

AGENDA

Planning Committee

Date: **Wednesday 5 June 2013**

Time: **10.00 am**

Place: **The Council Chamber, Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

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Agenda for the Meeting of the Planning Committee

Membership

Chairman

Councillor PGH Cutter

Vice-Chairman

Councillor BA Durkin

Councillor PA Andrews

Councillor AM Atkinson

Councillor AN Bridges

Councillor PJ Edwards

Councillor DW Greenow

Councillor KS Guthrie

Councillor J Hardwick

Councillor JW Hope MBE

Councillor MAF Hubbard

Councillor RC Hunt

Councillor Brig P Jones CBE

Councillor JG Lester

Councillor RI Matthews

Councillor FM Norman

Councillor AJW Powers

Councillor GR Swinford

Councillor PJ Watts

AGENDA

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1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	5 - 6
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3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
4.	<p>MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 15 May 2013.</p>	7 - 24
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6.	<p>APPEALS</p> <p>To be noted.</p>	25 - 26
7.	<p>130351/F - LAND SOUTH OF THE B4349 AND WEST OF THE C1221, KINGSTONE, HEREFORDSHIRE, HR2 9HP</p> <p>Erection of 150 dwellings (mix of 1-5 bed), new employment (commercial and live work units), community building, 1.4 hectares of public open space, community orchards and allotments, play areas, cycle and footpaths, bus stop and pedestrian crossing.</p>	27 - 64
8.	<p>130940/CD AND 130983/CD - LEOMINSTER INFANT AND JUNIOR SCHOOLS, HEREFORD ROAD, LEOMINSTER</p> <p>Development of a new primary school on three levels, located on an existing playing field followed by the demolition of the existing infants and junior schools.</p> <p>Demolition of existing school building, site clearance and the development of school playing fields.</p>	65 - 78
9.	<p>S123592/O - LAND OFF BREINTON LEE, KINGS ACRE ROAD, HEREFORD</p> <p>Proposed outline permission for a residential development of 16 no. Dwellings with associated infrastructure including alterations on A438 plus drainage and landscaping with all matters reserved except for access.</p>	79 - 104
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|--|-----------|
| 11. 130779/F - LAND AT ORCHARD HOUSE, CREDENHILL, HEREFORDSHIRE | 119 - 124 |
| Proposed replacement corrugated garage and implement store with two bedroom single storey dwelling to care for elderly parents. | |
| 12. 130870/N - LEADON COURT FARM, FROMES HILL, HEREFORDSHIRE, HR8 1QJ | 125 - 132 |
| Construction and the installation of 2 no. concealed underground water treatment tanks in connection with processing diluted waste wine and soil drains from the existing wine distillery business. Minor adjustments to existing landscape mound to form and construct a relief car parking area. | |
| 13. 131021/F - PEGASUS JUNIORS FOOTBALL, OLD SCHOOL LANE, HEREFORD, HR1 1EX | 133 - 138 |
| Proposed tea bar, extension to club room and replace boundary fencing and dug outs. | |
| 14. DATE OF NEXT MEETING | |
| Date of next site inspection: 25 June 2013 | |
| Date of next meeting: 26 June 2013 | |

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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 15 May 2013 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor BA Durkin (Vice Chairman)

Councillors: PA Andrews, AN Bridges, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, RC Hunt, JG Lester, RI Matthews, FM Norman, AJW Powers, GR Swinford and PJ Watts

In attendance: Councillors CM Bartrum, AJM Blackshaw, Mayo, PM Morgan and A Seldon

188. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Brig P Jones CBE.

189. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor P Rone attended the meeting as a substitute member for the currently vacant conservative party seat on the Committee.

190. DECLARATIONS OF INTEREST

6. SE100966/F - PENNOXSTONE COURT FARM, KINGS CAPLE, HEREFORDSHIRE, HR1 4TX.

Councillor BA Durkin, Non-Pecuniary, The Councillor advised that he was a Member of the Wye Valley AONB Joint Advisory Committee.

Councillor J Hardwick, Non-Pecuniary, The Councillor advised that he was a Member of the Wye Valley AONB Joint Advisory Committee.

Councillor PGH Cutter, Non-Pecuniary, The Councillor advised that he was Chairman of the Wye Valley AONB Joint Advisory Committee.

11. 130191/O - LAND ADJACENT HARWELL, BRAMPTON ABBOTS, ROSS ON WYE, HR9 7JD.

Councillor BA Durkin, Non-Pecuniary, The Councillor advised that he was a Member of the Wye Valley AONB Joint Advisory Committee.

Councillor J Hardwick, Non-Pecuniary, The Councillor advised that he was a Member of the Wye Valley AONB Joint Advisory Committee.

Councillor PGH Cutter, Non-Pecuniary, The Councillor advised that he was Chairman of the Wye Valley AONB Joint Advisory Committee.

12. S123565/F - SUFTON RISE, MORDIFORD, HEREFORDSHIRE, HR1 4EN.

Councillor BA Durkin, Non-Pecuniary, The Councillor advised that he was a Member of the Wye Valley AONB Joint Advisory Committee.

Councillor DW Greenow, Non-Pecuniary, The Councillor advised the he lived near to the application site.

Councillor J Hardwick, Non-Pecuniary, The Councillor advised that he was a Member of the Wye Valley AONB Joint Advisory Committee.

Councillor PGH Cutter, Non-Pecuniary, The Councillor advised that he was Chairman of the Wye Valley AONB Joint Advisory Committee.

13. 130060/F - LAND SOUTH OF GREYTREE ROAD, GREYTREE, ROSS ON WYE, HEREFORDSHIRE.

Councillor BA Durkin, Non-Pecuniary, The Councillor advised that he was a Member of the Wye Valley AONB Joint Advisory Committee.

Councillor J Hardwick, Non-Pecuniary, The Councillor advised that he was a Member of the Wye Valley AONB Joint Advisory Committee.

Councillor PGH Cutter, Non-Pecuniary, The Councillor advised that he was Chairman of the Wye Valley AONB Joint Advisory Committee.

191. MINUTES

RESOLVED: That the Minutes of the meeting held on 24 April 2013 be approved as a correct record and signed by the Chairman.

192. CHAIRMAN'S ANNOUNCEMENTS

193. SE100966/F - PENNOXSTONE COURT FARM, KINGS CAPLE, HEREFORDSHIRE, HR1 4TX

Prior to the debate the Vice-Chairman, Councillor BA Durkin, left the chamber as he had recently spoken in objection to the application and wished to avoid any accusation of pre-determination or bias.

The Head of Neighbourhood Planning advised the Committee that an informative note in respect of positive and proactive working had been omitted on the decision for Pennoxstone Court. He drew Members' attention to the Update Sheet and advised them that the recommendation had changed following further legal advice.

RESOLVED:

That the Council recognises that it issued an incorrect decision notice that did not include the Statement of Positive and Proactive Working but that this was not prejudicial to the decision to refuse planning permission at the Planning Committee meeting on 24 April 2013

194. 130166/F - SITE ADJACENT TO 4 VALENTINE COURT, CANON PYON, HEREFORD, HR4 8NZ

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

In accordance with the criteria for public speaking, Mr Vaughan, representing Pyons Group Parish Council, and Mrs McLeod, a neighbouring resident, spoke in objection to the application and Mr Spreckley, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor AJM Blackshaw, the local ward member, commented on a number of issues, including:

- The Parish Council were in support of development within the village but had concerns in respect of the proposed site.
- The application would usually be deemed as contrary to Policy H7 of the UDP.

- The NPPF gave a presumption in support of sustainable development due to the Council's lack of a 5 year housing supply.
- The emerging NPPF promoted localism, the Committee should note the concerns of the local residents and the Parish Council.
- The only Neighbourhood Plan in the Country had recently been adopted in Cumbria, the Parish Council should not be criticised for not having an adopted Plan.
- The parish Plan promoted a central hub and did not support development outside of the settlement boundary.
- The Committee refused the previous application on the site.
- Growth was needed in the County however any growth had to be right.
- Further discussion regarding the Section 106 agreement was welcomed.

The debate was opened with two Members of the committee noting the concerns of the Parish Council and the local residents but advising that the committee's decision should be based on material planning considerations. It was noted that the current application had addressed a number of the issues that had led to a previous application on the site being refused. The applicant's offer to investigate an alternative method of drainage, such as a Sustainable Urban Drainage Scheme, was welcomed, with one of the members stating that this should form a condition if planning permission was granted.

Another Member of the Committee drew Members attention to the requirements of the National Planning Policy Framework which stated that brownfield sites should be developed ahead of greenfield sites. He noted the concerns of the Parish Council and considered that the application should be refused. This view was supported by other Members of the Committee who were of the opinion that considerable weight should be given to the views of the Parish Council and the local residents in determining the application.

Members continued to discuss the application and had a number of concerns regarding the drainage issues on the site. It was noted that the neighbouring residents had taken a number of photographs showing the site in a waterlogged state, it was also noted that the drainage report had noted that there were issues regarding drainage on the site however the report had concluded that these issues could be overcome. Further concern was expressed regarding the lack of children's play provision on the site; the density of the site; and the lack of bungalows as part of the proposed affordable housing.

In response to a number of question, the Principal Planning Officer advised that:

- there was an identified brownfield site which had been allocated for housing in the Unitary Development Plan. However he added that this site had never been bought forward for development;
- it was the housing association's preference to group the affordable housing together rather than integrate the homes throughout the site;
- there were 44 parking spaces on the site which accorded with policy;
- there would be a technical solution to the drainage issues;
- he did not have details regarding the number of times the site had flooded over the previous year;
- a traffic survey had not been undertaken, however the Highways Engineer was content with the application.

Another Member of the Committee noted that there were other sites available in the village and considered that this was a material planning consideration. He also had

concerns in respect of the proposed layout of the development with particular concern being expressed regarding the roadside dwellings.

The Head of Neighbourhood Planning advised the Committee that permission should be granted in accordance with the NPPF unless refusing the application significantly and demonstrably outweighed the benefits of approving it. He added that it was regrettable that the Parish Plan had not yet been developed and advised the Committee that refusing the application on technical grounds or with reference to the neighbourhood plan could leave the authority subject to an appeal.

Councillor Blackshaw was given the opportunity to close the debate. He reiterated his opening remarks and made additional comments, including:

- If the LDF had been adopted the Parish Plan would be viewed differently.
- If the application was approved the Section 106 agreement should be reviewed in consultation with the Parish Council and the Local Ward Member.
- There were concerns regarding the roadside affordable housing.
- If the application was granted the applicant should be required to provide a mature hedge as part of the landscaping conditions.

Members were requested to clarify their reasons for refusing the application. The Committee were of the opinion that the application was contrary to Unitary Development Plan Policies H4, H7, H15, H19, and DR1 together with sections 7, 8, and 11 of the National Planning Policy Framework.

RESOLVED:

That planning permission be refused for the following reasons:

- 1. The site is within the countryside outside of the settlement boundary for Canon Pyon as defined in the Herefordshire Unitary Development Plan. The development does not satisfy any of the exception criteria within Policy H7 and therefore the development is contrary to this policy. The development is also considered to adversely impact upon the visual character of the area and therefore, notwithstanding the current deficiency in the supply of housing land, the adverse landscape impact is considered to outweigh the benefits of the development. Consequently, the development is contrary to Policies DR1, H4, H7 and DR13 of the Herefordshire Unitary Development Plan and advice within the National Planning Policy Framework.**
- 2. The proposal fails to reinforce the distinctive character or appearance of the locality due to its layout and density, creating a suburban road frontage in a rural village, contrary to Policies DR1, H13 and H15 of the Herefordshire Unitary Development Plan and advice within the National Planning Policy Framework.**
- 3. The site is prone to waterlogging and surface water flooding and the applicant has failed to demonstrate how adequate provision can be made for the disposal of surface water contrary to Policies DR1 and Dr4 of the Herefordshire Unitary Development Plan.**
- 4. The scheme fails to make adequate provision of outdoor play space and is contrary to Policy H19 of the Herefordshire Unitary Development Plan.**
- 5. The application is not accompanied by a completed Section 106 Agreement considered necessary to make the development acceptable and is therefore**

contrary to Policy DR5 of the Herefordshire Unitary Development Plan and the Council's Supplementary Planning Document on Planning Obligations.

Informative

- 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 and by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.**

195. N123414/CD - HOPE FAMILY CENTRE, HEREFORD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4QU

The Chairman advised the Committee that the application had been withdrawn at the applicant's request.

196. N123415/CD - HOPE FAMILY CENTRE, HEREFORD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4QU

The Chairman advised the Committee that the application had been withdrawn at the applicant's request.

197. N123428/CD - HOPE FAMILY CENTRE, HEREFORD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4QU

The Senior Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

In accordance with the criteria for public speaking, Mrs Churchill, representing Avenbury Parish Council, and Mr Morris, a neighbouring resident, spoke in objection to the application and Mrs Davies, the applicant, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors A Seldon and JG Lester, the local ward members, commented on a number of issues, including:

- Unfortunately relationships between the applicant and the neighbouring resident had broken down, this was regrettable.
- There were issues regarding parking at the site, this was recognised.
- The Hope Centre had provided a valuable resource to the community since its inception in 1999.
- The centre had started as a portakabin on the site.
- The concerns of the neighbouring resident needed to be addressed.
- There were funding difficulties for the centre and alternative methods of income needed to be investigated.
- The centre needed to remain viable.

Councillor PM Morgan, the Cabinet Member for Health and Wellbeing, addressed the Sub-Committee in support of the application. She advised Members that Children's Centres ensured that Children had the best possible start in life and urged all Councillors to get involved with their local centre. She added that finances were a concern for Children's Centres in the current economical climate and therefore they needed to adapt and be more flexible. Councillor Morgan left the meeting at the conclusion of her submission and took no further part in the meeting.

Members discussed the application and although they noted the neighbouring resident's concerns they were of the opinion that the application should be granted.

In response to a question, the Planning Officer advised that although the premises was not licenced they could apply for a temporary event notice if they wished to offer licenced activities. In response to a further question she advised that the application had only come before the Committee as the Council had an involvement in the application.

In response to a question regarding the boundary fence, the Development Manager advised that the fence had been erected in accordance with the previous conditions and that the ombudsman had also supported this view. In addition to this point he added that the fence was two metres in height with an additional one metre of netting and that it did not act as an acoustic barrier. He advised Members that if they were concerned about the impact on the amenity of the neighbouring resident they could choose to allow a temporary permission to allow sufficient time to monitor the site.

Members noted that there was a difficult relationship between the parties and noted that this was a concern. They also had concerns regarding the fence but decided against granting a temporary planning permission on the site.

Councillors Seldon and Lester were given the opportunity to close the debate. They reiterated their opening remarks and made additional comments, including:

- Councillor Lester had spoken to both parties and advised that he would be happy to assist in attempting to improve the relationship between them.
- There had been a delay in undertaking the landscaping and erecting the fence previously.
- The facility would not be noisy and would not be used 7 days a week.
- Councillor Seldon suggested that a temporary permission would be a good compromise and would give Mr Morris some reassurances.

RESOLVED:

That condition 14 of the planning permission DCNC0009/1820/CD be varied as follows:

- 1. The permission hereby granted is an amendment to planning permission DCNC0009/1820/CD dated 10 November 2010 and, otherwise than is altered by this permission, the development shall be carried out in accordance with that planning permission and the conditions attached thereto.**

Reason: For the avoidance of doubt and to comply with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan.

- 2. Unless otherwise first agreed in writing by the Local Planning Authority, the premises shall not be open to the public outside the hours of:-**

07.00 hours to 18.00 hours on Sundays and Bank or other public holidays.

07.00 hours to 2230 hours on any other day.

Reason: In the interests of residential amenity in the locality and in accordance with Policy DR1 of the Herefordshire Unitary Development Plan.

- 3. The café and kitchen within the building shall not be open independently past 21.00 and shall only be used ancillary to the use of the existing premises.**

Reason: To ensure the development is in-keeping with the existing use on site and to comply with the requirements of Policy CF5 of the Herefordshire Unitary Development Plan

Reason for Approval:

- 1. The application was considered against the background of seeking to protect and maintain the existing residential amenity and character within the area. The Local Planning Authority considered that the variations in the planning condition would not adversely affect residential Amenity by way of noise nor cause light pollution. As such, the proposal is considered to comply with the provisions of the Herefordshire Unitary Development Plan 2007 and the National Planning Policy Framework (NPPF).**

Informative:

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

198. 130191/O - LAND ADJACENT HARWELL, BRAMPTON ABBOTS, ROSS ON WYE, HR9 7JD

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet

In accordance with the criteria for public speaking, Mr Read, representing a number of local residents, spoke in objection to the application and Mr Snell, one of the applicants, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor BA Durkin, the local ward member, commented on a number of issues, including:

- The merits of the application were evident.
- The modern residential development in the immediate vicinity was a consequence of a redevelopment of a historic poultry farmyard (i.e..a brownfield site). This development therefore represented a logical infill of a residual gap
- The application proposed a single storey dwelling on a brownfield site.
- The application complied with the NPPF as it would enhance the rural community.

- The site was sustainable due to its close proximity to Ross-on-Wye. In terms of the context of Herefordshire being a rural county the site was considered to be sustainable.
- There would not be any overlooking issues in respect of Townsend Cottage, whose owners had written in support of the application.
- The Parish Council supported the application.
- The development should be viewed as infill and not development in the open countryside.
- The application was not detrimental to the AONB.
- The Core Strategy promoted localism.

Members discussed the application and considered that it was not an isolated site as there were a number of dwellings nearby. It was also noted that the surrounding area was a redundant poultry farm and that paragraph 111 of the National Planning Policy Framework encouraged the development of brownfield sites.

The Committee noted that there were two trees on the site that were worthy of retention. They requested that an appropriate condition be added to the resolution to protect these trees in the event of the application being approved.

The Head of Neighbourhood Planning advised Members that they were required to determine the application in accordance with policy, he asked them to give their reasons for approving the applications based on the three reasons for refusal as set out in the recommendation.

The Committee considered that the application should be approved as a departure from Unitary Development Plan Policy H7 based on the Council's current lack of a five year housing supply. It was also noted that the application related to the infilling of a small gap between dwellings in a sustainable location. Members did not consider that the development would harm the character or appearance of the Area of Outstanding Natural Beauty. They also noted that paragraph 55 of the NPPF would be in support of the application subject to an 'exceptional design', however the Development Manager advised the Committee that this would not be appropriate as the application was solely for outline permission and therefore a final design had not been submitted.

Councillor Durkin was given the opportunity to close the debate. He reiterated his opening remarks and made additional comments, including:

- The design of the proposed dwelling must be of the highest quality due to it being located within the AONB.

RESOLVED

That planning permission be granted subject to conditions relating to the protection of trees on the site and any conditions deemed necessary by officers named in the scheme of delegation to officers.

199. S123565/F - SUFTON RISE, MORDIFORD, HEREFORDSHIRE, HR1 4EN

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet

In accordance with the criteria for public speaking, Mrs Shearer, representing Dormington and Mordiford Parish Council, spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor J Hardwick, the local ward member, commented on a number of issues, including:

- There had been a considerable amount of consultation undertaken by the Parish Council to ensure the application was appropriate.
- The application had been amended during the application process to take into account concerns raised.
- The site was less than one mile away from Mordiford.
- The Parish Plan for Mordiford was adopted in 2006.

Members noted that the application had the support of the majority of the local residents and that a great deal of work had been undertaken by the Parish Council in bringing forward a suitable application to address the housing needs for the residents of Mordiford.

It was noted that the application encompassed a number of features such as allotments, affordable housing, hedgerow retention, sustainable building standards, and a children's play area.

The provision of bungalows on the site was welcomed with the Committee noting that this could make additional family homes available within the locality.

Members did have one area of concern regarding the narrow footpath and requested that this matter be investigated further by the highways department to ensure pedestrian safety was not compromised.

Councillor Hardwick was given the opportunity to close the debate but chose to make no additional statement.

RESOLVED:

That planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission)**
2. **B07 Section 106 Agreement**
3. **C01 Samples of external materials**
4. **G10 Landscaping scheme**
5. **G11 Landscaping scheme – implementation**
6. **I18 Scheme of foul drainage disposal**
7. **The recommendations set out in the ecologist's report dated December 2012 should be followed. Prior to commencement of development, an ecological enhancement scheme based on these recommendations shall be submitted to the Local Planning authority for written approval. The scheme shall be implemented as approved.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.

8. I20 Scheme of surface water drainage
9. H03 Visibility splays (2.4m x 210m)
10. H09 Driveway gradient
11. H11 Parking - estate development (more than one house)
12. H18 On site roads - submission of details (including outfall arrangements and piping of the roadside ditch)
13. H21 Wheel washing
14. H27 Parking for site operatives
15. H19 On site roads - phasing
16. I51 - Details of slab levels
17. I55 - Site Waste Management
18. The allotments and play area hereby approved shall be completed in accordance with details to be approved in writing by the local planning authority prior to the first occupation of any of the dwellings hereby approved.

Reason: In order to ensure that the community facilities are available for use so as to comply with Policy CF5 of the Herefordshire Unitary Development Plan.

Reason for Approval

1. The application has been considered with regard to 'saved' Unitary Development Plan Policies S1, S2, S7, DR1, DR2, DR3, DR5, H6, H7, H9, H10, H13, H15, H16, H19, LA1, LA4, LA5, LA6, NC1, NC7, NC8 and CF5 together with guidance laid down in the National Planning Policy Framework. The development promotes the provision of affordable housing and other community facilities to meet a long-established local need in the context of a current lack of housing land supply. The development, which is within the Wye Valley Outstanding Natural Beauty, is considered small-scale and necessary to facilitate the economic and social well-being of the designated area and its communities, would provide appropriate mitigation and compensation in relation to biodiversity and is in the public interest. Vehicular access from the C1262 is considered appropriate in accordance with Policy DR3, whereas the development would not, in the opinion of the local planning authority, adversely affect the living conditions of existing occupants of Sufton Rise. The local planning authority concludes that the development accords with the presumption in favour of sustainable development as set down in the National Planning Policy Framework.

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. HN10 No drainage to discharge to highway**
- 3. HN08 Section 38 Agreement & Drainage details**
- 4. HN05 Works within the highway**
- 5. HN24 Drainage other than via highway system**

200. 130060/F - LAND SOUTH OF GREYTREE ROAD, GREYTREE, ROSS ON WYE, HEREFORDSHIRE

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet

In accordance with the criteria for public speaking, Mrs Wareing, a neighbouring resident, spoke in objection to the application and Mr Goodwin, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor RL Mayo, one of the local ward members, commented on a number of issues, including:

- The community was not in support of the application with 150 letters of objection being received by the planning department.
- The part of the site subject to the application had not been identified in the UDP or the Strategic Housing Land Availability Assessment (SHLAA).
- The site fell within the AONB.
- There were issues regarding the site boundary as set out in the application.
- There were traffic concerns in the area, the traffic survey was not accurate.
- The application would result in significant overlooking for the residents of Belle View.
- The development fell one dwelling short of the threshold to require affordable housing.
- Consultation dates had been changed throughout the process resulting in confusion to the local residents.
- The application should be refused.

Councillor CM Bartrum, the other local ward member, also made additional comments, including:

- The NPPF introduction stated that it 'allowed people and communities back into planning.'
- The previous application was refused due to the design, scale and layout.
- The application was contrary to UDP policies DR1, H13, H19, LA1, LA2, and LA6.

- The application was also contrary to the NPPF.
- The scale had not been altered since the previous application and the proposed layout was now worse than the original application due to the loss of the play area.
- The NPPF stated that 'better lives for ourselves doesn't mean worse lives for future generations'.
- Although the development fell below the threshold for affordable housing, it could still be required if the development was deemed as phased application.
- The voluntary contribution was significantly lower than what would have been required under a Section 106 agreement.

The debate was opened by a number of Members speaking in objection to the application. It was considered that the application would result in overdevelopment of the site; that the application was contrary to policy H13 of the Unitary Development Plan and that it was contrary to paragraph 123 of the National Planning Policy Framework. Concern was also expressed regarding the applicants offer of £5000 as it was not considered that the threshold for a Section 106 agreement was not appropriate. Members noted that if the Community Infrastructure Levy had been in place the applicant would have been required to pay approximately £140,000. The offer of £5000 was therefore seen as insufficient.

Members also had concern regarding the possibility of a staged development, as the current application fell below the affordable housing threshold, and sought assurances that this would not be permitted.

Members continued to discuss the policy issues and stated that the application was also contrary to UDP Policies DR4 and H14. It was further noted that the application site fell within the Wye Valley AONB.

In response to a question, the Principal Planning Officer advised that plot number one was five metres away from the dwelling known as Belle View.

Members noted that there had been some concerns in respect of the accuracy of the plans with particular reference made to an incorrect boundary line. They considered that the issues resulting in the previous application on the site being refused had not yet been addressed and requested that the previous reasons for refusing the application still stood.

The Development Manager advised that the current application had been submitted in order to address the technical reasons given for refusing the previous application on the site, he noted that it was the Committee's opinion that these technical matters had not been overcome. He advised Members that the Council's lack of a 5 year housing supply, as required by the NPPF, would be a significant issue if the decision was appealed.

Councillors Mayo and Bartrum were given the opportunity to close the debate but they chose to make no additional statements.

RESOLVED:

THAT planning permission be refused for the following reasons:

- 1. The proposal, by reason of its scale, design and layout in this highly prominent and elevated location, would be out of keeping with the prevailing residential character of the locality and would detract from the contribution that this site makes within the Wye Valley Area of Outstanding**

Natural Beauty, the setting of Ross on Wye and the immediate locality. It is not considered that the proposal adequately mitigates for its impact within this edge of settlement location or results in a form of development that promotes or reinforces the distinctive character and appearance of the locality. Therefore, the proposal is contrary to Policies DR1, H13, LA1, LA2, LA3, LA5, LA6 and HBA9 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework which attaches great weight to conserving the landscape and scenic quality of Areas of Outstanding Natural Beauty and seek to ensure that development establish a strong sense of place, respond to local character and are visually attractive.

Informative

- 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 and by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.**

201. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 1.35 pm

CHAIRMAN

PLANNING COMMITTEE

15 May 2013

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

SE100966/F – APPLICATION (PAR RETROSPECTIVE) TO ERECT, TAKE DOWN AND RE-ERECT POLYTUNNELS, ROTATED AROUND FIELDS AS REQUIRED BY THE CROPS UNDER CULTIVATION (SOFT FRUIT) AT PENNOXSTONE COURT FARM, KINGS CAPLE, HEREFORDSHIRE, HR1 4TX

For: N J & I E Cockburn per Mr Anthony Aspbury, Unit 20, Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW

OFFICERS COMMENTS/ADDITIONAL REPRESENTATIONS

This report has been prepared to address the absence of the informative note regarding the Statement of Positive and Proactive Working from the original committee report and subsequent decision notice. Inclusion of the informative note is a legal requirement.

Since the issuing of the decision notice the applicants solicitors have written to challenge the Council's ability to amend the decision notice retrospectively and also that the Council did not act in a positive and proactive manner in determining the application.

The Council has subsequently taken legal advice. This confirms that the decision notice cannot be amended but that a Committee resolution should be sought to effect that Members are made aware of the omission and are content that its absence would not have had a material effect upon the decision to refuse planning permission in accordance with the recommendation.

Officers reject the allegation that the Council has not acted positively and proactively. Following the decision of the Court to quash the planning permission officers met with the applicant and his professional representatives to agree a timetable for re-determination, the nature and scope of additional information required and also undertook a joint site visit to establish the representative viewpoints and extent of landscaping undertaken. The report to committee was the culmination of several years' of engagement with the applicant via his professional representatives. Against this background officers are content that the Council has discharged its duty to act positively and proactively in determining the application.

CHANGE TO RECOMMENDATION

In light of the legal advice received, the Council cannot issue an amended decision notice as originally intended. As such the recommendation as set out in the agenda should be amended as follows:

That the Council recognises that it issued an incorrect decision notice that did not include the Statement of Positive and Proactive Working but that this was not prejudicial to the decision to refuse planning permission at the Planning Committee meeting on 24 April 2013.

N123414/CD - VARIATION OF CONDITION 15 OF PLANNING PERMISSION DCNC0009/1820/CD AT HOPE FAMILY CENTRE, HEREFORD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4QU

For: Mrs Davis, Hope Family Centre per Mr Robert Scott, Property Services, Plough Lane, Hereford, HR4 0WZ

Application Withdrawn

123415/CD - VARIATION OF CONDITION 2 OF PLANNING PERMISSION DCNC0009/1820/CD AT HOPE FAMILY CENTRE, HEREFORD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4QU

For: Herefordshire Council per Mr Robert Scott, Property Services, Plough Lane, Hereford, HR4 0WZ

Application Withdrawn

123428/CD - VARIATION OF CONDITION 14 OF PLANNING PERMISSION DCNC0009/1820/CD AT HOPE FAMILY CENTRE, HEREFORD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4QU

For: Mrs Davis, Hope Family Centre per Mr Robert Scott, Property Services, Plough Lane, Hereford, HR4 0WZ

ADDITIONAL REPRESENTATIONS

Two further letters of representation have been received from Eleanor Morris and Cliff Morris, Immediate neighbours to the site. The letters object to all three applications. The points raised in the letters are summarised below;

- Existing parking (16 spaces and 3 disabled) is too small for the nature of use being proposed, with parking already occurring on grass verges of highway;
- Continual breach if planning conditions since the development opened; and
- Impact of changes on their own residential amenity, particularly the extended hours.

OFFICER COMMENTS

The points raised in the letters are noted and have been considered and covered within the Committee Report.

NO CHANGE TO RECOMMENDATION

130191/O - OUTLINE FOR THE ERECTION OF ONE SINGLE STOREY DWELLING AND DOUBLE GARAGE WITH ALL MATTERS RESERVED AT LAND ADJACENT HARWELL, BRAMPTON ABBOTS, ROSS ON WYE, HR9 7JD

For: Mr & Mrs Snell per Mr Simon Snell, Eglosderry, Merrymeeting, Gwennap, Redruth Cornwall, TR16 6BL

OFFICER COMMENTS

The following informative is added to the recommendation.

Informative:

- 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 and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.**

CHANGE TO RECOMMENDATION

That the above informative note be added to the recommendation.

S123565/F - ERECTION OF 12 NO. AFFORDABLE UNITS WITH ASSOCIATED ACCESS, LANDSCAPING AND ALLOTMENTS AT SUFTON RISE, MORDIFORD, HEREFORDSHIRE, HR1 4EN

For: West Mercia Housing Group per Quattro Design Architects Ltd., Imperial Chambers, Longsmith Street, Gloucester, Gloucestershire, GL1 2HT

ADDITIONAL REPRESENTATIONS

Heads of Terms have been provided to confirm that all dwellings shall at all times be let and managed by a Registered Housing Association with the intention that the affordable housing units shall not be used for any purpose other than the provision of accommodation via affordable rent and shared ownership.

It is also confirmed that each dwelling shall be allocated to a person who is considered by the Registered Housing Association to be in need of such accommodation, registered with Home Point (or any successor agency) and has a strong local connection with Mordiford and Dormington as a priority, cascading out to adjoining parishes and then elsewhere in Herefordshire.

NO CHANGE TO RECOMMENDATION

130060/F - ERECTION OF 14 NO. SEMI-DETACHED AND DETACHED DWELLINGS AT LAND SOUTH OF GREYTREE ROAD, GREYTREE, ROSS ON WYE,

For: K W Bell Group Ltd per Walter Stuart, Treetops Studio, Sevenleaze Lane, Edge, Stroud, Glos GL6 6NJ

ADDITIONAL REPRESENTATIONS

Ross Rural Parish Council –

Resolved to object to the revised planning application noS130060/F erection of 14 semi- detached dwellings at Greytrees, Ross-on-Wye.

Despite the revision to the application, the main reason for the objection is that the density of housing is considered to be out of keeping with that of the surrounding residential area.

Two further letters received from a local resident and Greytrees Residents Committee. In respect of revised plans. The points raised are summarised as follows:

- Land not previously identified should be retained as rural
- Development will compound existing problems for traffic exiting the avenues.
- Increased risk of casualties.
- Speed limit should be lowered. Will not know if development will improve highway safety, will only know when built.. Prudent to measure traffic speed in light of changes proposed.
- Determine in line with manual for Streets and MFs2 and latest Department for Transport Circular 01/2013 . Do not be intimidated by developer and consultants.

OFFICER COMMENTS

The issue of density has already been addressed within the Committee Report. The issues raised in relation to traffic speed and highway safety were considered by Transportation Manager and members will note no objections are raised subject to appropriate conditions.

