2031. Policy RA1 calculates an indicative housing growth target for the Parish, based on an increase of 18% of existing dwellings for the Hereford Housing Market Area. This amounts to a minimum of 63 new dwellings for the plan period. It is understood that a proportion of this has already been met

through commitments or completions in the plan period so far, so this scheme comprising 64 new dwellings would ensure that growth in the Parish will go above and beyond this target.

The proposal makes provision for 35% of the dwellings to be affordable, which is in compliance with the requirements of policy H1.

SHLAA position (2012)

The site was identified by Council officers for assessment in the 2012 Strategic Housing Land Availability Assessment (SHLAA) for rural settlements, referenced as O/MoL/003. It was considered overall to have high potential for residential development. It was considered to have few constraints, flat and devoid of landscape features.

Neighbourhood Development Plan (NDP)

A neighbourhood area for Moreton-on-Lugg was designated in October 2013; however the Parish has since withdrawn from the Neighbourhood Planning process. Moreton on Lugg will therefore be included in an upcoming Rural Areas Site Allocations Development Plan Document (RASADPD).

Conclusion

The proposal is in compliance with the policies of the Core Strategy, and would make a contribution to the delivery of its rural housing objectives. The site's selection would also appear to be in concurrence with the findings of the Council's 2012 SHLAA. In summary, I have no objections to the application as proposed.

4.17 NHS Herefordshire Clinical Commissioning Group

Many thanks for this. The CCG on this occasion will not be making any representation due to the smaller number of dwellings and therefore at this stage lower impact on Primary Care, however we will keep this on file should there be additional expansion in the area.

5. Representations

5.1 Moreton-on-Lugg Parish Council

At a recent Parish Council Meeting the Chairman of Moreton on Lugg Parish Council, Cllr Kim Cooper, opened the meeting and gave a brief explanation with regard to the current outline planning application for the erection of up to 64 dwellings (including 35% affordable). Those residents present were asked to voice their comments on this application.

The comments were primarily based on:

1. The huge impact this development will have on the village of Moreton and all 1000 residents who live in this village. There are no plans to improve the infrastructure of the village to accommodate these extra dwellings and their occupants. The village facilities are expected to absorb a possible 150 extra residents without change.
2. The existing sewage works at the top end of the village is hardly adequate for the existing houses – often overflowing and necessitating attention. There is no indication that the existing sewage facilities/capacity is to be increased to allow for the extra 150 inhabitants plus at least 20 in Ordnance Close and 8 – 10 at The Beeches – where planning applications have already been passed.
3. Urgent negotiation is required with Welsh Water on their findings and thoughts with regard to this proposed development – as yet, from the documentation available, they do not appear to have been formally approached for their recommendations/comments or guidelines.

4. If the access to the new development is retained as indicated on the drawings - this will cause considerable problems to existing users of the village road and the A49 junction. It is already acknowledged that it is very difficult to get on to the A49 during the morning rush hour especially turning towards Leominster. It has to be acknowledged that these additional cars – at least two per dwelling – will add to an already existing queue to access the main road. Will this then encouraged residents to use the other exit road via the Grade II listed bridge – this is a dangerous minor road with one-way traffic – not well signed posted - and certainly not built for additional traffic of these proportions – it was built for horse and cart not daily commuters.

5. The plan to allocate all 106 monies to Wellington School should be reconsidered. It is acknowledged that Wellington School is the catchment for Moreton on Lugg primary children – but many children go to other surrounding schools in the area – Bodenham; Marden etc. The 106 monies should come back into Moreton to improve the infrastructure to help accommodate such a huge increase in population.

6. There is no mention about road safety. There are reports of numerous incidents of cars ploughing into the first garden on the village road – knocking down lamp posts etc. It was appreciated this is due to bad driving but photographs produced indicated that there are many bad drivers using the Moreton village road. Pedestrian crossings will be needed to enable children catching and returning by bus from Hereford schools to cross the village road in safety.

7. With regard to access - thought should be given to constructing a mini-roundabout at the junction with St Andrews Close and/or to use the farm entrance as access – or, even better, to take the access entrance for the development on to the A49 itself and away from the only access road in and out of the village.

8. The speed limit on the A49 passing the Ordnance Close and Moreton village junction is 60mph – and despite repeated requests to Highways England for this to be reduced – this has been refused. With the possibility of all these extra vehicles coming from Ordnance Close and from Moreton village – a further representation should be made to both Highways England and to the Police – Safer Roads Partnership - both of whom have refused to support any requests to try and get this speed limit reduced.

9. The volume of houses planned for this development goes way beyond the allocation suggested in a previously circulated Neighbourhood Plan document.

At that time, the minimum proportional growth for Moreton on Lugg was as following:

Proportional requirement = 63 over a 25 year period.

