

MEETING:	PLANNING COMMITTEE
DATE:	11 DECEMBER 2013
TITLE OF REPORT:	132674/O - RESIDENTIAL DEVELOPMENT AT LAND EAST OF WEOBLEY PRIMARY SCHOOL, WEOBLEY, HEREFORDSHIRE For: Mr Verdin per Mr James Spreckley MRIC FAAV, Brinsop House, Brinsop, Hereford, Herefordshire HR4 7AS
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132674

Date Received: 30 September 2013 Ward: Golden Cross with Weobley Grid Ref: 340844,251242

Expiry Date: 9 January 2014
Local Members: Councillor MJ K Cooper

1. Site Description and Proposal

- 1.1 The site which covers an area of approx. 0.5 of a hectare, is located outside, but adjacent to the recognised settlement boundary for Weobley, a main village in accordance with Policy H4 of the Herefordshire Unitary Development Plan. The site is located alongside the Weobley Conservation Area and is not subject to any landscape designations.
- 1.2 The site is situated on an approach road to Weobley, within close proximity to the village's Primary and Secondary schools (situated alongside the site's western boundary, and separated from by a native hedgerow and ditch), and on the northern side, is adjoined by the C1094 public highway, from which it is separated by a native species hedgerow. The site forms part of a field laid down to a crop of autumn sown corn, on the eastern side, the site is adjoined by other fields. Alongside the southern boundary is a school playing field.
- 1.3 The application proposes the construction of 15 dwellings, and associated access road. The breakdown of the dwellings in relationship to amount of bedrooms is 8 – four bed units, 2 – three bed units and 5 affordable units, which consist of 3 – two bed units and 2 – three bed units.
- 1.4 The application is made in 'outline' with appearance, landscaping, layout and scale reserved for future consideration.
- 1.5 The application is accompanied by a Landscape and Visual Impact Assessment, ecological survey and indicative layout plans for illustration purposes. Also accompanying the application is a Draft Heads of Terms drawn up in accordance with Section 106 of the Town and Country Planning Act 1990 in-line with the Council's Supplementary Planning Document on Planning Obligations. This is attached as an appendix to the report.

- 1.6 The application site was subject to assessment in accordance with the Strategic Housing Land Availability Assessment and considered as suitable for housing development. However at the time of the assessment considered to have significant constraints, due to the land on opposite side of the adjacent C1094 public highway not being developed. On 5th June 2013 planning permission was granted for 8 affordable housing units, alongside the road frontage of this land subject to planning approval ref: N123065/F.

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
S10	-	Waste
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
T8	–	Road hierarchy
NC1	–	Biodiversity and development
NC6	–	Biodiversity Action Plan priority habitats and species
NC7	–	Compensation for loss of biodiversity
NC8	-	Habitat creation, restoration and enhancement
NC9	-	Management of features of the landscape important for fauna and flora.
HBA6	-	New development in Conservation Areas.

2.3 Supplementary Planning Guidance

- Weobley Parish Plan
- Provision of affordable housing, (updated November 2004) and subsequent technical updates
- Planning Obligations

2.4 Herefordshire Local Plan Core Strategy

SS1	–	Presumption in favour of sustainable development
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Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

- 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

2.5 Neighbourhood Planning

Weobley Parish Council has successfully applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The Parish Council will have the responsibility of preparing a Neighbourhood Development Plan for the area. There is no timescale for proposing/agreeing the content of the plan at this early stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy.

- 2.6 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 96/0648 – New 6 classroom primary school, nursery and playing field. – Approved 31st October 1996. (Part of the playing field formed part of the site subject to this application).

4. **Consultation Summary**

Statutory consultees.

- 4.1 Welsh Water raises no objections subject to conditions with regards to foul and surfaces water discharges being attached to any approval notice issued.

Internal Council advice.

- 4.2 The Housing Manager raises no objections with consideration to the detail on 'affordable housing', as set out in the Draft Heads of Terms as attached to this report.
- 4.3 The Transportation Manager raises no objections recommending a condition is attached to any approval notice issued with regards to on site secure cycle storage for each dwelling and the attachment of informative notes with regard to necessary works within the adjacent public highway.
- 4.4 The Public Rights of Way Manager raises no objections.

