

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>2 NOVEMBER 2011</b>
<b>TITLE OF REPORT:</b>	<p><b>DMS/110387/O - ERECTION OF SIXTEEN DWELLINGS, CONSTRUCTION OF VEHICULAR ACCESS AND ASSOCIATED WORKS AT LAND NORTH OF HAWTHORN RISE, PETERCHURCH, HEREFORD, HR2 0RQ.</b></p> <p><b>For: Mr Smith per Mr Paul Smith, 12 Castle Street, Hereford, Herefordshire, HR1 2NL.</b></p>

**Date Received: 16 February 2011    Ward: Golden Valley    Grid Ref: 334818,238442  
North**

**Expiry Date: 18 May 2011**

Local Member: Councillor PD Price

**1. Site Description and Proposal**

- 1.1 The application site comprises a rectangular field extending to 0.8 hectares located towards the eastern end of Peterchurch, a main village as defined in the Herefordshire Unitary Development Plan (HUDP). To the south west is a modern residential cul-de-sac (Hawthorn Rise), the boundary with which is defined by a fence marking the rear gardens of a line of bungalows. To the east is Crossways, a larger residential estate, the boundary of which is defined by low level vegetation and some trees of note and a grass track. To the north and beyond a mature hedgerow is agricultural land which rises steadily in a north easterly direction to Blakemere Hill, Stockley Hill and Barratt's Hill. The northern boundary is open and the land here is safeguarded in the HUDP for recreational use. Beyond this is the Peterchurch Primary School and associated playing fields.
- 1.2 Public footpath PR8 is some 100 metres away to the north east and PR9 runs through Bazeley Lane some 230 metres to the north west. Overhead electricity cables run diagonally across the site running in a west-east direction.
- 1.3 The site lies wholly within the settlement boundary of Peterchurch and slopes steadily down from the north to the boundary with Hawthorn Rise.
- 1.4 This is an outline application with only the proposed means of access included for detailed consideration at this stage. The scheme has been revised since the initial submission and now includes a total of 16 dwellings (including 5 affordable units- Plots 7-11 inclusive). There would be 3 no. 2 bed units (Plots 8, 9 and 11); 8 no. 3 bed units (Plots 2, 3, 5, 6, 7, 10, 13 and 15) and 5 no. 4 bed units. The indicative layout incorporates a mix of detached and semi-detached properties with one small terraced block. The layout, scale, appearance and landscaping of these dwellings are reserved matters but the revised Design and Access Statement refers to the provision of predominantly two storey dwellings with eaves heights varying between 4.4

metres and 4.8 metres and ridge heights between 6.9 metres and 7.7 metres. Plots 5 and 6 would be slightly lower, being one and a half storey height.

- 1.5 The site currently has no means of vehicular access and this is proposed to be created by extending the existing estate road serving Hawthorn Rise, which is served directly off the B4348 to the south-west. It is proposed to provide a 4.5 metres wide carriageway with a 1.8 metre footway in-between 2 existing properties (11 and 13 Hawthorn Rise) which would then form an L-shaped cul-de-sac around which the proposed dwellings would be arranged.
- 1.6 The application is submitted with a revised Design and Access Statement and a draft Heads of Terms for a proposed S106 Agreement, the details of which are set out in the Appendix to this report.

## **2. Policies**

### **2.1 Government Guidance**

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPS13	-	Transport

### **2.2 Herefordshire Unitary Development Plan**

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR5	-	Planning Obligations
DR7	-	Flood Risk
H4	-	Main Villages: Settlement Boundaries
H9	-	Affordable Housing
H13	-	Sustainable Residential Design
H15	-	Density
H16	-	Car Parking
H19	-	Open Space Requirements
LA3	-	Setting of settlements
LA5	-	Protection of Trees, Woodlands & Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and development
NC7	-	Compensation for loss of biodiversity
NC8	-	Habitat creation, restoration and enhancement
NC9	-	Management of features of the landscape important for flora and fauna
RST4	-	Safeguarding Existing Recreational Open Space
W11	-	Development - Waste Implications
CF2	-	Foul Drainage

## **3. Planning History**

- 3.1 There is no relevant planning history relating specifically to the application site but set out below is the history relating to the development of Hawthorn Rise.
- 3.2 SW2007/2404/F – Erection of six dwellings. Approved 7 November 2007.
- 3.3 SW2007/1398/F – New bungalow. Approved 29 September 2007.

