

MEETING:	PLANNING COMMITTEE
DATE:	19 DECEMBER 2012
TITLE OF REPORT:	<p>S121554/F - DEMOLITION OF EXISTING BUILDING AND ERECTION OF 34 HOUSES AND GARAGES TOGETHER WITH ROADS, SEWERS AND ASSOCIATED EXTERNAL WORKS AT FORMER POMONA WORKS, ATTWOOD LANE, HOLMER, HEREFORD</p> <p>For: Ms Rout per Mr Paul Harris, The Stables, Woodbury Lane, Norton, Worcester, WR5 2PT</p>
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121554&NoSearch=True

Date Received: 28 May 2012

Ward: Burghill, Holmer and Lyde

Grid Ref: 351082,242346

Expiry Date: 26 September 2012

Local Member: Councillor SJ Robertson

A Planning Committee site visit was undertaken on 18 December 2012.

The report has been updated to include the additional information provided to Members at Committee on 28 November. This includes reference to the implications of the withdrawal of Crest Nicholson's appeal to Ofwat in relation to the adoption of the previously privately maintained new and historic drainage system. At the time of writing, a viability report relating to the draft S106 Heads of Terms is also under consideration and the applicant is seeking to provide further clarification in relation to finished site levels arising out of the need to treat contamination on the site.

These currently unresolved matters will form part of an update for Members at the meeting.

1. Site Description and Proposal

- 1.1 The application site lies to the north of Attwood Lane, Holmer between Holmer Nursing Home and Attwood Court and within the urban settlement boundary of Hereford as defined in the Herefordshire Unitary Development Plan.
- 1.2 This 0.98 hectare site comprises previously developed land with the last uses comprising a gravel distribution company, a car storage use and a scaffolding firm. It is partially designated as Employment Land and partially within an identified established residential area. The boundaries to the north and east of the site abut agricultural land with Holmer Nursing Home to the south together with Wentworth Park housing estate. Attwood Court abuts the eastern boundary.
- 1.3 Planning permission is sought to for the demolition and removal of the remaining commercial buildings and construction 34 dwellings, 12 of which will be affordable together with a small

on-site play area. The proposal also includes changes to the highway layout at the access to the site from Attwood Lane.

- 1.4 The 12 affordable dwellings will be located in two clusters, with 6 units being sited to the south east corner in two terraces comprising 3 x 3 bed units 3 x 2 bed units and 6 units (with the same mix) being sited to the south west of the site.
- 1.5 The proposed open market dwellings would provide 2 x 3 bed dwellings with the remainder being 4 bed units. The open market units are a range of house types, each with garages and private amenity space.
- 1.6 The layout which comprises a mix of dwellings from detached, semi-detached and terraced properties, provides for frontage development onto Attwood Lane with the main access into the site being adjacent Holmer Court Nursing Home. A T-junction would be created at this point with traffic having to stop on Attwood Lane before either entering the housing site or continuing south to Roman Road.
- 1.7 The application has been accompanied by a detailed landscape scheme, that includes all hard and soft landscaping, including a detailed planting plan and details of all boundary treatments. The existing conifer forming part of the site's frontage with Attwood Lane would be removed and a new native species hedgerow planted. There would be no pedestrian or vehicular accesses directly from Attwood Lane to the dwellings.
- 1.8 The submission has been amended during the application process to address concerns regarding the layout of dwellings, the road layout and landscape impact. This has included alterations to the height of the dwellings to the north of the site and reorientation of the garages.
- 1.9 The proposal includes a detailed drainage statement that outlines the decision to connect to the Crest Nicholson new foul and storm sewers installed as part of their 300 unit site. This would involve the installation of foul and storm sewer pipes within Attwood Lane to connect the application site and the Crest development site.

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

Introduction - Achieving sustainable development
Section 6 - Delivering a wide choice of high quality homes
Section 7 - Requiring Good Design
Section 8 - Promoting healthy communities
Section 11 - Conserving and enhancing the natural environment

2.2 Herefordshire Unitary Development Plan (UDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S4	-	Employment
S6	-	Transport
S7	-	Natural and Historic Heritage
S8	-	Recreation, Sport and Tourism

DRI	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR10	-	Contaminated Land
E5	-	Safeguarding Employment Land and Buildings
H9	-	Affordable Housing
H13	-	Sustainable Residential Design
H15	-	Density
H16	-	Car Parking
H19	-	Open Space Requirements
LA2	-	Landscape Character
LA3	-	Setting of Settlements
LA5	-	Protection of Tree, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC8	-	Habitat Creation, Restoration and Enhancement
T6	-	Walking
T7	-	Cycling
T11	-	Parking Provision
RST4	-	Standards for Outdoor Playing and Public Open Space
W11	-	Development and Waste Implications
CF2	-	Foul Drainage

2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Councils website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

2.4 Supplementary Planning Documents

Landscape Character Assessment
 Planning Obligations
 Design
 Biodiversity and Development

2.5 Other Guidance

Strategic Housing Land Availability Assessment
 Annual Monitoring Report
 Urban Fringe Sensitivity Analysis
 Green Infrastructure Study

3. Planning History

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|-----|---------------|---|
| 3.1 | SC981092PF | Erection of temporary storage of temporary storage container for a period of twelve months
Approved |
| 3.2 | CW2000/2069/F | Variation of condition 2 of planning permission SC981092PF 16 April 99 for retention of temporary storage shed for twelve months
Approved 06/10/2000 |
| 3.3 | CW2002/1738/F | Change of use to storage yard for retail use (retrospective application).
Withdrawn 31st July 2002. |

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

- 3.4 DCCW2004/0182/F Construction of 32 dwellings and associated works.
Withdrawn 9th September 2004.
- 3.5 DCCW2004/3085/F Construction of 32 dwellings and associated works
Withdrawn
- 3.6 DCCW2005/0207/F Continued use for distribution of sand and aggregates including retail for
two years
Approved 20/04/2005
- 3.7 DCCW2005/2661/F Variation of condition 2 & 3 (hours of working/loading/unloading) to
extend operating time to 7.30am of planning application
CW/2005/0207/F and allow employee arrival from 7.00am
Approved 21/09/2005
- 3.8 DCCW2008/0205/F Residential development comprising 32 dwellings with car parking,
landscaping and associated works
Withdrawn

4. Consultation Summary

Statutory Consultation responses

- 4.1 Welsh Water recommends standard conditions relating to foul and water discharges and request that no development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site, showing how foul water, surface water and land drainage will be dealt with and this has been approved.