Built between 2011 – 2017 = 2

Commitments as at April 2017 = 12 (Ordnance Close and The Beeches) Residual requirement = 49

It was noted that this outline planning application would exceed the requirement by 15 houses which is an increase of 19%.

It was also noted that some of these proposed dwellings have very small gardens and some have no garages/storage space. However, it would appear that houses are allocated two parking spaces despite the recent survey indicating that there would only be an increase of 25 vehicles at peak times if this development went ahead. It was felt the increase would be nearer 125 which would have a huge impact on the village road and A49 entrance and exit. There is no provision shown on the plans for bicycle shelters.

10. There is concern regarding the boundary fencing; planting of replacement trees and landscaping. There was concern with regard to future maintenance of the public areas associated with the development – despite reassurance to the contrary in the Planning documentation –

there was concern expressed about future maintenance and the impact on precept/budget for the village as a whole.

11. Open space is indicated on the plan – is was questioned if this is a children’s play area. Who will maintain these open/green spaces once the developers have left site? It is planned to have Maintenance tenancy agreements – but it is well known these agreements fall short once the houses change hands. Will the extra maintenance of roads; green spaces; hedges etc become the responsibility of the Parish Council and as a result have an impact on future Precept/Budgets.

Councillors and Parishioners present who expressed an opinion felt that for those who live in properties within close proximity to the development would be disadvantaged regarding property value and future saleability.

The Parish Council listened to all the objections/comments and observations associated with this outline planning application and wish to illustrate by means of this letter their support for those members of the public who attended the Extraordinary Meeting.

5.2 Pipe and Lyde Parish Council

Pipe and Lyde Parish Council discussed the application for 64 houses at Moreton on Lugg at its meeting on 20th September and the following concerns were raised: Sufficiency of local infrastructure to support such a development, e.g sewerage etc. The PC noted the absence of a play area, although there is a public open space, and (if the application is approved) a condition be included to ensure one is created. With regard to section 106 monies, as much as possible should be retained for use in the local vicinity to mitigate the impact on existing and new residents, perhaps a cycle path could be created from Moreton on Lugg to Hereford. The PC would also like consideration be made to stipulating the creation of two accesses into the development to minimise the impact on existing properties opposite the proposed single site entrance

5.3 27 Letters of objection have been received. The content of these letters can be summarised as follows:

Highways

- Junction with the A49 dangerous due to the high volume of traffic, high speed and poor visibility
- Existing speed of vehicles through village
- Increase in traffic using the junction is unacceptable
- Already experiencing difficulties in exiting onto and into the Moreton road from the A49
- Short distance from the A49 to St Andrews Close and new turning – not much time for drivers to understand what other drivers intend doing.
- Increase in queuing traffic on the A49 into Moreton Road when approaching from Hereford.
- Road was closed during the survey work (at river) and should be re-surveyed
- Poor visibility due to the position of the sun
- Numerous accidents at the junctions
- High levels of traffic movements from HGV’s, delivery vans, agricultural traffic as road used for access to Marden, Sutton etc
- Numerous vehicle collisions with 1 St Andrews Close
- Vehicles travelling along Moreton Road often on wrong side of road
- Over 100 additional car movements per day
- Proposed junction is in the wrong place and maybe should be placed opposite St Andrews Close with a roundabout
- No public transport available in the evening

Scale, size and character

- Scale of development is too much for village
- This many dwellings would ruin the character of the village
- Paragraph 64 of the NPPF says that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions – this scheme of 64 does not.
- SEA Neighbourhood Area scoping report says no more than 18% increase in homes. This development will exceed this
- Sizable erosion of open countryside – unnecessary
- Not enough emphasis on affordable / retirement homes
- Loss of privacy and amenity to homes on St Andrews Close

Drainage

- Increase in sewerage not effectively planned for will have an adverse impact on existing residents. No planned upgrades so adding to an already overloaded system.
- Surface water drainage to main currently causes problems and even though surface water won't enter, the addition of foul will add to problems.
- Previous documents identify capacity problems in the area.
- Concern about additional flooding as green-field will not be there to absorb the rainfall etc.

Other

- No benefit for the local community
- Section 106 should be spent in the village rather than outside of it
- Village has no facilities – doctors, school or pub and residents have to travel
- Infrastructure not suitable or sufficient – playground activities for children
- Section 106 should be used for cycleway or Doctors / pharmacy
- Loss of viable farm land
- Potential for more development
- Roadside trees should be retained or protected.
- Increase in noise for residents from the building works
- Site in vicinity of a 17th century moat and should not be granted

The consultation responses can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=172919&search=172919>

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."

