

MEETING:	PLANNING COMMITTEE
DATE:	19 FEBRUARY 2014
TITLE OF REPORT:	<p>132624/O - ERECTION OF UP TO 13 NO. RESIDENTIAL DWELLINGS ALONG WITH ASSOCIATED VEHICULAR AND PEDESTRIAN ACCESS, INTERNAL ACCESS ROADS, CAR PARKING INCLUDING GARAGING, LANDSCAPING INCLUDING REALIGNMENT OF EXISTING HEDGEROW, DRAINAGE AND OTHER ASSOCIATED WORKS. AT LAND OFF CHURCH WAY, HOLMER, HEREFORD,</p> <p>For: Mr Hankins per Pegasus Group, Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, Gloucestershire, GL7 1RT</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132624

Date Received: 20 September 2013 **Ward: Burghill, Holmer and Lyde** **Grid Ref: 350642,242332**

Expiry Date: 20 December 2013
Local Members: Councillor SJ Robertson

1. Site Description and Proposal

- 1.1 The application site lies immediately to the north of Church Way, an unclassified highway that connects with the A49 just north of the 'Starting Gate' roundabout in the north of the city. The site is rectangular in shape and 0.49 hectares in size. Its boundaries are formed by mature landscape hedgerows to the north, south and west. The A49 lies immediately to the west, open fields to the north, a residential property (Roselofts) to the east and the dwellings that front Church Way to the south.
- 1.2 The proposal is an outline application for up to 13 dwellings that would comprise a range of house sizes, including family housing. This would equate to a density of approximately 26 houses per hectare. The application includes a very detailed design and access statement that fully assesses the site and its context and provides indicative layouts, design and planting / landscaping plans in addition to the Planning Statement, Ecology Appraisal, Transport Statement, Landscape and Visual Impact Assessment that informed the development proposals. A Heads of Terms was also provided and is appended to this report.
- 1.3 The application reserves the matters of Appearance, Landscaping, Layout and Scale for future consideration with only Access being considered in full as part of this application. Access to the site is in a position some 91m from the junction of the A49. Revised plans were received in January 2014 following discussions about concerns raised by the Transportation Manager and local residents. These plans detail the localised widening of Church Way to a minimum 4.5m

to address inconsistency in the width of the road where this narrows slightly. This plan is also accompanied by a landscape concept plan that shows the entire hedgerow to be translocated to improve forward visibility along Church Way when gaining access from the A49.

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

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

2.2 Herefordshire Unitary Development Plan (UDP)

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
H4	-	Main villages: settlement boundaries
H7	-	Housing in the countryside outside settlements
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 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 121013 - Erection of 9 bungalows (sheltered housing) and access road – Refused 12 October 2012.

3.2 CW2002/0306/G - Removal of Section 52 Agreement restricting new dwelling or mobile Home (attached to SH890240PF) – Approved – 28th November 2002.

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water recommend that conditions and advisory notes be attached to any planning permission.

4.2 The Highways Agency makes the following comments:

The Highways Agency responded to a previous planning application (ref: 121013/F) offering no objection for nine dwellings on this site, but asked that a direct field access to the A49 be closed off as part of the development. This application was subsequently refused by the Council.

The safety record in the vicinity of the existing Church Way junction is good and given the size and nature of the development, there is unlikely to be any impact on the operation of the A49.

The latest plans show the retention of the field access off the A49 just north of the junction. This access would be made redundant by the proposed development, we therefore require this to be closed off.

With regard to drainage, the proposal intends to implement sustainable drainage measures to deal with surface water run-off. As the existing topography of the site falls towards the north-west corner and the A49, the Highways Agency seeks consultation during reserved matters on details of the proposed drainage regime.

The proposed layout of the site may lead to the erection of dwellings close to the western boundary of the site, adjacent to the A49. The A49 is a busy route and may lead to a breach in noise and/or air quality thresholds. As referred to in para. 45 - 48 of DfT Circular 02/2013, developers must ensure the environmental implications of their proposals satisfy the requirements of the consenting authorities. Consequently, I would suggest the your Council raise the issue of noise and air quality, ensuring that the developer has/will adequately consider such impacts.

Accordingly, the Highways Agency has no objection to the proposals, subject to the closure of the existing field access. Please find attached a TR110 form confirming our response. We look forward to receiving information regarding site drainage at reserved matters stage.

