

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>18 DECEMBER 2018</b>
<b>TITLE OF REPORT:</b>	<p><b>181050 - OUTLINE PLANNING PERMISSION FOR PROPOSED ERECTION OF UP TO 50 DWELLINGS (INCLUDING 35% AFFORDABLE), PLANTING AND LANDSCAPING, INFORMAL OPEN SPACE, VEHICULAR ACCESS POINT FROM PEPPER PLOCK LEY AND ASSOCIATED ANCILLARY WORKS. ALL MATTERS TO BE RESERVED WITH THE EXCEPTION OF THE MAIN VEHICULAR SITE ACCESS AT LAND AT BURTON WOOD, WEOBLEY, HEREFORDSHIRE.</b></p> <p><b>For: Mr Kodiak Land, Unit 2, John Bradshaw Court, Congleton, CW12 1LB</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181050&amp;search=181050">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181050&amp;search=181050</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

**Date Received: 20 March 2018**

**Ward: Weobley**

**Grid Ref: 340784,251407**

**Expiry Date: 21 June 2018**

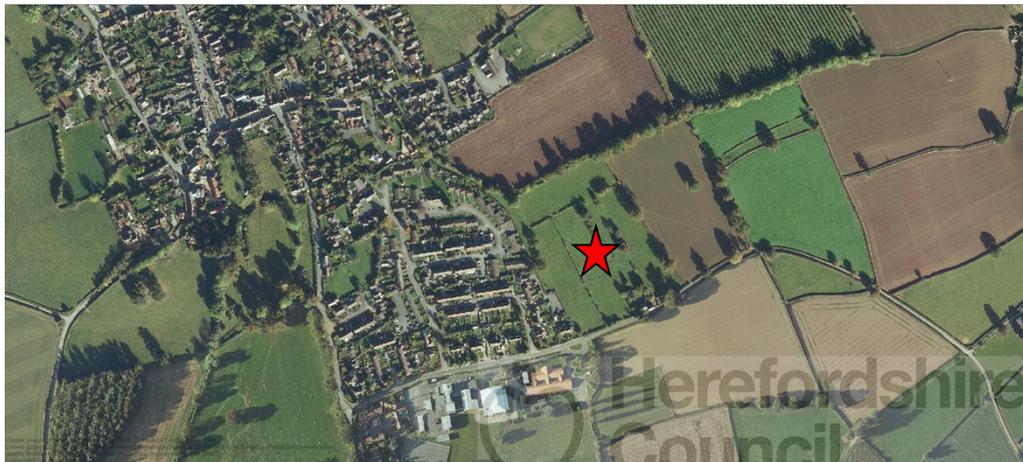
Local Member: Councillor MJK Cooper

## **1. Site Description and Proposal**

- 1.1 The application site covers an area of 3.13 ha to the east of Weobley, Herefordshire. The village of Weobley is situated approximately seven miles south west of Leominster. The site adjoins areas of existing residential development at Burton Wood and Burton Crescent along its western boundary and a row of recently built residential properties at Pepper Plock Ley along its southern boundary.
- 1.2 The Council's Landscape Character Assessment describes the site as part of a Principal Settled Farmland landscape character designation. The description of such areas reads as follows:
- This is a landscape with a notably domestic character, defined chiefly by the scale of its field pattern, the nature and density of its settlement and its traditional land uses. Hop fields, orchards, grazed pastures and arable fields, together make up the rich patchwork which is typical of Principal Settled Farmlands.*
- 1.3 The agricultural fields to the north, south and east of the site are small to medium scale and irregularly shaped. A recently planted orchard is located within the field to the north of the site with established orchards located to the north west at Fox Orchard. The wider landscape is punctuated by small irregularly shaped blocks of deciduous woodland. More extensive areas of

woodland are located on Burton Hill to the south. Garnstone Park is located to the west of Hereford Road.

- 1.4 The site is located within the Weobley Conservation Area, which covers the entire village and surrounding farmland. The central core of the village is comprised of many listed buildings; predominantly timber framed structures. Areas immediately surrounding this central core Weobley Castle Scheduled Ancient Monument is located at the western edge of the village approximately 325m to the west of the site beyond existing built development.
- 1.5 The village centre lies to the north west of the site and contains a range of services which include local shops, public houses, restaurants, doctors surgery and a local bus service. Weobley Primary School and Weobley High School are located to the southwest of the site and are both well within walking distance of the site. The aerial photograph below shows the general environs of the site (marked by the red star) and its relationship with surrounding land uses:



- 1.6 The site itself consists of a regularly shaped area of agricultural land, within which are contained remnants of hedgerows and a number of trees; some of which indicate that the land may have been a former orchard. The northern and eastern boundaries of the site are defined by hedgerows and mature trees. The southern boundary of the site adjoins the access road to the rear of recently constructed residential properties at Pepper Plock Ley (not shown on the aerial photograph). The western boundary is defined by the rear boundary treatments of existing residential properties at Burtonwood and a native hedgerow.
- 1.7 Two Public Rights of Way (PROWs) extend across the site: PROW WX21 cuts diagonally across the northeastern section of the site and extends south-east across Burtonwood into the wider landscape beyond; PROW WX20 is a shorter section of footpath which extends along the western boundary of the site.
- 1.8 The application is made in outline and seeks planning permission for up to 50 dwellings (including 35% affordable), planting and landscaping, informal open space, vehicular access associated ancillary works. All matters are to be reserved for future consideration with the exception of the main vehicular access to the site. This is to be taken from Pepper Plock Ley which bounds the site to the south. The submission is accompanied by illustrative plans as shown below, and a suite of documents which include the following:
- Design & Access Statement
  - Planning, Affordable Housing & Sustainability Statement
  - Flood Risk Assessment (including a detailed Drainage Strategy)
  - Archaeology & Built Heritage Assessment
  - Landscape & Visual Assessment
  - Ecological Appraisal

- Transport Assessment
- Framework Travel Plan
- Arboricultural Assessment
- Tree Retention Plan
- Noise Assessment
- Air Quality Screening Report

1.9 A separate Draft Heads of Terms Agreement has been prepared by officers and is appended to this 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 of the NPPF are considered to be of relevance to this proposal:

Section 2	-	Achieving sustainable development
Section 4	-	Decision-making
Section 5	-	Delivering a sufficient supply of homes
Section 9	-	Promoting sustainable transport
Section 11	-	Making effective use of land
Section 12	-	Achieving well-designed places
Section 14	-	Meeting the challenge of climate change, flooding and coastal change
Section 15	-	Conserving and enhancing the natural environment
Section 16	-	Conserving and enhancing the historic environment

2.3 The Weobley NDP is currently post Reg14. In line with para 48 of the NPPF, the Weobley NDP would have limited weight at this stage

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

### 3. Planning History

3.1 There is no history specifically relevant to the application site.

### 4. Consultation Summary

#### Statutory Consultations

#### 4.1 Historic England – **Objection**

The significance of Weobley Conservation Area may be summarised as deriving from its character an appearance as a planned medieval borough laid out in burgage plots between the castle to the south and the church to the north. The growth and then failure of the borough are evident in the surviving built fabric characterised by closely developed street frontages and surprisingly sparsely developed backland areas. The extent and quality of timber framed buildings in the conservation area is outstanding. Despite enclosure, the fields around the town preserve evidence of the medieval field system providing a visual connection with the historical functional links between the medieval town and its rural hinterland.

The application site occupies open fields to the east of the village core in an area identified as New Estates in the draft conservation area appraisal. This is an area where the medieval field system may still be traced in post enclosure field boundaries. The proposal for 50 dwellings will significantly change the appearance and character of this currently undeveloped part of the conservation area.

The application should therefore be considered in terms of the policy set out in Section 12 of the NPPF. This is clear that new development should make a positive contribution to local character and distinctiveness (paragraph 131) and should enhance and better reveal the significance of the conservation area (paragraph 136). Paragraphs 132 and 134 state that great weight should be given to the conservation of a heritage asset's significance and that any harm should be weighed against the public benefit of a proposal.

Historic England is concerned that the outline nature of the application means that it is not possible to properly assess the development's impact on the significance identified in the supporting heritage statement. While the core of the village and the principal reasons for its designation are unlikely to be affected, the proposal will negatively impact on the currently open character of the fields, involve the loss of field boundaries which contribute to the evidential value of the conservation area and thus result in harm. In the absence of a detailed application it is not possible to assess whether the design of the proposal delivers the requirements of paragraphs 131 and 136 or whether the harm identified is justified in terms of paragraphs 132 and 134. We would therefore recommend that the application is refused or that it is withdrawn and a full application submitted for consideration.

#### 4.2 Welsh Water – **Qualified comments**

We have reviewed the information submitted as part of this application with particular focus on Section 6.0 of the Flood Risk Assessment reference SHF.1426.005.HY.R.001.A dated January 2018. We confirm that the principle of a surface water communication to the public sewerage system at a rate not exceeding 5l/s has been agreed, however the finer details of how this will be achieved has not been discussed or agreed.

We note that the intention is to gravitate flows to an attenuation pond and then use a pumping station to convey flows to the existing public sewerage network. This arrangement does not conform to current legislation or adoptable standards and therefore we cannot support the drainage proposal as submitted. We recommend that the applicant and their consultant contact

us in order to continue effective dialogue to overcome our concerns and progress with the drainage strategy.

It is our preference for these matters to be addressed at the earliest possible opportunity and advise that subsequent discussions may require revisions to the layout and therefore should be agreed prior to determination.

Internal Council Consultations

#### 4.3 Traffic Manager – **Qualified comments**

The Site:-

The site covers an area of approximately 3.13 hectares and is located on the south-eastern edge of Weobley village, within a predominantly residential area (with the exception of Weobley Primary School and Weobley High School). The application site is bound by existing open field to the north and east, Burtonwood and existing properties fronting onto Pepper Plock Ley to the south, and existing properties fronting onto Burtonwood and Burton Crescent to the west.