NO CHANGE TO RECOMMENDATION



MEETING:	PLANNING COMMITTEE
DATE:	5 JUNE 2013
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not a key decision

Recommendation

That the report be noted

APPEALS RECEIVED

Application 123312/FH

- The appeal was received on 3 May 2013
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr C J Whittaker
- The site is located at Chances Barn, Barton Farm, Colwall, Malvern, Herefordshire, WR13 6HW
- The development proposed is Proposed entrance lobby/utility room link extension to garage block.
- The appeal is to be heard by Householder Procedure

Case Officer: Mr N Banning on 01432 383093

Application 121045/F

- The appeal was received on 8 May 2013
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr M Jelf
- The site is located at Land south of Greytree Road, Greytree, Ross on Wye, Herefordshire
- The development proposed is Erection of fourteen semi-detached and detached dwellings
- The appeal is to be heard by Hearing

Case Officer: Mr A Prior on 01432 261932

Further information on the subject of this report is available from the relevant case officer

Application 123556/F

- The appeal was received on 9 May 2013
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Non determination
- The appeal is brought by Two Rivers Housing Association
- The site is located at Land Adjoining Rose Cottage, Gorsley, Ross-On-Wye, Herefordshire
- The development proposed is Erection of 10 no. affordable homes with associated parking, access and landscaping
- The appeal is to be heard by Written Representations

Case Officer: Mr C Brace on 01432 261947

APPEALS DETERMINED

Application 121111/F

- The appeal was received on 23 January 2013
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr J Parrott
- The site is located at Land off Coxs Meadow, Lea, Ross-on-Wye, Herefordshire
- The development proposed was Construction of a bungalow with parking
- The main issue was:
 - The effect of the proposal on the character and appearance of the area

Decision:

- The application was refused/approved under delegated powers on 25 June 2012
- The appeal was allowed on 25 April 2013

Case Officer: Mr A Prior on 01432 261932

Application 112612/F

- The appeal was received on 16 November 2012
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by The Owner and/or Occupier
- The site is located at Land off Attwood Lane, Holmer, Hereford, HR1 1LJ
- The development proposed was Residential development comprising of 29 dwellings
- The main issues were:
 - Firstly, having regard to the location of the site outside the defined settlement boundary to Hereford as identified in the UDP, whether its current release for development is justified by housing land supply considerations, having particular regard to the effect of the proposed development upon the visual and landscape character of the surrounding area; and
 - Secondly, the impact of the proposed development upon the efficient operation of the highway network, having particular regard to the cumulative traffic impacts of the development alongside other committed development in the locality

Decision:

- The application was refused at Planning Committee, against Officer recommendation, on 29 August 2012
- The appeal was allowed on 29 April 2013
- An Application for the award of costs, made by the Appellant against the Council, was dismissed

Case Officer: Mr R Pryce on 01432 260288

If members wish to see the full text of decision letters copies can be provided.



MEETING:	PLANNING COMMITTEE
DATE:	5 JUNE 2013
TITLE OF REPORT:	<p>130351/F - ERECTION OF 150 DWELLINGS (MIX OF 1-5 BED), NEW EMPLOYMENT (COMMERCIAL AND LIVE WORK UNITS), COMMUNITY BUILDING, 1.4 HECTARES OF PUBLIC OPEN SPACE, COMMUNITY ORCHARDS AND ALLOTMENTS, PLAY AREAS, CYCLE & FOOTPATHS, BUS STOP & PEDESTRIAN CROSSING AT LAND SOUTH OF THE B4349 & WEST OF THE C1221, KINGSTONE, HEREFORDSHIRE, HR2 9HP</p> <p>For: Mr Hines per Architype, Upper Twyford, Twyford, Hereford, Herefordshire HR2 8AD</p>
WEBSITE LINK:	http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=130351&NoSearch=True

Date Received: 7 February 2013

Ward: Valletts

Grid Ref: 342542,236268

Expiry Date: 6 June 2013

Local Members: Councillors JF Knipe and DC Taylor (neighbouring ward)

1. Site Description

- 1.1 The site extends to 7.85 hectares of agricultural land located in the village of Kingstone, 7 kilometres (4.3 miles) south west of Hereford. The site is broadly triangular in shape and fronts on to the B4349 to the north and adjacent the C1221 to the east known as Church Lane. Public right of way number KS25 borders part of the south west boundary, the remainder borders the playing fields operated by Kingstone Sport Association except a small spur to create a new cycle path across the playing field connecting with Church Lane. Centrally along the northern boundary is a detached two storey dwelling and in the north east corner are a further three detached two storey dwellings.
- 1.2 On the north side of the B4349 are predominantly detached and semi-detached two storey dwellings including Lowfield Meadow and Coldstone Cross estates. South east of the site is the residential estate known as Cottons Meadow. On the eastern side of Church Lane is Bridge Court, a detached house and range of converted barns which are grade II listed. The majority of the western boundary borders agricultural land. Immediately north of the site is the doctors surgery and north west are Kingstone primary and secondary schools.
- 1.3 Levels within the site generally fall away from a high point near the south east corner to all the boundaries of the site, the largest level differential being around 3 metres. The majority of the remaining boundaries of the site are enclosed by mature native hedge, the south west boundary hedge also containing a number of mature and semi mature trees. A mature oak tree sits adjacent the southern boundary, aside from this there are no other trees within the site.

Further information on the subject of this report is available from Mr R Pryce on 01432 260288

- 1.4 The site is characterised as 'Principal Settled Farmlands' on the Council's Landscape Character Supplementary Planning Document but there are no national or statutory designations landscape or other designations on the site or in the locality that are relevant to the considerations of the application. The site adjoins but falls outside the settlement boundary for Kingstone as identified in the Herefordshire Unitary Development Plan (UDP) and therefore in planning policy terms, falls within the countryside.

The Proposal

- 1.5 The proposal seeks full planning permission for the construction and provision of the following:
- 150 dwellings and associated garaging/car ports comprising 1 and 2 bed apartments and 2 to 5 bed detached, semi-detached and terrace two storey dwellings,
 - 53 of the 150 units will be affordable dwellings split between 80% intermediate tenure and 20% social rent.
 - 13 of the 150 are live/work units with workspace provided as an annex to the dwellings or as outbuildings
 - 5 stand-alone commercial units for use as offices, workshops, farm shop etc.
 - A community building
 - 10 community allotments
 - An integrated Sustainable surface water drainage system
 - 1.4 hectares of formal and informal public open space including new orchard, allotments and an equipped play area incorporating an outdoor gym.
 - A new vehicular access on to the B4349 to include a new pedestrian crossing and shared footpath/cycleway running through the site linking to Church Lane
- 1.6 The development is proposed in three phases and the dwellings are arranged into three clusters or neighbourhoods. Access is off a hierarchy of internal estate roads designed around shared space principles. Parking is a mixture of garaging and car ports, on plot and on street parking. All buildings are orientated north/south as the layout and buildings have been designed and will be constructed to achieve Passivhaus accreditation, which is the most rigorous energy and construction standard in Europe. The neighbourhoods are broken up with a series of swales and attenuation ponds to create an integrated sustainable drainage solution. Running centrally through the site is a green swathe that includes allotments, orchards, informal and formal public open space, play facilities and new off road cycleway. A cluster of nineteen houses in the south west corner of the site is also to be occupied and managed by a co-housing group.
- 1.7 The application is supported by the following technical reports
- Flood Risk Assessment
 - Design and Access Statement
 - Planning Statement incorporating a Statement of Community Involvement and Section 106 Heads of Terms
 - Transport Assessment including a safety and mobility audit
 - Framework Travel Plan
 - Archaeological Assessment
 - Drainage Feasibility Study
 - Ecological Survey and Impact Assessment
 - Ground Investigation Report
 - Landscape and Visual Impact Assessment

1.8 The development was also screened against the Environmental Impact Assessment Regulations on 12th November 2012. It was concluded that the proposal is not an EIA development.

2. Policies

2.1 National Planning Policy Framework (NPPF):

At the heart of the NPPF is a presumption in favour of sustainable development and this is defined as encompassing an economic, environmental and social dimension which are mutually dependant.

Paragraph 14 states that where relevant development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the police in the NPPF as a whole: or specific polices in the NPPF indicate development should be restricted. Relevant sections are as follows:

Section 1 Building a strong and competitive economy
Section 3 Supporting a prosperous rural economy
Section 4 Promoting Sustainable Transport
Section 6 Delivering a wide choice of high quality homes
Section 7 Requiring good design
Section 8 Promoting healthy communities
Section 10 Meeting the challenge of climate change, flooding and coastal change
Section 11 Conserving and enhancing the natural environment

2.2 Herefordshire Unitary Development Plan (UDP):

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S4	-	Employment
S6	-	Transport
S7	-	Natural and Historic Heritage
S8	-	Recreation, Sport and Tourism
S10	-	Waste
S11	-	Community Facilities and Services
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
DR13	-	Noise
DR14	-	Lighting
H4	-	Main Villages: Settlement Boundaries
H7	-	Housing in the Countryside Outside Settlements
H9	-	Affordable Housing
H13	-	Sustainable Residential Design
H16	-	Car parking
H19	-	Open Space Requirements
E8	-	Design Standards for Employment Sites
E10	-	Employment Proposals in or Adjacent to Main Villages
TCR14	-	Village Commercial Facilities
T1	-	Public Transport Facilities

Further information on the subject of this report is available from Mr R Pryce on 01432 260288

T6	-	Walking
T7	-	Cycling
T8	-	Road Hierarchy
T11	-	Parking Provision
LA2	-	Landscape Character
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC3	-	Sites of National Importance
NC4	-	Sites of Local Importance
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC8	-	Habitat Creation, Restoration and Enhancement
NC9	-	Management of Features for the Landscape Important for Fauna and Flora
ARCH 1	-	Archaeological Assessment and Field Evaluations
ARCH6	-	Recording of archaeological remains
RST1	-	Criteria for Recreation, Sport and Tourism Development
RST3	-	Standards for Outdoor Playing and Public Open Space
W11	-	Development and Waste Implications
CF2	-	Foul Drainage
CF5	-	New Community Facilities

2.3 Other Guidance:

Supplementary Planning Documents:
Landscape Character, Planning Obligations, Biodiversity, Design and Archaeology,

2.4 Other Material Considerations

Annual Monitoring Report,
Strategic Housing Land Availability Assessment
Local Housing Market Assessment (2013)
Housing Needs Surveys for Kingstone and surrounding parishes
Interim Greenfield Housing Development Protocol

2.5 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

3.1 No planning history exists for the site and there is no history in the immediate area that is relevant to this application.

4. Consultation Summary

Statutory Consultees

4.1 Environment Agency

The site is entirely within Floodzone 1 and therefore the Environment Agency do not offer any bespoke comments on the development. Standing advice on minimising flood risk and sustainable drainage is provided.

4.2 Welsh Water

No objection in respect of foul drainage, sewerage treatment or water supply subject to conditions. In particular, a condition requiring a hydraulic modelling assessment to establish the nearest point of capacity within the public sewerage system and the associated new infrastructure required is recommended.

4.3 Ramblers

No comments received

4.4 Open Spaces Society

No comments received

Internal Council Advice

4.5 Traffic Manager

The proposed site access is onto the B4349 East of the school and acceptable visibility can be achieved. The Road Safety Audit for the highway works requires further information and details regarding the design of the pedestrian crossing and cycleway connections. Bus shelters at the entrance to the site, either side also need to be provided to support the development and the Framework Travel Plan.

The layout is subject to a S38 Highways Act Agreement and has been subject to detailed discussions. The development incorporates SUDS which will be a combination of Swales, open channels and balancing ponds discharging into local water courses and/or highway drains. This approach is acceptable to HC Highways.

The road layout is designed to retain a rural environment minimising kerbing, with an average of 2 parking spaces per property. The parking needs re-visiting to reflect the rural location of the site, avoid damage to the SUDS and accommodate visitor parking. The emergency access requires modification to link into the development at the nearest point.

The Framework Travel Plan requires altering to provide further information on the timing of its implementation and the associated surveys.

The TA hasn't identified any junction issues in the immediate vicinity of the site. There will be a number of vehicles going to and from Hereford during the peak hour. The number is not significant but must be recognised and recorded for future developments.

The S106 contributions will be as per the SPD to improve the connectivity of the site to the remainder of the village and surrounding employment sites such as Madley and support wider sustainable transport initiatives such as 2share and park and ride/cycle.

No objection subject to resolution of the outstanding issues detailed above.

4.6 Economic Development Manager

The commercial units are designed to be suitable for small start-up businesses with easy in, easy out rental agreements and should complement the existing local employment provision. There is likely to be sufficient demand for the scale of commercial development proposed.

We are also supportive of the proposed element of live/work units within the scheme. According to the 2011 Census, the percentage of people who 'Work mainly at or from home' in

Herefordshire is 12%. This compares with 6% for the West Midlands region and 7% nationally. There are a limited number of specifically designed live/work units in the county, so there is likely to be sufficient demand for live/work element proposed as well.

There are a number of local rural employment sites of varying sizes within a few miles of the proposed development. Units on these sites are of a range of sizes, quality and occupancy rates but are predominantly poorer quality units and surrounding environments. The residential element of the proposed scheme could help stimulate local employment opportunities in the long term and could stimulate further development at existing employment sites in the area. So whilst Kingstone is a rural settlement, we believe that the proposed location offers greater opportunities for sustainable employment within the local area than other similar rural sites.

If successful, Archihaus propose to establish a new factory in Herefordshire to firstly construct the houses for the Kingstone development, but expanding to supply other similar local and national developments with a manufacturing capacity of 500 houses a year. This would be the first Passivhaus house factory in the UK and will initially create up to 40 skilled local jobs whilst also providing a significant boost to the local supply chain and other local businesses.

In summary we support the above planning application from an economic development perspective for the following reasons:

1. Provision of new high quality employment to scale appropriate to its location
2. Long term potential for sustainable local employment
3. Establishment of a new house factory and creation of skilled local jobs
4. Boost to local supply chain and other local businesses

4.7 Strategic Planning Policy Manager

The NPPF places the focus on delivering sustainable development by achieving a balance between environmental, economic and social roles. The NPPF states that for rural areas development will be encouraged where it will enhance or maintain the vitality of rural communities. Kingstone is identified as a settlement within the UDP as being a sustainable location to deliver further housing, and as such it is considered that the development of this site would complement the NPPF on achieving sustainable development.

The introduction of the NPPF means that Councils need to provide a five year supply of housing. As Herefordshire cannot provide a 5 year supply of housing, in July 2012 Council resolved to approve an interim protocol which effectively enables exemption to Policy H7 of the UDP to allow appropriate residential development outside settlement boundaries of main settlements to address the housing shortfall. The interim protocol specifies that sites should be located at a main settlement as defined by Policy H4 of the UDP, be located adjacent to the settlement boundary and assessed in the SHLAA as having low/minor constraints.

The subject site is located adjacent the settlement boundary of Kingstone, a main settlement defined under Policy H4 of the UDP. The site was assessed in the SHLAA (HLAA/102/001) as having 'significant constraints.' However, the SHLAA considered the site as being suitable, achievable and available for development, with the assessment detailing that the entire site could be developed with an approximate capacity of 287 dwellings. The significant constraints classification comes from the development being of such a large scale. The proposal on the subject site is at 18 dwellings per hectare, which is much lower than envisaged, however given the rural context of the site and need to integrate greenspace to minimise impacts to the landscape in such a large development, it is considered appropriate for such a low density. Given that the significant constraint arises as part of the impact of the landscape, a much lower density scheme would mean that the site could be re-assessed as having low/minor constraints if assessed as appropriate by the landscape team.

Subject to support from the landscape team and given that the site is now proposing to come forward in the short term, it would add considerably to the housing shortfall and as such should be considered as appropriate for being considered under the interim protocol which is a material consideration in a planning determination.

The application introduces a number of live-work units which will give much needed employment development to support the rural areas. Although the employment sites will be located outside the settlement boundary, a comprehensive scheme will enable these units to be integrated with the proposed housing development and in-turn the village. Taking this into account, the employment development would be compliant with Policy E10 of the UDP.

Conclusion

The site in principle is suitable for residential development. As the Draft Core Strategy is not at a stage to be given material weight, the planning application will need to be judged upon the compliance with the NPPF, the adopted Interim protocol, and the Unitary Development Plan.

4.8 Environmental Health Manager

No objection subject to conditions restricting construction and delivery times.

4.9 Conservation Manager (Landscape and Trees)

The landscape character type is principal settled farmlands. A majority of the housing and the large school site is post 1943. Land at the centre of the triangle mostly remains as agricultural, including the proposed site. Other than well maintained field hedges and occasional hedgerow trees, there are no notable landscape features of the site.

The Landscape Strategy submitted with the application is welcome. It demonstrates that landscape character has been taken into consideration as part of the design process. The proposed scale and density of the buildings themselves, will retain the integrity and the character of Kingstone when set within the context of existing modern housing developments. The existing hedgerow pattern will be retained and the distribution of new open space and proposed planting will provide a good level of green infrastructure.

The concept and vision are '*creating a sustainable, distinctively rural and Herefordshire design of housing and landscape*'. This is welcomed and has been carried through into the wider landscape masterplan, as well as the detailed proposals. The green infrastructure framework includes various scales of amenity space, public realm, play and water management, each with a definite use in mind, and all linked by using native planting and locally distinctive hard materials. This reflects the landscape character assessment and will suitably integrate the development into the surroundings.

The landscape drawings by Churchman Landscape Architects clearly set out all the required hard and soft landscape details. Combining the detailed specifications in the key, with the images and descriptions in the landscape strategy, demonstrates that the proposal will create a sense of place and a high quality finish.

There is no objection on landscape grounds. The proposals are in accordance with the relevant landscape UDP Policies, which are consistent with the NPPF and the emerging Core Strategy. Policy LA2 is met as the application clearly demonstrates that landscape character has influenced the design proposals. There will be a change to the setting of Kingstone, but the development would respect the important visual approaches, retain views out to the open countryside and create green infrastructure to enhance the landscape character, in accordance with Policy LA3. The proposals protect the important existing trees and hedgerows, and also enhance vegetation cover on the site, as required by Policy LA5. The detailed landscape drawings address all the aims set out in Policy LA6 on landscape

schemes, however a condition on landscape management should be added to ensure that the intended amenity and biodiversity values are achieved in the long term.

4.10 Conservation Manager (Ecology)

A comprehensive survey of the site has been undertaken. It is predominantly an arable field with boundary hedgerows and field margins. These development proposals comply with the biodiversity principles of the NPPF with provision of biodiversity protection and enhancement measures; this includes retention and enhancement of existing hedgerows, planting of traditional orchard trees and inclusion of native tree and shrub planting and a Sustainable Drainage System that enhances ecological connectivity across the site. If this application is to be approved, appropriate management of these features will need to be secured through an appropriately worded condition.

No evidence of reptiles was found during the surveys in spite of the presence of suitable habitat. Two pairs of breeding skylark were recorded and the report recommends off site mitigation for the loss of their breeding habitat. Bat surveys recorded only a limited amount of activity; the development proposals include retention of most of the hedgerows (commuting and foraging corridors) and enhancement of onsite habitats including installation of roosting features.

There is a pond approximately 100 metres to the east of the site that supports a medium population of great crested newts; mitigation and enhancement measures are proposed, the details of which will need to be finalised if this application is ultimately approved. A method statement will need to be submitted to cover measures to avoid harm to the species.

If European Protected Species are present on a development site, the Local Planning Authority must establish whether the three tests have been met prior to determining this application. If the Wildlife Licensing Unit at Natural England is also happy that these Tests have been satisfied, then an EPS development licence can be granted.

There will be no direct impact to the pond with great crested newts and the report includes mitigation and enhancement measures on-site to ensure that favourable conservation status is maintained.

If this application is approved, a condition is required to achieve a working method statement for species and habitat protection and a habitat enhancement and management strategy.

4.11 Conservation Manager (Archaeology)

The submitted archaeology Desk-Based Assessment is good quality and acceptable.

Although the area is generally disturbed and of comparatively low sensitivity, there is some potential for military remains in the north west corner associated with the historic Madley Airfield.

I do not think it necessary in this case to also undertake a field evaluation, and I can see no real objection to the development in terms of archaeology, subject to condition seeking some mitigation.

4.12 Strategic Housing Manager

The Housing Team support the application for 150 houses of which 53 are affordable units.

The last survey undertaken was in 2008 identifying a need of 15, however the adjoining villages have an unmet need collectively of 87. Therefore the overall need for the village and

cascading villages is 102. Furthermore taking into account those registered on home point looking for accommodation would equate to a further 202 applicants.

The Housing Team have worked closely with the developer and have in conjunction agreed on the house numbers, types and specifications. The units are a mixture of social rent and Intermediate housing possibly comprising of some Low Cost Market (LCM) units. The LCM units will have to be initially sold in line with the Technical Data affordability levels, currently set at 1 Bed £78,000, 2 bed £97,000 and 3 bed+ £109,000. Subsequent sales would then be sold at a discounted rate, on average the percentage reduction is 40%, this is to allow the properties to remain affordable in perpetuity.

All of the units are to be made available to those with a local connection to Kingstone in the first instance.

4.13 Public Right of Way Manager

No comments received

4.14 Education

The educational facilities provided for this development site are South Hereford City Early Years, Kingstone & Thruxton Primary School, Kingstone High School and South Wye Youth. Kingstone & Thruxton Primary School has a planned admission number of 30. As at the schools Spring 2013 Census 1 year group was at capacity. Kingstone High School has a planned admission number of 136. As at the schools Spring 2013 Census All Year groups have spare capacity

Approximately 1% of the population are affected by special educational needs and as such the People's Services Directorate will allocate a proportion of the monies for Primary, Secondary and Post 16 education to schools within the special educational needs sector. There is currently surplus capacity with the catchment secondary school and therefore no contribution is required for this sector. The required contribution based on the adopted SPD is £301,625.00.

4.15 Drainage Engineer

The contents of the Flood Risk Assessment and Drainage Strategy are acceptable. Further analysis of ground conditions will be required to firm up the drainage strategy which can be achieved by condition.

4.16 Waste Operations Manager

The development looks like it is well thought out and planned regarding the collection of refuse and recycling from the properties.

There are some concerns over the number of areas where the refuse collection vehicle could over run the road boundary. I also note that it is expected that most residents will bring their waste and bins to a communal point ready for the refuse collection but it is not clear how the residents will be informed of this arrangement or whether this is something which will be written into the covenants for each property to ensure that in future all residents continue to do this.

4.17 Parks and Countryside Manager

The mix of both on and off site POS provision provided by this development more than adequately meets the required policy quantity standards for H19 and RST3 and are in accordance with pre-application negotiations.

The application demonstrates good connectivity between proposed and existing POS facilities and an appropriate mix of on-site types of POS to meet policy requirements including neighbourhood natural play, toddlers play, orchard and an outdoor gym.

Section106 contributions for on and off site play and off site sport are as previously agreed. Commuted sums in line with the latest index linked tariffs will be required prior to the adoption of the POS.

Parks and Countryside Services are in support of this development.

4.18 Libraries Manager

No comments received

5. Representations

5.1 Kingstone and Thruxton Parish Council

On 25 March 2013, Kingstone and Thruxton Parish Council held an extraordinary meeting which was attended by 75 members of the public. The objective of the meeting was to give local residents the opportunity to give their views to the Parish Council on the above proposal. There was a healthy debate about the likely impact of such a large development on our community. A vote was taken, and the overwhelming majority (97% of those present) asked the Parish Council to oppose the application for the following reasons:

Herefordshire Unitary Development Plan - The planning proposal does not meet the criteria stated in the current Herefordshire Unitary Development Plan/Local Development Framework for Rural Areas. Specifically the site is agricultural land and has never been identified as a site suitable for housing development. The number of proposed houses greatly exceeds the number required in the latest Local Housing Needs survey. It does not satisfy criteria within Policies H7 and H10.

Core Strategy 2011 – 2031 - The number of proposed houses greatly exceeds the targets set in the Core Strategy Document 2011 -2031, which states that Kingstone should expect 14% housing growth over the 20 year period. The proposed housing (150 houses) equates to closer to 30% housing growth for our village (this does not take account of any other planning proposals in the village). The proposed development is not proportionate to the size of our community, and will substantially damage the character and setting of our village in the local environment. The proposed development does not meet RA2 policy 1 of the Core Strategy.

Foul Drainage - The planning proposal is predicated on the assumption that Welsh Water will upgrade the existing Waste Water Treatment Works in Kingstone, and that a temporary Waste Water Treatment plant will be built on the proposed site in the interim. Waste Water treatment in the village is currently very poor, and it is doubtful that the existing mains sewerage system (over 60 years old) will continue to cope with the existing houses, let alone additional housing. The temporary Waste Water Treatment plant proposed with this application will still require lorries to remove some of the waste at regular periods. This is hardly sustainable. The proposed upgrade of the existing treatment plant may be delayed or cancelled. There are already un-adopted sewerage pipes in Kingstone (crossing the orchard adjacent to Little Dell and serving Cottons Meadow, and The Deans). Will any long term sewerage enhancements (as a result of this development) be fully adopted by the relevant authorities even if they cross private land.

Surface Water Drainage - The drainage feasibility study included with the planning application clearly states that run off rates from the site will increase. The site already suffers from poor drainage which impacts neighbouring roads and the Seven site playing fields. The two preliminary falling head soakaway tests conducted by the applicant showed that the infiltration properties of the ground at the site are very poor. The proposed solutions to the drainage problem are unproven, and if unsuccessful will simply add to the surface water problems currently encountered in the vicinity.

Flood Risk Assessment - This assessment states that the site is a medium risk of flooding from overland flows from undeveloped areas upstream of the site. The proposed solution(s) to mitigate this risk are unproven, and predicated on the 1 in 100 year plus 30% storm event. Recent weather patterns must raise the question whether the proposed solution(s) mitigate the actual risk of flooding on this site.

Transport Assessment - It is totally feasible that 150 houses will result in between 150 and 400 additional cars in the village. Despite the desire of the developers that car journeys will be limited because of local (and quite frankly non existent) employment opportunities. The fact is that the residents of this site will have to commute to work and shop. This will place even more strain on the local road network, and also the A465 Belmont road. The applicant states that traffic flows were assessed between 07.00 and 09.00 and 16.30 to 18.30. It is not clear whether these flows were measured on several days or one day, and also during school term time. The measurement is clearly limited, and the results questionable. For example if the measurement took place during school term time, it did not account for the "end of school rush" which occurs between 3pm and 4pm. It does not seem to account for the increase in HGV traffic which occur when Brightwells hold their monthly auctions at Stoney Street. A development of this scale will have a huge and dangerous impact on our country lanes. It is also likely that the local bus service will deteriorate because of lack of funding/subsidy.

Medical Services - Our local GP Practice will struggle to cope with an additional 400 to 500 patients as a result of this development. The impact will be deterioration in the excellent healthcare provided by the Practice, and will mean local residents will have to travel to access certain health services, which they can currently access locally.

Local Employment Opportunities - There are already numerous vacant work units in the vicinity of Kingstone. There is absolutely no evidence that building additional units on this site will increase local employment opportunities. The vast majority of residents in Kingstone have to commute to their workplace. There is no logic in suggesting this will change because of the Archihaus development on this site.

On-going Management of the Site - There seems to be an assumption on the part of the developer that Herefordshire Council will adopt the public areas of the site (maintenance of allotments, community orchard, and general hedge and grass cutting). It is clear the site will be high maintenance, and will require a fully funded management plan.

Mains Water Supply - Water pressure to existing properties in Kingstone can be quite poor at times. Kingstone's water supply is sourced from the Vowchurch bore hole, which has been subject to variation in supply in the past. This has resulted in water being ferried to Vowchurch by road tanker. It is clear that water supply to properties in Kingstone may be an issue unless further investment is made in the infrastructure.

Housing Design - The proposed design and layout of the houses is not in keeping with a Herefordshire village. It looks like a military camp, populated with continental style houses. There is a real danger that this will become a "village" within a village.

Local Policing - There are plans to further reduce the police presence in the locality. Kingstone already suffers from problems with anti-social behaviour. A development of this scale may increase these anti-social behaviour problems.

Given all of the above we request that Herefordshire Council reject this speculative housing application, and resist the plans to damage and destabilise our village. Kingstone residents accept the need for small scale, appropriate housing development to meet local needs. The Archihaus proposal far exceeds the needs of our community, it is opportunistic, and will fundamentally damage our village (and adversely impact neighbouring villages).

5.2 Madley Parish Council

The Parish Council objects to this application due to the number of proposed houses far exceeding the 14% housing growth over 20 years detailed for Kingstone in the Core Strategy 2011-2031. This development would allow 150 houses which is around 30% housing growth and does not allow for any other proposals in the parish which may seek planning permission during the 20 years. It is felt that the number of dwellings in one development would be detrimental to a village the size of Kingstone.

5.3 127 letters and e-mails of objection have been received. The main points raised are:

- The principle of development on this greenfield site is not in accordance with either Policy H7 or H10 of the Unitary Development Plan;
- A far smaller development off Whitehouse Drive (35 dwellings) was recently refused as too large relative to the village. How can a development four times the size be considered favourably?
- The emerging policies of the Core Strategy envisage 14% growth of villages in the Ross Housing Market Area over the plan period to 2031, which equates to approximately 70 dwellings in Kingstone. The proposal would equate to a 30% increase in households with 15 years of the plan period remaining;
- Can there be any guarantee that further proposals within the plan period could be resisted?
- The scale of development is not acceptable relative to the village and would create a small town. The vast majority of the village is opposed to the development on this basis alone;
- The size of the development is such that the influx of new families would threaten the existing sense of community cohesion;
- The houses are not needed locally and would be beyond the affordability of local families seeking to remain in the village in any case;
- There are a number of houses locally which have been marketed for lengthy periods yet remain unsold. This attests to the lack of local demand and questions the need for this scale of development;
- There are frequent problems with mains water supply, which is unpredictable and often at low pressure. Tankers are required to import water to the local reservoir at enormous cost and the 150 units will exacerbate an existing problem;
- The sewage infrastructure is at capacity already. There is no certainty to the Welsh Water upgrade in 2015, and it would be premature to grant permission on this basis;
- The intended temporary foul drainage solution is likely to cause additional water-logging, is not suited to ground conditions and is reliant upon tankers collecting the effluent – this is not sustainable development;

Further information on the subject of this report is available from Mr R Pryce on 01432 260288

- The site and the roads surrounding are frequently water-logged. It is not certain that the intended surface water treatment will work and it is concluded that development the site with hard-standings is almost certain to worsen the situation rather than improve it;
- The proposal will result in a significant increase to the volume of traffic on the narrow, busy and congested roads locally and on the commute into Hereford via Belmont Road and other routes that are under pressure as motorists seek to avoid the worst of the queues. The Traffic Impact Assessment does not accurately record the peak flows locally and is unrealistic in its expectations of car sharing and home working given the current economic climate;
- The bus service is infrequent and expensive and not a genuine alternative to the private car;
- The industrial units proposed are of no benefit to the existing village, where there are already vacant premises. There is no evidence of additional need and efforts should be made to find users for existing, vacant buildings;
- The village will not take direct benefit from the alleged community benefits. The community building could in fact threaten the viability of the existing village hall, whereas the development is likely to increase surface water issues on the existing, adjoining parish playing fields;
- The development will place additional strain on policing, which is likely to be scaled back, the school and maintenance of other infrastructure such as roads;
- The proposal will affect the quality of service offered by the GP surgery;
- The style, layout and design of the buildings is at odds with the village, which should be allowed to grow via modest developments over a period of time, rather than via a major addition to the village in 'one hit';
- The sustainable credentials should not override the impact that will be felt by the existing population;
- It is concluded that the number of units is driven by the need to finance the proposed Archihaus factory unit and not a response to local demand;
- This green-field site should remain in arable production in the context that food production will become increasingly important in response to population growth. There are alternative brownfield sites, which are supported by national and local planning policies;
- This experimental approach to sustainable house-building would be best suited to an edge of town location rather than a rural village where infrastructure, goods and services are not capable of accommodating such an increase in population;
- The vast majority of the support for the proposal comes from outside the village and the proposal is likely to result in a village within a village, rather that support better cohesion across the community;
- Who will fund the necessary infrastructure upgrades – water, foul drainage and electric?
- The impact upon nesting birds has not been considered;
- Valid concerns are not addressed or diminished by the fact that these are environmentally sound houses;
- What happens if the developer sells the site after obtaining planning permission? How can it be ensured that the eventual proposals deliver what is envisaged by the scheme in terms of the sustainable design?

Additionally, a petition with 70 signatures objecting to the development has been received.

Further information on the subject of this report is available from Mr R Pryce on 01432 260288

5.4 86 letters and e-mails of support have been received. The main points raised are:

- This is an exemplary scheme of how development should address sustainable design and reduced energy consumption;
- The scheme is a locally-based design response to poor quality schemes that are often the norm;
- The low-density, spacing and layout are well considered responses to this rural location;
- The scheme will unite the two distinct parts of the village and offer better connectivity and access to the schools and GP's surgery. It will enhance community cohesion rather than threaten it;
- This would be a landmark Passivhaus scheme that would undoubtedly generate significant publicity and interest nationally. Herefordshire should take the opportunity to embrace such a scheme, which is critical to the future delivery of sustainable housing and the objectives of the emerging Core Strategy;
- The scheme is very well conceived, offers an excellent living and working environment and has positive benefits for the wider community;
- The density is low, the designs interesting and the landscaping an integral part of the scheme rather than a bolt-on;
- Housing is much needed and best delivered via a holistic, master-planned scheme that can deliver benefits, rather than small, ad-hoc and scattered additions that deliver nothing by comparison;
- Energy resources are finite and it is critical to address future deficiencies via sustainable residential design now. Successful developments such as this will act as a stimulus, raising the bar locally;
- The flexible approach to the design and ability to live/work is attractive and there is likely to be significant demand from people who aspire to this lifestyle. This will boost the rural economy;
- There are examples of successful Co-housing schemes elsewhere in the country, but not in Herefordshire. The safe and pleasant environments created are attractive to a range of people;
- The sustainable drainage solution will provide additional wildlife habitat;
- The housing type and mix is based upon local vernacular and offers a range of one to five bed properties which will create a sustainable community and homes that can be adapted to suit changes in circumstance over time;
- Passivhaus accreditation is rare in Britain but more commonplace on continental Europe. This would be the largest Passivhaus accredited scheme in the country and a boon to Herefordshire at a period of economic uncertainty;
- The development is acknowledged as large relative to Kingstone, but is likely to sustain local services such as the school, shop and public house. There is capacity at the local primary and secondary schools;
- The proposal to manufacture Passivhaus modules in a factory based on the Hereford Enterprise Zone is significant and could place Herefordshire at the centre of an emerging, growth industry. The factory will require skilled labour and could create 40 jobs;

Further information on the subject of this report is available from Mr R Pryce on 01432 260288

- Housing is needed and it is preferable that it is delivered by a local firm who have delivered sustainable buildings over a long period, rather than by mass house-builders who seek to maximise development footprints and do not deliver either quality or long-standing economic benefit;
- The low running costs associated with Passivhaus design make the dwellings more affordable than standard builds in the long-term. Certified Passivhaus designs can reduce space heating costs by more than 80% by comparison with Building Regulations.

