

5 DCCW2007/2834/F - PROPOSED ERECTION OF 69 DWELLINGS AND DELIVERY OF HAYWOOD COUNTRY PARK AT LAND TO THE REAR OF MULBERRY CLOSE, BELMONT, HEREFORD**For: Persimmon Homes South Midlands per Hunter Page Planning Ltd, Thornbury House, 18 High Street, Cheltenham, GL50 1DZ****Date Received: 7th September, 2007 Wards: Belmont and Hollington Grid Ref: 48950, 37927****Expiry Date: 7th December, 2007**

Local Members: Councillors H Davies, PJ Edwards, GA Powell and GFM Dawe

Introduction:

1. Members will be aware that this planning application was deferred from the last meeting to enable further discussions with the applicant and to update the report. The principal reason for deferral was to consider the possibilities of utilising Kingfisher Road as the means of access to the site either in its totality or partially. The deferral has also enabled further discussions regarding the S106 requirements to be discussed as well as to incorporate further consultation responses available at the time of writing.
2. The report has been updated accordingly but it is likely that discussions will be ongoing in the lead up to the Committee meeting and as such further information will be reported verbally.

1. Site Description and Proposal

- 1.1 This planning application comprises two elements. The first is a two hectare housing site and the second element is the inclusion of 7.8 hectares of land to bring forward the delivery of Haywood Country Park.
- 1.2 The housing site is proposed between Mulberry Close and Kingfisher Road, Belmont, Hereford. The 7.8 hectares for the Country Park wraps around the western and southern boundaries of the housing site and joins Newton Coppice across Haywood Lane to the west and existing open space to the east.
- 1.3 The housing proposal comprises 69 units of accommodation ranging from 2 to 4 beds and includes 6 flats and 63 dwellings, twenty four of which will be affordable dwellings. (35%).
- 1.4 Access to the housing development is proposed through Mulberry Close with the extension of the road into the site over the culverted ditch. The road then goes to the centre of the site where it branches out east and west to service the site. At this point the surface of the road changes to a raised tegular paved area to reduce traffic speed. An equipped local area play site is also sited at this point.

- 1.5 There is a complete range of house types from two storey through to three storey dwellings and a three storey apartment block that also contains secure cycle and bin storage.
- 1.6 The housing site will deliver 7.8 hectares of land to be laid out as a Country Park. This provides the linkage between Newton Coppice to the west and Council owned open space to the east. The layout of the Park provides for informal pathways, linkages into the local cycle network and public footpaths. Viewing points, public art and a village green will also be contained within the Park together with the planting of many specimen trees and an orchard. Belmont Pools that adjoin the site to the north do not form part of this proposal. A local equipped area of play (LEAP) is also contained within th Park.
- 1.7 The planning application contains the following reports:
- Planning Statement.
 - Design & Access Statement.
 - Arboricultural Implications.
 - Ecological Planning Statement.
 - Landscape and Visual Impact Statement.
 - Transport Assessment.
 - Flood Risk.

2. Policies

2.1 National Policy Guidance:

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPS9	-	Biodiversity and Geological Conservation
PPG13	-	Transport
PPS25	-	Development and Flood Risk

2.2 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S3	-	Housing
Policy S8	-	Recreation, Sport and Tourism
Policy S11	-	Community Facilities and Services
Policy DR1	-	Design
Policy DR5	-	Planning Obligation
Policy DR7	-	Flood Risk
Policy DR8	-	Culverting
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H2	-	Hereford and the Market Towns: Housing Land Allocations
Policy H9	-	Affordable Housing
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy H16	-	Car Parking
Policy H19	-	Open Space Requirements
Policy T6	-	Walking
Policy T7	-	Cycling

Policy T16	-	Access for All
Policy NC1	-	Biodiversity and Development
Policy NC4	-	Sites of Local Importance
Policy RST1	-	Criteria for Recreation, Sport and Tourism Development
Policy RST3	-	Standards for Outdoor Playing and Public Open Space
Policy RST5	-	New Open Space In/adjacent to Settlements
Policy RST6	-	Countryside Access
Policy RST7	-	Promoted Recreational Routes
Policy W11	-	New Waste Management Facilities

2.3 Supplementary Planning Guidance:

Haywood Country Park Plan (July 2001)

3. Planning History

3.1 No recent planning applications.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: Raise no objections subject to conditions.

4.2 Environment Agency: Observations awaited.

4.3 Hereford Nature Trust: Observations awaited.

4.4 Highways Agency: The Highways Agency (HA) has issued a holding response pending further information. This is under consideration by the applicant's Traffic Consultant who is in further discussions with the HA. The HA are essentially seeking further clarification of the survey work done to demonstrate the impacts of the proposed development on the capacity of the junction with the A465 and request the design of a Residential Travel Plan to reduce reliance on the use of private cars.

