

MEETING:	PLANNING COMMITTEE
DATE:	1 FEBRUARY 2012
TITLE OF REPORT:	<p>DMN/111899/O - AN OUTLINE APPLICATION FOR THE ERECTION OF UP TO 127 DWELLINGS (35% TO BE AFFORDABLE) WITH ALL MATTERS EXCEPT ACCESS TO BE RESERVED FOR FUTURE CONSIDERATION AT PORTHOUSE FARM, TENBURY ROAD, BROMYARD, HEREFORDSHIRE</p> <p>For: Ms N Harrison per Mr John Cornwell, Oakview House, Station Road, Hook, Hampshire, RG27 9TP</p>

Date Received: 14 July 2011

Ward: Bromyard

Grid Ref: 365239,255362

Expiry Date: 13 October 2011

Local Members: Councillors A Seldon and JG Lester

1. Site Description

- 1.1 The application site is on the eastern side of Tenbury Road (B4214) at the northern end of Bromyard. The boundary of the site, adjacent to Tenbury Road, is largely characterised by a roadside hedge of indigenous species. Within or immediately to the rear of this hedge are seven trees of amenity value. These trees are protected by a Tree Preservation Order (Ref: TPO 557/T1-T7). Within the application site in its south-eastern corner is the Polytec factory which is a general industrial premises. The eastern boundary of the site largely follows the line of the former railway in a general arc. The land slopes down from west to east towards the River Frome. Between the application site and the River Frome is an attractive riverside meadow, a part of which is liable to flood. Upon the application site, parallel to the industrial premises to the south is a bund. The retention of that bund in a materially different form (in terms of grading) is the subject of a separate application (DMN/111900/N) reported upon this agenda. The application site, other than the Polytec premises, was formerly used for agricultural purposes.
- 1.2 Beyond the application site on the western side of the Tenbury Road and to the north built development is of a sporadic nature. To the north beyond the River Frome is the Bromyard Rugby Club.
- 1.3 The site is located approximately 500 metres from the Town Centre.

Proposal

- 1.4 The planning application is made in outline form and proposes to erect up to 127 dwellings (35% to be affordable). Significantly all matters, other than access, are reserved for future consideration. This means that matters of layout, scale (i.e. design), appearance (i.e. materials) and landscaping are reserved for future consideration.

- 1.5 There would be two vehicular means of access onto the Tenbury Road. One would be located to the south of the site some 15 metres south of the property known as 'Becks Cottage' which is situated on the opposite (western) side of Tenbury Road accessed off Lower Hardwick Lane. The second would be sited further north some 25 metres north of the property known as 'The Lilacs' on the opposite (western) side of Tenbury Road. The southernmost access would have a visibility splay of 2.4m x 112 metres in a southerly direction and a splay of 2.4 metres x 160 metres in a northerly direction. The northernmost access would have splays of 2.4 metres x 160 metres in both directions. The two existing vehicular means of accesses would be closed.
- 1.6 The issue of access is not merely confined to how vehicles would enter the site from the public highway but also how pedestrians and cyclists would enter the site. The access plans show the provision of a shared pedestrian/cycleway parallel to the Tenbury Road but set inside the site to the rear of the existing roadside hedgerow, other than a small section to the north of the site immediately south of the River Frome that would be in front of the roadside hedgerow. A zebra crossing for pedestrians would be provided to the south of the southernmost access allowing pedestrians to cross to the western side of Tenbury Road prior to Winslow Road.
- 1.7 A Section 106 Agreement would be required and Draft Heads of Terms are attached as Annex 1.

Planning History

- 1.8 As will become apparent within the appraisal below the site is allocated for housing development. It is worth noting that its allocation for housing purposes was the subject of objections at the time by twelve persons or organisations (although two of those objections were withdrawn). An Inspector appointed by the Secretary of State held an Inquiry to consider the objections that had been lodged to the Herefordshire Unitary Development Plan Revised Deposit Draft. After considering the objections and examining all the evidence the Inspector accepted the suitability of the land for housing purposes and supported the residential allocation. The Council accepted the Inspector's conclusions and the allocation for housing purposes were retained in the adopted Herefordshire Unitary Development Plan 2007.
- 1.9 On 5th January 2010 an outline planning application (DCNC0009/2844/O) was submitted for the erection of up to 175 dwellings with garages, sports pavilion and pitches, community/youth building, landscaping and associated works. That application proposed, amongst other matters, the erection of new housing beyond the allocated site and as such within open countryside. That planning application was refused on the following summarised grounds:-
- The unjustified erection of new residential development within the countryside;
 - The failure to demonstrate that the local highway network has sufficient capacity to cater with the traffic generated by the proposal;
 - The failure to provide sufficient detail with regard access for pedestrians and cyclists;
 - The failure to demonstrate how the additional community facilities they were proposing were to be managed and maintained;
 - The deficiency of the ecological assessment;
 - The failure to satisfactorily address the inter-relationship between the industrial development and the proposed residential development;
 - The failure to complete the requisite Planning Obligation; and
 - The failure to demonstrate that the local sewerage network had sufficient capacity.
- 1.10 An appeal was then lodged but formally withdrawn in July 2010.
- 1.11 Pre-application discussions then took place that resulted in the submission of this materially different application that limits the extent of residential development to the allocated housing site.