5.5 The consultation responses can be viewed on the Council's website by using the following link:-
<http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=130351&NoSearch=True>

Internet access is available at the Council's Customer Service Centres:-
www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

6.1 The issues relevant to the consideration of the application are as follows:

1. The Principle and Housing Land Supply
2. Layout, Scale and Landscape
3. Design and Environmental Sustainability
4. Access, Traffic and Sustainable Transport
5. Biodiversity
6. Other Matters:
Employment Provision, Ground Conditions, Flood Risk, Sustainable Drainage, Foul Drainage, Affordable Housing, Section 106, Public Open Space and Play, Heritage Assets
7. Conclusion

The Principle

- 6.2 The Herefordshire Unitary Development Plan (UDP) remains the development plan but the weight its policies attract depends upon their consistency with the National Planning Policy Framework (NPPF). Kingstone is identified as a main village under policy H4 of the UDP where the principle of new residential development is permitted subject to compliance with this and other UDP policies. The site adjoins, but falls outside of the settlement boundary for Kingstone as defined in the UDP and therefore falls within countryside in planning policy terms. New residential development in the countryside can be permitted where it meets one of the exceptions listed within UDP Policy H7. This development does not satisfy any of the exception criteria and is contrary to policy H7 of the UDP. UDP policy H10 concerning rural exception affordable housing is not considered relevant as this relates to 100% affordable schemes. It is therefore necessary to consider whether there are any other planning policy or material planning considerations that support a departure from policies H4, H7 and S3 (which identifies the distribution of housing across the county).
- 6.3 Draft Core Strategy Policy RA1 sets out the future distribution of housing in sustainable rural villages such as Kingstone and identifies a growth target for each village to meet or exceed that is proportionate with the characteristics of the relevant housing market area. However, the Core Strategy is not sufficiently advanced to be given due weight in the consideration of the application and there are no specific policies or proposals that relate to this particular site. Furthermore, objections to policy RA1 have been received through the latest consultation and therefore, it would be premature to fully or partly determine the application against policy RA1 or other elements of the Core Strategy.

- 6.4 The National Planning Policy Framework (NPPF) came into force in March 2012. Paragraph 215 of the NPPF clarifies that due weight can still be given to the relevant UDP policies according to their degree of consistency with the NPPF. This consideration is therefore key to whether the principle of development can be supported.

The NPPF and Housing Land Supply

- 6.5 At the heart of the NPPF is a general presumption in favour of sustainable development and applications for housing should be considered in this context. The NPPF requires the Council to identify a rolling five year supply of deliverable housing land to ensure choice and competition in the market. Additionally, the NPPF requires an additional buffer of 5% (increased to 20% if a planning authority has persistently under delivered housing land). On the basis of the evidence available to date, it is considered the requirement for a 5% buffer is applicable to Herefordshire. The Council's published Annual Monitoring Report (AMR) which monitors housing land availability identified a shortfall of 216 units which equates to a 4.6 year supply, increased to 356 units when a 5% buffer is added.
- 6.6 Paragraph 49 of the NPPF stipulates that relevant policies concerning the supply of housing land should not be regarded as up to date if a five year of housing land cannot be demonstrated. In view of this, there is a requirement to release further suitable land for housing that is deliverable within the next five years. Therefore, if proposed housing development is sustainable and acceptable in all other respects, the conflict with UDP policies H4 and H7 are not reasons for refusal of the application that could be sustained on appeal. This position has recently been reinforced by an appeal decision at Attwood Lane on the northern fringes of the city (reference S112612/F). The Planning Inspector concluded that the relevant UDP housing delivery policies are no longer up to date and therefore inconsistent with the NPPF.
- 6.7 Whilst each application must be considered on its merits, Planning Inspectors and the Secretary of State through appeal decisions are increasingly placing significant weight not only the shortfall, but the scale of the deficit. In this regard, the published AMR is now somewhat dated being based on figures up to March 2011 and furthermore, is based on UDP and adopted Regional Spatial Strategy housing delivery requirements, both of which have now been determined by the government to be out of date and inconsistent with the NPPF in housing land requirement terms. Analysis for 2011/2012 period has recently been completed and data collection for the 2012/2013 period is underway. More up to date evidence on housing need is indicating that the shortfall is significantly more than the published Annual Monitoring Report and is likely to be in excess of a 1000 dwellings. It is considered that based on recent appeal decisions across the country, the *scale* of the shortfall is now also a material planning consideration relevant to this application.
- 6.8 An interim strategy to deal with the housing land supply issue was also agreed by the Council's Cabinet on 12th July 2012. Inevitably, this strategy depends on the release of greenfield sites not yet allocated for development and focuses on sites that have been identified as having low or minor constraints in the Strategic Housing Land Availability Assessment on the edge of the city, market towns and main villages. The exception to this being where it can be demonstrated that the development and location is sustainable and appropriate for additional housing and the environmental and other impacts of the development are acceptable. In this regard, the only reason why the site was determined to have significant constraints is due to the scale of the site but it will be explained later in this report why it is now considered the application addresses this classification. The Strategic Planning Policy Officer does not object to the application on planning policy grounds.
- 6.9 The development also includes small scale employment provision in the form of 5 small stand-alone commercial units and 13 workspaces as bolt-on's to dwellings to create live work units. UDP policy E10 supports small scale employment generating uses within or adjacent to main

villages subject to, amongst other things, there being no other suitable sites readily available within the village. In this regard, the applicants are proposing small, high quality units that would be suitable for start-up business which are currently not available or provided for within the village or area. The opportunity to live and work on the same site is also a format that embraces a key objective of the NPPF which is to promote mixed use developments to assist in creating sustainable communities.

- 6.10 The site will also deliver new community facilities in the form of ten community allotments, significant new public open space, play and sport provision and the co-housing community building which will also be available for community use. There are currently no community allotments within the village and these will be available for both existing and new residents. Part of the co-housing community building will be available for public usage. This will complement existing provision in the village creating a shared use facility that could also provide a business hub for the employment uses on site. The community facilities are considered compliant with the requirements of UDP policy CF5 and section 8 of the NPPF.
- 6.11 Following clear policy guidance within the NPPF and relevant UDP policies in so far as they are consistent with the NPPF, the principle of the housing and employment provision and other community facilities is considered acceptable.

Layout, Scale and Landscape

- 6.12 The layout has been informed by three key priorities – landscape integration, achieving Passivhaus and connectivity to other parts of the village. The density of the development has purposely been designed to be very low (around 19 dwellings per hectare dph). Ordinarily, this may be considered to be an inefficient use of land as at around 35 dph, the site would have capacity for around 280 units. There is no longer a minimum density requirement set within national policy and therefore it is not considered that UDP policy H15 which sets a minimum density of 30 dph need be rigidly applied. Rather, the appropriate density for any particular site should be informed by key design factors identified within Section 7 of the NPPF such as local character, creating a sense of place and a visually attractive environment through good architecture and landscaping. The density is considered appropriate for the location and context of the site and character of the development.
- 6.13 A lower density then enables greater flexibility in terms of the siting and orientation of the buildings and road structure. To achieve Passivhaus design standards, all buildings are orientated within 15° of south. This results in a development structure and uniformity that is not typical of modern British housing developments. To break this up, the development is broken up into three neighbourhoods, within which houses are clustered in groups of 6 to 12 to create a more intimate environment and a local sense of place and ownership. There are also subtle variations in the siting and angle of dwellings throughout to create visual interest and view corridors whilst dwellings are sited to have a mixture of front elevations or rear gardens interacting with the streets. This will mean that from within the development, the uniformity that appears in plan form will not be evident.
- 6.14 The informality of the layout has been further enhanced through the internal road layout being designed around the Homezone concept. This results in a more winding alignment to the roads, variation in widths, the introduction of on street parking bays throughout, street tree planting and segregated pavements are only proposed where essential. This format has been proven to naturally calm traffic speeds and create a shared space environment that is safe for vehicles, pedestrians and cyclists. Additionally, with roads being enclosed by grass ditches and banks, this also creates a road character and hierarchy that is more typical of Herefordshire's villages and rural lanes. The roads structure has also been tested to ensure the development can be accessed with refuse vehicles.

- 6.15 Parking is being provided through a mixture of garages and car ports, on plot and on street parking with an average parking ratio across the development of two spaces per dwelling. This includes provision of 53 on street visitor spaces in the form of parking bays. 15 dedicated spaces are also provided for the commercial units and 4 spaces for the allotments. Additionally, around 400 covered and secure cycle parking spaces will be available either within front porches and/or rear garden sheds to be provided by the applicant. This provision is considered appropriate and in keeping with the character of the development and location of the site.
- 6.16 A prominent feature of the site is the new off highway pedestrian/cycle link connecting the B4349 with Church Lane. Both the site as a whole and this green infrastructure link in particular will assist in physically connecting the two parts of the village which are currently somewhat detached. It will create a safe and legible link to the schools, doctors surgery and the new community allotments and commercial facilities whilst increasing the permeability within the development.
- 6.17 All dwellings will have south facing gardens commensurate with their size which at an average of 200 square metres across the development, considerably exceeds garden sizes for typical modern housing developments. However, not every house owner today seeks a large garden and therefore some plots have been provided with smaller gardens (but still above the minimum garden size recommended by the Building For Life standard) to offer choice to the market. Space between principal elevations of dwellings is also generous with all window to window distance being 21 metres or more. This will safeguard privacy within dwellings and gardens but also ensures dwellings benefit from good solar aspect and generous garden space.
- 6.18 The distribution of the different land uses across the site has also been carefully considered. The four principal commercial units are sited together to form a business hub located on the site frontage and adjacent the site access where they are least likely to conflict with the residential properties in terms of deliveries and parking. The frontage position will also give them some prominence within the wider village and area which will be important if they are used for retail such as a farm shop. The live/work have also predominantly been positioned where they are not immediately adjoining another dwelling such as on the site peripheries and adjacent roads. The community allotments are positioned on the western side of the access where they will be easily accessible and create activity on the site entrance alongside the commercial units. The community building is prominently sited relatively centrally so as to be visible within and from outside the development.
- 6.19 The layout and format of the development is innovative and will create a high quality environment for residents and business in accordance with the requirements of UDP policies DR1, DR2, DR3, H13, E8 and Section 7 of the NPPF.
- 6.20 The scale of the development is large in the context of the village and a number of objectors including the parish councils consider the scale to be damaging to the village. To examine this further, the impact of the development scale requires analysis. The physical impact of the development is not considered to have a harmful impact on the character or setting of the village. Section 4 of this report, detailing the consultation summary, illustrates that there are no planning policy or technical based objections to the impacts of the scale of the development and there is no evidence that existing infrastructure and community facilities in the village do not have capacity or that capacity cannot be made available, where necessary.
- 6.21 Paragraph 52 of the NPPF states that the supply of new homes and achieving sustainable development can sometimes best be achieved through planning for larger scale developments such as extensions to existing villages. This also enables additional community infrastructure to be delivered that would not be possible via smaller piecemeal development and allows the

comprehensive masterplanning of the site. The scale of development is also required to establish the business case for the new Passivhaus factory on the Enterprise Zone.

- 6.22 In the context of the Council presently not having sufficient deliverable housing land, there are therefore not considered to be any strong, evidence based planning reasons to resist the development purely due to its scale particularly in light of the deficit in housing land supply.
- 6.23 Whilst the site has no specific landscape designation, in accordance with planning policy, the layout has been informed by the sites landscape characteristics. In particular, the format of the layout has been designed to bring the landscape into the development and retain strong views of the landscape from within the site by creating a swathe of new, locally distinctive traditional orchard running east/west through the site and formal and informal public open space and allotments running north/south through the site. These along with the low density character of the development assist in breaking up the mass of housing into three smaller neighbourhoods. In fact, the total 'soft' area including gardens is 59% of the site area which is significant by modern development standards.
- 6.24 Details of hard and soft landscaping have been provided which illustrate how the vision for the site will be realised in landscaping terms. Roads are bounded by informal grass verges and swales with flush kerbing, gardens are enclosed by a combination of native hedges and hazel fencing, the public open space is to be of varying scales and informally laid out and planted to include a wildflower meadow and traditional Herefordshire orchard which will also create new biodiversity habitats in accordance with UDP policy NC8. The landscaped environment will be further enriched by a network of wetland features across the site including five attenuation ponds and grass swales as part of the sustainable drainage system. The areas of public open space have also been designed to be lower maintenance than would ordinarily be the case.
- 6.25 In terms of wider landscape impact, the application is supported by a Landscape and Visual Impact Assessment (LVIA). This considers views into and out of the site and the associated visual impact of the development alongside the impact on the landscape character of the site and surroundings. The LVIA concludes that as a result of the layout and design of the development, the wider landscape and visual impact will be negligible. The site is defined as 'Principal Settled Farmlands' within the Councils adopted Landscape Character Assessment. The notable features of this landscape character (boundary hedgerows and hedgerow trees) are all to be retained whilst the new landscaping has been influenced by landscape character as required by UDP policy LA6. Consequently, the development will protect and enhance the visual and landscape character of the area in accordance with the requirements of UDP policy LA2 and section 11 of the NPPF. The Council's Senior Landscape Officer raises no objection to the development.

Design and Environmental Sustainability

- 6.26 The applicant's vision for the development is to 'Transform the quality of housing in Herefordshire'. Flowing from this, a number of key aims for the development arose. In respect of design and sustainability, the following are particularly relevant:
- Creating a sustainable, distinctly rural and Herefordshire design of housing and landscape
 - Achieving high quality, spacious, energy efficient Passivhaus houses at an affordable price
 - Integrating new development into the existing community, and enhancing the sustainability of Kingstone.
- 6.27 To successfully implement these, a house design was required which was distinctively Herefordshire in appearance but also had a form and proportion that would support Passivhaus requirements. Passivhaus is based around the principle that reducing energy consumption though good design is more effective in reducing carbon emissions than other

systems which largely offsets carbon emissions with on-site renewables. Passivhaus is a measurable quality assurance standard that guarantees that a building will achieve a specific and low energy target and optimum level of comfort based on an air tight, thermal bridge-free construction. The system is relatively new in the UK but has been used widely across Europe for the last 20 years and remains the most rigorous energy standard in Europe.

- 6.28 Following an analysis of house types firstly within the village and then across the county, a traditional Herefordshire barn was found to be a vernacular that could be subtly modified to create a contemporary appearance and after testing, was also found to have the plan form and proportions that were suited to achieving Passivhaus. This being a shallower depth and wider frontage than most modern housing.
- 6.29 It is considered that the proposed house designs have successfully carried through the principles of a Herefordshire barn vernacular but in a contemporary manner. The proportions are the same with a strong linear form and relatively steep pitched roof, the detailing is crisp and unfussy including simple lean to porches to add interest. The windows and doors are positioned where they need to be rather than to achieve architectural symmetry and variation in roof form is achieved through some dwellings having lean to's giving the appearance of extensions. All principal rooms benefit from a southern orientation and the internal layouts are flexible and can be designed to be open plan or more traditional to adapt to changing circumstances. The first floor rooms have vaulted ceilings creating light and airy spaces which also assist in improving the internal air quality. Spaces have also been functionally designed to ensure that adequate storage is provided and essential furniture can be accommodated.
- 6.30 The design of the community building is a departure from the dwelling architectural style but this adds interest and will better signify the use of the building. Internally, it will meet the needs of the co-housing group but also will provide up to 160m² of new community space. The design of the commercial units is currently being reviewed to give them greater presence along the frontage but the sustainable design principles will still apply.
- 6.31 A palette of materials has been selected that will create a balanced juxtaposition of traditional and contemporary, with variation across the development to create visual interest. Walls are to be predominantly a combination of vertical and horizontal timber cladding and render although some brick and cedar shingles will also be used. The roofs will be a mixture of terracotta and darker tiles, slate, cedar shingle, metal standing seam and corrugated roof. All materials will also have to meet strict sustainability criteria including the use of locally sourced timber, recycled newspaper insulation, triple glazed windows and organic paints.
- 6.32 A broad housing mix is proposed to cater for different levels of affordability and housing need. All dwellings are two storey and comprise a mixture of one and two bedroom apartments and two to five bed properties distributed evenly across the site. Dwellings also have flexibility to accommodate a home office and are between 7% and 16% larger than modern developer housing.
- 6.33 With dwellings that achieve Passivhaus, the energy required to heat hot water is greater than that required to heat the building. The buildings will also therefore be designed to achieve AECB Sustainable Building Association 'Best Practice' standard for water efficiency. This is their highest water conservation standard that can be achieved, exceeding current Building Regulations and focusses on the efficiency of the water fixtures and fittings within a house and consequently, with lower flow rates, the cost of heating water is also reduced. Additionally, with all roofs south facing, the use of solar thermal could be maximised. Water conservation will also assist with phosphate reduction as less waste water will need to be treated at the sewerage treatment works.
- 6.34 Other sustainable design measures include the provision of electric vehicle charging points for each dwelling and at other public locations within the development. All dwellings are also

designed to achieve 'Lifetime Homes' standard addressing factors such as space standards, circulation space adaptability and future flexibility. The designs have also been assessed against the Homes and Communities Agency Housing Design Quality Indicators covering three categories of location, design and performance. They also meet the development industry 'Building for Life' standard which is also endorsed by the government to ensure new housing developments are attractive, functional and sustainable places to live.

- 6.35 The design and appearance of the dwellings respects the rural location of the site and character of the area whilst also creating a new, locally distinctive architectural style that is both high quality and original. The comprehensive holistic design approach will also ensure that the buildings are exemplar in terms of the energy performance and functional. The result is that the energy consumption and carbon emissions from the dwellings will be reduced by 70% to 80% when assessed against current Building Regulations. Additionally, this would be the first scheme in the country of this scale to achieve full Passivehaus accreditation. The designs and environmental sustainability of the buildings embraces all aspects of UDP policies DR1, H13 and sections 7 and 10 of the NPPF and is a material consideration to which significant weight can be attached.

Access, Traffic and Sustainable Transport

- 6.36 The application is supported by a Traffic Assessment (TA) which considers the vehicular and pedestrian access arrangements, traffic impact and sustainable transport options.
- 6.37 The site will be served by a single new vehicular access on to the B4349 in an area where no hedgerow currently exists. This will be a standard two way junction with a pavement on both sides. Adequate visibility exists for the speed of traffic in both directions without the need to remove any hedgerow. A new signalised pedestrian crossing is also proposed adjacent the site access which will provide a safe pedestrian/cycle link from the schools and doctors surgery to the north to and through the development via the a new shared 3.5 metre footpath cycleway linking to existing footpaths south east of the site alongside the C1221. This link also provides an alternative emergency access to the site. The proposed works to existing highway have been independently audited to ensure they are both deliverable and safe. Whilst some minor design changes are required, the Traffic Manager raises no objection to the design and detail of the new vehicular, pedestrian and cyclist access arrangements.
- 6.38 The TA also considers the AM and PM peak hour vehicular trips likely to be generated by the development and the impact of this on the local and wider highway network and associated junctions. The predicted two way vehicular movements are 142 in the AM peak and 161 in the PM peak which equates to 2.36 and 2.68 vehicles per minute respectively travelling to and from the site access once the development is complete. This is very much a worst case scenario and does not account for any linked trips between the residential and the commercial, retail or community uses on site or sustainable travel options being taken up.
- 6.39 Traffic surveys were carried out of local junctions and junctions leading on to the A465 Hereford to Abergavenny Road. The peak hour development trip generation has then been applied to the assessed junctions to establish capacity both at the time of the survey and in 5 years ahead. The future forecast also accounts for traffic growth in line with local, regional and national trends. The analysis reveals that all assessed junctions including the new site access will operate within capacity with the full development both now and in the future assessment year.
- 6.40 It is calculated that approximately 50% of the development traffic will be travelling into the city but this level of increase (approximately one additional vehicle every two minutes) will not be perceptible on the city highway network. The TA also examines accidents data and confirms there are no road safety issues in the locality of the site.

- 6.41 Therefore, the traffic likely to be generated by the development will not adversely impact on the local or wider highway network or key junctions including those linking the site to the city. The Traffic Manager raises no objection on traffic generation or highway safety terms.
- 6.42 An hourly bus service runs between the site and the city and bus stops exist on both sides of the B4349 adjacent the site access. Further bus stops exist around 300 metres east of the site serving a wider area. The development will also increase the accessibility by foot and cycle for existing and new residents to a number of key services and amenities within the village including the doctor's surgery, primary and secondary schools, recreation facilities, post office, shop, church and public house.
- 6.43 A framework travel plan has also been submitted to encourage modal shift away from private car usage. This will include the appointment of a travel plan coordinator who will prepare travel plan briefing packs for new residents promoting walking, cycling and bus travel options whilst also arranging travel surveys at key points throughout and after completion of the development. The travel plan is currently being enhanced to more clearly set out targets and measures which will include a 10% to 15% reduction in single car usage over the duration of the development assessed against census data for the area. The site is therefore considered to be sustainable in accessibility terms and through a full travel plan secured by condition, the traffic impacts of the development can be further mitigated.
- 6.44 The access, traffic and accessibility of the development are considered acceptable in accordance with UDP policies DR3, T6, T7 and T8 and section 4 of the NPPF. In particular, assessed against paragraph 32 of the NPPF, it is not considered that the residual cumulative transport impacts of the development are severe.

Biodiversity

- 6.45 The ecological survey and impact assessment of the site and surrounding area has identified that the site has a relatively low ecological significance. The site itself is arable land, being cultivated annually for potatoes and wheat, and generally has little ecological value although the field was being used by a pair of breeding skylarks last year, which are a biodiversity action plan priority species. The hedgerows around the site, which are all to be retained other than the creation of new access points, provide foraging opportunities for bats but no roosting sites were identified.
- 6.46 A small population of great crested newts were found in a pond around 100 metres east of the site (east of Church Lane) and the ecological survey identifies they may use the eastern hedgerow and field margins as part of their wider terrestrial habitat. However, their primary habitat will be retained and there is some distance between the site and the pond, with a road between. The likelihood of an adverse impact on newts or their habitat is therefore very limited but precautionary measures such as restricting initial groundwork's along the eastern boundary to the period when newts are most likely to be absent can be enforced by condition. Alternatively, a protected species license may be required to mitigate newt migration on to the site by erecting newt fencing and based on the information available and the Council's ecologist comments, the relevant regulatory tests for obtaining a license can be met.
- 6.47 Any ecological impact that may arise from the development is compensated for through the layout and design of the development. The retention of the existing species rich hedgerows and mature trees will assist in minimising any direct ecological impact. The low density nature of the development, the significant new areas of informal open space including new orchards and the sustainable drainage design all interconnected with existing landscape features will create new wildlife habitats and green infrastructure corridors. Additionally, the applicants are proposing to create a new skylark breeding area following RSPB guidance in the locality which can be delivered through a Section 106 Agreement.

- 6.48 The impact of the development on phosphate levels within the River Wye is also a material planning consideration. Water efficiency design features will be incorporated, surface water drainage is to be managed sustainably and foul drainage will discharge to a combination of the upgrade sewerage treatment works (with better environmental performance) and/or an interim private treatment plant with a limit on phosphate concentrations. These measures along with the Nutrient Management Plan currently being prepared by Natural England and the Environment Agency will ensure the development will not have any likely significant adverse effect on the integrity of the River Wye Special Area of Conservation.
- 6.49 Any greenfield development will inevitably have some impact on the ecological status of the site particularly during construction but this impact can be acceptably avoided or mitigated through conditions and the completed development will result in an enhancement in the biodiversity value of the site. In this respect, the requirements of UDP policies NC1, NC6 and NC8 and section 11 of the NPPF have been satisfied and on this basis, the Council's ecologist raises no objection to the development.

Other Matters

Employment Provision

- 6.50 The commercial units to be provide are small scale and designed for start up business with easy in/easy out leases. Each unit will be equipped with a kitchen and toilet facilities and have dedicated parking. These will assist in meeting a niche employment sector that is not currently provided for in the village or area.
- 6.51 The live work units are designed as ancillary work-space to the dwelling to enable the creation of dedicated office space or a small workshop, as required. The workspace is smaller than would normally be the case with live/work as the site is primarily residential and national research indicates that larger workspaces are less practical and often difficult to obtain mortgages for.
- 6.52 Whilst not directly linked to this application, the applicants also propose to establish the first Passivhaus factory in the UK on Rotherwas Enterprise Zone if this application is approved. Discussions are at an advanced stage with the Enterprise Zone Board to acquire one of the plots. The dwellings have been designed to enable the construction of fully insulated sectional prefabricated panels in the factory as occurs in Europe which is 30% more efficient than standard house construction. This would initially create 40 high skilled jobs and have a production capacity of around 500 houses per years which could be doubled with shift production. The indirect employment and economic opportunities for local craftsmen and suppliers could be significant. The applicants have also been in discussion with Herefordshire College of Technology about developing bespoke Pasivhaus training courses to develop a local skill base and if successful, would also be offering apprenticeships. An education/exhibition space will also be created on site during the construction allowing local schools and other colleges the opportunity to learn about sustainable design and construction. The on site employment provision enhances the sustainability of the development, creating new local employment opportunities and assists in reducing traffic generation in accordance with key themes of the NPPF whilst the spin off economic benefits of the development for county could be significant.

Ground Conditions

- 6.53 A geo-environmental and geo-technical ground investigation of the site and surrounding area has been carried out to establish ground conditions for construction and the presence of any contamination. This has included trial pits and laboratory testing.

- 6.54 No specific sources of contamination were found on site or in the immediate area. Whilst the agricultural activities on the site and the associated use of pesticides and fertilizers may have resulted in some contamination, the risk to sensitive receptors (future occupants of dwellings) is low. Any residual risk of contamination been identified during the construction can be dealt with by condition in accordance with UDP policy DR10.

Flood Risk

- 6.55 The application is supported by a flood risk assessment as required by the NPPF. The site is located within floodzone 1 (areas with little or no potential risk of flooding) and is not at risk of fluvial flooding (from watercourses). There is the potential for existing overland water flows from the south to cause flooding but this can be mitigated through the drainage design and site levels. The development will not be at risk of flooding and the design will ensure there will be no increased flood risk arising in the surrounding area as required by UDP policy DR7, section 10 of the NPPF and the accompanying technical guidance on flood risk.

Sustainable Drainage Strategy

- 6.56 Trial pits have been excavated to examine the porosity of the site and the ability to support infiltration drainage. Although further analysis is required, initial results indicate that the soakaway capacity of the site is limited. The drainage strategy for the development is therefore infiltration drainage achieved through a combination of swales (grass ditches), permeable hard surfacing and surface water attenuation features to hold and control the rate of discharge to the final outlet to greenfield runoff rates. Allowance within the calculations has been made for climate change. Final discharge is likely to be to existing highway drains and/or the watercourse north east of the site. A watercourse to the northwest is an alternative option but topography would not enable a gravity discharge to this.
- 6.57 More specifically, surface water drainage from the roads, hard surfaces and dwellings will discharge to a series of interconnected swales throughout the site which then link to five attenuation ponds, each with capacity for 250m³ of water positioned at low points around the peripheries of the site. Final discharge from the ponds will be controlled by a hydrobrake. Even with poor ground conditions, this system is still achievable partly because of the low density nature of the development with 68% of the site remaining permeable being gardens, landscaping and public open space/allotments.
- 6.58 This will be the first large residential development in the county to incorporate a fully integrated sustainable drainage system that relies on natural as opposed hard engineered features and if successful, will set a template for other greenfield housing developments to follow. This also follows new requirements to be implemented through the Flood and Water Management Act 2010 over the next few years and meets the requirements of UDP policies DR4 and DR7.

Foul Drainage

- 6.59 The application includes two options for dealing with foul drainage. The preferable option being connection to the mains network and Welsh Water have not objected to this option. However, some new pipework/upgrades to existing pipework is likely to be required and to inform this, Welsh Water recommend a condition requiring a hydraulic modelling study. This is not an unusual or uncommon approach and has been agreed on several other larger developments within the county.
- 6.60 The sewage treatment works that serves the village is currently operating close to capacity but Welsh Water have fully funded upgrade works programmed for 2014 which will create capacity for the development. The design capacity following the improvement works will be equivalent to around a further 300 dwellings and the upgrades will also significantly improve the

environmental performance of the treatment works in terms of phosphate discharges. Notably, Welsh Water raises no objections on these or any other grounds.

- 6.61 Notwithstanding this preferred option, the application also includes proposals for a private sewage treatment plan within the site to serve the first phase of the development. This would overcome the need for an immediate connection to the mains system. This system would then be bypassed when the upgrade to the mains network have been completed. Whilst this is very much a secondary option, it would allow some development to commence over the next 12 months. Subject to conditions, the foul drainage proposals meet the requirements of UDP policies DR4 and CF1.

Affordable Housing

- 6.62 53 of the 150 units (35%) will be affordable housing in line with UDP policy H9. Whilst an affordable housing needs survey identified a need for 15 affordable units, this dates back to 2008 and therefore can no longer be regarded as up to date robust evidence of need. More up to date evidence of need is also held by Homepoint which is the counties affordable housing letting agent and holds the affordable housing waiting list. This identifies a current need for 202 units within the parish. Whilst first priority for occupation of the affordable units will be restricted to residents who live or have connections with the parish, the restrictions on occupation then cascades down to neighbouring parishes where the collective need is even greater rising to 87.
- 6.63 The majority of the existing affordable housing stock in the village is social rented tenure and therefore to redress this imbalance, 80% of the affordable is to be intermediate tenure with 20% social rented. Within the intermediate category, it is likely that the majority will comprise low cost market units. These are units sold on the open market at a discounted rate (typically 40%) which is retained in perpetuity and allows those groups such as young professionals or young families to acquire their own home when they otherwise would not be able to afford to. This tenure has proved very successful on other sites where it has been delivered.
- 6.64 The affordable housing is also to be distributed across the site and within each phase to create a mixed tenure community. The designs are tenure blind, i.e. there is no difference between the design and external appearance of the affordable and the open market units including all being constructed to Passivhaus and Lifetime Homes Standard.
- 6.65 It is considered there is a local and wider need for the affordable in line with the latest evidence and the tenure split, designs and distribution will assist in creating an inclusive and mixed community as required by Section 6 of the NPPF and UDP policy H9.

Section 106 Agreement

- 6.66 The Heads of Terms appended to this report detail the proposed requirements of the Section 106 Agreement. This includes significant contributions for the enhancement of local education, sustainable transport and sports infrastructure as well as contributions for libraries, waste management and the maintenance of the public open space and play equipment. Excluding maintenance, the total contributions to be spent locally in consultation with the parish council is £911,699. The Section 106 will also control the delivery of the affordable units and ensure they remain affordable in perpetuity, require all dwellings to achieve Passivhaus accreditation, ensure delivery of the community allotments, require a community use agreement for the co-housing community building and restrict the occupation of the co-housing element of the development.
- 6.67 The Section 106 Heads of Terms is based on the requirements of the adopted Supplementary Planning Document on Planning Obligations whilst also ensuring the need and scale of the contributions and uses for the money meet the relevant legislative tests set out in the

Community Infrastructure Levy Regulations. The S106 accords with the requirements of UDP policy DR5.

Public Open Space and Play

- 6.68 Given the close proximity of the site to the formal play area and sports pitches immediately south of the site, a different type of play and sport provision will be provided on site to complement existing provision in the area. In terms of play, this is primarily to take the form of naturalised play set within a more informal environment containing features such as play trees and climbing poles, boulders, earth works, rope nets, balancing beams and timber play house and slide. At the southern end of the public open space adjacent the existing playing fields, an outdoor gym is also to be created and at the northern end, a fully serviced and equipped community allotment is to be provided. Additionally, another eleven smaller growing areas overlooked by and associated with clusters of will also be created to encourage 'grow your own'. The level of public open space exceeds the requirements set out in UDP policies H19 and RST4 whilst the on site play and sport is commensurate with the needs of the development. Any deficit is compensated for through off site provision delivered through a Section 106 Agreement. The Parks and Countryside Manager supports the public open space, play and sport provision.

Heritage Assets

- 6.69 The site contains no scheduled archaeological features but due to the scale of the development, a desk based archaeological assessment of the site has been carried out. The study identifies that generally, the potential for encountering archaeological features is relatively low. The only exception being the potential for buried structural remains in the north west corner of the site associated with WWII and the former Madley air base which at its peak, extended to an area of around 3 ½ square miles. In line with UDP policy ARCH 6, a condition is therefore recommended requiring the construction to follow the archaeological written scheme of investigation submitted with the application to ensure any archaeological interest is appropriately investigated and recorded. Subject to this, the Council's archaeologist raises no objection to the development.
- 6.70 Bridge Court is located around 50 metres east of the site and comprises a brick farmhouse house and range of barns which are all Grade II listed. However, due to the separation distance and intervening buildings and landscape features, the development will not have any adverse impact on the setting of these listed buildings.

Conclusion

- 6.71 This is an innovative development, and in officers opinion, a superior departure from conventional modern housing developments. The applicants have demonstrated that in planning terms, a mixed use development that embraces all aspects of the NPPF and relevant UDP polices can be achieved without compromising on the quality, design and functionality of the development. All technical matters including drainage, landscape, biodiversity, transport and employment have been addressed or can be addressed through conditions and the Section 106 Agreement. New direct and indirect employment opportunities will be created within the village whilst the development would also maintain and enhance the vitality and harmony of the community without harming its physical or social characteristics. Finally, the environmental sustainability of the buildings in particular is exemplar and would set the benchmark for other developments both within the county and elsewhere to follow. The development is considered to be economically, environmentally and socially sustainable.
- 6.72 This Council now has a significant shortfall in deliverable housing land with current calculations placing the deficit in excess of 1000 units. Paragraph 14 of the NPPF therefore applies. This states that:

Further information on the subject of this report is available from Mr R Pryce on 01432 260288

Where a relevant development plan is absent, silent or relevant policies are out of date, planning permission should be granted

- unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole:
- or specific policies in the NPPF indicate development should be restricted.

