

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	31 January 2018
TITLE OF REPORT:	163963 - RESERVED MATTERS FOLLOWING 132924/O FOR LANDSCAPING, APPEARANCE, LAYOUT AND SCALE AT LAND NORTH OF GADBRIDGE ROAD, WEOBLEY, HEREFORDSHIRE. For: M F Freeman Ltd per Mr Jonathan Rainey, First Floor South Wing, Equinox North Great Park Road, Almondsbury, Bristol, BS32 4QL
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=16963&search=163963
Reason Application submitted to Committee – Contrary to policy	

Date Received: 9 December 2016 **Ward: Weobley** **Grid Ref: 340605,251704**
Expiry Date: 1 October 2017
 Local Member: Councillor MJK Cooper

1. Site Description and Proposal

- 1.1 The application seeks approval of Reserved Matters following the grant of outline planning permission P132924/O, with all matters bar access and landscaping reserved for the erection of 40 dwellings on land at Gadbridge Road, Weobley.
- 1.2 The application site is located on the east edge of the village, immediately adjacent to residential development at Bearcroft, on a minor road out of the village (C1093), Gadbridge Road. The village hall, children's play area and sports pitch are directly opposite, whilst a doctors surgery and dental practice are also located on Gadbridge Road. The village is also served by primary and secondary schools while the historic core of the village lies approximately 300 metres to the east and contains a number of local shops, pubs and restaurants. In addition to the residential area of Bearcroft, the site is also opposite further residential development at Apple Meadow.
- 1.3 The site forms a roughly rectangular parcel of grazing land amounting to approximately 1.3 hectares, and has hedgerows boundaries to the north, south and east, with the rear gardens of some of the dwellings on Bearcroft to the west. From a high point in the north east corner of the site, the levels fall away by just over 2 metres westwards and southwards. A footpath runs across part of the site frontage as far as the village hall and it lies within a 30mph zone.
- 1.4 The site lies within the Conservation Area for the village; which is wide ranging and encompasses the whole of the village, both its historic core and modern residential development to the south and east, and agricultural land that surrounds.

- 1.5 The layout arrangement, which has been subject to amendment during the course of the application, shows the detailed layout for 39 dwellings. These comprise a range of detached and semi-detached dwellings. The layout plan is shown below. Given the square shape of the site, development is shown in depth, but is constrained by the presence of existing residential development on Bearcroft along the eastern boundary and the road frontage of Gadbridge Road. Plots arranged along the eastern boundary are generally orientated with a back garden to the east elevation or; as is the case with plots 1 and 12, with a gable end on. The scheme provides a clear development frontage onto Gadbridge Road with the access into the site slightly off-centre. These properties are provided with their own private drives directly onto Gadbridge Road with the remainder served by the main estate road. Plots in the north east (24 to 30) and south western (17 to 23) corners are served by private drives; the latter arranged around an area of public open space.
- 1.6 Plots 17 and 18 are a pair of semi-detached 1 ½ storey dwellings. These have been provided in this location in order to mitigate potential impacts on 97 Bearcroft which is a bungalow.



- 1.7 Other significant amendments to the application relate to the ability of the scheme to deliver affordable housing. The applicants have submitted a viability assessment which concluded that, on the basis of the S106 requirements set out by the Outline planning permission to provide 14 no. affordable dwellings and contributions totalling £380,658 the scheme would not be viable. The scheme to be determined does not deliver any affordable housing. However, contributions totalling £375,000 are to be paid. The rationale behind this will be explored later in this report.
- 1.8 As previously referred to above, the plans have been amended since their original submission following initial assessment by the case officer and comments from interested parties, including the parish council. In addition to the amended plans, the application is also supported by the following documents:
- Planning Statement
 - Design Statement
 - Materials Schedule
 - Construction Management Plan
 - Habitat Enhancement Scheme
 - Arboricultural Survey

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

- Desk Study and Ground Investigation Report

2. Policies

2.1 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
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
RA3	-	Herefordshire's countryside
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sport and Recreation Facilities
OS2	-	Meeting Open Space, Sport and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and townscape
LD2	-	Biodiversity and geodiversity
LD3	-	Green infrastructure
LD4	-	Historic environment and heritage assets
SD1	-	Sustainable design and energy efficiency
SD3	-	Sustainable water management and water resources
SD4	-	Waste water treatment and river water quality
ID1	-	Infrastructure Delivery

2.2 National Planning Policy Framework:

The following sections are of particular relevance:

Introduction - Achieving sustainable development

Section 4 - Promoting sustainable transport

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design

Section 8 - Promoting healthy communities

2.3 Weobley Parish Council have identified their neighbourhood area but to date have yet to prepare a draft plan. Accordingly no weight can be attributed to a neighbourhood development plan.

2.4 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

3. Planning History

3.1 P132924/O - Site for erection of 40 dwellings 1, 2, 3 and 4 bed units and associated parking – Approved following the completion of a Section 106 Agreement on 2 April 2015.