Access to the site is proposed to be provided via an extension of the existing Pepper Plock Ley carriageway. Pepper Plock Ley is a relatively newly-constructed road which currently serves eight residential dwellings (planning reference: N123065/F). The road is maintained by the Local Highway Authority.

Two existing Public Rights of Way (PROW) footpaths cross the site. 'Weobley Footpath 20' (ref: WX20) crosses the site north-south along the western boundary. 'Weobley Footpath 21' (ref: WX21) crosses the site diagonally at the northern corner of the site. Access onto the PROW footpaths is provided by pedestrian kissing gates, accessed via Pepper Plock Ley.

The Applicant:-

The applicant is seeking outline consent for the erection of up to 50 dwellings, of which 35% will be affordable, with all matters reserved for subsequent approval with the exception of main vehicular site access from Pepper Plock Ley.

General Observations:-

A Transport Assessment (TA) has been produced by Cora IHT, to support the proposed application, which provides an assessment of local junctions on the highway network up to a future year 2023 'with development' scenario. A Travel Plan has also been provided in conjunction with the TA report.

The application form indicates that pre-application scoping discussions have occurred between the applicant, planning consultants and Herefordshire County Council. It is understood that senior staff of neighbouring schools and the Local Highway Authority have also been consulted on the proposals.

Accessibility:-

The TA demonstrates that the majority of Weobley village is accessible within one-kilometre walking distance of the site, including Weobley High Street, local shops and local schools. Access to existing facilities and amenities fall within the acceptable walking and cycling distances outlined by the 'Institute of Highways and Transportation – Suggested Acceptable Walking Distances' guidance. The existing PROW footpaths crossing the application site are also proposed to be retained and improved.

As Pepper Plock Ley is a relatively newly-constructed road, existing footways are of sufficient width and dropped kerbs and tactile paving is present at available crossing points, providing connections onto Burtonwood. Burtonwood currently provides access to the two existing schools in Weobley and is often congested at peak drop-off and pick-up times. The existing footway along the northern side of the carriageway of Burtonwood is less than two metres wide and is not considered sufficient to cater for future school walking trips from the application site. It is also noted that there are no existing crossing points provided along Burtonwood to cater for walking trips to school.

An improvement scheme is sought to improve the existing turning head / drop-off area on Burtonwood and improve pedestrian connections to help alleviate congestion, improve connectivity and mitigate any intensification of traffic and pedestrian flows associated with the development in the vicinity of the schools.

The Local Highway Authority have requested that the existing footway along the northern side of the carriageway of Burtonwood be extended to two metres wide. Two formalised crossing points with dropped kerbs and tactile paving are also to be provided, along with provision of on-street parking, a review of existing TRO's in the area and extension of the existing 30mph speed limit to the east of the application site. Following the proposed improvements, the footway and turning-head area for school drop-offs would be adopted and maintained by the Local Highway Authority. Preliminary off-site improvements are shown on Cora IHT's drawing no. 16-1061-004. These need to be explored further with the Local Highway Authority to agree the extent of the works. If minded for approval, these improvements should be conditioned to be completed prior to the occupation of the first dwelling. This will require a Section 278 Agreement.

It is noted that whilst the local primary school is under capacity, the existing Weobley High School is over-subscribed and any future residents / pupils would need to travel out of the village for secondary-level education. This is likely to be by public transport, council-funded bus travel or by car.

Employment opportunities in Weobley for any future residents are also likely to be limited and it is anticipated that the majority of residents would commute to Hereford by car. The location of the nearest bus stop has been measured as approximately 300 metres from the centre of the site. The TA recognises that there are existing bus services available between Weobley and Hereford.

Given the rural location of the site and taking into consideration paragraph 29 of the NPPF, the application site is considered to be located in a reasonably sustainable location. However, Section 106 financial contributions towards active travel and public transport infrastructure will be sought.

#### Traffic Surveys:-

The impact assessment within the TA has been based on MCC turning count surveys undertaken on Tuesday 14th November 2017 at the Burtonwood / Weobley Primary School turnaround area and the Burtonwood / Hereford Road priority T-junction. The surveys were undertaken from 07:00 to 10:00 and 15:00 to 19:00 and covered school drop-off and pick-up periods, as well as standard network peak periods. Survey results were converted into Passenger Car Units (PCUs) and the peak periods were calculated as 08:00 to 09:00 and 16:30 to 17:30. The approach taken is considered acceptable.

#### Traffic Forecasting:-

Baseline 2017 traffic flows have been growthed to a 2018 application year and a 2023 future year using TEMPRO NTW growth factors, to take account of any committed development flows in the area. The approach taken is considered acceptable.

#### Development Proposals:-

The application is for an outline planning permission for up to 50 dwellings (of which 35% would be affordable). All matters are to be reserved with the exception of main vehicular site access from Pepper Plock Ley. The proposals include the improvement of existing PROW footpaths which cross the site.

Off-site improvements identified in the TA include provision of a new gateway feature to the east of Pepper Plock Ley, on entering Weobley village. The proposed location of the gateway feature, as shown on Cora IHT's drawing no.16-1061-004, is not acceptable. The gateway should be relocated further east, in order to lower vehicle speeds prior to entering any proposed built-up areas. If minded for approval, a condition would be sought for revised plans to be provided with a relocated proposed gateway feature.

In addition to the proposed pedestrian improvements described above, proposed Traffic Regulation Orders (TROs) are also proposed along the northern side of the carriageway on Burtonwood to restrict on-street parking and improve safety at the existing school drop-off area. The proposed parking restrictions are shown on Cora IHT's drawing no.16-1061-004. This will require a Section 278 Agreement.

#### Access Arrangements:-

Access to the site is proposed to be provided via the extension of the existing Pepper Plock Ley carriageway. Details of the proposed site access are illustrated on Cora IHT's drawing no. 16-1061-004. The site access road will comprise a 5.5 metre wide carriageway with 2m wide footways provided along either side of the carriageway. A dropped kerb is also proposed to be provided along the eastern side of the site access road to provide access to existing parking bays on Pepper Plock Ley.

The proposed site access arrangements would require works on existing adopted highway and a Section 278 agreement would be required.

A PICADY junction assessment has been undertaken to demonstrate suitability of the access in terms of operational capacity. The results show a maximum RFC of 0.06 in a '2023 with development' scenario. The proposed access arrangements are considered acceptable.

The proposals also include improvements to existing PROWs including provision of a three-metre wide footpath link through the site, connecting Burtonwood to Gadbridge Road. Pedestrian connections onto the footpath will also be provided from Burton Crescent and Burtonwood to the west of the site. The footpath improvements are in keeping with the Development Framework Plan and would provide an alternative link to the village centre and ensure permeability of the site. If minded for approval, these proposed footpath improvements should be conditioned.

#### Parking Provision:-

It is acknowledged that the application is currently at an outline stage and therefore details on internal arrangements and parking have not been provided. If minded for approval, a condition

should be attached to ensure any reserved matter applications provide car and cycle parking in line with the existing Herefordshire Highway Design Guide for New Development (2006) parking standards. If garages are proposed to be provided as parking numbers, the internal dimensions need to be a minimum 6m x 3m.

Subsequent reserved matters applications should also provide a parking strategy to demonstrate that any visitor / service vehicle / delivery parking requirements associated with the development can be accommodated within the site to reduce on-street parking issues on Burtonwood.

#### Traffic Generation:-

Multi-modal trip rates have been calculated using the TRICS database for the proposed 50 residential units. The residential trip generation predicts that there will be 27 and 25 two-way vehicular trips in the AM and PM peak hours, respectively. The TRICS trip generation exercise is considered robust, particularly as 35% of units will be affordable dwellings.

Traffic has been distributed onto the highway network based on existing turning proportions onto Burtonwood. All proposed development traffic in the AM and PM peak period have been assumed to travel into / out of Hereford at the Burtonwood / Hereford Road T-junction. The approach considers the worst-case and is considered acceptable.

#### Capacity Assessments:-

Operational assessments of the existing Pepper Plock Ley / Burtonwood priority T-junction (site access) and the existing Burtonwood / Hereford Road priority T-junction have been provided in the TA report. The junction capacity assessments demonstrate that both junctions would operate well within capacity up to a 2023 with development scenario, with minimal queueing.

Whilst the TA demonstrates that existing junctions within the vicinity of the site will operate within capacity, consideration is also required of any increased congestion along Burtonwood (particularly school children, parent drop-off, coaches etc.) as a result of development traffic.

#### Section 106 Obligations

Section 106 financial contributions towards active travel and public transport infrastructure will be required and a Heads of Terms needs to be submitted. Based on a proposed development of up to 50 dwellings, a S106 contribution of approximately £77,000 (less 35% affordable housing) would be sought for improvements to Active Travel measures in Weobley such as footpath, public transport, cycle infrastructure and traffic calming/gateway features..

#### Section 278 Obligations

If minded for approval, any proposed works on the existing highway including footway improvements, crossing improvements, TROs and site access works will require a Section 278 Agreement. Any works on the public highway should be conditioned to be completed prior to the occupation of the first dwelling.

Further comments following the receipt of a detailed scheme of highway improvements have been received and read as follows:

The submitted Cover Letter (dated 9th August 2018) states that the following key features are proposed and shown on the relevant additional drawings submitted:

- i) Widening of the existing footway along the northern side of the carriageway of Burtonwood;

- ii) Two formalised crossing points on Burtonwood;
- iii) Provision of on-street parking;
- iv) A review of existing and proposed TROs including proposed double yellow lines and School Keep Clear signs;
- v) Extension of the existing 30mph speed limit;
- vi) Relocation of the proposed gateway feature further east; and
- vii) Improvements to the existing coach/bus pick-up and drop-off area associated with the adjacent school.