2. Policies

Central Government advice

Planning Policy Statement 1 – ‘Delivering Sustainable Development’ and Planning policy Statement: ‘Planning and Climate Change’ Supplement to Planning Policy Statement 1.

Planning Policy Statement 3 – ‘Housing’

Planning Policy Statement 9 – ‘Biodiversity and Geological Conservation’

Circular 06/2005 ‘Bio-diversity and Geological Conservation – statutory Obligations and their impact within the planning system’

Planning Policy Statement 12 – ‘Local Spatial Planning’

Planning Policy Guidance Note 13 – ‘Transport’

Planning Policy Guidance Note 23 – ‘Planning and Pollution Control’

Planning Policy Guidance Note 24 – ‘Planning and Noise’

Planning Policy Statement 25 – ‘Development and Flood Risk’

Draft National Planning Policy Framework – July 2011

Circular 05/05 – ‘Planning Obligations’

Herefordshire Unitary Development Plan 2007

Part I

S1 – Sustainable Development

S2 – Development Requirements

S3 – Housing

S6 – Transport

S7 – Natural and Historic Heritage

S8 – Recreation, Sport and Tourism

Part II – Development Requirements

DR1 – Design

DR2 – Land Use and Activity

DR3 – Movement

DR4 – Environment

DR5 – Planning Obligations

DR7 – Flood Risk

DR10 – Contaminated Land

DR13 – Noise

Housing

H1 – Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas

H2 – Hereford and the Market Towns: Housing Land Allocations

H9 – Affordable Housing

H13 – Sustainable Residential Design

H15 – Density

H19 – Open Space Requirements

Transportation

T6 – Walking

T7 – Cycling

Natural and Historic Heritage

LA2 – Landscape Character and Areas Least Resilient to Change

LA5 – Protection of Trees, Woodlands and Hedgerows

NC1 – Regard for and Retention of Biodiversity

NC6 – Protection and Enhancement of Herefordshire’s Biodiversity Action Plan Priority Habitats and Species

NC7 – Habitat Mitigation and Compensation Measures

NC8 – Habitat Creation, Restoration and Enhancement Measures

NC9 – Habitat Management and Monitoring

Recreation Sport and Tourism

RST3 – Standards for Outdoor Playing and Public Open Space

Supplementary Planning Guidance

Supplementary Planning Document entitled ‘Planning Obligations’ (April 2006)

3. Consultation Summary

External Consultees

- 3.1 Environment Agency – no objections raised, although conditions are recommended.
- 3.2 The Land Drainage advisor is satisfied with the proposal.
- 3.3 Welsh Water – no objection. A condition is recommended.
- 3.4 River Lugg Internal Drainage Board – No objections raised.

Internal Consultees

- 3.5 Transportation/Highways – Area Engineer (Development Control) – No objections to the proposed access.
- 3.6 Strategic Housing – No objections. Satisfied with the level of affordable housing provision (35%) and the proposed tenure mix of at least 65% social rent and the remainder intermediate tenure.
- 3.7 Public Rights of Way – no public rights of way affected.
- 3.8 The County Archaeologist has no objections.
- 3.9 The Environmental Health Section has no objections to the proposal subject to conditions.

4 Representations

- 4.1 Five letters have been received raising the following matters and/or objecting to the development:-
 - Bromyard requires employment land also to ensure an adequate balance;
 - Concern regarding noise and odour from the Polytec factory;
 - Concern with regard foul sewerage capacity;
 - Potential traffic congestion;
 - Undue visual impact;
 - Concern as to light pollution from headlights into 'Becks Cottage' adversely affecting amenity;
 - Devaluation of property.
- 4.2 A letter of support has been received from a local business which makes the following points:-
 - Additional housing in Bromyard will make it a more attractive place to live & work;
 - The company struggles to attract the right calibre of people. Provision of such housing may assist in attracting people; and
 - The noise mitigation measures are adequate.
- 4.3 Bromyard and Winslow Town Council in their response to the initial consultation merely stated "A resolution to support this application was defeated".
- 4.4 In a subsequent response to amended details the Bromyard and Winslow Town Council stated that they oppose the housing development and made detailed comment upon the Draft Heads of Terms in relation to the proposed Planning Obligation.
- 4.5 Brockhampton Group Parish Council object on the following summarised grounds:-
 - Concern that a residential development in close proximity to the existing industrial premises could potentially prejudice the future of those businesses;
 - The adequacy of the local highway network

- There still needs to be employment land provided to ensure sufficient supply;
- Doubt as to whether the sewerage network has sufficient capacity;
- Concern re: flood risk; and
- Concern as to whether the bund includes any contaminated material.

4.6 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.

