

MEETING:	PLANNING COMMITTEE
DATE:	20 NOVEMBER 2013
TITLE OF REPORT:	131964/O - RESIDENTIAL DEVELOPMENT COMPRISING 20 OPEN MARKET HOMES AND 10 AFFORDABLE HOMES AT QUARRY FIELD, COTTS LANE, LUGWARDINE, HEREFORD, For: Mrs Seymour per Mr James Spreckley MRIC FAAV, Brinsop House, Brinsop, Herefordshire HR4 7AS
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=131964

Date Received: 16 July 2013

Ward: Hagley

Grid Ref: 354597,240961

Expiry Date: 14 January 2014

Local Member: Councillor DW Greenow

1. Site Description and Proposal

- 1.1 Planning permission is sought in outline for the erection of thirty dwellings on land known as Quarry Field, Cotts Lane, Lugwardine. All matters with the exception of the means of access are reserved for future consideration. The site is an open field down to pasture bounded to the east by properties fronting the A438 Hereford to Ledbury Road, which passes through Lugwardine and Bartestree; both of which are identified as main villages in the Unitary Development Plan (UDP).
- 1.2 Cotts Lane passes to the north of the site and there is an existing field gate into the site from this highway. To the west and south the site is bounded by parkland associated with the Grade II* New Court country house, which lies to the north-west.
- 1.3 There is a mature landscape belt to much of the site's periphery, but particularly along the southern and western perimeters. Site levels descend from Cotts Lane to the north at a fall of approximately 1:20. With the exception of some trees and hedgerow along the northern boundary there are no landscape features within the site itself. The site is traversed by overhead power lines and a mains sewer running on a north-south alignment.
- 1.4 Vehicular and pedestrian access is proposed through the alteration of an existing route direct from the A438 passing between the dwellings Green Croft and Croft Cottage and takes the form of a 5.5m wide estate road with 1.8m footways either side. The submitted layout is indicative only but suggests that the open market units are all detached properties, the 10 affordable dwellings being arranged as two pairs of semi-detached and two terraces of three.
- 1.5 The site extends to 1.74ha and the density equates to 17 dwellings per hectare.
- 1.6 The site is outside but immediately adjacent to the settlement boundary for Lugwardine as defined by 'saved' policy H4 of the Unitary Development Plan.

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

- 1.7 The application site was subject to assessment under the Strategic Housing Land Availability Assessment but rejected because the potential for access direct from the A438 was not disclosed at that point.
- 1.8 It is proposed that foul drainage be connected to the mains, with surface water dealt with via soak-away.
- 1.9 The application is accompanied by a Planning Statement, Landscape and Visual Impact Assessment, Ecological Appraisal and draft Heads of Terms; the latter being appended to this report.

2. Policies

2.1 National Planning Policy Framework

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

S1	–	Sustainable development
S2	–	Development requirements
S3	–	Housing
DR1	–	Design
DR3	–	Movement
DR4	–	Environment
H4	–	Main villages: settlement boundaries
H7	–	Housing in the countryside outside settlements
H10	–	Rural exception housing
H13	–	Sustainable residential design
H15	–	Density
H19	–	Open space requirements
HBA4	–	Setting of Listed Buildings
T8	–	Road hierarchy
LA2	–	Landscape character and areas least resilient to change
LA3	–	Setting of settlements
LA5	–	Protection of trees. Woodlands and hedgerows
LA6	–	Landscaping schemes
NC1	–	Biodiversity and development
NC6	–	Biodiversity Action Plan priority habitats and species
NC7	–	Compensation for loss of biodiversity

2.3 Herefordshire Local Plan – Draft Core Strategy

SS1	–	Presumption in favour of sustainable development
SS2	–	Delivering new homes
SS3	–	Releasing land for residential development
SS4	–	Movement and transportation
SS6	–	Addressing climate change
RA1	–	Rural housing strategy

- RA2 – Herefordshire’s villages
- H1 – Affordable housing – thresholds and targets
- H3 – Ensuring an appropriate range and mix of housing
- OS1 – Requirement for open space, sports and recreation facilities
- OS2 – Meeting open space, sports and recreation needs
- MT1 – Traffic management, highway safety and promoting active travel
- LD1 – Local distinctiveness
- LD2 – Landscape and townscape
- LD3 – Biodiversity and geodiversity
- SD1 – Sustainable design and energy efficiency
- SD3 – Sustainable water management and water resources
- ID1 – Infrastructure delivery

2.4 Neighbourhood Planning

Bartestree and Lugwardine Parish Council has designated a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The Parish Council will prepare a Neighbourhood Development Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy.