Internal Council Advice

4.5 Traffic Manager: Recommends standard conditions access construction, provision and retention of parking, formal agreement of off-site highway works, phasing of road construction, details of wheel washing facilities, provision of cycle storage and submission of a Travel Plan.

He confirms that Mulberry Close is constructed to an acceptable standard as a means of access to the development as proposed and furthermore that the internal road layout allows for appropriate access for refuse and emergency vehicles.

He advises that parking levels are acceptable and good cycle and pedestrian links are included and that the proposed traffic calming in Haywood Lane will facilitate safe pedestrian access to the woodland.

4.6 Forward Plans Manager: Confirms that the site does not meet the criteria for car free development in view of its peripheral location and the number of family sized dwellings proposed. He further comments that if appropriate provision for parking is

not made, it is likely that problems with on street parking/obstruction would inevitably arise within and on adjacent streets.

- 4.7 Head of Strategic Housing Services: Concerned that the tenure split of the affordable housing is 60% rented/40% shared equity and not 75%/25% as advised previously. The location of the affordable units is clustered and not spread throughout the site and that improvements to the frontages should be negotiated. This matter is the subject of on going discussions.
- 4.8 Conservation Manager (Ecology): Observations awaited.
- 4.9 Conservation Manager (Landscaping): Considers that the general layout of the Country Park is acceptable subject to the position and selection of species of trees in the western section. He considers the housing layout well considered with the central space and tree lined approach. Improvements could be made to the bridge from Mulberry Close.

The comments of the Hereford and Worcester Gardens Trust have been assessed and he considers that the scheme presented represents the right approach to the provision of the Country Park subject to on going management.

- 4.10 Parks & Countryside Manager: Please find my comments on the above application on behalf of the Parks & Countryside Service.

1. General Layout

Following ongoing dialogue throughout the pre-application process, I can confirm that the general layout to include the play area and pathway configuration are acceptable. The play equipment will need to comply with the schedule advised by Mrs. White of the Parks Department.

2. Development of Site for Interpretation Centre and Car Park

In order to deliver the Country Park then consideration needs to be given to the provision of the underpinning infrastructure of the park. Planning guidance points to an access point and car parking to be located off Waterfield Road / Treago Grove (opposite Argyle Rise open space). Whereas it would be unreasonable (given the level of commitment already made to the provision of land) for the developer to provide a built interpretation centre, it could be considered reasonable for them to provide the road access and parking facility to support the future development of such a centre. A bus bay and space for approx 20 vehicles including dedicated disabled spaces.

3. Linkage to Newton Coppice

Whereas this issue is a non negotiable element of the delivery of the park, it has in practice proved extremely difficult to achieve on the ground. Due to topography and the insurmountable physical constraints around increasing the width of the carriageway to create a new footway to the existing entrance to the coppice, the only alternative is to break into the coppice at the lowest point of Haywood Lane. Whereas it is possible to create the junction of a road crossing at this point, at the time of the application, it is not possible to confirm the access arrangement at the coppice end as the land involved is not currently in Council ownership. To date two

potential linkage schemes have been identified as feasible but they will need to be worked up in detail. To deliver these schemes negotiations with the landowner over permissive access or land acquisition will need to take place. There is no other practical option for achieving access to the coppice by other routes. Given these constraints, it would be unrealistic for access to be created during the developers duration on the construction site. Any delivery of this element would have to remain a medium or long term aspiration. It is therefore proposed that the developer contributes a sum to the value of likely land acquisition and the detailed feasibility work to assist in the future delivery of this element of the park. This sum should be delegated to officers to determine.

I trust that this is sufficient for you to proceed to the stage of a committee submission, but is not, please do not hesitate to contact me for further detail.

- 4.11 Parks and Countryside Manager (PROW): In addition to his published comments, he confirms that the PROW's would not be detrimentally affected by the proposal.
- 4.12 Land Drainage Officer: Observations awaited.
- 4.13 Head of Commissioning & Improvement (Education): The provided schools for this site are Marlbrook Primary School and Wyebridge High School.

At Marlbrook Primary School the classrooms throughout the school have an issue with the lighting provision. The automatic system turns the lights out after a set time. Two classrooms are small. The IT room is small and warm. The library is open to the corridor and potential distractions. It is a main thoroughfare to classrooms and the hall. The nursery classroom has an issue with the lighting provision. The general office is small. The reception office doubles as a photocopying area and has inadequate temperature regulation. The staff room is small and located on the first floor; it has inappropriate seating fixtures. The pupil toilets are small and include showers within. They also double as storage spaces. Several corridors double as either storage or cloakroom spaces.