The list above covers the points raised in our previous response to the application, however the LHA does not consider that they are well-reflected in the submitted drawings. Whilst the application is currently at an outline stage, it is noted that the additional drawings will be subject to a formal re-consultation. Having reviewed the Site Access and Highway Improvement Plan (16-1061-004-A) and the Illustrative Access Masterplan (8149-L-10), it is requested that the drawings be amended to adequately address the issues above. The drawings should show the full extent of Burtonwood, from the site to the Hereford Road junction. A full review of existing and proposed TROs along the length of the road is also required. Further details on each point and requested changes are listed below:

i) Widening of the existing footway along the northern side of the carriageway of Burtonwood  
The submitted drawings provide detail on the proposed widening of the existing footway along the northern side of the carriageway of Burtonwood to two metres, which the LHA finds acceptable. However, it is noted that the proposed widening would effectively reduce the width of the carriageway and this needs to be addressed when considering proposed improvements to the existing drop-off area to the south. Further information is provided at vii) below.

ii) Two formalised crossing points on Burtonwood  
Whilst the Cover Letter makes reference to two proposed crossing points, only one is shown on the submitted drawings which illustrates a formalised uncontrolled crossing point with dropped kerbs and tactile paving. The LHA would request that the proposed crossing point comprises build-outs. This would effectively create a pinch-point on Burtonwood and provide a safe waiting area for pedestrians to discourage crossing between parked vehicles. The provision of build-outs would also provide on-street parking provision which would be associated with TROs. This needs to be made clear on any drawings. Achievable pedestrian visibility splays should also be demonstrated.

A second crossing point has previously been requested by the LHA, to be located approximately 200 metres west of the existing drop-off area. The submitted drawings provide no details on what is proposed in this respect and this needs to be provided.

iii) Provision of on-street parking  
The submitted drawings provide no details on provision of on-street parking and how the applicant intends to address this issue in the interests of highway safety. The applicant will need to assess and review existing on-street parking and provide possible solutions, taking into consideration existing vehicular flows, bus/coach drop-off, residential parking and pedestrian flows along the Burtonwood at peak school pick-up and drop-off times.

The LHA has consulted with senior staff at the school and an existing hedgerow to the west of the drop-off area could potentially be removed to provide on-street parking provision.

iv) A review of existing and proposed TROs  
The Illustrative Access Masterplan (8149-L-10) shows proposed double yellow lines and 'School Keep Clear' TROs within the vicinity of the existing drop-off area. The existing double yellow lines are shown to extend to the site access. A full review of existing and proposed TROs is required along Burtonwood. This should provide details on improvements to provision of on-street parking within the vicinity of the two schools, drop-off area and the application site.

Details on TRO amendments such as extension of the 30mph speed limit should also be included on any drawings.

v/vi) Extension of 30mph Speed Limit / Proposed Gateway Feature

Neither of the drawings provide details on the proposed extension of the 30mph speed limit and this needs to be shown. The existing 30mph speed limit on Burtonwood needs to be extended to the east, to the proposed gateway feature which is shown to be relocated further east. The relocation of the proposed gateway feature is broadly acceptable. The exact location will need to be agreed at a detailed design stage. The proposed extension of the 30mph speed limit will be associated with a TRO and this should also be made clear on any drawings.

vii) Improvements to the existing coach/bus pick-up and drop-off area

The drawings highlight a proposed 'amendment to the existing island' and that land currently owned by the school will become adopted by the LHA, to allow the improvements to be made. It is requested that further details should be provided on the drawing to make clear that the existing island will be narrowed, realigned and moved south. This should allow the existing turning area to continue to accommodate coach/bus pick-up and drop-off whilst maintaining the existing width of the carriageway on Burtonwood to accommodate two-way movements (following widening of the existing footway along the northern side of the carriageway).

It is noted that existing vehicles accessing the drop-off area currently park along the southern side of the carriageway. Swept path assessments should be submitted to demonstrate that school buses are able to access the drop-off area alongside parked vehicles, following proposed improvements.

General Comments

The proposed site access road from Pepper Plock Lay should be designed to provide some deflection, to reduce the risk of speeding in the proposed 20mph zone.

#### 4.4 Conservation Manager (Landscape) – **Qualified comments**

The proposed development site falls within the Conservation Area of the village. As such enhancement opportunities to better reveal its significance should be sought. Landscape proposals should preserve those elements of the setting and make positive contributions to better reveal the significance of the Conservation Area by providing a sense of place and linking important orientation views to the surrounding landscape and village context.

There are several mature native trees on the site boundary. These should be protected. Further information on these trees in the Conservation Area can be obtained from our Tree Officer. To conserve and enhance the Conservation Area status of the proposed development site, local materials and design relating to the rural village edge context should be promoted.

Two public rights of way footpaths cross the proposed development site. These footpaths need to be protected, enhanced and should marry well into the Conservation Area status of the site. Important views from the footpaths need to be protected and a strong sense of local place needs to be designed into the proposals.

The proposed development site requires the conservation, restoration and enhancement of existing biodiversity on site. Proposed wildflower corridors adjacent to existing hedgerows to be retained will provide food and habitat for pollinating insects and for the movement of bees, hoverflies and other pollinators. Connecting existing boundary hedges with the proposed native hedges will provide improved access for wildlife across the site and into the wider rural landscape. The proposed attenuation basin associated with the SUD proposals should have native marginal planting to promote local biodiversity enhancement of the site

The existing green infrastructure network of trees and hedgerows boundaries should be retained and enhanced to maintain the character of the sites setting in the wider landscape and increase the potential wildlife habitats within the site.

The applicant is to provide the following information:

A Landscape plan, identifying existing and proposed green infrastructure for enhancement, conservation and restoration. The proposed green infrastructure plan should provide resilience to climate change while providing appropriate biodiversity and visual amenity value relating to local character and regional identity. The plan should also clearly identify existing tree root protection zones. With reference to the Development Framework Plan this should identify further orchard tree planting on the Western boundary and proposed green infrastructure including appropriate trees within the proposed housing development.

A Landscape plan identifying proposed hard landscape surface areas showing pedestrian and cycle connectivity and other proposed landscape features. With reference to the Development Framework Plan this should show the following. A circular footpath around the whole proposed development area. Footpath connectivity from the proposed housing on the Northern boundary to the existing footpath in the North and detailed enhancement proposals for connectivity outside the applicants red line on the SW boundary. This SW area should include a safe, visually attractive pedestrian, cycle and motor vehicle entrance to the site, forming a distinctive gateway to the proposed site with local character relevant to this Conservation area.

A Conceptual Sustainable Urban Drainage Plan to show that they will fully integrate into the final development layout. Indicative design proposals should also be shown for the proposed pumping house and its visual impact mitigation proposals (such as underground proposals or other positive proposals). The proposed attenuation pond should provide, biodiversity value, visual amenity value and passive recreational value such as outdoor seating.

Following the receipt of additional information including a Development Framework Plan, Tree Retention Plan, Drawing the Landscape Officer has confirmed that he has **no objection subject to the imposition of conditions**.

#### 4.5 Conservation Manager (Ecology) – **Recommends conditions**

I note that there is some moderate biodiversity interest present on the site which should be conserved eg. the hedgerows which should be integrated into the final landscape scheme. Existing trees (including fruit trees) should be preserved in situ. Creation of a communal orchard area is welcomed as recommended by the ecological report and landscape officer. I have read the ecological survey accompanying the application and I concur with its findings

The site does not lie within an SSSI Impact Zone requiring any Habitats Regulations Assessment and impacts upon statutory and non-statutory sites should be negligible.

Following the receipt of additional information including a Development Framework Plan, Tree Retention Plan, Drawing the Council's Ecologist has made the following additional comments:

*I note the comments from the Woodland Trust and fpcr's response. If tree T27 cannot be incorporated into design I would support a translocation although I would estimate such success and the trees survival as somewhat reduced. Given the potential for Noble Chafer in these trees, it can only be hoped that, following translocation, any individuals of this species (and any saproxylic fungi) would at least have an opportunity to migrate to other trees nearby*

#### 4.6 Conservation Manager (Trees) – **Qualified comments**

The accompanying tree report - Arboricultural Assessment, December 2017 - FPCR Environment and Design Ltd indicates that the site could facilitate the 50 units without detrimentally impacting the trees of high amenity value which are generally located on the fringes of the site.

I do however have some concerns that some trees could come under threat once the units are occupied due to the close proximity to the trees. To reduce this risk I would like to see that the orientation of units is such that gardens rather than buildings are adjacent to trees.

This would apply to the trees in the report referenced: T4, T12, T16, T17 & T25.

The hedges located in the centre of the site are remnants of the old field system and have significant historical value as well as ecological, landscape and arboreal importance. I would like to see efforts made for their retention and try to incorporate them into design. I notice that an access road is proposed to be near the location of G4 so perhaps this hedge could be retained as a boundary feature to the road and avoid complete removal as proposed.

The Woodland trust comments dated – 19-6-18 correctly point out that trees T13 & T27 are identified on the Woodland Trust ancient tree inventory as veteran trees and therefore should be afforded protection from development rather than the proposed felling. Paragraph 118 of the NPPF “planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss”

Similarly, though not identified on the inventory as veteran/ancient trees T19, T20, T21 are fruit species that do have veteran features and should also be retained rather than felled. They are located on the northern edge of the site where it will merge with the ‘community orchard’ and therefore would merge appropriately with new planting of similar species.

Following the receipt of additional information including a Development Framework Plan and a Tree Retention Plan, the Council’s Tree Officer has made the following additional comments:

*The amendments now provide increased Root Protection Areas for veteran trees which is appreciated but only further protects trees which were already reasonably well protected.*

*I do not think the proposal to transplant T27 is feasible and puts a high risk on the demise of a veteran tree. The simple solution would be to include the tree in the layout.*

*In my previous comments I mentioned that the central hedge should be retained because it holds historical, ecological and landscape value and also in my opinion contains at least one veteran tree, T24 a lapsed ash pollard.*

*The comments regarding the tree in the reports:*

- *Bark wounds*
- *Heartwood exposed Limited future potential*
- *Significant stem damage where half of tree has peeled away*
- *Major exposure of heartwood and active associated decay*
- *Stem has been pollarded at 2m and there are 2 main new lead uprights*

*These features are indicators of veteran trees and risk of failure can be mitigated by a regular pollarding regime.*

*I’m still of the opinion that this hedge should be retained and incorporated into the design.*

*Changes to the NPPF, July 2018 provide greater protection to sites which contain ancient and veteran trees:*

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

On account of the changes to the NPPF and the fact that numerous veteran trees are already present efforts should be made to incorporate them into the design rather than constrain or remove them. Their retention, as well as non veteran trees but ones of reasonable condition should be retained to comply with policies LD1, LD2 and LD3 of the Herefordshire Core Strategy.