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

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

3. **Planning History**

- 3.1 None

4. **Consultation Summary**

Statutory Consultees

- 4.1 Welsh Water: No objection subject to conditions
- 4.2 English Heritage: No objection but recommend that the planting belt on the western boundary is intensified and the site examined for potential archaeological deposits.
- 4.3 Natural England: No objection

Natural England and the Environment Agency have signed a Statement of Intent (SOI) to develop a Nutrient Management Plan (NMP) for the River Wye SAC. The SOI provides an interim agreement for development management, and states that development can be accommodated where discharges to mains are within existing consents at the receiving sewage treatment works.

Natural England notes that the Council has screened the proposal to check for the likelihood of significant effects. Natural England agrees with the conclusion that the development is not likely to generate significant effects.

Given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site and advise your authority that the SSSI does not represent a constraint in determining this application.

Internal Council Advice

4.4 Traffic Manager

Full visibility standards are achievable for emerging vehicles, but the forward visibility for vehicles approaching from the east towards any stationary vehicles waiting to turn into the access is currently restricted by vegetation in the highway verge. The provision of 1.8m footways either side of the access is preferred, although drainage for Croft Cottage will have to be re-routed so that it doesn't fall within what would become part of the adopted highway.

Improvement to the footway linking back towards the village would require retaining structures and railings if the usual 2.0m width were to be achieved. However, given the presence of nearby listed buildings and character of the area this may not be desirable and would not be achievable for much of the length. Should the lack of footway width be the only issue requiring resolution, a balanced view may need to be taken regarding the existing footway restrictions and the impact of achieving limited improvements in width. Potential for providing a pedestrian link onto Cotts Lane, which affords more direct access to the public house, should be examined.

4.5 Housing Development Manager

Expresses concern that the indicative layout does not demonstrate that the affordable and open market housing is properly integrated and that the affordable housing is 'tenure blind'. The correct tenure split and mix of housing is specified and can be incorporated in the S106 agreement.

4.6 Conservation Manager (Landscapes):

The landscape scheme that has been provided is a fully detailed planting plan. This includes a native hedgerow to the proposed west boundary. The other species are all suitable to a new residential development.

The landscape scheme does not include hard landscape details or existing / proposed levels, particularly the need for retaining walls or banks that will have a significant impact on the landscape framework.

The two indicative areas of central open space will help to break up the impact of the development, however no details have been provided on how this may be maintained / managed.

4.7 Parks and Countryside Manager

Lugwardine does not have an existing play area and as far as I am aware there are no plans to create one although the Parish Council may have plans through the neighbourhood planning process. If this is the case we would review the level of contribution.

A contribution towards improving access via the public rights of way network (in accordance with the Public Rights of Way Improvement Plan) is sought. Based on the 20 market housing (5 x 3 and 15 x 4 beds) and in accordance with the SPD the level of contribution would be £7,375.

Sport England Requirement: SPD on Planning Obligations: £15,630

This would be used on identified priorities in accordance with the Indoor Facilities Strategy and the Playing Pitch Assessment and emerging Investment Plan on the understanding that Sport England advocates a 20 minute drive time in rural areas to facilities. The contribution would be used in consultation with the Parish Council.

4.8 Environmental Health Officer

In response to concerns expressed by local residents at potential contamination, a condition requiring a desk top study prior to commencement of development should be appended to any planning approval.

4.9 Conservation Manager (Ecology)

The National Planning Policy Framework 2012 states that “The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity wherever possible”. It goes on to state that “when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity” and “opportunities to incorporate biodiversity in and around developments should be encouraged”.

The ecological report states that the development proposal “offers opportunities to obtain significant ecological enhancements” including establishment of hedgerows and tree planting to complement the adjacent parkland BAP habitat.

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

Habitat Regulations Assessment

The development is to link to mains sewer drainage for disposal of foul water which will alleviate any significant risk to the SAC. However, the site is less than 200 metres from the R. Lugg part of the R. Wye SAC and in order to safeguard the SAC it will be necessary to submit a Construction Environmental Management Plan.

4.10 Land Drainage Engineer: No objection subject to the completion of percolation tests.

4.11 Conservation Manager (Historic Buildings):

The historic centre of Lugwardine is located to the east of the application site and is covered by a conservation area designation. However there are a number of listed buildings and buildings of local interest along the A438 which form an historic entrance to the village when approaching from the west. Add to these built environment, heritage assets, the locally important landscapes of Lugwardine Court and New Court and the entry to the village becomes visually routed in the history of the area.

The proposed housing scheme would place a significant number of new houses behind the current buildings lining the village road. It would have a single entry point to the development located half way up a hill on the A438. This entry appears to be a wider version of an existing access route between Croft Cottage and Green Croft.