At Wyebridge Sports College Classrooms suffer from inadequate temperature regulation and several get excessively warm in summer. There is also insufficient storage in the majority of classrooms. There is insufficient storage in most science classrooms. Two classrooms are small and have inadequate temperature regulation. Most IT classrooms are both small and get very warm. One classroom is remote from other IT facilities. Tables in the music classroom have to be grouped which restricts optimum use of the classroom space. The gym has insufficient storage meaning that PE equipment is housed around the edge of the room. The storage area is open to gym which is a health and safety issue. The gym requires refurbishment. Two pupil toilets are currently used for storage and only utilised if the main facilities are out of action. Shower areas are also used for storage space. Changing rooms have windows blanked for privacy as they are located at playground height. Two pupil facilities are used by staff. There are no cloakroom facilities.

Both Marlbrook Primary School and Wyebridge Sports College are currently over subscribed. Additional children may also prevent us from being able to remove temporary classrooms that we would otherwise be able to do.

In light of falling roles across the County, the Authority is undertaking a review of school provision and it is likely that capacities of schools will be assessed as part of

this review. There is therefore the likelihood that capacities of both these schools could be reduced resulting in little if any surplus capacity at the schools. Any additional children would then result in organisational difficulties for the schools.

The Children & Young Peoples Directorate would therefore be looking for a contribution to be made towards education in this area that would go towards rectifying some of the issues identified above that would only be exacerbated by the inclusion of additional children. A contribution of 2000 per dwelling would be sought. It should be noted that the Draft Supplementary Planning Guidance document that is currently out for consultation has a requirement for a contribution in the region of 6000 to be made per dwelling. Once this document has been ratified, the revised figure will be requested.

- 4.14 West Mercia Constabulary: I have gone over the plans for Mulberry Close and have the following observations to make:-

The overall development will come under the requirements of the Herefordshire Design Plan and PPS1. I would wish to see the developers make full use of these and to ensure that measures are taken to create a safe and sustainable quality of life environment for the residents.

I note that there is a mixture of perimeter fencing, hit & miss and close board, but it is not clear whether the perimeter is enclosed all the way round. I am particularly interested with the adjacent ground to the proposed park area.

The LEAP is situated away from the residential area and will not benefit from the natural surveillance that would be afforded were the play area to be more centrally positioned.

There would appear to be areas of permeability in the perimeter. I would want to see these considered carefully drawing a balance between a safe public realm, inclusive routes whilst not encouraging anonymity.

I would encourage the deployment of the nation Secured By Design scheme particularly for the twenty four affordable houses.

I welcome the opportunity for comment at this stage and if planning is granted would also welcome early liaison with the developers to work together to iron out some of these concerns.

- 4.15 Hereford and Worcester Gardens Trust: Trusts welcomes the proposal but raises concerns regarding the layout of the Country Park and the method of analysis from which the project commenced.

5. Representations

- 5.1 Belmont Rural Parish Council: With reference to the above planning application, Belmont Rural Parish Council has considered this application and wishes to object to these proposals on the following grounds:

- The Unitary Development Plan indicates 60 dwellings on 2 hectares of land, securing 7.8 hectares of land for Country Park use. The additional housing

proposed in this application will extend the developed area towards the pools, create additional traffic and reduce land available for Country Park use.

- The proposed access to the developed housing area is through Mulberry Close, a small cul-de-sac off Westholme Road, established some 13 years ago. This road is wholly unsuitable as a main access to a 60+ housing estate, and would be detrimental to the peaceful rural environment enjoyed by the residents of this area.
- We do not accept the applicant's statement that there is "spare capacity" with regard to road use. This is not evident to local residents! Furthermore, we strongly suggest that current speed restrictions along the Trunk Road be extended beyond Belmont Abbey.
- The applicant's consultation process was not as described. There were virtually no invitations to the event and those that were, were delayed as insufficient postage had been paid by the applicants with the result that the event was very poorly attended.
- There is no provision for parking for visitors to the Country Park, which is described by the applicants as "benefitting the wider community". Visitors will, clearly, arrive by cars and with no parking provision, will park in the neighbouring streets.

5.2 Callow & Haywood Parish Council:

The Parish Council cannot support this application due to the factors outlined below.

1. Is there a need to cram yet more housing against an already over densely populated housing estate.
2. The speed limit element is of considerable concern to the Parish Council as we have serious concerns over the speeding through the Parish. As a result Cllr. B. Wilcox - Highways & Transportation has agreed to introduce a trial experimental speed restriction on Haywood Lane. The Parish Council request that the speed limit along Haywood Lane be reduced to 30mph along areas outlined in Cllr. Wilcox's letter, and especially in the area of the proposed development.
3. Flooding concerns around the area of highway along Belmont Pool. This area has in the past and continues to flood during times of high rainfall and concerns are raised over the long term flooding effect with regard to climate change. It is requested that the issues of flooding in this area be attended to.
4. Affordable housing. It is requested that although some of the housing development is given to affordable housing, there is no consideration to housing under Section 105 which the Parish Council ask be incorporated into this proposed development.
5. What parking facilities have been made available for people who visit the park?
6. Who will maintain the Park when the development is finished?