5. Officer's Appraisal

5.1 Principle of Development

5.2 The proposal involves residential development upon a parcel of land that is specifically allocated for residential development in the Herefordshire Unitary Development Plan 2007 (UDP) by virtue of policy H2. As stated earlier within this report the allocation of this land for residential purposes was the subject of objection when the Plan was on Deposit. Those objections were heard by an Inspector appointed by the Secretary of State at a public inquiry. Following consideration of all the objections raised, the Inspector concluded that the land was suitable as a residential allocation.

5.3 The site does not immediately adjoin other residential development and would need to create an identity of its own. Whilst policy H2 of the Herefordshire Unitary Development Plan estimated that the site may have a capacity of 87 dwellings, it must be understood that the figures given in that policy are estimates. The figure of 87 was based on an estimated site area of 3.7 hectares and an estimated net site area of 2.9 hectares. Some sites may yield a greater number of dwellings whilst others may yield a lesser number. In this particular case the site area of the allocated site is actually 3.9 hectares (net area of some 3.4 hectares excluding the bund). The planning application proposes "up to 127 dwellings" which would create a density of development of some 32.63 dwellings to the hectare (or some 37.35 dwellings to the hectare excluding the bund). Your officers consider that the site could accommodate this number of dwellings. Much would depend on the size and mix of the dwelling houses. This is a matter that can adequately be dealt with at the reserved matters stage.

5.4 Affordable Housing

5.5 The application proposes 35% affordable housing provision. Within the affordable housing element of the development 65% of dwellings will be made available for social rent with the remainder being available for intermediate tenure. This accords with the level of affordable housing provision set out in policy H2 of the Herefordshire Unitary Development Plan 2007.

5.6 Sewerage Capacity

5.7 At the time of the previous application there was an issue of foul sewerage capacity at Bromyard. However, Welsh Water has undertaken improvements such that the Petty Bridge Sewage Pumping Station or the Bromyard Waste Water Treatment Works can now cater with the amount of development proposed upon this allocated housing site.

5.8 Discussions with Welsh Water did reveal, however, that the developer would either need to undertake improvement works to the Porthouse Farm Industrial Estate Sewage Pumping Station or construct a new pumping station upon the allocated site. It is the latter option that the applicant has chosen. The new pumping station would need to be designed such that the flow into the system is controlled.

5.9 Welsh Water has recommended a series of conditions, which are reflected in the recommendation.

5.10 Flooding

5.11 Unlike the previous application (DCNC0009/2844/O), this application does not propose any housing development within the riverside meadow, east of the disused railway line and boundary of the allocated housing site. The application site is not liable to flood.

5.12 The Environment Agency has been consulted upon the planning application and do not raise objection.

5.13 Noise

5.14 The inter-relationship between the proposed residential development and the adjoining employment uses needs to be addressed to ensure that the occupiers of any residential development enjoy a satisfactory level of amenity and the operators of the industrial premises do not receive complaint.

5.15 This issue has been assessed in detail. The current position is that the noise from the Polytec general industrial premises (which operates on a 24 hours a day basis) would have an adverse impact upon the occupiers of the proposed residential development.

5.16 However, following thorough analysis and discussions it is considered that this issue can be satisfactorily addressed by a series of noise mitigation measures. Firstly, it is proposed to undertake a series of noise mitigation measures at source (i.e. upon the Polytec premises themselves). Noise/acoustic experts have identified seven elevated sources of noise upon the Polytec site that are capable of radiating noise to the proposed residential development. A technical solution has been found to attenuate these sources as follows:-

- Digester Fan – Acoustic Louvre Air – In & Out, Blockwork Enclosure
- Paint Dryer Fan – Acoustic Louvre Enclosure End Intake – 2 sides & Top Acoustic Panel Enclosure
- Extract next to Paint Dryer – Exhaust attenuator upgrade
- Compressor House 'A' – Acoustic Louvre's & Acoustic Louvre Door
- Compressor House 'B' – Acoustic Louvre's & Acoustic Louvre Door
- Chemical Mixer Extract – Exhaust Attenuator
- Dust Extractor – Acoustic Panel Surround & Exhaust Attenuator

5.17 The Environmental Health Manager is satisfied as to the efficacy of these works. The works together with the future maintenance can be secured by way of a planning condition.

5.18 The bund proposed to be retained by way of planning application DMN/111900/N, albeit in a regraded form, also has an acoustic function in attenuating the Polytec noise sources closer to the ground. These include the storage and movement of materials / products, general activity on the yard area and plant that is located near the ground level. This would become more relevant with the reduction in noise output of the higher level sources as the noise from these lower areas would become more pronounced. The retention of the bund, albeit in its modified form, would have the benefit of mitigating this noise.

5.19 The retention of the bund, albeit in a modified form, is an integral part of the acoustic design of the noise reduction package of the Polytec site. It serves to safeguard the amenities of the occupiers of future residents whilst protecting Polytec's operational activities from possible adverse reaction by new residents.

5.20 It is concluded that this package of noise mitigation measures will ensure that the future occupiers of the dwelling houses would enjoy a satisfactory level of quietude and as such the proposal complies with policy DR13 of the Herefordshire Unitary Development Plan 2007.