The existing appearance of the access, devoid of any greenery and with hardstanding abutting Croft Cottage and the close boarded fence of Green Croft, does not enhance the village character and gives a feel of the proposed character of this entrance once developed. In its current form it is not considered acceptable in design terms as it is cramped and constricted and therefore does not enable any appropriate soft landscaping to help assimilate the scheme into the village character.

The housing development would adjoin the west boundary of Rose Cottage, The Malt House and also The High House, all grade II listed buildings fronting onto the main road. The development would be within the setting of these listed buildings and would therefore have a visual impact. The topographic survey indicates that the housing would be roughly on a level with the listed buildings but is likely to be visually of larger scale which could adversely affect the setting. This would be contrary to Policy HBA4. An outline application is not considered sufficient detail to properly assess the impact of a development on a listed building.

4.12 Team Leader Strategic Planning

SHLAA & the 5 year supply.

As Council cannot demonstrate a five year housing supply, an interim policy position was adopted by Council in July 2012 and allows some exemption to Policy H7 to enable housing development on suitable strategic and sustainable sites which have been assessed in the SHLAA as having low or minor constraints, located at a village identified as a main village under Policy H4 and adjacent the settlement boundary. The subject site was assessed as part of the Strategic Housing Land Availability Assessment (HLAA250/001) and was discounted principally as a result of access issues (to Cotts Lane). As the SHLAA is a 'live document,' a new access point would result in the suitability of the site being reassessed.

The village of Lugwardine is considered a Main Village under Policy H4 of the Herefordshire UDP and as such is a sustainable location to take further development. As the site is outside the settlement boundary, the proposal would be subject to assessment against the interim protocol. Although not meeting the criteria of having been assessed as low/minor constraints, if constraints can be overcome, then the interim protocol may be appropriate to apply to this site to bring forward residential development.

Draft Local Plan - Core Strategy Pre-submission

It is worth noting that the draft Core Strategy is currently at pre-submission stage, having been approved by Full Council on the 19th July 2013 as representing the preferred strategic planning document of Herefordshire for the next 20 years ending 2031. Although the Core Strategy has not proceeded to the final 'soundness stage' before examination, policies within the Core Strategy can begin to be accorded weight dependent on contestation of the policies in the determination of planning applications. It should be noted that the Core Strategy continues to recognise Lugwardine as a sustainable settlement which is capable of taking further residential growth.

4.13 Schools organisation and capital investment officer

The comments acknowledge the capacity issue at Lugwardine Primary School, with four year groups presently over capacity. In order to address this capacity issue a financial contribution in accordance with the Planning Obligations SPD is sought.

5. Representations

5.1 Bartestree & Lugwardine Parish Council: Objection. The detailed comments are summarised below.

A considerable number of residents in Bartestree and Lugwardine are of the opinion that the villages would lose their current rural feel if further large developments were to take place beyond the considerable amount that has taken place in the previous two plan periods. The group parish currently holds the position of the third largest village in Herefordshire.

They are also incensed that Herefordshire Council has failed to protect them from the present/imminent development by not being able to demonstrate the five year housing supply required by the National Planning Policy Framework and thus rendering the saved Unitary Development Plan policies H1 and H4 ineffective.

Historically, whilst Lugwardine was listed as a main village under Unitary Development Planning policy H4, this plot of land has not had a strategic Housing Land Availability Assessment (SHLAA) of low/minor constraints and does not meet the criteria adopted by Herefordshire Council in July 2012 to allow exemptions to UDP Policy H7.

Whilst meeting the basic (access) criteria, this application takes no account of the volume of traffic using the A438 travelling at speeds regularly in excess of the speed limit. There are bends at the limit of the visibility splay in both directions and the access is located on a steep gradient.

In this context stopping distances, particularly for HGVs are a cause for concern.

It is very difficult to see how a modern development of 30 dwellings could be integrated into the historic context, which is a traditional Herefordshire village.

The site is thought to be part of a former Quarry, and has been in-filled with waste materials, which may question the suitability of the site from a human health and stability perspective.

There are concerns that the current infrastructure would not support the development in terms of water supply, sewerage and surface water disposal. Low water pressure is already reported locally.