6.73 UDP policies S3, H4 and H7 can no longer be regarded as consistent with the NPPF due to the deficit in available housing land and there are no other technical reasons to warrant refusal of the application. The implications for the shortfall of deliverable housing land have recently been clearly highlighted in an appeal against the Planning Committee's refusal of permission S112612/F for 29 dwellings on land at Attwood Lane pursuant to S112612/F. This application was for the erection of 29 dwellings on land adjacent to The Furlongs (Crest development). The application was allowed on appeal on 29th April 2013. In this context, whilst the considerable local objection is acknowledged, the application is considered compliant with the NPPF and the relevant UDP policies that are consistent with the NPPF, and applying the NPPF test of a presumption in favour of sustainable development, the application is recommended for approval subject to completion of a satisfactory Section 106 Agreement and the outstanding matters detailed in the officers appraisal being addressed. These being:

- a) Revision to the design of the commercial units
- b) Enhancement of the framework travel plan
- c) Minor amendments to the vehicular and pedestrian access design

RECOMMENDATION

That officers named in the scheme of delegation be authorised to issue planning permission subject to:

- 1. Receipt of satisfactory amended plans and an amended travel plan as detailed in a)-c) above**
- 2. The completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report.**
- 3. The conditions set out in this report and any varied or additional conditions considered necessary by officers:**

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. B07 Section 106 Agreement**
- 4. No development shall commence until a plan has been submitted to and approved in writing by the local planning authority identifying the construction phasing of the development. The development shall be constructed in accordance with the agreed phasing plan unless otherwise agreed in writing with the local planning authority.
Reason: To ensure the acceptable phasing of the construction and to comply with Policy DR1 of the Herefordshire Unitary Development Plan.**
- 5. C01 Samples of external materials**
- 6. E03 Site observation - archaeology**
- 7. F08 No conversion of garage to habitable accommodation**
- 8. G02 Retention of trees and hedgerows**

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9. **G11 Landscaping scheme - implementation**
10. **G14 Landscape management plan**
11. **The business floorspace of each live/work unit shall be finished and ready for occupation before the residential floorspace for that unit is occupied and the residential use shall not precede commencement of the business use.
Reason: To ensure the business floorspace is constructed and brought into use concurrently with the residential to achieve the live/work format and comply with Sections 1 and 3 of the NPPF.**
12. **The business floorspace of each live/work unit shall not be used for any purpose other than for purposes within Class B1 in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
Reason: To safeguard the amenities of the locality and to comply with policy DR2, E8 and E9 of the Herefordshire Unitary Development Plan.**
13. **The residential floorspace of each live/work unit shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the business floorspace of that unit, a widow or widower of such a person, or any resident dependants.
Reason: To ensure the linkages between the residential and business floorspace is retained and to protect the amenity of nearby properties in accordance with UDP policy DR2.**
14. **F14 Removal of permitted development rights (fences and frontage hardstanding)**
15. **H03 Visibility splays**
16. **H08 Access closure**
17. **H11 Parking - estate development (more than one house)**
18. **H18 On site roads - submission of details**
19. **No development shall take place until a construction method statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall include details of deliveries and timing,
a) construction compound(s)
b) hours of work,
c) traffic and parking management scheme and
d) measures to keep the highway free of mud.
The approved statement shall thereafter be implemented for the duration of the construction unless otherwise agreed with the local planning authority in writing.
Reason: In the interest of the amenity of the area and highway safety and to comply with policies DR3 & DR4 of the Herefordshire Unitary development Plan.**
20. **H30 Travel plans**
21. **No construction works shall commence on any phase of the development that is to be connected to the public sewage system until a hydraulic modelling assessment has been completed by the developer in consultation with Dwr Cymru Welsh water in order to establish a point of discharge of the new foul drainage system serving**

the proposed development to a point of adequacy on the existing public sewerage system, together with any necessary associated foul sewerage infrastructure works.

There shall be no beneficial use of any buildings on site that are to be connected to the public sewerage system until any necessary foul sewerage infrastructure works required by the hydraulic modelling assessment have been completed and approved by Dwr Cymru Welsh Water and the local planning authority has been informed in writing of its completion.

Reason: To ensure the proposed development does not adversely affect the integrity of the existing public sewage system and to prevent pollution of the environment and to comply with policy DR4 of the Herefordshire Unitary Development Plan.

- 22. I18 Scheme of foul and surface water drainage disposal
- 23. I33 External lighting
- 24. I45 Restriction of open storage
- 25. I51 Details of slab levels
- 26. K2 Nature Conservation - site protection
- 27. K4 Nature Conservation - Implementation
- 28. F06 Restriction on Use

Reason for Approval

- 1. This is an innovative development proposal that is a radical and positive departure from conventional modern housing developments. The proposal is a the mixed use development that embraces all aspects of the NPPF and Policies:

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S4	-	Employment
S6	-	Transport
S7	-	Natural and Historic Heritage
S8	-	Recreation, Sport and Tourism
S10	-	Waste
S11	-	Community Facilities and Services
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
DR13	-	Noise
DR14	-	Lighting
H4	-	Main Villages: Settlement Boundaries
H7	-	Housing in the Countryside Outside Settlements
H9	-	Affordable Housing
H13	-	Sustainable Residential Design

H16	-	Car parking
H19	-	Open Space Requirements
E8	-	Design Standards for Employment Sites
E10	-	Employment Proposals in or Adjacent to Main Villages
TCR14	-	Village Commercial Facilities
T1	-	Public Transport Facilities
T6	-	Walking
T7	-	Cycling
T8	-	Road Hierarchy
T11	-	Parking Provision
LA2	-	Landscape Character
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC3	-	Sites of National Importance
NC4	-	Sites of Local Importance
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC8	-	Habitat Creation, Restoration and Enhancement
NC9	-	Management of Features for the Landscape Important for
Fauna and Flora		
ARCH 1	-	Archaeological Assessment and Field Evaluations
ARCH6	-	Recording of archaeological remains
RST1	-	Criteria for Recreation, Sport and Tourism Development
RST3	-	Standards for Outdoor Playing and Public Open Space
W11	-	Development and Waste Implications
CF2	-	Foul Drainage
CF5	-	New Community Facilities

and is capable of delivery without compromising on the quality, design and functionality of the development. All technical matters including drainage, landscape, biodiversity, transport and employment have been addressed or can be addressed through conditions and the Section 106 Agreement. The development will also maintain and enhance the vitality and harmony of the community without harming its physical or social characteristics. Finally, the environmental sustainability of the buildings in particular is exemplar and would set the benchmark for other developments both within the county and elsewhere to follow.

Whilst the considerable local objection is acknowledged, the application is considered compliant with the NPPF and the relevant UDP policies that are consistent with the NPPF and having regard to the Councils deficit in deliverable housing land and applying the NPPF test of a presumption in favour of sustainable development, the development is considered acceptable.

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. **N02 Section 106 Obligation**
- 3. **HN08 Section 38 Agreement & Drainage details**
- 4. **HN07 Section 278 Agreement**

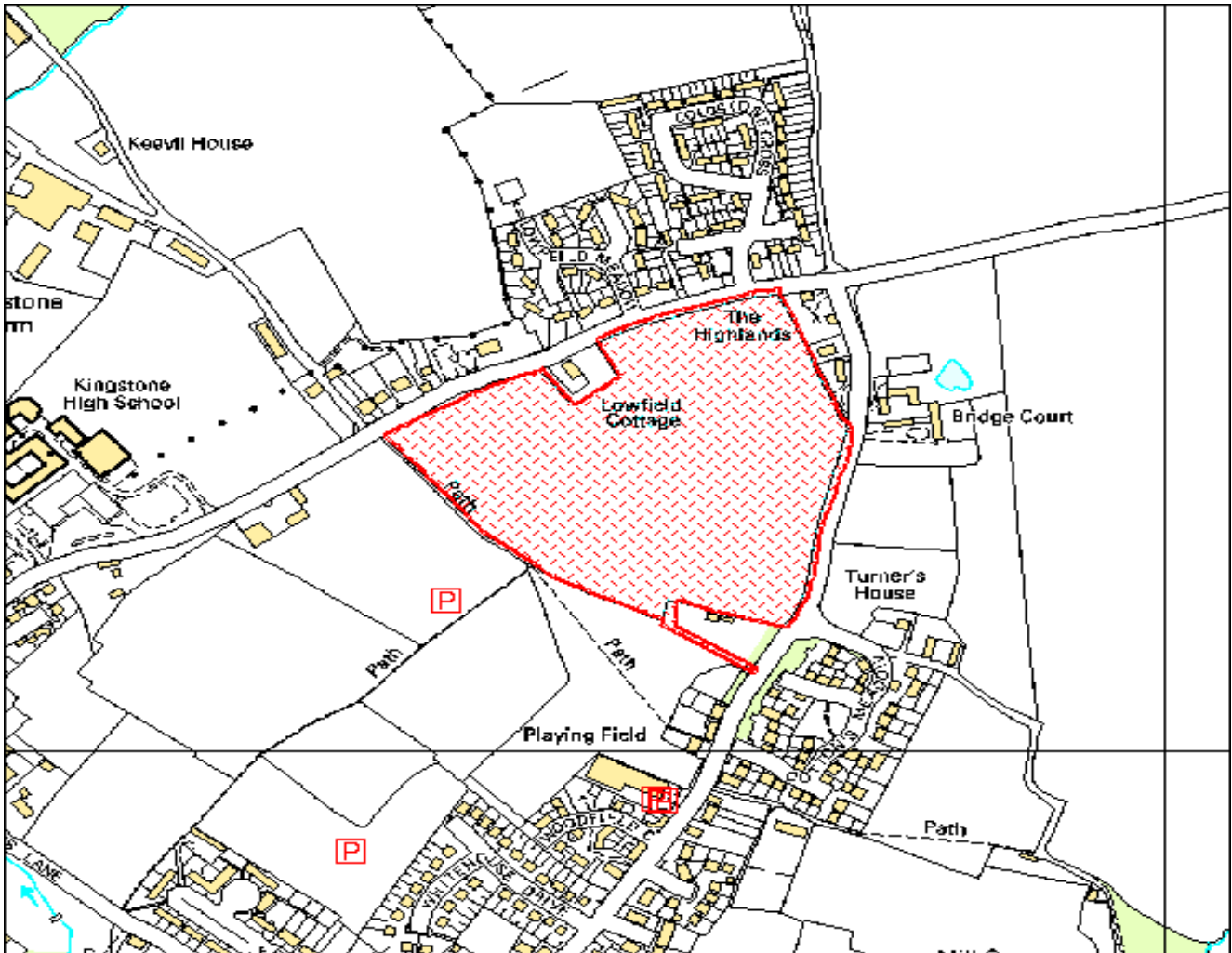
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 130351/F

SITE ADDRESS : LAND SOUTH OF THE B4349 & WEST OF THE C1221, KINGSTONE,
HEREFORDSHIRE, HR2 9HP

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Further information on the subject of this report is available from Mr R Pryce on 01432 260288

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 1st April 2008 and the Community Infrastructure Levy Regulations. All contributions in respect of the residential development are assessed against general market units only.

Mixed use development comprising of 150 dwellings incorporating 35% affordable (53 units), commercial and community facilities – land between the B4349 and C1221, Kingstone Herefordshire.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £301,625 (breakdown detailed in the table below) to provide enhanced educational infrastructure at South Hereford City Early Years, Kingstone and Thruxton Primary School and South Wye Youth Service with 1% allocated for Special Education Needs (SEN). No secondary school contribution is required as capacity presently exists in all year groups. The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed) and may be pooled with other contributions if appropriate.

Pre-School	£23,902.00
Primary	£192,321.00
Post 16	£8,091.00
Youth	£62,918.00
SEN	£14,393.00
Total	£301,625.00

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £323,022 to provide new highway and sustainable transport infrastructure to serve the development. The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed) and may be pooled with other contributions as appropriate.
3. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:

- 3.1. Localised sustainable transport infrastructure to enhance the accessibility of the site for non car based modes of transport including but not limited to:

Further information on the subject of this report is available from Mr R Pryce on 01432 260288

- a) Reduction in speed limit on the B4349
 - b) Traffic calming measures
 - c) New pedestrian and cyclist crossing facilities
 - d) Creation of new cycleway connecting the site with Madley and other local villages and associated employment sites
 - e) Provision of and enhancement of localised bus infrastructure
- 3.2. Enhancement in the usability of the localised public right of way network
 - 3.3. Provision of park and share and park and cycle facilities
 - 3.4. Public initiatives to promote sustainable modes of transport
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £59,000 for the provision of new or the enhancement of existing play facilities in the locality and £197,422 for the provision of new or the enhancement of existing sport facilities in the region (contribution based around the requirements of saved policies H19 and RST4 of the UDP and Sport England Sports Facilities Calculator). The play contribution is based upon a ratio of 60% of play provision being provided on site equating to facilities to the value of £68,753. The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed) and may be pooled with other contributions as appropriate.
 5. The money shall be used by Herefordshire Council for priorities identified in the Indoor Sports Facilities Strategy, the emerging Play Facilities Strategy and emerging Playing Pitch Strategy including but not limited to the provision of new and enhancement of existing junior and mini football and cricket facilities in the region, provision of new and enhancement of existing facilities at the adjoining playing fields operated by Kingstone Sports Association and the enhancement of play facilities at Lowfield Meadow play area.
 6. The developer covenants with Herefordshire Council to pay Herefordshire Council a 15 year commuted sum for the future maintenance of the on-site open space and play facilities assessed against the tariff applicable at the time of adoption. Further commuted sums will be required to support the adoption of any sustainable drainage infrastructure and features.
 7. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £18,990 towards the provision of new and enhanced of existing library facilities in Hereford City. The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed) and may be pooled with other contributions if appropriate.
 8. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of

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£11,640 towards the provision of new or the enhancement of existing waste and recycling facilities to serve the development and waste reduction strategies within the locality and city.

9. The developer covenants with Herefordshire Council that eleven (97) of the residential units shall be “Affordable Housing” which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
10. Of those Affordable Housing units, eight (8) shall be made available for social rent and forty five (45) being available for intermediate tenure occupation. For the avoidance of doubt, the term intermediate tenure shall not include equity loans or affordable rent.
11. 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.
12. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-
:
 - 12.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 12.2. satisfy the requirements of paragraphs 9 & 10 of this schedule
13. 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:-
 - 13.1. a local connection with the parish of Kingstone;
 - 13.2. in the event of there being no person having a local connection to the parish of Kingstone, a person with a local connection with the parishes of Madley, Clehonger, Abbey Dore, Thrupton, Treville, Allensmore and Eaton Bishop
 - 13.3. in the event of there being no person with a local connection to any of the above parishes, 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 1.5.1 or 1.5.2 above.
14. For the purposes of sub-paragraph 9.1 or 9.2 of this schedule ‘local connection’ means having a connection to one of the parishes specified above because that person:

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- 14.1. is or in the past was normally resident there; or
 - 14.2. is employed there; or
 - 14.3. has a family association there; or
 - 14.4. a proven need to give support to or receive support from family members; or
 - 14.5. because of special circumstances;
15. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to such subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
 16. Prior to commencement of works on site, evidence that the proposed design and specification of the dwellings (and other buildings as appropriate) complies with Passivhaus Certification criteria shall be submitted to the Local Planning Authority by a CEPH (Certified European Passivhaus) designer. Evidence is to include full PHPP (Passivhaus Planning Package) assessment, proposed construction method including specification for all external envelope elements, general arrangement plans, sections and elevations, key junction details and ventilation design information. The works on site shall not commence until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation.
 17. Evidence of passivhaus certification received from the Passivhaus Institute in Darmstadt shall be submitted to the Local Planning Authority by an accredited passivhaus assessor within 6 months of the first occupation of each dwelling or phase of development as agreed in writing.
 18. The developer covenants with Herefordshire Council to prepare a community use agreement for the use of the co-housing community building to include an availability schedule, pricing structure and details of the management and occupational restrictions of the co-housing element of the development.
 19. The developer covenants with Herefordshire Council to construct and equip ten community allotments in accordance with a specification to be agreed in writing with the Council. The allotments shall be transferred at nil cost to the Council, parish council or other appropriate community agency prior to occupation of the 100th dwelling or in accordance with a phasing programme to be agreed in writing with the Council.
 20. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 4, 7 and 8 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.
 21. The sums referred to in paragraphs 1, 2, 4, 7 and 8 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

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Agreement and the date the sums are paid to the Council.

22. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
23. 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.

RJP - DRAFT HEADS OF TERMS 20/05/2013



MEETING:	PLANNING COMMITTEE
DATE:	5 JUNE 2013
TITLE OF REPORT:	<p>130940/CD - DEVELOPMENT OF A NEW PRIMARY SCHOOL ON THREE LEVELS, LOCATED ON AN EXISTING PLAYING FIELD FOLLOWED BY THE DEMOLITION OF THE EXISTING INFANTS AND JUNIOR SCHOOLS</p> <p>130983/CD - DEMOLITION OF EXISTING SCHOOL BUILDING, SITE CLEARANCE AND THE DEVELOPMENT OF SCHOOL PLAYING FIELDS AT LEOMINSTER INFANT AND JUNIOR SCHOOLS, HEREFORD ROAD, LEOMINSTER</p> <p>For: Mr Williams per Mr Philip Parker, Explorer 2, Fleming Way, Crawley, West Sussex RH10 9GT</p>
WEBSITE LINK:	<p>http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=130940&NoSearch=True and http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=130983&NoSearch=True</p>

Date Received: 3 April 2013

Ward: Leominster South

Grid Ref: 349448,258159

Expiry Date: 19 July 2013

Local Members: Councillors PJ McCaull and RC Hunt

1. Site Description and Proposal

- 1.1 The application site is located approximately one kilometre to the south of Leominster town centre and is comprised of the buildings and grounds of Leominster's Infant and Primary schools. It lies close to the fringe of the town and the area is predominantly residential in character, the two schools effectively located behind dwellings fronting onto the B4361 Hereford Road. Residential properties lie to the north and east, with agricultural land to the south and west. Dense vegetation forms the eastern and western boundaries and a wide native hedgerow currently forms the southern boundary of the school site.
- 1.2 The site has an approximate area of 2.9 hectares and slopes significantly from east to west, although level terraces have been created to accommodate the school buildings and their associated playing fields.
- 1.3 The existing schools consist of two main single storey buildings (Infant and Junior), with higher hall areas, and the nursery block. In addition there are two mobile classroom blocks located on site. Due to site configuration buildings are located on a number of different levels and they are connected by sloping paths. The playing fields are located to the south of the Infant School and consist of two level terraces.

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

- 1.4 The main access to the Infant School is from Hereford Road, where the staff car park is located. The Junior School is accessible from George Street to the north and its car park is located in the north-western corner of the school site. Neither school currently has a drop-off point within the school site, and parents park on the adjacent roads. A public footpath runs along the entire length of the eastern boundary of the site and this provides pedestrian access to the school. This also connects to another footpath which runs east / west across agricultural land from Hereford Road towards Cock Croft Hill.
- 1.5 Planning permission is sought under application reference 130940/CD for the construction of a single primary school facility and the demolition of the existing Infants and Junior schools. A separate application 130983/CD, has been made for its associated sports and recreation facilities and these will also be accommodated within the site confines. The new school building will accommodate the same number of children as the existing Infants and Junior Schools, currently totalling 630 children, and includes the provision of a nursery facility of two classes for up to 52 children. The two applications are integral to one another and this report considers both.
- 1.6 An earlier application for the same proposal, but on a different site that included approximately one hectare of agricultural land immediately to the south of the school boundary, was considered by Planning Committee on 19 September 2012. The application was deferred at that time following concerns about the detailed design, loss of agricultural land and the location of the new building. The application was subsequently withdrawn.
- 1.6 The new school will be built on the school playing fields adjacent to the existing Infants school, before the existing premises are demolished. Demolition work and the creation of new sports pitches and Multi Use Games Areas (MUGAs) will be undertaken once the new school is complete. The plans require a significant amount of landscape modelling and the building will be set into the land to take account of the changing levels across the site. The hedgerow forming the southern boundary of the school site is to be retained, as is vegetation along the eastern and western boundaries. A new security fence is to be installed within the school boundary to ensure that vegetation can be retained and, where appropriate, reinforced.
- 1.7 The building has a cruciform layout. The central hub is three storeys and provides a reception area, offices, meeting rooms, library and an ICT suite. Four wings radiate from this and are aligned north, south, east and west. Those to the south and west provide classroom accommodation across two levels, whilst the eastern wing is single storey and principally provides the two nursery classrooms. The wing projecting to the north provides a shared school hall. Areas for informal play are to be created around each wing and provide separate spaces for each age group.
- 1.8 The building is of a modern design and all of its elements are flat roofed. The lower levels are all faced in brick, including the single storey eastern wing, whilst upper levels are all to be rendered. The main entrance is clearly identified as a glazed atrium with coloured panelling at first floor level. Sports pitches are provided on land to the north of the new building on areas currently occupied by the existing school buildings. This area will also provide on-site parking for staff. The only vehicular access to the site will be that existing from Hereford Road and the parking spaces in this location are to be retained without alteration.
- 1.9 The application is accompanied by the following documents:
- Planning Statement
 - Design and Access Statement
 - Site Waste Management Plan
 - Flood Risk Assessment
 - Tree survey and Proposals
 - Drainage Philosophy

- Travel Plan
- Ecological Appraisal

2. Policies

2.1 National Planning Policy Framework:

Paragraph 72 of the NPPF is the only specific reference to proposals relating to schools, and reads as follows:

The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- Give great weight to the need to create, expand or alter schools;
- Work with schools promoters to identify and resolve key planning issues before applications are submitted.

More generally, the NPPF seeks to encourage a sustainable approach to planning, requires a good standard of design and seeks to promote healthy, inclusive communities.

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S2	-	Development Requirements
S11	-	Community Facilities and Services
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR7	-	Flood Risk
T6	-	Walking
T14	-	School Travel
E15	-	Protection of Greenfield Land
LA2	-	Landscape character
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement
NC9	-	Management of Features of the Landscape Important for Fauna and Flora
RST4	-	Safeguarding Existing Recreational Open Space
CF5	-	New Community Facilities

2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

- 3.1 N121446/CD Proposed demolition of existing infants and junior schools and construction of a new primary school – Withdrawn
- 3.2 NC2003/2474/F Improvements to parking area to the rear of primary school – Withdrawn.
- 3.3 93/0688/N Re-positioning and replacement of mobile classroom units – Approved.

4. Consultation Summary

Statutory Consultees

- 4.1 Sport England – comments awaited.

Internal Council Advice

- 4.2 Transportation Manager - The submitted travel plan is out of date, and not acceptable. It has not been up-dated since it was first issued. It analysed travel difficulties when it was written, but does not show how these have been improved since. No follow-up surveys have been documented or recent proposals on how targets that have not been met will be achieved. No up-dated/improved targets have been shown. There is no evidence of activity by the travel plan co-ordinator or other staff since implementation of the original travel plan. This is the school's responsibility.
- 4.3 Public Rights of Way Manager – No objection subject to the imposition of a condition to draw attention to the fact that public footpaths that bound the site should remain unobstructed and available for use at all times.
- 4.4 Head of Strategic Planning and Regeneration – No objection.
- 4.5 Conservation Manager

Ecology - I recommend the inclusion of conditions to secure the protection of the trees and hedgerows along the boundaries of the site as well as the following:

The recommendations set out in the ecologists' reports dated March 2013 and 24 April 2013 should be followed. Prior to commencement of the development, a full working method statement and habitat enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the work 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.

5. Representations

- 5.1 Leominster Town Council - that the application be approved subject to the travel plan being considered in more detail.
- 5.2 One letter of objection has been received from a local resident. In summary, it considers that the school building is in too prominent a position and will detrimentally impact upon important habitats. Although amendments have been made to the design, the same problems remain.

5.3 Correspondence has also been received from a resident of 9 Elm Close. This notes that the property stands to be most affected by the scheme but commends the revised design and states that the school is in need of new facilities and improved site security.

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

6.1 The existing school premises have developed on an ad-hoc basis over the last thirty years or so and it is acknowledged that they are in need of replacement. The principle of replacing the existing accommodation is accepted by the majority of those who have made representations and it is considered that there is no fundamental conflict with policies contained within the Herefordshire Unitary Development Plan. In this regard Policy CF5 is the most relevant in terms of establishing the broad principles that should be applied to new community facilities. The issues to be considered with this revised proposal are effectively the same as those highlighted in relation to the scheme that was eventually withdrawn, and these are as follows:

- Siting and visual impact
- Design and sustainability
- Drainage and flooding
- Highway safety and accessibility
- Ecology
- Residential amenity
- Sports pitches and play area provision

Siting and Visual Impact

6.2 The concerns previously raised by Leominster Town Council, local residents and the Planning Committee regarding location have been taken into account in the re-drafting of this proposal. The position of the new school building has been shifted approximately 50 metres further north and the entire development is contained within the existing school grounds. The scheme does not now require the use of the additional agricultural land to the south and the current proposal also enables the retention of the southern boundary hedge where the previous application had found evidence of the presence of slow worms.

6.3 The scheme draws the building back from the developed edge of the town and in your officer's opinion, will fully mitigate the concerns that were raised about the visual impact of the new building. Clearly, those matters pertaining to loss of agricultural land and ecological impact are also fully addressed by the fundamental changes made to the extent of the site.

6.4 Policy LA2 of the Herefordshire Unitary Development Plan requires that proposals are influenced in terms of their design and layout by the landscape in which they are located. In the first instance, this is an area of urban fringe where the residential development along the western side of Hereford Road provides a defining feature between town and countryside. The re-positioning of the school building now means that it lies directly behind existing dwellings in a similar arrangement to that which already exists.

6.5 There is a significant rise in level across the site from east to west, and this will require the land to be re-graded and re-modelled in certain areas. The central hub area and school hall are effectively three storeys and, when measured from the lowest ground level are 11.4

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

metres in height. The wing projecting to the south, and that which is most likely to be most prominent when approaching the town from that direction, is lower at 7.8 metres, and will be set into the land as it rises to the west. The consequence of this is that the building sits within the land and its impact in terms of its height is reduced.

- 6.6 The building will be most visually prominent when approaching Leominster from a southerly direction. The site lies at the fringe of the town's developed area with open countryside in its foreground. The cruciform design of the building sees four wings projecting roughly along the compass points. It is considered that this serves to reduce its overall mass and thus limits its overall visual impact and the scheme is considered to accord with Policy LA2 of the Herefordshire Unitary Development Plan.

Design and Sustainability

- 6.7 As described above, it is considered that the detailed design of the building has been appropriately influenced by the topography of the land on which it is located and that its layout serves to minimise its mass. The external appearance of the building combines brick at a lower level with a rendered finish to upper floors. Both materials are common in the area and their combined use will serve to provide a visual break and further relieve the sense of massing.
- 6.8 The layout provides an obvious point of entrance at the junction of the north and east wings and the use of glazing and coloured panelling in this area will serve to provide a clear indication to visitors entering the site. The wings allow the school to be divided into nursery; Key Stage 1 and Key Stage 2, with each afforded their own external play spaces. Other facilities, including playing fields and the school hall, will be shared.
- 6.9 With specific regard to the sustainability of the design, the scheme now includes a dedicated area on the roof of the hall for the provision of solar thermal and photovoltaic cells.
- 6.10 The concrete mass used in the construction of floors and stairs allows night time cooling and thus reduces ambient temperatures during the day and the need for mechanical ventilation. Natural ventilation will be achieved via proposed wind cowls and window actuators. The wind cowls are fitted with low velocity fans.
- 6.11 The design also incorporates a building management system, which controls the energy use of the whole building. Mesh screens in front of the windows will control glare and heat gain in the individual rooms. The roof of the school hall is capable of accommodating solar panels.
- 6.12 The scale, design and layout of the proposal are all well-considered and it is concluded that the requirements of Policy DR1 are met in this respect. It is also considered that the design does aim to provide a sustainable solution to the provision of new accommodation within the constraints that exist.

Drainage and Flooding

- 6.13 Drainage problems relating to local capacity issues and localised flooding resulting from surface water run-off were both identified as significant issues early on during pre-application discussions. The applicant's agent engaged with both Welsh Water and the Environment Agency in order to establish appropriate methods for the treatment of foul and surface water and the application is accompanied by both a Flood Risk Assessment and a Drainage Design Philosophy.
- 6.14 The Drainage Design Philosophy considers a range of options for dealing specifically with run-off from hard surfaces and land drainage. With regard to the former, it concludes that the use of oversized pipes within the network (or 'tank sewers'), combined with the installation of a

hydrobrake to store and control flows to the public sewer, particularly during periods of heavy rainfall, are most appropriate.

- 6.15 Welsh Water ordinarily requires that surface water should not be allowed to connect to the public sewerage system. However, their advice is caveated that this should not be allowed, unless otherwise agreed in writing by the local planning authority. In this particular case the existing school already discharges to the public sewerage system. Information provided by the applicant's drainage consultant concludes that the flows from the proposal will be less than the existing school and, combined with the installation of mechanisms to control flows during heavy rainfall events, it can be concluded that the cumulative effect of the proposal will be to reduce flows into the public sewerage system. This position has also been accepted by Natural England with respect to phosphate discharges to the River Lugg who raised no objection to the earlier proposal.
- 6.16 Land drainage is to be dealt with by a network of filter drains that discharge to a storage pond. In a similar manner to the above, flows are controlled by a hydrobrake to allow a measured discharge to the ground. Whilst some land drains may currently exist within the site, the installation of a new system and the provision of a pond to provide a method to store and discharge water over a much longer period are considered to represent an improvement that will reduce the likelihood of flooding from surface water run-off.
- 6.17 Based on the information provided and, subject to the submission of a detailed scheme for foul, surface and land drainage, it is considered, that the proposal will minimise the risk of flooding from surface water run-off and therefore complies with Policy DR7 of the Herefordshire Unitary Development Plan.

Highway Safety and Accessibility

- 6.18 The only vehicular access to the site will be via the access onto Hereford Road and the proposal would see the intensification of its use. The plans provide dedicated parking for all staff within the site, with the spaces currently used by staff at the Infants school becoming available for visitors and parents to drop off children. The existing vehicular access from George Street is to be closed, but access for pedestrians and cyclists will remain.
- 6.19 Pedestrian access to the site from residential areas to the north is particularly important as the majority of parents and children will approach from this direction and it is important that they are not deterred from walking to and from school in the future. The retention of such access from George Street is a positive design feature of the scheme and helps to ensure that it is compliant with Policy T6 of the Herefordshire Unitary Development Plan. Further work will need to be undertaken by the school itself to advocate more sustainable travel patterns for both staff and parents. The application is accompanied by a school travel plan, but this will need to be updated and it is recommended that this be dealt with through the imposition of an appropriately worded condition.
- 6.20 It is also important to ensure that conflicts between construction traffic, including that involved in the demolition of the existing buildings, and those using the school are minimised. To ensure this, it is recommended that a construction traffic management plan is submitted and approved prior to the commencement of any development. This should provide details of how vehicular traffic to the construction site and school are to be separated, ensure that construction traffic is routed from the A49 via Southern Avenue and that construction traffic and delivery vehicle movements do not take place during school travel times. Subject to these conditions it is considered that the proposal will accord with Policies DR2 and DR3 of the Herefordshire Unitary Development Plan.

- 6.24 The proposals will not have any effect on the public footpaths running to the south and east of the application site. It is however, recommended that a note is attached to any planning permission to ensure that they remain unobstructed during the course of development.

Ecology

- 6.25 The previous application gave rise to a number of ecological concerns due to the required removal of the southern hedgerow boundary and the presence of slow worms within it. This is no longer an issue as the hedge is to be retained. The eastern boundary is also well vegetated, although somewhat overgrown, and it also provides an important wildlife corridor. The plans indicate that this will be strengthened.
- 6.26 The proposal does retain biodiversity features and significantly reduces the impact of development when compared with the earlier scheme. The details of further planting, landscaping and biodiversity enhancements can be secured through the imposition of conditions, and accordingly the proposal is considered to accord with Policies NC1, NC7 and LA6 of the Herefordshire Unitary Development Plan.

Residential Amenity

- 6.27 The current scheme will bring the school closer to residential properties along the western boundary, particularly those in Elm Close. However, the building has been orientated to minimise any potential impact and the wing that projects towards these properties is single storey. It has a maximum height of 3.9 metres and is positioned with a blank gable end wall facing towards the properties with a distance of approximately 20 metres between opposing elevations. This part of the proposal is modestly proportioned and, in combination with the vegetated boundary that is to be retained and reinforced, it is not considered that the scheme will result in a demonstrable detriment to residential amenity. The proposal is therefore considered to be compliant with Policies DR1 and DR2 of the Herefordshire unitary Development Plan in this regard.

Sports Pitches and Play Area Provision

- 6.28 The proposals for the provision of sports pitches is integral to the re-development of the school as a whole, but has been addressed through the submission of a separate planning application due to the difference in site boundaries between this and the earlier application – the part of the site on which the pitches are to be provided did not form part of the first application.
- 6.29 Due to the operational constraints that demolition and re-development on the same or similar footprint would present, it is considered that the construction of a new school on the existing playing field and replacement of them with a combination of grass pitches and multi use games areas (MUGAs) once the old school buildings are demolished is a reasonable approach. It allows the existing Infant and Junior schools to continue to operate whilst construction work continues and, although outdoor play space will be reduced in the short term, the proposals will actually increase the amount of pitches and play areas available to the schools. It is therefore concluded that the proposal is compliant with Policy RST4 of the Herefordshire Unitary Development Plan.