- 3.4 SW2005/3418/F – Re-design and siting of Plots 14 & 15 – Approved 1 December 2005.
- 3.5 SW2005/0429/F – Re-siting and design of Plot 12 – Approved 29 March 2005.
- 3.6 SW2004/2852/F – Omission of detached garage and construction of detached garage to Plot 11 and re-design of siting of plot 12. Approved 29 September 2004.
- 3.7 SW2004/1966/F – Omission of detached garage and construction of detached garage to Plot 11 and re-design of siting of plot 12 - Refused 21 July 2004.
- 3.8 SH890760PM - Proposed development of 22 new residential dwellings. Approved 28 July 1989.

#### **4. Consultation Summary**

##### **Statutory Consultees**

- 4.1 Welsh Water – No objection subject to standard conditions

##### **Internal Council Advice**

- 4.2 Traffic Manager – the revised scheme layout is an improvement and subject to minor revisions to the layout no objection is raised. Conditions relating to the detailed design and construction of the new roadway, private drives and parking areas, provision of secure cycle parking and the parking of construction traffic are recommended.
- 4.3 Conservation Manager (Landscapes)

##### Landscape Character

Hawthorn Rise is a collection of modern bungalows, accessed from the main road through the village (B4348). Peterchurch is essentially a linear village, with a historic core close to the church and post office and more recent pockets of residential development along the main road. The residential development of Crossways has been established at right angles to this, along the minor road (C1195). The site itself is to the rear of Hawthorn Rise and Crossways, not directly fronting the highway network. The landscape character type is Principal Settled Farmlands. The site itself is sloping, rising to the north east. It currently appears to be pasture, with building materials and rubble being stored on. There are impoverished hedgerows to the north east and south east boundaries. The site was visited in March 2011.

##### Application Documents

The planning application does not include a landscape and visual impact assessment, a tree survey or a landscape strategy, although these would normally be expected for a development of this type and scale which has the potential for a significant impact on the landscape. It is accepted that the Design and Access Statement (DAS) provides an Area Analysis and Design Response to the built environment, with some indicative planting proposals shown on the proposed layout. The DAS acknowledges that there is a 2m level change across the site, however no sections have been provided and there is no evidence of the proposed relationship between the existing bungalows and the proposed dwellings.

## Landscape Impact

In landscape terms the concessions of reduced building heights and the intended variation of eaves and ridge heights will assist in breaking up an otherwise “mono-design” and will fit in better with the residential character of the surroundings. The introduction of one and a half storey scale development is important and will help the development merge with the existing single storey areas. I welcome the exclusion of the layout from this application so that this can be given further consideration at a later stages. The position of Plot 1 should be reconsidered, as it is in direct conflict with one of the few mature trees on site.

## Conditions

If the application is to be approved then I request that the following conditions are attached.

- G04 – protection of trees / hedgerows that are to be retained. This is in accordance with UDP Policy LA5 and to safeguard the amenity of the area.
- G10 – hard and soft landscaping scheme. This is in accordance with UDP Policy LA6 to ensure that the development is appropriately integrated with the surroundings.

## Conclusion

The development of this site is contrary to the character of the village, however if the above issues are addressed then the overall impact will be moderately negative, rather than significant enough to warrant an objection. The indicative layout is not particularly creative; however it is of a similar standard to other recent developments in the village. As the layout, scale, appearance and landscaping issues will be considered later as reserved matters; there will be a chance to negotiate a suitable height to the buildings and substantial planting proposals that should improve the green infrastructure of the site. Development of the land further north would have a far greater impact on the landscape, given the steeper gradient, higher topography and further removed from the linear character of the village.