Internal Consultation Responses

4.3 The Transportation Manager initially commented on the proposed development as follows:

Recommends that the proposal is unacceptable for the following reasons:-

It is noted that access is for consideration under this application, with all other matters reserved.

The application proposes on Drawing H450/04 access junction arrangements including the widening of Church Way to 5.5m (scaled) and provision of a 2.0m footway along the north side of Church Way, with earthworks beyond the proposed footway requiring removal of the full length of hedge. That drawing also does not continue to A49 junction, or show where the proposed widening and footway is to end. This junction proposal is at conflict with the Indicative Landscape Strategy drawing H0363_10_A which only shows hedge relocation along the proposed visibility splay of 40m. Insufficient and conflicting detail has been provided in respect of the access proposals.

Church Way suffers from on street parking, often reducing the road to a single lane on the northern side for much of the length of the site. Whilst the proposed 2.4m x 40m visibility splays would be likely to suffice for stopping sight distances with the current width of Church Way and the traffic calming provided by parked vehicles, the restricted visibility of 40m with the hedge remaining may result in drivers being unable to see to A49 junction beyond the parked vehicles before emerging and to pull out in conflict with oncoming vehicles. I would add that widening of Church Way as indicated may result in increased speeds and potentially its desirability as a "rat run", and would also potentially result in drivers trying to achieve two-way working past the parked vehicles. A Section 38/278 Agreement would be required in respect of the adoptable road and for any alterations to Church Way

Whilst the submitted layout is indicative, I would comment that the proposed private drive to Plots 1 to 5 is too close to the site access junction and could potentially involve sharp braking as vehicles leave Church Way. The private drive arrangement proposed will also result in lengthy refuse carry distances. The road at 5.5m is wider than we would normally seek for this number of properties, which would be 4.8m. Parking for 4 bed properties should be two spaces plus garage.

4.4 Following the receipt of amended plans the Transportation Manager now comments as follows:

Details shown on Drawing H450/05 Proposed Access Arrangements and Minor Localised Carriageway Widening of Church Way and H. 0363_10_B Landscape Strategy (subject to bank regarding as necessary to accommodate widening and visibility splay) are acceptable.

Recommendation is for approval subject to conditions as previously advised CAB(2.4x40m) CAE CAH (dwellings) CAJ CAL CAQ CAR CAT CAY (construction traffic) via Church Way to/from A49, CAZ and CB2 with informatives I05 and I45

4.5 The Conservation Manager (Historic Buildings) makes the following comments:

This application site was the subject of a previous rejected application for 9 single-storey sheltered housing units last year. This application shows that a more extensive analysis of the site and its surroundings has been carried out though it is only for an Outline Consent with all matters reserved except the access.

In terms of the local historic environment there are several listed buildings to the north-west and north-east of the site. To the north-west the Church of St Bartholomew is grade I and its

detached bell tower is grade II, along with a churchyard cross and a tomb also at grade II. To the north of the churchyard is the grade II Holmer House. To the north-east of the site is Copelands which is grade II listed and can be seen from the A49 across the intervening fields.

As has been stated previously, this is a gateway site, being the last field before the buildings of Hereford begin on the east side of the A49, and therefore has a significant public impact. Combining this fact with the number of listed buildings in the area means that development on this site must be both sensitive and of high quality. It is important to ensure that the design, scale and layout enhance the entrance to Hereford and also the settings of the various heritage assets.

The indicative layout shows that the north row of dwellings presents its front elevation to the north thus providing a more welcoming view when travelling south on the A49. The south-west corner has a dwelling that faces onto the corner, again to make a more direct connection. However the west boundary of the site only has side elevations and this is considered unsatisfactory being out of character with the area.

The impact on the various listed buildings and their settings cannot successfully be fully assessed due to the Outline nature of the application. Whilst much headway has been made in terms of design in comparison to the previous scheme, it is considered that there is insufficient certainty in anything other than the access (due to the type of consent required) for support to be given. Further work needs to be carried out on the layout and the full appreciation of the scheme from the public vantage point.

- 4.6 The Conservation Manager (Ecology) made the following comments on the original submission:

I have read the ecology report from James Johnstone Ecology dated September 2013 and I agree with its findings and recommendations. 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*".

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

- 4.7 The Conservation Manager (Ecology) made the following comments on the revised plan detailing the translocation of the entire hedgerow:

The amended landscape plans etc. do not materially affect my previous comments on ecology.