5.21 Odour

Further information on the subject of this report is available from Mr R Close on 01432 261803

- 5.22 The control of odours due to the operations at Polytec are regulated by means of a permit from the Local Authority which requires that emissions to air are controlled at an acceptable level and there is a requirement for ongoing improvement. The Environmental Health Manager is satisfied that the occupiers of the proposed dwellings are sufficiently protected. The company is required by the permit to comply with nationally set standards.
- 5.23 Transportation
- 5.24 The Transportation Manager is satisfied that the local highway network has sufficient capacity. The proposed development would generate significantly less vehicle movements than the previously refused planning application which proposed 175 dwellings rather than a maximum of 127 dwellings.
- 5.25 Two vehicular means of access are required for this scale of development. The positions of the accesses are logical and the visibility splays acceptable.
- 5.26 The proposed accesses for pedestrians and cyclists are also considered to be suitable.
- 5.27 The site is in a sustainable location being within reasonable walking distance of the Town Centre, community facilities and employment premises. There are no objections from the Transportation Manager.
- 5.28 Residential Amenity
- 5.29 The occupiers of 'Becks Cottage' on the western side of Bromyard Road have expressed concerns as to the impact upon their amenity by the southernmost vehicular access. The case officer has specifically visited their property, which is split-level, to assess the impact. There is a need for a vehicular access in this area close to the Town and it has in fact been deliberately offset from 'Becks Cottage', so that it is not directly opposite, to safeguard the amenities of the occupiers of that property. It is considered that the occupiers of 'Becks Cottage' would not suffer any undue loss of amenity.
- 5.30 Landscape & Ecology
- 5.31 By allocating the site for residential development the Council has accepted that such a development can be satisfactorily integrated into the landscape.
- 5.32 The trees along the road frontage of amenity value have been protected by way of a Tree Preservation Order and are shown to be retained as is the majority of the roadside hedgerow on the eastern side of the Tenbury Road which is considered to be of both landscape and ecological value.
- 5.33 An ecological assessment and reptile survey did not identify any protected species on the housing development site. The site is allocated for housing in the UDP and it is concluded that whilst there will be some loss of nesting bird habitat on site, the revised scheme will retain roadside hedgerow where possible as well as the mature oak tree. A habitat and biodiversity enhancement scheme will compensate for habitat loss and provide opportunities to enhance local wildlife.
- 5.34 Employment Land Supply
- 5.35 Concern has been expressed with regard the adequacy of employment land supply in the Bromyard area. The Inspector in considering objections to the deposit version of the UDP considered that there was sufficient employment land supply in the area, as the Council also considered in adopting the Plan.

- 5.36 The current position is that there is limited available employment land in Bromyard and for a variety of reasons the allocated employment site south of the Linton Trading Estate has limited prospects of being delivered. However, the Economic Development Manager advises that demand for employment land in and around Bromyard is only moderate and tends to be locally derived demand.
- 5.37 With regard the future, the need for 5 hectares of employment land for Bromyard for the Core Strategy Plan Period (2011-2031) has been identified. This is linked to the additional housing proposed for Bromyard. The original preferred options for the Market Towns identified the general area for the provision of this further 5 hectares being in the vicinity of the Linton Trading Estate. The Planning Policy Team are currently reviewing this issue as part of the consideration of the comments received during the recent Core Strategy consultation. However, ultimately, the precise allocation of land would need to be considered via the Market Town and Rural Areas Plan or a Neighbourhood Plan.
- 5.38 Draft Heads of Terms
- 5.39 The Draft Heads of Terms set out in Annex 1 comply with the policy DR5 of the Herefordshire Unitary Development Plan 2007 and the Council's adopted Supplementary Planning Document entitled 'Planning Obligations' (April 2008).
- 5.40 Bromyard and Winslow Town Council are satisfied with the proposal other than on two matters:-
1. They wish an education contribution for the Queen Elizabeth Humanities College also. However, based on the numbers on roll at October 2011 and the latest census data, no year groups are at or near capacity and therefore there is no justification to put forward to request a contribution for the secondary school.
 2. They wish the financial contribution with regard the CCTV coverage to be increased from (£6,150 index linked) to £16,150 (index linked), an increase of £10,000. This has been reviewed by the Commissioning Officer (CCTV) who sees no justification for such an increase and actually has a quote for a scheme that demonstrates that a payment of £6,150 (index linked) is sufficient.

6. Conclusion

- 6.1 The application site is allocated in the Herefordshire Unitary Development Plan 2007 for housing development.
- 6.2 The principle of the development has been established. The application is made in outline with, other than the access, all matters reserved for future consideration. There are no objections to the access.
- 6.3 As such, the proposal clearly accords with the provisions of the development plan and there are no other material considerations that indicate that a decision should be made contrary to the Council's adopted policy.