- 4.5 The Parks and Countryside Manager raises no objections.
- 4.6 The Planning Ecologist raises no objections recommending a condition to be attached to any approval notice issued with regards to following the recommendations as set out in Section 5 of the ecologist's report dated August 2013 in relation to the identified protected species and habitat enhancement.
- 4.7 The Waste Manager comments about the internal layout of the site and the requirement for adequate consideration to bin collection points within the site.

5. Representations

- 5.1 Weobley Parish Council has responded indicating:

'The Parish Council was pleased to have the opportunity to hold an open meeting with residents to discuss this application and I am now submitting the Parish Council's comments as follows:

Weobley Parish Council does not have any objections to the development, but would like to see the provision of bike and bin storage within the site. Concerns are raised about traffic and road safety issues outside the schools and the Parish Council requests that there should be a 20mph along the Burton Wood Road to its junction with Hereford Road, together with traffic calming measures and a traffic light pedestrian crossing. With regard to the Section 106 agreement for the affordable housing units the Parish Council requests that the time period for taking up the affordable homes should be increased from 84 working days to 120 working days, following which the offer should be extended to people living in surrounding parishes'.

- 5.2 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 site for the proposed development is located outside but adjacent to the recognised development boundary for Weobley and the application is brought to Committee due to the shortfall in the Council's five year housing land supply.
- 6.2 The application seeks outline planning permission for the erection of 15 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).
- 6.3 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).
- 6.4 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.*

- 6.5 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.
- 6.6 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 on appeal.
- 6.7 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, the village of Weobley providing a range of services considered necessary to sustain a typical household.
- 6.8 With consideration to the services provided in Weobley and the fact that the application site is located immediately adjacent to the existing settlement boundary, the site is considered sustainable in terms of its location.

Other matters

- 6.9 The application is made in outline, with all matters other than access reserved for future consideration. It is noted that the Transportation Manager raises no objections to the proposed development. The indicative layout plans submitted in support of the application for illustrative purposes, indicate that the development of 15 dwellings can be accommodated within the site in a satisfactory manner, in relationship to scale and design with consideration to the surrounding landscape and built environment.
- 6.10 The applicant has agreed to a Heads of Terms to form the basis for a Section 106 agreement under the Town and Country Planning Act 1990 for provision of 35% of the housing on site, as affordable housing in accordance with advice as set out by the Housing Manager and contributions towards local education infrastructure, transport infrastructure, off-site contributions towards improvements of existing play areas and sports facility, waste and library services, as indicated in the Heads of Terms as attached to this report.
- 6.11 The Planning Ecologist raises no objections with consideration to the ecology report submitted in support of the application with the attachment of a condition to any approval notice with regards to following the recommendations as set out in Section 5 of the ecologist's report dated August 2013.

- 6.12 It is considered that landscaping issues can be addressed satisfactorily with the attachment of conditions to any approval notice, in order to ensure the rural character of the site is retained. The Landscape and Visual Impact Assessment submitted in support of the application addresses issues of this nature in an acceptable manner.
- 6.13 Drainage issues have also been considered and it is recommended that conditions with regards to foul and surface water discharges are attached to any approval notice issued as recommended by Welsh Water in response to the application.
- 6.14 It is noted that whilst not objecting to the proposed development Weobley Parish Council have raised concerns about the requirement for traffic calming measures on the public highway that leads past the site, the need for bin and cycle storage on site, and also comment about the time period for advertising affordable housing to local persons. The Draft Heads of Terms as attached to this report indicates financial contributions towards local transportation infrastructure, and detail with regards to affordable housing provision and affordable housing allocation which is standard procedure for all development of this nature in Herefordshire. The issue with regards to cycle and bin storage is addressed via recommended conditions as attached to the report.

Conclusion

- 6.15 The site is immediately adjacent the settlement boundary (Policy H4, of the HUDP) and Weobley 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 as such the application 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 and any other 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. B07 Section 106 Agreement**
- 6. C01 Samples of external materials**
- 7. H29 Secure covered cycle parking provision**
- 8. G10 Landscaping scheme**
- 9. G11 Landscaping scheme - implementation**
- 10. L01 Foul/surface water drainage**
- 11. L02 No surface water to connect to public system**
- 12. L03 No drainage run-off to public system**

13. No timber panel fencing will be installed alongside the rear or front elevations of the dwellings hereby permitted.

Reason: In consideration of the visual impact on the surrounding area and to comply with Policies HBA6 and LA2 of the Herefordshire Unitary Development Plan.