Policy Context

6.2 The Herefordshire Local Plan - Core Strategy (CS) is the development plan for the area and a range of relevant CS policies are listed above. 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

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

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

- 6.3 It is also the case that the Council cannot demonstrate a 5 year housing land supply with requisite buffer. This year's Annual Monitoring Report confirms a supply of 4.54 years. This is relevant insofar as the CS and NPPF both seek to boost significantly the supply of housing and confirm that housing applications should be considered in the context of the positive presumption. As a consequence of the housing land supply position, the policies in the Core Strategy relating to the supply of housing are out of date by reason of paragraph 49 of the NPPF. Although these policies are out of date, the weight that they should receive is a matter of planning judgment for the decision-maker.
- 6.4 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.”*
- 6.5 Policy RA1, Rural housing distribution, explains that the minimum 5,300 new dwellings will be distributed across seven Housing Market Areas (HMAs). This recognises that different parts of the County have differing housing needs and requirements. The Parish of Moreton-on-Lugg lies within the rural part of the Hereford HMA, which is tasked with an indicative housing growth target of 18% (1870 dwellings).
- 6.6 The Core Strategy identifies Moreton-on-Lugg as one of the County's rural settlements that will be the main focus for proportionate housing growth in the plan period to 2031. Policy RA1 calculates an indicative housing growth target for the Parish, based on an increase of 18% of existing dwellings for the Hereford Housing Market Area. This amounts to a minimum of 63 new dwellings for the plan period. Commitments and completions total 14 leaving a residual figure of 49 new dwellings. This target would be used as a basis for the production of Neighbourhood Development Plans (NDPs) where local evidence and environmental factors will determine the appropriate scale of development. The Core Strategy leaves flexibility for NDPs to identify the most suitable housing sites. Whilst the neighbourhood area for Moreton-on-Lugg was designated in October 2013, the Parish has since withdrawn from the Neighbourhood Planning process. Moreton on Lugg will therefore be included in an upcoming Rural Areas Site Allocations Development Plan Document (RASADPD)
- 6.7 Concerns have been raised about the numbers of dwellings exceeding the 18% growth for the parish. However, this is a minimum target and consideration would have to be given to the impacts of the development rather than the figure itself.
- 6.8 As an identified settlement (and absent an NDP), Policy RA2 (Housing in settlements outside Hereford and the market towns) is key in decision making. The policy states:

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

1. *Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.15, proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement and/or they*

- result in development that contributes to or is essential to the social well-being of the settlement concerned;*
- 2. Their locations make best and full use of suitable brownfield sites wherever possible;*
 - 3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and*
 - 4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.*

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

- 6.9 In terms of location relative to the settlement, there is no conflict here with RA2 per se. It is in relation to RA2 (3) and the environmental aspects of the development proposal and the associated infrastructure that needs to be carefully considered. As the ‘environmental’ aspects of RA2 are consistent with the NPPF, there is no ambiguity or inconsistency between the development plan and national guidance.

Landscape and setting of the settlement

- 6.10 The requirements of RA2 are underpinned by Policy LD1 Landscape and townscape. Development proposals need to demonstrate that features such as scale and site selection have been positively influenced by the character of the landscape and townscape, and that regard has also been had to the protection and enhancement of the setting of settlements. Development proposals should also conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including locally designated parks and gardens; and should incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings.
- 6.11 In addition, proposals should maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement of trees lost through development, and new planting to support green infrastructure. Green infrastructure is also covered by Policy LD3, which requires development proposals to protect, manage and plan for the preservation of existing and delivery of new green infrastructure; and to protect valued landscapes, trees and hedgerows. Proposals will be supported where the provision of green infrastructure enhances the network and integrates with, and connects to the surrounding green infrastructure network.
- 6.12 The site forms part of the original field pattern which links with the wider open countryside. Whilst the northern side of the C1120 has undergone substantial change through the introduction of 20th century development, the southern side remains by comparison, relatively unaltered. The church of St Andrew’s, Church House Farm and its associated buildings and landscape features in conjunction with the site all contribute to the rural setting of Moreton on Lugg. As well as providing an attractive graduated approach to the village, the site functions as a gap between the A49 trunk road and the settlement.
- 6.13 As noted in the Landscape Officer comments above, the proposal is a relatively large scheme for this edge of settlement location; a smaller development would be considered more in keeping with the wayside pattern of this landscape character type: Principal Settled Farmlands. However, when considering the degree of adverse impact upon the landscape it is accepted that the site is undesignated and its immediate surroundings have already undergone substantial change during the 20th century. Furthermore the land is low lying and essentially flat in character; this in conjunction with the field hedgerows and the landscape buffer along the A49 will reduce the visual effects of the scheme substantially. The landscape comments seek assurance that hedgerow loss will be for the access only, and this is the case as the visibility

can be achieved in front of this. The detail of the landscaping proposed (with a management scheme) can be secured via a condition and it will be necessary to give careful consideration to any reserved matter application to ensure that the landscape character is taken into account at design stage. It is therefore considered that the site is capable of being developed in accordance with the requirements of policy LD1 and LD3 of the Core Strategy.