On the basis of an early revision of the Reserved Matters plans, the Agreement would have delivered the following:

- 10 no. affordable dwellings, comprised of 6 no. two bed and 4 no. three bed dwellings
- £132,517 towards education improvements
- £122,946 towards traffic calming and traffic management measures in the locality;

- £53,989 towards indoor and outdoor sports facilities
- £53,989 towards the open space and play area at Hopelands
- £3,486 towards new or enhanced recycling and waste management facilities
- £6,274 towards library improvements
- £7,493 as a monitoring fee (based on 2% of total contributions)

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water

We have no objection to the application for approval of the reserved matters subject to compliance with the requirements of the drainage conditions imposed on the outline planning permission, and the subsequent applications to vary the conditions thereon. We refer to drawing ICS-2128-03 Revision P03 which shows the foul and surface water drainage proposal; based on the fact that no surface water will communicate with the public sewer we are satisfied in principle and also acknowledge that this drawing addresses condition 12 of outline permission reference 132924.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

Internal Council Consultations

4.2 Traffic Manager – Comments awaited

4.3 Conservation Manager – Ecology

The only reserved matter for ecology relates to a condition (9) for 132924 for which a habitat enhancement plan has been submitted. I have read the Habitat Enhancement proposals from Greenscape and find them acceptable. Condition 9 of the outline planning application can be discharged.

4.4 Conservation Manager – Landscape

In accordance with the Landscape Condition 5 of the Planning Permission Application No 163963/RM, the information submitted satisfies the requirements of the Reserved Matters and is approved by the Councils Landscape Officer.

With reference to the Landscape Condition 6 the landscape maintenance period on the Detailed Onplot Landscape Proposals, Drawing No P16-0907_04 Rev A, Prepared by Pegasus Design, Dated 07.12.2016 needs to be amended to 5 years before this part of Condition 6 can be approved.

4.5 Housing Officer

I refer to the amended plans and would advise that I am not in support of the applicant's proposal to provide s106 contributions in lieu of the affordable housing requirement.

Whilst I appreciate that there is a viability issue I am disappointed that after working very closely with the applicant to provide 2 adapted bungalows to support two local families who are in

desperate need of this accommodation they have made the decision to withdraw the affordable housing requirement.

I believe that a compromise could have been made by which the two adapted units could still have been provided instead of all six affordable units with a reduction in the S106 contributions.

Notwithstanding the above, with regards to the open market mix the inclusion of two and three bed units is a positive

4.6 Environmental Health & Trading Standards Manager

According to our records there seems to be a small pond in the south west corner of the site which is later recorded as an area of 'unknown filled ground'. Sites identified as unknown filled ground can be associated with contaminative fill material. In practice, many sites identified through the historical mapping process as unknown filled ground are instances where hollows have been made level with natural material, have remained as unfilled 'hollows' or have filled through natural processes. However, there are some instances where the nature of the fill is not inert and would require further investigation.

With the above in mind I would recommend a proportional assessment be carried out to consider any risk.

Following the submission of additional reports, the Council's Environmental Health Officer has made further comments:

Further reports have been submitted to consider risk of contamination at the above site. Following identification of a small area of the site requiring remediation, the 'remedial approach' discusses how the impacted material will be excavated, clean imported and verification carried out. With this being the case, the majority of both investigation and assessment work has been completed. Given the final phase of remediation and validation is to be submitted in due course, the following conditions should be appended to any approval.

The Remediation Scheme, as described in Hydrock Document Reference:C-6293-C-BG-001 shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health.

4.7 Land Drainage Engineer

We recommend that the following information is provided prior to the Council granting reserved matters approval for this development:

- A hydraulic model of the existing culverted watercourse as outlined above
- Calculations to support the proposed sizing of the surface water drainage system.
- Calculations to demonstrate soakaways have been designed for a minimum 1 in 10 year return period with a half drain time of no more than 24 hour.
- Calculations to demonstrate that there will be no flooding from the drainage system up to the 1 in 30 year event. Soakaway designs may need to be revised to achieve a 30 year design.
- Clarification of the proposed strategy to overflow to the culverted watercourse and conformation of proposed discharge rates, noting that this must demonstrate 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.
- Clarification of the proposed maintenance and adoption arrangement for drainage features in private ownership, noting that we strongly recommend that the Applicant reconsiders the use of a single back garden soakaway for multiple houses.
- Additional soakaway testing to BRE 365 if deep soakaways are to be promoted.
- The applicant will need to confirm their intent to complete cleansing, CCTV survey and Lining work on the culverted watercourse as outlined above

Should the Council be minded to grant planning permission, we recommend that the submission and approval of detailed proposals for the disposal of foul water and surface water runoff from the development is included within suitably worded planning conditions. The detailed drainage proposals should include the information requested above as well as:

- A detailed surface water and foul water drainage strategy with supporting calculations and details of attenuation and outfall features.