#### 4.7 Conservation Manager (Archaeology) – **Qualified comments**

In general this is a compliant application, and I would agree with its general conclusions that the archaeological impact is likely to be limited. Accordingly, I have no objections in principle to what is proposed in this outline application.

However, I am of the view that the particular issue of *historically important hedgerows* within the site has not been fully addressed by the documentation. I would contend that notwithstanding the inferences drawn in e.g. the submitted ‘archaeology and built heritage assessment’, *some* of these hedgerows **do** in fact qualify as important under the regs. (specifically, Schedule 1 Part ii Criterion 5 (a) of The Hedgerows Regulations 1997).

Although in the circumstances this would not lead me to object to this outline application, there may be significant layout issues to be resolved in relation to any subsequent ‘reserved matters’ process or application. The developer should not assume that acceptance of any broad principle here would necessarily equate to or lead to additional acceptance of any detailed design.

#### 4.8 Conservation Manager (Historic Buildings) – **Objection**

The site is situated within the Weobley Conservation Area, to the East in an area of modern housing. Section 72 of the Planning (LB&CA) Act 1990 states that when considering any planning application that affects a conservation area a local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The interpretation of this is that the “*statutorily desirable object of preserving the character and appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved.*”

Unfortunately due to the outline nature of the application it is not possible to determine the impact of the proposals on the character and appearance of the Conservation Area. As such it is not possible to understand if there is a level of harm or whether the statutorily desirable object of preserving or enhancing the character or appearance of the CA is met.

#### 4.9 Parks & Countryside Officer – **Qualified comments**

Given the size and location of this proposal, both on and off-site provision is required as set out in my pre-application comments.

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 2012 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.
- Herefordshire Playing Pitch Assessment 2012 and Outdoor Sports Investment Plan (2016) and National Evidence: Fields in Trust Guidance: These recommends outdoors sports provision of between 1.4 and 1.6ha per 1000 population and where future investment in outdoor sport should be directed to maximise the benefits to the local community.

On site Provision: For a development of up to 50 houses and an occupancy rate of 2.3 (population 115) the developer would be required to provide as a minimum of **0.138ha (1380sq m)** of on-site green infrastructure comprising:

- **0.046 ha (460sq m)** of Public Open Space @ 0.4ha per 1000 population
- **0.092ha (920sq m)** of Children's play @ 0.8ha per 1000 population: of this **0.028ha (280sq m)** should be formal play and kick-about @ 0.25ha per 1000 population

An off-site contribution towards Outdoor Sports will also be sought based on the equivalent on-site provision of:

- **0.16ha (1600sq m)** of Outdoor sports @ 1.4ha per 1000 population:

The applicant proposes that the site will deliver open space which accords with the provision standard as set out by Herefordshire Council. The main provision of POS will be to the north of the site and includes the equipped play area and SuDs attenuation pond. The eastern boundary will provided a landscape buffer and soft edge to the development and a new pedestrian link and footpath and in doing so provide some informal recreation.

In total the site proposes 1.46ha of new public open space and although this is in excess of the policy requirements set out above, this does include the SuDS attenuation pond. SuDs can only be included as part of the POS if designed accordingly to take account of standing water and health and safety.

The proposed POS looks to be of a usable size appropriate to the proposal and size of development although there is no detail of the size of the play area and the applicant will need to demonstrate that the minimum requirement can be accommodated. It looks to offer a range of well-connected recreation opportunities and experiences. Accordingly the POS areas as shown on the Development Framework Plan include existing PROWs, new informal footpaths, formal play provision for children and amenity and meadow grassland areas for informal recreation and enhanced biodiversity. There will also be a community orchard adjacent to the sites western boundary.

The applicant proposes that the public open areas are to be designed to ensure that they are safe, easily accessible and attractive to use. The applicant has acknowledged the importance of good surveillance by residential properties and proposes that new dwellings will face out onto public spaces. Although centrally located POS/children's play is preferred this approach will be

supported. It is especially important that the children's play area is overlooked. This approach should not change as the application reaches the Reserved Matters stage. The play area will need to be easily accessed and as shown the applicant has located it at the junction of two existing public rights of way which provide further links and connectivity into the village including the village hall and existing play area and recreation ground. This is supported.

As the application progresses to Reserved Matters more detail will be required for the play area. This will be based on the number and size of housing at which point I can provide a guide as to what the expected cost value for the play area will be arising from this development.

Off site requirements for outdoor sports: An off-site contribution will be sort in accordance with the NPPF and evidence bases: Leominster Area Playing Pitch Assessment 2012 and the Outdoor Sports Investment Plan 2017.

The Outdoor Sports Investment Plan, has been prepared by a partnership of Sport England, Herefordshire Council the National Governing Bodies (NGB) for cricket, football, hockey and rugby and the County Sports Partnership. It is annually reviewed and provides up to date information on clubs and facilities in accordance with Sport England's requirements to review the Playing Pitch Assessment. A list of projects for cricket, football, rugby and hockey are included which are considered to be sustainable and deliverable in helping to meet the needs of both the existing and future populations (future proofed to 2031). All projects have the support of the relevant NGB in both their regional and local facilities development plans

The methodology used to assess requirements arising from new development is considered to be CIL compliant and contributions are calculated using the following methodology:

Costs are calculated using the following methodology for rural parishes:

- A square meter rate of £27.28 is used in rural areas. This is based on the figure used to inform both the SPD planning obligations and the Infrastructure Delivery Plan for the Core Strategy.
- A 35% reduction is made as off- site contributions are based on market housing only: this could vary depending on the affordable housing rate.
- For this application in accordance with the policy requirements, provision should be equivalent to **0.16ha (1600sq m)** based on 1.4ha per 1000 population.
- Using the rate of £27.28 and based on market housing only this equates to **£28,371**

The contribution would be used towards the following projects to improve the cricket facilities at Weobley High School/cricket ground.

**Project: Cricket: Weobley High School/Cricket Ground:**

The school site provides 1 x pitch and school changing facilities which are used by both the school and Weobley Cricket club, which has 2 x senior teams.

Deficiencies: Additional training facility are needed to meet both existing and future demand. Requirements include:

- Improvements to the pitch which is average,
- Provision of an all-weather non-turf pitch
- An urgent need for a 2 lane net facility

4.10 Public Rights of Way Manager – **No objection**

Public footpaths WX20 and WX21 have been shown on plans, and would not appear to be affected by the development.

4.11 Environmental Health Officer (noise) – **Qualified comment**

The applicant has undertaken a Stage 1 noise risk assessment for road traffic noise in accordance with the ProPG guidance as requested. The noise report supplied by Wardwell Armstrong advises that they have not been involved with the design of the proposed site. This is unfortunate as a key part of the ProPG guidance is to encourage acoustic design to be considered by the developers/applicants at the earliest part of the process.

The assessment has found low noise levels during the day and at night which indicate that the site is likely to be acceptable from a noise perspective provided that a good acoustic design process is followed.

The noise assessment includes a partial Acoustic Design Statement in accordance with Stage 2 of the guidance

External amenity noise: The statement considers that as the Stage 1 noise assessment finds average daytime noise levels of 55dB at the monitoring location closest to Burtonwood no noise mitigation is needed. This is disputed by ourselves as the 55dB standard quoted in from BS8233 as the 'upper guideline value' is for noisier environments - not applicable in this location - (para 7.7.3.2 of BS8233) and the guidance states that 'it is desirable that the external noise level does not exceed 50dB LAEQ

We therefore request that mitigation measures and good acoustic design are outlined for the proposed dwellings closest to Burtonwood with the objective of demonstrating how the desirable amenity standard of 50dB in outdoor amenity areas will be achieved.

Internal noise in noise sensitive rooms: The statement identifies that with windows open noise levels at the properties closest to Burtonwood inside bedrooms and living rooms will not be fully mitigated by the external envelope of the houses themselves and the levels of attenuation to be achieved are 23dB during the daytime in bedrooms and living rooms and 36dB at nighttime in the bedrooms. This means that these properties will require mitigation and good acoustic design. The report advises 'Development Framework Plan has not been issued. The Development Framework Plan should include mitigation measures specified for proposed developable areas of the site, to ensure that recommended internal noise levels are achieved in proposed residential dwellings.' Paras 5.6.11-5.6.13 of the noise assessment go on to consider mitigation options.

Mitigation option 5.6.11 which effectively requires windows to be kept closed in noise sensitive rooms closest to Burtonwood to achieve the internal noise standards during the day and at night (and alternative ventilation supplied) is not considered acceptable for this greenfield site.

Mitigation options 5.6.12 - a 35m stand off from the road and 5.6.13 - orientation of the noise sensitive rooms away from the road to achieve internal noise standards are considered acceptable.

Our department is reasonably confident that satisfactory internal and external noise standards can be met provided that the applicant fully considers good acoustic design principles in the detail of the site layout and does not rely on mitigation to be achieved internally by having windows closed as discussed in the noise report and considers shielding the amenity areas closest to the road to reduce external amenity levels to the desirable level as specified in BS8233. My concern is that however with the proposed density of the development this may not be possible if outline permission is obtained for 50 houses.

Therefore greater detail of the proposed layout and design of the dwellings closest to Burtonwood is requested in order that the applicant can fully demonstrate that Stage 2 Element 1 and Figure 3 of the ProPG guidance has been followed.

#### 4.12 Housing Officer – **Qualified comment**

I refer to the above planning application and whilst I note that this is an outline application with all matters reserved except access, I would like to advise that should the outline application be approved then the exact tenure and house types will need to be agreed prior to the submission of any reserved matters application.

