

MEETING:	PLANNING COMMITTEE
DATE:	15 MAY 2013
TITLE OF REPORT:	<p>130166/F - PROPOSED ERECTION OF 30 NO DWELLINGS INCLUDING 10 AFFORDABLE UNITS AND ASSOCIATED WORKS TO PROVIDE NEW ACCESS AND ROAD AT SITE ADJ TO 4 VALENTINE COURT, CANON PYON, HEREFORD, HR4 8NZ</p> <p>For: G P Thomas & Son Ltd per Hook Mason Architects Ltd., 41 Widemarsh Street, Hereford, Herefordshire, HR4 9EA</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=130166

Date Received: 21 January 2013 Ward: Wormsley Ridge Grid Ref: 346348,248579

Expiry Date: 22 April 2013

Local Member: Councillor AJM Blackshaw

1. Site Description and Proposal

- 1.1 The application relates to an area of 0.89 hectares of grazing land, and is a field located towards the southern end of Canon Pyon. The land is flat and falls between two areas of residential development – the main village core to the north and a post-war residential estate, Meadow Drive, slightly divorced from the rest of the village, to the south. The site is bounded immediately to the east by a post and rail fence with a footpath and then hedgerow forming the roadside boundary. A mature hedge bounds to the west with open countryside beyond.
- 1.2 The village is very linear and older properties are arranged along the road frontage with outlooks across the countryside to the east and west. Meadow Drive is a cul-de-sac development, and a similarly sized development has also taken place at the northern end of the village and is known as Brookside.
- 1.3 Canon Pyon is identified as a main settlement by Policy H4 of the Unitary Development Plan. The settlement boundary excludes the application site, bounding it immediately to the north. The village facilities include a shop and post office, primary school, public house, playing fields and village hall.
- 1.4 The application is made in full and is for the erection of thirty dwellings. These are proposed as a mix of 20 open market properties – 10 two bed, 8 three bed and 2 four bed – and 10 affordable dwellings – 6 two bed, 3 three bed and 1 four bed. The houses are predominantly semi-detached, with only the two four bed open market properties in the south western corner of the plot being detached. Each dwelling has its own parking provision and half of the open market properties also include garages. The dwellings are all of brick construction, with some having rendered elements, and tiled roofs.
- 1.5 Vehicular access into the site is directly from the A4110. The plans show the construction of a minor road with a turning head within the site, the access from the A4110 being positioned

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

approximately centrally on the road frontage. The requirement to provide appropriate visibility splays necessitates the removal of the roadside hedgerow. The plans propose to reinstate a new hedgerow behind the visibility splays with a new 2 metre wide footpath behind the hedge and thus separated from the road, to recreate the existing situation.

- 1.6 The development is arranged with frontage development facing onto the A4110, with further development arranged around the new access road behind. Each of the properties has gardens to front and rear with the precise details of boundary treatments to be agreed should planning permission be forthcoming. The mature hedgerow that forms the western boundary of the site is to be retained.
- 1.7 The application relies on the ecological survey previously undertaken for the earlier proposal determined by committee in 2012. This concluded that there were no significant ecological issues which would be adversely affected by the development of the site. The application also confirms that the development would be connected to the mains sewer currently serving the village, and that storm water and surface water runoff will be dealt with through soakaways within the curtilage of each property. The application also includes a Draft Heads of Terms Agreement to set out contributions towards highway, education, open space and sports facilities improvements, a contribution towards library services and waste and recycling facilities, and also to agree the terms of the provision of affordable housing on the site. A copy is attached as an appendix to this report.

2. Policies

2.1 Herefordshire Unitary Development Plan

S1 – Sustainable development
S2 – Development requirements
S3 – Housing
DR1 – Design
DR3 – Movement
H4 – Main villages: settlement boundaries
H7 – Housing in the countryside outside settlements
H10 – Rural exception housing
H13 – Sustainable residential design
H15 - Density
H19 – Open space requirements
T8 – Road hierarchy
NC1 – Biodiversity and development
NC6 – Biodiversity Action Plan priority habitats and species
NC7 – Compensation for loss of biodiversity

2.2 National Planning Policy Framework

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

- 2.3 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:-

3. Planning History

- 3.1 N111770/F - Erection of 14 no. affordable homes on greenfield site including required access and services – Refused by Committee on 1 February 2012 for the following reasons:

The proposal fails to reinforce the character or appearance of the locality due to the layout and density and detailed design of the scheme. The orientation of the dwellings with their gable ends fronting onto the A4110 is at odds with the general pattern of development in the village. The proposal is therefore contrary to Policies DR1, H13 and H15 of the Herefordshire Unitary Development Plan.