5. Representations

5.1 Weobley Parish Council: Original comments

Parking provision

We would refer you to our comments on the previous application where we highlighted our concerns that the proposed development would create a potential increase in the existing congestion issues in Gadbridge Road, adding to that already caused by on-street parking including that of patients visiting the local surgeries. Our view is that although provision for off-street parking has been made, this particular design will not discourage residents from on-street parking outside their properties. We had suggested the addition of a parking bay or pull in extending along the Gadbridge Road frontage and integral to the proposed development.

We note that the developer has sought to address our concerns and has now made provision for a parking bay fronting Plots 4 & 5 and an additional parking space for Plot 36. We understand that the developers consider that they are unable to extend a parking bay across the Gadbridge Road frontage due to the need to meet visibility splay requirements at the entrance to the development and which would require much greater changes to the development layout and housing provision.

Although we recognise the developers' concession to our request, we consider that this will be insufficient and the proposed provision will still add to the parking and congestion issues which already exist and can be evidenced daily in Gadbridge Road. It will potentially obstruct not only the road but access to the village hall as well.

Therefore our objection to the proposed parking provision on the Gadbridge Road frontage still stands.

Affordable Housing

We note that provision has been amended by the removal of Plot 18 and a change to dormer bungalows on Plots 16 and 17 to meet an identified housing need. Plots 13, 14 & 15 have been amended to open market housing provision. The number of affordable dwellings has been therefore been reduced from 14 to 10. We would have no objections to these amendments.

Amenity

Plots 16 and 17 have been amended to dormer bungalows and both these and plots 13, 14 & 15 have been moved further back from the western boundary. This will offer some welcome improvement to the amenity of the existing properties in Bearcroft. We would have no objections to these amendments.

We would also like to make the following additional comments:

Drainage

We understand that an amended application in respect of surface drainage is to be submitted in response to a drainage consultation report by Herefordshire Council. We trust that this will receive full consideration by the appropriate department ahead of any approval. We would also note that in a recent meeting with the developers we commented that there was currently no provision for the recycling of 'grey' water on the site and that this might be a consideration.

Boundaries

We would again ask for clarification on ownership and management of the boundary hedges, in particular those on the western boundary adjoining the existing Bearcroft Estate.

Conditions

We would highlight again our previous comments in respect of concerns over disruption to the amenity of the village and area surrounding the site and our request that should the application be approved conditions are put in place to mitigate this. We would ask that this include the parking of contractors' vehicles on site during the construction stage to avoid this also being a cause of congestion in Gadbridge Road.

Following the submission of amended plans Weobley Parish Council have made the following comments:

We note that the following changes are now proposed:

Affordable Housing

Following the conclusion of financial viability discussions, affordable homes are removed from the scheme (The scheme will provide a financial contribution, as agreed)

We understand that a contribution figure of £375,000 has been agreed. The Parish Council has resolved that it will support the payment of Section 106 contributions rather than the provision of six affordable units subject to the following conditions:

- That the majority of the agreed contribution towards education is given to Weobley High School and Weobley Primary School and Nursery. (We would query the reference to Conningsby Early Years and St Mary's RC High School as beneficiaries)
- That the agreed contribution towards traffic calming and traffic management measures is wholly invested in Weobley village in line with the priorities set out by the Parish Council in its S106 priority list previously submitted (and attached here as an appendix)
- That the agreed contribution towards indoor and outdoor sports facilities is given to Weobley Parish Council to invest in the Hopelands Play Area which will include a new skate park.

We note, however, that contained within the original Section 106 agreement, signed on 2nd April 2015, there was reference to a Library Contribution and that Library Facilities means the existing library services within Weobley. The Parish Council wished to ensure that this S106

undertaking is honoured and that the majority of that contribution transferred to the Parish Council to enable it to invest in the library building, which has now formally been transferred from Herefordshire Council to Weobley Parish Council.

We would be pleased to receive clarification and confirmation of the contribution areas and figures or the opportunity for further discussion.

Design

- **House type changes for plots 1, 2, 3, 4, 9, 10, 11 & 12**
- **A double shared garage between Plots 2 and 3**
- **Redesign of some chimneys and the inclusion of more chimneys overall**
- **Addition of two Velux roof lights to front and rear of Shakespeare unit**
- **Updated elevations for 3 and 4 bed bungalows**
- **Updated layout landscape strategy and on-plot landscaping in order to take into account slight layout changes**

We note that additional off-road parking is provided for Plots 2 & 3, although this has resulted in a reduction in garden size.

We note that the dormer windows in the front elevations of the 3 and 4 bed bungalows have been reduced in size. The wet room windows do not appear to be illustrated on the rear elevation drawings.

There are no objections.

Infrastructure

- **Areas outside of the red line(highways land) now solely consist of hard standing in accordance with advice from highway officers**
- **Minor changes to drainage and highway drawings**

We are unsure of the reference to the red line and to what drawing this applies. We note that there is no longer any sewer easement from the public open space and assume that this relates to the review of the drainage proposals which we trust have now been given full consideration in view of historic drainage issues in the Bearcroft Estate.