5.2 63 letters of objection have been received from local residents. The content is summarised as follows:

- The access passes between two dwellings before emerging onto the busy A438. Visibility is limited in both directions.
- Stopping distances are inadequate when the gradient is considered. Traffic waiting to enter the site will shorten the stopping distances, which is considered dangerous in the context of significant levels of HGV traffic.
- Bartestree and Lugwardine have a primary and secondary schools. At drop-off and pick up times traffic congestion can be severe, with queues on the A438 and surrounding roads. Additional traffic in this context is considered a threat to highway and pedestrian safety.
- Pavements in the vicinity of the application site are poor.
- Although the bus service is better than many, it is not sufficient to induce people to shift from cars to public transport.
- There are relatively few amenities in Lugwardine beyond the pub and church. The Bartestree stores are a mile walk away along the main road and mostly uphill.
- There is no employment locally, meaning that the village is increasingly a commuter village for Hereford and employment opportunities further afield.
- The application site is an important open space forming a transition between historic properties fronting the A438 and the parkland associated with New Court. The loss of this space would represent an irrecoverable adverse impact on the setting of the village.
- Water pressure is already low, storm drains at capacity and sewers known to back up. These conditions represent a threat to the water quality of the River Lugg/Wye SAC, which is known to be failing in part.
- The site is thought to be part of the former quarry and in-filled with material that may be prejudicial to human health, water quality and land stability.
- The submitted ecological survey is not fully representative of the flora and fauna interests associated with the site. Bats, barn owls and other birds are regular visitors to the site.
- The development is simply too large to integrate effectively with the existing village.
- The development will adversely impact on the setting of adjoining listed buildings.
- The development is made in outline and it is difficult to properly assess the full impact of the scheme upon the character and appearance of the village and wider landscape.
- The primary school is at capacity and cannot extend further without compromising the play space.
- The development is likely to put additional pressure on Cotts Lane as a secondary means of access into Hereford via the Worcester Road. Cotts Lane is narrow and with limited passing opportunities.

- The scheme could be a precursor for a larger development. Although specified as 30 dwellings, the density is comparatively low and could be increased without exceeding density guidelines.
- The acknowledged adverse impacts outweigh the limited public benefit that accrues from the 10 affordable homes.
- There was no pre-application consultation with the community.

5.3 River Lugg Internal Drainage Board has no objection subject to the conclusion of percolation tests that demonstrate soak-aways will be feasible.

5.4 The consultation responses can be viewed on the Council's website by using the following link:-
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-
www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

6.1 The application seeks outline planning permission for the erection of 30 dwellings on land outside but immediately adjacent a main village's settlement boundary (Policy H4 of the UDP). The application, in common with many considered by Planning Committee recently, is submitted against the backdrop of a published absence of a 5-year housing land supply as required by the National Planning Policy Framework (2012).

6.2 In response to the acknowledged deficit the Council introduced an interim protocol in July 2012. This recognised that in order to boost the supply of housing in the manner required it would be necessary to consider the development of sites outside existing settlement boundaries. The protocol introduced a sequential test, with priority given to the release of sites immediately adjoining settlements with town or main village status within the UDP. For proposals of 5 or more, the sites in the first rank in terms of suitability would be those identified as having low or minor constraints in the Strategic Housing Land Availability Assessment (SHLAA).

6.3 The position as regards the scale of the housing land supply deficit is evolving. Whilst the latest published position confirms a deficit, the magnitude of deficit reduces if all sites that are identified as suitable, achievable and available are taken into account. This presupposes, however, that these sites will come forward within 5 years and that they will be given planning permission. As such, it remains the case that for the purposes of housing delivery the relevant policies of the UDP can be considered out of date. As such, and in accordance with paragraph 14 of the NPPF the Council should grant permission for *sustainable* housing development unless:-

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.*

6.4 The Government's position on this locally has also been confirmed by a recent appeal decision for 35 dwellings at Kingstone. The appointed Inspector made it clear that in the context of a housing land supply deficit there can be no legitimate objection to the principle of development outside the UDP defined development boundary; UDP Policy H4 being out of date.

6.5 There remains a requirement for the development to accord with other relevant UDP policies and NPPF guidance; paragraph 14 makes it clear that the balance between adverse impacts and benefits should be assessed against the policies in the NPPF as a whole. However, in terms of

principle, if the development is acceptable in all other respects, officers consider that the conflict with UDP policy H7 is not a reason for refusal that could be sustained if subject to appeal.

- 6.6 As well as consideration of the principle of developing a green-field site the application raises a number of material considerations requiring assessment against saved UDP policies and guidance laid down in the NPPF. Firstly there is the assessment as to whether the development would represent sustainable development. The NPPF refers to the social, environmental and economic dimensions of 'sustainable development', but does not define the term. In this case the site is considered to represent a sustainable location for development. Although officers recognise that the village does not provide the range of goods and services necessary to sustain a typical household, it should be recognised that Lugwardine is the closest main village to the county's main centre of population (Hereford) and the goods, services and employment opportunities located there. As such, it could be argued that access to these goods, services and employment opportunities is better in Lugwardine than main villages that are more remote from main service centres. This is reflected in the requirement of emerging Core Strategy policies that indicate main villages in the Hereford Housing Market Area should achieve 18% growth over the plan period, compared with 14% and 15% in the housing market areas associated with the market towns.
- 6.7 As the application site is located immediately adjacent to the existing settlement boundary, it is considered sustainable in terms of its location. Officers understand the concerns expressed by local residents in terms of the reliance upon the private motor car to access goods and services, but this argument was not upheld on appeal at Kingstone, which by comparison is more remote from a main population centre and with no better public transport provision.