The proposal requires the removal of a prominent roadside hedge. This represents an important feature in the locality, both in terms of its contribution to the appearance of the area and due to its biodiversity value. The application fails to demonstrate that both of these aspects have been satisfactorily mitigated and therefore the loss of the hedgerow is unjustified, contrary to Policies DR1, NC1 and NC7 of the Herefordshire Unitary Development Plan.

- 3.2 77/0627 – Erection of one bungalow – Refused.

- 3.3 75/0605 – Erection of one bungalow – Refused.

- 3.4 Two separate applications were also submitted and refused in 1966 for nine and five dwellings respectively. Both applications went to appeal and were both dismissed.

- 3.5 In the case of all of the applications referred to above the issues were the same;

- That the application site was beyond the recognised settlement and that there were no circumstances to justify an exception to policy; and,
- The site was within an Area of Special Landscape and development would detract from this.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water – No objection subject to the imposition of conditions to ensure that foul and surface water are dealt with separately and that the latter should not be allowed to discharge to the mains sewer.

Internal Council Consultations

- 4.2 Head of Strategic Planning & Regeneration - As Council cannot demonstrate a five year housing supply, an interim policy position was adopted by Council in July 2012 and allows some exemption to Policy H7 to enable housing development on suitable strategic and sustainable sites which have been assessed in the SHLAA as having none or minor constraints.

The subject site was assessed as part of a larger site in the Strategic Housing Land Availability Assessment (O/cp/001) and was assessed as having 'Minor Constraints.' The assessment detailed that the site was suitable, available and achievable for development during the plan period, and that although the site would result in linear development, this is not

detrimental as a development would connect the satellite housing development further south. Taking this into account, the subject site is of suitable size and of a sustainable location to enable this site to be considered under the interim policy position.

During this interim period before the Core Strategy is adopted, the site is appropriate in principle for residential development as it accords with the interim policy position for residential development on suitable SHLAA sites.

- 4.3 Transportation Manager - No objections subject to the imposition of conditions.
- 4.4 Conservation Manager - Landscape – The proposed site is suitable in landscape terms as it does preserve the linear character of the original settlement of Canon Pyon. It retains the field hedgerow to the west, but the roadside hedge will be lost, which is a significant negative impact. However, the proposed terraced appearance fronting onto the road will have a positive streetscape impact.

The layout of the development is a little dense and further details are required about the nature of landscaping proposed within the site.

It is concluded that there is no overall landscape objection to the principle of housing on this site subject to the imposition of landscaping conditions and to ensure the protection of the retained hedgerow during construction.

- 4.5 Minerals and Waste Officer – No objection subject to the completion of a site waste management plan.
- 4.6 Waste Services Manager - The shared surface road needs to be built to a standard suitable for a 26 tonne refuse collection vehicle to travel over it twice weekly, without causing damage. Collection operatives will only walk up to 30m from the location that the vehicle can safely access to collect any refuse or recycling containers therefore if the shared surface road is not suitable then the collection locations for properties 13-22 may be too great a distance and residents will have to bring their refuse/recycling to a point closer to the junction.
- 4.7 Housing Manager - Supports the application for 30 houses at Canon Pyon with the provision of 10 affordable houses.

The application states that the affordable will be built to Lifetime Homes, DGQ and Code 3 and will be allocated to those with a local connection to Canon Pyon in the first instance which is supported.

5. Representations

- 5.1 Pyons Group Parish Council – Following the rejection of the application to develop this site only last year. Canon Pyon should not now fall victim to the hiatus in planning caused by the NPPF and the gap created whilst the county core strategy is being completed. The site does not fit in with the Parish Council and the residents agreed objective of developing the village from the centre, near all the village facilities as the Council members understand. You are fully aware that work is underway to achieve these objectives and is only currently delayed by this application. The necessary background work on this was nearing completion when, without warning, the rushed application now under consideration appeared.

Last year the full planning committee at that time also viewed the site opposite the Nags Head preferred by the Parish Council and local residents and subsequently gave their almost unanimous support for the position taken by the Parish Council. In contrast, the site adjacent to Valentine Court has been rejected on repeated occasions in previous years when similar applications have been submitted.