Amenity

We note from the Construction Management Plan that the removal of the affordable housing element has now changed the site 'build direction' and the plots to the west of the development land and nearest the Bearcroft estate boundary will now be the last to be completed. Ahead of this, the area has been designated for material storage and contractor parking during the site construction, as well as a temporary construction access, and will potentially create an extended period of noise and disturbance for existing neighbouring residents. We would request that every effort is made by the developer to minimise the level of inconvenience for these residents.

We would also reiterate our request for conditions to be put in place to ensure as little disruption as possible to the amenity of the village, in particular Gadbridge Road and neighbouring properties, including the Village Hall and roadside verge, by site vehicles, machinery and operatives during construction of the site. In addition, this should include the monitoring of the condition of the public highway to ensure it is kept clean of mud and debris originating from the site to protect the amenity of Gadbridge Road and the road drainage system.

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

- The proposed development will increase congestion along Gadbridge Road. This is an existing problem that will only be made worse if the application is permitted.
- The plans do not provide adequate parking provision

- Eight properties fronting onto Gadbridge Road all have their own drives. Concerns are raised about this and the fact that vehicles manoeuvring in and out of these drives will do so within the public highway, causing increased congestion and a risk to highway safety. These properties should be served off the estate road.
- Concerns are raised in respect of the impact of the proposed development on the residential amenity of properties on Bearcroft.
- There will be insufficient soakaway capacity to serve the development. Concern that this will give rise to surface water run-off and flooding of lower lying agricultural land to the north during periods of heavy rainfall.
- The site is immediately adjacent to a commercial orchard. Concern that the proposed development puts new residents in close proximity to farming operations which include maintenance, management and spraying with agricultural machinery that might give rise to nuisance.

5.3 An online petition containing 102 names has also been submitted. The supporting text of the petition focuses solely on concerns relating to the potential traffic impacts associated with a development of 40 dwellings.

5.4 Following the completion of a viability assessment, and prior to the submission of amended plans based upon its findings, the applicants undertook further consultation with Weobley Parish Council. The following correspondence is from the applicant to the Parish Council. It summarises the progression of the application and sets out the nature of the application in its amended form:

"As you know, our site has an outline consent for the development of up to 40 no. dwellings under planning reference P132924/0 subject to the provision of affordable housing comprising 8 no. 2 bed dwellings and 6 no. 3 bed units (35%) for occupation as Intermediate Housing; and subject also to the payment of Section 106 Contributions totalling £380,658.90, to be uplifted by the increase in the BCIS Tender Price Index between the date of the Section Agreement (2nd April 2015) and the date of payment of each of the Contributions.

Our Reserved Matters Application was submitted in December 2016. We feel our proposal is for a high quality development with good standards of amenity and a layout that provides for more generous accommodation than other housebuilders might offer. Ensuring a high quality design is very important to us given we are a family-owned Herefordshire business building in our own communities.

Following a public consultation and attendance at two Parish Council Meetings we made a number of revisions to our original design including:

- *Provision of a parking layby along Gadbridge Road*
- *Reconfiguration of dwellings along western boundary to improve relationship with existing properties on Bearcroft*
- *Inclusion of 2 no. Bungalows to meet specific needs of local families*
- *Overall reduction of the number of dwellings from 40 to 39*

Whilst our planning application has been running we have also been exploring options and costs for dealing with contamination on site; a sustainable and acceptable drainage strategy; and a highways strategy. These three items particularly have ended up costing substantially more than we originally anticipated and were not foreseeable from the outset.

Regrettably, the outcome of this design process is that our proposed scheme is not financially viable as it stands – in short, our projected profit has become so slim that we are not able to justify the risks of developing the site.

We therefore commissioned property consultancy Alder King to provide an independent review of our assessment of the sales revenue and construction costs and their findings were presented to Herefordshire Council in July.

Herefordshire Council in turn referred Alder King's Financial Viability Assessment to the District Valuer Service, a specialist property arm of the government's Valuation Office Agency, for review.

The District Valuer confirmed to Herefordshire Council this week that they agree that our proposed scheme is not viable. They undertook sensitivity testing in order to establish the level of affordable housing and/or Section 106 Contributions that the scheme could afford.

Their view, which is supported by Herefordshire Council, is that our proposed scheme could support a maximum Planning Gain of £375,000 and that this could take the form of either:

- 1. The provision of 6 no Affordable units; or*
- 2. The payment of Section 106 Contributions totalling £375,000*

We have met with the Council and agreed that we will provide either the affordable housing or the Section 106 contributions.

We have a local workforce ready to start on site and following a protracted delay in getting to this point our preference would be to provide the Section 106 contributions so that, subject to getting a planning consent, we can make a start on site early in the New Year. Negotiating contracts with an Affordable Housing Provider will result in further substantial delay – our most recent experience was that this took 6 months – which could be an issue for our business and its employees.