Any reserved matters application should provide a range of house types and sizes which meets the needs of all households and include a mix of 1, 2, 3 and 4 bed units for both open market and affordable dwellings together with houses and bungalows, all secured within a S106 with local connection to Weobley in the first instance.

#### 4.13 Land Drainage Engineer – **Qualified comment**

Recommend that the following information is provided by the applicant prior to the Council granting planning permission:

- Demonstration of the 3m easement that is to be provided either side of the onsite sewers. We recommend that this is provided prior to granting planning permission as it could affect the layout of the masterplan.
- Demonstration that separate pumping stations can be provided for the foul water and surface water drainage systems.
- Demonstration that appropriate on-site storage can be provided following failure of the surface water and foul water pumping stations without increasing flood risk to people, property or infrastructure elsewhere.
- Clarification of the proposed adoption of the surface water and foul water drainage systems, including confirmation of an approval in principle from Welsh Water.
- Clarification that there are no appropriate highway drains that could receive surface water inflows from new highway drains on the site.

#### 4.14 Neighbourhood Planning Manager – **Qualified comment**

The Weobley NDP is currently post Reg14 and we are anticipating the Reg16 will be submitted shortly.

In line with para 48 of the NPPF, the Weobley NDP would have limited weight at this stage

- a) A consultation has been undertaken on the Weobley NDP by the parish council and this concluded on the 6 August 2018
- b) This was a parish council consultation and Herefordshire Council have not had sight of the representations received therefore are unable to make a judgement regarding the unsolved objections at this stage
- c) Strategic Planning team have confirmed the draft policies are currently written are in general conformity with the Core Strategy policies

### 5. **Representations**

#### 5.1 Weobley Parish Council – **Objection**

Following consideration of the application and recent feedback from public consultations & surveys, the Parish Council agreed to recommend refusal to the application on the following grounds:

- The application was premature to the adoption of the emerging Weobley Neighbourhood Development Plan;

- The additional development would take Weobley well over its allocated target growth of 83 houses, of which 80 had already been met;
- There was no demonstrable need for an additional 50 houses in Weobley;
- The lack of local employment would inevitably mean an increase in commuter journeys adding extra strain on an already stretched local highway network;
- The proposal was outside the current and proposed Settlement Boundary;
- The proposal is within the Weobley Conservation Area and would have a detrimental effect on the area;
- The current access proposed was insufficient to meet the demands of the 50 dwellings and constituted a potential highway hazard exiting onto the main road servicing the two local schools;
- The proposal would add to the already significant highway issues experienced in this area of the village;
- The proposal would be detrimental to the historic core of the village through increased traffic, additional noise and pollution, vibration, risks to pedestrians and extra on-street parking pressures;
- The proposal would add pressure on the existing medical and dental facilities;
- The proposed method of dealing with sewerage and storm water drainage was inadequate and not fit for purpose;
- The proposed development will have an adverse impact on an important heritage site in North Herefordshire. Weobley is famous for its extensive range of timber framed buildings and is an important visitor attraction. Undermining the village with unwanted and unneeded new development will result in long term damage to the setting of the village;
- The proposal will have a knock on effect on the inadequate infrastructure in the surrounding area. A need for additional capacity has already been identified in settlements such as Leominster and plans currently being developed to improve that infrastructure has taken no account of additional speculative development proposals such as this.

Further comments have also been received from the parish council as follows:

The Weobley NDP (Regulation 14) states that the protection and enhancement of the historic environment, village character, biodiversity and landscape should be given the highest priority. The proposal for 50 dwellings will undermine this aim and is against Policy WE01 of the emerging Weobley NDP which requires new housing to be in scale with its surrounding area and meet the needs of the local community.

Development should be accommodated sensitively to ensure that the character and appearance of the Weobley Conservation Area is preserved and enhanced. The proposal is against Policy WE01 of the emerging Weobley NDP which requires developments to be capable of being accommodated safely and within the capacity of the local highway network.

Key to ensure that the aim to protect, preserve and enhance the character and appearance of the Conservation Area is that any further development are in scale and settlements that are small scale are preferred. The proposal is for up to 50 dwellings, which is 57% of the target of development for Weobley up to 2031. The development requirement in Weobley has already been met.

Tourism is a significant contributor to the local economy and this continued source of income and jobs will depend on the scale and character of Herefordshire's small scale settlement pattern. The proposal is against Policy WE08 of the emerging Weobley NDP which requires development in Weobley to respect and continue Weobley's historic evolution and the Conservation Area settings and views into and from the village should be preserved.

## 5.2 Woodland Trust – **Objection**

The Trust would like to take this opportunity to register our concerns regarding a number of valuable trees on the development site of the above application.

The arboricultural report dated 5th December 2017 details recommendations for all trees on and adjacent to the proposed development. None of the trees are considered within that report to be veteran, but several of them are notable and potential veterans recognised to be of importance. The report specifies the BS5837 RPA radii being capped at 15m for many of these potential veteran specimens already of a considerable size, including T7, T8, T15, T16, and T17. It is clear from the stem diameter of these trees that the RPA should extend beyond the capped 15m.

This view is supported by wording contained within Natural England's Standing Advice on Ancient Woodland and Veteran Trees (January 2018), which states:

Mitigation measures will depend on the development but could include:

- putting up screening barriers to protect woodland or veteran trees from dust and pollution
- noise reduction measures
- leaving a buffer zone at least 15 times larger than the diameter of a veteran tree or 5m from the edge of its canopy, if that's greater
- protecting veteran trees by designing open space around them
- identifying and protecting trees that could become veteran trees in the future

As such, we recommend that this Standing Advice is taken into consideration in relation to the trees listed above (T7, T8, T15, T16, T17). This population of trees are of a mature and over-mature nature and as such merit the inclusion of suitable buffer zones around them. The capped 15m RPAs would not be adequate in protecting any of these trees and does not comply with the Standing Advice.

In summary, the Trust will maintain a holding objection until the trees in question have been afforded the appropriate buffer zones in line with Natural England's Standing Advice. We consider that any development resulting in damage to such trees is inappropriate and must ensure their full protection.

## 5.3 Following the receipt of additional information including a Development Framework Plan and a Tree Retention Plan, the Woodland Trust has made the following additional comments:

*As I'm sure you may appreciate, our response to this application has been somewhat complicated by the recent NPPF amendments. Effectively our previous comments have been superseded on account of those NPPF changes.*

*When we previously provided comments on this application, we were working to national planning policy that afforded less protection to veteran trees. The amended wording in Paragraph 175c now states: "When determining planning applications, local planning authorities should apply the following principles: development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists."*

*In response to this, the Trust is currently working through the hundreds of live cases of threats to ancient woods/trees to which we have responded in England, and are submitting updated comments in light of the greater protection afforded to ancient woodland and ancient/veteran trees.*

*We do appreciate the time and effort that has gone into further survey work, amending development plans and exploring alternative options, namely translocation of veteran trees. However, considering that the Trust has always called for the retention of veteran trees on this site and that NPPF amendments have given greater protection to such trees, we will be maintaining our objection to the development as it would not fall under the 'wholly exceptional' criteria.*

*It is the council's decision as to whether translocating veteran tree T27 can be done without resulting in damage or loss to the tree. To clarify, the Trust considers that translocation of ancient/veteran trees should only be considered as a last resort as it is a risky procedure that could very likely result in the translocated tree not surviving. As such the council needs to take this into account and even if it decides that translocation can be done without loss of the tree, they should nonetheless apply conditions for alternative significant compensation for the eventuality of failure.*

- 5.4 Wye Valley NHS Trust – Request a financial contribution through the completion of a Section 106 Agreement and comments as follows:

In the circumstances, it is evident from the above that the Trust's request for a contribution is not only necessary to make the development acceptable in planning terms it is directly related to the development; and fairly and reasonably related in scale and kind to the development. The contribution will ensure that Health services are maintained for current and future generations and that way make the development sustainable.

- 5.5 One hundred and twenty four letters of objection have been received from local residents. In summary the points raised are as follows:

#### Highway Issues

- A development of 50 new houses will increase the volume of traffic on local roads to unacceptable levels
- Additional traffic congestion and conflict, particularly at peak periods at school drop off and collection times
- The road is narrow to the east of the site and is not designed for the amount of traffic that would result from the development
- Increased traffic on the road resulting from the development would present a danger to children attending local schools
- Local roads are used by large agricultural vehicles. Further traffic congestion will exacerbate pre-existing problems
- The proposed means of access to the site is inadequate
- On occasion, vehicles have been seen to mount the pavement to negotiate congestion around the schools at peak periods

#### Impact on Heritage Assets

- The proposals will cause damage to Grade I and II listed buildings
- The site is in the conservation area and it will be ruined by further development
- The historic core of the village already suffers pressures from traffic flows, congestion, lack of available parking facilities and pedestrian safety
- Weobley is a 'heritage asset' and in accordance with the NPPF "any harm should be weighed against the public benefits of the proposal"

#### Policy Conflicts

- The number of dwellings proposed exceeds growth targets for Weobley. In combination with other approved schemes the proposed development would mean well over 100 new homes in the village
- The village's growth target of 83 new homes has already been met by existing permissions
- What is the point of the NDP and growth targets for villages if they are to be ignored?