Internal Consultation responses

- 4.2 The Conservation Manager (Landscape) makes the following comments:

Comments made on the original submission:

Landscape Description

The site is located on the very north edge of Holmer, to the north of Hereford. It is outside of the urban landscape character area and lies within the Landscape Character Type of Principle Settled Farmlands. This shows the transitional nature of the site in this urban fringe area. In the Urban Fringe Sensitivity Analysis: Hereford and the Market Towns (Jan 2010) it is designated as having a Medium Sensitivity to built development, meaning that key characteristics of the landscape are susceptible to change and/or have value as a landscape resource. That document states that Holmer has an intricate, intimate landscape character. It should be noted that although the immediate land to the north and east will remain agricultural, land to the east of Attwood Lane is currently under construction of a large residential development. The site has been the subject of several pre-application stages over the course of almost two years.

Landscape Impact

It is a brownfield site, consisting of a main depot building, large hardstanding area and ancillary buildings. In landscape terms development of brownfield sites is preferable to green field development. In this case, however, there will still be a major landscape change through the introduction of intensive housing development that will intrude into the valley side significantly more than the existing industrial buildings.

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

Comments on proposals

The application is supported by a Landscape and Visual Appraisal (LVA), which is welcomed. However it was not reviewed at the pre-application stages. The LVA goes some way to demonstrating that landscape character has influenced the development proposals, but I still have some concerns that should ideally be addressed as part of the planning application, rather than follow later by condition.

- Lack of tree and hedgerow survey in accordance with BS5837:2012. Particularly important as both the LVIA and the D&A statement refer to the importance of the boundary vegetation to integrate the new housing with the surroundings. A survey has been requested numerous times during pre-application stage.
- The landscape strategy and site layout plan are not consistent in showing the trees that will be retained.
- Garage of plot 21 is shown within the canopy of retained trees. The root protection area of trees to be retained should be identified and protected. These ash trees should be retained.
- Off site trees, particularly in private gardens to the west, require root protection areas.
- No landscape scheme has been provided (although the D&A states landscaping is an integral part of the design).
- A sheet of boundary / enclosure details has been provided, but no plan of where these are on site.
- Could a section and detailed plan be provided for plots 27 – 34, along the public footpath. How will this change from existing (is all the existing scrub to be removed and replaced with native hedgerow?). Will a fence be required as well as the hedgerow? What will the section look like between the end of the gardens, the footpath (resurfaced with grass verge?), and the boundary of Holmer Court? This important in retaining public amenity value of the landscape experience along this public footpath.
- It would be useful to see the site layout on the same drawing as the existing topographical survey. I am particularly concerned about the level changes on the banks to the northern boundary.
- How can the new native hedgerow to the north boundary be established on the steep bank? How can it be consistently maintained (eg. If not conveyed to individual plots?). What height is it intended to reach, as it will be on a lower level than the houses and therefore will take a long time to provide any filtering of views from the north.
- The LVIA does not comment on the visual impact of 34 houses, all between 7.7m and 8.8m high, compared to the existing buildings which do not cover the whole site and are only approx. 3m and 5m (with only one up to 11.1m).
- Further details of the northern boundary need to be provided as I am not convinced that the opportunity to enhance this has been met or can actually be delivered (as per the statement in section 5.2 iii, in the LVIA).
- I believe the summary of the LVIA in sections 4.23 and 4.24 miss two key features of the site. A key landscape character feature is that the site itself is at a high point of the surrounding landform (as per section 4.7). A key visual feature is that the existing structures on the site are visible from viewpoints to the north (eg. 2,4 and 9) and therefore the northern boundary should be well designed to integrate with the landscape.

This additional information is requested in order to fully assess the landscape impact of the development against UDP Policies LA2 on landscape character, LA3 on setting of Hereford, LA5 on trees and hedgerows and LA6 on landscape schemes. Landscape details as described above are also important in addressing the NPPF requirements that new housing development should add to the overall quality of the area, establish a strong sense of place, respond to local character and be visually attractive as a result of good architecture and appropriate landscaping. A balance should be struck between innovation, originality and initiative, while also promoting local distinctiveness.

Comments on revised / amended proposals

Additional landscape information has been provided as part of this application. This memo is in response to this and should be read in conjunction with my previous memo (as above).

- The up-to-date tree survey is welcome, it clearly marks root protection areas for trees to be retained and provides a good commentary on boundary vegetation. The plans have been updated to consistently take account of this report and the layout reflects the requirements for protection.
- The soft landscape scheme is welcome and suitable to the site. This shows a commitment to incorporating planting into the site that has many landscape and biodiversity benefits.
- The updated elevations and sections are particularly useful in illustrating the proposals across the site. Together with the annotations this does demonstrate that the proposals can be implemented.
- The northern boundary has been significantly improved through lowering the ridge heights and altering the design of the garages.

I remain of the view that this is a relatively high density scheme for an edge of city location, particularly in relation to the existing residential development on the north edge of Holmer. The boundaries will still present a new, built up edge in views across the open rural valley from the north and east and along the public footpath to the south. The existing brownfield site conditions and employment allocation, however, are not a positive contribution to the landscape character. On balance there is no landscape objection. If suitable, conditions could be added to any approval to provide final details of landscape maintenance and final plot levels prior to commencement of work.

4.3 The Conservation Manager (Ecology) makes the following comments

The site is predominantly hard-standing with a number of buildings associated with its former use; no evidence of protected species was found during recent surveys. I note that there will be some opportunities within the proposed new development to create features for protected and priority species as well as for inclusion of native-species tree and shrub planting.

If this application is to be approved, I recommend the inclusion of conditions.

4.4 The Traffic Manager makes the following comments:

I can confirm that the proposed internal layout and parking provision is now acceptable for the development, subject to slight adjustment to the dwelling on Plot 33 to achieve acceptable visibility for junction of the side road serving plots 25-32 and which is now to be adopted. I understand that this minor alteration is currently being undertaken and my recommendation is based upon that assumption.

