

MEETING:	PLANNING COMMITTEE
DATE:	30 JANUARY 2013
TITLE OF REPORT:	<p>S122604/O - OUTLINE APPLICATION FOR 35 UNIT HOUSING SCHEME WITH ASSOCIATED ACCESS AT LAND REAR OF WHITE HOUSE DRIVE, KINGSTONE, HERFORD.</p> <p>For: Bayhill Property Developments Ltd per Quattro Design Architects Ltd, Imperial Chambers, Longsmith Street, Gloucester, Gloucestershire, GL1 2HT</p>
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=122604&NoSearch=True

Date Received: 19 September 2012

Ward: Valletts

Grid Ref: 342335,235900

Expiry Date: 10 January 2013

Local Member: Councillor JF Knipe

1. Site Description and Proposal

- 1.1 The site comprises 1.18 hectares of undeveloped agricultural land immediately adjoining the western side of White House Drive from which access is proposed to be gained and immediately north of residential development along the southern side of the gently undulating site. There are no trees on the site and the only vegetation is well maintained hedgerows on the north western boundary of the site and along the north western boundary of the site.
- 1.2 The site lies adjacent to the settlement boundary which is provided by the rear garden and western boundary of properties in White House Drive and by the northern boundary of Green Lane. Therefore, the site falls within open countryside in planning policy terms.

This is an outline planning application that is seeking to establish the principle of erecting 35 dwellings. The means of access, siting and layout is to be determined as part of this submission. In the event that planning permission was granted a further application would need to include details relating to external appearance and landscaping.

- 1.3 23 dwellings will provide private housing and the remaining 12 dwellings will provide social housing. The private housing will comprise 7 no., 2 bedroom dwellings, 6 no. 3 bedroom dwellings of two different house types and 10 no., 4 bedroom houses again comprising two house types. The affordable housing will comprise a two storey block of building providing 4 no. 1 bedroom flats, 6 no. 2 bedroom houses, 1 no. 3 bedroom dwelling and a single 4 bedroom dwelling. The dwellings will be accessed off the north western end of White House Drive between two dwellings 17 metres apart. Four detached dwellings will continue the line of detached dwellings on White House Drive before the access road turns at 90 degrees and leads south westwards and slightly down slope towards properties and private allotments in Green Lane. Detached and semi-detached properties will be erected along both sides of the new access road. The affordable housing will be provided on the south western area of the

inverted 'L' shaped site. An unequipped open space area is proposed on the eastern boundary of the site.

- 1.4 The traffic leaving the proposal site will travel south eastwards to the junction with Church Road (C1221), which is the main thoroughfare in this part of Kingstone. It joins the B4349 road to the north and the B4348 road to the south, adjoining the Bull Ring public house.
- 1.5 A Draft Heads of Terms Agreement was submitted with the application. This has been developed further and has been the subject of consultation with the Parish Council.
- 1.6 The application was the subject of pre-application discussion at a public meeting early in 2012.
- 1.7 This application was accompanied by a Planning Statement, Design and Access Statement, Landscape and Visual Statement, Waste Minimisation Statement, Transport Statement, Flood Risk Assessment and Biodiversity Appraisal.

2. Policies

2.1 National Planning Policy Framework

The following sections are of particular reference:

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
S6	-	Transport
S7	-	Natural and Historic Heritage
S8	-	Recreation, Sport and Tourism
S11	-	Community Facilities and Services
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
H7	-	Housing in the Countryside Outside Settlements
H9	-	Affordable Housing
H10	-	Rural Exception Housing
H13	-	Sustainable Residential Design
H15	-	Density
H16	-	Car Parking
H19	-	Open Space Requirements
LA2	-	Landscape Character
LA3	-	Setting of Settlements