Vehicular and pedestrian access

- 6.8 The point of vehicular access into the site passes between Croft Cottage and the comparatively modern Green Croft at a point where the A438 ascends in the Ledbury direction towards the centre of the village. Vehicular access direct from the unclassified Cotts Lane has been discounted. Approaching the site entrance from the north-east the highway descends and there is a long left-hand bend just after the junction with Court Orchard. This bend is at the end of the achievable visibility splay, which the Traffic Manager confirms meets the requisite visibility standard for vehicles leaving the sites and also an adequate stopping distance for vehicles approaching that may encounter vehicles waiting to turn into the site against the flow of on-coming traffic from the Hereford direction.
- 6.9 The visibility for vehicles approaching from the north-east will be maximised by ensuring maintenance of the visibility splay associated with Court Orchard, as highlighted by the Traffic Manager's comments above. Although officers are conscious of the objections based on the safety of the proposed junction, the geometry and available visibility splays meet the requisite standards, even when taking into account the highway gradient and associated impact on stopping distances. Likewise, whilst mindful of objections based on the impact of additional traffic, the A438 is a main arterial route. As such officers are advised that objection based on the inability of the network to accommodate the traffic generated could not be sustained. On balance, and having regard to the wider context of housing land supply, officers consider the proposed vehicular access acceptable in accordance with 'saved' UDP Policy DR3.
- 6.10 Officers have also given detailed consideration of the objections based on the lack of integration between the site and the existing village. As well as criticism of the proposed indicative layout, concern has been expressed at the inadequacy of existing footway links. Whilst there is a continuous footway from the site entrance into the village, the limited width of the footway, is a cause for concern. Whilst the footpath could potentially be widened, the elevation above the A438 is likely to require the erection of replacement retaining structures and a pedestrian guard rail. No detailed scheme has been worked up and any improvements would require Approval in Principle from the Highway Authority prior to grant of any planning consent.

- 6.11 Taking the impact of improvement works on the setting of adjoining listed buildings and the operation of the A438 into account, officers are of the view that notwithstanding its narrowness, the existing footpath could remain unaltered. Officers would suggest, however, that an alternative and wider means of pedestrian access onto Cotts Lane, which offers more direct access to the public house and onward to the bus stops and village facilities, albeit on road, should be incorporated at the Reserved Matters stage.

Impact upon landscape character and visual amenity

- 6.12 The application is accompanied by a landscape and visual impact appraisal (LVIA) that concludes that the visual impact of the development, subject to detailed consideration of the scale, layout and architecture, is unlikely to be significant. The application site sits between a row of predominantly period properties and the parkland associated with New Court. It is an attractive open space and yet enclosed for much of its perimeter by mature planting. Although officers accept that development of this site would be visible from the A438 and Cotts Lane, topography, existing planting and existing buildings combine to provide an effective visual screen. Viewpoints submitted with the LVIA reflect the limited number of views into the site from middle and long-distance views, the main impact being glimpsed views from the A438 to the east and Cotts Lane to the north.
- 6.13 The LVIA proposes additional landscaping to the site periphery and landscaping is a Reserved Matter. Having regard to the discrete nature of the site, additional planting proposed and ability to further consider scale, appearance and design at the Reserved Matters stage, officers are satisfied that the proposal would not have an unacceptable adverse impact upon the setting of the village. Officers are satisfied that with due regard to layout, scale and design at the Reserved Matters stage, there should be no unacceptable adverse impact on the setting of the adjoining listed buildings. English Heritage do not object to the proposal in terms of its relationship to the adjoining unregistered park and garden, but recommend additional landscaping on the site perimeter, which as above, can be controlled via condition and at the Reserved Matters stage. On this basis and in the context of the housing land supply deficit the scheme is not considered contrary to 'saved' policies LA2, LA3, LA4 and HBA4 or guidance laid out in the NPPF.