We are considering the future of the village and consequently we must look to the draft core strategy, which will be in place during the period:

1. Contrary to the core strategy, there has been no contact with either the Parish Council or residents made by the developers. Policy RA2.5 and p 142 of the Core Strategy "Developers should ensure early engagement with the community".
2. The development is site led not by housing need contrary to the Core Strategy p 144 and is against RA2.1 "reflecting size of village".
3. It is a form of unacceptable ribbon development.
4. The design, urban and cramped, with a frontage of 16 houses lining the road, bears no relevance to a rural setting and is against RA2.3 Character of Village, policy H2.3 "respects characteristics of surroundings, good design and reasonable access to facilities" and policy H3.3 "elderly housing".
5. The site has drainage issues which will be exacerbated by 30 houses on impervious ground. The site, never built on for good reason, will produce continuing intractable problems, particularly if a change in climate results in higher rainfall.
6. The senior landscape officer acknowledges that the loss of the hedge has "significant negative impact. In fact, it would produce an ineffective barrier for some years and an inadequate replacement for a mature hedge.
7. The Parish Council supports housing development and has already added around 25% to Canon Pyon's building stock within the last decade; this development is out of proportion to the size and needs of a small village and does not comply with policy RA1 of the draft Core Strategy.
8. There remain serious concerns over sewage, highlighted during mid 2012 with yet another total blockage towards the southern end of the village.
9. In view of the preceding paragraphs, there is doubt whether the development is sustainable. At the last PC meeting the subject of both community and environmental sustainability was raised and these must be more fully addressed.

Pyons Group Parish Council trusts that the objections made will be given due consideration

5.2 16 letters of objection have been received from local residents. In summary the points raised in the representations are as follows:

- The housing to be built will not cater for the needs identified.
- It is unnecessary development with more suitable sites available in the middle of the village.
- The applicant's have chosen the wrong site and should have looked to develop the site next to the playing fields.
- A substantial amount of housing has been erected in the village and there is ample to meet local requirements. No further need.
- Houses should be built nearer to places where people are likely to find work.
- Canon Pyon is not well served by public transport.
- Why has no consideration been given to the erection of bungalows for older people?
- It would amount to ribbon development and contradict previous planning decisions.
- It will increase pressure on the local primary school
- Play space for under 12's should be provided on site.

- The design of the dwellings and the density of the development as a whole is considered to be inappropriate.
- The development will be detrimental to the residential amenities of the residents of Valentine Court and Meadow Drive.
- The proposal will have negative impacts on views across the countryside.
- It would result in the loss of an old hay meadow to the detriment of the local ecology of the area.
- The loss of the road side hedge would be to the detriment of the village and would remove a useful buffer between the road and footpath as the new hedge will take time to establish.
- The development would give rise to issues of highway and pedestrian safety
- The proposal will have a detrimental effect on the River Wye SAC.

5.3 CPRE objects to the application on the following grounds:

- The application relates to a Greenfield site beyond the village settlement boundary and is contrary to Policies H4 and H7 of the Unitary Development Plan.
- The village should not be a victim of the Council's failure to meet its five year housing land supply.
- A brownfield site within the settlement boundary is identified in the UDP and is yet to be developed.
- The proposal is contrary to the draft Core Strategy.
- The village is not well served by public transport and will increase dependency on private motor vehicles.
- Development of the site will be detrimental to highway safety of pedestrians living to the south of the site and wishing to access village facilities.
- The proposal will be visually intrusive and detrimental to the local landscape.
- The dwellings are poorly designed and do not take account of energy efficiency standards.
- The scheme does not include an infants play space and therefore is contrary to Policy H9 of the Unitary Development Plan.

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

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/search-and-comment-on-planning-applications/>

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

<https://www.herefordshire.gov.uk/contactus>

6. Officer's Appraisal

- 6.1 The site lies just beyond the settlement boundary for Canon Pyon as defined by the Herefordshire Unitary Development Plan (UDP) and therefore falls within open countryside. The proposal does not satisfy any of the exception criteria outlined by Policy H7 of the UDP – it is not entirely a scheme for affordable housing as was previously considered on part of the site, but is a mix of open market and affordable - and therefore is contrary to it. However, it is necessary to consider whether there are any other planning policy or material planning considerations to support the principle of development.
- 6.2 The Core Strategy is not sufficiently advanced to be given due weight in the consideration of the application and in any event, there are no specific policies or proposals that relate to this particular site. 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 for a period of 12 months from the date of adoption of the NPPF providing those policies are largely consistent with the NPPF.