Furthermore, we also acknowledge that our development offers the opportunity for improvements to be made to infrastructure that can benefit the local community. For example, you told us when we met that you were particularly concerned about traffic calming in the village.

As a reminder the Section 106 Agreement provides for the following contributions:

- £132,517 towards education improvements at Conningsby Early Years, Weobley High School St Mary's Roman Catholic High School, Post 16 youth services and special education needs*
- £122,946 towards traffic calming and traffic management measures in the locality; new pedestrian and cyclist crossing facilities; creation of new and enhancement in the usability of existing footpaths and cycleways connecting to the site; provision of and enhancement of existing localised bus infrastructure; public initiatives to promote sustainable modes of transport; and 'safer routes to school' a road safety initiative.*
- £53,989 towards indoor and outdoor sports facilities in the locality in accordance with the Council's draft 'Playing Pitch Assessment'*
- £53,989 towards the open space and play area at Hopelands*
- £3,486 towards new or enhanced recycling and waste management facilities within the Development*

Whilst we will need to make a few minor amendments to our layout to account for the proposed removal of affordable houses from the scheme, these will be minor and will involve moving windows, introducing garages etc. We will not be changing the number of bedrooms or types of houses (i.e. terraces, bungalows). Despite not providing affordable housing our hope is that by substituting plots on a like-for-like basis, our development will offer the widest possible choice to home buyers in Weobley in terms of house type and cost – from a 2 bed terrace to a detached 5 bedroom house.

Assuming the Parish Council is supportive of our proposal to provide the Section 106 Contributions instead of the Affordable Housing then we will issue a revised pack of drawings for consultation as soon as possible.”

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163963&search=163963

Internet access is available at the Council’s Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer’s Appraisal

- 6.1 The principle of development on this land is established via the outline planning permission and the RM submission is submitted in accordance with the relevant conditions.
- 6.2 In this instance access was approved, so the RM’s comprise appearance, scale, layout and landscaping.
- 6.3 The Development Plan is the Core Strategy; Weobley have not progressed beyond the designation of their Neighbourhood Area and this attracts no weight for the purposes of decision-making.
- 6.4 In accordance with the presumption in favour of sustainable development, as expressed in the NPPF and CS, approval should be given unless the adverse impacts significantly and demonstrably outweigh the benefits. There are, in my view, no restrictive policies applicable.

Appearance

- 6.5 The site is adjacent to the residential estate known as Bearcroft. It is a pleasant residential area which appears to have been developed during the 1970’s and 80’s. A typical street view is shown below:



- 6.6 A later residential development; Apple Meadow, is located directly opposite the application site. It dates from the 1990’s and is similar in many respects to the development proposed in terms of its scale, layout and appearance. The photographs below show the frontage opposing the application site and a typical view from within the estate.

Frontage of Apple Meadow onto Gadbridge Road



View of Apple Meadow including an area of public open space



- 6.7 Policy LD1 of the Core Strategy requires that developments demonstrate that they have been positively influenced in terms of their scale and design by their surroundings. As above, the site is within Weobley Conservation Area, but the Conservation Area is large and encompasses the more modern parts of the village; including Apple Meadow and Bearcroft. The proposal creates a street frontage onto Gadbridge Road. As can be seen from the street scene, below it introduces a variety of materials and architectural features similar to Apple Meadow opposite. This theme continues throughout the entire development proposal.

Street scene onto Gadbridge Road



- 6.8 Rather than turning its back to Gadbridge Road, the development makes a positive contribution to the street scene which aids its assimilation to this part of the village.
- 6.9 The submission includes a detailed materials schedule. This is also reflective of the surrounding area with a mix of brick and render for elevations and a variation of two roof tiles. This can also be seen from the street scene shown above. The variation of materials is influenced by the surrounding area and will create a degree of visual interest in the built form. The materials schedule is considered to be acceptable. Your officers view is that the proposal has been positively influenced by the character of its surroundings in accordance with Policies LD1 and LD4 and is acceptable in terms of its appearance.

Scale

- 6.10 The dwellings comprise a mix of 1 ½, 2 and 2 ½ storey dwellings at a scale consistent with the surrounding context. The scale, in terms of dwelling numbers, has also been reduced by one from 40 to 39, which has had a benefit in terms of the relationship to adjoining properties, which is set out below in the layout section.
- 6.11 However, for the purposes of this assessment, I am content that the scale of development in terms of the proportions of the dwellings themselves is acceptable in accordance with LD1 and SD1 in particular.

Layout

- 6.12 As mentioned above, the number of dwellings proposed has been reduced from 40 to 39 in order to address concerns raised about the relationship of the proposal to existing properties. The originally submitted layout plan is shown below for the purposes of comparison. Initial concerns were raised in respect of the former Plots 13 to 18 and their relationship to 97, 98 and 99 Bearcroft. The amended layout has removed what was effectively a terrace of six dwellings to replace it with two pairs of semi detached and a detached dwelling. With particular regard to 98 and 99 Bearcroft the effect is to reduce the dominance of a continuous built element whilst maintaining a minimum separation distance of 25 metres.