Impact upon residential amenity

- 6.14 The impact upon the living conditions of nearby residents is considered acceptable. Although the submitted layout is illustrative only, and not necessarily reflective of the detailed proposal that may come forward at the Reserved Matters stage, it does demonstrate that thirty dwellings can be laid out on site without requiring undue proximity to the nearest affected dwellings; those lining the A438. Officers are content that in this regard the scheme would comply with 'saved' policy H13 and guidance laid out in paragraph 17 of the NPPF.
- 6.15 The most significant impact on residential amenity arises from the position of the vehicular access relative to Croft Cottage and to a lesser extent Green Croft. Croft Cottage is to the immediate south of the access and the proposed footway adjacent the access road would pass immediately outside the front door to this property. The provision of the footway will also require realignment of the garden fence and relocation of some drainage infrastructure associated with the dwelling. Although both Croft Cottage and Green Croft are within the applicant's ownership, this does not lessen the requirement to consider the relationship. The proposal would result in a noticeable change to the living conditions of residents at this property, imposing a footpath immediately outside the front door alongside an estate road serving 30 dwellings. By comparison with the existing situation, officers acknowledge that the resultant relationship between these properties and access into the development is less desirable. However, in the context of the presumption in favour of sustainable development, the existing impact of passing vehicular and pedestrian traffic on the living conditions at Croft Cottage and Green Croft is not considered severe enough to warrant refusal of the application.

Drainage

- 6.16 Concern has been expressed at the impact of the development on foul drainage infrastructure, water pressure and land drainage. However, the statutory undertaker (Welsh Water) has no objection subject to the separation of foul and surface water run-off. A condition is recommended in the event that outline permission is granted to require the formulation of a SUDs scheme to control surface water and land drainage run-off.

Contamination

- 6.17 The Environmental Health Officer has responded to concern that the application site has been infilled with material potentially hazardous to human health by recommending a condition be imposed requiring the submission, prior to commencement, of a desk study report to assess the likelihood of such material being present. This condition is reproduced in full in the recommendation.

Ecology

- 6.18 As pasture land adjoining a main settlement the application site has an obvious visual appeal and a significant proportion of objectors have also identified concern at the loss of habitat for a variety of flora and fauna. However, the site is not subject to any statutory nature conservation designation and the submitted Ecological Survey confirms that the site does not directly support any European Protected Species. The Council's Ecologist is content with these findings but recommends conditions requiring the provision of bird nesting opportunities on site and a further walkover survey of the off-site pond for the presence of Great Crested Newts. On this basis the proposal is considered to accord with the provisions of 'saved' UDP policies and guidance laid out in Chapter 11 of the NPPF.

Affordable housing provision

- 6.19 The Housing Development Officer is content with the number of units provided, but confirms that the housing mix and tenure type will have to be agreed formally via the S106 agreement. Concern is expressed that the indicative layout does not result in acceptable integration of the affordable and non-affordable elements. Officers accept that this is the case insofar as the indicative layout is concerned, but this can be addressed at the Reserved Matters stage. Nonetheless, the provision of 10 affordable units, in the context of current unmet need, is a material consideration to which weight should be attached. The affordable housing would be allocated on the basis of local connection to Lugwardine and Bartestree in the first instance as per the draft Heads of Terms attached to this report.

Neighbourhood Planning

- 6.20 Concern is expressed that this proposal, together with other large-scale schemes being promoted within Bartestree and Lugwardine, is prejudicial to the formulation of a Neighbourhood Plan and also that schemes of this scale are too large for local infrastructure to accommodate. There is, however, no objection from Welsh Water in terms of the capacity of the foul system or the ability to supply water. Whilst concern at the ability of the local primary school to deal with additional demand is acknowledged, the S106 contribution is in line with the requirements of the Planning Obligations SPD. Moreover, in the context of paragraph 47 of the NPPF, officers do not consider that potential conflict with an emerging Neighbourhood Plan would warrant refusal of this application.

Conclusion

- 6.21 The consultation process has identified numerous concerns with this application, which are summarised at section 5 above. Officers acknowledge these concerns but note also that Lugwardine is an established main village and is likely to remain as such in the emerging Core Strategy. The site is immediately adjacent the settlement boundary (H4) and Lugwardine is identified as a main village in Policy RA1 of the emerging Core Strategy. The site is considered sustainable in terms of its location and although not previously developed, the principle of development can be accepted in the context of the housing land supply deficit. There are no site specific constraints to suggest conflict with the over-arching thrust of the NPPF so far as housing land supply is concerned and the scheme is recommended for approval.

RECOMMENDATION

That subject to the completion of a S106 agreement, officers named in the scheme of delegation to officers be authorised to grant planning permission subject to the following conditions. If the S106 agreement is not completed before 14th January 2014, officers named in the scheme of delegation be authorised to refuse the application under delegated powers on that date.