7. At the time of submission of the application the terms and contents of the Section 106 Agreement were still under discussion the Parish Council request that they are consulted in relation to this as the Parish Council have an interest in improving facilities within the Group Parish of Callow and Haywood.
 8. Anti-Social Behaviour concerns have been raised over how this will be policed?
- 5.3 Hereford City Council requests that this planning application be determined strictly in accordance with the approved development plan applicable to the area of the Parish of the City of Hereford. The City Council also makes the following additional representations: The City Council has no objections in principle to development of this site and welcomes provision for affordable houses and the Country Park. However, there are concerns about the proposed access road as the current road system was not designed for through traffic and this should be reconsidered. In addition the City Council agrees with the UDP that this site is suitable for 60 dwellings and that 69 represents an over development.
- 5.4 Westholme & Mulberry Action Group have submitted the following statement and a petition signed by 183 people.

Traffic Impact

- We believe that the width of the road at Mulberry Close is NOT suitable for the increase traffic (approximately 120 cars).
- Westholme Road already serves 278 dwellings, so it is full to capacity.
- Pedestrians would have trouble crossing safely.
- The previous developer, Westbury homes made no provisions for children to play therefore they have no option but make do with the roads for playing space. This is going to be dangerous due to the increased traffic.
- Mulberry Close is in fact a PLAY AREA given that there is no through traffic!
- There is not enough parking for visitors on Mulberry Close, so they park on the road. With the volume increase, it will be difficult to pass.
- Westholme Road and Mulberry Close would certainly have trouble with emergency vehicles, as Westholme Road has vehicles parked both sides of the road, in particular at night.
- Belmont Road cannot take 120 more cars on Mondays @ 9 o'clock.

Environment

Our group is also concerned about the local environment.

- To cross the Newton Brook at your proposed entrance you would have to cross a 'Y' shape junction, which accommodates the floodwater from the Callow Pools, interfering with this could cause flooding to the adjacent houses. It would only mean crossing a single ditch if the entrance to the site were off Kingfisher Road.

- Taking out trees and shrubs would remove our link to the countryside.

5.5 In addition 25 letters of objection have been received, the main points raised are:

1. The A465 is already extremely congested and this is the only access for the development.
2. No facility for parking when visiting the Park.
3. Access from Haywood Lane onto the A465 is sometimes extremely hard.
4. Westholme Road and Mulberry Close are not suitable to take the increase in traffic associated with this development.
5. Mulberry Close is a narrow cul-de-sac and should not be used to access the development.
6. The primary access point should be off Haywood Lane.
7. Traffic speeds along Haywood Lane and Belmont Road.
8. The development has increased from 30 to 60 and now 69 dwellings and is too much.
9. Objections due to lack of transport options.
10. Concern of the potential use of the Park as the conservation field has deteriorated since coming under the control of the Parks Section.
11. The crossing between the pools is foolhardy and a serious danger.
12. Belmont Pool is a locally designated Special Wildlife site and every effort should be made to preserve its special character. Housing nearby will impact on the ecology of the area.
13. The Flood Risk Assessment is inadequate. Further work upstream and downstream on Newton Brook should be considered.
14. The pools are man made and not natural.
15. Flooding has occurred of the Newton Brook downstream by the Three Counties Hotel and Mulberry Close.
16. Concerns that a private road adjacent to the Park off Haywood Lane will be used for parking to access the Park.
17. Trees will have to be removed to facilitate the access and cause environmental damage.
18. The Country Park will be neglected and be full of left over building materials.
19. The development sprouts towards the Belmont Road and appears to conflict with the Herefordshire Unitary Development Plan 2007.

20. The LEAP is outside of the housing development site.

The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 This proposal seeks to deliver the policies contained in the Herefordshire Unitary Development Plan 2007 to bring forward the establishment of Haywood Country Park. The proposal has been considered under the following issues:

1. Principle of Development
2. Highway Issues
3. Residential Layout
4. The Country Park
5. Flooding
6. Ecology
7. Planning Gain Contributions

Principle of Development

6.2 The Herefordshire Unitary Development Plan 2007 allocated this 2 hectare green field site for housing with an estimated capacity of 60 dwellings. Furthermore the policy requires the provision of this site to deliver a Country Park (7.8 hectares) and its layout and use as an informal recreational facility. This proposal seeks to deliver all of these in accordance with the Herefordshire Unitary Development Plan 2007 (Policy H2).