- 4.4 Conservation Manager (Ecology) – There is an opportunity for habitat enhancement to be incorporated into the development and a condition requiring the design of such a scheme is recommended.
- 4.5 Land Drainage Engineer – I have been informed that existing properties in Hawthorn Rise suffer from surface water run-off from sloping ground to the north-east. This, together with the limited vegetation, suggests that the site is susceptible to short duration, high intensity storms. Following my accompanied site visit on 18 October 2011 I am satisfied that the drainage concerns associated with the development can be covered by condition.
- 4.6 Parks, Countryside and Leisure Development Manager – In consultation with the Chairman of the Parish Council, it has been agreed that the provision of an equipped children’s play area in this development would not be appropriate or sustainable based upon the local aspiration to deliver the allocated recreational open space immediately adjacent to the site, or alternatively land with potential at Lewis Way or the existing site next to the Church. In the context of this locally expressed view, it is considered that an appropriate off-site contribution with the necessary flexibility to enable monies to be used in connection with the preferred option would be more beneficial in terms of addressing local priorities.
- 4.7 Housing Needs and Development Manager – The Housing Needs Survey for Peterchurch was undertaken in June 2008 and identified a need for 8 units. To date none of this need has been met and accordingly, the provision of 5 affordable units with a mix of 2 and 3 bedrooms is supported. It is advised that the preferred tenure would be social rented as opposed to other intermediate housing (shared ownership, low cost market) in order to best meet the identified need.

## 5. Representations

5.1 The comments of the Peterchurch Parish Council in respect of the revised proposal are as follows:

- 1) The incomplete existing development through which all construction traffic would have to access the new site.  
Temporary access could be made to the new site through a field (currently owned by the developer) to the west of the site. Thus alleviating the need to widen the current access road which has only just been completed.

The latest proposal no longer calls for the widening of the access road but makes no mention of how the construction traffic will access the site.

The current and still ongoing development's access road causes serious difficulties for delivery vehicles as they have to park and unload on the road thus blocking the road during this period and have to reverse to a turning point to exit the site.

The latest revision has not taken into account proper access to the proposed site which should be from the existing spur road (presumably originally constructed to access the land to the west of the site) at the entrance to Hawthorn Rise and on through the land to the western side of the site, which is owned by the developer, thus entering the site on the proposed road between plots 11 & 12.

Clearly what future development proposals for the land to the West and North West of the site are extremely relevant and the Parish Council ask that the developer declares what his plans are for this land.

The construction of the western access road would of course be necessary for future development, therefore if constructed as part of this scheme it would alleviate the need for construction traffic to pass over the existing road and enter the site through a space which earlier plans show as being a double garage space.

In fact the construction of this western access route could allow for the already constructed bungalows to remain in a cul-de-sac which is how they were marketed to the existing residents.

- 2) The apparently inadequate land drainage, in which photographic evidence was provided at the Parish Council Meeting, clearly shows standing water in and around both the existing and the proposed developments.

The revision totally ignores the major issue of the poor drainage now, which can only be exacerbated by further development.

- 3) The Outline Planning shows a number of houses which would be a change from the current ethos of an all bungalow development also that any houses which were to be constructed would overlook the existing development as well as properties in Crossways to the east of the development.

Once again the proposed development changes the ethos of a "bungalow development" with houses being proposed on ground which already has a raised elevation overlooking bungalows.

- 4) Some considerable concern was also raised that the submitted plans did not show all of the existing dwellings.

The plans made available to the Parish Council do not cover the area referred to in number 4.

- 5) The residents also requested that the Parish Council asked that the Planning Department have a site meeting with the residents, could you please advise if this will be possible.

The Parish Council have not received any acknowledgment of this request and are not aware of any such meeting taking place.

(Note: officers met with the Hawthorn Rise Residents Association on 15 September 2011)

- 6) Clearly a development of this size is of considerable concern to the Parish Council and residents of Peterchurch, in so much as local requirements must be taken into consideration as well as the counties needs. The Parish Council would therefore request that should the above concerns be satisfactorily address and Outline Permission granted the Parish Council and residents should be consulted on the property type and location of the new site.

The majority of residents accept and in fact very few object to further housing in the village as clearly an influx of families would further strengthen the rural community, however all agree that this new development must be constructed in a manner which all concerned can be proud of.

- 7) With all these concerns the Parish Council & Ward Councillor respectfully request that this application must go to committee for consideration.

The Parish Council therefore RESOLVE UNANIMOUSLY that this application in its present form must not be approved and insist that this application be put before the Herefordshire Council's Planning Committee for consideration.

- 5.2 A total of 20 objections were received to the original submission and a further 26 were received following consultation on the revised proposal for 16 dwellings. In addition a petition signed by 19 members of the Hawthorn Rise Residents Association was received.