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. **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.**

6. **The recommendations set out in the ecologist's report dated May 2013 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

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

7. **An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to carry out a walkover survey immediately prior to commencement of works and to oversee any ecological mitigation work which may be necessary.**

Reasons: To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

8. **Prior to commencement of development, a Construction Environmental Management Plan shall be submitted for approval in writing by the local planning authority and shall include timing of the works, details of storage of materials and measures to minimise the extent of dust, odour, noise and vibration arising from the demolition and construction process. The Plan shall identify potential impacts on the River Wye (River Lugg) Special Area of Conservation and be implemented as approved.**

9. **H03 Visibility splays**

10. **H05 Access gates**

11. **L01 Foul/surface water drainage**

12. **L02 No surface water to connect to public system**

13. **L03 No drainage run-off to public system**

14. **I20 Scheme of surface water drainage**

15. **H18 On site roads - submission of details**

16. **H19 On site roads - phasing**

17. **H21 Wheel washing**

18. **H27 Parking for site operatives**

19. **G10 Landscaping scheme**

20. **I16 Restriction of hours during construction**

21. **I55 Site Waste Management**

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. **N02A Section 106 Obligation**
3. **N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
4. **N11C General**
5. **HN10 No drainage to discharge to highway**
6. **HN08 Section 38 Agreement & Drainage details**
7. **HN04 Private apparatus within highway**
8. **HN28 Highways Design Guide and Specification**
9. **HN05 Works within the highway**

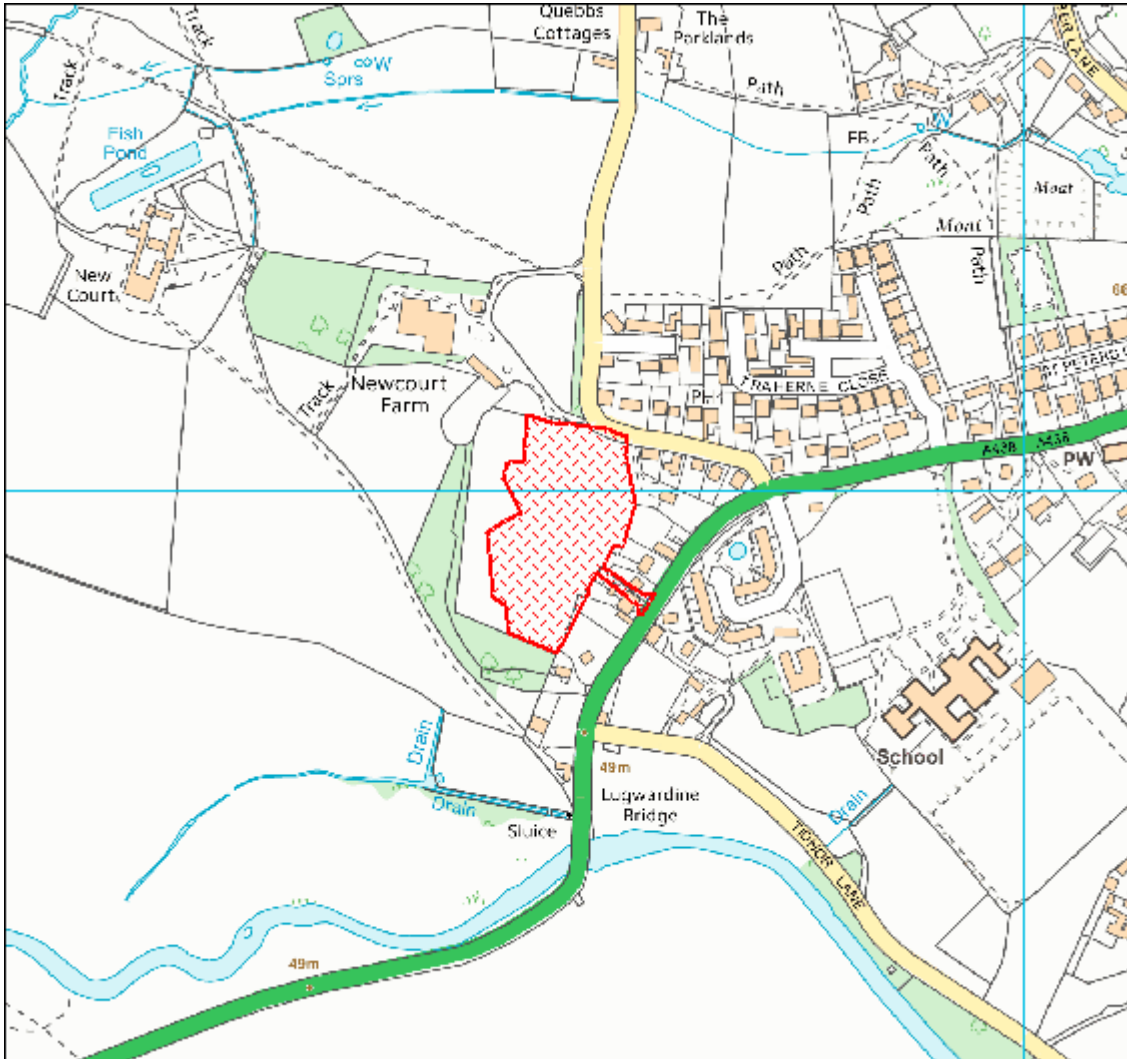
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 131964/O