RECOMMENDATION

Subject to the prior completion of a Section 106 legal agreement in accordance with the Draft Heads of Terms attached as Annex 1, the Assistant Director Economic, Environment & Cultural Services be DELEGATED POWERS TO GRANT OUTLINE PLANNING PERMISSION subject to the following conditions:-

1. **The development shall not commence until approval of the following reserved matters has been obtained from the Local Planning Authority:-**

- Layout
- Scale
- Appearance
- Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.

Reason: No such details have been submitted and in accordance with Section 92 of the Town and Country Planning act 1990.

2. The finished floor levels of all the dwelling houses shall be set a minimum of 600mm above Q1000 flood level at each river station section (sections referred to in Appendix H of the Flood risk Assessment Report 1577 dated 26th June 2009).

Reason: To protect the development from flooding, in accordance with policy DR7 of the Herefordshire Unitary Development Plan 2007.

3. There shall be no raising of ground levels within flood zone 3, the 'high risk', 1% annual probability flood plain.

Reason: To protect the development from flooding, in accordance with policy DR7 of the Herefordshire Unitary Development Plan 2007.

4. Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-

- Full details of foul sewerage disposal arrangements
- Full details of surface water drainage arrangements
- Full details of land drainage arrangements

The development hereby permitted shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved detail and thereafter maintained as such.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system, in accordance with policies DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.

5. With regard the details required to be submitted pursuant to condition 4 above, no surface water or land drainage run-off shall be discharged, either directly or indirectly, to the public sewerage system.

Reason: To protect the integrity of the public sewerage system, to prevent hydraulic overloading of the public sewerage system and ensure no detriment to the environment, in accordance with policies DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.

6. With regard the details of foul sewerage disposal arrangements required to be submitted pursuant to condition 4 above, no more than 7 litres per second shall be

discharged into the public sewerage system, thus requiring an on-site pumping station. The scheme shall be implemented with this restricted flow and thereafter maintained as such.

Reason: To protect the integrity of the public sewerage system, to prevent hydraulic overloading of the public sewerage system and ensure no detriment to the environment, in accordance with policies DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.

7. The scheme of noise attenuating measures proposed by Colin Waters Acoustics and submitted as part of the application, including:-

- Digester Fan - Acoustic Louvre Air - In & Out, Blockwork Enclosure
- Paint Dryer 7Fan - Acoustic Louvre Enclosure End Intake – 2 sides & Top Acoustic Panel Enclosure
- Extract next to Paint Dryer - Exhaust attenuator upgrade
- Compressor House 'A' - Acoustic Louvre's & Acoustic Louvre Door
- Compressor House 'B' - Acoustic Louvre's & Acoustic Louvre Door
- Chemical Mixer Extract - Exhaust Attenuator
- Dust Extractor - Acoustic Panel Surround & Exhaust Attenuator

shall be fully implemented prior to the first occupation of any of the dwelling houses and thereafter maintained to the satisfaction of the Local Planning Authority

A noise level rating level of 35dBA Laeq,T using the methodology prescribed by BS4142 'Method for Rating Industrial Noise affecting mixed residential and industrial areas' shall not be exceeded at the façade when measured at ground and first floor level at any dwelling on the site.

Reason: To ensure that the occupiers of the dwellinghouses enjoy a satisfactory level of amenity in compliance with policy DR13 of the Herefordshire Unitary Development Plan 2007.

8. No development shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors,

a conceptual model and a risk assessment in accordance with current best practice

b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors

c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health in accordance with policy DR10 of the Herefordshire Unitary Development Plan 2007.

9. **The Remediation Scheme, as approved pursuant to condition number 8 above, shall be fully implemented before development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.**

Reason: In the interests of human health in accordance with policy DR10 of the Herefordshire Unitary Development Plan 2007.

10. **None of the dwelling houses hereby permitted shall be occupied until the regraded bund permitted by planning permission DMN/111900/N has been fully implemented. Thereafter this bund shall remain in-situ and be maintained to the satisfaction of the Local Planning Authority.**

Reason: To ensure that the occupiers of the dwellinghouses enjoy a satisfactory level of amenity in compliance with policy DR13 of the Herefordshire Unitary Development Plan 2007.

11. **The hedgerow along the western boundary of the site on the eastern side of the Tenbury Road shall be retained as shown on the approved plans.**

Reason: The roadside hedgerow is considered to be of both landscape and ecological value, to accord with policy LA5 of the Herefordshire Unitary Development Plan 2007.

12. **The details of layout required to be submitted pursuant to condition 1 above shall show the entirety of the residential development, including the dwelling houses, gardens, roadways, pedestrian routes, cycles routes, outdoor playing space, open space and equipped children's play space, confined to the allocated housing site as defined on the Proposals Map to the Herefordshire Unitary Development Plan 2007.**

Reason: To ensure that there is no unjustified encroachment of development into the open countryside or onto employment land in accordance with policies H7 and E5 of the Herefordshire Unitary Development Plan 2007.

13. **The details of layout required to be submitted pursuant to condition 1 above shall show the entirety of the provision of a shared pedestrian/cycleway route along the approximate route of the former railway line adjacent to the eastern boundary of the site.**

Reason: To ensure that there is adequate permeability through the development and to enhance both cycle and pedestrian routes, in accordance with policies T6 and T7 of the Herefordshire Unitary development Plan 2007.