- 5.3 The concerns raised can be summarised as follows:-

- concern relating to localised surface water flooding of properties in Hawthorn Rise
- concern regarding foul drainage capacity
- loss of privacy
- development should be restricted to bungalows (Plots 11-16 in particular)
- increased use of estate road a concern in terms of highway safety and residential amenity
- not in keeping with award winning Crossways development
- loss of outlook towards open countryside and Church spire
- access between existing houses inappropriate
- alternative means of access across open space must be examined
- detrimental impact on setting of Wellbrook Manor
- serious concerns about time to implement permission and associated noise and disturbance
- control over handling waste from site must be imposed
- further piecemeal, sporadic development out of keeping with locality
- noise and disturbance from construction traffic
- must be a time limit upon completion of development
- affordable housing is inappropriate and will place additional burden on limited local policing
- affordable housing should be relocated
- additional housing without local employment and public transport is not sustainable
- loss of semi-natural habitat (bats and protected birds seen in locality)
- concerns about adoption of road (provision of street lighting).

5.4 Two letters of support have been received:-

- new residential development needed to support local businesses
- other locations in Peterchurch at greater risk of flooding
- site is within settlement boundary
- affordable housing is necessary
- have not personally experienced the surface water flooding referred to
- noise associated with building works not as significant a concern as suggested.

5.5 The full text of these letters can be inspected at Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB and prior to the Committee meeting.

## **6. Officer's Appraisal**

6.1 The key issues for consideration in the determination of this outline application are as follows:-

- (a) the principle of residential development;
- (b) the impact of the development upon the character of the locality;
- (c) the impact upon residential amenity;
- (d) highway safety and the proposed means of access;
- (e) surface water drainage;
- (f) biodiversity and;
- (g) Section 106 requirements

### Principle of Residential Development

6.2 The application site lies wholly within the defined settlement boundary for the village of Peterchurch, which is defined as a main village in the HUDP. Policy H4 of the HUDP confirms that residential development on windfall and allocated sites will be permitted where they accord with other policies of the plan. Accordingly the broad principle of the development of the site, which is well related in visual terms to other relatively modern residential development is supported.

### Impact on Character and Appearance

6.3 The visual context of the application site, when viewed from the nearby public footpaths is principally established by the existing predominantly single storey development associated with Hawthorn Rise and Crossways and in this respect it is considered that in general terms, the expansion of residential development represents a relatively natural extension of these existing residential areas at the eastern edge of the village. It is acknowledged that both these estates comprise bungalows with some exceptions within the Crossways development. However, in the wider locality, Peterchurch displays a wide variety of older and modern development of single and two storey scale and as such, the introduction of 2 storey development into this relatively discrete parcel of land together with the retention and bolstering of existing boundaries is such that, subject to further detailed consideration of the layout, scale (in particular levels and ridge heights) and appearance (materials) of the development, it could be satisfactorily integrated into this edge of settlement location. In particular the comments received from the Conservation Manager in respect of the need to maintain careful control over the scale and height of the development is noted and this would be a matter for detailed consideration at the reserved matters stage. The indicative layout seeks to reduce the density of development along the boundaries with the open space/agricultural land to the north and west, with the plots in these more sensitive locations being set within larger gardens. Whilst this approach is noted, it may be the case that there are alternatives that better relate to the edge of the settlement (and indeed address some of the concerns regarding overlooking set out below)

- 6.4 Having consideration for the general layout of Hawthorn Rise and Crossways these are in many respects at odds with the generally linear form of Peterchurch and in this respect the continuation of the “cul-de-sac” form is not considered to be an inappropriate response to residential development in the immediate vicinity.
- 6.5 It is noted that there is a strong local view that the development should be entirely single storey, but for the reasons set out above, together with the guidance set out in PPS3 which promotes the delivery of a mix of housing types and sizes, it is considered that the development can be satisfactorily accommodated without detriment to the locality and that ultimately this is a matter that would be addressed at the reserved matters stage, a process that would be subject to the same level of consultation as the current outline application. The more recent commitment to reducing and varying ridge and eaves heights set out in the revised Design and Access Statement is welcomed in this respect and affords the opportunity of maintaining control over the overall height of any future detailed proposals.
- 6.6 Landscaping is also a reserved matter, but it would be required that the established hedgerows and trees forming the boundaries of the site should be retained and enhanced and conditions requiring the protection of trees and hedgerows are recommended.
- 6.7 Accordingly, and subject to the need to approve the layout, design of the units and landscaping at the reserved matters stage, the proposal is considered to satisfy the requirements of Policies DR1 and the aims of PPS3 in terms of providing for a wider variety of housing types in the locality.