The traffic impact of the proposed development has been assessed within the Transport Statement submitted with the application and is considered acceptable.

As regards the proposed highway alterations to Attwood Lane, it is considered that the junction priority change will achieve a traffic calming effect and discouragement to rat-running and therefore is supported and would need to be provided as part of the development. This work can be achieved and will be provided by way of a Section 38/278 agreement in conjunction with the development roads themselves.

A proposed scheme for achievement of a footway along Attwood Lane (shown on KTC Drawing No 0365-005) was submitted to achieve a link from the development to the existing

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

footway to the south and provide pedestrian connectivity for the development. However, in view of the desire to achieve a more widespread traffic calming scheme for the Attwood Lane and Church Way area, it was considered preferable and would give more flexibility to consider this length as part of an overall design for the area and therefore not condition provision of the proposals as shown.

For this reason the off-site highway works proposals have been removed from the application (Architectural and Urban Design letter of 9th October 2012 refers) and provision of a footway scheme will be dealt with by way of a Section 106 contribution, which is considered acceptable.

Therefore my recommendation is for approval subject to conditions and informatives (see recommendation)

In response to concerns raised about Traffic Generation the Transportation Manager has also updated his comments as follows:

Trip generation comparisons provided by the Area Engineer

In the absence of any specific categories within TRICS database for the most recent previous uses of the site i.e. sand/gravel distribution and scaffolding services, I have reverted to establishing the trip generation for B2 (General Industrial) use on a similar sized site. B1 (Light Industrial) use would have a significantly greater trip generation.

The site area from the application form is 1.1ha. Utilising a developable ground Gross Floor Area to site area ratio of 40% would give a likely permissible footprint of around 4,400 sq m of B1/B2 use.

Using trip generation figures from the TRICS database for similar sized industrial estates, even the lower traffic generation use of B2 (General Industrial) gives rise to the following trip rates per 100 sq m Gross Floor Area.

General Industrial (B2) trip Generation

Morning peak 0800-0900 trip rate	Arrivals 0.40	departures 0.20	
Equivalent trips for 4400 sq. m	Arrivals 18	departures 9	Total 27

Evening peak 1700-1800 trip rate	Arrivals 0.10	departures 0.32	
Equivalent trips for 4400 sq. m	Arrivals 4	departures 14	Total 18

Residential trip generation (as per submitted Transport Statement)

Morning peak 0800-0900	Arrivals 6,	departures 14	Total 20
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Evening peak 1700-1800	Arrivals 14,	departures 9	Total 23
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Therefore the likely two way trip generation for the proposed residential development would be lower in the AM peak than B2 employment use over that site area, marginally greater in the PM peak, and overall taken over the two peak hours would give a slight reduction in trips.

There is also the benefit of removal of commercial vehicles from Attwood Lane.

4.5 Amey (Drainage)

This project is for the redevelopment of a former industrial site for residential purposes. It is not within any Flood Zone, and there are no ordinary watercourses in close proximity, with the nearest Ground Water Protection Zone 2.1 km away.

The site is presently at least 90 % impermeable, so the proposed development, which is to incorporate gardens and open space, will reduce the surface water runoff. Nevertheless, as the proposal is to drain to existing sewers, the applicant should be encouraged to include rainwater harvesting and green roofs etc in the development proposals and so manage the flows.

4.6 The Head of Strategic Plans and Regeneration makes the following comments:

Development Plan Policies

The application site is within the settlement boundary and thus Saved Policy H1 of the Unitary Development Plan (UDP) is relevant. This policy is clear that residential development will be permitted within settlement boundaries where compatible with the development plan. However, approximately 0.49 hectares of the site is protected for employment uses under Saved Policy E5 of the UDP. The proposal is entirely residential in character and is therefore contrary to this policy, notwithstanding that the buildings associated with the previous business have remained vacant for almost 4 years in spite of sustained marketing.

As mentioned previously, the scheme would satisfy the provisions of Saved Policy H9 on affordable housing. This policy is clear that affordable housing at indicative target of 35% will be required on sites which are capable of delivering 15 dwellings or more in Hereford and the market towns.

There are no other directly relevant UDP policies concerning the use of the site and the Local Plan (Core Strategy) has not yet reached the stage where it can be considered as a material planning consideration.

Other Material Considerations

The degree to which the UDP is up-to-date and relevant needs to be considered. As part of the evidence base for the emerging Core Strategy a study of employment land requirements has been undertaken, updated in 2010 and published on the Council's website. However, the planning report submitted alongside this application correctly confirms that the application site does not feature in that study and so it is difficult to determine whether the site remains an important part of the County's employment land supply.

Accordingly, the continued protection of the site, through the application of planning policies, from non-employment uses, needs to be considered within the context of national policy set out in the National Planning Policy Framework (NPPF). Paragraph 22 of the NPPF is clear that local planning authorities should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. The applicant's agent has argued that the application site is not a viable employment site and

would not have a realistic chance of being used for employment given any economic recovery in the years ahead.

The latest Annual Monitoring Report (AMR), published in June 2012, reveals that there are 101.66 hectares of employment land currently available in Herefordshire, meeting the target of 100 hectares prescribed by Policy S4 of the UDP. This means that there is sufficient employment land available to meet the economic objectives of the development plan, but in any event, the impact of the application proposal on the County's employment land supply would be negligible given the relatively small size of the employment allocation. In addition, the application site would provide the right conditions for the proposed use. There would,

therefore, be reasonable justification to override the development plan in this case and consequently an approval of the scheme would be supported on planning policy grounds.

It is also worth noting that both the AMR and the Strategic Housing Land Review (SHLAA) allude to the fact that Herefordshire Council does not have a 5 year supply of deliverable housing sites. This means that the Council's policies on the supply of housing are in conflict with the NPPF - para 49 of the NPPF is clear that housing supply policies will be usurped by the Framework where they are in conflict with national policy.

Where the relevant UDP housing supply policies are out-of-date permission should be granted in accordance with the presumption in favour of sustainable development, unless any adverse impact of doing so would significantly and demonstrably outweigh benefits, when assessed against the policies in the NPPF taken as a whole, or if specific policies in the framework indicate that development should be restricted.

