

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

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 Thrupton Parish Council

On 25 March 2013, Kingstone and Thrupton 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;

- 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;

- 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:

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**

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

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**

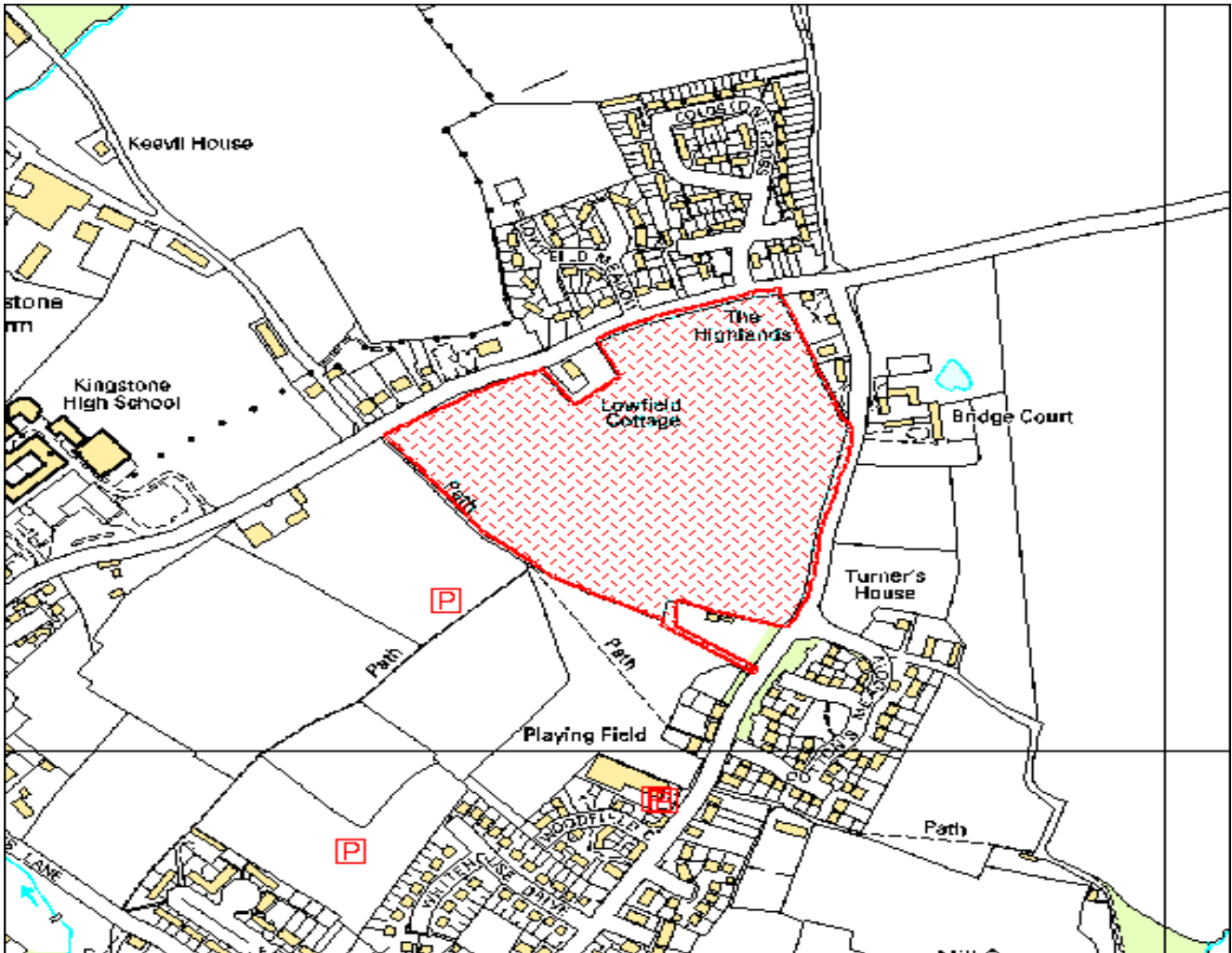
Decision:

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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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 Thruyton 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:

- 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

£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:

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

- 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

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