- LA6 - Landscaping Schemes
- NC1 - Biodiversity and Development
- NC8 - Habitat Creation, Restoration and Enhancement
- T6 - Walking
- T7 - Cycling
- T8 - Road Hierarchy
- T11 - Parking Provision
- RST4 - Standards for Outdoor Playing and Public Open Space
- W11 - Development and Waste implications
- CF2 - Foul drainage

2.3 Supplementary Planning Documents

Landscape Character assessment
 Planning Obligations
 Design
 Biodiversity and Development

2.4 Other Guidance

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

2.5 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.aspx>

3. Planning History

3.1 None identified

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water

Welsh Water state that the proposed development would overload the existing Water Treatment Works. However, improvements are planned for completion by 1st April 2015

Welsh Water offer a condition to safeguard the security of service to customers and the protection of the environment

'No buildings on the application site shall be brought into beneficial use earlier than 1st April 2015, unless the upgrading of the Waste Water Treatment Works, into which the development shall drain, has been completed and written confirmation of this has been issued by the Local Planning Authority.'

Reason: To prevent overloading of the Waste Water Treatment works and pollution of the environment'.

Welsh Water also recommend that in the event of planning permission being granted standard conditions are attached to the planning permission in respect of the separation of foul water and surface water discharges

Welsh Water also state that new legislation makes it mandatory for developers to obtain an adoption agreement, in relation to any connection to the public sewerage system.

As regards Water Supply, this can be made available; however the developer may be required to contribute under Sections 40-41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site water mains and associated infrastructure.

- 4.2 Environment Agency has no objections as the site is within Flood Zone 1, the Low Risk Zone. The Environment Agency recommends seeking advice of Council's Land Drainage team.

Internal Council Advice

- 4.3 Transportation Manager has no objections subject to appropriate conditions
- 4.4 Conservation Manager (Landscape): The landscape character type is principal settled farmlands. The Landscape and Visual Assessment (LVA) follows recommended standards. It demonstrates that the landscape character has informed the design process. The Landscape Officer confirms that apart from well maintained field hedgerows, there are no obvious landscape features. The proposal will also retain the character and integrity of Kingstone, there will be a change in view points these will not though necessarily be negative ones.
- 4.5 Conservation Manager (Ecology): No objections are raised. There are opportunities for habitat protection and enhancement which would need to be the subject of a submitted scheme prior to commencement of works on the site.
- 4.6 Housing Manager: Support. Tenure split is acceptable, being social rent. The unit sizes meet the requirements of Lifetime Homes. The affordable units will need to be built to the minimum code for Sustainable Homes level 3
- 4.7 Parks and Countryside Manager states that the contributions towards play space for both young and older children is needed given that no provision is made on the site. It is though acknowledged that Kingstone is well served with existing facilities. Nevertheless, given Policy H19 of UDP requires provision for play space for sites of between 30 to 60 dwellings.
- 4.8 Land Drainage Officer states that the Flood Risk Assessment is comprehensive and all aspects of flooding and drainage have been considered for this stage.

5. Representations

- 5.1 Kingstone Parish Council state: Following housing development proposals of 30 homes as an extension to White House Drive and 150 houses opposite Kingstone Surgery the Parish Council organised an open meeting on 30 May 2012.

94 residents attended and 12 sent email comments.

A summary of the comments specific to White House Drive were:

- a) 84% were against the 30 houses (now 35 houses)
- b) majority thought this proposal too large and that Kingstone should have no more 60 houses built with the 20 year scale of the Local Development Plan
- c) affordable houses should not be more than 25% (preferably less) of any development to bring Kingstone currently at 30%, in line with the County average of 15%

- d) these proposals far exceed the local housing requirement identified in the last housing survey of 7 affordable homes
- e) there is no local employment so these homes will just add commuters to the daily Belmont Road traffic jam twice a day
- f) there is no gain to the village whatsoever from this proposal
- g) there is general concern about utility services coping with this increase in particular the sewage system is known to be overloaded. It has been stated that the utility infrastructure would not cope with further housing particularly as further housing planned for Madley will use this overloaded structure
- h) is White House Drive and the C1221 road junction suitable for the large increase in traffic?