4.7 The Housing Manager makes the following comments:

Comments on the original submission:

The application meets the requirements for 35% of units to be affordable and for these to be built to the HCA's Design and Quality Standards, Lifetime Homes Standards and level 3 of the Code for Sustainable Homes.

The tenure mix does not meet requirements as the application indicates the provision of social rented units only whereas the development brief indicated 9 units for social rent and 3 for intermediate tenure.

In addition, there are nine units located together in the south eastern corner of the site. When considering the design of developments that incorporate affordable housing, the affordable housing should be well integrated with the market housing and should be tenure neutral.

Comments on amended plans:

I would advise that the location of the affordable units is acceptable

4.8 The Parks and Countryside Manager comments as follows:

On-Site Play Provision: On site play provision is supported given the location of the development and accessibility issues to existing play provision in the vicinity. It has therefore been designed to complement the play equipment being provided on the other development sites in Atwood Land and caters for the younger age group children. Play areas for younger children should be located close to residential areas within safe access thresholds.

Play Area Design: The Play Area Layout Option A covers the required activity zone area of 168 sq m for a development of this size and contains equipment previously suggested, but the Parks Development Manager has requested that the layout is refined, to combine cradle and junior swings in an acceptable layout. It is noted that although the key refers to E, F and G as cradle and junior swings, G is not shown on the plan. The revised plan shows a 3 seat frame, 2.4 m high (one seat to be a cradle seat) installed along the northern edge of the Activity Zone currently shown as F (junior swing x 2). The remaining 4 items (A, B, C and D) will all fit into the remaining space, bearing in mind that Springers only need 1 clear all round. The bin could be located immediately inside the gate. As all the items are close together continuous wetpour surfacing over the whole activity zone is the preferred option and can easily be deepened where necessary to accommodate the relevant Critical Fall Heights. 1m high bowtop fencing with a self-closing gate 1.2 m wide would be the minimum acceptable fencing standard.

Sport England Calculation: It is noted that the draft heads of terms refer to a Section106 contribution of £18,522 towards provision of sports and recreation facilities including Aylestone Park as per the requirement in the SPD on Planning Obligations. This is the previously agreed figure base on Sport England's facility calculator modelling.

4.9 The Public Rights of Way Manager makes the following comments:

No objection but the proposed development will be in very close proximity to public footpath 08A. If development works are perceived to be likely to endanger members of the public or will inconvenience path users in any way then a temporary closure order must be applied for from the Public Rights of Way Manager, at least 6 weeks in advance of work starting.

The applicants should ensure that their contractors are aware of the line of the public right of way and that the right of way must remain at its historic width and suffer no encroachment or obstruction during the works or at any time after completion. This means that vehicles, materials, debris etc. must not be stored on the line of the footpath.

It is an offence under Section 131A of the Highways Act 1980 to disturb the surface of a public footpath so as to render it inconvenient for the exercise of the public right of way. A plan is attached to show the legal alignment of the public footpath / bridleway recorded on the current definitive map.

4.10 The Environmental Health Officer (Contaminated Land) makes the following comments:

Comments on original submission

I have reviewed our records and would advise that, although supported by two ground investigation reports the information would be considered insufficient at this stage.

In more detail I would advise that:

1. Concerns regarding the proposed remediation of the site have been raised previously. The consultants acting on behalf of the developer have suggested using a capping/cover system on the site. High levels of nickel have been identified with a proposal to mitigate the risk through capping/cover system. However, determination of thickness of capping has been made using a methodology considered appropriate for marginally contaminated soils only and may not be considered suitable in this instance.

2. The remediation scheme would need to be protective over the lifetime of the development/property and also consider circumstances where occupiers may want to build extensions, ponds and the like. In these circumstances it is likely that contaminated soils will come to the surface. The developer/consultant should consider a number of feasible remediation options and evaluate them in terms of effectiveness, durability and long term maintenance issues etc. as outlined in CLR 11. As such, more detail is required regarding suitable remediation options.

3. The submitted reports are dated 2003 and 2007 and as such will need to be reviewed with more recent guidance in mind (for example, BS10175 which was updated in 2011 and the withdrawal of CLR 7 in 2008 with its associated soil guideline values referenced in the reports).

4. As the application includes the demolition of existing structures on the site, I would advise that these will require investigation and assessment in due course.

In conclusion, I would consider that insufficient information has been submitted to date. Further information should be provided by the applicant to demonstrate the risks to future residents can be reasonably mitigated to a satisfactory level and that the reports have been reviewed with more recent guidance in mind.

In response to additional information

I would recommend that, as the developer has demonstrated a commitment to addressing the outstanding contamination issues at the site (letter from Lioncourt Homes dated 5 October 2012) a condition should be appended to any planning approval to ensure the site is suitable for use.

For reference, an example of a suitable condition can be found below:

1. 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.

2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the 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.

5. Representations

5.1 Holmer and Shelwick Parish Council make the following comments:

A large proportion of this site is allocated as an employment site within the UDP and the parish would like to see this protected to maintain sustainability as this is one of the few employment sites in the parish.

The Developers have had a lock out agreement with the site owner via the Estate Agent not to consider any potential commercial tenants who have shown an interest in the site.

During the Community led Plan process this site had been identified for use as a Doctors' surgery, Health Centre and Community facility. There are none of these facilities within the parish and to promote sustainability this site should be promoted.

This site has not been identified by the Authority to be included within the Strategic Housing Allowance Assessment.

The house designs that have been proposed do not sit within the rural setting and are considered boring. The characteristics of Attwood Lane are rural dwellings set behind brick walls and this has been ignored within the proposal.

It is indicated within the proposal that drainage would be via the Crest development which still has not got an adopted sewer. Crest Development have appealed to Ofwat not to adopt the sewers in the area and if the Local Authority are mindful to approve this application the Developers should be restricted not to commence until the sewers are adopted

Comments on amended plans:

Holmer and Shelwick Parish Council's objections to the above planning application have not been affected by the additional plans and heads of terms document submitted.

The site has been identified in the UDP as an employment site, and is more suited to industrial use rather than residential due to the nature of the contamination of the land. Due to the contamination it has been proposed that the gardens should be covered with 500 mm of topsoil, which would in turn lift the floor levels, the site has already been built up over the years with various fill material including nickel deposits (the contamination) which raises the ground approx 2 metres and therefore with the extra 500 mm would mean the houses would be 2.5 metres above the natural field level, effectively an extra storey. This would have a devastating effect on the landscape.