14. **The details of layout required to be submitted pursuant to condition 1 above shall include the provision of outdoor playing space, open space and equipped children's play space in accordance with policies H19 and RST3 of the Herefordshire Unitary Development Plan 2007.**

Reason: In accordance with policies H19 and RST3 of the Herefordshire Unitary Development Plan 2007.

15. **Prior to commencement of the development hereby permitted protective fencing in accordance with the advice contained in Section 9.2 of BS5837 comprising vertical**

and horizontal framework of scaffolding (well braced to withstand impacts) supporting either chestnut cleft fencing or chain link fencing in accordance with figure 2 of BS5837:2005 shall be erected at the furthest extent of the root protection areas to the seven trees protected by way of a Tree Preservation Order and the furthest extent of the roots of the roadside hedgerow that is to be retained. Once these protective measures have been erected but prior to commencement of the development hereby permitted a suitably qualified arboricultural consultant shall inspect the site and write to confirm that the protective measures specified by this condition are in-situ. Upon receipt of that letter by the Local Planning Authority the development may commence but the protective measures must remain in-situ until completion of the development. No storage may take place within the tree protection areas. If any works are required within the tree protection areas an Arboricultural Method Statement shall be submitted to and approved by the Local Planning Authority prior to commencement of the development.

Reason: To ensure that the trees and hedgerow of amenity value that are both worthy and capable of retention are not damaged and their long- term health and future retention not prejudiced, in accordance with policy LA5 of the Herefordshire Unitary Development Plan 2007.

16. The details of layout and landscaping required to be submitted pursuant to condition 1 above shall include a scheme for the permanent closure of the two existing vehicular means of accesses. The two existing vehicular means of accesses shall be permanently closed in full accordance with the approved scheme prior to the first occupation of any of the dwellinghouses hereby permitted.

Reason: In the interests of highway safety, in accordance with policy DR3, T6 and T7 of the Herefordshire Unitary Development Plan 2007.

17. The approved vehicular access including visibility splays, cycleway and pedestrian route shown upon drawing number 617-05 Revision A received 8th November 2011 shall be fully implemented prior to the first occupation of any of the dwellinghouses hereby permitted and thereafter maintained to the satisfaction of the Local Planning authority.

Reason: In the interests of highway safety and to encourage travel by alternative modes of transport in accordance with policy DR3 of the Herefordshire Unitary Development Plan 2007.

18. B01 Development in accordance with the approved plans

19. The details of layout required to be submitted pursuant to condition 1 above, shall include full details of all proposed boundary treatments (i.e. walls, gates, fences or any other means of enclosure).

Reason: To ensure a satisfactory appearance to the development in accordance with policies DR1 and LA2 of the Herefordshire Unitary Development Plan 2007.

20. The details of layout required to be submitted pursuant to condition 1 above, shall include full details of existing site levels, all proposed earthworks and proposed finished levels.

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

21. The recommendations set out in the ecologist's reports dated March 2010 and June

2010 shall be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, an update assessment and full working method statement should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.

Reasons:

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

To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

- 22. Prior to commencement of the development, a full habitat enhancement and management scheme, including reference to Herefordshire's Biodiversity Action Plan Priority Habitats and Species, shall be submitted to and be approved in writing by the local planning authority. The work shall be implemented as approved.**

Reasons:

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

To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

- 23 An appropriately qualified and experienced ecological clerk of works shall be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation and enhancement work.**

Reasons:

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

To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

- 24 CCO – Site Waste Management**

- 25 CAZ - Parking for Site Operatives**

INFORMATIVES:

- 1. A written Land Drainage Consent will need to be obtained from the Board under the terms of the Land Drainage Act 1991 and the Flood and Water Management Act 2010.**
- 2. The details of layout required to be submitted pursuant to condition 1 should follow the advice contained within 'Manual for Streets 2' and include the vehicle parking and cycle parking facilities as set out in the Herefordshire Council 'Highways**

Design Guide for New Development (July 2006)'

3. This permission does NOT relate to illustrative drawing 2589/008 Revision F.

4. The documents to which this decision relate are:-

- **Proposed Site Access – Drawing number 617-05 Revision A received 8th November 2011;**
- **Colin Water Acoustics (Consultants in Environmental Acoustics) Report CWA 26310/R05/1/ May 2011 received 14th July 2011;**
- **Tree Survey Report prepared by illmanyong May 2011 received 14th July 2011 which sets out the root protection areas in Appendix 2 (i.e. T15 – T7 of the TPO – 6 metres radius, T7 – T6 of the TPO – 6.48 metres radius, T6 – T5 of the TPO – 7.08 metres radius, T4 – T3 of the TPO – 5.64 metres radius, T3 – T2 of the TPO – 6 metres radius and T2 – T1 of the TPO – 7.2 metres radius;**
- **Phil Jones Associates Transport Assessment dated May 2011 received 14th July 2011;**
- **Proposed Zebra Crossing (Porthouse Farm Development) – Stage 2 Road Safety Audit prepared by Amey dated 21st June 2011 received 14th July 2011;**
- **Flood Risk Assessment (Report No. 1577) prepared by Robert West Consulting received on 14th July 2011;**
- **Topographical Survey Drawing No. T 5637/2 received 14th July 2011; and**
- **Application Site Plan – Drawing number 2589/015 (Scale 1:1250) received 14th July 2011.**
- **Ecological Appraisal (March 2010)**
- **Reptile Survey (June 2010)**

5. N15 Reason(s) for the Grant of Outline Permission

6. N11C – General

7 The details of landscaping required to be submitted pursuant to Condition 1 shall include hard landscaping, soft landscaping and a fully detailed landscape management plan.