About 30 residents attended the last Parish Council meeting on the 14 November and again re-iterated their opposition to this housing proposal. There was a specific complaint that one of the new houses was shown very close to the garden of 21 Green Lane. This could be avoided by realigning the houses so that the back gardens abutted the existing property.

The Parish Council therefore recommends that this application be rejected.

5.2 69 letters of objection have been received. In summary the points raised are as follows:

- Greenfield site, brown field sites should be developed first. Contrary to Policies S3, H13 and HBA9 of UDP.
- Loss of valuable open space. Village needs green heart
- Village not a town
- Loss of privacy
- Loss of light
- Loss of outlook
- Nearby house very wide and as tall.
- Light pollution from parking area
- Three –storey house dominates our property
- Understand covenant on land restricting development
- Enough affordable housing
- No provision for elderly i.e. bungalows
- At public meeting led to believe would be 15 dwellings
- Discrepancy in stated parking spaces is it 63 or 72?
- Additional traffic, 70 %
- Junction onto Church Road has very poor visibility particularly to right. Exacerbated by no footpaths
- Increase traffic on Whitehouse Drive a danger to this existing cul-de sac, particularly to children
- Poor junctions onto B4348 road at Dews Corner and onto Allensmore/Peterchurch junction
- Belmont Road cannot take any additional traffic. South of city experiencing major hold ups now, deterring people moving to Kingstone and beyond (empty properties in village)
- Not the employment as stated, by applicant, in village. New residents will inevitably commute
- Question of capacity of school and surgery to take additional population.
- Land acts as natural drain now, won't when covered over.
- Question capacity of sewage works also used by Madley, which has 19 dwellings approved recently at Madley. Sewerage is old and failing
- Understood water brought from Wormelow to lagoon to serve village
- Hedgerow will not screen site
- Will devalue properties
- More policing required. Who pays?
- Definition of affordable housing?
- No Section 106 money going to community.

- Are these sweeteners for further development?
- Development to rear of Hawthorn Rise refused by Council similar as for this site.
- See copy of letter from Andrew Mitchell MP, self-explanatory
- Affordable houses will make private dwellings difficult to sell.

5.3 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 considerations in the determination of this application are as follows:

- 1) The Principle of the Development
- 2) The NPPF and Housing Land Supply
- 3) Landscape Impact
- 4) Layout and Design
- 5) Highways Matters
- 6) Infrastructure
- 7) Other Matters
- 8) Conclusion

The Principle of Development

6.2 The site falls outside of the settlement boundary for Kingstone as defined by the Herefordshire Unitary Development Plan (UDP) and therefore falls within open countryside. New residential development in the countryside can be permitted where it satisfies one of the exceptions within UDP Policy H7 such as for a dwelling for a key worker or possibly entails the conversion of a suitable rural building. Policy H10 does allow for exceptional affordable development where it adjoins an existing settlement boundary, such as in this instance. However, it is necessary to consider whether or not there are any other material planning considerations.

6.3 The Core Strategy is not sufficiently advanced to be given due weight in the consideration of this application, in any case there are no specific policies or proposals that relate to this particular site. The National Planning Policy Framework (NPPF) came into force in March 2012. Paragraph 215 of the NPPF clarifies that due weight can still be given to the relevant UDP policies for a period of 12 months from the date of adoption of the NPPF providing those policies are broadly consistent with the NPPF.

The NPPF and Housing Land Supply

6.4 At the heart of the NPPF is a general presumption in favour of sustainable development and applications for housing should be considered in this context. The NPPF requires that local planning authorities should identify a rolling five year supply of deliverable housing land to ensure choice and competition in the market. Additionally, the NPPF requires an additional buffer of 5% (increased to 20% if a planning authority has persistently under delivered housing land). On the basis of the evidence available to date, it is considered the requirement for a 5% buffer is applicable to Herefordshire.