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

- The proposed development is outside of the current settlement boundary
- The application is premature and should not be considered until the Weobley Neighbourhood Development Plan is enacted

#### Drainage and Water

- Concerns about the extent of surface water draining to the Newbridge Brook
- Covering the area with hard landscaping will lead to greater volumes of water running off more quickly
- The proposed method of dealing with sewerage and storm water is inadequate

#### Impacts on Local Infrastructure

- Is the existing water supply able to cope with the demands of more households?
- The village only has a limited bus service
- Local services will not be able to cope with an increased number of residents, particularly the doctors, dental surgery and local schools
- There are few employment opportunities in the village or immediate local area

#### Ecology and Biodiversity

- The site is a valuable area for wildlife
- The proposal will result in the removal of an ancient hedge

#### Availability of Other Sites Around Weobley

- Why build on a greenfield site when brownfield sites exist locally, such as the old Abattoir site at Whitehill
- The site is the wrong side of the village. If there is to be development it should be infill to the Kington Road area which has a better highway network

#### Other Issues

- The social make-up of the village will be changed as a result of a large influx of people
- Weobley is a popular tourist attraction. Will tourists continue to come if the village centre becomes grid-locked?
- There are other villages around Herefordshire that need more housing. Weobley has had its fair share.
- A need for additional housing stock should be directed to Leominster which has appropriate infrastructure to deal with such developments
- Too many houses will be unsustainable
- There is no further demand for additional housing stock
- Further development will increase light and air pollution
- If an application is to be considered it should be detailed rather than outline

5.6 Further correspondence has been received from the applicant in respect of some of the consultation responses received. In summary the comments are as follows:

- Weobley Conservation Area principally derives its significance from the historic buildings within it, including Listed Buildings, which are mainly focused within its historic core. Modern development to the east of the historic core, west and south of the study area, does not contribute to the significance of the Conservation Area. The Draft Conservation Area Appraisal prepared in 2006, notes that much of the development postdates the designation of the Conservation Area. If the Conservation Area boundary were to be redefined on the basis of current practice it seems very likely that the area to the east of the historic core would be excluded.
- The detail that has been requested would be provided at a reserved matters application stage. This second stage of application would provide the LPA with the

required control over the design of the scheme. As such, we believe it is not considered that the outline nature of the current application is a reason for withholding outline planning permission for the residential development of the site.

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=181050&search=181050](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181050&search=181050)

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**

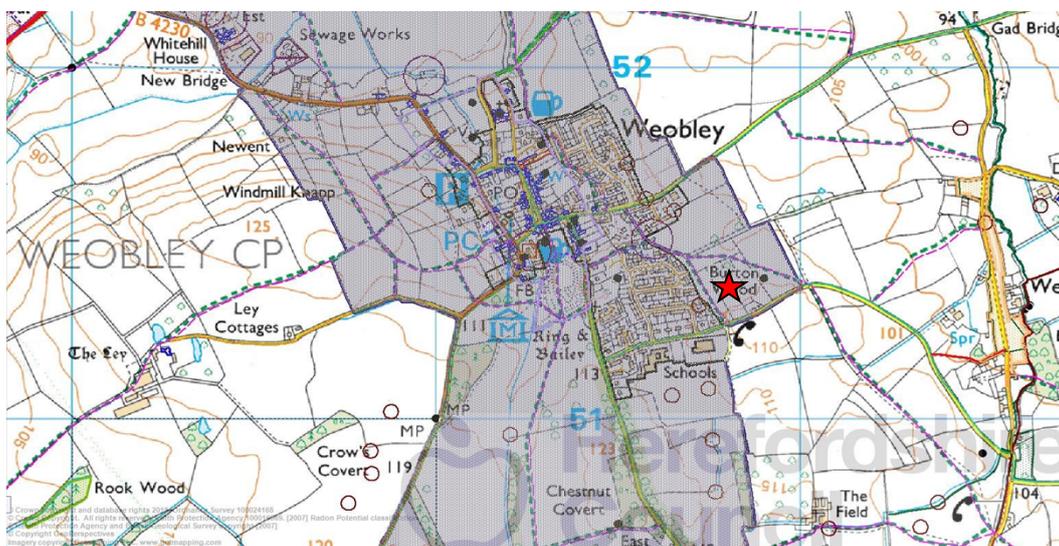
### Policy Context and Principle of Development

- 6.1 S38 (6) of the Planning and Compulsory Purchase Act 2004 states that *"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."* The NPPF repeats this requirement at Paragraph 2, 11 and 14.
- 6.2 In this instance the Development Plan for the area is the Herefordshire Local Plan - Core Strategy. The NPPF is the most pertinent other material consideration.
- 6.3 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 Core Strategy (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.
- 6.4 The NPPF is a significant material consideration. Where the Council are unable to demonstrate a five year housing land supply, paragraph 74 of the Framework makes it clear that relevant policies for the supply of housing should not be considered up-to-date. Although these policies are out of date, the weight that they should receive is a matter of planning judgment for the decision-maker. This is a matter that has been reinforced in the recent Richborough Estates Supreme Court ruling.
- 6.5 The Core Strategy sets out a number of policies in chapters 3, 4 and 5 for the supply of housing which are relevant. CS policy SS2, Delivering new homes, makes an overall provision for the delivery of a minimum 16,500 homes in Herefordshire between 2011 and 2031 to meet market and affordable housing need. Of these, just over two thirds are directed to Hereford and the market towns, with a distribution of a minimum 5,300 homes (32%) to rural settlements. Here, new housing development will be acceptable where it helps to meet housing needs and requirements, support the rural economy, local services and facilities, and is responsive to community needs.
- 6.6 Policy SS3, Ensuring sufficient housing land delivery, sets out a range of measures to be undertaken should a material shortfall in the rate of housing delivery be identified through the annual monitoring process.
- 6.7 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. Weobley lies within the rural part of the Leominster HMA, which is tasked with an indicative housing growth target of 14% (730 dwellings).

- 6.8 The policy explains that the indicative target is to be used as a basis for the production of Neighbourhood Development Plans (NDPs). The growth target figure is set for the HMA as a whole, rather than for constituent Neighbourhood Areas, where local evidence and environmental factors will determine the appropriate scale of development. The Inspector's Report on the Core Strategy Examination makes clear that a flexible and responsive approach is necessary to deliver the level of development sought, whilst recognising and respecting the rural landscape.
- 6.9 Policy RA2, Housing in settlements outside Hereford and the market towns, identifies 119 rural settlements which are to be the main focus of proportionate housing development in the rural areas. In these locations, housing growth will enable development that has the ability to bolster existing service provision, improve facilities and infrastructure and meet the needs of the communities concerned. These settlements are listed in Figure 4:14 of the CS. Weobley is one such settlement and is the best served in terms of service provision by some margin.
- 6.10 In simple locational terms, the site is considered to be sustainable. It is immediately adjacent to the built environs of the village and forms a logical extension to it. The following sections of the officer's appraisal consider the three overarching objectives towards sustainable development – economic, environmental and social and concludes whether; when considered interdependently, the proposal represents a sustainable form of development or not.

#### Impact on designated heritage assets

- 6.11 The proposed development site is within the boundary of Weobley Conservation Area. As the plan below shows, this is widely drawn and not only encompasses the historic core of the village, but also significant areas of C20th development and agricultural land that surrounds. The application site is marked by the red star:



- 6.12 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required, when considering development which affects a conservation area or its setting to ensure that:

*“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*

- 6.13 With particular regard to listed buildings, Section 66(1) of the Act says that they should:

*“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.”*

- 6.14 Appeal decisions have subsequently informed the precise meaning of “preserving” in that it means doing no harm.
- 6.15 It follows that the duties in section 66 and 72 do not allow a local planning authority to treat the desirability of preserving the setting of listed buildings and conservation areas 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, it must give that harm “considerable importance and weight”.
- 6.16 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 the 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 189 to 196 offer particular clarity about the assessment to be made of the significance of heritage assets. Paragraph 192 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 Paragraph 193 reiterates the presumption of great weight being afforded to the preservation of heritage assets and is clear that; ‘The more important the asset, the greater the weight should be.’
- 6.19 It is also clear that significance can be harmed or lost through alteration or destruction of a heritage asset, and that proposals that require this should be fully justified and wholly exceptional.
- 6.20 Paragraph 195 is clear that;
- ‘Where a proposed development will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss...’*
- 6.21 Paragraph 196 has been confirmed through case law to be a restrictive policy and deals with development that would lead to less than substantial harm. It has two limbs, stating that harm should be weighed against the public benefits of the proposal. The same case law confirms that the second limb; the public benefits, should go first, and that the test is effectively different to paragraph 195 – the identification of harm does not immediately direct one to refuse planning permission.
- 6.22 Policy LD1 also makes reference to a need to conserve historic features, amongst which it includes conservation areas, 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.

- 6.23 Paragraphs 4-10 of Historic England's Good Practice Advice Note 2 (Managing Significance in Decision-Taking in the Historic Environment) explains that applications have a greater likelihood of success and better decisions will be made when applicants and local planning authorities assess and understand the particular nature of the significance of an asset and, in this case, the contribution the setting makes to significance.
- 6.24 The National Planning Policy Framework provides a very similar message in paragraphs 189 and 190 expecting both applicant and local planning authority to take responsibility for understanding the significance of a heritage asset and the impact of a development proposal, seeking to avoid unacceptable conflict between the asset's conservation and any aspect of the proposal.
- 6.25 In this instance officers are of the view that the heritage asset potentially affected by this proposal is solely the conservation area. The closest listed buildings to the site are located approximately 300 metres to the north west and are separated by the Burton Wood housing estate; a modern C20th development. There is no inter-visibility between the site and the closest listed buildings and there is no obvious historic relationship between them; if there were then this has been diminished by the presence of the intervening housing estate. It may be contended that increases in vehicle movements through the village may have an impact of the significance of listed buildings. However, as will be discussed later, this would appear to be a pre-existing issue and officers do not consider that any further traffic generated by this proposal would demonstrably impact on the significance of any listed buildings. It is therefore concluded that the proposed development will have no impact on the significance of any listed buildings.
- 6.26 Weobley Castle Scheduled Ancient Monument (SAM) lies a similar distance to the west and officers are of the view that the same issues are at stake here as with the listed buildings. The visual and historic relationships are the same and the same conclusion is drawn in terms of additional traffic generation and its impact on the significance of the setting of the SAM. Again it is concluded that the proposed development will have no demonstrable impact on the significance of the setting of the SAM.
- 6.27 The key issue to be determined is the potential impact on the significance of the setting of the conservation area. In this regard it will be noted that both the Council's Historic Buildings Officer and Historic England consider that a detailed application should be submitted as the site is within the boundary of the conservation area. However, officers are mindful of the fact that another application for residential development on Gadbridge Road was considered in outline without any commentary from either the HBO or Historic England. In that particular case the site in question was significantly closer to the historic core of the village, although similarly separated by a modern C20th residential estate.
- 6.28 In the case instant the site lies adjacent to a modern residential estate, the photographs below showing typical street scenes. Whilst it is acknowledged that the conservation area boundary is widely drawn around the village, officers are of the view that a pragmatic approach should be taken in terms of the level of detail to be required. Given the context, the level of detail that has been provided to date and the fact that another application within the conservation area boundary for a development of a similar scale has been considered in outline, it is not considered unreasonable to do so again here.