6.3 The residential area has been calculated and is confirmed as a 2 hectare site. Its boundaries do vary with the Herefordshire Unitary Development Plan 2007. However its size (2 hectares) is in compliance with policy. The allocation for the site is an estimated capacity 60 dwellings. This equates to a density of 30 to the hectare. PPG3 seeks the efficient use of land at a density of at least 30 to the hectare. Therefore the proposal to develop 69 dwellings is considered to be in conformity with the efficient use of land and sits at the lower end of the density criteria of PPS3 and that required by Policy H15 of the Herefordshire Unitary Development Plan 2007. The proposal also delivers the Country Park and its layout to the satisfaction of relevant consultees and in accordance with the proposals set out in the Haywood Country Park Plan.

6.4 In terms of the broad principles, this proposal meets the requirements of adopted policy and associated Government guidance.

Highway Issues

6.5 Access to the residential development is proposed by means of Westholme Road and Mulberry Close. Concerns have been raised by local residents over the adequacies of the local road network to take the increase in vehicular traffic. This aspect has been assessed by the Council's Transportation Manager who is satisfied that the network and in particular Mulberry Close can cater for the increase in capacity without detriment to highway safety. To put this issue in context, the draft Herefordshire Unitary Development Plan did seek to identify a preferred vehicular

access off Kingfisher Road. However the Inspector stated "On my site visit, I did not gain the impression that access via Mulberry Close would be any more damaging. In my opinion, there is no need to specify the point of access in the Plan." Therefore, following formal confirmation that Mulberry Close and Westholme Road can cater for the increase in capacity associated with this development then there is no justifiable reason to refuse the application on this basis.

- 6.6 In addition to the Mulberry Close access an emergency access is also proposed off Kingfisher Road. There are also pedestrian and cycleway linkages into the proposed Country Park and adjoining network. Access to the Country Park is achieved by means of the new development but will also be accessible from a new car parking area proposed to be provided off Treago Grove where the Countryside Centre is to be constructed. Obviously this car park and the infrastructure for the centre will need to be installed in conjunction with the development of the Park in order to realise the full potential of the Country Park.
- 6.7 The final access point to consider is the linkage across Haywood Lane to Newton Coppice. Traffic calming and road marking is proposed from the junction of Belmont Road to the end of the Country Park on Haywood Lane. This will involve skid resistant surfaces, reduced speed warnings on the road and traffic calming chicanes near Belmont Pools. There is no formal access point into Newton Coppice off Haywood Lane and walkers would have to make their way onto Belmont Road and then west to an access point into Newton Coppice. Additional highway works including pavements are proposed in this area and will provide improved linkage. The only pinch points come at the crossing between the two pools. Traffic speeds would be significantly reduced as a result of the required traffic calming. Therefore in the short term, whilst not completely satisfactory, the arrangements for access to Newton Coppice are considered acceptable.
- 6.8 Finally, with the exception of the six flats where there is a small parking court, all of the dwellings have their own dedicated parking spaces at an average of just over 1.5 spaces per dwelling. A level that accords with the requirements of Policy H16 of the Herefordshire Unitary Development Plan 2007.

Residential Layout

- 6.9 The layout and design of the residential development is a result of extensive pre-application meetings. Access to the site from Mulberry Close provides for a tree-lined avenue into the heart of the site which comprises a paved "table top" junction where a tree lined avenue to the west provides a view to the mature tree and the Country Park. Where possible dwellings overlook the Country Park therefore providing passive surveillance. All the dwellings have their own dedicated off road parking with the only parking court adjacent to the six flats. A Local Equipped Area of Play (LEAP) was located at this junction but this was considered unsuitable in terms of its location and size and has now been removed from the proposal. Accordingly a commuted sum will be sought for its replacement for use in the local area and/or the enhancement of the larger LEAP on the edge of the development.
- 6.10 A range of house types from 2 to 4 beds is proposed which includes 35% for affordable housing. Heights range from two storey through to three storeys which form a focal point within the development. It is considered that the layout, design, scale and density complements the adjoining residential area.

The Country Park

- 6.11 The UDP Inspector confirmed that the Country Park was a long-standing and well-founded proposal and that its linkage to a residential scheme was appropriate to deliver the scheme. Therefore Herefordshire Unitary Development Plan 2007 Policy RST5 seeks to deliver the Country Park in association with the housing development.
- 6.12 The layout of the Park including its linkages into the surrounding network of public paths and cycleways has been formulated following extensive discussions with the Council's Parks and Countryside Officers. The Park will provide a high quality public park that will benefit the wider community of Belmont and the surrounding area. The Park will have three main areas. The open parkland, orchard area and village green with play area. The village green and play area is sited adjacent to the new residential development. The siting of the play equipment in this area further integrates the parkland into the village green and the urban fringe and provides an attractive linkage into the Park. It will also allow passive surveillance from the adjoining housing. All of the spaces are linked by a network of shared all weather cycle and pedestrian paths and secondary informal paths.
- 6.13 Within the Park various viewing points are proposed together with pieces of "Public Art" that will be provided by the developers at strategic points.
- 6.14 Linkages from the Park provide access to Newton Coppice and the conservation land to the east.
- 6.15 The proposal delivers the Park as required by the Herefordshire Unitary Development Plan 2007.