6.5 Earlier this year, the Council published its Annual Monitoring Report (AMR) which monitors housing land availability. Based on the AMR figures, the Council currently has a shortfall of 216 units which equates to a 4.6 year supply. This shortfall also does not account for the requirement to maintain the additional 5% buffer which would amount to a further 140 units.

The data collection for the 2011/2012 period has commenced and this will provide a more up to date land supply position but it is not anticipated that the shortfall will have decreased.

- 6.6 Paragraph 49 of the NPPF stipulates that relevant policies concerning the supply of housing land should not be regarded as up to date if a five year land supply cannot be demonstrated. In view of this, there is a requirement to release further land for housing that is deliverable within the next five years and is sustainable. There remains a requirement for the development to accord with other relevant UDP policies and NPPF guidance but in terms of the principle, if the development is acceptable in all other respects, the conflict with UDP Policy H7 is not a reason for refusal of the application that could be sustained.
- 6.7 This position was also endorsed by the Council's Cabinet on 12 July 2012. The agreed process for considering proposals of this nature being that with larger developments, the focus should be on sites that have been identified as having low or minor constraints in the Strategic Housing Land Availability Assessment unless it can be demonstrated that the location is sustainable and appropriate for additional housing development and the environmental and other impacts of the development are acceptable.

Landscape Impact

- 6.8 The site has no statutory landscape designation but is classified as Principal Settled Farmlands in the Council's adopted Landscape Character Assessment Supplementary Planning Document. This roughly triangular area of land does not have notable landscape features, the main contribution being the existing well maintained hedgerows. The proposals for additional boundary planting, street trees and shrub planting will provide a well integrated development layout as confirmed by the Conservation Manager (Landscape)
- 6.9 The major impact will continue to be the large extent of post Second World War housing to the east and south of the proposal site. The major impact will be given the topography of the site this backdrop of modern houses. The landscape appraisal confirms that from distant views particularly from the west and north west the impact of the new development is mitigated by established trees around the playing field to the north and by intervening buildings. This is a matter though that will need to be the subject of a reserved matters application. Therefore, it is not considered that the proposal will have an adverse impact in the landscape and therefore the proposal accords with Policy LA2 of UDP.

Layout and Design

- 6.10 The proposal provides a housing scheme with a mixture of housing types, detached semi-detached, a terrace together with a building providing flats on two floors. The layout will, it is considered, integrate well with the existing adjoining White House Drive by providing a continuation along the northern boundary of the site. These dwellings will utilise a backdrop of trees and hedgerows. The private dwellings on the northern end of the site are reasonably well spaced and have satisfactory areas of private garden. There is considered to be sufficient spacing between properties which adjoin White House Drive such that acceptable levels of privacy are maintained in accordance with Policies DR1 and SH13 of UDP.
- 6.11 Plots 10 and 11 which will adjoin private allotments and the rear boundaries of properties in Green Lane will not have an adverse impact on the amenity of adjoining residents. However, plot 17 which is 4 bedroom dwelling over 8 metres in height is in the south western most dwelling close to a boundary with a property in Green Lane. This dwelling type has been swapped for one which is not as tall or wide and on this basis it is considered the submitted layout can be supported.
- 6.12 The layout is not regimental and with the proposed public open space on the eastern side of the development adjoining properties in White House Drive, the new dwellings will be laid out

such that privacy between new properties and existing properties around the site is maintained.