Conclusion

- 6.30 This proposal addresses in full the concerns about the visual impact and implications for biodiversity that were raised in relation to the earlier withdrawn application. The re-positioning of the building within the school grounds means that it will lie behind existing development and does not project beyond the clear edge of development that is currently defined by the southerly hedge. This pays greater regard to the landscape character of the area and

complies with Policies LA2 and LA6, whilst the retention of the hedge minimises the loss of a biodiversity asset in compliance with Policies LA5 and NC1.

- 6.31 The eventual re-development of the area currently occupied by the existing school buildings will provide enhanced open space provision over and above that which currently exists. Although there will be a short term reduction whilst the new school building is constructed, this is mitigated by the improvements that will be achieved and therefore the scheme for the provision of sports pitches is compliant with RST4.
- 6.31 Subject to the recommendations and conditions detailed below, it is considered that the proposal accords with the Herefordshire Unitary Development Plan and the National Planning Policy Framework. The applications are therefore recommended for approval.

RECOMMENDATION

For planning application 130940/CD:

That subject to there being no objection from Sport England, planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. C01 Samples of external materials**
- 4. G03 Retention of existing trees/hedgerows**
- 5. G04 Protection of trees/hedgerows that are to be retained**
- 6. G10 Landscaping scheme**
- 7. G11 Landscaping scheme - implementation**
- 8. Prior to the commencement of the development hereby approved a Construction & Delivery Traffic Management Plan shall be submitted to and approved in writing by the local planning authority. The plan should cover the following points:**
 - a. Details of a routing agreement with construction and delivery vehicle operatives to ensure that all traffic enters and leaves the site via Hereford Road and Southern Avenue.**
 - b. The method to segregate construction and delivery vehicles from school traffic at the point of access onto Hereford Road.**
 - c. The arrival and departure of construction and delivery vehicles will not be permitted between 0815 to 0915 and 1445 to 1615 Monday to Friday.**

Reason: In the interests of highway safety so that potential conflicts between construction and school traffic are avoided and to comply with Policy DR3 of the Herefordshire Unitary Development Plan.
- 9. H21 Wheel washing**
- 10. H27 Parking for site operatives**

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

11. **H29 Secure covered cycle parking provision**
12. **H30 Travel plans**
13. **I16 Restriction of hours during construction**
14. **I41 Scheme of refuse storage (commercial)**
15. **I43 No burning of material/substances**
16. **I55 Site Waste Management**
17. **Prior to the commencement of the development hereby approved a scheme for the comprehensive and integrated drainage of the site, showing how foul water, surface water and land drainage will be dealt with has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

Reason: To ensure that effective drainage facilities are provided and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

Reason for Approval:

1. **It is considered that the proposal would result in the significant enhancement of the existing facilities, would be of an appropriate scale in relation to the needs of the local community, is well related to the settlement that it serves and would not adversely impact upon the residential amenity of neighbouring residents in accordance with the principles set out in Policy CF5 of the Herefordshire Unitary Development Plan. This revised proposal addresses in full the previous concerns raised in relation to the visual impact and implications for biodiversity. The position of the building within the school grounds means that it will lie behind existing development and does not project beyond the clear edge of development that is currently defined by the southerly hedge. This reflects the landscape character of the area, whilst the retention of the hedge minimises the loss of a biodiversity asset. The scheme demonstrates the use of sustainable design methods and consequently the proposal complies with Policies S1, S2, S11, DR1, LA2, LA3, LA5, LA6, NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan.**

Matters relating to drainage arrangements and potential flooding of neighbouring property arising from surface water run-off have been carefully considered. The applicant's drainage consultant has been able to demonstrate that flow rates from the proposal would be lower than as presently exists. The methods proposed to be employed to control surface water discharges in the event of high levels of rainfall are considered to be appropriate, subject to the submission of a detailed scheme. The scheme therefore accords with Policies DR4 and DR7 of the Herefordshire Unitary Development Plan.

The provision of a pedestrian and cycle link from the existing point of access into the Junior School on George Street to the new site will provide parents with a legitimate alternative to car usage. The parking area accessed via Hereford Road will also be available for drop off / pick up and it is considered that these combined elements will encourage sustainable travel methods. The proposal accords with Policies S1, DR3, E15, CF5 and T14 of the Herefordshire Unitary Development Plan.

In other respects the proposal is considered to be compatible with the surrounding residential environment and will not give rise to any significant effects upon the residential amenity of neighbouring residents in accordance with Policies CF5 and DR2 of the Herefordshire Unitary Development Plan.

It is considered that the policies of the Herefordshire Unitary Development Plan are consistent and therefore in accordance with the guidance provided by the National Planning Policy Framework.

Informatives:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. HN25 Travel Plans
3. HN27 Annual Travel Plan Reviews
4. N20 Site Waste Management
5. If development works are perceived to be likely to endanger members of the public then a temporary closure order must be applied for from the Public Rights of Way Manager, Herefordshire Council, Unit 3, Thorn Business Park, Rotherwas Industrial Estate, Hereford, HR2 6JT (tel 01432 845900), at least six weeks in advance of works commencing.
6. The applicants should ensure that their contractors are aware of the line of the public right of way and that the right of way must remain at its historic width and suffer no encroachment or obstruction during the works or at any time after completion. No vehicles, materials debris, etc shall be stored on the line of the footpath at any time.

RECOMMENDATION

For planning application 130983/CD:

That subject to there being no objection raised by Sport England, planning permission be granted subject to the following conditions:

1. A01 Time limit for commencement (full permission)
2. The recommendations set out in the ecologist's reports dated August 2012 should be followed in relation to the identified protected species [bats, great crested newts etc]. Prior to commencement of the development, a full working method statement and habitat enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species

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

Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan. To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

Reasons for approval

The phased re-development of the area currently occupied by the existing school buildings will provide enhanced open space provision over and above that which currently exists. Although there will be a short term reduction whilst the new school building is constructed, this is necessary in order to enable the schools to continue operation and would be appropriately mitigated by the improvements that will be achieved. Therefore the scheme for the provision of sports pitches is compliant with RST4.

Informatives:

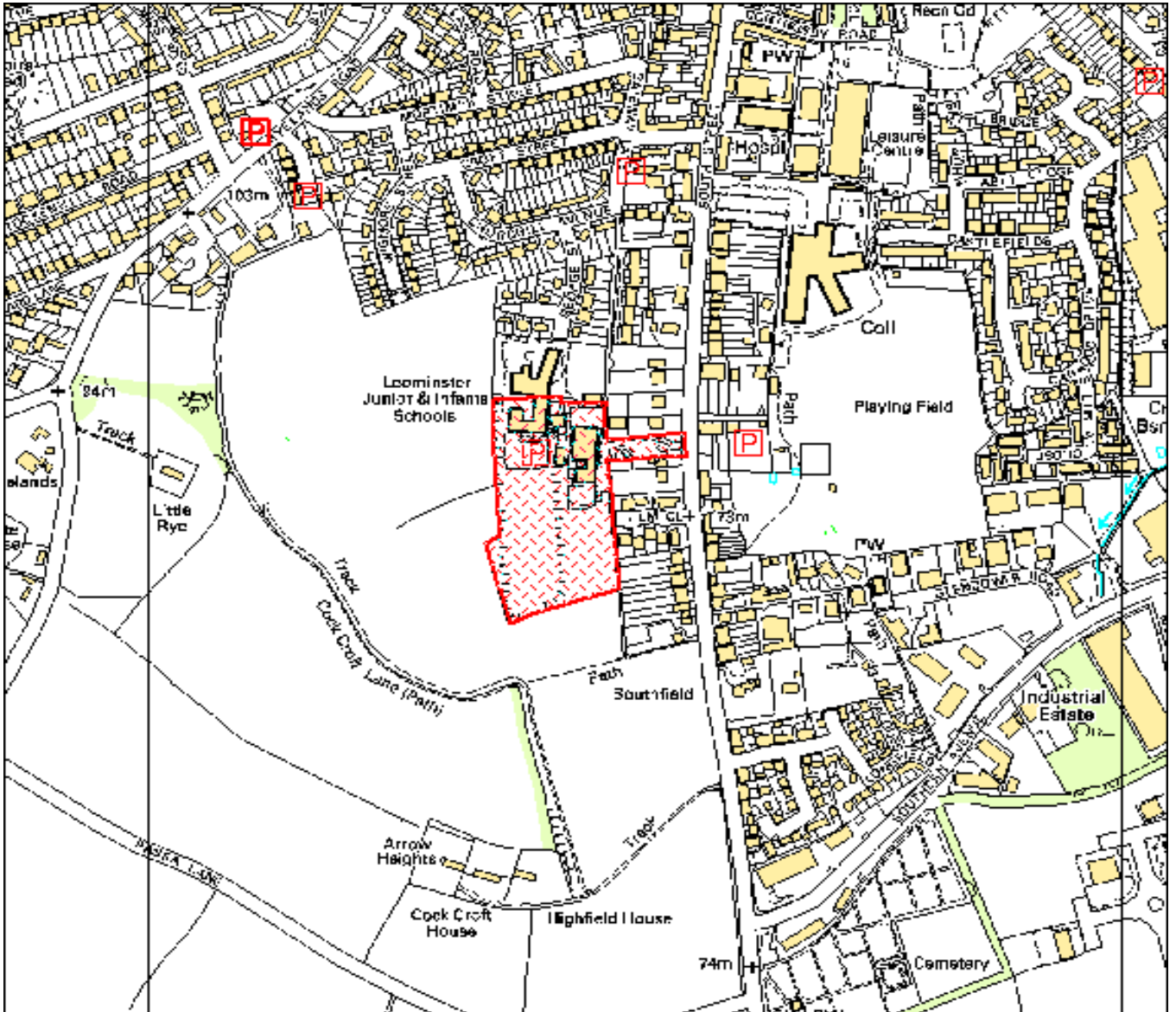
- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. N11C – General**
- 3. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: 130940/CD AND 130983/CD

SITE ADDRESS : LEOMINSTER INFANT AND JUNIOR SCHOOLS, HEREFORD ROAD, LEOMINSTER, HEREFORDSHIRE

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



MEETING:	PLANNING COMMITTEE
DATE:	5 JUNE 2013
TITLE OF REPORT:	<p>S123592/O - PROPOSED OUTLINE PERMISSION FOR A RESIDENTIAL DEVELOPMENT OF 16 NO. DWELLINGS WITH ASSOCIATED INFRASTRUCTURE INCLUDING ALTERATIONS ON A438, DRAINAGE AND LANDSCAPING WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS AT LAND OFF BREINTON LEE, KINGS ACRE ROAD, HEREFORD.</p> <p>For: Mr Wakeley per Mrs Sally Tagg, Normandy House, 305-309 High Street, Cheltenham, Gloucestershire, GL50 3SH.</p>
WEBSITE LINK:	http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=123592&NoSearch=True

Date Received: 27 December 2012 **Ward: Credenhill** **Grid Ref: 347273,241325**
Expiry Date: 22 April 2013
Local Members: Councillor RI Matthews

1. Site Description and Proposal

- 1.1 The application site is located within Kings Acre, part of Breinton Parish, approximately 6.5 km to the west of Hereford City Centre. The site is accessed via Breinton Lee on the south side of the A438 Kings Acre Road. Breinton Lee is a predominantly residential cul-de-sac. Immediately to the east of the site are five large detached dwellings situated within a gated development. To the north of the site is a mix of residential and commercial uses, with Cranston Mews including a small office development. Wyevale Garden Centre is located on the opposite site of the A438. To the south and west of the site is agricultural land.
- 1.2 The site is 0.84 ha in size and is previously undeveloped grassland with some trees and shrubs. The site has recently been cleared of some trees and planting. The site is agricultural in nature but is not currently used for this purpose. The site is predominantly square in shape with a small northwards protrusion created by the curvature of the access road to Breinton Lee.
- 1.3 The application is for outline planning permission for a residential development of 16 units (reduced from 18 during the application process) with only access being considered at this stage. All other matters are reserved. The application submission includes indicative layouts within the detailed Design and Access and Planning statements. Detailed information in respect of drainage, biodiversity and highway issues have also been received and considered. A revision during the application process also includes the reduction in length of the lay-by on Kings Acre Road to improve visibility.

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

- 1.4 The application includes the provision of 35% affordable dwellings (6 units). These are to be provided as low cost market units. The application also refers to the opportunities for some of the open market housing plots to be 'self build'.

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

Introduction – Achieving sustainable development

Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring Good Design

Section 8 - Promoting healthy communities

Section 11 - Conserving and enhancing the natural environment

2.2 Herefordshire Unitary Development Plan (UDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S6	-	Transport
S7	-	Natural and Historic Heritage
S8	-	Recreation, Sport and Tourism
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
H7	-	Housing in the Countryside Outside Settlements
H9	-	Affordable Housing
H13	-	Sustainable Residential Design
H15	-	Density
H16	-	Car Parking
H19	-	Open Space Requirements
LA2	-	Landscape Character
LA3	-	Setting of Settlements
LA5	-	Protection of important trees, woodland and hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan priority habitats and species
NC7	-	Compensation for loss of biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement
NC9	-	Habitat creation, restoration and enhancement
ARCH1	-	Archaeological Assessment and Field Evaluations
T6	-	Walking
T7	-	Cycling
T8	-	Road Hierarchy
T11	-	Parking Provision
RST4	-	Standards for Outdoor Playing and Public Open Space
W11	-	Development and Waste Implications
CF2	-	Foul Drainage

2.3 Supplementary Planning Documents

Landscape Character Assessment
Planning Obligations
Design
Biodiversity and Development

2.4 Other Guidance

Strategic Housing Land Availability Assessment
Annual Monitoring Report
Urban Fringe Sensitivity Analysis

2.5 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

3.1 SH801075/F – Erection of 6 houses – Refused – Dismissed on appeal 15 June 1981

3.2 SH892019PO – Erection of 21 Dwellinghouses each with garage and vehicular access thereto – Refused – Dismissed on appeal 19 December 1990

3.3 SH930858PO – Erect 23 detached houses with associated garages / parking accessed from internal site road – Refused – Dismissed on appeal 19 October 1994

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water recommends conditions are attached to any permission.

Internal Council Advice

4.2 The Transportation Manager makes the following comments: The application has been amended to include proposals to partially close the existing layby on A438 east of Breinton Lee, which will improve the guaranteed visibility for the junction. Details of these works should be submitted at the reserved matters or full application stage.

The indicative sketch plan layout would provide a satisfactory layout and access point from Breinton Lee, subject to provision of adequate parking and compliance with our Highways Design Guide. Recommend approval subject to conditions.

4.3 The Conservation Manager (Ecology) makes the following comments:

I have the following comments to make:

- On my second visit, I was disappointed to find that most of the trees and shrubs had been removed since my first visit and since the production of the ecology reports; I had been led to believe that some of these would be retained post-development in addition to the two trees that remain standing. There are conflicting statements in the ecological report regarding retention of existing vegetation, which now appears to have been removed. The report also

recommends that the fruit tree varieties be identified – was this done before they were removed?

- Historical records indicate that the site was part of the King's Acre Nursery and some of the trees and shrubs must have related to this, including fruit trees/orchard habitat; other species such as goat willow have probably self-seeded.
- There is evidence of badgers, including setts, at the site. The legislation protecting badgers relates to animal welfare rather than nature conservation issues. The report recommends closure of the sett under a license from Natural England to ensure there is no physical harm to the animals.
- The reptile surveys did not find any evidence of their presence and no mitigation is required.
- The proposals for provision of orchard and fruit tree planting at the site are appropriate and welcome, although it is not clear how retention of fruit trees planted in individual gardens can be secured. A fully detailed scheme for habitat creation and the future management of the areas of public open space will need to be secured by planning condition if this application is to be approved. The habitat creation scheme should also include full details of the numbers, types and locations of bat and bird boxes that are to be installed.
- The information regarding SUDS is rather limited. The ecological report states that a permanent pond is proposed in the NW corner of the site, but it's not clear how this will function as part of the SUDS. I would welcome a permanent water feature as part of the SUDS - full details will need to be submitted, including any biodiversity enhancements associated with it. I note that the provisional layout indicates that a wildflower meadow will also be provided in this area; I presume that this will include species that can tolerate temporary inundation where it is to be part of the SUDS.

If this application is to be approved, I recommend the inclusion of non-standard conditions.

4.4 The Conservation Manager (Landscapes) makes the following comments:

The site was visited July 2012, with pre-application advice provided. The site was visited again 14 February 2013 and it was noted that the site vegetation had been cut down to ground level, other than two important trees that are shown for retention on the site layout plan.

The site has previously been assessed as part of the council's Urban Fringe Sensitivity Analysis and is considered to have medium-low sensitivity and is therefore suitable for housing development.

The inclusion of an arboricultural survey and habitat survey with this application is welcome. It is also considered that the process of design evolution has led to a more suitable possible layout, working with the existing trees and retaining a relatively substantial area of green space to the centre of the site.

If the application is to be approved, then conditions to be considered at reserved matters stage should include:

- Tree protection details
- Hard and soft landscape scheme - including habitat enhancement, SUDs details and boundary treatments. (Please note that the provision of close boarded fence to the road frontage of plots two and three could have a negative impact on the street scene).
- Landscape and ecology management plan.

- 4.5 The Council Drainage Engineer comments on the revised drainage strategy and updated information as follows:

I have considered the reply of Richard Fillingham to comments dated 8 May 2013 on the above planning application. The reply addresses satisfactorily the matters of topography and susceptibility to flood risk, the existing drainage system, the improvements and maintenance of the existing system and the design of the drainage for the proposed development. I have no objection to the proposals on the basis of the submission.

- 4.6 The Parks and Countryside Manager makes the following comments:

Layout Evaluation

Paragraph 3.16: It is agreed in principal that the layout can provide opportunities for residents and children to play informally. However, the final design and landscaping plans will need to make it clear which areas could be used and managed as such and are fit for purpose. This is particularly relevant to the pond area to be used as part of the infiltration scheme (SUDS) in respect of health, safety and accessibility. For example, consideration will need to be given to the design of the balancing pond as deep standing water can present a danger if publically accessible and future adoption as POS will be dependent on its final design.

The on-site provision doesn't include a formal play area and this is supported as they offer little in play value and are costly to maintain. Therefore, in accordance with UDP policy H19 and the requirements for 10 – 30 dwellings we would still seek an off-site contribution towards existing facilities. In this instance, existing play provision in the area is outside acceptable walking thresholds but given the potential to develop informal POS on the development site especially for younger children, the applicant has agreed to this approach. The contributions will be spent in consultation with the local community on priorities in accordance with the Play Facilities Strategy and Action Plans, and it is agreed that this will potentially be at Westfaling Street which is the nearest facility and a neighbourhood play facility.

Planning Obligations – Draft Heads of Terms

Off-site Public Open Space: paragraphs: 5.10 – 5.12 It is noted that an off-site contribution is to be provided. The amount and details are correct.

Sports Facilities: paragraphs 5.13 – 5.15. It is noted that an off-site contribution is to be provided. The amount and details are correct.

Open Space Maintenance: paragraphs 5.22. It is noted that a total contribution of £40k over 15years is offered. It is not clear how this sum has been calculated or for which "bits" of proposed POS as the plan is only indicative at this stage. Commuted sums can only be calculated on final agreed landscaping designs on agreed areas of POS to be adopted by the Council.

The future maintenance of the SUDS area can only be agreed once the final design has been agreed. If the pond area is suitable for POS it will need to be calculated separately from the main open space maintenance schedule as these areas are individually designed and fall under Highways as described in the Proposed Foul Drainage Strategy: paragraph 6.11 Maintenance and maintenance of infiltration basins.

The future adoption and maintenance of the other informal green spaces will also need to be agreed. The size, location and proposed landscaping (trees) will need to be a consideration as this could impact on whether or not the Council would wish to adopt the areas or if they form part of a management company set up by the housing.

5. Representations

5.1 Breinton Parish Council makes the following comments:

Comments on original Submission

Thank you for your letter dated 25 January. Breinton Parish Councillors have considered the application and object to this planning application for the following reasons: -

1. The site of the application is outside of the area covered by the current UDP settlement policy, and so is still classified as open countryside. The existing policies state that no development should occur and the exception rules within the UDP do not apply to this site.
2. The site is classified as grade 2 agricultural land. In the NPPF Grade 2 agricultural land is classified along with Grade 1 agricultural land as a scarce resource. Before development of Grade 1 and 2 land should occur other sites within the county of a lower Grade should be considered first for any future development in order to protect this scarce resource for future generations.
3. Together, Grade 1 and 2 agricultural land make up 21% of the agricultural area in England. It is an extremely scarce resource across England so we therefore should conserve it in Herefordshire.
4. In addition, Herefordshire Council's SHLAA 2011 identified this site as "Greenfield site", so in accordance with NPPF rules priority should be given to developing Brownfield sites before Greenfield sites are considered for development. Breinton Parish Council understands that there are a number of Brownfield sites within the City which are available for redevelopment, which should be given priority over this site for housing development.
5. Although the Herefordshire Council's SHLAA Review 2011 report does not identify flooding as an issue in the area, there is a history of flooding in this area. The residents of Breinton Lee and Kings Acre Road have compiled much photographic evidence to show that flooding is a real issue, not only to the residents, but also on the site of the proposed development and over many years. It is understood that the residents will submit photographic evidence to substantiate this fact.
6. The fields of this proposed development are permanently in flood, and with heavy rain, properties in Breinton Lee and Kings Acre Road become flooded. The proposed development will be 45% impermeable so the flooding problem will be exacerbated. Even when an orchard was in existence on this site until recently, there is evidence of the orchard being under water, despite the uptake effect these trees would have had on the surrounding water table. Without these trees the situation regarding flooding has deteriorated further.
7. The flooding is not just a result of the last 12 months heavy rain. It is a long standing problem (the photographs showing a decade-long issue are already cited) but previous approvals / developments like Kings Court, and Breinton Lee itself make things worse. Enough is enough without adequate infrastructure and the current application is one proposed development too far.
8. The Herefordshire Council's SHLAA Review 2011 records that Dwr Cymru Welsh Water states that the area suffers from low water pressure and additional development would exacerbate the poor service levels.
9. As you know, over recent months the current owners have had a policy of clearing vegetation from the proposed site, to make it look more deserted. Historically the site was an orchard and a horticultural site. Previously there was a wide range of habitat which was abundant in wildlife. Much of this resource has been lost through the destruction of the historic orchard.

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

Herefordshire Council were notified when the landowner commenced removal of the orchard. No mention of the destruction of this orchard is included in the planning application as the developer undertook this prior to the application date. A badger sett still remains on the site and this should be protected. Breinton Parish Council does not feel that the proposal for environmental habitats in very small private gardens can be implemented and enforced.

10. The Herefordshire Council's SHLAA Review 2011 identifies that already parts of the public sewerage infrastructure in the area suffers from hydraulic overloading. This is further evidenced by existing residents suffering with problems in emptying baths and flushing toilets during periods of heavy rainfall. No regulatory improvements by Dwr Cymru Welsh Water are included in the current 5 year Capital Investment programme. The addition of 18 dwellings will exacerbate overloading on the local sewerage infrastructure causing public health issues not just for new residents but the surrounding existing residents connecting to the sewerage system in the area should this development go ahead.
11. In addition to point 6 above, from the Herefordshire Council's SHLAA Review 2011 Dwr Cymru Welsh Water indicate that the site is further constrained by the lack of available headroom on sewage treatment generally in Hereford unless capital investment is planned to accommodate future development within the treatment catchment area.
12. Whilst the Highways Department has not yet submitted a report, there is a history of repeated minor accidents occurring at this point on Kings Acre Road, in particular due to parking in the lay-by, often by large vehicles such as lorries, which severely limits the visibility on this 40mph road. In addition, the fact it is opposite the entrance to a busy retail/ café establishment, further exacerbates traffic movements directly at the junction of traffic from this development onto the A438.
13. The design allows for the parking of 36 vehicles on this site. Breinton Parish Council does not feel that this proposal, whilst outline planning permission, accords with the HPPF requirement that any development should be "sustainable". The application does not identify safe cycle or pedestrian movements within the development and the issues around water supply; flooding and sewerage further indicate that this development fails to be considered "sustainable". The introduction of SUDs to deal with storm water is not suitable for this location, as there is no area within the development where the soakaway system can operate.
14. Should the planning officer or planning committee of Herefordshire Council be minded to permit this application, Breinton Parish Council reserves the right to require that the following conditions be imposed on any developer of this site:-
 - a) It should be a condition of any development that the developers fund the necessary improvements in the drainage infrastructure for the area around Breinton Lee and Kings Acre Road.
 - b) It must be a condition for the developers of this site to fund the necessary improvements to the sewerage infrastructure to ensure that it is fit for purpose and accords with the requirements of Dwr Cymru Welsh Water.
 - c) It must be a condition for any developers to fund the necessary improvements to fresh water via off-site main laying from a point of adequacy on larger diameter/pressure water mains.
 - d) In the event of flooding arising from the development of this site, both of new and existing residences, within a distance of 0.5km minimum of Breinton Lee, Herefordshire Council by permitting development in an identified flood risk area, will ensure that they will provide either a separate affordable scheme of insurance equivalent to any that will exist to surrounding residents unaffected by flood risk, from the date of the commencement of this new development (i.e. in perpetuity) or will make good the loss due to flooding suffered by both new and existing residents)

- e) It must be a condition for any developer to provide a suitable area for recreation closer than the play area on Westfaling Street, which is nearly 2 miles, along a 40 mph road, with no safe cycle route.
- f) It must be a condition that the developer contributes to improving sustainable travel routes within the area to minimise vehicle movements and minimise the risks to vehicles at the junction with the A438.
- g) To provide for the loss of habitat and trees, the developer will provide suitable landscaping and green habitat as part of any future development.

Comments on Amended Plans

Most of the original points and concerns raised in previous correspondence have not been adequately addressed in the additional and amended plans supplied by Foxley Tagg. Breinton Parish Council still objects to this planning application for the original reasons provided.

In particular, the Parish Council is of the opinion that the proposed development lacks sustainability, with regards to energy, flooding, drainage and poses a real threat of ecological damage. The parish council responds to the letter from Foxley Tagg and the additional information provided by them as follows:

Land use

1. The Strategic Housing Land Availability Assessment (SHLAA) does consider the site as a suitable development site and central government is pressing for further housing development.
2. However, on closer inspection the evidence strongly suggests that the site is not suitable for further housing development. The proposed site is grade 2 agricultural land and is therefore a nationally scarce resource. Although the current owner has not chosen to farm this land, it has historically always been used for agriculture. It was previously a mature orchard used by Wyevale Nurseries, whereas the current owners use the plot for turning heavy agricultural machinery to access farmland beyond.
3. National Planning Policy Framework para 112 states “Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.” Lower Grade agricultural land in the county should be considered for development prior to development of a site such as this.
4. Greenfield sites should only be used for housing development once existing brown field sites have been developed. Indeed the brownfield site of the former Whitecross School on Baggallay Street is a prime example of available land for development and is a lot closer to the proposed play area on Westfaling Street than this site.

Drainage

5. It is noted that para 8.12 of the report proposes to extend and re-profile the ditches along the south and west sides of the site (and 2 properties in Breinton Lee). However, as evidenced by the experience of the residents in the properties along Breinton Lee (and evidenced by the report and photographs from Turnwater Ltd) the water run-off from the land to the south of the site does contain substantial amounts of sediment. Water regularly flows over the top of the existing drainage ditch. This leads to the ditches becoming silted up very quickly during periods of rain, so these ditches, even if re-dug, will require regular maintenance.

6. It is this silt that forms the debris which settles in the existing drainage system and causes this system to block, as seen in the Turnwater report. This deposition of silt will continue to be an issue with the drainage system. Contrary to the comments at 4.4 of the R J Fillingham report, the slope does provide for flash overland flood run-off following heavy rain.
7. Surface water regularly collects along the northern edge of the fields - on the boundary with Breinton Lee and the proposed development site.
8. The reports make no mention of who will have responsibility for the maintenance of these ditches. Indeed, following the original ditch being dug out in 2000, the landowner subsequently requested that it be filled back in again. The ditches are not on the applicants land or that of the existing residents of Breinton Lee. What guarantees will there be to ensure these ditches will be adequately maintained and remain effective in the future?
9. Para 2.6 of The Planning Statement Addendum goes on to say that these “may not be hugely effective in exceptionally wet periods given the clayey nature of the sub-strata”. As the problem is the substrata of the land which is a fluvial plane, this situation is to continue, even with the proposed ditching by the applicants.
10. The Surface water drainage report (R J Fillingham) describes a general lack of maintenance and repair of the ditches, pipework, gullies and culvert throughout the drainage system to the receiving ditch that on the opposite side of KAR between nos. 304 and 306a KAR. The Turnwater (Drainage) Report refers to a sizeable difference in pipe levels beneath the property of 343 KAR, and as the 'upstream' pipe is below the 'downstream' pipe, there is always a level of water that cannot drain away. The report concludes that the issue of pipe levels must be addressed for it to function properly. The applicants are not in any position to sanction redress of this situation.
11. The situation is not helped by the fact that Breinton Lee and the proposed development site are at a lower level than the than the Kings Acre Road, where the surface water is meant to drain away.
12. At para 2.8 of the same report, it is accepted that improvement of the drainage system relies on improvements in other areas not owned by the applicant. In which case the applicants cannot rely upon these third parties to carry out these further works, so cannot guarantee the effectiveness of the drainage system to prevent flooding of the proposed development site or properties in Breinton Lee. Any development will mean that the existing system will have to contend with a much greater volume of surface water passing through the system. Failure to ensure the upkeep of the drainage system will lead to flood damage on the proposed development site as well as the existing properties in Breinton Lee.
13. As there is a sizeable amount of impermeable ground arising from the proposed development, there is less ground for surface water to soak away, which will increase the pressure on the drainage system. Amey already attend to regular repairs to the drainage system in this area of Kings Acre Road. Over the last 18 months, Amey have responded to the following incidents: - blocked culverts parallel to Breinton Lee; blocked gullies along Kings Acre Road (4 instances); blocked gullies outside 333 Kings Acre road and the Breinton Lee turning; residents digging trench to prevent flooding off the farmer's field. This is indicative of the difficulties in trying to maintain an adequate drainage system for the existing houses. The difficulties will be made much worse by further housing development in the area.

14. I E Developments (builders of the original properties in Breinton Lee) were given the option to build further properties, but declined to do so because of the flooding and drainage issues that beset the local area. The evidence suggests they were right in not attempting to develop the site further.

Balancing ponds

15. It is noted that one of the proposed balancing ponds is higher than the surrounding area, so this will not collect surface water from the lower ground surrounding it.
16. The balancing ponds are of limited capacity, so in any prolonged periods of rain, the ponds will be full before any further surface water will have drained into them.
17. It is likely that the balancing ponds will become filled with debris and sediment so will require regular maintenance and dredging. The act of dredging will prevent any ecological benefit accruing from the existence of these water features.
18. The ponds will also provide a health and safety hazard to residents living in the area, and in particular to children. In many residential areas such ponds have been prohibited due to the hazards they pose.

Access and road layout

19. The lay-by on Kings Acre Road, south of the junction to Breinton Lee is frequently used as a parking area for local residents and large lorries. To improve the visibility for traffic emerging from Breinton Lee, it will be necessary to remove the lay-by completely.
20. It is noted there are currently accesses into 2 adjoining properties from the lay-by. It will be necessary to discuss any proposed changes with the owners of those properties that adjoin the lay-by before any alterations are made.
21. There are also visibility issues when people pull up opposite the post box to the north of the junction. With additional traffic emerging from Breinton Lee, there is more likelihood of collisions.
22. The drawings and reports regarding the access from Breinton Lee into the proposed development site make no mention of the gated entrance into Lambourne Gardens. As the proposed entrance is directly opposite the gates into Lambourne Gardens there are potential safety issues around this area, such as with the delays whilst vehicles enter and depart from those properties. Access for the emergency services and utility vehicles may be impeded by the layout of the access.

Biodiversity

23. At para 4.5, the report states: "We would not agree that the majority of the vegetation has been removed." This is demonstrably untrue - refer to the photos taken from Google Earth in 2000 and subsequent years. As previously stated at 2 above this was a mature fruit orchard planted in the 1930s as part of the nurseries and it was only removed by the applicant in the last couple of years prior to this application.
24. The application proposes that a fruit tree is planted in each of the gardens. Yet at para 4.9, it acknowledges that securing the longevity of habitat creation within residential gardens, cannot be guaranteed. This demonstrates a complete lack of respect and determination to take seriously the issue of biodiversity.

25. There is an extensive family of badgers in the area, which are a protected species. It is difficult to see how these will be protected with the current proposals to develop this site.
26. The response in the Planning Statement Addendum to the ecologists comments on clearance of vegetation on the site is to say that “the majority of the trees... were either not native (e.g. leylandii) or not mature”. This statement is clearly untrue - please refer to the photographs taken from Google Earth (in 2000 and subsequent years) submitted in the previous submission to the Planning officer. These photos clearly show extensive and mature trees growing on the proposed site.
27. The existing badger sett appears to be very close to the location of one of the proposed balancing ponds. What assurances are given to ensure the safety of the badgers and the sett?