- 6.3 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 should 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.
- 6.4 The Council's 2012 Annual Monitoring Report (AMR) which monitors housing land availability, identified that the Council currently has a shortfall of 216 units, which equates to a 4.6 year supply. This shortfall does not account for the requirement to maintain the additional 5% buffer which would amount to a further 140 units and therefore a total of 356 units.
- 6.5 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 land supply cannot be demonstrated. In view of this, there is a requirement to release further land for housing that is deliverable within the next five years and is sustainable. 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 policy H7 is not a reason for refusal of the application that could be sustained.
- 6.6 Two specific reasons were given previously for the refusal of a smaller scheme on part of this site. These refer to the loss of the hedgerow as a biodiversity asset and the design, layout and density of that particular scheme. If it is considered that the density, design and layout of the scheme is acceptable, and that it does not give rise to unacceptable detriment to the amenity of nearby dwellings, then the only judgement to be made is the weight to be given to the loss of the roadside hedge and meadow as opposed to the need to try and address the current shortfall in housing land supply.
- 6.7 Many of the points raised in objection to this application are matters that were previously considered, particularly the availability and preference for the development of other sites within the village and in relation to matters of highway safety. The previous report deals with both matters in detail and there has not been a material change in circumstance since the determination of that application to assume that either would now give rise to a reason to refuse this proposal.
- 6.8 Schemes have not been brought forward for any of the sites preferred by the parish council, and it has not expressed any intention to complete a Neighbourhood Plan. Such documents will ultimately provide the mechanism for parish councils to identify specific sites for development, but current proposals have to be determined on the basis of the adopted Development Plan – the National Planning Policy Framework and the Herefordshire Unitary Development Plan. This proposal must be treated on its merits, and not what might be preferred at some point in the future.
- 6.9 Although this proposal is for a greater number of dwellings, no objections have been raised by the Council's Highway Engineer. The A4110 is perfectly straight at this location and visibility is potentially very good, subject to the removal of the hedgerow. The plans now proposed have taken account, as best as possible, of the concerns of local residents and the hedge is to be re-planted between the road and a new 2 metre wide footpath. The footpath will be positioned further away from the road as a consequence and its widening is considered to be of significant benefit as it is currently rather narrow. The proposal is considered to accord with Policies DR3 and T8 of the UDP.

- 6.10 The application relies on the ecological survey previously undertaken for the earlier proposal determined by committee in 2012. This concluded that there were no significant ecological issues which would be adversely affected by the development of the site. No part of the site is afforded a specific designation of either local or national level and it is your officers opinion that its loss is significantly outweighed by the lack of a five year housing land supply. Canon Pyon is a village that is considered to be sustainable. It has a good range of local services, is designated as a main village in the UDP and is identified as being appropriate for development by Policy RA.1 of the draft Core Strategy. The intention is now to re-plant a new hedgerow behind the visibility splay by way of mitigation for the removal of the existing one and it is not considered that the previous reason for refusal on biodiversity grounds could be sustained.
- 6.11 Canon Pyon does not have a strong architectural identity. Its original core of buildings would have centred on the Nags Head public house and it is clear that the buildings that surround it are of some age. It is likely that the village evolved from here, predominantly along the eastern side of the A4110 where the majority of older buildings lie. These are a combination of timber frame, brick and stone construction and the majority are either rendered or painted, giving their appearance a degree of uniformity. The western side is dominated by post war developments of red brick bungalows and two storey dwellings arranged in a linear fashion along the road frontage, with later cul-de-sac developments at the northern and southern ends of the village.
- 6.12 It is important that any development should be integrated with the village and in this respect the best approach is to have dwellings that front onto the road and make a contribution to the street scene, rather than simply creating a cul-de-sac that is inward looking. Notwithstanding this, the site itself, with its long road frontage, lends itself to the development proposed and makes a good use of the land available.
- 6.13 A more traditional approach has been taken in design terms. The previous scheme sought to make best use of sustainable energy techniques by orientating roof slopes in a southerly aspect and installing solar panels. The layout was not considered to be acceptable and the application was refused in part on this basis. It is your officers opinion that this scheme takes account of the concerns expressed about the layout of the earlier scheme and has satisfactorily addressed them.
- 6.14 The introduction of rendered elements to the road frontage will give some relief to the overall appearance of the scheme. This could be extended further through a variation in brick types and could be agreed through the imposition of an appropriately worded condition.
- 6.15 The development is not of a high density and with 30 dwellings on 0.9 hectares, equates approximately to 33 dwellings per hectare. Each property has its own parking provision and good sized gardens, the majority having a length of at least 10 metres. All of the facilities required can be provided and, moreover, the retention of hedgerow along the western boundary with open countryside beyond, will serve to give a sense of space and enclosure. The proposal is compliant with Policy H15 of the UDP.
- 6.16 Two properties within Valentine Court do look out across the application site and, at their closest point, lie within 15 metres of the dwelling proposed for plot 30. The flank wall of the garage is closest and does contain a window but the elevation of this property is otherwise blank.
- 6.17 A similar relationship will exist between the dwelling on plot 19, and 10 and 11 Meadow Drive, with only a first floor bathroom window in the opposing elevation. A condition could be imposed to ensure that this remains obscure glazed.
- 6.18 The two dwellings shown as plots 17 and 18 do have rear elevations facing 13 Meadow Drive. The distance between them is, at its closest point, 25 metres, and in light of the fact that 13