Highways Matters

- 6.13 This is considered to be one of the major issues raised in objections received from local residents and the Parish Council. The primary issue is considered to relate to the junction of White House Drive and Church Road, which is a class III road. It is considered that given the visibility achievable and the configuration of the classified road, which slows traffic approaching from the right or south west, the available visibility in both directions is satisfactory. Reference has also been made to additional traffic joining the two class II roads to the north and south of Church Road and to increasing traffic in general on the Belmont Road. It is considered that the increased movement of traffic on local roads albeit on class II roads is not a factor that outweighs the primary objectives of national government advice of providing sufficient numbers of sustainable developments across the country.
- 6.14 A discrepancy has been highlighted in some representations received relating to the number of parking spaces cited in the Transport Statement and the number identified in the application form and submitted plans. This has come about primarily as the higher figure includes garage spaces and the lower one includes only spaces around the site. The provision of integral garage spaces will together with the provision of visitors' spaces bring the level of parking, as stated on the application form to 74 spaces which includes 3 visitors spaces and an average of just over 2 spaces per dwelling which is considered to be acceptable and therefore accordance with Policy DR3 of UDP. This parking provision is also considered to be acceptable by the Traffic Manager.
- 6.15 The Traffic Manager is seeking slight re-alignments to the new road together with give way signage and appropriate lighting at the junction of Church Road and White House Drive; these are matters that can be addressed by a Section 38 Agreement with the Highway Authority and developer.

Infrastructure

- 6.16 Welsh Water has confirmed that there is not the capacity for these additional dwellings until 2015. It is a matter that has also been referred to in representations received from the Parish Council and local residents. However, Welsh Water state that improvement works which are on going will make it possible after April 2015 for the developer to utilise these sewage works. There would also be an option for the developer to contribute towards funding the works needed. A Grampian style planning condition will need to be attached to any planning permission granted. Therefore, although Welsh Water confirm that works are required to enable the development to proceed, they have not objected and accordingly this proposal accords with Policy DR4

Other matters

Housing mix

- 6.17 Although, this has not been the subject of representations received, it is considered that the mix and style of dwellings submitted for the general housing market is acceptable as regards the mix of four bed units and smaller three and two bedroom units.
- 6.18 Twelve units will be affordable dwellings. Nine will be made available for social rent and three for intermediate tenure occupation. The Strategic Housing Officer supports the number and tenure of the affordable units, four of which are one bedroom flats. Representations have been received relating to a perceived over provision of affordable housing. However, the provision of such housing needs to be placed in the context of other settlements that have not brought

affordable housing. Issues of devaluing existing housing stock by providing affordable provision do not provide a justified or sustainable planning policy objection for not providing such development which is a requirement of not only UDP policy but also in the National Planning Policy Framework.

Section 106 Agreement

- 6.19 A Section 106 Heads of terms is appended to this report. This provides for contributions towards the provision of new and enhanced community infrastructure in line with the adopted Planning Obligations Supplementary Planning Document. This includes monies towards education, new highway and sustainable transport, enhancement of existing off site play facilities, library contribution and improvements to waste and recycling provision.

Flood Risk

- 6.20 Both the Environment Agency and the Council's Land Drainage Officer confirm that the site is not at risk of flooding, which is an issue raised in representations received. Therefore, the site is capable of development in accordance with Policy DR7 of UDP.

Biodiversity

- 6.21 The proposal site which is used for grazing is not one rich in biodiversity as confirmed by the Planning Ecologist. There are though opportunities for habitat enhancement with additional hedgerow and tree planting on the western boundary of the site. These are matters though that can be addressed by attaching a planning condition requiring details of habitat protection and enhancement before any works commence on site. Therefore, the proposal accords with Policies NC1 and NC4 of UDP.

Play Facilities

- 6.22 The scheme whilst not providing an equipped play area does provide an open space area. This is though compensated for by contributions within the remit of the Draft Heads of Terms towards on going projects in Kingstone cited by the Parks/Countryside Manager. It is on this basis that the proposal can be supported and accord with Policy H19 of UDP.

Other matters raised:

- 6.23 Reference has been made to a refusal of planning permission for a site at Hawthorn Rise at Peterchurch. This reference is made on the basis of comparability. The site proposal for development to the north of Hawthorn Rise utilising an existing estate road was refused on the proximity of the access road to bungalows either side of it. This site is not comparable to the one the subject of this application given the dwellings either side of the road, in this instance are at a minimum of 17 metres apart. Reference is also made to a green belt development in Sutton Coalfield. There is no green belt in Herefordshire and this development is sustainable.