Sustainability

28. The proposals do specify certain amounts for off-site public amenities, but it is noted there are no amounts destined for sustainable transport - specifically to help support the bus service and also a contribution towards the proposed cycleway along Kings Acre Road. This would show a commitment towards sustainable transport and help alleviate potential traffic problems resulting from any development.
29. As the report states the use of SUDS is not appropriate due to the drainage problems on this site. The biodiversity and ecology of this site has been seriously devastated prior to this planning application and nothing in the plan indicates any commitment by the applicant to create a “sustainable” development

Conclusion

30. Alternative brownfield sites include the nearby site of the former Whitecross School on Baggallay Street as an alternative to this development and which has suffered significantly less flooding than the area surrounding Breinton Lee.
31. The evidence describes that the properties in Breinton Lee are at a lower level relative to the highway on Kings Acre Road, which is supposedly 'downstream' in the surface water drainage system. Any breakdown in the drainage system following works carried out will inevitably lead to flooding of Breinton Lee and any properties on the proposed development site.
32. The report concludes that “the implementation of the above measures should ensure the existing flooding problems are alleviated as far as can be reasonably expected”. This assumes that everything goes according to plan, yet the developers do not appear to have full confidence in what they are proposing. It does not appear there is any capacity in the system to accommodate anything other than regular conditions. Nothing to cater for periods of heavy rain, or blockages of the system (of which there are many – see the evidence from Amey), which will lead to flooding of properties, not only of properties in Breinton Lee and Kings Acre Road, but also on the proposed development site itself.
33. Should the application be approved it will be necessary to establish a Management Company to oversee and fund maintenance of the balancing ponds, as well as the ditches and drainage system throughout. However, it will be dependent on third parties carrying out certain works in respect of the drainage system. It is unlikely that such a management system will be effective to maintain the drainage system.
34. The reports provided to support the application make reference to other parties having the responsibility to ensure the drainage system is kept in good repair, one of whom is I E

Developments, being the builders of the properties in Breinton Lee. I E Developments were given the option to build further properties, but declined to do so because of the flooding and drainage issues that beset the local area. The evidence suggests they were right in not attempting to develop the site further. Perhaps the applicants and Foxley Tagg may wish to reconsider their proposals.

For all the above reasons, Breinton Parish Council continues to object to this planning application.

If Herefordshire Council are minded to approve this application the points made in our earlier objection remain regarding S106 funds and the requirement for the imposition of conditions on the application.

5.2 Letters of representation and objection have been received from:

- Mr and Mrs R Underhill, Baggins Holt, 1 Breinton Lee
- NJ Thompson, Ash House, 2 Breinton Lee
- K and JE Farnes, 3 Breinton Lee
- Sheila Oakland, 5 Breinton Lee
- David Day, Cranston Lodge, 1A Breinton Lee
- Mrs Lee, 1 Cranston Mews
- C Whiteaway and Stephen Donnelly, 2 Cranston Mews, Breinton Lee
- L Hiett, 4 Cranston Mews, Breinton Lee
- Melanie Edwards, 2 Lambourne Gardens, Breinton Lee
- Mrs J Mclellan, Mr Raymond, 1 Lambourne gardens, Breinton Lee
- Melanie Edwards, 2 Lambourne Gardens, Breinton Lee
- Mrs Anderson, 3 Lambourne Gardens, Breinton Lee
- Mrs G Bezant, 4 Lambourne Gardens, Breinton Lee
- Mrs and Mrs A Richards, 5 Lambourne Gardens, Breinton Lee
- Mrs E Beddoes, 3651 Kings Acre Road
- Mr Evans, I E Developments, 335 Kings Acre Road
- Philip Sharpe, 345 Kings Acre Road
- Robert Brookes, 347 Kings Acre Road
- Dudley Jackson, 349 Kings Acre Road
- K Calvert, 355 Kings Acre Road
- Prof R Wise, Springfield House, Breinton
- P Ellis, Kings Acre

The issues raised in these letters are as follows:

- The site lies outside of a defined settlement and in an area considered to be rural / open countryside / greenbelt.
- The application is premature as the Core Strategy is in its infancy.
- There are other brownfield sites in Hereford that can accommodate the housing.
- The site is Grade 1 or 2 agricultural land that should be protected
- Density of development is too great for the area
- Will be highly visible from public footpath to the west (Wyevale Wood)
- Flooding within the site from surface water drainage and run off and 'pooling'. Significant amount of photographic evidence has also been provided by objectors.
- Drainage ditches and culverts are insufficient / failing
- Flooding of surrounding roads, pavements and properties – potential increase of this from development.
- Existing drainage problems in the area. Blockages, capacity issues.
- Concern about ongoing management of the drainage system / pools and cost of this if through a management company.

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

- Balancing ponds may be dangerous for children.
- No evidence supplied that the culvert (when cleared) can accommodate the additional flows. Considerable doubt that the drainage system as proposed will
- Site is not sustainable – need to use a vehicle
- Highway safety issues – access onto Kings Acre Road, restricted visibility due to parking in layby.
- Conflict with traffic pulling around, and into Breinton Lee, to avoid traffic turning right into Wyevale.
- Additional traffic movements would be to the detriment of highway safety
- The removal of half the lay-by will not alter the problem of reduced visibility due to parked vehicles. The layby is, contrary to comments in the statements, frequently used.
- Vehicles waiting to access Lambourne Gardens will restrict access to the development.
- Loss of wildlife, trees and shrubs
- Impact upon Badgers sett.
- Concerns that the importance of the landscape and visual assessments are not robust enough and that enough weight has not been given to the sensitive area
- Concerns that the drainage engineer has not fully appreciated the situation / potential impact.

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

6.1 The proposed development of the site for 16 dwellings falls to be considered having regard to the following issues:

1. Principle of Development
2. Access and Highway Safety
3. Drainage Issues
4. Landscape impact, layout and amenity
5. Ecology
6. Affordable Housing
7. Open Space / Play Space
8. Section 106 Agreement

Principle of Development

6.2 The application site is outside of the defined settlement boundary of Hereford City as defined by policy H1 of the UDP and thus Saved Policy H7 of the Herefordshire Unitary Development Plan (UDP) is relevant. This policy provides a clear presumption against development in open countryside, unless the proposal would meet with one of the identified exceptions. This is not the case here as such the proposal is contrary to this policy.

6.3 Notwithstanding this, at the heart of the NPPF is a general presumption in favour of sustainable development and applications for housing should be considered in this context. The NPPF now requires that local planning authorities identify a rolling five year supply of deliverable housing land to ensure choice and competition in the market and requires an additional buffer of 5% (increased to 20% if a planning authority has persistently under

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delivered housing land). On the basis of the evidence available to date, it is considered the requirement for a 5% buffer is applicable to Herefordshire. The Council's published Annual Monitoring Report (AMR) which monitors housing land availability identified a shortfall of 216 units which equates to a 4.6 year supply, increased to 356 units when a 5% buffer is added.

- 6.4 Paragraph 49 of the NPPF stipulates that relevant policies concerning the supply of housing land should not be regarded as up to date if a five year of housing land cannot be demonstrated. In view of this, there is a requirement to release further land for housing that is deliverable and sustainable within the next five years. There remains a requirement for the development to accord with other relevant UDP policies and NPPF guidance but in terms of the principle, if the development is acceptable in all other respects, the conflict with UDP policies H1 and H7 are not reasons for refusal of the application that could be sustained on appeal. This position has recently been reinforced by the Communities Secretary associated with a planning appeal elsewhere in the county where the Planning Inspector concluded that the relevant UDP housing delivery policies are no longer up to date and therefore not consistent with the NPPF.
- 6.5 Whilst each application must be considered on its merits, Planning Inspectors and the Communities Secretary are increasingly placing significant weight not only the shortfall but the scale of the deficit. In this regard, the published AMR is now somewhat dated being based on figures up to March 2011 and furthermore, is based on UDP and adopted Regional Spatial Strategy housing delivery requirements, both of which have now been determined by the government to be out of date and not consistent with the NPPF in housing land requirement terms. Analysis for 2011/2012 period has recently been completed and data collection for the 2012/2013 period is underway. Utilising more up to date evidence on housing need to establish the base line position, the latest figures are indicating that the shortfall is in fact considerably more than the published AMR and is likely to be in excess of a 1000 dwellings. It is considered that based on recent appeal decisions across the country, the scale of the shortfall is now also a material planning consideration relevant to this application.
- 6.6 An interim strategy to deal with sites of this nature was also agreed by the Council's Cabinet on 12th July 2012. That being to focus on sites that have been identified as having low or minor constraints in the Strategic Housing Land Availability Assessment on the edge of the city, market towns and main villages. The exception to this being where it can be demonstrated that the development and location is sustainable and appropriate for additional housing and the environmental and other impacts of the development are acceptable. The site (identified under reference number HLAA/050/001) is identified within the SHLAA as being considered to be suitable for housing with low or minor constraints for 16 units.
- 6.7 The site must also be considered in the context of 'sustainable development'. The site has good access to public transport travelling along the A438, with good pedestrian links from the site to access this. There are newly constructed shared footway / cycleway to the school and the new cycleway along Kings Acre Road towards Hereford City is programmed in as a priority project for Herefordshire Council. As such, the site is considered to be located in a sustainable location. Sustainable development would also apply to the design, layout and detail of the development, all of which will be considered as part of the reserved matters application. In conclusion, whilst the application would be contrary to the Saved housing delivery policies of the UDP, the absence of a 5-year supply of housing land means there are no grounds to recommend an application for refusal on a housing land supply policy issue.

Access and Highway Safety

- 6.8 The application submission relates to access only, with all other matter reserved. The indicative plans detail the access to the site from Breinton Lee in the north-west corner of the site. From this a new road will be created for vehicles. The Transportation Manager is satisfied

with the position and visibility of the proposed point of access and has raised no objection to this.

- 6.9 Residents of the gated Lambourne Gardens, have raised concerns about potential conflict of movement, where visitors to the 5 dwellings within Lambourne Gardens, have to wait on the road to be 'buzzed in' by the householder. This has been considered, and it is noted that there is a pull in before the gates large enough for a vehicle of average size to pull off the highway and not cause an obstruction. It is not considered that this would be sufficient to represent a highway safety objection. As such the proposed access to the site would comply with the requirements of policy DR3 of the Unitary Development Plan.
- 6.10 Local residents and the Parish Council also raised concerns about the increase in traffic movements from Breinton Lee onto the A438 (Kings Acre Road) due to the restricted visibility caused by cars parking in the lay-by adjacent to the access and the conflict of traffic movements with those waiting to turn into Wyevale. In response to this the applicants have amended the submission, and following liaison with the Transportation Manager have established that improvements can be achieved through the closure of half of the lay-by. The lay-by lies within highway land and details of how this closure would be undertaken would require detailed engineering drawings, a matter that can be dealt with by way of an appropriate condition. It is considered that this arrangement will also benefit existing users of the Breinton Lee. The Transportation Manager has also considered the concerns raised by local residents about the vehicles turning into Wyevale and advises that there is no personal injury accident record in at Breinton Lee junction in the last 5 years. For completeness, there are two personal injury accidents recorded within 100 metres either side of the Breinton Lee junction. One slight injury accident was recorded in May 2012 involving a stationary vehicle waiting to turn right into Wyevale being struck by a vehicle from behind. One slight injury accident was recorded in October 2012 involving a stationary vehicle waiting to turn right into No 306, (just to the east of Breinton Lee on the north side of Kings Acre Road), which turned into the path of an oncoming vehicle. These were not associated with vehicles using the Breinton Lee turning. The removal of half of the lay-by will also improve forward visibility as well. The existing access, with improvements to visibility as described, would ensure that this junction is more than capable of dealing with the predicted increase in traffic movements. The changes will not just benefit residents of the new development but would also have wider benefits for highway users. Accordingly it is considered that the proposal would comply with the requirements of policies DR3 and T8 of the UDP

Drainage

- 6.11 One of the key issues that has been raised during the appraisal and consideration of this application relates to surface water capacity issues. The site does not lie within a Flood Zone, but the local residents and parish council provided evidence that the site, adjoining properties, and the footways and land adjacent Kings Acre Road are all affected by water accumulations from surface water run-off.
- 6.12 Following the receipt of these, the applicants were asked to explore in more detail, the issues surrounding surface water drainage and flooding. This was to ensure that their proposals would not exacerbate existing problems and that the application site itself would not flood. A detailed drainage report was undertaken by Turnwater Ltd that assessed the current situation and this was submitted along with an updated Foul and Surface Water Drainage Strategy that looked at not just the proposals for the site, but the existing problems experienced by residents of Breinton Lee and Kings Acre Road.
- 6.13 It was established that the primary cause of the flooding to the south of Kings Acre Road has been the ineffective highway drainage, with road gullies being significantly blocked with debris. With exceptionally high levels of rainfall, water runs off the highway, bypassing the gullies and

into their driveways and garden. This is exacerbated by the fact that the receiving drainage system has also been found to be totally blocked, with its outfall barely visible.

- 6.14 Following the survey work, the jetting out of the culvert running between Breinton Lee, 343 King's Acre Road and the receiving highway surface water drainage system in King's Acre Road was undertaken by the applicants to help address the current issue. The report identified deficiencies with the culvert running along the boundary of 343 King's Acre Road which will require rectifying to ensure the effective operation of the drainage system. The report states that the culvert is the joint riparian responsibility of 343 King's Acre Road and I E Developments. The pipework within King's Acre Road is the responsibility of the Highway Authority.
- 6.15 An attenuation based surface water drainage system is proposed for the new development. It is proposed to make 2 restricted surface water discharges of 5 litres/second to the ditches that bound the site with the balance of flows being attenuated on site within 2 balancing ponds, up to the 1 in 100 year climate change event. Discharge rates will be restricted by the use of 'hydrobrake' vortex flow control devices. The Council's (AMEY) drainage engineer is satisfied that such a drainage system should ensure that existing flooding problems are not worsened.
- 6.16 The existing drainage ditches that bound the site will be re-profiled and extended to assist with the drainage of any excess surface water runoff from the field to the south of the site. A grill/screen will be fitted over the downstream culvert inlet to help prevent debris entering the drainage system. To ensure their future effective operation, the ongoing maintenance of the ditches should be included within the maintenance regime required for the proposed on site balancing ponds. It is proposed that a combination of conditions and agreements contained within the Section 106 Agreement would be sufficient to ensure that on-going maintenance is undertaken to implement the development and for the future.
- 6.17 The continued effective operation of the site ditches and downstream drainage system will, however, be dependant upon there being a clear unrestricted outfall and the integrity of the receiving ditch. It is therefore recommended within the report that the downstream ditch, running between 304 and 306a Kings Acre Road is cleared/re-profiled by the riparian owners, under the direction of Herefordshire Council, as the land authority.
- 6.18 After seeking further clarification on matters, the Council's Land Drainage Engineer, has concluded that the reply addresses satisfactorily the matters of topography and susceptibility to flood risk, the existing drainage system, the improvements and maintenance of the existing system and the design of the drainage for the proposed development. On that basis he raises no objection. As such the proposal would comply with the requirements of policies DR4 and DR7 of the Unitary Development Plan and recommendations are made in respect of conditions and use of a Section 106 agreement for on-going maintenance.
- 6.19 It is proposed to connect the foul drainage from the development to the public foul sewer located within Breinton Lee via a new gravity connection. Welsh Water has confirmed that there is sufficient capacity within the public foul sewer network to serve the foul flows from the development. Conditions regarding this matter are recommended.

Landscape Impact, Layout and amenity

- 6.20 The application site has been assessed as part of the Council's Urban Fringe Sensitivity Analysis and is considered to have medium-low sensitivity and is therefore suitable for housing. The site is relatively contained and clearly sits in the context of the other dwellings on Breinton Lee (the majority of which have been built in the last 15 years) and Kings Acre Road. The application submission reserves all other matters but an indicative layout has been submitted and officers are satisfied that 16 dwellings, with carefully considered landscaping and design, can be accommodated without detriment to the wider landscape or to the amenity

of neighbouring properties. The reduction in numbers and comments within the updated design and access statement also addresses this. These matters will be considered as part of any reserved matter application, including compliance with policies DR1 and H13 of the UDP, as well as guidance contained within the National Planning Policy Framework.

- 6.21 Unusually, for this type of development, it is noted that the applicants intend that some of the plots will be made available for self build projects.

Ecology

- 6.22 The Council's Ecologist has considered the reports submitted with the application and has recommended conditions. It is noted that there is an active badger sett to the western boundary of the site, and this is identified within the report and within representations. The conditions recommended ensure a scheme of habitat protection along with enhancement and mitigation measures. This would therefore comply with the requirements of policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan.

Affordable Housing

- 6.23 The application submission, in line with policy H9 of the UDP, includes 35% affordable housing provision. In this instance, it has been agreed that this will be provided as 6 Low Cost Market dwellings that would be sold at a reduced cost (at the price stated in the Technical Data at the time of the Reserved Matters application(s)). Further sales would also reflect the Low Cost discount and this would be secured, in perpetuity, through the Section 106 agreement. All properties would be built to DQS, Lifetime Homes and a minimum level of Code 3 and allocated to those with a local connection to Breinton parish, cascading to adjoining parishes in the established manner.

Open Space / Play Space provision

- 6.24 Policy H19 of the UDP requires the provision of play space for children on sites of 10 – 30 dwellings. It is agreed in principle that the layout can provide opportunities for residents and children to play informally. However, the final design and landscaping plans will need to make it clear which areas could be used and managed as such and are fit for purpose. This is particularly relevant to the pond area to be used as part of the infiltration scheme (SUDS) in respect of health, safety and accessibility. For example, consideration will need to be given to the design of the balancing pond as deep standing water can present a danger if publically accessible and future adoption as POS will be dependent on its final design. This will be considered further as part of any reserved matters application.
- 6.25 The on-site provision doesn't include a formal play area and this is supported since they offer little in play value and are costly to maintain. Therefore, in accordance with UDP policy H19 and the requirements for schemes of 10 – 30 dwellings, an off-site contribution towards existing facilities is considered appropriate. In this instance, existing play provision in the area is outside acceptable walking thresholds but given the potential to develop informal POS on the development site especially for younger children, the applicant has agreed to this approach. The contributions will be spent in consultation with the local community on priorities in accordance with the Play Facilities Strategy and Action Plans, and it is agreed that this will potentially be at Westfaling Street which is the nearest facility and a neighbourhood play facility.

Section 106 Matters

- 6.26 The Heads of Terms appended to this report detail the proposed requirements of the Section 106 Agreement. This includes contributions for the enhancement of local education, sustainable transport and sports infrastructure as well as contributions for libraries, waste

management and public open space. The Section 106 Agreement will also control the delivery of the affordable units and ensure they remain affordable in perpetuity, ensure drainage maintenance and management and the maintenance / provision of any open space within the site.

- 6.27 The Section 106 Heads of Terms is based on the requirements of the adopted Supplementary Planning Document on Planning Obligations whilst also ensuring the need and scale of the contributions and uses for the money meet the relevant legislative tests set out in the Community Infrastructure Levy Regulations. It is considered that the Section 106 Agreement as drafted accords with the requirements of UDP policy DR5.

Other issues

- 6.28 Both Parish Council and local representatives note that the land is Grade II agricultural land. The land has not been used for agricultural purposes for a significant length of time. Policy E15 of the UDP does seek to protect the best and most versatile land from development unless there is a lack of suitable development opportunities within the existing urban areas. I would refer to the start of the officer appraisal that identifies the Council's current housing land supply deficit and given that this proposal would involve the loss of a very small parcel of land that is not in agricultural use at present (or recently) such that greater weight should be attached to the former. Officers do not consider that the loss of agricultural could be defended in this specific case.

Conclusion

- 6.29 The proposal fails to comply, in principle, with Policy H7 of the Herefordshire Unitary Development Plan, however weight must be given to the National Planning Policy Framework, which clearly identifies that where sites are considered to be sustainably located and where they comply with other relevant policies, there should be a presumption in favour of sustainable development.
- 6.30 The development of the site has been carefully considered having regard to the access, highway safety and junction capacity and it is concluded that this would accord with the requirements of policies DR3 and T8 of the Unitary Development Plan. The drainage of the site and the impact on the existing drainage systems has also been thoroughly considered having regard to the technical reports and recommendations provided that relate both to the existing problems in the locality and site constraints. Subject to details that can be agreed through appropriate conditions and legal agreement, the proposal would accord with the requirements of policies DR4 and DR7 of the Unitary Development Plan.
- 6.31 The site is not particularly sensitive in terms of landscape impact, and sits comfortably within the context and built form of the surrounding dwellings and commercial buildings. Therefore the proposal would comply with the requirements of policy LA2 of the Unitary Development Plan, subject to detailed landscape plans, required by policy LA6, as part of the reserved matters application.
- 6.32 Matters relating to design, scale, layout and impact on amenities of adjoining properties will be considered as part of subsequent reserved matters application and appropriate conditions but officers are satisfied that this will be possible having regard to policies DR1, DR2, H13, LA6, NC1, NC6, NC7, NC8 and NC9 of the Unitary Development Plan

RECOMMENDATION

That subject to completion of a Section 106 Agreement in accordance with the attached Heads of Terms, planning permission be granted subject to the following conditions:

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

1. **A02 Time limit for submission of reserved matters (outline permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **I51 Details of slab levels**
5. **G11 Landscaping scheme - implementation**
6. **G04 Protection of trees/hedgerows that are to be retained**
7. **The recommendations set out in the ecologist's report dated 19 June 2012 should be followed. Prior to commencement of the development, a full working method statement should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.**

Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to and approved in writing by the local planning authority. This should include provision for the long-term management of the site and the work shall be implemented as approved.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan. To comply with Policies NC8 and NC9 of the Herefordshire Unitary Development plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

8. **G15 Landscape maintenance arrangements**
9. **F14 Removal of permitted development rights**
10. **L01 Foul/surface water drainage**
11. **L02 No surface water to connect to public system**
12. **L03 No drainage run-off to public system**
13. **M01 Surface water drainage works to be agreed**
14. **H09 Driveway gradient**
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. **H19 On site roads - phasing**
19. **H21 Wheel washing**

- 20. H27 Parking for site operatives
- 21. I16 Restriction of hours during construction

Reason for Approval

- 1. The proposal fails to comply, in principle, with Policy H7 of the Herefordshire Unitary Development Plan, however weight must be given to the National Planning Policy Framework that clearly identifies that where sites are considered to be sustainably located, and where they comply with other relevant policies, there should be a presumption in favour of sustainable development.

The development of the site has been carefully considered having regard to the access to the site and impact, highway safety and junction capacity and it is concluded that this would accord with the requirements of policies DR3 and T8 of the Unitary Development Plan. The drainage of the site and the impact on the existing drainage systems has also been thoroughly considered having regard to the technical reports and recommendations provided that relate to the existing problems in the locality and site constraints. Subject to details that can be agreed through appropriate conditions and legal agreement, the proposal would accord with the requirements of policies DR4 and DR7 of the Unitary Development Plan.

The site is not particularly sensitive in terms of landscape impact sits comfortably within the context and built form of the surrounding dwellings and commercial buildings and therefore the proposal would comply with the requirements of policy LA2 of the Unitary Development Plan, subject to detailed landscape plans as part of the reserved matters application.

Matters relating to design, scale, layout and impact on amenities of adjoining properties will be considered as part of subsequent reserved matters application and appropriate conditions but the Local Planning Authority are satisfied that this will be possible having regard to policies DR1, DR2, H13 LA6, NC1, NC6, NC7, NC8 and NC9 of the Unitary Development Plan.

It is considered that the other associated impacts of the development can be mitigated through the completion of a Section 106 Agreement in accordance with policy DR5 of the Unitary Development Plan and that this sustainable form of development, which complied with the saved policies of the unitary Development Plan was in accordance with the guidance provided by the National Planning Policy Framework.

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. HN10 No drainage to discharge to highway

- 3. **HN08 Section 38 Agreement & Drainage details**
- 4. **HN28 Highways Design Guide and Specification**
- 5. **HN05 Works within the highway**
- 6. **An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

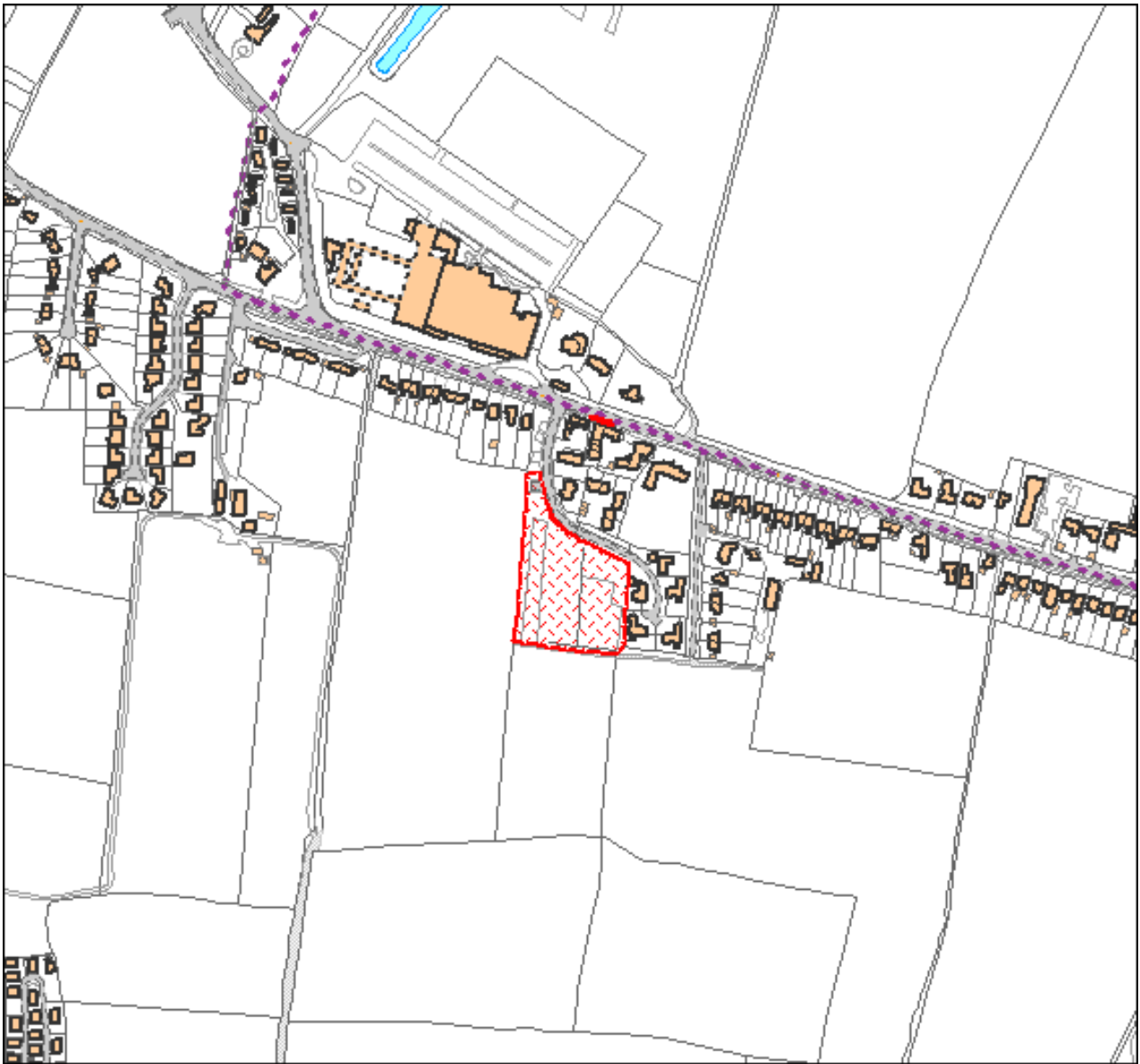
Decision:

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: S/123592/O

SITE ADDRESS : LAND OFF BREINTON LEE, KINGS ACRE ROAD, HEREFORD

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

HEADS OF TERMS
PROPOSED PLANNING OBLIGATION AGREEMENT

Section 106 Town and Country Planning Act 1990

PLANNING APPLICATION: 123592/O

PROPOSAL: PRE-APPLICATION ADVICE FOR RESIDENTIAL DEVELOPMENT.

SITE: LAND OFF BREINTON LEE, KINGS ACRE ROAD, HEREFORD

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

£4,900 (index linked) for a 2/3 bedroom open market unit
£8,955 (index linked) for a 4+ bedroom open market unit

The contributions will provide for enhanced educational infrastructure, youth service infrastructure, early years childcare insufficiency solutions and the Special Education Needs Schools. The sum shall be paid on or before first occupation of the 1st open market dwellinghouse (unless otherwise agreed with the LPA), and may be pooled with other contributions

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

£ 1,720.00 (index linked) for a 2 bedroom open market unit
£ 2,580.00 (index linked) for a 3 bedroom open market unit
£ 3,440.00 (index linked) for a 4+ bedroom open market unit

The contributions will provide for sustainable transport infrastructure to serve the development, which sum shall be paid on or before occupation of the 1st open market dwellinghouse (unless otherwise agreed with the LPA) and may be pooled with other contributions if appropriate.

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

- Improvements to pedestrian/cycling facilities and links (including cycle route along Kings Acre Road)
- Safer Routes for Schools
- Improvements to public transport facilities

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

£ 965.00 (index linked) for a 2 bedroom open market unit
£ 1640.00 (index linked) for a 3 bedroom open market unit
£ 2219.00 (index linked) for a 4 / 4+ bedroom open market unit

To be used as an off-site contribution towards Westfaling Street.

The sums shall be paid on or before the occupation of the 1st open market dwelling (unless otherwise agreed with the LPA). The monies may be pooled with other contributions if appropriate

OR – an on-site LAP alongside the informal play opportunities (expect a play area to the value of approx. £10,000 and approx. 0.02 ha (200 sq m) in size.

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

4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

- £ 408.00 (index linked) for a 1 bedroom open market unit
- £ 496.00 (index linked) for a 2 bedroom open market unit
- £ 672.00 (index linked) for a 3 bedroom open market unit
- £ 818.00 (index linked) for a 4 bedroom open market unit

(contribution based around the requirements of policy H19 and RST4 of the UDP and Sport England Sports Facilities Calculator). The money shall be used by Herefordshire Council to provide enhanced indoor sports facilities in Hereford City.

5. The developer covenants with Herefordshire Council to pay Herefordshire Council a 15 year commuted sum for the future maintenance of the on-site open space and play provision (to be agreed in line with 15 year maintenance schedule)

6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

- £120.00 (index linked) for a 1 bedroom open market unit
- £146.00 (index linked) for a 2 bedroom open market unit
- £198.00 (index linked) for a 3 bedroom open market unit
- £241.00 (index linked) for a 4+ bedroom open market unit

The contributions will provide for enhanced Library facilities in Hereford. The sum shall be paid on or before the occupation of the 1st open market dwelling, and may ... be pooled with other contributions if appropriate.

7. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £120 (index linked) per open market dwelling. The contribution will provide for waste reduction and recycling in Hereford. The sum shall be paid on or before occupation of the 1st open market dwelling (unless otherwise agreed by the LPA), and may be pooled with other contributions if appropriate.

8. The developer covenants with Herefordshire Council that the residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.

9. The Affordable Housing units shall be Low Cost Market.

10. 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.

10.1 The Affordable Housing Units sold in agreement with a procedure agreed with the LPA and shall be retained as Low Cost Market in Perpetuity and shall be allocated . sold as a sole residence to a person or persons one of who has:-

- a local connection with the parishes of Breinton,
- cascading to Hereford City. In the event there being no person with a local connection to any of the above parishes any other person ordinarily resident within the administrative area of Herefordshire 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

11. For the purposes of sub-paragraph 11.3 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
 - 11.1 is or in the past was normally resident there; or
 - 11.2 is employed there; or
 - 11.3 has a family association there; or
 - 11.4 a proven need to give support to or receive support from family members; or
 - 11.5 because of special circumstances
12. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to a subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
13. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 3 of the 'Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes' or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
14. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3, 4, 5, 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.
15. The sums referred to in paragraphs 1, 2, 3, 4, 5, 6 and 7 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
16. The developer undertakes to re-profile and extend the ditches to the southern and western boundaries of the site in accordance with the detailed drainage strategy agreed by conditions of the planning permission. Works shall be undertaken and completed prior to the occupation of any unit of accommodation. A detailed future maintenance schedule shall also be provided.
17. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
18. 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.
19. The Children's Play Area (if provided) and amenity public open space area shall be provided on-site prior to the occupation of 50% of the open market dwellings. The Children's Play Area and public open space shall be maintained by the developer for a period of one year and then transferred to Herefordshire Council at a cost of £1 provided that the play area and open space are to an acceptable standard as agreed by Herefordshire Council. At the time of transfer the developer shall pay Herefordshire Council a 15 year maintenance sum in accordance with the Tariff for Calculation of Commuted Sums 2012 (or subsequently amended).

Kelly Gibbons, Principal Planning Officer, May 2013

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



MEETING:	PLANNING COMMITTEE
DATE:	5 JUNE 2013
TITLE OF REPORT:	<p>N123065/F - PROPOSED ERECTION OF 8 NO. AFFORDABLE HOUSES WITH ASSOCIATED ACCESS AT LAND ADJOINING PEPPER PLOCK, WEOBLEY, HEREFORDSHIRE</p> <p>For: Markey Builders (Gloucester) Ltd per Quattro Design Architects Ltd, Imperial Chambers, Longsmith Street, Gloucester, Gloucestershire, GL1 2HT</p>
WEBSITE LINK:	http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=123065&NoSearch=True

Date Received: 29 October 2012 **Ward: Golden Cross with Weobley** **Grid Ref: 340812,251293**
Expiry Date: 11 February 2013
Local Member: Cllr MJK Cooper

1. Site Description and Proposal

- 1.1 The site is located outside, but adjacent to the recognised settlement boundary for Weobley, a main village in accordance with Policy H4 of the Herefordshire Unitary Development Plan. The site is located within the Weobley Conservation Area but is not subject to any other landscape designations.
- 1.2 The site is situated on an approach road to Weobley, within close proximity to the village's Primary and Secondary schools and alongside the C1094, from which it is separated by a native species hedgerow. The site is laid down to grass and is mainly grazed by sheep. It forms part of a range of small fields which are surrounded by historic hedgerows which have generally been poorly maintained. Adjoining the western side of the site is a residential area and a detached dwelling is also located adjacent to the site's eastern boundary.
- 1.3 The application proposes the construction of 8 affordable houses and an associated access to provide car parking provision to the rear of the dwellings on site. Five of the proposed dwellings would be for social rent and three for shared ownership. The dwellings would be of brick construction with white painted timber windows under a slate roof.
- 1.4 A Draft Heads of Terms drawn up in accordance with Section 106 of the Town and Country Planning Act 1990 has been submitted in support of the application in order to ensure that the dwellings remain affordable in perpetuity. This is attached as an appendix to the report.