8 I11 - Mud on Highway

9 I09 - Private Apparatus within Highway

10 I45 - Works within the Highway

11 I08 – Section 278 Agreement

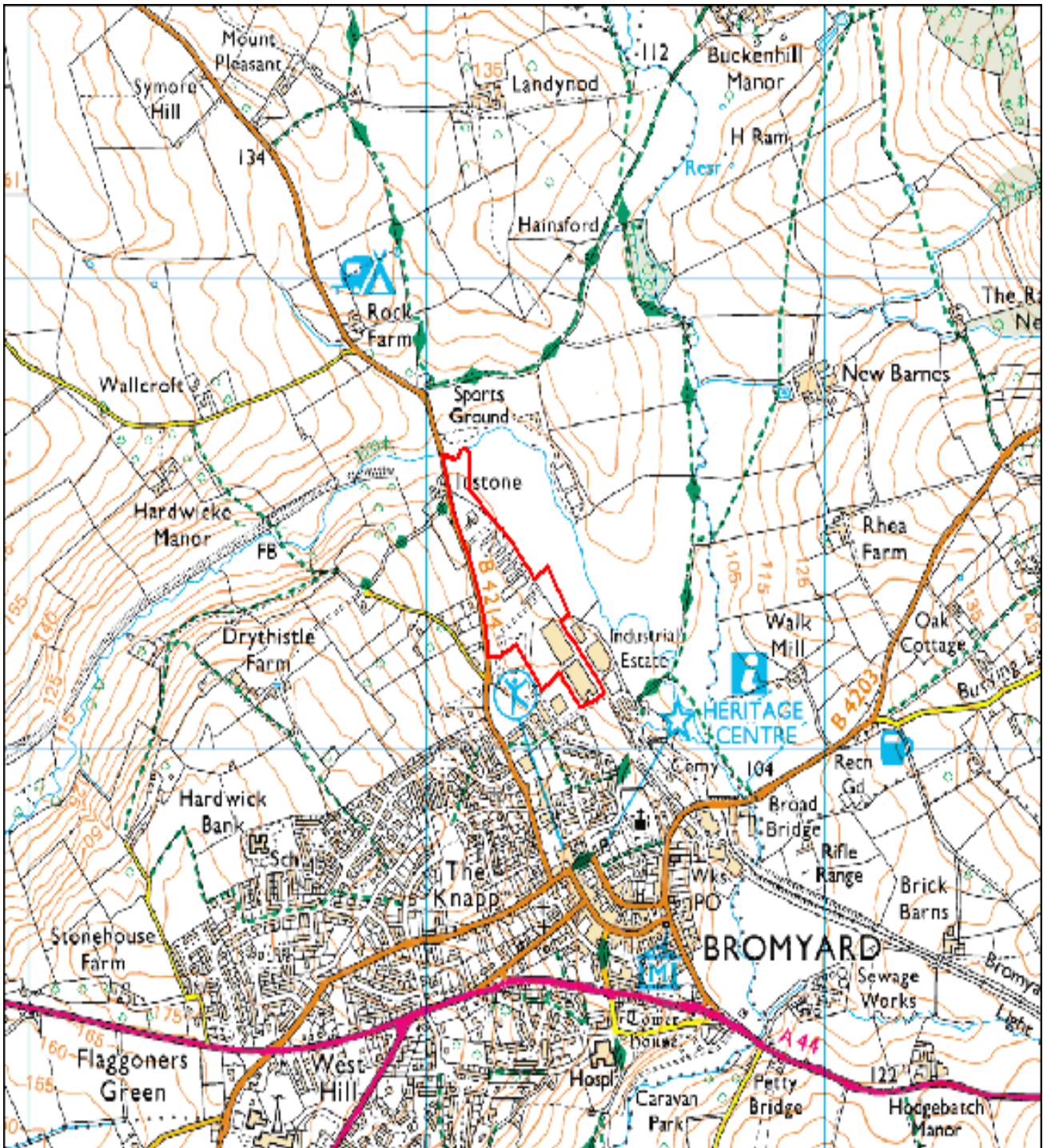
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMN/111899/O

SITE ADDRESS : PORTHOUSE FARM, TENBURY ROAD, BROMYARD, HEREFORDSHIRE

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Further information on the subject of this report is available from Mr R Close on 01432 261803