Layout plan for 40 dwellings as originally submitted



- 6.13 97 Bearcroft is a bungalow. The original submission shows two storey dwellings on Plots 16 - 18 with a separation distance of 18.7 metres. Officers were concerned that the provision of two storey properties in this location and the proximity to 97 Bearcroft would give rise to significant overlooking and loss of privacy. The amended plans serve to do two things. First is to replace the terrace of three with a pair of 1 ½ storey properties, the elevations of which are shown below. It can be seen that accommodation at first floor level is served by high level rooflights in

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

the rear elevations of these properties. The second effect is to increase the separation distance between these plots and 97 Bearcroft to 20 metres.



- 6.14 Your officers are of the opinion that these amendments combined serve to ensure that the residential amenity of 97 Bearcroft is protected. In particular, the removal of first floor windows will ensure that overlooking is significantly reduced.
- 6.15 The layout has also been influenced by a drainage easement in the north western corner of the site that is shown on the layout plan as an area hatched in blue. The location of the area of public open space also relates to this, but its position has not changed as a result of the amendments to the scheme.
- 6.16 As amended, the proposals ensure an acceptable relationship with existing development and ensure that the residential amenities of surrounding dwellings are safeguarded and as such the proposal accords with Policy SD1 of the Core Strategy.

Other Matters

Viability and Section 106 Agreement

- 6.17 It will be clear to Members that this scheme has evolved over the life of the application. Officers have worked to address issues relating to the layout of the scheme as they have arisen and this has given rise to a considerable delay in arriving at a point where a recommendation can be made.
- 6.18 A further factor delaying determination has been the issue of viability. This was raised by the applicants at a relatively late stage. However, they have co-operated with your officers entirely throughout the process, submitting the requisite viability assessment and agreeing that this should be independently audited by the District Valuer.
- 6.19 Paragraph 173 of the NPPF provides some useful advice about financial viability of schemes and reads as follows:

Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

- 6.20 The District Valuers assessment assumes a slightly lower developer profit of 17.5% as opposed to the 18.22% on which the applicant's Financial Viability Report is based. Notwithstanding this

slight variation the District Valuer concludes that, on the basis of the provision of affordable housing as detailed earlier in this report, and the Section 106 contribution, the scheme is not viable.

- 6.21 As part of the instruction given to the District Valuer when they were engaged by your officers, they have undertaken sensitivity testing to determine a point when the scheme would be viable. This has established that the proposed scheme could support a maximum planning gain of £375,000. The District Valuer recommends that this could either take the form of the provision of six affordable dwellings, or the payment of Section 106 contributions totalling £375,000.
- 6.22 The District Valuer provides your officers with an entirely independent review of the financial viability of development schemes. The assumptions made about development costs are based on up to date figures provided by the Building Cost Information Service (BCIS) and I am content that the findings are a true reflection of the viability of the scheme. On this basis the suggestion that the scheme delivers either six affordable dwellings or a Section 106 contribution of £375,000 is accepted.
- 6.23 Following the receipt of the District Valuers report your officers met with the applicants to agree how the application should progress. The applicant's preference was to make a financial contribution rather than to deliver affordable housing. It was suggested by your officers that they engage with the parish council before making any formal amendment to the scheme, and their letter to the parish council is re-produced in the representations section of this report. The formal consultation response from the parish council confirms that their preference is for contributions for highway, education and outdoor sports facilities rather than the provision of affordable housing.
- 6.24 On the basis of all of the above your officers are content that the scheme as approved by the outline permission is not viable, but it has been demonstrated that a scheme can be delivered that provides planning gain for the village. Revised Heads of Terms have been drafted and agreed with the applicants on the basis of the District Valuers findings and these are re-produced as an appendix to this report. In summary the contributions are as follows:
- £132,517 towards education improvements
 - £122,946 towards sustainable transport infrastructure improvements
 - £3,120 towards waste and recycling
 - £53,989 towards play and recreation facilities
 - £53,989 towards sports facilities

Highways

- 6.25 The principle of a residential development for 40 dwellings is established by the outline planning permission. Access was a matter determined at the outline stage and when committee resolved to approve that application they gave consideration to the potential traffic increases along Gadbridge Road which included a site visit. The concerns raised by some objectors in this regard have therefore been previously considered and are not material to the determination of this application.
- 6.26 However, the provisions that the scheme makes in terms of its layout, including parking arrangements for individual dwellings, are material. The plans show two spaces per dwelling which is compliant with the Council's Highway Design Guide.
- 6.27 Some concerns have been raised about the provision of individual drives accessing directly onto Gadbridge Road and particularly that this will compromise highway safety. The properties opposite which form part of the Apple Meadow development front onto Gadbridge Road but do not have off street parking directly off it. In your officers view the consequence of this has been to increase on street parking in front of these properties even though they have parking within

the development. The provision of individual parking arrangements for plots fronting onto Gadbridge Road will, in your officers view, help to mitigate additional on-street parking caused by the development. It is not the role of new development to mitigate pre-existing problems.