Meadow Drive does not directly face these two properties it is considered that this relationship will not give rise to a loss of privacy or amenity to justify the refusal of the application, or to require any amendment to the scheme as submitted.

- 6.19 In conclusion, the relationship between existing and proposed properties is considered to be appropriate. There will inevitably be a change in the outlook that is currently enjoyed by some of the properties in Valentine Court and Meadow Drive, but in terms of a typical residential context, this is considered to be acceptable and in accordance with Policies DR1 and H13 of the UDP.
- 6.20 One objector has raised concerns about the potential effect of this development on the River Wye Special Area of Conservation (SAC) and has suggested that planning permission should not be granted until it can be demonstrated that the proposal will not have a significant effect on water quality.
- 6.21 Officers have been engaged in a continued dialogue with Natural England, the Environment Agency and Welsh Water about the matter, not only in relation to planning applications but also in a wider context for the draft Core Strategy. In order to bring this forward, it has been agreed that a Nutrient Management Plan is necessary and work is currently underway to secure its completion. In the interim, Natural England and the Environment Agency have signed a Statement of Intent to complete the management plan and have confirmed that, where a proposal indicates an intention to connect to mains sewers and there is capacity within the existing system, planning permission can be granted without delay. In this case Welsh Water have raised no objection subject to the imposition of conditions and your officers are content that the proposal will not have a significant effect on water quality. The scheme is therefore compliant with Policy NC1 of the UDP and the guiding principles of the NPPF in this regard.
- 6.22 The application also includes a Draft Heads of Terms Agreement to set out contributions towards highway, education, open space and sports facilities improvements, a contribution towards library services and waste and recycling facilities, and also to agree the terms of the provision of affordable housing on the site. Contributions will be spent locally in consultation with the parish council and the completion of a Section 106 Agreement prior to the commencement of development can be ensured through the inclusion of an appropriately worded condition should planning permission be forthcoming.
- 6.23 In conclusion, the proposal is considered to be acceptable. The lack of a five year housing land supply is considered to outweigh the loss of the roadside hedge and meadow that would result as a consequence of the development of the land, particularly as neither has either national or local designated protection. Canon Pyon is a sustainable settlement, having a good range of local services and access to public transport facilities. The scheme is considered to accord with policies S1, DR1 and H13 of the UDP and the guiding principles of the NPPF in this regard. The proposal demonstrates that a safe means of access with appropriate visibility splays in either direction can be provided and is compliant with policies DR3 and T8 of the UDP. It is also considered that the design has been influenced by the characteristics of the site and that the strong road frontage development is reflective of and complementary to the character and appearance of the village. The proposal accords with policies DR1 and H13 in this regard and consequently the application is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**