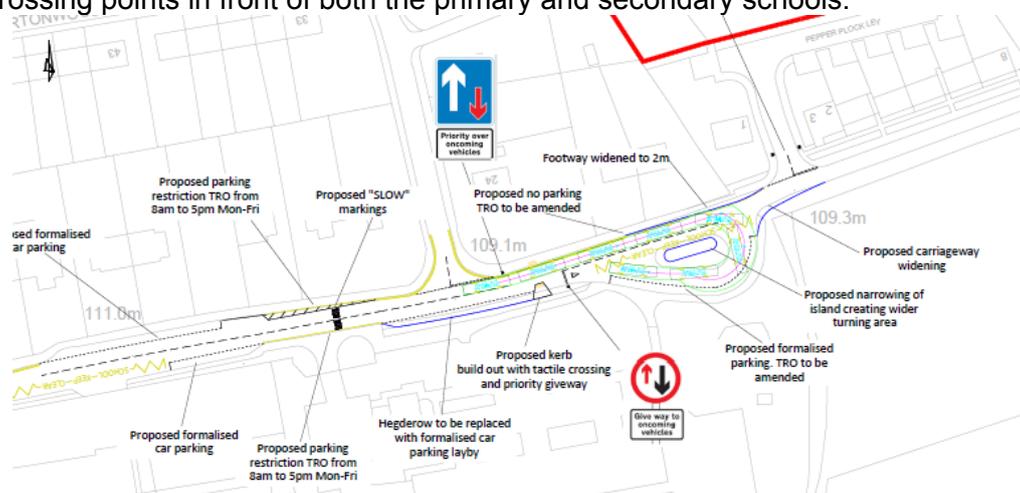
6.29 I am of the view that the impact upon the significance of the setting of the conservation area is less than substantial and; given the context and the adjacent development, at the lower end of the spectrum. The application therefore falls to be considered under the terms of paragraph 195 where the public benefits of granting planning permission should be balanced against any harm to the heritage asset.

### Highway Impacts

6.30 The majority of the objections received have referred to concerns about highway safety and the inability of the road network to accommodate further development, particularly focussed on local congestion at peak periods as parents and school buses arrive to deliver and collect children to and from both the primary and secondary schools.

6.31 Core Strategy Policy MT1 relates to the highways impacts of new development, and requires that proposals demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development. It also requires under (4) that developments are designed and laid out to achieve safe entrance and exit and have appropriate operational and manoeuvring space, having regard to the standards of the Council's Highways Development Design Guide. This approach accords with the principles outlined in section 9 of the NPPF, in particular Paragraphs 108-9 which advises that it should ensure that safe and suitable access can be achieved for all users and that development should only be refused on highways grounds if there would be an unacceptable impact on highways safety.

6.32 With specific regard to highway safety around the schools the applicants chose to engage at an early stage with council officers and the respective head teachers to identify matters of particular concern. As a result the proposals include a series of highway improvement works to be completed as a necessary part of the application, should committee be minded to approve. These are shown by the plans below and include a re-configuration of the turning area outside of the primary school, the widening of the footpath on the northern side of the road to 2 metres and new crossing points in front of both the primary and secondary schools.





### Tree Retention Plan – 10 August



### Tree Retention Plan -17 October



6.38 Further consultation responses to the most recently submitted retention plan from the Woodland Trust and Tree Officer are yet to be received. I have read the consultation responses and I am of the view that the latest version does address the points raised and, should planning permission be forthcoming, a condition requiring the development to be carried out in accordance with the Tree Retention Plan is recommended. On this basis I am satisfied that the proposal would be compliant with Policy LD1 of the Core Strategy.

### Ecology

6.39 The Council's Ecologist has considered the application in terms of its impacts on biodiversity and protected species in accordance with Policy LD2 of the Core Strategy.

- 6.40 The application is supported by an Ecological Assessment, the detail of which has been considered by the Council's Ecologist. He concludes that the plans are acceptable but that existing trees and hedgerows should be retained in situ. This is addressed as described above and officers are content that the requirements of Policy LD2 to conserve, restore and enhance biodiversity assets are met, subject to the imposition of appropriately worded conditions.

#### Other Policy Issues – Weobley NDP

- 6.41 A number of representations received have referred to the fact that the site falls beyond the settlement boundary for Weobley. This has been defined by the draft Neighbourhood Development Plan. The comments received from the Council's Neighbourhood Planning Manager with respect to the weight to be afforded to the plan at this time. It is not sufficiently progressed to be afforded any more than limited weight at this time. The wording of Policy RA2 of the Core Strategy is particularly germane in that it provides that; "...*sustainable housing growth will be supported in or adjacent to (my underlining) those settlements identified in Figures 4.14 and 4.15.*"
- 6.42 It must be accepted that the proposal fulfils the requirements of Policy RA2 in that it is adjacent to the settlement and, given the limited weight to be attributed to the NDP, the fact that it is outside of the settlement boundary can only be given limited weight in the determination of this application.
- 6.43 It is acknowledged that Weobley has seen considerable housing growth in recent years; particularly the housing scheme on Gadbridge Road which is currently under construction. Commitments and completions since 2011 amount to 80 dwellings and the minimum proportionate growth target for the plan period is 83. The proposed development would significantly exceed this, but as Members are aware, the proportionate growth targets are not intended to be a ceiling for development. If planning permission were to be refused on grounds relating to numbers then it must be demonstrated that some harm is caused. Given that Weobley is the largest and best served village in terms of local services, I do not consider that there would be justification to refuse this application on such grounds.

#### Drainage Issues

- 6.44 A detailed consultation response has been received from the Council's Land Drainage Engineer which requests the submission of additional information prior to the determination of the application. This has been received and a further consultation response issued. At the time of writing a further response is to be received. However, the information requested relates to matters of detail which would most appropriately be addressed through a reserved matters submission and the level of technical detail required at this stage could reasonably be addressed through the imposition of an appropriately worded condition.
- 6.45 The approach towards sustainable water management as outlined in the submission is generally compliant with the requirements of Policy SD3 of the Core Strategy and I am satisfied that the matter can be addressed through the imposition of an appropriately worded condition requiring a detailed drainage scheme to be submitted as part of a Reserved Matters application.

#### Existing Services

- 6.46 Objections have been raised by some local residents and the parish council that there is insufficient capacity within the existing sewerage system. The response from Welsh Water raises no objection to the proposal in this regard and it must therefore be concluded that there is sufficient capacity within the existing system and that it does not need to be upgraded to accommodate the development proposed.

- 6.47 Some concerns have also been raised about the impact of the development upon the doctor's surgery and dental practice in the village, and that additional dwellings will put additional pressure on finite resources. It is noted however, that neither the doctor's surgery nor the dental practice have objected to the application.
- 6.48 The existence of such facilities within Weobley are a significant contributory factor to its sustainability credentials. In the absence of any objection from either, there is no substantive evidence to conclude that the proposal will have a negative effect on either of them and therefore this is not considered to provide justification for the refusal of the application.

#### Affordable Housing Provision

- 6.49 As referred to earlier in this report, Weobley is a sustainable village and is appropriate for further development, and in order to continue to comply with policy requirements this will include the provision of affordable housing. Not only will this be to meet the needs of the village itself, but also the needs of its wider rural hinterland.
- 6.50 Housing provision is at its most sustainable when it provides a range of accommodation to meet the needs of the community as a whole. A more flexible approach towards affordable housing is advocated by the NPPF and a detailed description is provided in Annex 2. The precise tenure is to be agreed and a mix would help to bridge the gap between affordable housing and fully open market properties.
- 6.51 The provision of a mix of housing tenures in this manner ensures that a broad range of properties are available and is key to ensuring that settlements continue to be sustainable, helping to promote the growth of diverse communities as advocated by the NPPF. The affordable element of the scheme proposed is therefore considered appropriate.

#### Planning Balance and Conclusions

- 6.52 Both Core Strategy policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where they accord with the development plan. The NPPF encompasses the government's view of what is meant by sustainable development in practice. The three themes, economic, environmental and social should be pursued jointly and simultaneously.
- 6.53 The application in this case is for housing and in the light of the housing land supply deficit must be considered in accordance with the tests set out by paragraph 11 and SS1. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, or if specific policies in the NPPF indicate development should be restricted.
- 6.54 For the purposes of determining this application, the development plan is comprised of the Core Strategy and the Weobley Neighbourhood Development Plan. The NDP is post Regulation 14 and is afforded limited weight. Weobley is identified by the Core Strategy as a sustainable settlement where there is a presumption in favour of proportionate housing growth. The site is adjacent to the settlement and is well located in terms of access to local services, including schools, doctors surgery and dental practice. These are all social benefits that weigh in favour of the development.
- 6.55 Existing issues relating to traffic congestion around the school are acknowledged. These are pre-existing and officers are of the view that the opportunities for highway improvements in and around the locality of both schools will not only mitigate the impacts of the development proposed, but also improve the current situation. This is also considered to be a significant social benefit in favour of the development.