It is understood that the demand for houses at the Crest development has been less than anticipated, which supports the parish council's comments in respect of retaining employment land rather than increasing the residential stock.

5.2 Letters of objection have been received from:

- Julia Dalton, 17 Lytham Drive
- Kenneth Conner, 15 Turnberry Drive
- Pauline Jenkins, Court Orchard, Attwood Lane
- Jonathan Collier, Attwood Croft Attwood Lane
- Sara Connor, Wychways, Attwood Lane
- Hemming Family, Attwood Court, Attwood Lane
- C K Trencham, 2 Turnberry Avenue
- E Jenkins, 9 Wentworth Park
- Mr Garrett, 4 Belfry Close

These letters can be summarised as follows:

- Ongoing problems with drainage in the area that have not yet been resolved;
- Outstanding OfWAT appeal that means that drainage in the area has not been adopted by Welsh Water;
- Insufficient capacity on the drainage network;
- Too many new dwellings being built in one area;
- Attwood Lane is a rat run between Roman Road and A49 with high speed and high volumes of traffic. Additional traffic will add to this.
- Attwood Lane is in a poor state of repair
- Loss of industrial land – where are all the people going to work?
- Change in character of the area. Density of the development is too high

- Overlooking and loss of privacy from dwellings overlooking Attwood Court
- Impact upon wildlife

5.3 The consultation period in relation to the amended plans expires on the 20th November 2012 and any additional representations will be reported to the Planning Committee via the updates.

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

www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

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

www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

6.1 The key consideration in the determination of the application are as follows:

- 1) The Principle of Development
- 2) Loss of Employment Land
- 3) Landscape Impact
- 4) Layout and Design
- 5) Highway issues
- 6) Drainage Infrastructure
- 7) Other matters
- 8) Conclusion

The Principle of Development

6.2 The application site lies within the defined settlement boundary and thus Saved Policy H1 of the Unitary Development Plan (UDP) is relevant. This policy is clear that residential development will be permitted within settlement boundaries where compatible with the development plan.

Loss of Employment Land

6.3 It is acknowledged that approximately 0.49 hectares of the site is protected for employment uses under Saved Policy E5 of the UDP but also that the site has not been used for some time for this purpose. The Head of Strategic Plans and Regeneration has considered this issue in detail and concludes that whilst the residential development of the larger part of the application site is contrary to the current development plan, this is an appropriate location for housing. Furthermore it is considered that the loss of 0.49 hectares of employment land would not be to the detriment of the County's overall supply of employment land. This stance on the loss of employment land is reinforced by the evidence base underlying the Core Strategy, as the 2010 study of employment land requirements provides no basis for emerging policy to maintain the application site's protected status.

Landscape Impact

6.4 The site is located on the very northern edge of Holmer, to the north of Hereford and is, as identified in the Conservation Manager's comments an important transitional site between the urban and rural edge of Hereford. The application site is previously developed land, and the existing large industrial buildings and associated structures together with the unmaintained landscape boundaries are not attractive features. The development of this site represents an opportunity to improve the visual amenity of the locality in general. Notwithstanding this the introduction of dwellings in this location will have a visual impact and this needs to be considered having regard to policies LA2 and LA3 of the UDP. The scheme has been

amended and improved upon during the course of the application, with additional information in respect of site levels and boundary treatments being clarified. The dwellings adjacent to the northern boundary of the site have been reduced significantly in height and garages reoriented and reduced in height to improve their visual impact and to ensure that appropriate planting can be undertaken within the application site. This is particularly important when taking into account the significant difference in levels from the site to the agricultural land beyond.

- 6.5 The development is considered, in landscape terms, to be a high density scheme for an edge of city location and the boundaries will still present a new, built up edge in views across the open rural valley from the north and east and along the public footpath to the south. The proposed landscaping will take time to establish, and conditions are recommended in respect of the implementation and management of these to ensure its long term retention. This impact and mitigation needs to be weighed against the existing brownfield site conditions and employment allocation which are not considered to make a positive contribution to the landscape character or wider area. The Conservation Manager (Landscape) has considered the revised scheme and details and although acknowledging that the development will have an impact, confirms that there is no landscape objection to this proposal overall, subject to the imposition of appropriate conditions. Having regard to this, the proposal would represent a form of development that would comply with the requirements of policies LA2, LA3, LA5 and LA6 of the Unitary Development Plan.

Layout and Design

- 6.6 The proposed scheme has been amended twice as part of this process in order to address concerns raised in respect of landscape impact, highway design and layout and the siting of the affordable dwellings within the development. The site is predominantly 4 bed detached family homes, located at the entrance to the site and to the north, with the three and two bed units being located to the east and west. The dwellings represent a mix of house types, utilising a variation of materials such as render and brick and roofing materials, the precise details of which would be secured by condition. Dwellings are all two storey. The dwellings to the north have been reduced in height, along with their garages, to minimise impact. The site layout introduces dwellings that front Attwood Lane, with landscaped boundaries to help retain the transition from the more urbanised part of the Lane towards the west and the more rural area.
- 6.7 The road layout is a mix of formal traditional highway and more informal road surfacing, with trees and frontage planting to provide interest within the public spaces. Garden sizes are considered to be commensurate with the size of dwellings with parking provided within the curtilage of nearly all dwellings, thus avoiding courtyard parking. The play area equipped with formal play equipment is sited to the northern boundary of the site, providing relief in the built form of this aspect of the development. The play area is accessible via the footways and the position of the dwellings nearby provide natural surveillance over it in line with best practice.
- 6.8 Unitary Development Plan policies DR1 and H13 along with section 7 of the NPPF emphasise the importance of good design both in terms of the architecture of the buildings, the function of public and private spaces and integration with the wider environment. Paragraph 60 of the NPPF highlights that planning authorities should not stifle innovation, originality or initiative in design and having regard to the requirements of these policies, the proposed amended layout and house designs are considered to be acceptable.