- 6.28 It is therefore concluded that the scheme has demonstrated that it can mitigate its impacts on the local road network through its layout and the provisions that it make for parking for its residents. Section 106 contributions will be secured for local road infrastructure improvements and these could be used specifically for measures along Gadbridge Road. Your officer are content that the proposal is compliant with Policy MT12 of the Core Strategy.

Drainage

- 6.29 As referred to at the beginning of this report, this application is one of Reserved Matters where the Council is being asked to consider the appearance, scale and layout of the proposal, the principle of development on the site, the means of access thereto and landscaping having been considered at the outline stage. Technical matters relating to the drainage arrangements to be made are addressed by Condition 12 of the outline planning permission. It requires the details of a surface water drainage scheme to be submitted to and to be approved by the Council before development commences on the site. Whilst the applicant is keen to commence development and has sought to address the requirements of the condition 12, it is clear from the comments of the Land Drainage Engineer that they have been unable to do so up to this point.
- 6.30 The details required in order to discharge condition 12 are clearly set out in the comments and it will be for the applicant to provide this to the Council's satisfaction. However, it does not appear to your officers that the resolution of an acceptable surface water drainage scheme will fundamentally alter the detailed layout of the development in terms of the position of internal roads, open space or individual dwellings. The application simply seeks to determine whether the scale, layout and appearance of the development from the 'ground up' is acceptable and the preceding paragraphs confirm that officers consider that this is the case. It is therefore your officers opinion that the fact that a detailed surface water drainage scheme has yet to be agreed is not sufficient reason to withhold permission for reserved matters.

Conclusion

- 6.31 The scheme provides the requisite detail in respect of the matters reserved for future consideration by the outline approval. It is of an appropriate scale in terms of the amount of development proposed (39 dwellings) and also in terms of the types of dwellings, being a mix of 1 ½, 2 and 2 ½ storey properties.
- 6.32 The appearance of the development has clearly taken its lead from Apple Meadow opposite. The submission includes a detailed materials schedule which is considered to be acceptable. This is also reflective of the surrounding area with a mix of brick and render for elevations and a variation in the colour of roof tiles. The layout is influenced by existing landscape features and the proximity of existing dwellings to the site's boundaries. It ensures that residential amenity is safeguarded and that existing landscaping features provide a mature landscape and biodiversity setting.
- 6.33 It has been demonstrated that the scheme as approved in outline is not financially viable. However, the scheme can provide some planning gain and the form that this takes has been agreed with the parish council. The scheme will deliver financial contributions to be used towards infrastructure improvements as opposed to additional affordable housing.
- 6.34 Officers of course acknowledge that the delivery of affordable housing is one of the Core Strategy's key objectives. In recognition of this, a detailed viability report has been submitted and scrutinised by the District Valuation Office. On this occasion officers are, on balance, prepared to recommend approval on the following basis:-

- It has been demonstrated that the scheme is unviable if affordable housing and S106 contributions are sought jointly;
- The developer has consulted with the Parish Council, who have stated unequivocally that they would rather the scheme provide the £375,000 contribution to finance a number of local projects to which they attach significant weight;
- The developer has not sought to exploit the omission of affordable units by substituting in larger open market dwellings. Rather the housing mix, if not the tenure, has remained constant;
- The scheme has outline planning permission and would make an important contribution to the housing land supply, with an appropriate mix – the absence of affordable units notwithstanding;

6.35 On this basis the proposal is considered to be acceptable. There are no other material planning considerations of such weight that would justify the refusal of planning permission. The application is therefore recommended for approval subject to the completion of a Section 106 Agreement in accordance with the Heads of Terms appended to this report.

RECOMMENDATION

That subject to the completion of a Deed of variation to the 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 planning permission, subject to the conditions below and any other further conditions considered necessary.

1. **B01 Development in accordance with approved plans and documents**
2. **The Remediation Scheme, as described in Hydrock Document Reference:C-6293-C-BG-001 shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.**

Reason: In the interests of human health and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy.

3. **If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.**

Reason: In the interests of human health and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy.

4. **M17 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. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal.**

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

As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
3. The attention of the applicant is drawn to the conditions on the outline planning permission granted on 2 April 2015 (Reference No. P132924/O. This application for the approval of reserved matters is granted subject to these conditions.