14. Provision will be made within the curtilage of each dwelling for adequate means of refuse storage in accordance with detail to be submitted in support of the future 'Reserved matters' application in connection to the development hereby approved.

Reason: With consideration to adequate means of refuse collection and to comply with Policy S10 of the Herefordshire Unitary Development Plan.

15. The recommendations set out in Section 5 the ecologist's report dated August 2013 must be followed in relation to the identified protected species and habitat enhancement. Prior to commencement of the development, a full working method statement together with a habitat enhancement plan must be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works must be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

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 NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006

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, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. HN04 Private apparatus within highway

3. HN05 Works within the highway

4. N11C General

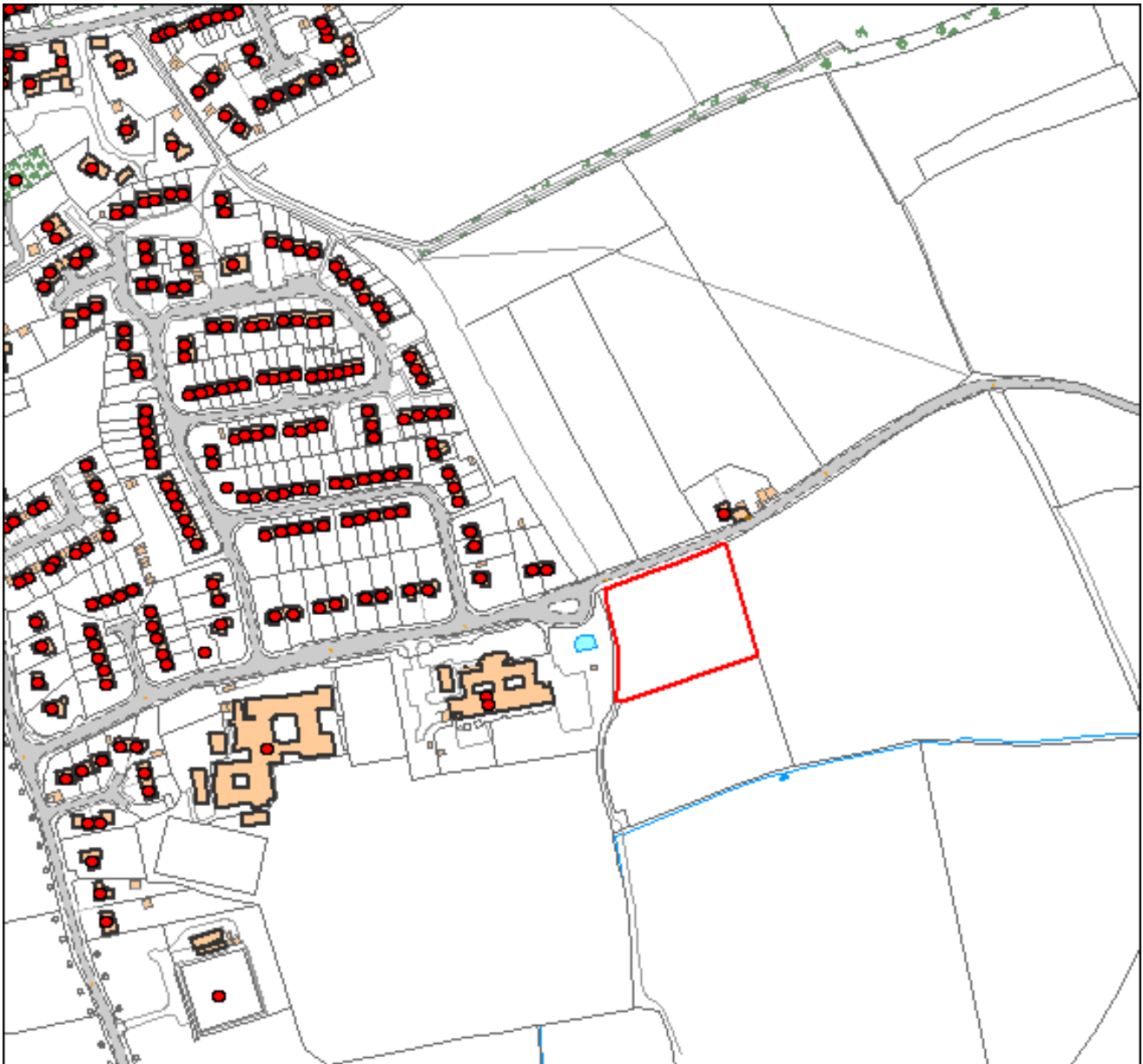
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 132674/O