Highways Issues

- 6.9 The application submission was accompanied by a detailed transport assessment that identifies and addresses the sustainable location of the site. It also details the reasoning behind the traffic calming proposals that formed part of the initial scheme. These have subsequently been removed at our request, with a financial contribution being sort toward the

provision of a footway only. It is considered that a footway from the site to meet with the existing footway that joins Roman Road is a necessary part of the development of this site, and that this is achievable, albeit with some constraints. Issues relating to traffic calming and alterations to Attwood Lane are being progressed with the Planning Obligations Manager and Highways, in consultation with the Ward member and Parish Council alongside other appropriate contributions that were received from the Crest Nicholson site at The Furlongs. It was agreed that this would be a more appropriate mechanism for dealing with these proposals and that a comprehensive approach is needed.

- 6.10 The concerns of local residents about 'rat running' are acknowledged, and it is evident that this does occur through the figures and survey produced. Nonetheless the Traffic Assessment demonstrates that Attwood Lane is capable of accommodating additional traffic from this development and there is no objection to this in principle. The site is "previously developed" with lawful uses that generated significant traffic movements, that would have included lorries and vans rather than domestic vehicles and this is a particularly relevant material consideration in the determination of this application. The comments of local residents in respect of traffic generation have been considered and the above additional data in respect of trip generation details a comparison in relation to the former use of the use (and its allocation) and demonstrates that there would not be a significant increase in traffic using the local road network. The proposal would comply with the requirements of policy DR3 of the UDP.
- 6.11 The design and layout of the development has included parking for the development at a near maximum provision, with two off road spaces, plus a garage for each of the four bed dwellings, and two spaces per unit for the three and two bed units. These garages are above standard size, ensuring space within for cycle storage (3m x 6.1m). As such this would meet with parking standards for the site in accordance with the requirements of policy H16 of the Unitary Development Plan.

Drainage infrastructure

- 6.12 The application included a drainage strategy that outlined the options for the developer and concludes that after negotiation with Crest Nicholson, the most appropriate drainage solution for this site would be a connection of both foul and storm drainage into the Crest Nicholson infrastructure associated with their 300 house development (known as The Furlongs) This is then pumped to the adopted pumping station on Roman Road which forms part of the adopted drainage network falling under the jurisdiction of Welsh Water. The new drainage network is also subject to a Section 104 Adoption Agreement with Welsh Water which is a contractual agreement for the new drainage infrastructure to be adopted. Technical information was provided as part of the Crest Nicholson applications on the adjoining sites. This demonstrated that the new network including the pumping station have adequate capacity to accommodate the development. The applicant also acknowledges that the key deciding factor to this decision were due to necessary technical and design considerations that had already been taken into account by the Crest design, that the solution was available for implementation and the amount of disruption within Attwood Lane was minimised. In refusing a recent application the Council has acknowledged that the lack of an adopted sewage system renders further residential development unacceptable. Notwithstanding this, it remains the case that Welsh Water raises no objection subject to conditions, including those requiring that no surface water is discharged to the public drainage system and that the detailed drainage scheme is agreed prior to the commencement of development.
- 6.13 This links to a key issue that is raised in representations by local residents. This concerns the adoption of the historic drainage network serving the nearby residential estate constructed in the 1990's and until very recently was maintained by Crest Nicholson. Whilst it was previously the case that the new drainage network connected to an unadopted section via a short length of pipe the position has now fundamentally changed since the responsibility for maintaining the system is now vested in Welsh Water following the withdrawal of Crest Nicholson's appeal

to Ofwat. It therefore remains the case that to refuse the application on the basis of either inadequate drainage capacity and/or the lack of adopted network would be difficult to defend if challenged.

Other matters

Affordable Housing

6.15 The application makes provision for 35% of the dwellings to be affordable housing. The position of these dwellings has now been agreed with the Strategic Housing Officer. Of those Affordable Housing units, at least 6 shall be made available for rent with the remainder being available for either rent of intermediate tenure occupation. This tenure will be agreed via the Section 106 Agreement as would the local connection tenancy. Accordingly the proposal would comply with the requirements of policy H9 of the Unitary Development Plan.

6.16 Section 106 Agreement

Attached to this report is the latest and updated Section 106 Draft Heads of Terms. This provides details of the contributions payable towards the provision of new, and enhancement of existing community infrastructure in line with the adopted Planning Obligations Supplementary Document. This includes education, sustainable transport, off site play and sport and library contributions. The applicants have, at this stage, registered their concern about the viability of the site and have submitted a viability report which may need to be verified independently by the District Auditor is under consideration by the Planning Obligations Manager. The outcome of this, including an update in relation to a stated preference for financial contributions towards Holmer Primary School will be reported to Committee.

Biodiversity

6.17 An ecological survey has been completed concludes that there was no evidence of protected species found during recent surveys. The survey recommends enhancements, including planting to be undertaken. A condition is recommended that would ensure that these are undertaken and that the proposal would comply with the requirements of policies NC1 and NC8 of the Unitary Development Plan and guidance contained within chapter 11 of the NPPF.

Open Space Provision

6.18 In line with the requirements of policy H19 of the UDP an on-site equipped play area has been provided. Details of this equipment are to be finalised by condition. This policy also requires older children informal play space. An off site contribution for this element has been negotiated, and is detailed in the comments form the Parks and Countryside Manager above and within the Heads of Terms appended to this report.

Residential Amenity

6.19 The site has attracted a number of objections, one of which relates to the impact and loss of amenity to Attwood Court. This is the property to the west of the application site. This site is in an elevated position, and there are is a significant landscape boundary to the front portion of the site that is not within the site boundary and that would continue to provide a significant screen between units 7 to 12 and Attwood Court. The dwellings to the rear of the site have been orientated in such a way that they avoid overlooking and loss of amenity. A landscape boundary is proposed, with close board fence, the majority of trees are in the ownership and control of Attwood Court, and care will need to be taken during construction to protect these (identified in the planting plan). Officers are satisfied that the proposed development would not adversely impact upon the amenities that Attwood Court or any other nearby residents enjoy, and would note that a residential use is likely to be a much more neighbourly use than the

existing industrial use. As such the proposal would comply with the requirements of policies DR2 and H13 of the Unitary Development Plan. To protect amenity during construction, a working hours condition is also recommended.