2. **B01 Amended plans**
3. **B07 Section 106 Agreement**
4. **C01 Samples of external materials**
5. **F16 No new windows in specified elevation**
6. **G04 Protection of trees/hedgerows that are to be retained**
7. **G10 Landscaping scheme**
8. **G11 Landscaping scheme - implementation**
9. **H03 Visibility splays**
10. **H09 Driveway gradient**
11. **H11 Parking - estate development (more than one house)**
12. **H13 Sustainable Residential Design**
13. **H18 On site roads - submission of details**
14. **H21 Wheel washing**
15. **H27 Parking for site operatives**
16. **I16 Restriction of hours during construction**
17. **I55 Site Waste Management**
18. **L01 Foul/surface water drainage**
19. **L02 No surface water to connect to public system**
20. **L03 No drainage run-off to public system**

Reason for Approval:

1. **The lack of a five year housing land supply is considered to outweigh the loss of the roadside hedge and meadow that would result as a consequence of the development of the land, particularly as neither has either national or local designated protection. Canon Pyon is a sustainable settlement, having a good range of local services and access to public transport facilities and the scheme is considered to accord with policies S1, DR1 and H13 of the Herefordshire Unitary Development Plan and the guiding principles of the National Planning Policy Framework in this regard. The proposal demonstrates that a safe means of access with appropriate visibility splays in either direction can be provided and is compliant with policies DR3 and T8 of the UDP. It is also considered that the design has been influenced by the characteristics of the site and that the strong road frontage development is reflective of and complementary to the character and appearance of the village and the proposal also accords with policies DR1 and H13 of the UDP.**

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. **HN01 Mud on highway**
4. **HN04 Private apparatus within highway**
5. **HN05 Works within the highway**
6. **HN10 No drainage to discharge to highway**
7. **HN08**

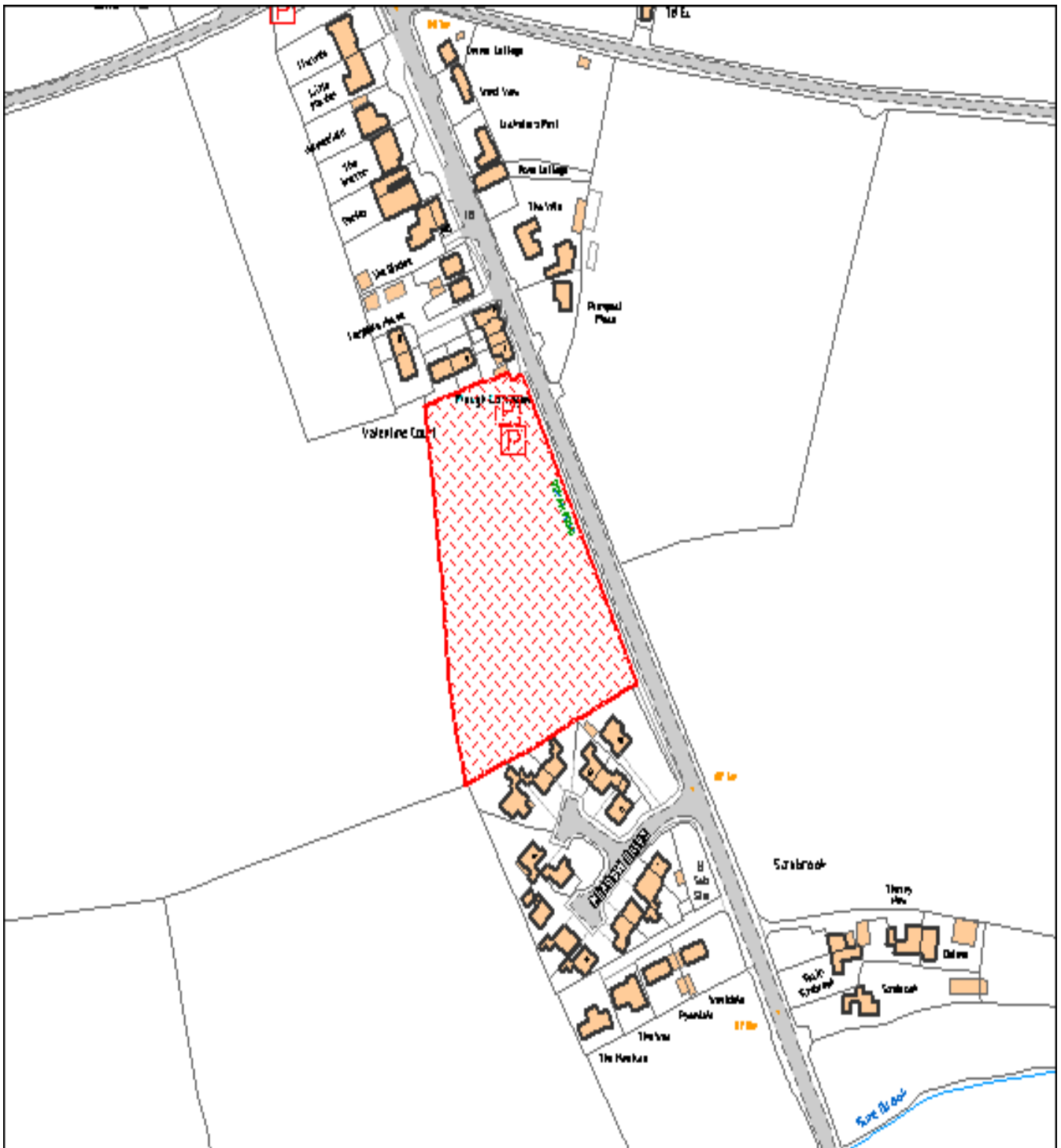
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 130166/F