SITE ADDRESS : LAND EAST OF WEOBLEY PRIMARY SCHOOL, WEOBLEY, HEREFORDSHIRE

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DRAFT HEADS OF TERMS

PROPOSED PLANNING OBLIGATION AGREEMENT

Section 106 Town and Country Planning Act 1990

Pre- Planning Application

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 on general market units only.

Residential Development (erection of 15 dwellings) incorporating 35% affordable on land east of Weobley Primary School, Weobley, Herefordshire.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of (per open market unit):

£1,761	(index linked) for a 2 bedroom apartment open market unit
£3,001	(index linked) for a 2/3 bedroom open market unit
£5,844	(index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at Weobley High School, Post 16, Youth Services and Special Education Needs. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sums of (per open market unit):

£2,458	(index linked) for a 2 bedroom open market unit
£3,690	(index linked) for a 3 bedroom open market unit
£4,917	(index linked) for a 4+ bedroom open market unit

to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

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

- a) Traffic calming and traffic management measures in the locality
- b) New pedestrian and cyclist crossing facilities
- c) Creation of new and enhancement in the usability of existing footpaths and cycleways connecting to the site
- d) Provision of and enhancement of existing localised bus infrastructure
- e) Public initiatives to promote sustainable modes of transport
- f) Safer routes to school

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of (per open market unit):

£965	(index linked) for a 2 bedroom open market unit
£1,640	(index linked) for a 3 bedroom open market unit

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

£2,219 (index linked) for a 4+ bedroom open market unit

To provide an off-site contribution towards the improvement of the existing play areas at Hopelands and Park View, Weobley The sum shall be paid on or before the commencement of development, and may be pooled with other contributions if appropriate.

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

£496 (index linked) for a 2 bedroom open market unit
£672 (index linked) for a 3 bedroom open market unit
£818 (index linked) for a 4+ bedroom open market unit

for sports (contribution based around the requirements of policy H19 and RST4 of the UDP and Sport England Sports Facilities Calculator). The monies shall be used by Herefordshire Council to improve indoor and outdoor sports facilities in the locality in accordance with the draft Playing Pitch Assessment. The sum shall be paid on or before the commencement of development, and may be pooled with other contributions if appropriate.

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

£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+ bedroom open market unit

The contributions will provide for enhanced Library facilities. 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 35% (5 units – on basis of development of 15) of the residential units shall be “Affordable Housing” which meets the criteria set out in Policy H9 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
8. Of those Affordable Housing units, at least 2 shall be made available for social rent with the remaining 3 being available for intermediate tenure occupation.
9. 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.
10. 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:-:
- 10.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and

- 10.2 satisfy the requirements of paragraphs 11 & 12 of this schedule
- 11 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:-
- 11.1 a local connection with the parish of Weobley
- 11.2 in the event of there being no person having a local connection to the parish of Weobley a person with a local connection to one of the following parishes: Pembridge, Sarnesfield, Norton Canon, Yazor, Kings Pyon and Dilwyn' and Brinsop and Wormsley
- 11.2 in the event of there being no person with a local connection to a relevant parish referred to in sub clauses 11.1 and 11.2 above 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 above.
- 12 For the purposes of sub-paragraph 13.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
- 12.1 is or in the past was normally resident there; or
- 12.2 is employed there; or
- 12.3 has a family association there; or
- 12.4 a proven need to give support to or receive support from family members; or
- 12.5 because of special circumstances;
- 13 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.
- 14 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.
- 15 In the event that Herefordshire Council does not for any reason use the sums 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.
- 16 The sums referred to in paragraphs 1, 2, 3, 4, 5 and 6 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.

Philip Mullineux
Planning Officer
20th August 2013.