Conclusion

- 6.24 Paragraph 14 of the NPPF states that:
- a presumption in favour of sustainable development should be seen as a golden thread running through both plan making and decision-taking. In terms of the latter, this means
 - approving development proposals that accord with the development plan without delay; and
 - where a development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or - Specific policies in the NPPF indicate development should be restricted."

- 6.25 It has already been established that the UDP housing supply figures are not up to date due to the deficit in housing land supply. The development offers benefits in terms of the delivery of additional housing including twelve affordable units and it is accepted that the development is sustainable in terms of location of the site and accessibility by non car based transport modes, the revised layout and design and the commitment to construct to a high sustainability standard. This is not a brownfield site but the site will also not have an adverse impact in the landscape and although this is a reserved matter, there are opportunities further tree and hedgerow planting and opportunities for biodiversity enhancement.
- 6.26 The development can be served by a means of access that will not have an adverse impact on highway safety.

RECOMMENDATION

That subject to completion of a Section 106 planning obligation in accordance with the draft Heads of Terms annexed to the report the officers named in the Scheme of Delegation to Officers be authorised to grant outline planning permission subject to conditions noted in the report and subject to any further conditions considered necessary by officers:

- 1. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**
- 3. A04 Approval of reserved matters**
- 4. A05 Plans and particulars of reserved matters**
- 5. B01 Development in accordance with the approved plans**
- 6. F08 No conversion of garage to habitable accommodation**
- 7. F16 No new windows in specified elevation**
- 8. H03 Visibility splays**
- 9. H06 Vehicular access construction**
- 10. H11 Parking - estate development (more than one house)**
- 11. H19 On site roads - phasing**
- 12. H20 Road completion in 2 years**
- 13. H21 Wheel washing**
- 14. H27 Parking for site operatives**
- 15. H29 Secure covered cycle parking provision**
- 16. H30 Travel plans**

17. H17 Junction improvement/off site works
18. K4 Nature Conservation - Implementation
19. No buildings on the application site shall be brought into beneficial use earlier than 1st April 2015, unless the upgrading of the Waste Water Treatment Works, into which the development shall drain, has been completed and written confirmation of this has been issued by the Local Planning Authority.

Reason: To prevent overloading of the Waste Water Treatment works and pollution of the environment.
20. L01 Foul/surface water drainage
21. L02 No surface water to connect to public system
22. L03 No drainage run-off to public system
23. L04 Comprehensive & Integrated draining of site

Reason for Approval

1. In reaching the decision to grant planning permission, regard has been had to the relevant policies in the Herefordshire Unitary Development Plan and the National Planning Policy Framework. The local planning authority was also mindful of other supplementary planning guidance

The National Planning policy framework requires the council to maintain a 5 year supply of deliverable housing land and where this requirement is not being met, the relevant plan policies concerning the supply of housing land should not be regarded as up to date. As such the conflict with UDP Policy H7 is not, in itself, a reason for refusal.

The development offers the benefits in terms of the additional housing within the next five years including twelve affordable dwellings and the development is sustainable in terms of the location of the site and accessibility by non-car modes of transport. The amended plan provides an improved relationship to the existing development. The development will not have an adverse impact in the wider landscape and there are opportunities to ameliorate the impact of the development by further tree and hedgerow planting as well as measures for improving biodiversity around the site. The need to deliver additional housing land and the requirement to consider new residential development in the context of a presumption in favour of sustainable development along with the benefits of the development will outweigh the conflict with Policy H7, in this instance. The development is considered to comply with other relevant Policies in the UDP and is therefore considered acceptable.

Informatives:

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

Framework.