- 4.8 The Waste Operations Team leader makes the following comments:

The current access onto the development for a refuse collection vehicle is not ideal due to the lack of a turning circle. I would suggest that the road surface of the private driveways would not be suitable for a 26 tonne vehicle to access over each week and therefore to prevent damage to the road surfaces and prevent the need to perform a reversing manoeuvre from Church Way I would request that Street 1 and the adoptable standard of this road be extended to incorporate a turning circle acceptable for a 26 tonne RCV (in accordance with guidance laid out in the Guidance document for developers available on the council's web site.)

5. Representations

- 5.1 Holmer and Shelwick Parish Council made the following comments about the original submission and commented that Further to notification of amended documentation for the above planning application, I confirm that Holmer and Shelwick Parish Council previously submitted objection and comments remain unchanged.

Holmer and Shelwick Parish Council has consulted neighbouring residents and, in support of local feeling, objects to the above application for the following reasons:

- Road safety: the development would exacerbate an existing severe problem of traffic congestion and speeding vehicles, primarily caused by Church Way, Attwood Lane and Coldwells Road being used as a short cut at peak rush hour times
- The possibility of rat-running traffic using the new access for undertaking was raised by neighbours
- The impact of construction traffic will also be detrimental to the area and the already poor condition of the road surface
- Loss of privacy for the existing residents with a development of two storey houses opposite
- Residents expressed concern for ecology issues, particularly loss of habitat for wildlife

If Herefordshire Council is mindful to approve the application the parish council would like consideration to be given to putting traffic calming measures in place before the commencement of the development, including the introduction of a 20mph speed restriction along Church Way and Attwood Lane. The parish council would like its ward member, Sally Robertson, to be included in any discussions determining appropriate conditions for the development.

Although the Parish Council resolved to object to the application, there were positive comments regarding the design of the houses and how well they appear to reflect the varied architecture within the area.

- 5.2 15 Letters of objection (12 households) have been received in response to the applications. These raise the following issues / make the following comments:

- Impact on amenity and privacy / overbearing impact on adjacent bungalow
- Intensification of traffic movements on Church Way, a lane that is considered to be overloaded and dangerous at peak times
- Will add to existing traffic congestion and problems on Church Way, including blocking or driveways, damage to cars.
- Current residents don't all have driveways and the offer of parking within the site has no practical advantage to residents
- Danger to pedestrians and vehicles in respect of highway safety, especially for people crossing onto the footpath.
- The road is less than 3.5m in places and is narrow, especially noticeable at rush hours
- Who will own the overspill car parking? Who will manage and maintain this?
- Where is the safe cycle route to and from the site?
- The site is visually prominent on the approach from the A49

- Impact upon wildlife and ecology on the site, with no mention of the birds of prey that use the site. The removal of the hedge could not be achieved without significant works to the banks. The remaining bank would impinge on visibility in any case.
- There is surface water flooding from the land onto church way and this development will add to this.
- The proposal is too dense and the layout cannot accommodate the amount of vehicles and traffic proposed.

5.3 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 key issues for consideration are as follows:

- Principle of development
- Landscape Impact and character of the area
- Setting of the listed buildings
- Highway safety
- Ecology
- Drainage
- Section 106 agreement
- Conclusion and Planning Balance

Principle of Development

6.2 The application seeks outline planning permission for the erection of up to 13 dwellings on land outside of but immediately adjacent the urban settlement boundary of Hereford City. 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 This site was assessed under the SHLAA and designated as being suitable for development, but later in the plan period due to the landscape sensitivity. This designation does not preclude

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

development, but identifies the constraints associated with the site that would need to be overcome.

- 6.5 Very recently, the Council has received an appeal decision for Home Farm, Belmont (Application 122747). This appeal considered in detail the issue of whether the Council could demonstrate the existence of a 5-year housing land supply in the County. The Inspector's decision has now been received and the appeal has been dismissed. Housing land supply was a key part of this appeal and although the Inspector did not provide an indication of the level of supply that he considered currently exists the decision provides a clear indication that the Council currently cannot demonstrate a 5-year housing position and that paragraph 49 of the NPPF is therefore relevant. . An up-to-date position using the Inspector's advice in respect of the elements which should and should not be included within the County's land supply is being produced and will be available by the end of March 2014.