Flooding

- 6.16 A Flood Risk Assessment has been submitted with the application and is being assessed by the Environment Agency and the Council's Drainage Officer. There are three sources of flood risk – Newton Brook, surface water run-off and overland flow and all three have been assessed on the basis of a 1 in 100 year flood plus climate change.
- 6.17 Modelled data indicates that during the 1 in 100 year plus climate change flood event the proposed site for development has a low risk of flooding and therefore safe access and egress from this area will be possible. The level of the proposed access bridge will also be above this level, therefore dry access and egress from the site will be achieved.
- 6.18 The development will increase the impermeable area at the site and hence surface water run-off will increase. The storm water balance volume must be attenuated on site using below ground storage to contain at least the 1 in 30 year return period run-off. A control structure would be incorporated into the design of the storm water system to ensure that the flow from the site storage system does not exceed the allowable peak discharge.
- 6.19 Provided that the Environment Agency confirm that recommended mitigation measures are implemented, the flood risk to the proposed residential development is considered to be low, and no additional flood risk would be imposed on the neighbouring residential development off Mulberry Close.

Ecology

- 6.20 The ecological implications and associated planning issues have been assessed in the ecological report submitted with the application. This report is being assessed by the Council's Ecologist and a verbal update will be given at the meeting. However the report confirms that there was no evidence of badgers, reptiles, otters, water voles or white-clawed crayfish on the site. There were several different bat species mainly concentrated around Belmont Pool and appropriate mitigation measures including a wildlife meadow on the southern side of the Country Park are proposed.

Planning Gain Contributions

- 6.21 One of the major features of this proposal is the delivery of the Country Park together with its associated linkages. In this respect the land assembly has been problematic but is now achieved. However, the UDP Inspector, considered that this should not preclude other planning contributions from being secured particularly given the uplift in housing numbers from the original estimate of 35 to the now proposed 69 dwellings. In this respect the 'Draft' Heads of Terms are annexed to the report.

The headline figures are:

1. £90,000 - Education.
2. £172,500 - Transportation improvements in the area including provision of car parking and services for the centre.
3. £28,350 - Enhancement of sports facilities in the area.
4. £34,500 - In lieu of LEAP play area.
5. £17,774 - CCTV on Great Western Way.
6. £17,974 - Improvements to Belmont Library.
7. £8,280 - Waste recycling facilities.

- 6.22 Members will be aware that this package is lower than the previous Committee Report but still represents a cumulative figure of £369,378 based on an affordable housing split of 50/50. The transportation and car parking section has been lumped together to create extra flexibility in terms of delivering car parking and services associated with the Country Park and other highway enhancements on the local network.

- 6.23 The 35% affordable housing target is still retained, however the split of rented and shared ownership dwellings is reduced to 50/50. This helps in realising the contributions as identified above and is in line with the UDP Inspector's comments which allowed for some flexibility in the type and tenure of the affordable element.

Conclusions

- 6.24 This report sets out the proposal for delivery of the Country Park with associated housing development. It is confined to the allocated 2 hectares and although the play area site is outside of the housing site, it is well located for passive surveillance and provides a transition into the Park.
- 6.25 The highways aspects have been fully investigated and whilst the concerns of local residents are noted, the professional advice remains that Mulberry Close and Westholme Road can accommodate the anticipated increase in capacity.

- 6.26 Finally, the raft of planning contributions and reduction in affordable housing split are considered to represent an appropriate balance having regard to the overriding requirement to deliver the Country Park which in its own right is estimated by the applicant to cost in the order of £1.1 million.

RECOMMENDATION

That on receipt of satisfactory comments from outstanding consultees and subject to satisfactory conclusion of negotiations on the Planning Contribution, officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers:

- 1) **The Legal Practice Manager be authorised to complete 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 and incorporating any additional matters he considers appropriate.**
- 2) **Upon completion of the aforementioned planning obligation that Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by Officers:**
 1. **A01 (Time limit for commencement (full permission)).**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
 2. **B01 (Samples of external materials).**
Reason: To ensure that the materials harmonise with the surroundings.
 3. **F16 (Restriction of hours during construction).**
Reason: To protect the amenity of local residents.
 4. **F22 (No surface water to public sewer).**
Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.
 5. **No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved in writing by the local planning authority.**
Reason: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewage system.
 6. **Prior to the occupation of 20 dwellings on the site, the Country Park including the Local Equipped Area of Play shall be laid out in accordance with the approved Landscape Masterplan.**

Reason: To ensure delivery of the Country Park in accordance with Policies H2 and RST5 of the Herefordshire Unitary Development Plan 2007.