2. Policies

- 2.1 The National Planning Policy Framework (NPPF)

It is considered that the following sections are of particular relevance to the proposal:

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

Achieving sustainable development

- Chapter 6 - Delivering a wide choice of high quality homes
- Chapter 7 - Requiring good design
- Chapter 11 - Conserving and enhancing the natural environment
- Chapter 12 - Conserving and enhancing the historic environment

2.2 Herefordshire Unitary Development Plan.

- S1 - Sustainable development
- S2 - Development requirements
- S3 - Housing
- S7 - Natural and historic heritage
- DR1 - Design
- DR2 - Land use and activity
- DR3 - Movement
- DR4 - Environment
- H4 - Main villages
- H7 - Housing in the countryside outside settlements
- H9 - Affordable housing
- H10 - Rural exception housing
- H13 - Sustainable residential design
- H15 - Density
- H16 - Car parking
- T6 - Walking
- T8 - Road hierarchy
- T11 - Parking provision
- LA2 - Landscape character and areas least resilient to change
- LA3 - Setting of settlements
- LA5 - Protection of trees, woodlands and hedgerows
- LA6 - Landscaping schemes
- NC1 - Biodiversity and development
- NC6 - Biodiversity Action Plan priority habitats and species
- NC7 - Compensation for loss of biodiversity
- NC8 - Habitat creation, restoration and enhancement
- NC9 - Management of features of the landscape important for fauna and flora
- HBA6 - New development in Conservation Areas

2.3 Supplementary Planning Guidance

Weobley Parish Plan

Provision of affordable housing, (updated November 2004) and subsequent technical updates

Planning Obligations

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

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

3.1 None identified on site.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water raise no objections subject to conditions being attached with regards to foul and surface water drainage being discharged separately from the site.

Internal Council Advice

- 4.2 The Public Rights of Way Manager raises no objections subject to a condition being attached with regards to no development being permitted until an Order has been made to allow the existing public right of way crossing part of the site to be diverted.
- 4.3 The Transportation Manager raises no objections subject to a condition with regards to on site access turning area and parking being attached.
- 4.4 The Land Drainage Manager raises no objections.
- 4.5 The Housing Manager raises no objections stating that there is an identified need in Weobley in accordance with the Housing Need Survey of 2012 for development as proposed. The response indicating a Section 106 agreement will be necessary to ensure that the units remain affordable in perpetuity for local people.
- 4.6 The Head of Strategic Planning and Regeneration indicates that the proposed development appears to be in accordance with policies of the Herefordshire Unitary Development Plan.
- 4.7 The Conservation Manager (Historic Buildings) raises no objections indicating that the amended plans do improve the front elevations by the addition of small windows adjacent to doors. The response further states that it would be difficult to sustain a building conservation objection on the basis of the setting of the Conservation Area when the setting is essentially a landscape question.
- 4.8 The Conservation Manager (Landscapes) objects to the application indicating the proposed housing cuts across the field pattern which is part of the historic setting of the village, whilst acknowledging that the site, although located within the Weobley Conservation Area, is some distance from the historic centre of the village. The response indicates that the supply of new homes can sometimes be best achieved through planning for larger scale development and that this proposal is an example of where the loss of the historic fields and hedgerows will be for a very limited gain in housing numbers and that information submitted in support of the application does not include information on landscape impact assessment or reference to the historic landscape.
- 4.9 The Conservation Manager (Ecology) recommends a planning condition with regards to submission and implementation of a full working method statement. This being in relation to potential impacts on habitat that could be used by great crested newts and with regards to planting of a replacement hedgerow, which is a possible route for great crested newts to a pond on the opposite side of the public highway.

5. Representations

- 5.1 Weobley Parish Council has responded to the application indicating:

The Parish Council acknowledges the need for affordable housing as evidenced by Herefordshire Council's Housing Needs Surveys and also recognises the change in the proposed provision of accommodation to suit the requirements of the most recent Survey in 2010 as well as recent Government changes to benefits and occupancy rules regarding social housing. However, following a public meeting held in January it is evident that this proposed development is causing concern amongst the majority in our local community.

The key reasons are:

Extent of Affordable Housing

The Council considers that the parish already has a sufficiently high percentage of affordable housing at approximately 24% against the county's average of 15%. This already significant gap would be widened should the current proposals be approved.

Affordable Housing allocation

With reference to the allocation policy for occupancy as detailed in the Draft Heads of Terms document enclosed with the application, the Parish Council finds these tenuous and is not reassured that priority will be given to local persons. (Some in the community have expressed concerns that this has been promised but not delivered during previous allocations on new developments in the village).

The Parish Council has previously expressed its views on tenure of any affordable housing proposals in the parish in earlier consultations and its preference for shared ownership options. This view remains unchanged. It notes that just three of the proposed units are for intermediate tenure occupation.

Traffic and Parking

The layout of the proposed development includes an access road which leads to parking facilities at the rear of the properties. The existing public footpath can also be accessed via this road. However, inclusion of the access to the rear of the development raises concerns with regard to further development of the remaining land. Also, although acknowledging the provision for off-road parking, there is no assurance that this will be utilised. The proposed development is situated at a point close to pedestrian access to the Primary School and its dropping off point for pupils arriving by car and bus. The Parish Council has previously expressed its concerns over the existing congestion and safety issues in the area of the schools with regard to school related traffic and insufficient traffic control or enforcement.

Local opposition

The Parish Council also recognises the high level of local opposition to the development. It would question the reference to 'general support for the proposed scheme' as stated in the application's Design and Access Statement (5.2 Public Consultation) which would appear to contradict a response to the question 'Would you support a development for affordable housing at Pepperplock?' included in the consultation's own questionnaire, where 75% of those responding answered 'No'. In addition, the Parish Council has received representation from the Weobley Action Group who in seeking to assess the views of village residents on the proposed development of this piece of land has obtained signatures to a petition which would indicate that of 433 Weobley village households surveyed, over 90% of the 392 households who responded are in opposition to any housing built on the conservation area adjacent to Pepperplock. Importantly, it also notes the group's concerns about further development on the land to the rear of the proposed development should this application be approved.

In conclusion, with particular reference to the existing level of affordable housing within the parish and our recognition of the high level of local opposition to housing on the proposed site, the Parish Council objects to the application.

- 5.2 Seven letters of objection/comment have been received. Key issues raised can be summarised as follows:

- Site should be retained as open space.
- Weobley already has a high proportion of affordable housing in comparison to the rest of Herefordshire.
- There will be potential for further housing development to the rear of the site.
- Drainage issues.

5.3 Also received is a petition opposing housing development on the application site and this contains 443 signatories.

The petition clearly states that signatories to the petition are resolutely opposed to and do not want any new housing development built within the boundaries of the Conservation Land adjacent to Pepperplock and outside the permitted village building line as proposed by Herefordshire Council. We state that this said pasture land is a much valued intrinsic unspoilt and extensively used amenity to all the Weobley Village residents as signed below.

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

6.1 The key issues in relationship to this application are :

- Principle of the development.
- Need for affordable housing at Weobley.
- Highway safety/parking issues.
- Landscape and biodiversity issues.
- Drainage issues.

Principle of the development.

6.2 The site is located immediately adjacent to, but outside of the recognised development boundary for Weobley, which is classed as a 'Main Village' in accordance with the Herefordshire Unitary Development Plan (HUDP). Policy H7 of the HUDP sets out a number of exceptions that can be made in relation to housing development outside established settlement boundaries. One such exception relates to the delivery of affordable housing in accordance with Policy H10 where such a scheme contributes to meeting a proven genuine and quantifiable local need for affordable housing as ascertained from an up-to-date local affordable housing needs survey. The policy further states that it must be evident that local housing conditions could not otherwise satisfy the need, that the scheme respects both the character and size of the settlement concerned, arrangements are made to ensure that the benefits of affordable housing will be enjoyed in perpetuity and that the site's location affords reasonable access to facilities and where possible public transport.

Need for affordable housing in Weobley.

6.3 The application proposes 8 local needs affordable dwellings. 5 for social rental and 3 for shared ownership.

The breakdown in bedroom numbers per dwelling is as follows:

- 2 no. 1 bedroomed dwellings

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

- 4 no. 2 bedroomed dwellings
- 1 no. 3 bedroom dwelling
- 1 no. 4 bedroom dwelling

- 6.4 In accordance with comments from the Housing Manager, there are currently 15 residents of Weobley registered with Home Point as requiring affordable housing. The need relates to a full range of dwelling sizes such as are proposed by this application. This need is further substantiated by the 2012 Housing Needs Survey for Weobley. Accordingly whilst the views of the Parish Council and those local residents who have objected are acknowledged, the evidence provided by the Housing Manager indicates an unmet need that this proposal would in part meet. It is also advised that the provision of small scale affordable housing schemes is consistent with the Weobley Parish Plan. This however needs to be balanced against another key objective of the Parish Plan which seeks to ensure that development accords with the local character, which is addressed in the landscape and biodiversity section below.
- 6.5 Accordingly, officers are satisfied that there is a demonstrated need for affordable housing in Weobley and the development subject to this application will contribute towards easing the shortage of affordable housing in Weobley and the surrounding parishes.

Highway safety/parking issues

- 6.6 Concerns have been raised by the Parish Council and members of the public with regards to on site parking provision and the additional traffic that the proposed development will generate.
- 6.7 The site is situated within close proximity to both Weobley Primary and Secondary schools, (these are located on the opposite side of the C1094) and is also within a reasonable walking distance of the services and facilities available in Weobley, as such the site is considered to be in a sustainable location for housing development. The proposal is for a total of 14 vehicle parking to the rear of the site. This forms part of the overall layout and design and has been designed in order to safeguard the adjacent public highway from the risk of residents parking their vehicles at the front of the site where that might potentially contribute towards causing obstructions. The applicants are conscious of the fact that the site is within close proximity to both the village's schools and have provided for a parking layout that is appropriate for the mix of house sizes proposed. In this respect whilst local concerns are noted, it is not considered that this local concern would warrant the refusal of planning permission. In recognition of this, it should be noted that the Transportation Manager raises no objections to the proposed development.

Landscape and biodiversity issues

- 6.8 The Conservation Manager (Landscapes) has raised objections to the proposed development advising that the proposed housing would adversely affect the historic field pattern which forms part of the setting of Weobley and that the development subject to this application only offers a limited gain in housing compared to the landscape impact.
- 6.9 The landscape objections are noted, however the provision of affordable housing together with limited impact on the village's built environment is considered to outweigh the harm on landscape impact. This has been given careful consideration which resulted in the submission of a scheme using up less road frontage, therefore having less impact on the overall field pattern when viewed from the adjacent public highway.
- 6.10 The balanced conclusion reached is that any development scheme for affordable housing must not only contribute towards meeting the needs of affordable housing within a locality, but also be of a scale and size that is reflective of the settlement and location concerned. It is considered that 8 dwellings in a linear form along the road frontage is the most appropriate

response in this location. One of the special qualities of Weobley is its landscape setting, and this refers to the whole of the village and not just the location subject to this proposal. Whilst it is accepted that the site is located within the Weobley Conservation Area, this covers a large expanse of land that abuts the settlement and both the Conservation Manager (Landscapes) and the Conservation Manager (Historic Buildings) acknowledge that the site is some distance from the historic centre of the village. The latter advises that it would be extremely difficult to sustain an objection on the basis of the setting of the Conservation Area from a built environment point of view.

- 6.11 Whilst the proposal will result in the loss of hedgerows, these are considered overall to be of low quality and the application does propose mitigation to replace some hedgerow lost as a result of the proposal.
- 6.12 The site is within close proximity to a pond, (located within the nearby school grounds), which is known to be used by Great Crested Newts. The applicants have undertaken Great Crested Newt surveys and the Planning Ecologist agrees with their conclusions, recommending a condition is attached in order to secure the submission and implementation of a full working method statement. This should include details of replacement hedgerow planting.
- 6.13 In conclusion with regard to landscape and biodiversity issues, it is considered that the proposed development represents an acceptable compromise. Whilst it is disappointing that the proposal will result in loss of hedgerow, it is considered that the identified and unmet need for the provision of affordable housing in Weobley outweighs the harm to the surrounding historic field pattern at this specific location. Whilst forming part of the Weobley Conservation Area, the site is not subject to any specific landscape designation and whilst there will be some erosion of the character of the roadside frontage, the remainder of the historic field pattern behind the site remaining intact.

Drainage issues

- 6.14 Letters of objection received have also raised concerns about drainage issues. It is noted that neither the Land Drainage Manager or Welsh Water raise any objections with regards to drainage issues, the latter recommending the attachment of conditions with regards to foul and surface water drainage being discharged separately from the site. In this context it is not considered that there is a basis to object to the application.

Other matters

- 6.15 Weobley Parish Council have raised concerns about the high percentage of affordable housing in Weobley compared to the County's average.
- 6.16 Whilst it is acknowledged that Weobley does have a larger than average percentage of affordable housing compared to the County as a whole (24% compared to 16%), there has been no breakdown of these figures with regards to a comparison between affordable housing in rural areas to built up areas. Weobley is a Main Village and provides a range of services and facilities in an area where there are few other such settlements within the immediate vicinity. Compared with other main villages that provide a similar range of services and more urban areas, the percentage of affordable housing is of a similar percentage. Furthermore the housing needs survey for Weobley demonstrates that there is a current unmet need for affordable housing as proposed.
- 6.17 The application is accompanied by a Draft Heads of Terms, (annexed to this report), this clearly sets out the terms for the drawing up of a Section 106 agreement under the Town and Country Planning Act 1990 with regards to criteria for the eligibility for affordable housing provision.

Conclusion

- 6.18 The provision of affordable housing in order to contribute towards the identified and genuine long term need for affordable housing is supported by policies of the Herefordshire Unitary Development Plan. The proposal on this account is entirely in accordance with the NPPF and the relevant local policies relating to the provision of affordable housing. It is also considered that the location on the edge of Weobley will represent a sustainable form of development providing occupants with a choice of transport modes and walkable access to the services and facilities available in the village.
- 6.19 Whilst it is acknowledged that the proposed development will have an adverse impact on the rural landscape setting within the recognised Conservation Area of Weobley, it is also recognised that the impact will be localised and that the site does not have any specific landscape designation. As such it is considered that the need for affordable housing outweighs the localised adverse impact on landscape character and the proposal is therefore recommended for approval.

RECOMMENDATION

That subject to the completion of a S106 Agreement being completed in accordance with the attached Draft Heads of Terms, planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. B07 Section 106 Agreement**
- 4. C01 Samples of external materials**
- 5. L01 Foul/surface water drainage**
- 6. L02 No surface water to connect to public system**
- 7. L03 No drainage run-off to public system**
- 8. H13 Access, turning area and parking**
- 9. G09 Details of Boundary treatments**
- 10. G12 Hedgerow planting**
- 11. Prior to commencement of the development, a full working method statement should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.**

Prior to commencement of the development, a habitat enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.

To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

12. I16 Restriction of hours during construction
13. H28 Public rights of way

Reason for Approval

Having regard to the principle of delivering affordable housing on the edge of a designated Main Village, the development is considered to be in accordance with the requirements of the Herefordshire Unitary Development Plan, Supplementary Planning Guidance, the Weobley Parish Plan and the National Planning Policy Framework.

There is an identified need for the provision of affordable housing in Weobley, and this development, subject to the completion of a Section 106 Agreement will contribute towards meeting the need and secure its availability in perpetuity.

It is considered that the acknowledged localised adverse impact upon the historic field pattern of the landscape in this particular location is outweighed by the needs for affordable housing and in reaching this decision, it was noted that the site, whilst located within the Weobley Conservation Area, does not have the benefit of any other landscape designation.

The development is considered acceptable having regard to the residential amenity of neighbouring residents, foul and surface water drainage arrangements, the impact upon the identified biodiversity value of the site and the mitigation proposals that would be secured by condition.

The access and parking arrangements are such that there would be no adverse impact upon the local road network.

On balance the development is considered to be in accordance with Policies S1, S7, DR1, DR2, DR3, DR4, H4, H7, H9, H10, HBA6, LA2, LA3, LA5, LA6, NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan, the National Planning Policy Framework and other adopted Supplementary Planning Guidance and Documentation.

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 HN04 Private apparatus within highway

- 3 **HN01 Mud on highway**
- 4 **HN28 Highways Design Guide and Specification**
- 5 **HN05 Works within the highway**
- 6 **An appropriately qualified and experienced ecological clerk of works must be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation and enhancement work.**

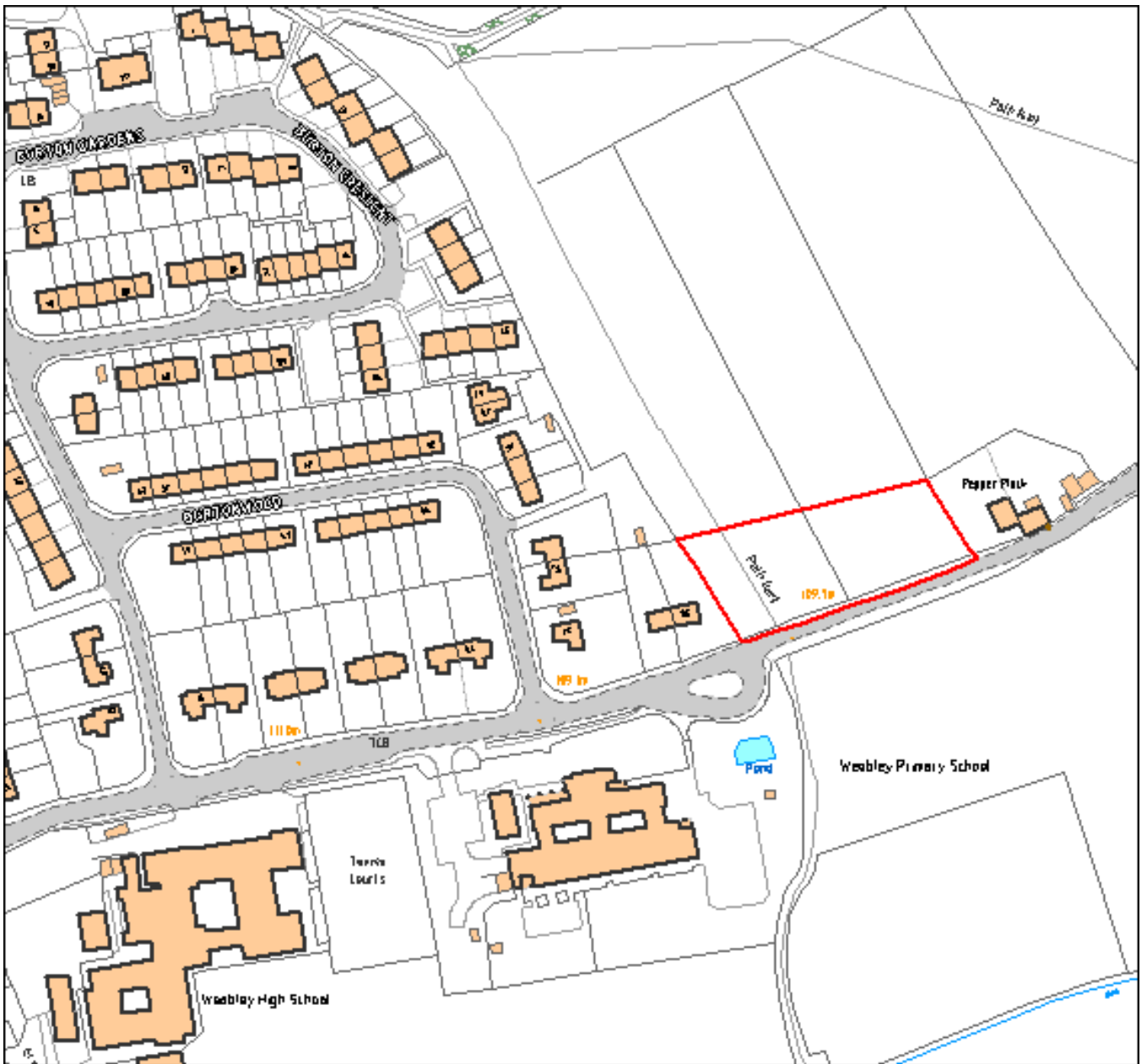
Decision:

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: N/123065/F

SITE ADDRESS : LAND ADJOINING PEPPER PLOCK, WEOBLEY, HEREFORDSHIRE

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DRAFT HEADS OF TERMS

Weobley

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 1st April 2008. All contributions in respect of the residential development are assessed against general market units only.

Erection of 8 affordable dwellings comprising 1, 2, 3 and 4 bedroom dwellings on land adjoining Pepper Flock, Weobley.

1. The developer covenants with Herefordshire Council that the eight (8) residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
2. Of those Affordable Housing units, five (5), shall be made available for rent with the remaining three (3), being available for intermediate tenure occupation.
3. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-:
 - 3.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 3.2 satisfy the requirements of paragraphs 4 & 5 of this schedule
4. 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:-
 - 4.1 a local connection with the parish of Weobley; or
 - 4.2 in the event of there being no person having a local connection to the parish of Weobley a person with a local connection to one of the following parishes: Sarnesfiled, Norton Canon, Yazor, Kings Pyon, Pembridge and Dilwyn.
 - 4.3 in the event of there being no person with a local connection to any of the above parishes 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 subparagraph 4.1 or 4.2 above.
5. For the purposes of sub-paragraph 4.1 or 4.2 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
 - 5.1. is or in the past was normally resident there; or
 - 5.2 is employed there; or
 - 5.3 has a family association there; or

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

- 5.4 a proven need to give support to or receive support from family members; or
- 5.5 because of special circumstances;
- 6. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to such subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
- 7. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 3 of the 'Code for Sustainable Homes - Setting the Standard in Sustainability for New Homes' or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
- 8. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.



MEETING:	PLANNING COMMITTEE
DATE:	5 JUNE 2013
TITLE OF REPORT:	130779/F - PROPOSED REPLACEMENT CORRUGATED GARAGE AND IMPLIMENT STORE WITH TWO BEDROOM SINGLE STOREY DWELLING TO CARE FOR ELDERLY PARENTS AT LAND AT ORCHARD HOUSE, CREDENHILL, HEREFORDSHIRE, For: Mr Prosser per Mr R Pritchard, The Mill, Kenchester, Hereford, Herefordshire HR4 7QJ
WEBSITE LINK:	http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=130779&NoSearch=True

Date Received: 19 March 2013

Ward: Credenhill

Grid Ref: 346115,243365

Expiry Date: 28 May 2013

Local Members: Councillor RI Matthews

1. Site Description and Proposal

- 1.1 The application site comprises an existing garage and garden area associated with the dwelling known as Orchard House. This is situated to the east of the A480 and Credenhill, opposite 'Taste for Adventure' and to the south east of the residential properties associated with the Stirling Lines Military Base. The dwelling known as Vron House lies immediately to the west of the application site. The site is accessed via an existing single width driveway onto the A480.
- 1.2 The proposed development is for the demolition of a corrugated tin garage and implement store and erection of a single storey dwelling. The existing garage is a single storey construction with the main element being a pitched roof with eaves height of 2.5m and ridge height of 4.6m. Lean-to sections project to both the east and north. The proposal is for a dwelling with an identical footprint as the existing building. The main part of the dwelling would have an eaves height of 2.7m and ridge height of 4.6m. The rear section and sideward projection of this would be slightly lower, reducing the eaves level to 2.4m and ridge height to 4.3m. This dwelling would comprise two bedrooms, kitchen, w/c and open plan living area and dining room. The proposed dwelling would be sited immediately adjacent to the boundary with Vron House, adjacent to their two storey outbuilding.
- 1.3 The application includes details in relation to the need for the dwelling for an elderly relative who is dependent upon the applicants, who reside in Orchard House.

2. Policies

- 2.1 National Planning Policy Framework (NPPF)

It is considered that the following sections of the NPPF are of particular relevance:

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

Paragraph 14 – the presumption in favour of sustainable development
Chapter 6 – Delivering a wide choice of high quality homes
Chapter 7 – Requiring good design
Chapter 8 – Promoting healthy communities
Chapter 11 – Conserving and enhancing the natural environment

2.2 Herefordshire Unitary Development Plan 2007 (HUDP)

S1 - Sustainable development
S2 - Development requirements
S3 - Housing
S6 - Transport
DR1 - Design
DR3 - Movement
DR4 - Environment
H4 - Main villages: Settlement boundaries
H7 - Housing in the countryside outside settlements
H13 - Sustainable residential design
T11 - Parking provision
LA5 – Protection of trees, woodland and hedges
LA6 - Landscaping

2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Councils website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspx>

3. Planning History

- 3.1 S112637/F - Proposed replacement of corrugated garage and implement store with two bedroom single storey dwelling - Withdrawn in December 2011 following concerns from officers that this would be tantamount to a new dwelling in open countryside, that would not comply with the requirements of policy H18 of the Unitary Development Plan.

4. Consultation Summary

- 4.1 Welsh Water - No Comment
4.2 Transportation Manager raises no objection.

5. Representations

- 5.1 Credenhill Parish Council has no comments to make on this application.
5.2 The consultation responses can be viewed on the Council's website by using the following link:-
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-
www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

- 6.1 The application site lies outside the urban settlement boundary and as such may be considered as open countryside having regard to policy H7 of the HUDP. New residential development in areas outside of defined settlement boundaries must comply with one of the identified criteria and it is advised that the proposed dwelling does not fall within any of these.
- 6.2 The introduction of the NPPF means that Councils need to provide a five year supply of housing. It has been established that Herefordshire Council cannot demonstrate a 5 year supply of housing in accordance with the NPPF requirements and in recognition of this, an interim protocol was produced in July 2012. This seeks to enable a consistent approach to exemptions to Policy H7 in order seek to address the housing shortfall. The interim protocol specifies that sites should be located at a main settlement as defined by Policy H4 of the UDP, be located adjacent to the settlement boundary and assessed in the SHLAA as having low/minor constraints.
- 6.4 The NPPF also states that planning permission should be granted in accordance with the presumption in favour of sustainable development, unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or if specific policies in the Framework indicate that development should be restricted.
- 6.5 Credenhill is identified as a main settlement in the HUDP with the settlement boundary being drawn around the village to the west. This excludes the 'living quarters' of approximately 100 dwellings associated with Stirling Lines that lies immediately north of this site. Whilst the siting of the proposed dwelling does not strictly comply with the terms of the interim policy it is very clearly related to the built development of Credenhill. The site is also accessed onto the A480, with access directly onto the newly constructed cycleway / pedestrian path that connects this area to Hereford City and also to the existing footway to Credenhill. The A480 is also a bus route, with a bus stop being located a short walk away to the north at Jellicoe Way. As such, the siting of the proposed dwelling is considered to be sustainable in its location and as such compliant with policy S1 of the HUDP and guidance contained with the NPPF. In this instance, it would be difficult to defend the position that this dwelling, in this location, was not compliant with the NPPF guidance and as such it is considered acceptable in principle.
- 6.6 The proposed dwelling is small in scale with floorspace of only 73 sqm (measure internally) and is intended for use by the dependent relative of the occupiers of Orchard House. The siting and design of the dwelling are comparable to the existing garage on the site, and the design of the dwelling is considered to be appropriate for the context and location and would respect the character of the area. The dwelling would have its own garden and parking area, and can be readily and easily separated from the existing dwelling without detriment to that dwelling, its occupants or amenity space.
- 6.7 The proposed dwelling is adjacent to the boundary with Vron House. This dwelling has recently had a large two storey garage with room above constructed in its curtilage that is within 2m of the boundary. This is considerably taller than the proposed dwelling and the proposed dwelling is of a similar size and scale to the existing garage. Having regard to this, the proposed dwelling would not adversely impact on the amenities enjoyed by the occupants of Vron House and would therefore comply with the requirements of policies DR2 and H13 of the HUDP.
- 6.8 The proposals would involve the removal of some smaller trees and planting, and to ensure a satisfactory landscaping and boundary treatment scheme, a condition is recommended in accordance with policy LA6 of the HUDP.
- 6.9 Access to the proposed dwelling is via the existing access. The highways officer has not raised any objections to this. The siting of the new cycleway has improved visibility along this

stretch of highway. As such the proposal would comply with the requirements of policy DR3 of the HUDP.

- 6.10 The development would be subject to a planning obligation as per the Council's Supplementary Planning Document on Planning Obligations. However, in response to the current economic climate, the Council has introduced a temporary suspension of the payment of planning obligations provided that the development is commenced within 12 months. This decision was ratified by Cabinet on 4 March 2009. The applicant has requested a 12 months commencement date to be attached to any approval notice as part of the planning application.
- 6.11 The proposal fails to comply, in principle, with policies H4 and H7 of the UDP, however weight must be given to the National Planning Policy Framework that clearly identifies that where sites are considered to be sustainably located, and where they comply with other relevant policies, there should be a presumption in favour of sustainable development. The sites development accords with policies in relation to character of the area, highway safety, relationship with neighbouring properties namely policies DR1, DR2, DR3, DR4, H13, LA5 and LA6 of the UDP. In conclusion, whilst the application would be contrary to Saved Policies of the UDP, the absence of a 5-year supply of housing land means that there are grounds to support this application and it is recommended for approval subject to conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission) - 1 year**
- 2. B02 Development in accordance with approved plans and materials**
- 3. C01 Samples of external materials**
- 4. G10 Landscaping scheme**
- 5. G11 Landscaping scheme - implementation**

Reason for Approval

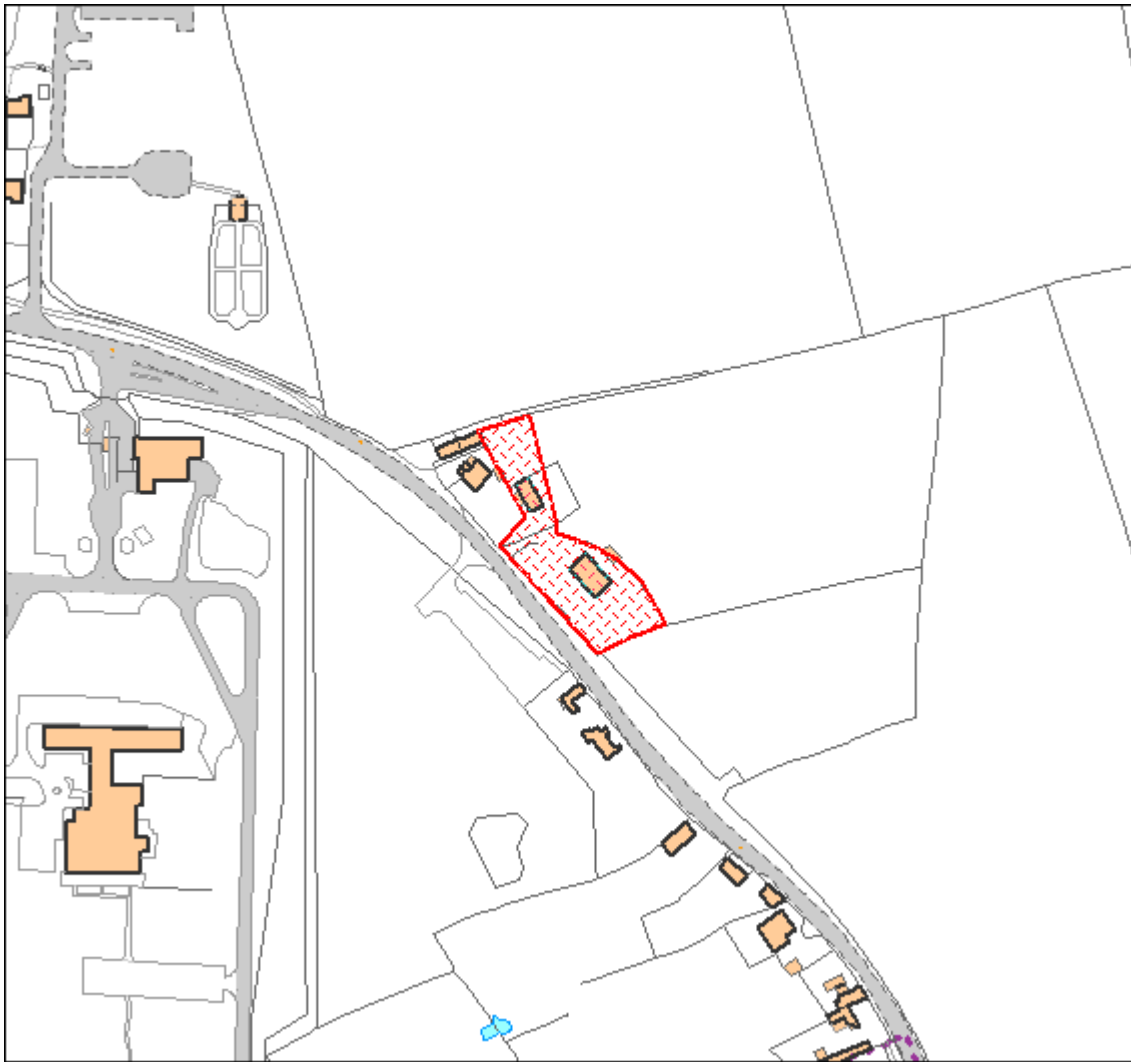
- 1. The proposal fails to comply, in principle, with policies H4 and H7 of the Herefordshire Unitary Development Plan, however significant weight has been given to the guidance provided by the National Planning Policy Framework that clearly identifies that where sites are considered to be sustainably located, and where they comply with other relevant policies, there should be a presumption in favour of sustainable development. The sites development accords with policies in relation to character of the area, highway safety and relationship with neighbouring properties namely policies DR1, DR2, DR3, DR4, H13, LA5 and LA6 of the Herefordshire Unitary Development Plan. In conclusion, whilst the application would be contrary to Saved Policies of the Herefordshire Unitary Development Plan, the absence of a 5-year supply of housing land and the sustainable location of the site are of sufficient weight to grant planning permission in this case.**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: 130779/F

SITE ADDRESS : LAND AT ORCHARD HOUSE, CREDENHILL, HEREFORDSHIRE

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



MEETING:	PLANNING COMMITTEE
DATE:	5 JUNE 2013
TITLE OF REPORT:	<p>130870/N - CONSTRUCTION AND THE INSTALLATION OF 2 NO. CONCEALED UNDERGROUND WATER TREATMENT TANKS IN CONNECTION WITH PROCESSING DILUTED WASTE WINE AND SOIL DRAINS FROM THE EXISTING WINE DISTILLERY BUSINESS. MINOR ADJUSTMENTS TO EXISTING LANDSCAPE MOUND TO FORM AND CONSTRUCT A RELIEF CAR PARKING AREA AT LEADON COURT FARM, FROMES HILL, HEREFORDSHIRE, HR8 1QJ</p> <p>For: Mr Morgan per Old Franklands, Sutton St Nicholas, Herefordshire, HR1 3BU</p>
WEBSITE LINK:	http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=130870&NoSearch=True

Date Received: 27 March 2013

Ward: Frome

Grid Ref: 368652,246900

Expiry Date: 15 July 2013

Local Member: Councillor PM Morgan

1. Site Description and Proposal

- 1.1 Leadon Court adjoins the A4103 Worcester road, approximately 17 kilometres east of Hereford near Fromes Hill. The farmhouse occupies an elevated position and is grade II listed. Below the house, and some 200 metres north-east of it, a large agricultural building was erected in the 1990s. The building now has other approved B2/B8 uses including wine-making and distribution, which generates a volume of waste-water effluent. In order to meet environmental standards for safe disposal of this waste, the proposal is to install a purpose-built underground treatment system. This would replace existing foul sewerage, currently comprising a septic tank and holding tank, emptied weekly by a licensed contractor and transported out from site.
- 1.2 The site proposed for the new treatment unit is on a grass field adjoining the building on the east and would consist of the following:
- Below-ground chambers: 2 no. tanks, 6 metres depth, valve chamber, final effluent and screen chamber plus other inspection pits;
 - Above ground the tanks would have access covers on a concrete plinth; and a compressor/ control kiosk, 2.2m x 1.75m x 2.2m high would be located close by;
 - Final discharge would be to watercourse or soakaway, subject to Environment Agency consents and permits.
- 1.3 Also included in this application is a proposal for additional car-parking. Current arrangements along the eastern side of the existing large building are stated to be inadequate at certain times during peak production. HGVs and fork-lifts also use the area for deliveries and distribution.