Contaminated Land

- 6.20 The site has been identified as having significant contamination as evidenced by the comments from the Environmental Health Manager above. In response to this, the applicant has submitted details committing to reviewing and updating the reports submitted with the application in line with current guidelines including asbestos screening. A tailored remediation strategy would then be developed and submitted that may require a cover layer system. This remedial solution is intended to be flexible so as to adapt to findings within the site and allow for relocation or removal from the site as necessary. The Environmental Health Manager is agreeable to this approach and recommends conditions be imposed. As levels across the site may change to address these issues, a condition requiring slab levels is proposed. As such, officers are satisfied that with the appropriate conditions, the contamination can be addressed and that the proposal would, therefore comply with policy DR10 of the Unitary Development Plan.

Housing Land Supply and the National Planning Policy Framework

- 6.21 The Council has acknowledged that it is unable to demonstrate a 5 year supply of deliverable housing land. Paragraph 17 of the NPPF encourages the effective use and development of brownfield sites, that are located in sustainable locations, in preference to greenfield sites. The development of this site would support the Councils requirement to deliver housing growth in accordance with the NPPF requirements.

Conclusion

- 6.22 The proposed development has been carefully considered in respect of the saved policies of the UDP and in respect of the guidance contained within the NPPF. Whilst the site is partly allocated as an employment site, officers are satisfied that there is no reasonable prospect of this site coming forward for that purpose, and that, given the predominantly residential context of the locality, it would be a suited to and arguably more appropriate for residential development. Also relevant to this is the Councils current lack of housing land which is specific requirement of the National Planning Policy Framework.
- 6.23 The detailed design and layout of the proposed scheme, coupled with the inclusion of planting and landscaping proposals and having regard to the existing deleterious condition of the site would result in a built form that would be acceptable in respect of its landscape impact and its relationship with the neighbouring properties. Matters relating to highway safety have been carefully considered and no objection is raised subject to ensuring the provision of a footway by way of a financial contribution. As such, the proposal is considered to be acceptable subject to the imposition of conditions and a Section 106 agreement and is therefore recommended for approval.

RECOMMENDATION

That subject to final clarification in relation to the acceptability of the proposed S106 Obligation terms, officers named in the scheme of Delegation to Officers be authorised to grant planning permission subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**

3. **B07 Section 106 Agreement**
4. **C01 Samples of external materials**
5. **K4 Nature Conservation - Implementation**
6. **G11 Landscaping scheme - implementation**
7. **G15 Landscape maintenance arrangements**
8. **G18 Provision of play area/amenity area**
9. **G19 Details of play equipment**
10. **H11 Parking - estate development (more than one house)**
11. **I50 Measures to deal with soil contamination**
12. **I55 Site Waste Management**
13. **I51 Details of slab levels**
14. **L01 Foul/surface water drainage**
15. **L02 No surface water to connect to public system**
16. **L03 No drainage run-off to public system**
17. **L04 Comprehensive & Integrated draining of site**
18. **F14 Removal of permitted development rights**
19. **I16 Restriction of hours during construction**
20. **H27 Parking for site operatives**
21. **M09 Land affected by contamination**
22. **H11 Parking estate development**
23. **H13 Access, turning area and parking**
24. **H18 On Site roads – submission of details**
25. **H21 Wheel Washing**
26. **H26 Access Location (from A4103 only)**

Informatives

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy**

Framework.

- 2. HN10 No drainage discharge to highway**
- 3. HN08 Section 38 Agreement and Drainage details**
- 4. HN07 Section 278 Agreement**
- 5. HN04 Private Apparatus within the highway**
- 6. HN1 Mud on the highway**
- 7. HN28 Highways design guide**
- 8. HN13 Protection of visibility splays on private land**
- 9. HN05 Works within the highway**

Reason for Approval

- 1. The application site lies within the urban settlement of Hereford City, within which residential development is supported by policy H1 of the UDP. Whilst the site is allocated as an employment site, the Local Planning Authority is satisfied that there is no reasonable prospect of this site coming forward for that purpose, and that, given the predominantly residential context this would be a suitable site for residential development. As such the proposal would comply with the requirements of policy H1 and the guidance contained within the NPPF.**

The detailed design and layout of the proposed scheme, coupled with the inclusion of planting and landscaping proposals would represent a form of development that would be acceptable in respect of landscape impact, design and layout in accordance with policies DR1, H13, LA2, LA3 and LA6 of the UDP.

The developments relationship with neighbouring properties has been considered and subject to ensuring that landscaping and boundary treatments are undertaken, the proposal is considered to be acceptable in accordance with the requirements of policies DR2 and H13 of the UDP.

The proposed development would not adversely impact upon the local highway network in terms of capacity or highway safety. The site lies in a location that is considered to be sustainable, with good access to alternative means of transport and the proposal makes provision of a new footway to serve the development and provide connectivity with Roman Road. As such the proposal is considered to comply with the requirements of policy DR3 of the UDP.

It is considered that the proposed development, subject to a condition, can be served by an acceptable and adopted drainage system in accordance with policy DR4 and CF2 of the UDP.

Provision has been made, through a Section 106 agreement or the appropriate contributions having regard to the requirements of policy DR5 and the SPD – Planning Obligations. The appropriate affordable housing provision and play space provision has also been provided and secured by way of the Section 106 agreement in accordance with Policies H9, H19 and DR5 of the UDP.

HEADS OF TERMS

PROPOSED PLANNING OBLIGATION AGREEMENT

Section 106 Town and Country Planning Act 1990

Planning Application S121554/F

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008. All contributions in respect of the residential development are assessed on open market units only.

Demolition of existing building and erection of 34 dwellings (22 x open market dwellings and 12 x affordable dwellings) and garages together with roads, sewers and associated external works on land off Attwood Lane, Holmer Park, Hereford (Lioncourt Homes)

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£109,915.00** to provide enhanced educational infrastructure at North Hereford City Early Years, Broadlands Primary School, St Xavier Primary School, Hereford City Youth Service with 1% allocated for Special Education Needs. The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed), and may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£73,960** to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed), and may be pooled with other contributions if appropriate. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - 2.1. Traffic calming and improved signage
 - 2.2. Localised highway improvements including a footpath from Attwood Lane to Roman Road
 - 2.3. Contribution to Safe Routes for Schools
 - 2.4. Public and community transport facilities, including improved bus service
3. The developer covenants with Herefordshire Council to pay Herefordshire Council a sum to be agreed to provide localised highway improvements to include a footpath along Attwood Lane from the development site to the Roman Road, which sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed), and may be pooled with other contributions if appropriate.