For the purposes of housing delivery the relevant policies of the UDP must 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.*

- 6.6 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.
- 6.7 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.
- 6.8 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 with access to goods and services. It is recognised that the site's location adjacent to Hereford City has good links, services and employment opportunities located in the city and surrounding area. Other roles will be considered further in this report but as the application site is located immediately adjacent to the existing settlement boundary, it is considered sustainable in terms of its location and 'in principle' should be supported.

Landscape Character Landscape Impact and character of the area

- 6.9 Land off Church Way was identified in the Council's Urban Fringe Sensitivity Analysis, published in January 2010, as being of high to medium sensitivity. This means that the site has high value as a landscape resource and key characteristics of the landscape in which it is located are vulnerable to change. Accordingly, the application should be assessed against Saved Policy LA2 of the UDP.
- 6.10 Saved Policy LA3 of the UDP is also relevant given that Church Way is a prominent site on the edge of Hereford. This policy seeks to protect and enhance important visual approaches into

settlements, views of key buildings, open areas into development and green corridors – effectively protecting the setting of settlements.

- 6.11 This site is located on the northern edge of Hereford. The landscape character type is principal settled farmlands. The area is a transition zone between the residential suburbs and the surrounding agricultural land. The A49, forming the west boundary, is a busy approach road into Hereford. Church Way, along the southern boundary, is a narrow turning off the main road and has a distinctly rural character with no footpath on the northern side, no street lights and limited signs. The existing properties on Church Way are a small, brick terrace and a brick lodge building, some of which are shown on early maps (approx. 1880). Historic maps also mark the site as orchard although this is not the case now. The site boundaries are hedgerows.
- 6.12 The council's Urban Fringe Sensitivity Analysis (2009) classifies this site as being of high to medium sensitivity. This means that key characteristics of the landscape are vulnerable to change and have high value as a landscape resource. The document was used to evaluate potential housing sites around Hereford and the high to medium classification means that the site is considered to have significant constraints to development. The site also falls on the edge of the Hereford Enhancement Zone of the Green Infrastructure Strategy (ref. HerLEZ3).
- 6.13 This is a prominent site on the edge of Hereford. Current public viewpoints include the A49, Church Way and public footpath HO3. In response to the previous refusal of planning permission a detailed landscape visual and visual impact assessment was undertaken that identified the key viewpoints and sensitivities and concluded that the development of the site, incorporating necessary mitigation measures, in particular new tree and shrub planting that mature over time, could be successfully accommodated and assimilated into the surrounding landscape without causing significant harm to the landscape character, visual amenity or landscape features of the area. The application submission, although in outline form has moved on significantly from the previous submission and clearly demonstrates that the site can successfully accommodate a development. Careful attention will need to be given to the appearance, layout landscaping reserved for future consideration, but officers are satisfied that the site could accommodate a development of up to 13 dwellings in accordance with the requirements of policies LA2 and LA3 of the Unitary Development Plan and the environmental roles identified in NPPF. It should be noted that there are some issues in respect of residential amenity that would also need to be resolved in future applications, in particular with the adjoining property, Rose Lofts, along with the design and appearance criterion of policies DR1 and H13 of the UDP and the design requirements of NPPF that would respect the local distinctiveness or be appropriate to the transition zone and setting of Hereford City.

Impact on the setting of the listed building (St Bartholomew's Church)

- 6.14 The comments of the Historic Buildings Officer are also noted, and the impact on the setting of the Listed church that lies 100m to the north-west of the application site. Whilst the detail of the development will be of importance, there would be no significant harmful impact on the setting of this listed building and as such it would meet the requirements of policy HBA4 of the UDP. Paragraph 134 of the of the NPPF requires that where there would be less than substantial harm to the significance of a designated heritage asset (Listed Building), then this harm should be weighed against the public benefits of the proposal. Officers are of the opinion that a development can be accommodated, with careful attention to design, siting and layout, without any significant harm to the setting of the listed building.

Highway Safety and impact upon the highway network

- 6.15 It is apparent from the responses received that highway safety and impact from the development are key concerns in relation to the proposed development. Through the application process, there have been discussions with the applicants and highway officers to try and address and resolve some of the concerns that have been raised.