7. The development hereby approved shall be carried out in full accordance with the Ecological Planning Statement for the site at Belmont, Hereford received on 3rd September 2007. The mitigation and enhancement recommendation shall be fully implemented prior to the occupation of the dwelling and shall thereafter be retained in situ.

Reason: In recognition of the acknowledged nature conservation interest of the site.

8. G05 (Implementation of landscaping scheme (general)) (within residential site).

Reason: In order to protect the visual amenities of the area.

9. The development hereby approved shall be carried out in full compliance with the Flood Risk Assessment received on 3rd September 2007 unless otherwise agreed in writing with the local planning authority.

Reason: In order to protect the development and surrounding residential area from flooding in accordance with Policy DR7 of the Herefordshire Unitary Development Plan 2007.

10. G01 (Details of boundary treatments).

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

11. Prior to the occupation of the last dwelling details of the Public Art for the Country Park shall be submitted and approved in writing by the local planning authority. The approved Public Art shall then be installed within six months of approval in accordance with the agreed details and thereafter retained.

Reason: To promote the distinctive character and appearance of the locality in accordance with Policy DR1 of the Herefordshire Unitary Development Plan 2007.

12. E09 (No conversion of garages to habitable accommodation).

Reason: To ensure adequate off street parking arrangements remain available at all times.

13. H13 (Access, turning area and parking).

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

14. H21 (Wheel washing).

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

15. H30 (Travel plans).

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives.

16. H27 (Park for site operatives) (to include HGV routing plan).

Reason: To prevent indiscriminate parking in the interests of highway safety.

17. The development shall be designed and constructed to meet level three of the Code for Sustainable Homes: A Step change in Sustainable Home Building Practice Design dated December 2006 or equivalent standard as may be agreed in writing with the local planning authority. No development shall commence until authorised certification has been provided confirming compliance with the agreed standard and prior to the occupation of the last dwelling, further certification shall be provided confirming that the development has been constructed in accordance with the agreed standard.

Reason: To promote the sustainability of the development hereby approved in accordance with Policy S1 of the Herefordshire Unitary Development Plan 2007.

18. Prior to the commencement of the development hereby approved, a Waste Management Strategy relating to the handling of construction waste and the recycling of spoil and other materials excavated from the site and generated by the developer shall be submitted to the local planning authority. The development shall be completed in accordance with the agreed strategy.

Reason: To minimise the impact of any waste generated by the development and ensure waste is appropriately managed in accordance with Policy W11 of the Herefordshire Unitary Development Plan 2007.

Informatives:

- 1. HN5 – Works within the highway.**
- 2. HN8 – Section 38 Agreement details.**
- 3. HN10 – No drainage to discharge to highway.**
- 4. N02 – Section 106 Obligation.**
- 5. N19 - Avoidance of doubt.**
- 6. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