#### Impact on Residential Amenity

- 6.8 The site has common boundaries with Hawthorn Rise and Crossways and therefore it is important that appropriate levels of privacy are maintained. In this respect, careful consideration has been given to the impact of Plots 5-11 on the properties in Hawthorn Rise and Plots 1-4 with rear elevation facing towards Crossways.
- 6.9 With regard to the impact on Hawthorn Rise, the rear elevations of the proposed new dwellings would be between 20 and 23 metres from the rear elevations of the bungalows in Hawthorn Rise and Plots 5 and 6, which have the closest relationship, would be of one and a half storey scale so as to reduce their impact. These separation distances even allowing for the slightly elevated levels are regarded as acceptable in terms of modern housing layouts and whilst the outlook from the bungalows in Hawthorn Rise will inevitably change it is not considered that there would be a sustainable ground for refusal in terms of privacy or overbearing impact. Additional landscaping is also proposed to assist with the softening of the impact of the new dwellings.
- 6.10 The properties in Crossways are at a slightly greater distance from Plots 1-4, with the closest window to window relationship being 26 metres, and similarly therefore, the relationship is considered to be acceptable.
- 6.11 Notwithstanding the above, the layout is now a reserved matter and as such there would be opportunities to increase the separation distances and the design of rear elevations so as to further reduce the impacts on neighbouring dwellings.
- 6.12 The proposed new road providing access to the application site would be located close to the flank walls of 11 and 13 Hawthorn Rise and this will inevitably affect the outlook that occupiers have become accustomed to, albeit the affected elevations do not contain any doors or windows. It is considered that this is not significantly different to the relationship that other properties have to the estate road serving Hawthorn Rise at present and it is clear that the layout of the existing dwellings is such that provision was made for a potential access beyond.



11 Hawthorn Rise would gain a garage and extended rear garden area albeit at the expense of part of the existing side garden. The boundary treatments would be such that the side and rear gardens would be prevented from any undue overlooking by pedestrians, cyclists and car users. The alternative to this would require significantly more road building to the west of the site across land that is allocated for recreational use and as such is not considered to be necessary or appropriate.

- 6.13 It is clear from local objections that the extended period of time over which the Hawthorn Rise development occurred together with the associated noise, disturbance and storage of construction material is a significant cause for concern.
- 6.14 Officers have given attention to the former issue of development implementation but ultimately have concluded that this in itself is beyond the scope of planning control and as such should permission be granted. It is hoped that these local concerns are recognised and acted upon by the developer. This said, it is intended that there should be controls within the proposed S106 Agreement regarding the delivery of the affordable housing which would incentivise the completion of the development in a timely manner. In relation to the other impacts, it is considered that restrictions on the hours of construction, the parking of site operatives vehicles and the provision of a Site Waste Management Plan are all reasonable and necessary in recognition of the concerns that have been raised.
- 6.15 Having regard to the above, it is considered that the proposed development whilst inevitably having an impact upon the environment in the immediate vicinity of existing residents will not be at a level that would warrant the refusal of planning permission and that is capable of being mitigated by conditions and careful attention to the layout and scale of development as well as the internal layouts of dwellings with common boundaries with existing properties at the reserved matters stage.