Heritage assets

6.14 The proposed development site does not lie within a Conservation Area but there are a number of listed buildings and non-designated heritage assets that are a material consideration. A Heritage Statement has been submitted with the application. It has appraised the historic built environment in the vicinity of the proposed development specifically assessing the impact of the proposed development on the setting and significance of the Grade II listed Church of St Andrews and the Barn approximately 20m east of Church Farmhouse, and the non-designated heritage assets of Church Farmhouse and The Old Farmhouse. The report has also considered the Grade II* Church of St Peter, and the Scheduled and Grade II listed Churchyard Cross within the Churchyard at Lyde.

6.15 Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required, when considering development which affects a listed building or its setting:

“to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

6.16 It follows that the duties in section 66 do not allow a local planning authority to treat the desirability of preserving the setting of listed buildings merely as material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm “considerable importance and weight”.

6.17 Importantly, this does not mean that an authority’s assessment of likely harm of proposed development to the setting of a listed building or to a conservation area is other than a matter for its own planning judgement. Nor does it mean that an authority should give equal weight to harm that it considers would be limited or “less than substantial” and to harm that it considers would be “substantial”.

6.17 The NPPF offers further guidance about heritage assets, recognising that they are irreplaceable resources that should be conserved; ‘...in a manner appropriate to their significance.’ Paragraphs 129 to 134 offer particular clarity about the assessment to be made of the significance of heritage assets. Paragraph 131 outlines three criteria to be taken account of in the determination of planning applications. These are as follows:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

6.18 While Policy LD4 of the Core Strategy does require heritage assets to be protected, conserved and enhanced, and requires the scope of the work to ensure this to be proportionate to their significance, it does not include a mechanism for assessing how harm should be factored into the planning balance. As a result, and in order to properly consider the effects of development on heritage assets, recourse should be had to the NPPF in the first instance.

- 6.19 The Council's Historic buildings Officer has considered the proposals and conclusions of the Heritage Statement in relation to the impact upon the designated and non designated heritage assets and concurs with its findings.
- 6.20 The County Archaeologist has also considered the impacts on the area and concludes it is of some sensitivity; being directly adjacent to an undesignated moated site, close to a number of designated heritage assets such as the Grade II listed church, and having some potential for prehistoric below ground remains in particular. It is concluded that the harm to the heritage assets in question would be less than substantial but careful consideration to landscape buffers would need to be evident in any reserved matters submission. The importance of / risk to the below ground remains likely to be within the application area is not sufficient to justify their preservation, although mitigation for their loss should be secured via archaeological recording.
- 6.21 As such officers are able to confirm that the proposals would comply with the requirements of policy LD4 of the Herefordshire Local Plan – Core Strategy and with the guidance set out in the National Planning Policy Framework.

Biodiversity

- 6.22 Policy LD2 of the Herefordshire Local Plan - Core Strategy requires development proposals to conserve, restore and enhance biodiversity through the retention and enhancement of nature conservation site and habitats and important species. The advice in the NPPF reinforces this.
- 6.23 The application submission has been supported by an Ecological Appraisal (Ecology Solutions) that is considered to be comprehensive. The Council's Ecologist concurs with its evaluations and recommends a condition be attached. It should be noted that the recommendations should form part of the design approach in any subsequent submission. The report also encompasses biodiversity and Habitats Regulations Assessment (HRA) issues and is conclusive in its findings, suggesting mitigation and ecological enhancement for the proposal as appropriate. Neither the Council's ecologist, Natural England or Welsh Water raise any objection to the drainage strategy proposals. As such it is concluded that, with the appropriate mitigation and enhancements being secured by condition, the proposals would comply with the requirements of policy LD2 of the Herefordshire Local Plan – Core Strategy and with the guidance contained within the National Planning Policy Framework.

Layout and Housing Mix

- 6.24 Policy RA2 (4) seeks to ensure that schemes generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand. Policy H3 builds on this, requiring residential developments to provide a range and mix of housing. In particular, larger sites (more than 50 units), such as this will be expected to:

1. *provide a range of house types and sizes to meet the needs of all households, including younger single people;*
 2. *provide housing capable of being adapted for people in the community with additional needs;*
- and*
3. *provide housing capable of meeting the specific needs of the elderly population by:*

- providing specialist accommodation for older people in suitable locations;*
- ensuring that non-specialist new housing is built to take account of the changing needs of an ageing population;*
- ensuring that developments contain a range of house types, including where appropriate, bungalow accommodation.*

The latest Local Housing Market Assessment will provide evidence of the need for an appropriate mix and range of housing types and sizes.