SITE ADDRESS : QUARRY FIELD, COTTS LANE, LUGWARDINE, HEREFORD

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

Proposed Planning Obligation Agreement Section 106 Town and Country Planning Act 1990

Planning Application 131964/O

Residential development comprising 20 open market and 10 affordable homes at Quarry Field, Cotts Lane, Lugwardine, Herefordshire

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of :

£ 2,845.00 (index linked) for a 2 + bedroom apartment / flat open market unit
£ 4,900.00 (index linked) for a 2 / 3 bedroom house / Bungalow open market unit
£ 8,955.00 (index linked) for a 4+ bedroom open market unit

The contributions will provide for enhanced educational infrastructure, youth service infrastructure, early years childcare insufficiency solutions and the Special Education Needs Schools. The sum shall be paid on or before first occupation of the 1st open market dwellinghouse (or phasing to be agreed), and may be pooled with other contributions.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

£ 1720.00 (index linked) for a 2 bedroom open market unit
£ 2580.00 (index linked) for a 3 bedroom open market unit
£ 3440.00 (index linked) for a 4+ bedroom open market unit

The contributions will provide for sustainable transport infrastructure to serve the development, which sum shall be paid on or before occupation of the 1st open market dwellinghouse 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:-

Safe Routes for Schools

Improvements to sustainable transport facilities

Traffic Calming

Cycling and walking routes

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

£ 235.00 (index linked) for a 2 bedroom open market unit
£ 317.00 (index linked) for a 3 bedroom open market unit
£ 386.00 (index linked) for a 4 / 4+ bedroom open market unit

To be used as be used in consultation with the local community and Parish Council for the improvement of public open space and rights of way.

The sums shall be paid on or before the occupation of the 1st open market dwelling. The monies may be pooled with other contributions if appropriate.

4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

£408.00 (index linked) for a 1 bedroom open market unit
£ 496.00 (index linked) for a 2 bedroom open market unit
£ 672.00 (index linked) for a 3 bedroom open market unit
£ 818.00 (index linked) for a 4 / 4 + bedroom open market unit

(contribution based around the requirements of the Sport England Sports Facilities Calculator). This would be used in accordance with Sport England accepted access thresholds of a 20 minute drive time in rural area and on identified projects to improve quality and quantity of existing facilities. This would include facilities in Hereford. Priorities would be identified nearer the time of receiving the contribution in accordance with the finding of the Indoor Facilities Strategy for Hereford which includes the Leisure Centre and Swimming Pool and the Playing Pitch Assessment for Hereford and emerging Investment Plan.

5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of

£120.00 (index linked) for a 1 bedroom open market unit
£146.00 (index linked) for a 2 bedroom open market unit
£198.00 (index linked) for a 3 bedroom open market unit
£241.00 (index linked) for a 4/4+ bedroom open market unit

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

6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of *£120 (index linked) per open market dwelling*. The contribution will provide for waste reduction and recycling in Hereford. The sum shall be paid on or before occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.
7. The developer covenants with Herefordshire Council that 10 of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations. Of those Affordable Housing units 5no. shall be for social rent and 5no. for intermediate tenure.
8. 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.
9. The Affordable Housing Units must be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-

- 9.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
- 9.2 satisfy the requirements of paragraph 12 of this schedule
- 9.3 The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of who has:-
 - a local connection with Lugwardine and Bartestree
 - Cascading to the surrounding parishes of Hampton Bishop, Holmer, Mordiford and Dormington or Withington.
10. In the event there being no person with a local connection to any of the above parishes any other person ordinarily resident within the administrative area of Herefordshire Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 10.3 above
11. For the purposes of sub-paragraph 11.3 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
 - is or in the past was normally resident there; or
 - is employed there; or
 - has a family association there; or
 - a proven need to give support to or receive support from family members; or
 - because of special circumstances
12. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to a subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
13. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 3 of the 'Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes' or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
14. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3, 4, 5 and 6 above for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.

15. The sums referred to in paragraphs 1, 2, 3, 4, 5 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
16. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
17. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Ed Thomas
Principal Planning Officer
September 2013