Further information on the subject of this report is available from Mrs D Klein on 01432 260136

The proposal is to cut into and re-model one side of an existing large oval earth bund, to provide 15 further car spaces. Surfacing would be a Terram permeable mat, compacted stone and washed gravel, to ensure no additional surface water drainage would necessary. A post-and-rail fence is proposed.

2. Policies

2.1 Relevant additional Legislation

Groundwater Directive (80/68/EEC)
Water Framework Directive (2000/60/EEC)
Groundwater Daughter Directive (2006/118/EC)
Environmental Permitting Regulations 2010

2.2 National Planning Policy Framework (NPPF)

The NPPF does not specifically deal with this type of facility, generally relying on legislation other than planning. However the general emphasis in the NPPF on sustainable development, rural communities, design, health, and conservation of the natural environment, are all relevant. In particular, paragraph 110 requires that 'the aim should be to minimise pollution'. Section 7 deals with good design, requiring development to 'add to the overall quality of the area' and to 'respond to local character and history'. However, the weight to be given to these points will depend on other issues and the need for the development as essential infrastructure. It is established that the planning system should not seek to duplicate the requirements of other legislation.

PPS10 - Sustainable Waste Management

2.3 Herefordshire Unitary Development Plan

S1 - Sustainable development
S2 - Development requirements
S6 - Transport
S10 - Waste
DR1 - Design
DR2 - Land use and activity
DR3 - Movement
DR4 - Environment
DR7 - Flood risk
DR14 - Lighting
E12 - Farm Diversification
T8 - Road hierarchy
T11 - Parking provision
HBA4 - Setting of listed buildings
LA2 - Landscape character
LA5 - Protection of trees, woodlands and hedgerows
LA6 - Landscaping schemes
NC1 - Biodiversity and development
W1 - New waste management facilities
CF2 - Foul drainage

2.4 Herefordshire Core Strategy Draft March 2013

This document is at the Consultation Draft stage and adoption is some way off at the time of writing and carries little weight at this time,

- 2.5 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

- 3.1 MH90/1665 approval of a large agricultural building in relation to a dairy herd in the 1990s
- N98/0062/N approval of a Change of Use of the building to B2/B8 (industrial and storage) in 1998, since when it has been put to a variety of diversification uses
- N110776/F approval of solar panels, to be applied to the roof of the building

4. Consultation Summary

Statutory Consultees

- 4.1 The Environment Agency is generally supportive in principle. It has pointed out that the system should not be utilised until the required Environmental Permit has been granted for the final discharge. Further advice is given with regard to pollution prevention and waste minimisation.

Internal Council Consultations

- 4.2 Transportation Manager – No objections
- 4.3 Environmental Services Manager – No objections or other comments
- 4.4 Drainage Advisor - Advice at pre-application stage drew attention to the need to ensure no additional surface water run-off. Final discharge would be subject of additional consent.
- 4.5 Conservation Manager:

(Landscape) No objections. The proposed tree planting is welcomed. The proposal for 7 apple trees is supported, particularly if these were local varieties.

(Archaeology) Consulted at pre-application stage - the area is already disturbed and of low potential for archaeology. No concerns.

5. Representations

- 5.1 Bishops Frome Parish Council: Any response will be reported to the Planning Committee, as will any representations from residents.
- 5.2 The consultation responses can be viewed on the Council's website by using the following link:-
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

6.1 Pre-application advice was sought in February 2013, under reference 130362/CE. Officers have identified the following key issues:

- Need and purpose of the development
- Site choice and land use
- Pollution prevention, final discharge and surface water run-off
- Access and highways
- Landscape and visual impact, including trees and hedges

Need and purpose

(a) Waste-water treatment plant

6.2. As farm diversification, the wine-making business along with other commercial activities on this site, contribute to the rural economy. The application presents the case that bespoke waste-water treatment on site is necessary and desirable. Waste-water from wine making is high in Biological Oxygen Demand (BOD), and not suitable for direct discharge to the River Leadon. Weekly tankering out of effluent from the existing holding arrangement is unsustainable in terms of cost and traffic generation.

(b) Additional car parking

6.3 Existing parking is constricted. There is a potential for conflict between parked cars and operational activities such as turning HGVs and forklift trucks. The existing landscape bund is utilitarian and would not be adversely affected by the remodelling required to achieve the proposed additional parking. There would be a benefit from segregating cars from the operational area. There is no implication that significant extra traffic would be generated. The design of the proposal is acceptable and the provision of a porous surface is noted.

6.4 The proposal is supported in principle by the National Planning Policy Framework (NPPF) in terms of sustainability, the rural economy, and the need to enhance local areas. If the wine-making business is to thrive, there is a clear need to ensure adequate provision for the liquid effluent generated, in accordance with Environment Agency requirements. There is also a need for satisfactory parking arrangements for staff, visitors and deliveries.

6.5 The UDP is consistent with the NPPF and requires sustainable efficient waste management, in policy S10. The application is directly linked to an existing B2 process and is not subject to the constraint criteria given in policy W1 for new facilities. The site is also not affected by any of the sequential constraints listed in that policy. Policy CF2 requires developments to 'make satisfactory arrangements for foul drainage'. In the absence of appropriate mains sewerage the proposal meets that policy. The existing septic tank arrangements have hitherto been adequate, but the development of the wine business has its own particular requirements due to the nature of the liquid effluent. These must be met in order to maintain the diversification project, which is supported by UDP policy E12. The proposed parking arrangements accord with policy T11.

6.6 On the basis of the above, officers recognise an overriding need to support rural business, minimise pollution, provide sustainable infrastructure and to comply with EU legislation. Officers accept there is a clear need for this development and no conflict with policy.

Site choice and land use

6.7 The site for the water treatment plant has been chosen so as to be unobtrusively located behind the existing earth bund. It would not be visible from the A4103. The majority of the plant would be underground with only the plinth, inspection covers and control kiosk above ground. The site is within an existing grass field, but its presence would not preclude the continuation of

agricultural use. The addition parking could be effectively achieved with minor alterations to the earth bund. Both elements of the proposal constitute a change of use to small areas of current grass pasture, effectively extending the industrial use. However the amount of land is minimal and officers do not consider there to be any likely detriment. The site choice would not jeopardise any other land uses or affect amenity; there are no visible residential neighbours. The applicant's listed buildings at Leadon Court are also not visible at the site, being at a higher level and screened by vegetation. In terms of site choice and land use, officers consider the proposal would not conflict with any policy issues including UDP policies S2, DR1, DR2 and HBA4

6.8 Pollution prevention, final discharge and surface water run-off

6.8.1 The purpose of the proposal is to prevent pollution by treating effluent on site, with final discharge being to a quality which would be compliant with the necessary Environment Agency consent in parallel to the planning process. In operational terms the installation would be regulated by other bodies under legislation other than planning and the range of policy issues relevant is therefore generally restricted to land use, siting, design and environmental amenity.

6.8.2 The site is within Flood Risk Zone 1 (low risk) and is considerably less than 1 hectare in size (including the car parking proposal). No Flood Risk Assessment is necessary, and the provision of a sealed water treatment plant of this type is regarded as 'water compatible'. Although surface water flooding can occur further downstream, the small size of the treatment plant, and the permeable surfacing for the car parking would minimise any risk of additional flow from this site. The parking area is in any case small, occupying less than 600 square metres.

6.8.3 The Environment Agency offers general support, and has not asked for any further information at this time. Arrangements for final discharge of treated effluent from the plant would be regulated by the Agency through an Environmental Permit. The applicant has confirmed that the Permit has been applied for and is close to being issued. Compliance may be secured by planning condition, to ensure the plant would not be brought into use until such a Permit had been issued. On that basis there is no conflict with UDP policies S2, DR4, or DR7.

6.9 Access and highways

6.9.1 The proposal would remove the need for weekly tankers to empty the effluent holding tanks, representing a modest reduction in HGV traffic to and from the site. The additional car parking would rationalise existing constrictions on site and improve safety. The site has a modern access to the A4103 with good visibility.

The Transportation Manager has no objections and there is no conflict with UDP policy T8.

6.10 Landscape and visual impact including trees and hedges

In terms of actual above-ground development, there would be minimal visual and landscape impact. The site is already industrialised, and the adjoining field contains the oval earth bund, behind which the treatment plant would be located. The car parking would be in keeping with the existing arrangements around the building. There are no near neighbours and the site is not especially obtrusive from the busy A4103. Officers do not consider there would be any conflict with UDP policy LA2.

6.10.1 The application confirms that no trees or hedges would be removed as a result of this development. There is existing screen planting to the east of the bund, and hedgerow trees in the boundaries to the wider field within which the bund and treatment plant site are located. These and the hedgerows are to be retained. A new mixed-species hedge to the eastern boundary of the field is proposed, and a clump of seven apple trees to be planted between the

southern end of the bund and the A4103. Following remodelling, the bund would be re-seeded for grass and would remain within the pasture.

6.10.2 The Senior Landscape Officer accepts the planting proposals as in accordance with UDP policies LA2, LA5 and LA6. The tree planting proposals are particularly welcomed and regarded as appropriate. The development would be utilitarian in nature, but on a small scale, with low fencing and the majority of the infrastructure located below ground. The site is not affected by any designated area. Officers take the view that any potential impact has been minimised and the need for the development is an over-riding factor in this case.

Conclusion

6.11 Planning law requires that planning applications be determined in accordance with adopted policy unless material considerations dictate otherwise. The NPPF presumes in favour of sustainable development (as defined), and the nature of the proposal has been accepted as necessary development. Careful consideration of all policy issues has not found any conflict, and no concerns have been raised.

6.12 In this case, the conclusion has been that the scheme as proposed is a viable option which would meet the legal requirements and be capable of compliance. In terms of site choice, any visual impact has been minimised as far as possible.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. The external surface of the above-ground kiosk shall be coloured Midnight Green (BS4800 12B29) or a similar dark colour to be approved in writing in advance by the local planning authority.**

Reason: To protect the visual amenity of the area and to ensure the development complies with policy DR1 of the Herefordshire Unitary Development Plan.

- 4. G02 Retention of trees and hedgerows**
- 5. G09 Details of Boundary treatments**
- 6. The waste-water treatment plant hereby approved shall not be brought into use unless or until a scheme for the final discharge of treated effluent has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the method of discharge and the means of disposal.**

Reason: To ensure satisfactory final drainage arrangements are provided and to prevent pollution, in accordance with policy DR4 of the Herefordshire Unitary Development Plan.

- 7. G11 Implementation of submitted landscaping scheme**
- 8. H15 Turning and parking: change of use - commercial**
- 9. I32 Details of floodlighting/external lighting**

Reason for Approval

1. The proposal has been considered with reference to all the key issues outlined in this report, including site choice and the overall low risk of adverse effects. Particular regard has been given to the wine-making farm diversification project and the clear need for adequate management of waste water and pollution prevention, along with improvements to car parking arrangements. Drainage aspects are regulated by the Environment Agency through consents and permits issued by that body. There is no reason to suppose that the proposal is not capable of compliance, and the finer operational detail lies outside of the planning system. National and local policies support sustainable development and the rural economy.

The applicant sought pre-application advice in advance of submission. The local planning authority has engaged in positive, pro-active negotiation through this provision. The applicant has heeded the written and verbal advice given. No objections have been received. In light of this the proposal is considered to accord with, or be capable of compliance with, policies S1, S2, S10, DR1, DR2, DR4, DR7, DR14, T8, T11, LA2, LA5, LA6, NC1, W1 and CF2 of the Herefordshire Unitary Development Plan. It is also considered to accord with the National Planning Policy Framework with particular reference to paragraphs 6 to 14, section 3 (Supporting a prosperous rural economy) and section 11 (Conserving and enhancing the natural environment). Paragraphs 120 to 125 stress the need to prevent pollution and meet environmental protection legislation. As a result, the local planning authority has been able to grant planning permission subject to conditions.

INFORMATIVES:

1. N11C General
2. Final discharge is subject to additional Environment Agency consent. The effluent treatment system hereby approved may not be implemented unless or until such permits and consents as are required have been issued, in addition to submission and approval of final discharge methodology required under condition 6 above.

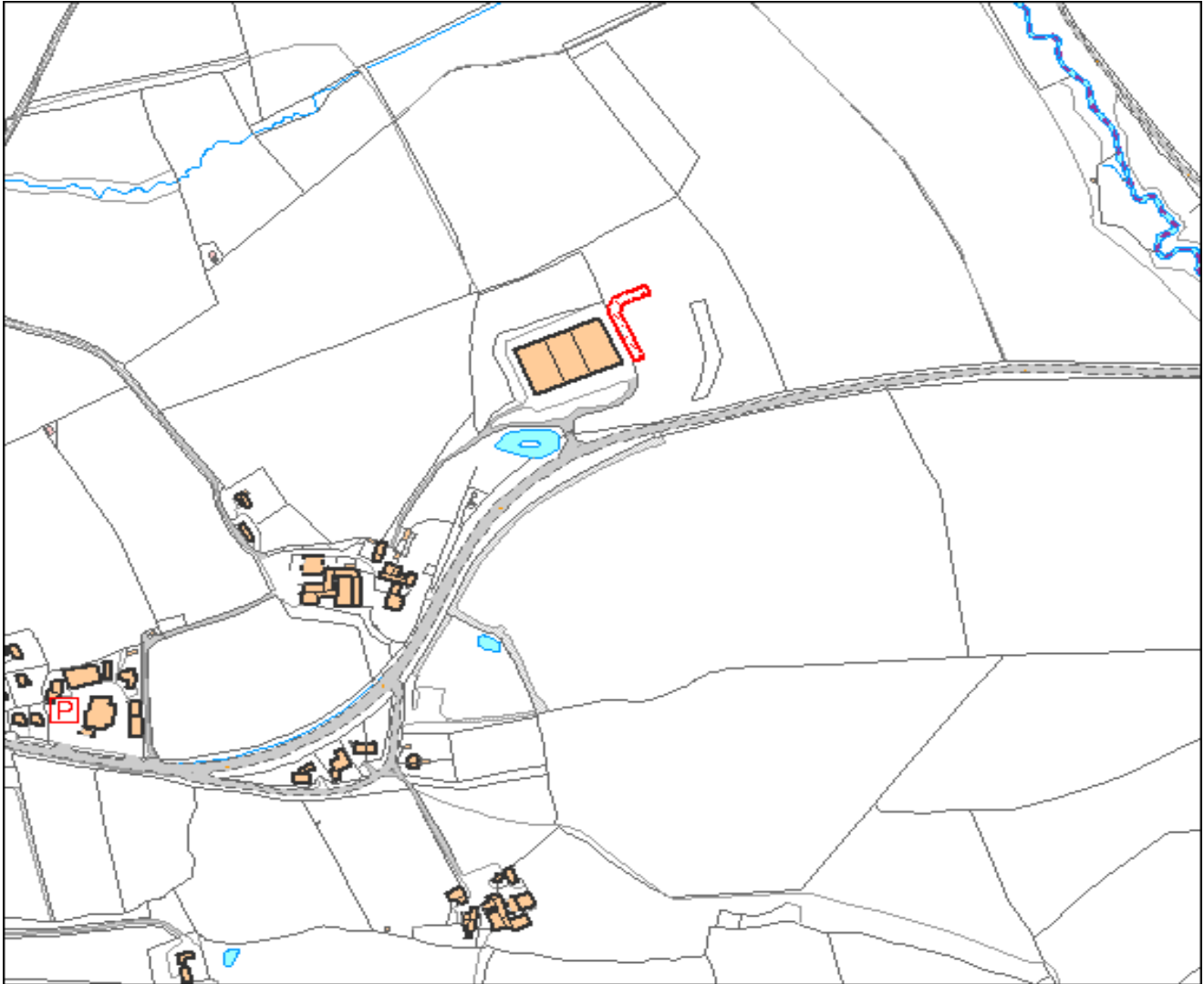
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 130870/N

SITE ADDRESS : LEADON COURT FARM, FROMES HILL, HEREFORDSHIRE, HR8 1QJ

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Further information on the subject of this report is available from Mrs D Klein on 01432 260136



MEETING:	PLANNING COMMITTEE
DATE:	5 JUNE 2013
TITLE OF REPORT:	<p>131021/F - PROPOSED TEA BAR, EXTENSION TO CLUB ROOM AND REPLACE BOUNDARY FENCING AND DUG-OUTS AT PEGASUS JUNIORS FOOTBALL CLUB, OLD SCHOOL LANE, HEREFORD, HEREFORDSHIRE, HR1 1EX</p> <p>For: Mr Wells per Mr Chris Wells, Sports Ground And Club Room, Old School Lane, Hereford, Herefordshire, HR1 1EX</p>
WEBSITE LINK:	http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=131021&NoSearch=True

Date Received: 15 April 2013

Ward: Three Elms

Grid Ref: 351273,241955

Expiry Date: 10 June 2013

Local Members: Councillors PA Andrews, EMK Chave and C Nicholls

1. Site Description and Proposal

- 1.1 The 2.4 hectare site comprises an essentially rectangular parcel of land that occupies a corner plot to the southeast of the junction of Old School Lane with Roman Road (A4103) to the north of Hereford. Residential development lies to the north of the site, whilst to the west, south and east the uses are predominantly of an industrial nature. The site is within the Holmer hazardous installations consultation zone, gas buffer zone and River Wye and River Lugg catchments. It is relatively flat and presently has a timber boundary fence, a number of football pitches, a covered spectator stand, a pavilion, dug outs and car park.
- 1.2 It is proposed to provide a tea bar, an extension to the existing clubroom, replacement of the existing boundary fence and dugouts. The tea bar would be 11 metres by 2.9 metres and 2.4 metres high and sited to south of the existing covered spectator stand. It currently forms part of the clubroom, and is a modular building. The extension to the clubroom would be to the east of the existing and would partially replace the modular building attached to the rear elevation, which it is proposed will provide the tea bar. The rear section of the extension, to the south, would be some 19 metres in length, across the majority of the original rear elevation of the building. It would project between 4.9 metres and 2.4 metres from the original, staggered rear elevation and would have a flat roof of some 2.5 metres in height. An extension to the eastern elevation would be some 6 metres by 2.1 metres, would have a flat roof of some 2.5 metres in height and would provide an enlargement of the existing kitchen facilities. The replacement timber fencing would be along the same line as the existing fencing, would be 2.1 metres in height and of a 'hit and miss' design. Two replacement Perspex dugouts are proposed, in the same position as the existing and would be 4 metres by 1.1 metres and 2.1 metres in height, with a curved roof.

Further information on the subject of this report is available from Mrs Charlotte Atkins on 01432 260536

2. Policies

2.1 National Planning Policy Framework (NPPF):

Of particular relevance to this application:

Introduction

Achieving sustainable development

Chapter 7 – Requiring good design

Chapter 8 – Promoting healthy communities

2.2 Herefordshire Unitary Development Plan (UDP):

S1	-	Sustainable Development
S2	-	Development Requirements
S8	-	Recreation, Sport & Tourism
DR1	-	Design
DR2	-	Land Use & Activity
DR3	-	Movement
RST1	-	Criteria for Recreation, Sport & Tourism Development
CF6	-	Retention of Existing Facilities

2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

3.1 CE2002/3404/F – Development of existing sports ground. Facilities to include 2 pitches, new buildings for changing rooms, office, kitchen etc, seating and W.C facilities. Also covered stand, floodlighting, improved access, parking, fencing, landscaping – approved 15.1.2003

3.2 CE2005/1077/F – Extension of changing room – top provide showers, toilets and clubroom and recladding of building – approved 24.5.2005

3.3 CE2006/3334/F – Timber cladding of portacabin to match existing changing rooms. Retention of existing portacabin at rear of changing room, covered standing shelters and 3 sets of manager dugouts (retrospective). Training floodlights – approved 13.12.2006

4. Consultation Summary

Statutory consultations

4.1 Health and Safety Executive: Does not advise, on safety grounds, against the granting of planning permission.

4.2 Sport England – Comments awaited. An update will be provided.

Internal consultations

4.2 Environmental Health Manager: Hours of work condition recommended

4.3 Transportation Manager: No objections

5. Representations

Further information on the subject of this report is available from Mrs Charlotte Atkins on 01432 260536

- 5.1 Hereford City Council – No objection
- 5.2 Herefordshire Housing – No objections to this application and no other comments to make thereon.
- 5.3 Design and Access Statement: extensions to the clubhouse and kitchen would be in keeping with the existing building. Proposed dugouts are of modern design and are common features of new football stadia and would not be seen outside of the site boundaries. Replacement fencing has been designed to allow wind to permeate through to prevent damage that has already taken place during inclement weather.
- 5.4 Supporting Statement from applicant: Main points raised are:
- Pegasus Juniors Football Club was formed in 1955 and led a nomadic lifestyle until our home ground at Old School Lane, Hereford, was secured in 2000 with six (6) teams. Since the club has taken the tenancy of the facility we have developed a main pitch, with floodlights and a grandstand, a second and mini soccer pitches. In excess of three hundred (300) boys, girls, men and ladies play in the twenty four (24) teams that now play every weekend. We also provide a Sunday morning coaching club for children from under five (5) upwards.
 - We have decided it is necessary to further enhance the facilities to improve the experience for the players and spectators at Old School Lane.
 - Clubroom - The proposal is to extend the clubroom at the rear on land presently unused. This will provide an enhanced base for our young teams to enjoy; it will also to be used as a venue for coaching education by our coaches and players. The extension will also include a small but dedicated kitchen to enhance our food availability.
 - Boundary Fencing - The existing fencing is now in urgent need of replacement. We have chosen a different design using hit and miss fencing that will allow the wind to travel through, thereby reducing damage caused by the strong winds. This fencing will be supported by metal posts ensuring a secure environment for the players. This will also allow the club to comply with our football league status requirements.
 - Dugouts - The existing rotting wooden dugouts need replacing; the new modern designed metal frame and perspex construction will facilitate more room for substitutes and backroom staff in line with recent changes permitted by the Football Association.
 - Tea bar - this will be positioned between the main and second pitches allowing enhanced coverage for spectators with tea and coffee available pitch side without the need to return to the clubroom during games.
 - All of the above will in the opinion of the directors of Pegasus Juniors Football Club further enhance the experiences for players and spectators when they visit Old School Lane.
 - It is hoped that the Planning Committee are able to support our planning application in order to further enhance sporting development in Hereford.
- 5.5 The consultation responses can be viewed on the Council's website by using the following link:-
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>
- Internet access is available at the Council's Customer Service Centres:-

6. Officer's Appraisal

- 6.1 Presently the site provides sports facilities for Pegasus Football Club. The proposal is for improvements to the facilities for participants and spectators. Both the Herefordshire Unitary Development Plan (UDP) and the National Planning Policy Framework (NPPF) promote the provision and improvement of sports and recreational facilities, through policy RST1 and chapter 8, respectively. UDP policy states that the improvement of existing facilities will be permitted where the proposal is appropriate to the needs of the community it serves, having regard to the nature of the use, mode of operation, scale and design, would not harm residential amenity and where possible is accessible by a choice of modes of transport, amongst other criteria. Chapter 8 of the NPPF stipulates the need to plan positively for the provision of community facilities, which alongside other facilities play an important role in enabling social interaction and creating healthy, inclusive communities. The NPPF asserts the Government's guiding principle of the presumption in favour of sustainable development. One of the dimensions of sustainable development is its social role. Of direct relevance to this proposal is the principle that support should be given to the community's health and social well-being, to improve the conditions in which people take leisure. On the basis of these policies the principle of the improvement of the facilities on the application site is entirely acceptable.
- 6.2 The main considerations are the visual impact on the general amenities of the area, highway safety and affect on the hazardous installations.
- 6.3 The proposed extensions to the existing clubroom, would have a lower ridge height than the host building, and other than the kitchen extension to the eastern elevation, would not be nearer to the site's boundaries than the existing building. The kitchen extension, despite being in relatively close proximity to the boundary, would have no adverse impact upon the neighbouring site, due to its low roof height, the existing fencing to the boundary and the nature and layout of the neighbouring site. The extensions would be of a similar appearance to the existing building and due to the siting of the building and existing boundary treatments would not have an impact upon the amenities of the wider area.
- 6.4 The proposed tearoom would be sited alongside a football pitch, approximately in the centre of the site. It would be 10 metres to the south of the existing covered spectator stand. There is a fence, to the east of the proposed siting, which is to be replaced. In this context it is considered that the building would be read in conjunction with other facilities and would not be prominent in the local vicinity. Similarly the dug outs would replace existing ones and by reason of their siting and the fencing to the western side boundary they would not be visually intrusive. With regards the fencing, this would replace existing fencing. The replacement fencing to the north of the car park and the fencing that would be aligned north-south between two pitches, only exceeds the permitted development tolerances by 0.1 metres. Due to the proposed siting and height of the fencing, in the context of the site, and given the fall back position of a 2 metre height fence not requiring planning permission, it would be acceptable. In respect of the fencing alongside Old School Lane, there is an existing fence, set back behind a grass banked verge. In parts it is in a poor state of repair and a whole sale replacement would have no adverse impact upon the established street scene.
- 6.5 The proposal would not alter the existing vehicular access and would retain the existing car park. The scheme does not include the provision of more pitches and on this basis it is unlikely that the proposed development would increase the traffic to the site. Rather the proposal would provide improved facilities. The Transportation Manager has no objections.

- 6.6 With regards hazardous installations in the vicinity of the site these are some distance from the site and by virtue of the nature of the proposals would not be adversely affected. The Health and Safety Executive have no objections.
- 6.7 The proposals would not reduce the pitches and facilities of the site for sporting purposes. Rather they would enhance the existing facilities. Sport England's comment are awaited.
- 6.8 In conclusion, the proposal represents the improvement of existing sporting facilities with no adverse impact on amenity, highway safety or hazardous installations. Therefore, it fully accords with both national and local planning policies and should be supported.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. **A01 Time limit for commencement (full permission)**
- 2. **B03 Amended plans - Site Location Plan, Site layout, New Dugouts, indicative hit and miss tanalised wood fencing with metal post, tea room and hospitality area - roof plan, end elevations, floor plan, drawing numbers TL 001 and TL 002 (amended - received 29.4.2013)**
- 3. **C01 Samples of external materials**

Reason for Approval

- 1. **The proposal comprises the upgrading of existing sporting facilities and there would be no adverse impact upon amenity, highway safety or hazardous installations. The scheme accords with Herefordshire Unitary Development Plan policies S1, S2, S8, DR1, DR2, DR3, RST1 and CF6 and chapters 7 and 8 of the National Planning Policy Framework.**

INFORMATIVES:

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

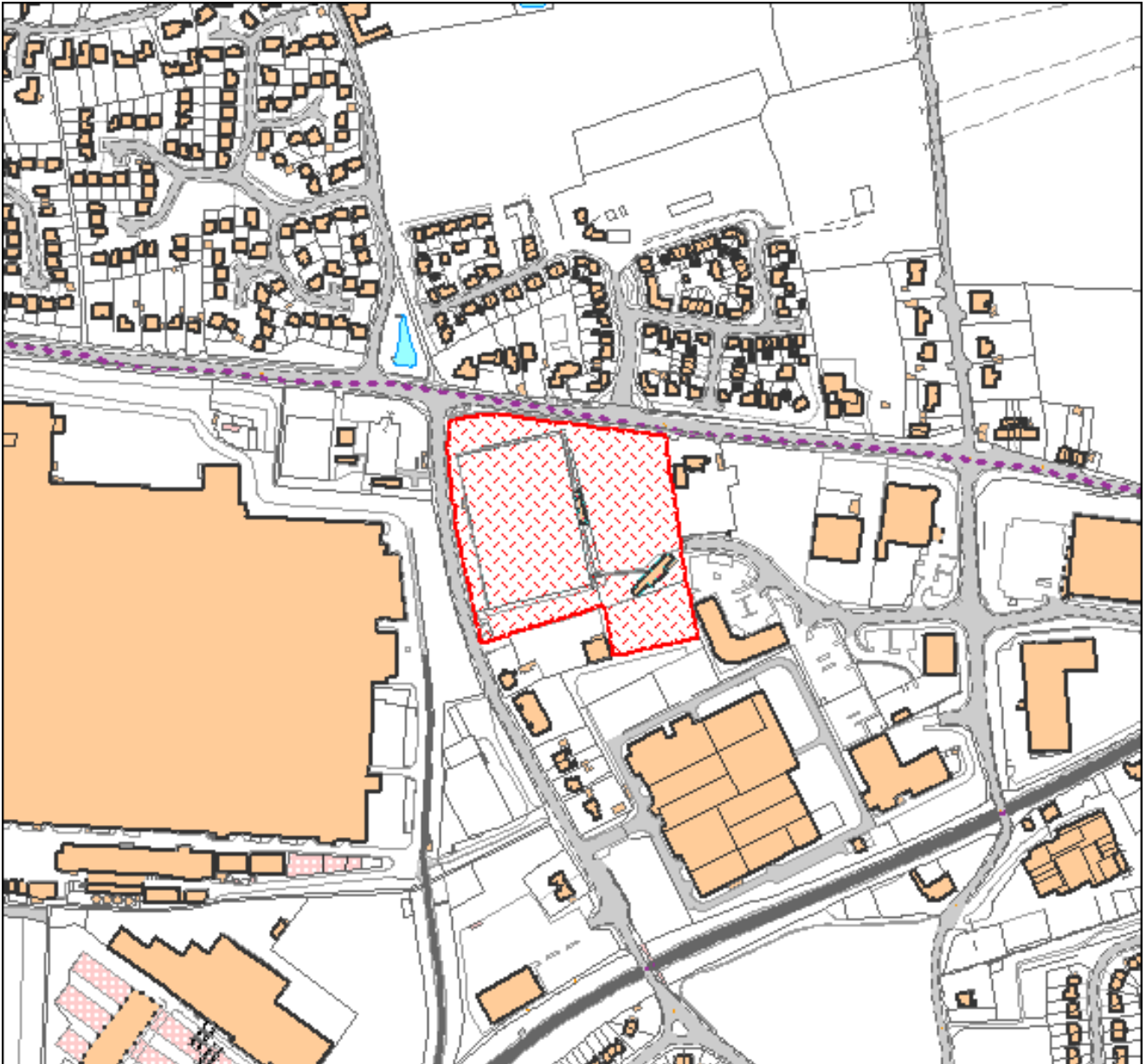
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 131021/F

SITE ADDRESS : PEGASUS JUNIORS FOOTBALL CLUB, OLD SCHOOL LANE, HEREFORD,
HEREFORDSHIRE, HR1 1EX

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