6.25 The Herefordshire Local Housing Market Assessment produced by GL Hearn consultants, which forms part of the evidence base for the Core Strategy, provides a further insight into local housing needs in terms of tenure and size for the period 2011-31. It deals not only with affordable housing, but also open market requirements across the county over the plan period.

https://www.herefordshire.gov.uk/downloads/file/1644/local_housing_market_assessment_2013

6.27 Moreton-on-Lugg lies within the rural part of the Hereford HMA and the table insert below (from the Herefordshire Local Housing Market Assessment) provides requirements for open market housing that we would seek to secure on a site of this size.

Table 50: Estimated Size and Type of Dwellings Required 2011 to 2031 – Market Housing (Hereford HMA)

Type/size	Hereford Urban		Hereford Rural		Hereford HMA	
	Number	%	Number	%	Number	%
1 bedroom	166	3.9%	61	5.0%	227	4.2%
2 bedroom	654	15.5%	279	22.9%	933	17.1%
3 bedroom	2,366	56.0%	662	54.5%	3,028	55.7%
4+ bedroom	1,040	24.6%	213	17.5%	1,253	23.0%
Total	4,225	100.0%	1,215	100.0%	5,440	100.0%
Houses	4,081	96.6%	1,204	99.1%	5,285	97.2%
Flats	144	3.4%	11	0.9%	155	2.8%
Total	4,225	100.0%	1,215	100.0%	5,440	100.0%

Source: Housing Market Model

6.28 A condition is suggested that will seek to secure a proportionate housing mix and types (including bungalow accommodation) for the open market dwellings that reflect the requirements of the policies. This is considered to be necessary to ensure compliance with the requirements policies H3 and RA2 and will allow further consideration of the mix before Reserved Matters submissions.

6.29 Policy H1 of the Core Strategy also seeks to secure 35% of the development as affordable housing. The attached Heads of Terms details the required tenures and mix of housing and also seeks to secure local connection for occupation. As such, with the S106 agreement, the proposal would comply with the requirements of policy H1 of the Core Strategy. Reserved matters applications should reflect the requirements of the Section 106 agreement.

Open Space Provision

6.30 Policy OS1 and OS2 of the Core Strategy require the provision of open space. Open space requirements from all new developments are to be considered on a site by site basis and in accordance with all applicable set standards. Where on-site provision is not appropriate, off-site contributions may be sought where appropriate on an equally beneficial basis for the local community. The requirements for this site are detailed at paragraph 4.11 above. As an outline application, the details of these are provided but the provision (on or off site) along with ongoing maintenance arrangements will be secured through the Section 106 agreement and further considered at Reserved Matters stages when layout and landscaping details are provided. On this basis, the proposals would comply with the requirements of policies OS1 and OS2 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

Transportation

6.31 CS policy MT1 of the Herefordshire Local Plan – Core Strategy, requires development proposals to demonstrate that the strategic and local highway networks 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 or mitigate any adverse impact from the development. Developments should also ensure that

developments are designed and laid to achieve safe entrance and exit, have appropriate operational and manoeuvring space.

- 6.30 Local residents and the Parish Council have raised significant concerns about the capacity of the local network (Moreton Road) and the junction with the A49 siting issues with collisions, queuing traffic, speeds, visibility and road users travelling in the middle of the road. Concerns relate to the position of the proposed access as well as in the associated intensification of use of the network.
- 6.31 Objections also note that the automated traffic counts were undertaken whilst the Moreton Road Bridge was closed and as such was not a realistic review. The Transportation Manager has been able to confirm that the survey was carried out from 30 June to 6 July. The road was closed while BBLP undertook bridge repairs; this was from the 3 to 5 July. Whilst the works impeded the survey data for a short duration, the closure would impact on 3 of the 7 days of traffic volumes. The closure was approximately 1km away from the site, therefore the speeds would not significantly impact on the access location. The information provided was considered to be sufficient to be able to make the assessment.
- 6.32 The Transportation Manager has considered the aspects of highway safety and capacity on the local network and raised no objections to the proposed development subject to conditions being attached to the planning permission. Noting concerns raised locally during the process, the Council will be requesting a contribution to implement features along the C1120 in Moreton village. These will include features such as including different coloured surfacing from the A49 east to the speed limit marker, signage improvements, white line removal and gateway features that would support aims to reduce speeds through the village. Works could also include improvements to bus stops and pedestrian crossings (drop kerbs). The Heads of terms has been updated accordingly.
- 6.33 Highways England has the jurisdiction over the A49 and as such they are the Statutory Consultee in this instance. No objection has been raised to this proposal subject to a condition in relation to the construction phase. On this basis, officers are of the opinion that, with the proposed conditions and in securing the potential improvements through Section 106 contributions, the proposal would comply with the requirements of policy MT1 of the Core Strategy and with the requirements of paragraph 32 of the NPPF. This states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