- 6.56 Economic benefits will be derived from additional activity in the local construction market, together with additional trade for local shops and services. Financial contributions as set out in the Heads of Terms also represent economic benefits in favour of the development, whilst also ensuring the delivery of affordable housing and improvements to education infrastructure – these are further social benefits in favour of the scheme.
- 6.57 Environmental benefits are more marginal, although revisions to the Tree Protection Plan ensure the retention of existing biodiversity assets. The implementation of a Biodiversity Enhancement Plan will serve to secure additional benefits.
- 6.58 Given the context of the immediate surroundings the proposed development is considered to have a less than substantial harm on the significance of the conservation area as a heritage asset, and any harm that might arise is at the lower end of the spectrum. In light of the public benefits highlighted above, and given the continued absence of a five year housing land supply, officers are of the view that the application is acceptable and, subject to the completion of a Section 106 Agreement in accordance with the Heads of Terms appended to this report, the application is recommended for approval.

## **RECOMMENDATION**

**That subject to either the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, or a condition requiring the completion of an agreement prior to the commencement of development, 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) – all matters apart from access**
- 2. A03 - Time limit for commencement (outline permission)**
- 3. A04 - Approval of reserved matters**
- 4. B01 - Development in accordance with approved plans**
- 5. 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.

6. The recommendations for species mitigation and habitat enhancements set out in Section 5 of the ecologist’s report from fpcr dated July 2018 should be followed unless otherwise agreed in writing by the local planning authority. A detailed habitat enhancement plan integrated with the landscape scheme should be submitted to the local planning authority in writing. The plan 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.

Reason: 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.

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

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

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

9. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable

means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

**Reason:** To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

10. G04 Protection of trees/hedgerows that are to be retained
11. G10 Landscaping scheme
12. G11 Landscaping scheme – implementation
13. G14 Landscape management plan
14. H06 Vehicular access construction
15. H11 Parking - estate development (more than one house)
16. H17 Junction improvement/off site works
17. H18 On site roads - submission of details
18. H29 Secure covered cycle parking provision
19. H31 Outline Travel Plan

#### **INFORMATIVES:**

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. 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](http://www.dwrcymru.com)
3. 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

**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. If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrwymru.com](mailto:developer.services@dwrwymru.com). Please quote our reference number in all communications and correspondence.**

- 4. HN02 Public rights of way affected**
- 5. HN08 Section 38 Agreement & Drainage details**
- 6. HN07 Section 278 Agreement**
- 7. HN28 Highways Design Guide and Specification**
- 8. HN26 Travel Plans**

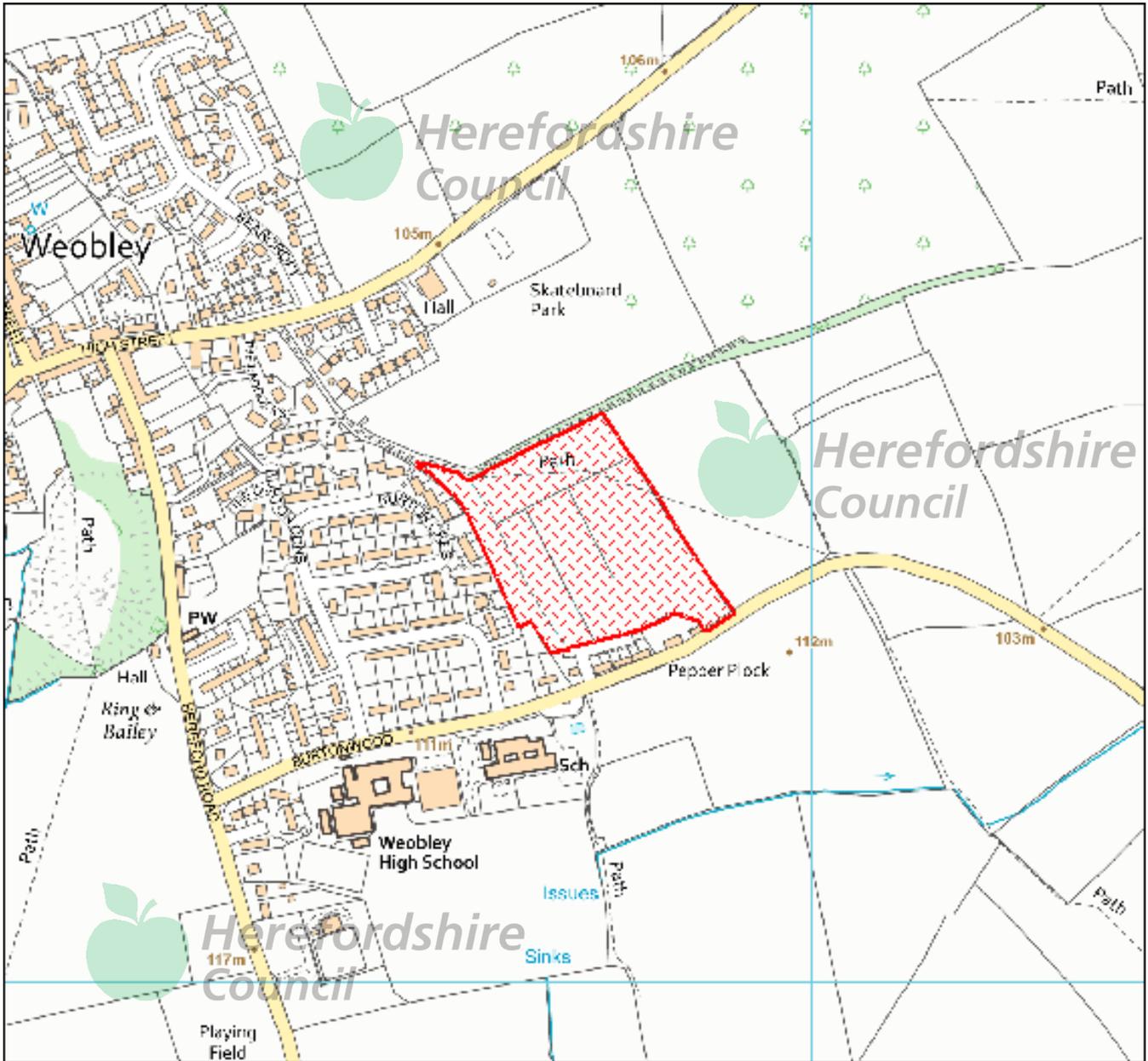
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** 181050

**SITE ADDRESS :** LAND AT BURTON WOOD, WEOBLEY, HEREFORDSHIRE

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

# DRAFT HEADS OF TERMS

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

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1<sup>st</sup> April 2008.

Planning application: P181050/O

Proposal: Outline planning permission for proposed erection of up to 50 dwellings (including 35% affordable), planting and landscaping, informal open space, vehicular access point from Pepper Plock Ley and associated ancillary works. All matters to be reserved with the exception of the main vehicular site access

Site: Land at Burton Wood, Weobley, Herefordshire

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

**£1,329.00** (index linked) for a 2 bedroom apartment open market unit

**£2,418.00** (index linked) for a 2/3 bedroom open market unit

**£4,696.00** (index linked) for a 4+ bedroom open market unit

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

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

**£2,092.00** (index linked) for an apartment open market unit

**£2,457.00** (index linked) for a 2 bedroom open market unit

**£3,686.00** (index linked) for a 3 bedroom open market unit

**£4,915.00** (index linked) for a 4+ bedroom open market unit

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

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appropriate.

The monies shall be used by Herefordshire Council at its option for any or all of the following;

- a) Traffic calming and traffic management measures which may include gateway features
- b) Creation of new and enhancement in the usability of existing footpaths connecting the site to local facilities
- c) Creation of new and enhancement in the usability of existing cycleways connecting the site to local facilities
- d) Public transport improvements

*NOTE: A section 278 agreement will be required to deliver;*

- *Widening of the existing footway along the northern side of the carriageway of Burtonwood;*
  - *Two formalised crossing points on Burtonwood;*
  - *Provision of on-street parking;*
  - *A review of existing and proposed TROs including proposed double yellow lines and School Keep Clear signs;*
  - *Extension of the existing 30mph speed limit;*
  - *Relocation of the proposed gateway feature further east; and*
  - *Improvements to the existing coach/bus pick-up and drop-off area associated with the adjacent school.*
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£80.00 (index linked)** per dwelling. The contribution will provide for 1 x waste and 1 x recycling bin. The sum shall be paid on or before occupation of the 1<sup>st</sup> open market dwelling, and may be pooled with other contributions if appropriate.
  4. The developer covenants with Herefordshire Council to provide a minimum **0.138ha (1380sqm)** of green on site infrastructure comprising;
    - Public Open Space @ 0.4ha per 1000 population = 0.046ha (460sqm)
    - Children's Play @ 0.8ha per 1000 population = 0.092ha (920sqm) of this 0.28ha (280sqm) should be formal play

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

5. The maintenance of any on-site Public Open Space (POS) will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the parish council and/or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

**NOTE: Any attenuation basin and/or SUDS which may be transferred to the Council will require a commuted sum calculated in accordance with the Council's tariffs over a 60 year period.**

6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£28,371.00 (index linked)** for outdoor sports facilities as identified in the Councils Playing Pitch Assessment 2012 and Outdoor Sports Investment Plan 2016. The sum shall be used for Weobley High School Cricket Ground. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

7. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£26,424.42 (index linked)** for the provision of hospital services in Herefordshire. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

8. The developer covenants with Herefordshire Council that 35% of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H1 of the Herefordshire Local Plan Core Strategy or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.

9. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.

10. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes England (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:-:

10.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and

10.2. satisfy the requirements of paragraphs 11 & 12 of this schedule

11. 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:-
  - 11.1 a local connection with the parish of Weobley
  - 11.2 in the event there being no person with a local connection to the parish of Weobley to the adjoining parishes;
  - 11.3 in the event of there being no person with a local connection to Weobley 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.
12. For the purposes of sub-paragraph 11.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
  - 12.1. is or in the past was normally resident there; or
  - 12.2. is employed there; or
  - 12.3. has a family association there; or
  - 12.4. a proven need to give support to or receive support from family members; or
  - 12.5. because of special circumstances;
13. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 6, and 7 above, for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
14. The sums referred to in paragraphs 1, 2, 3, 6 and 7 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
15. 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.

16. 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.