- 2. **N02 Section 106 Obligation**
- 3. **HN01 Mud on highway**
- 4. **HN04 Private apparatus within highway**
- 5. **HN05 Works within the highway**
- 6. **HN08 Section 38 Agreement & Drainage details**
- 7. **HN10 No drainage to discharge to highway**
- 8. **HN17 Design of street lighting for Section 278**
- 9. **HN24 Drainage other than via highway system**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

DRAFT HEADS OF TERMS

PROPOSED PLANNING OBLIGATION AGREEMENT Section 106 Town and Country Planning Act 1990

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

Outline planning application S122604/O

Outline application for the erection of 35 dwellings (23 x open market dwellings and 12 x affordable dwellings) on land to the rear of White House Drive, Kingstone, Hereford.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £87,893.00 (breakdown detailed in the table below) to provide enhanced educational infrastructure at South Hereford City Early Years, Kingstone and Thruxton Primary School and South Wye Youth Service with 1% allocated for Special Education Needs (SEN). No secondary school contribution is required as capacity presently exists in all year groups. The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed) and may be pooled with other contributions if appropriate.

Pre-School	£6,772.00
Primary	£55,797.00
Post 16	£2,001.00
Youth	£19,059.00
SEN	£4,264.00
Total	£87,893.00

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £48,821.00 to provide new highway and sustainable transport infrastructure to serve the development. The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed) and may be pooled with other contributions as appropriate.
3. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - 3.1. Localised sustainable transport infrastructure to enhance the accessibility of the site for non car based modes of transport including but not limited to:
 - a) Creation of cycle link between Kingstone and Madley via the Madley Industrial