#### Highway Safety and Means of Access

- 6.14 The proposed means of access into the site is a matter for formal consideration at this stage and has been the subject of detailed input and revision following the original submission. The existing estate road, which benefits from an established junction with good visibility onto the B4348 would be extended between 11 and 13 Hawthorn Rise. In so doing the existing unsatisfactory parking arrangements for 11 would be improved by the provision of garaging and a parking space to the rear.
- 6.15 The new road would be 4.5 metres wide with a single 1.8 metre wide footway at the pinch point between the two existing properties extending to 1.8 metre footways on either side of the carriageway once into the proposed site. The new cul-de-sac would be L-shaped with ample off road parking provided for each new dwelling (2 spaces for the 2 bed dwellings and 3 spaces for the 3 and 4 bed dwellings)
- 6.16 The Traffic Manager is satisfied with the revised access arrangements in terms of the highway safety implications and the level of parking provision within the site.
- 6.17 The local concerns in respect of the additional traffic entering and leaving the site are noted but in view of the presence of safe pedestrian access through the site to the B4348 and the generous provision of parking within the new site, it is not considered that there will be any adverse impact upon the existing arrangements serving Hawthorn Rise.
- 6.18 In recognition of the concerns regarding access during the construction phase, officers have negotiated the provision of an alternative temporary access through the adjoining field (which is owned by the applicant) so as to reduce the potential conflict between existing occupiers and construction traffic. This will be secured by condition. It is noted that local residents advocate a new permanent alternative access to the proposed development through the

adjoining field but it is not considered that this is necessary or desirable and would conflict directly with Policy RST4, which safeguards the land for recreational use.

- 6.19 The local concerns regarding the increase in vehicular activity are acknowledged and understood but the proposed access arrangements are considered to represent the most appropriate response in terms of highway safety, environmental impact and scheme viability.

#### Surface Water Drainage

- 6.20 It is clear from many of the objections received that there are existing surface water drainage problems associated with the original development. Photographic evidence shows that the existing access road and gardens are susceptible to localised flooding. This is clearly undesirable and is a matter that needs to be addressed formally. In this context, it is considered that the granting of a permission would, through the imposition of a condition, provide an opportunity to require a detailed surface water attenuation scheme to be designed and implemented that would cater for the proposed new development and address the existing problems that have been identified by residents living in Hawthorn Rise.
- 6.21 The applicant owns the land to the north and west of the site together with a ditch that runs along the eastern edge of the field and between Hawthorn Rise and Crossways. Accordingly, and in conjunction with the advice provided by the Land Drainage Engineer, it is considered that he controls sufficient land to enable an appropriate attenuation system to be designed and this will be secured by way of a pre-commencement condition.
- 6.22 Welsh Water raises no objection to the proposal subject to conditions regarding the appropriate disposal of surface water arising from the development.

#### Biodiversity

- 6.23 The field and rather sparse hedgerow/tree boundaries offer little significant biodiversity value and as such the Conservation Manager raises no objection to the proposed development of the site. Recommendations are made in relation to the retention and enhancement of boundary treatments and trees on site and this would be secured through a condition designed to enhance and maximize the biodiversity value of the site.

#### Section 106 Matters

- 6.24 The application is submitted with a draft Heads of Terms proposing a range of contributions to mitigate the impacts of the development upon local infrastructure. The details of the Agreement, which includes proportionate contributions towards the Peterchurch Primary School, enhancement of child care provision and improvements to youth service facilities in the South Hereford City area; delivering improved pedestrian links to Fairfield High School and to the west of the village (schemes have been designed for these projects); enhanced play provision within the village, either through assisting with the delivery of the allocated site adjoining Hawthorn Rise or other suitable locations dependant upon local support and deliverability; assisting with library provision and a waste and recycling contribution.
- 6.25 The affordable housing numbers, mix, tenure and cascading mechanism are also set out in detail within the draft Heads of Terms. It is suggested that the affordable housing should be completed and transferred to the Registered Social Landlord upon completion of the 6th open market house. This type of control would indirectly promote the completion of all or a significant proportion of the development in a more comprehensive manner rather than the piecemeal fashion that has caused concern locally in respect of the existing development at Hawthorn Rise.

#### Conclusion

6.26 The proposed development has attracted a significant level of local opposition with concerns focused primarily on the scale of the development in a predominantly single storey environment, loss of privacy, highway safety and existing deficiencies in surface water management. In recognition of these concerns, the nature of the application has been amended such that the