ANNEX 1

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

Planning Application: N/111899/O

Proposal: Construction of up to 127 dwelling houses with all matters other than the means of access reserved for future consideration

Site: Porthouse Farm, Tenbury Road, Bromyard, Herefordshire

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of
 - £ 1,809 (index linked) for a 2 bedroom open market unit
 - £ 2,951 (index linked) for a 3 bedroom open market unit
 - £ 4,953 (index linked) for a 4+ bedroom open market unit

The contributions will provide for enhanced educational infrastructure at St Peters Primary School, Post 16, Bromyard Early Years, Bromyard Youth Service and the Special Education Needs Schools. The sum shall be paid on or before first occupation of the 1st open market dwelling house, and may be pooled with other contributions if appropriate.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of
 - £ 2,092 (index linked) for a 1 bedroom open market unit
 - £ 2,457 (index linked) for a 2 bedroom open market unit
 - £ 3,686 (index linked) for a 3 bedroom open market unit
 - £ 4,915 (index linked) for a 4 bedroom open market unit
 - £ 6,143 (index linked) for a 5 bedroom open market unit

The contributions will provide for sustainable transport infrastructure to serve the development, which sum shall be paid on or before occupation of the 1st open market dwelling house and may be pooled with other contributions if appropriate. The

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

- Dropped crossings in the Town. All along routes used by residents of the development to shops and schools.
 - Improved cycle parking in the town centre and schools.
 - Improvements to the junction from the B4214 into Porthouse Industrial Estate. The footway to be diverted to the open grass area on the town side. This is on the route from the development to town/schools.
 - Provision/improvements to proposed Greenway along old railway.
 - Old Road Footway
 - Extension of footway on the A465 towards the garage and Panniers Lane
 - Enhancement of southerly visibility at junction of Winslow Road with Tenbury Road (B4214)
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £627 (index linked) per head of population (the population shall be calculated by multiplying the total number of open market and affordable dwellings by 2.3 which is the assumed occupancy of each dwelling) to be spent for the enhancement / provision of outdoor sports facilities in consultation with local sports clubs in Bromyard & Winslow and adjacent parishes. The sums shall be paid on or before the occupation of the 1st open market dwelling. The monies may be pooled with other contributions if appropriate.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £292 (index linked) per head of population (the population shall be calculated by multiplying the total number of open market dwellings by 2.3 which is the assumed occupancy of each dwelling) to be spent to support the existing indoor sports provision in Bromyard & Winslow and adjacent parishes. The sums shall be paid on or before occupation of the 1st open market dwelling. The monies may be pooled with other contributions if appropriate.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of
- £120 (index linked) for a 1 bedroom open market unit
 - £146 (index linked) for a 2 bedroom open market unit
 - £198 (index linked) for a 3 bedroom open market unit
 - £241 (index linked) for a 4+ bedroom open market unit

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

6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £120 (index linked) per open market dwelling. The contribution will provide for waste reduction and recycling in Bromyard & Winslow. The sum shall be paid on or before occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.
7. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £6,150 (index linked) towards the enhancement of CCTV provision in Bromyard Town Centre to include 6 cameras, DVR, PC review station and wireless links to the local police station. The sum shall be paid on or before the occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.
8. The developer covenants with Herefordshire Council to pay a sum equal to 1% of the gross project cost, which will be used to provide for public art within the development or within the vicinity of the development. The sum shall be paid on or before the occupation of the 1st open market dwelling.
9. The developer covenants with Herefordshire Council that 35% 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.
10. Of those Affordable Housing units, at least 65% shall be made available for social rent with the remainder being available for intermediate tenure.
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 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:-
 - 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 13 & 14 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 who has:-
 - 13.1 a local connection with the parish of Bromyard and Winslow; or Grendon Bishop, Bredenbury, Wacton, Edwyn Ralph, Norton, Linton, Avenbury, Stoke Lacy, Little Cowarne, Pencombe and Grendon Warren
- 13.2 in the event there being no person with a local connection to any of the above parishes any other person ordinarily resident within the administrative area of Herefordshire

Further information on the subject of this report is available from Mr R Close on 01432 261803

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 12.1 or 12.2 above.

14. For the purposes of sub-paragraph 13.1 or 13.2 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
 - is or in the past was normally resident there; or
 - is employed there; or
 - has a family association there; or
 - a proven need to give support to or receive support from family members; or
 - 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 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.
16. 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.
17. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3, 4, 5, 6, 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.
18. The sums referred to in paragraphs 1, 2, 3, 4, 5, 6, 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.
19. 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.

20. 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.
21. The Children's Play Area and amenity public open space area shall be provided on-site prior to the occupation of 50% of the open market dwellings. The Children's Play Area and public open space shall be maintained by the developer for a period of one year and then transferred to Herefordshire Council at a cost of £1 provided that the play area and open space are to an acceptable standard as agreed by Herefordshire Council. At the time of transfer the developer shall pay Herefordshire Council a 15 year maintenance sum in accordance with the Tariff for Calculation of Commuted Sums 2011.