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

Estate

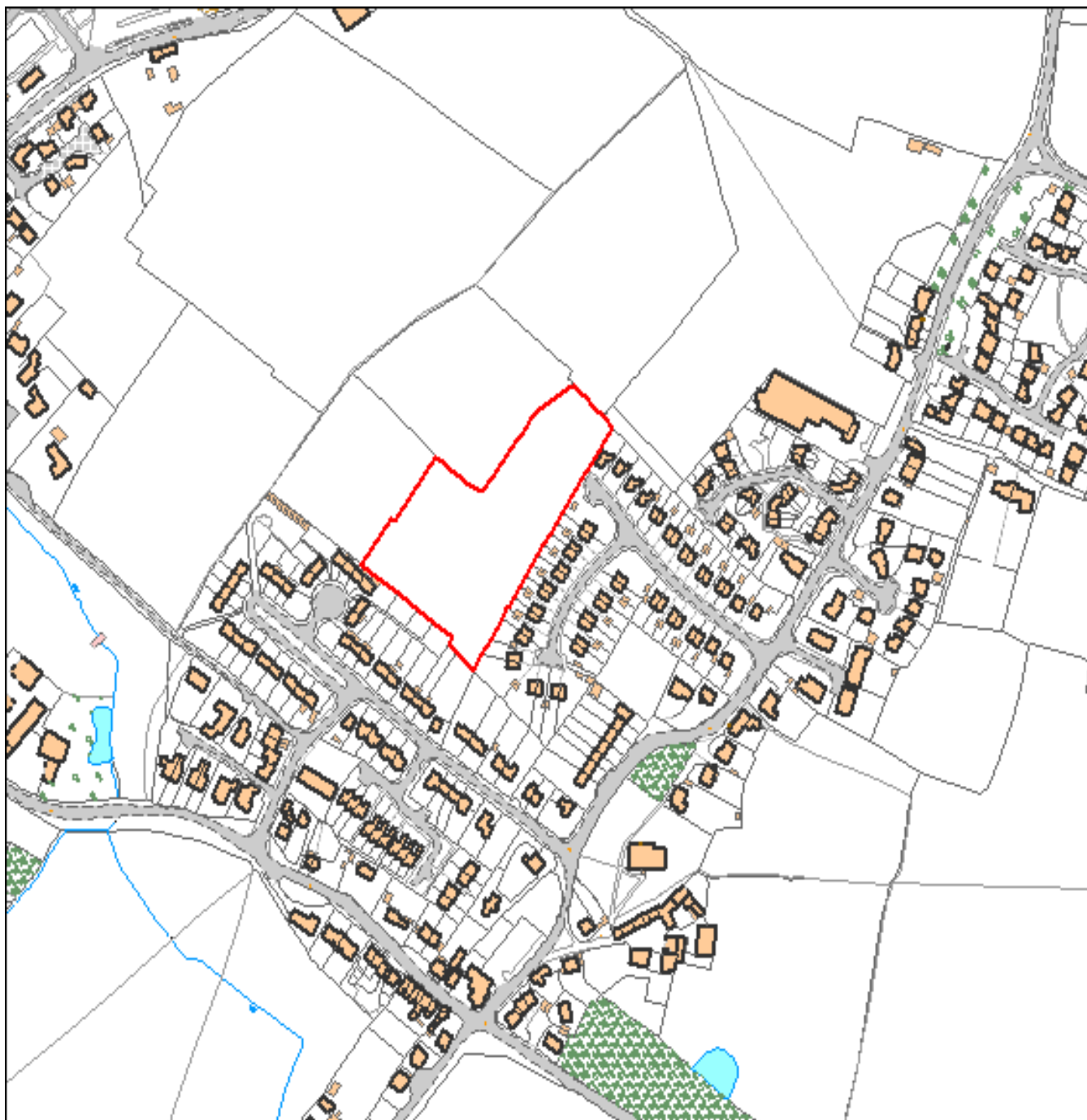
- b) New pedestrian and cyclist crossing facilities
 - c) Bus passenger waiting facilities in Kingstone specifically along the C1221
- 3.2. Enhancement in the usability of the localised public right of way network
- 3.3. Provision of park and share and park and cycle facilities
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £38,785 for the provision of new or the enhancement of existing play facilities in the locality and £15,684 for the provision of new or the enhancement of existing sport facilities in the county (contribution based around the requirements of saved policies H19 and RST4 of the UDP and Sport England Sports Facilities Calculator). The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed) and may be pooled with other contributions as appropriate.
5. The money shall be used by Herefordshire Council for priorities identified in the Indoor Sports Facilities Strategy, the emerging Play Facilities Strategy and emerging Playing Pitch Strategy.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £4,620 towards the provision of new and enhanced of existing library facilities in Peterchurch. 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.
7. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £2,760 towards the provision of new or the enhancement of existing waste and recycling facilities to serve the development and waste reduction strategies within the locality and city.
8. 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.
9. Of those Affordable Housing units, nine (9) shall be made available for social rent and three (3) being available for intermediate tenure occupation. For the avoidance

of doubt, the term intermediate tenure shall not include equity loans or affordable rent.

10. 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.
11. 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:-
 - 11.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 11.2. satisfy the requirements of paragraphs 12 & 13 of this schedule
12. 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:-
 - 12.1. a local connection with the parish of Kingstone;
 - 12.2. in the event of there being no person having a local connection to the parish of Kingstone, a person with a local connection with the parishes of Madley, Clehonger, Abbey Dore, Thruxston, Treville, Allensmore and Eaton Bishop
 - 12.3. in the event of there being no person with a local connection to any of the above parishes, any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 12.1 or 12.2 above.
13. For the purposes of sub-paragraph 12.1 or 12.2 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:

- 13.1. is or in the past was normally resident there; or
 - 13.2. is employed there; or
 - 13.3. has a family association there; or
 - 13.4. a proven need to give support to or receive support from family members; or
 - 13.5. because of special circumstances;
14. 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.
 15. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 4, 6 and 7 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.
 16. The sums referred to in paragraphs 1, 2, 4, 6 and 7 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.
 17. 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.
 18. 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.

20 November 2012



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APPLICATION NO: S/122604/O

SITE ADDRESS : LAND REAR OF WHITE HOUSE DRIVE, KINGSTONE, HEREFORD

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