Design and Amenity

- 6.34 Core Strategy policy SD1 (Sustainable Design and Energy Efficiency) seeks to secure high quality design and well planned development, that contributes positively to the character of the area and that development successfully integrates into the existing built, natural and historic environment. This policy also seeks the inclusion of physical sustainability measures, including orientation of buildings, provision of water conservation measures, storage for bicycles and waste, including provision for recycling and enabling renewable energy and energy conservation infrastructure.
- 6.35 The application submission is in outline form only, and many of these issues will need to be carefully considered at the Reserved Matters Stage, in particular the relationship with the dwellings on the northern side of Moreton Road. The policy also requires consideration in relation to matters of the amenity of residents / occupants of the new dwellings. Concerns about the impacts of road noise from the nearby A49 and air quality in respect of the proximity to the poultry units were raised at the pre-application stage. As such the applicants have included both noise and air quality reports and the Environmental Health officer has considered these (see para 4.10) and confirmed that, subject to a suitable condition and further consideration at design stage for the Reserved Matters stage, the proposal would comply with the requirements

of policy SD1 of the Core Strategy and with guidance contained within the National Planning Policy Framework.

Drainage

- 6.36 Policies SD3 and SD4 of the Core Strategy seek to ensure that matters of flood risk and drainage are considered. Representations raise concerns about network capacity for the foul drainage. Welsh Water, as the statutory consultee have been consulted and, subject to a condition that ensures that a connection is made in a specific location and there being no surface or land drainage discharge to the mains system, they raise no objection. As such, whilst noting the concerns raised locally about capacity, officers conclude that the proposals comply with the requirements of policy SD4 of the Core Strategy.
- 6.37 Matters of flood risk and surface water drainage have also been carefully considered in the detailed response from the Land Drainage consultant that can be read, in full on the Councils website: <https://myaccount.herefordshire.gov.uk/documents?id=fa0292ae-a835-11e7-97b0-0050569f00ad>. Additional detail has been submitted to try and address some of the queries raised and is currently being considered. Notwithstanding this, the Land Drainage Consultant has not raised an objection but a detailed drainage strategy must inform the reserved matters applications and must address the requirements and issues raised. A condition and informative notes are recommended but I would conclude that the management of surface and land drainage can be satisfactorily accommodated on the site and as such the requirements of policy SD3 can be met.
- 6.38 Policy SD3 deals, among other things, with water consumption and a condition is recommended to address this requirement.

Conclusions

- 6.39 Both Core Strategy policy SS1 and paragraph 14 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that developments should be approved where they accord with the development plan. The site's location is well located to the main settlement of Moreton-on-Lugg and has good access to local services and public transport offering a genuine opportunity for alternative means of travel to its occupants. The principle of development is considered to be acceptable, with detailed design matters being considered in the Reserved Matters stage to ensure compliance, in particular, with Policies RA2, SD1, LD1, LD2, LD3 and LD4 of the Core Strategy.
- 6.40 Officers are of the opinion that the local road network can absorb the additional traffic generated from the development and note that Highways England has raised no objection to the proposed development. The concerns raised by the Parish Council and local residents have been carefully considered but the proposed works, with appropriate conditions and mitigation would ensure compliance with the requirements of policy MT1 of the Core Strategy and with the guidance contained within the National Planning Policy Framework that states that development should only be prevented or refused on transport grounds where the residual cumulative impact of the development is severe.
- 6.41 Matters of impact upon designated and non designated heritage assets, biodiversity, and landscape character as key environmental roles have been taken into account and officers have concluded that they are satisfied that the submitted information demonstrates that, with careful consideration at design stages, a development of this size and scale can be accommodated on the site in accordance with the requirements of policies RA2, LD1, LD2, LD3 and LD4 of the Core Strategy and that there are no adverse impacts that would significantly or demonstrably outweigh the benefits. Matters relating to drainage must also form part of the overall design progression to ensure compliance with policy SD3 at reserved matters stages.

- 6.42 Having regard to the three indivisible dimensions of sustainable development as set out in the Core Strategy and NPPF, officers conclude that the scheme, when considered as a whole, is representative of sustainable development and that the presumption in favour of approval is therefore engaged. The contribution that the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic and social roles. The provision of the affordable housing must also be considered a benefit to the social role.
- 6.43 The Council acknowledges that there continues to be a deficit in terms of a five year housing land supply and that this site will make a significant contribution to the supply of housing supporting the growth required over the plan period. This proposed development is compliant with the policies of the Herefordshire Local Plan Core Strategy and is considered to be sustainable development, for which there is a presumption in favour. It is officers' recommendation that this proposal is approved with the appropriate conditions, subject to the completion of the Section 106 agreement.

RECOMMENDATION

That 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. I51 Details of slab levels**
- 6. C10 Landscaping Scheme**
- 7. G11 Landscaping Scheme – implementation**
- 8. G14 Landscape Management Plan**
- 9. G15 Landscape Maintenance Plan**
- 10. CNS Housing Mix**

Prior to the commencement of development the developer shall agree in writing with the local planning authority a scheme for the delivery of the open market housing hereby approved. This scheme shall comprise a schedule outlining the number of 2, 3 and 4 (+) bed dwellings proposed at the Reserved Matters stage; the overall mix being in general accord with the Council's Local Housing Market Assessment (or any successor document, adopted for these purposes by the local planning authority).