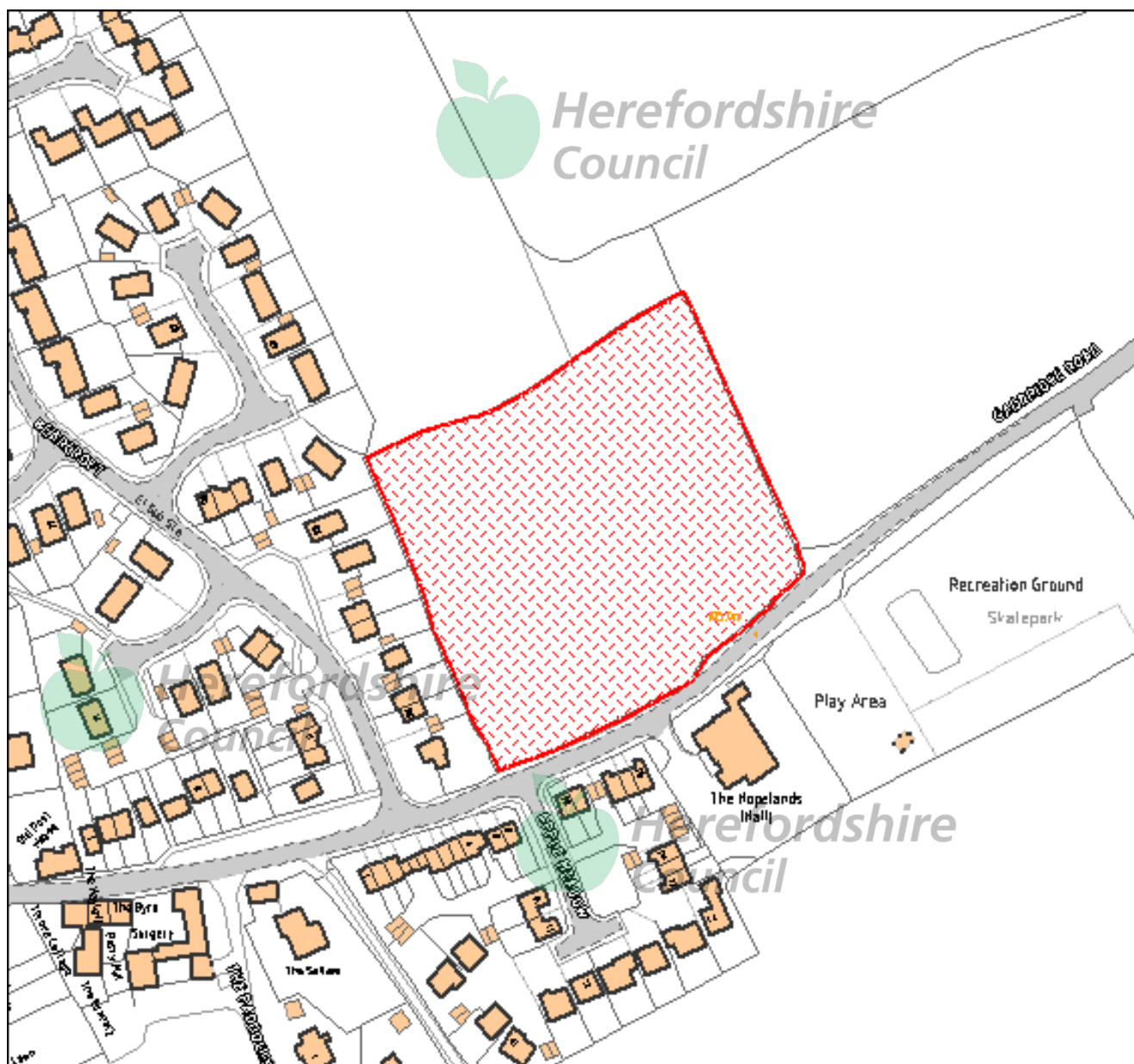
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: 163963

SITE ADDRESS : LAND NORTH OF GADBRIDGE ROAD, WEOBLEY, HEREFORDSHIRE

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

DRAFT

HEADS OF TERMS

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

Planning Application – P163963/RM

Site address:

Land north of Gadbridge Road, Weobley, Herefordshire.

Planning application for:

Reserved matters application following outline approval 132924/O for landscaping, appearance, layout and scale.

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

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£132,517.00** (index linked) to provide enhanced educational infrastructure at Conningsby Early Years, Weobley High School, Post 16, Youth Services and Special Education Needs. The sum shall be paid prior to occupation of the 1st open market unit, and may be pooled with other contributions if appropriate.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sums of **£122,946.00** (index linked) to provide sustainable transport infrastructure to serve the development. The sum shall be paid prior to occupation of 1st open market unit, and may be pooled with other contributions if appropriate.

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

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

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£3,120** (index linked). 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 pay Herefordshire Council the sum of **£53,989.00** (index linked). The contributions will be used for play and recreation opportunities at Hopelands. The sum shall be paid prior to occupation of the 1st open market unit, and may be pooled with other contributions if appropriate.

5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£53,989.00** (index linked) for sports. The monies shall be used by Herefordshire Council to improve

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

indoor and outdoor sports facilities in the locality in accordance with the draft Playing Pitch Assessment. The sum shall be paid prior to occupation of the 1st open market unit, and may be pooled with other contributions if appropriate.

6. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 4 and 5 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.
7. The sums referred to in paragraphs 1, 2, 3, 4 and 5 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.
8. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Yvonne Coleman
Planning Obligations Manager
27 November 2017