SITE ADDRESS : SITE ADJ TO 4 VALENTINE COURT, CANON PYON, HERFORD, HR4 8NZ

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

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

Planning Ref – 130166/F
Erection of 30 dwellings, including 10 affordable units and associated works
to provide a new access and road

1. The developer covenants with Herefordshire Council, in lieu of the provision of open space on the land to serve the development to pay Herefordshire Council the sum of £27,208 which sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for improvements to the quality / accessibility of existing facilities in Canon Pyon. Priorities to spend will be identified through local consultation. The monies may be pooled with other contributions if appropriate.

The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £5,658 (in accordance with the Sport England Sport Facility Calculator) for improvements to sports facilities in consultation with the local community. This sum shall be paid on or before the commencement of the residential development. The monies may be pooled with other contributions if appropriate.

The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £106,110 to provide education improvements to Conningsby Early Years, Canon Pyon Primary School, Weobley High School, Herefordshire Youth Service and Special Educational Needs. This sum shall be paid on or before the commencement of development, or to a timetable to be agreed between the Council and the developer prior to the formal completion of a Section 106 Agreement.

The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £51,116 to provide sustainable transport measures in Canon Pyon. The sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:

- a) Pedestrian access improvements near the development and within Canon Pyon.
- b) Improvements to bus provision/passenger waiting facilities.
- c) Improvements to safe routes to local schools etc.
- d) Contribution to safe routes to schools.

The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £3,110 for the provision of library services. The sum shall be paid on or before the commencement of development, or to a timetable to be agreed between the Council and the developer prior to the formal completion of a Section 106 Agreement.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £2,400 towards the provision of new or the enhancement of existing waste and recycling facilities in Canon Pyon (if appropriate provision/facilities are not provided on site).
3. The developer covenants with Herefordshire Council that ten of 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.
4. The Affordable Housing units shall be as follows with their tenure to be as follows:
 - 3 x 2 bedroom - Intermediate tenure

- 2 x 3 bedroom – Intermediate tenure
 - 3 x 2 bedroom – Social rented
 - 2 x 3 bedroom Social rented
5. 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.
 6. 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:
 - registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - satisfy the requirements of paragraphs 11 & 12 of this schedule.
 7. 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:
 - a) A local connection with the parish of Canon Pyon; or
 - b) In the event of there being no person having a local connection to the parish of Canon Pyon a person with a local connection to the adjacent parishes.
 - c) In the event of there being no person with a local connection to any of the parishes referred to in 11(a) and 11(b) above any other person ordinarily resident within the administrative area of the Council who is eligible.
 8. For the purposes of sub-paragraph 11(a) of this schedule ‘local connection’ means having a connection to one of the parishes specified above because that person:
 - a) is or in the past was normally resident there; or
 - b) is employed there; or
 - c) has a family association there; or
 - d) a proven need to give support to or receive support from family members; or
 - e) because of special circumstances.
 9. 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.
 10. 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.
 11. The developer covenants with Herefordshire Council to pay Herefordshire Council a 2% surcharge fee for the monitoring of the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.

12. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3, 4, 5, 6 and 15 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.
13. The sums referred to in paragraphs 1, 2, 3, 4, 5, 6 and 15 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
14. 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.

ANDREW BANKS
PRINCIPAL PLANNING OFFICER

4 December 2012