Reason: To define the terms of the permission and to comply with Policies

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

RA2 and H3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

11. CNS Noise Attenuation Measures

Prior to the commencement of development a scheme of noise attenuating measures for the proposed dwellings shall be submitted to and be approved in writing by the Local Planning Authority. This scheme shall have regard to the advice provided by BS 8233:2014, Guidance on sound insulation and noise reduction in buildings, The World Health Organisation Guidelines for Community Noise. The approved scheme shall be implemented before the first occupation of the dwellings.

Reason In the interests of the residential amenity of future residents in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

12. L04 Comprehensive and Integrated draining of the site

13. CNS Welsh Water suggested condition

No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details. Foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made between manhole reference number SO50452502 and SO50453601 as indicated on the extract of the Sewerage Network Plan attached to this decision notice. Thereafter, no surface, land or highway water shall connect directly or indirectly to 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 having regards to the requirements of policy SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

14. CNS Construction Traffic Management Plan

The development shall not commence until a Construction Traffic Management Plan (CTMP) which shall include a programme for monitoring and review has been submitted to, and approved in writing by, the local planning authority, in consultation with the highways authority for the A49 Trunk Road. The approved CTMP shall be adhered to throughout the access construction period.

Reason: To ensure that the safety and efficient operation of the strategic road network is not compromised during the construction period.

15. CNS – Construction Management Plan

No development shall commence 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
- g. A travel plan for employees.

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.

16. H03 Visibility Splays (2.4m x 59m)
17. H06 Vehicular Access Construction
18. H09 Driveway gradient
19. H13 Access, turning area and parking
20. H17 offsite works (s278)
21. H18 Onsite roads – submission of details (s38)
22. H20 Road completion phasing
23. H29 Cycle parking
24. CNS Biodiversity

The recommendations for species and habitat enhancements set out in the ecologist's report from Ecology Solutions dated August 2017 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

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

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

- 25. E01 – Site Investigation
- 26. CE6 Efficient use of water

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework

2. **Welsh Water advice:**

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

3. Having regard to the requirements of conditions 12 and 13 above. I would draw your attention to the advice and comments of the land drainage consultant that can be viewed online at:

<https://myaccount.herefordshire.gov.uk/documents?id=fa0292ae-a835-11e7-97b0-0050569f00ad>

- 4. **I45 Works within the highway**
- 5. **I49 Design of street lighting**
- 6. **I51 Works adjoining highway**
- 7. **I52 Extraordinary maintenance**
- 8. **I54 Disabled access**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

DRAFT

HEADS OF TERMS

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

Planning Application – P172919/O

Site address:

Land to the west of Church House, Moreton on Lugg, Herefordshire.

Planning application for:

Outline planning application for the erection of 64 dwellings (including 35% affordable) access and associated works. Matters of appearance, layout, landscape and scale are reserved for future consideration.

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 2 which applies to all new dwellings.

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

£ 1,377.00 (index linked) for a 2 bedroom apartment open market unit

£ 2,368.00 (index linked) for a 2/3 bedroom open market unit

£ 3,805.00 (index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at Wellington 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 sum of (per open market unit);

£ 1,720.00 (index linked) for a 2 bedroom open market unit

£ 2,580.00 (index linked) for a 3 bedroom open market unit

£ 3,440.00 (index linked) for a 4 bedroom open market unit

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

The sustainable transport infrastructure will include:

- Improvements to passenger waiting facilities in Moreton on Lugg, shelter and kerbs.
- Installation of 5 dropped crossings
- Village gateway features including different coloured surfacing from the A49 east to the speed limit scheme will include gates, signage improvements and white line removal.