## **RECOMMENDATION**

**That outline planning permission be granted subject to the following conditions:**

- 1. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**
- 3. B07 Section 106 Agreement**
- 4. A04 Approval of reserved matters (layout, scale, appearance and landscaping)**
- 5. A05 Plans and particulars of reserved matters (layout, scale, appearance and landscaping)**
- 6. F08 No conversion of garage to habitable accommodation**
- 7. F16 No new windows in specified elevation**
- 8. G02 Retention of trees and hedgerows**
- 9. G04 Protection of trees/hedgerows that are to be retained**
- 10. G11 Landscaping scheme – implementation**
- 11. H09 Driveway gradient**
- 12. H13 Access, turning area and parking**
- 13. H20 Road completion in 2 years**
- 14. H21 Wheel washing**
- 15. H27 Parking for site operatives (to include alternative access arrangements through adjacent land)**
- 16. H29 Secure covered cycle parking provision**
- 17. H18 On site roads - submission of details**
- 18. I16 Restriction of hours during construction**
- 19. I20 Scheme of surface water drainage**
- 20. I32 Site Waste Management**
- 20. I51 Details of slab levels**
- 21. L01 Foul/surface water drainage**

- 22. L02 No surface water to connect to public system
- 23. L03 No drainage run-off to public system

**Informatives:**

- 1. HN01 Mud on highway
- 2. HN04 Private apparatus within highway
- 3. HN05 Works within the highway
- 4. HN08 Section 38 Agreement & Drainage details
- 5. HN10 No drainage to discharge to highway
- 6. HN28 Highways Design Guide and Specification
- 7. N02 Section 106 Obligation
- 8. N11A Wildlife and Countryside Act 1981 (as amended) – Birds
- 9. N20 Site Waste Management
- 10. N15 Reason(s) for the Grant of PP/LBC/CAC

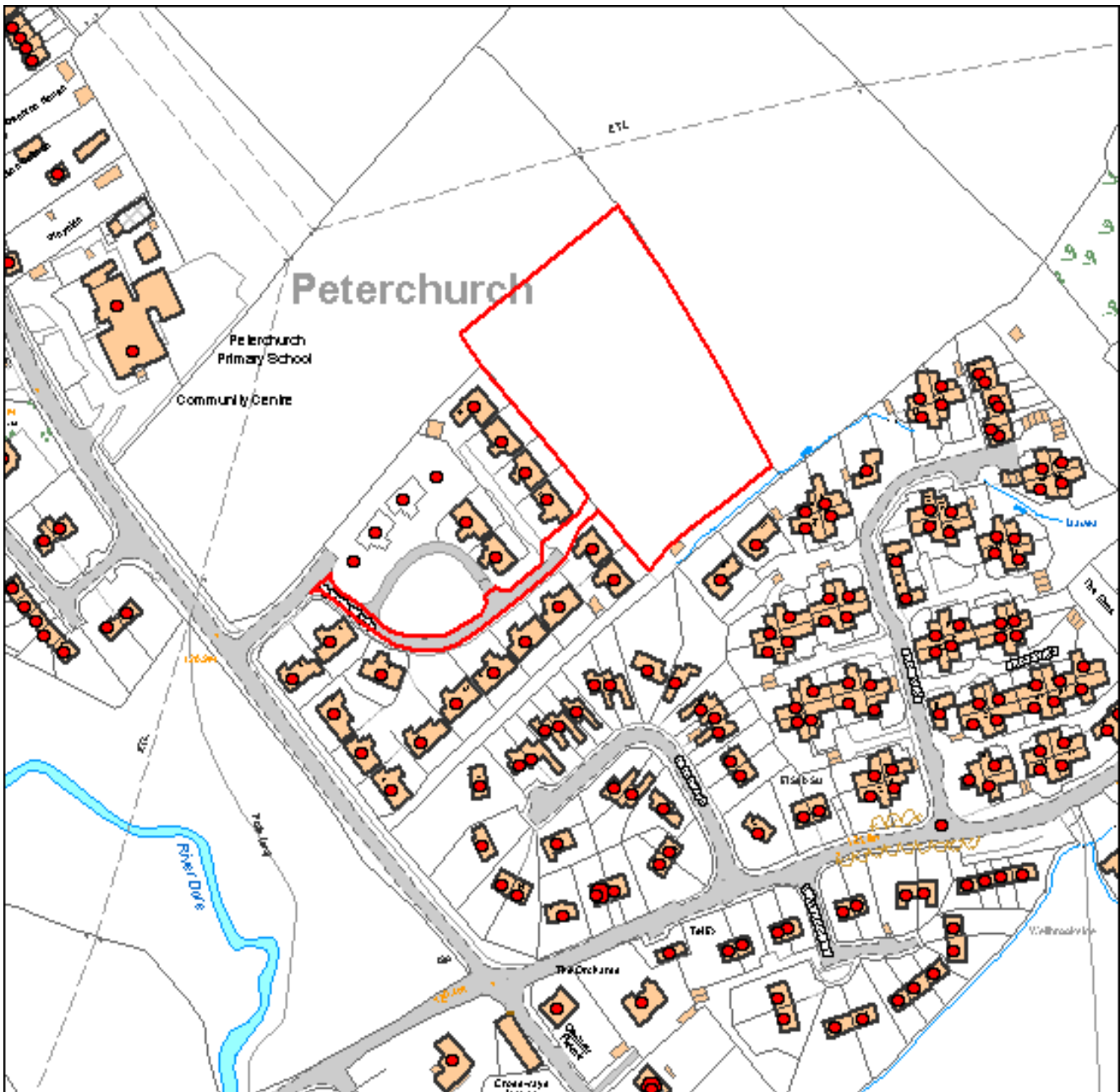
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DMS/110387/O