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum **£8,576** off site contribution to Older Children's Play Area (or connection to) and **£18,522** for sports (contribution based around the requirements of policy H19 and RST4 of the UDP and Sport England Sports Facilities Calculator).
5. The money shall be used by Herefordshire Council for priorities identified in the Indoor Sports Facilities Strategy, the emerging Play Facilities Strategy and emerging Playing Pitch Strategy including but not limited to the provision of new open space, play, sport and recreational facilities including new green routes/infrastructure in Hereford City principally at Aylestone Park. The sums shall be paid on or before the commencement of development (or in accordance with a phasing strategy to be agreed), and may be pooled with other contributions if appropriate.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council a 15 year commuted sum for the future maintenance of the on-site open space and play facilities assessed against the tariff applicable at the time of adoption.
7. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£5216.00** towards the provision of enhanced Library facilities. The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed), and may be pooled with other contributions if appropriate.
8. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£2760.00** towards the provision of new or the enhancement of existing waste and recycling facilities in Hereford City if appropriate provision/facilities are not provided on site. The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed), and may be pooled with other contributions if appropriate.
9. The developer covenants with Herefordshire Council that twelve (12) of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
10. Of those Affordable Housing units, at least (6) shall be made available for rent with the remainder being available for either rent of intermediate tenure occupation. For the avoidance of doubt, the term intermediate tenure shall not include equity loans or affordable rent.
11. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
12. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency)

from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-

12.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and

12.2. satisfy the requirements of paragraphs 11 & 12 of this schedule

13. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-

13.1. a local connection with the parish of Hereford City; or

13.2. in the event of there being no person with a local connection to any of the above parish 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 11.1 above.

14. For the purposes of sub-paragraph 11.1 or 11.2 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:

14.1. is or in the past was normally resident there; or

14.2. is employed there; or

14.3. has a family association there; or

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

14.5. because of special circumstances;

15. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to such subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.

16. 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

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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 sums 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.

31 October 2012

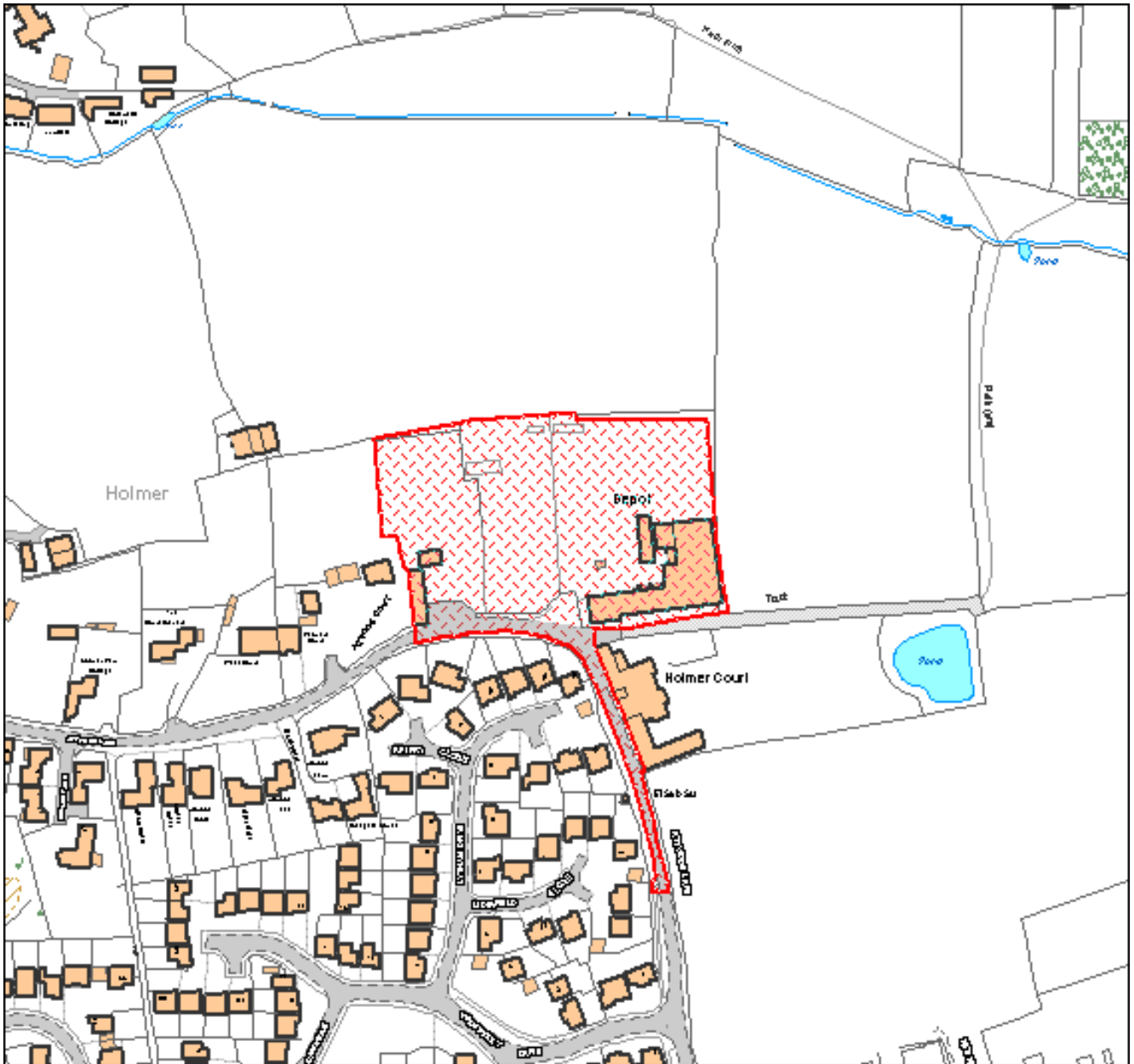
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: S/121554/F

SITE ADDRESS : FORMER POMONA WORKS, ATTWOOD LANE, HOLMER, HEREFORD

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