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

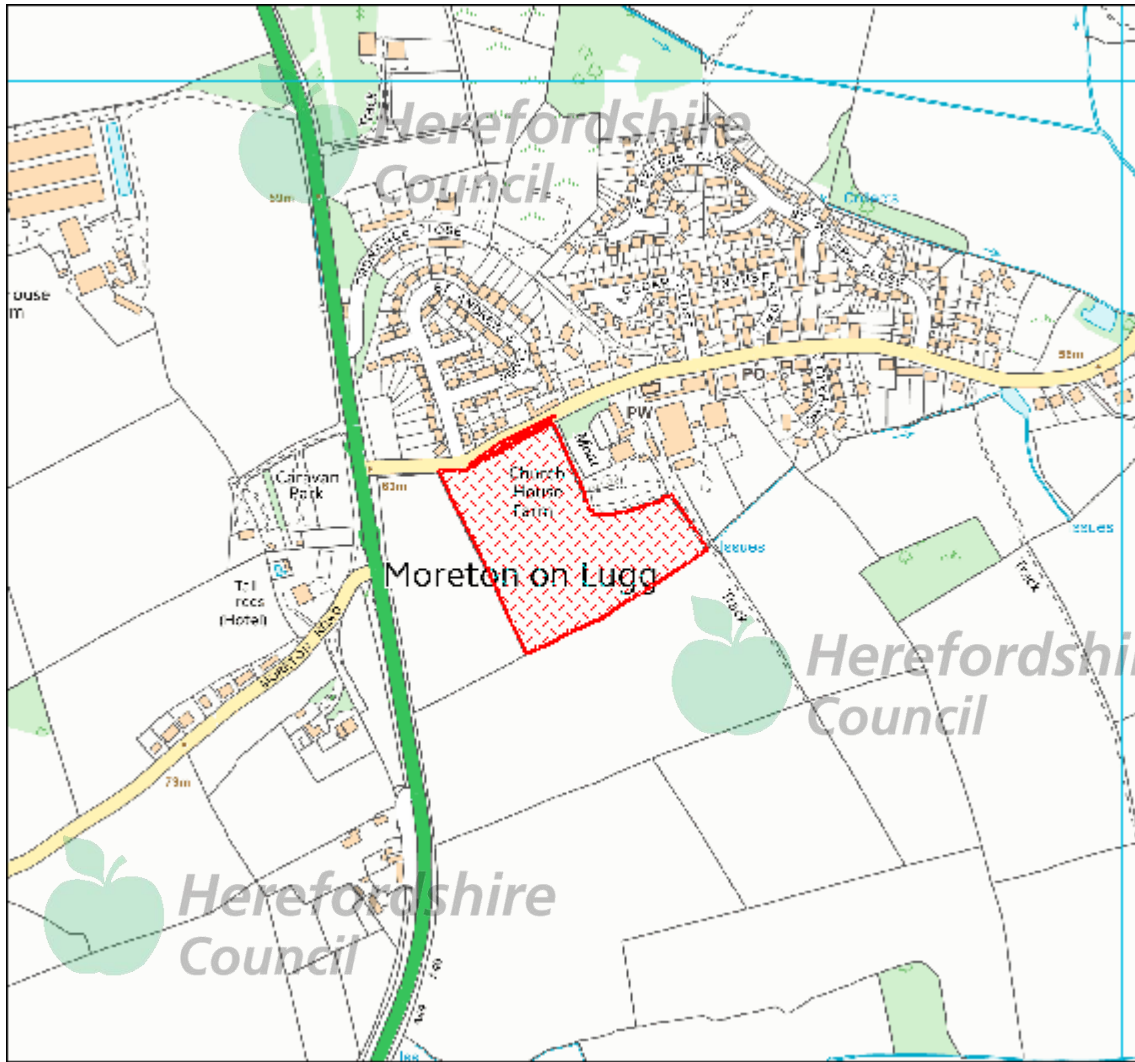
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £80.00 (index linked) per dwelling. The contribution will be used to provide 1x waste and 1x recycling bin for each open market property. The sum shall be paid on or before the commencement of the development
4. The developer covenants with Herefordshire Council to provide a minimum;
 - Public Open Space 0.058 hectares (580sqm) @ 0.4ha per 1000 population
 - Children's Play 0.117 hectares (1,170sqm) @ 0.8ha per 1000 population. Of this 0.036 hectares (360sqm) should be formal equipped 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: The Council does not adopt open space. However, in exceptional circumstances it will consider adoption. Any attenuation basin and/or SUDS/SWALES 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 that 35% of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H1 of the Herefordshire Local Plan Core Strategy 2011 - 2031 or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
7. The developer covenants with Herefordshire Council that 54% of the affordable housing will be made available for social rent and 46% of the affordable housing will be made available for intermediate housing.
8. 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.
9. 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:-
 - 9.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 9.2. satisfy the requirements of paragraphs 10 & 11 of this schedule
10. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
 - 10.1. a local connection with the parish of Moreton-on-Lugg.
 - 10.2. in the event of there being no person with a local connection to Moreton-on-Lugg 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.

11. For the purposes of sub-paragraph 10.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
 - 11.1. is or in the past was normally resident there; or
 - 11.2. is employed there; or
 - 11.3. has a family association there; or
 - 11.4. a proven need to give support to or receive support from family members; or
 - 11.5. because of special circumstances;
12. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2 and 3 above, for the purposes specified in the agreement within 10 years of the date of payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
13. The sums referred to in paragraphs 1, 2 and 3 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
14. 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.
15. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Yvonne Coleman
Planning Obligations Manager
November 2017



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

APPLICATION NO: 172919

SITE ADDRESS : LAND TO THE WEST OF CHURCH HOUSE FARM, MORETON ON LUGG,
HEREFORDSHIRE

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