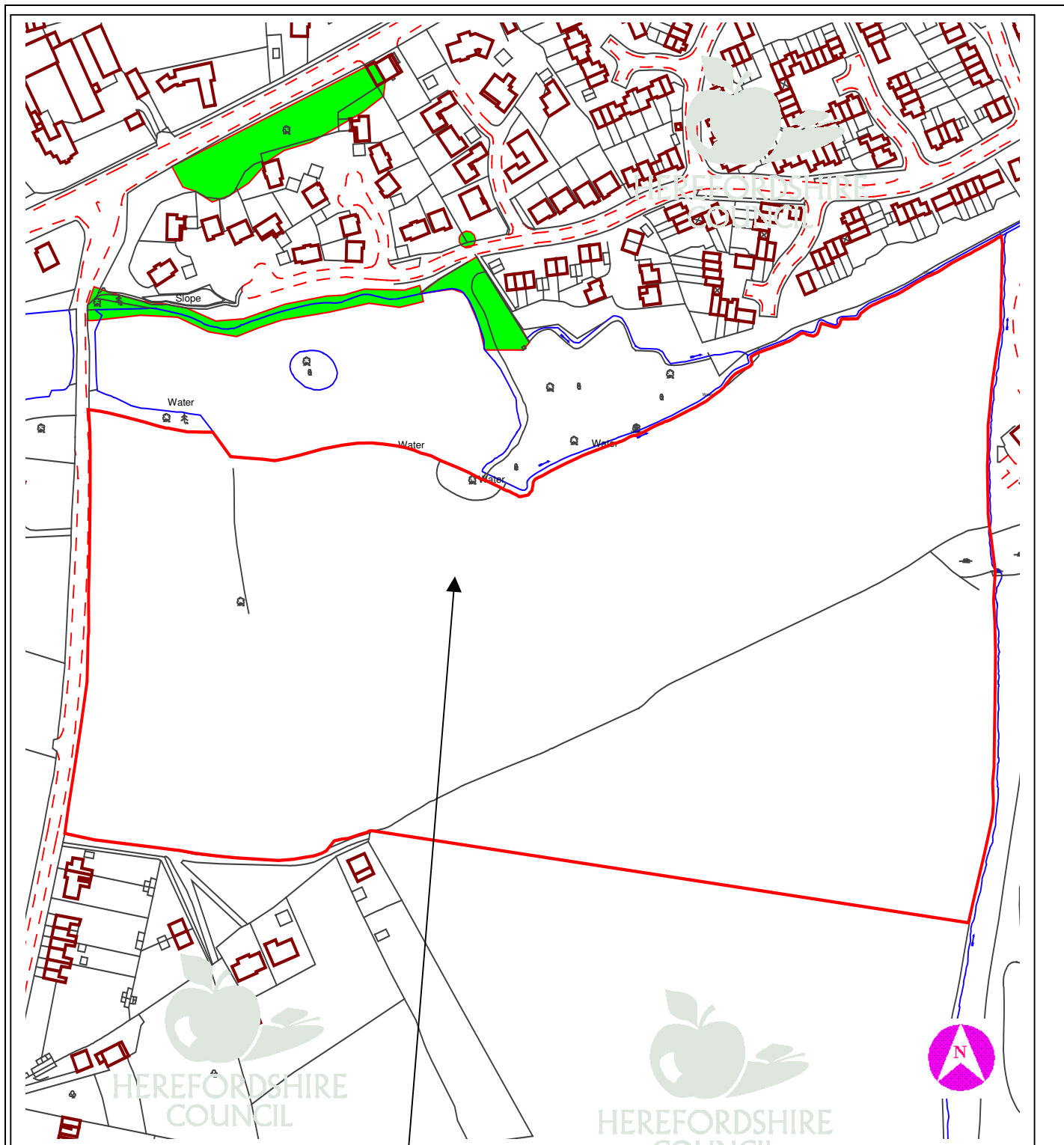
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2007/2834/F

SCALE : 1 : 2699

SITE ADDRESS : Land to the rear of Mulberry Close, Belmont, Hereford

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DRAFT HEADS OF TERMS
Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

Planning Application – DCCW2007/2834/F

- Residential development of: 69 dwellings, Belmont, Hereford
1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £90,000 (ratio of £2000 per two bed open market and above) to provide enhanced educational infrastructure/facilities for the nursery, primary and secondary schools within the catchment area of the application site which sum shall be paid on or before the commencement of the development.
 2. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £172,500 for improved transportation infrastructure and car parking together with services for the interpretation centre in the locality of the application site and the promotion of sustainable means of transport which sum shall be paid on or before the commencement of development.
 3. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Traffic calming and improved safety signing
 - b) Improved bus shelters/stops
 - c) Improve lighting to highway routes leading to the site
 - d) Improved pedestrian and cyclist connectivity with the site
 - e) Improved cycle parking facilities
 - f) Improved pedestrian crossing facilities
 4. The developer covenants with Herefordshire Council, in lieu of a deficit in the provision of open space and equipped play area on site to serve the development along with an appropriate maintenance contribution to pay Herefordshire Council the sum of £34,500, which sum shall be paid on or before the commencement of the residential development.
 5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of around £28,350 (in accordance with the Sport England Sport Facility Calculator) for enhancement of existing sports facilities in the locality of the application site, which sum shall be paid on or before the commencement of the residential development.
 6. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £20,000 for a CCTV for Great Western Way the sum shall be paid on or before the commencement of development.
 7. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £17,974 (£86 x number 209 (number of bed spaces) of persons) for improvements to the library building at Belmont Library the sum shall be paid on or before the commencement of development.

8. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £8280 (69 x£120) for waste recycling facilities which cannot be provided on site to serve the development which sum shall be paid on or before the commencement of development
9. A minimum of 35% of the total number of residential units shall be "Affordable Housing" which meets the criteria set out in Section 5.5 of the Unitary Development Plan for Herefordshire (Revised Deposit Draft) and related policy H9 or any statutory replacement of those criteria and that policy. No less than 60% of the affordable units shall be made available for rent. None of the Affordable Housing shall be occupied unless the Herefordshire Council has given its written agreement to the means of securing the status and use of these units as Affordable Housing. All the affordable housing units shall be completed and made available for occupation prior to the occupation of more than 50% of the other residential units on the development.
10. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, 2,4,5,6,7,8,9, and 10 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.
11. 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.
12. The developer shall complete the Agreement within 12 weeks and 5 days of the date the application on site 1 is registered as valid otherwise the application will be registered as deemed refused.

Kevin Bishop - Principal Planning Officer

7th November, 2007