**SITE ADDRESS :** LAND NORTH OF HAWTHORN RISE, PETERCHURCH, HEREFORD, HR2 0RQ

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Further information on the subject of this report is available from Mr A Prior on 01432 261932

## **HEADS OF TERMS PROPOSED PLANNING OBLIGATION AGREEMENT**

### **Section 106 Town and Country Planning Act 1990**

#### **Planning Application: DMS/110387/O**

Proposal: Erection of 16 dwellings (11 open market and 5 affordable)

Site: Land north of Hawthorn Rise, Peterchurch, Herefordshire

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£42,471** to provide enhanced educational infrastructure at South Hereford City Early Years, Peterchurch Primary School, South Wye Youth and 1% towards Special Educational Needs provision. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£46,691** to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

The monies shall be used by Herefordshire Council to improve connectivity and access within Peterchurch at its option for any or all of the following purposes:

- B4348 Peterchurch footway scheme which includes a footway from the development to Fairfield High School
  - Safer Routes to School
  - Improvements to visibility at the junction of the B4348/U75404 (church, play area west of Peterchurch)
  - Dropped crossings within Peterchurch
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£3,446** to provide enhanced formal or informal recreational or public open space in the locality of the development. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.
  4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£7,304** to provide sports facilities. This is in response to the pressure the additional population will bring to the existing sports and leisure facilities in Hereford City. The contribution would be used in accordance with the priorities in the Indoor Facilities Strategy and the draft playing pitch strategy. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.
  5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£2,393** towards the provision of enhanced Library facilities in Peterchurch. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£1,320** towards the provision of waste reduction and recycling facilities in Hereford City. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
7. The developer covenants with Herefordshire Council that five (5) of the residential units shall be “Affordable Housing” which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
8. The Affordable Housing units shall be made available for social rent.
9. All the affordable housing units shall be completed on completion of the sixth (6<sup>th</sup>) open market dwelling and made available for occupation prior to the occupation of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
10. The Affordable Housing Units must be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or 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:-
  - 9.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
  - 9.2 satisfy the requirements of paragraphs 10 & 11 of this schedule
10. 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 who has:-
  - 10.1 a local connection with the parish of Peterchurch; or
  - 10.2 In the event of there being no person having a local connection to the parish of Peterchurch a person with a local connection to one of the following parishes: Dorstone, Michaelchurch Escley, St Margarets, Vowchurch, Moccas, Blakemere and Tyberton; or
  - 10.3 in the event there being no person with a local connection to any of the above parishes any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 10.1 or 10.2 above.
11. For the purposes of sub-paragraph 10.1 or 10.2 of this schedule ‘local connection’ means having a connection to one of the parishes specified above because that person:

11.1 is or in the past was normally resident there; or

11.2 is employed there; or

11.3 has a family association there; or

11.4 a proven need to give support to or receive support from family members; or

11.5 because of special circumstances

12. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to a subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
13. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 3 of the 'Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes' or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
14. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3, 4 and 5 above for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
15. The sums referred to in paragraphs 1, 2, 3, 4 and 5 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
16. The developer 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.
17. 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.

**YVONNE COLEMAN**  
**PLANNING OBLIGATIONS MANAGER**  
**19 October 2011**