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

- 6.16 Concerns were raised with both the narrowness of the Church Way, the lack of visibility and congestion due to inability to pass the parked cars. Concern was also raised in respect of damage that is done to the parked cars due, in part to the narrowness of the road. As such, the applicants identified the potential to widen the road, but this in itself caused additional concern as road widening may increase traffic speeds along this known 'rat run'. As such, officers and the applicants sought to find a compromise. The revised plans now nominally widen the road so that this would be a consistent 4.5m, eliminating the pinch point. This should ensure that there is sufficient space for vehicles to pass parked cars, but not so wide as to encourage greater speeds. The engineering details of this would be managed by way of a condition and a section 38 / 278 agreement would be required as these works are in the highway.
- 6.17 Another concern raised was forward visibility for vehicles travelling east along Church Way from the A49 due to the proximity of the hedgerow to the carriageway. The eastern part of the hedge was, as part of the original submission, to be translocated behind the required splay and this was agreed. What has now been proposed with the revised landscape strategy is the translocation of the hedge the full length of the southern boundary, with a grass verge / bank alongside the carriageway. Taken together the changes would:
- i) Make it easier for two vehicles to pass, particularly if there is a heavy good vehicle on one side of the road;
 - ii) The re-grading of the bank and relocation of the hedgerow would improve visibility further between the site access and the A49
 - iii) Preserve the character and appearance of Church Way by retaining a hedge on its northern side.
- 6.18 As such officers have concluded that the proposed development will provide a safe and adequate provision for vehicular access from the highway network without detriment to highway safety or to pedestrians, cyclists or public transport. The site is considered to be in a sustainable location on the edge of the site with good access to services, employment and alternative means of travel. As such it would comply with the requirements of policy DR3 of the UDP.
- 6.19 Paragraph 32 of the NPPF makes it clear that decision makers should consider whether safe and suitable access to the site can be achieved for all people; and whether improvements can be undertaken within the transport network that cost effectively limit the significant effects of the development. Development should only be prevented or refused on highways grounds where the residual cumulative impacts of development are severe.
- 6.20 It should also be noted that the Section 106 draft heads of terms secures contributions towards sustainable transport infrastructure to serve the development including improvements to pedestrian / cycling facilities in the area including connectivity and crossing to A49. The ward Councillor and Parish Council are progressing with identifying the key projects in the locality in conjunction with the Planning Obligations Manager.

Ecology

- 6.21 The translocation of the re-grading of the bank has been considered in the application submission, including a translocation method statement. The Council's Ecologist has considered the details submitted and is satisfied that the translocation of the hedge would retain the ecological interests of the site and this would comply with the requirements of those policies in the UDP and NPPF that seek to preserve and mitigate developments. Additional landscaping and mitigation features can also be secured through the reserved matters application in respect of landscaping.

Drainage

- 6.22 Comments about capacity and ability to connect to the mains sewerage have been noted. Welsh Water has been consulted and raises no objection. Full drainage details would be required as part of the Reserved Matters Application and the Highways Agency have also commented that they would comment on this arrangement at reserved matters stage. Surface water drainage would need to be accommodated through a technical solution within the site. Officers are satisfied that this can be adequately dealt with by appropriately worded condition.

Section 106

- 6.23 A Heads of Terms is attached to the this report that has been prepared having regard to the requirements of policy DR5 of the Unitary Development Plan and Supplementary Planning Document – Planning Obligations and in its current form is considered to comply with these policies. Due to the size of the application site being less than 0.5 hectares in size, there is no requirement to provide affordable housing in this instance.

Conclusion and the planning balance

- 6.24 The consultation process has identified a number of concerns arising from this proposal for up to 13 dwellings and these matters have been considered above. The application site lies immediately adjacent to the urban settlement boundary in a location that is considered to be sustainable. Acknowledging that the Council does not have a 5 year Housing Land Supply, paragraph 49 of the NPPF must be acknowledged and the requirements of paragraph 14 of the NPPF must be considered.
- 6.25 The proposals would assist in addressing the shortfall in housing supply within Herefordshire and contribute towards achieving a five year supply of housing. It would also increase choice of housing and accord with the Government's objective to boost significantly the supply of housing. These are important matters which should be given considerable weight in the determination of this application. The development would assist in supporting local services and facilities, as well as the construction industry. These economic considerations should also be given significant weight in determining this application. The recent 'Home Farm' appeal decision also noted that residential development would also provide the Council with additional revenue via the New Homes Bonus. There are also acknowledged highway improvements that would be secured through the granting of planning permission.
- 6.26 These significant benefits must be weighed in respect of any identified harm arising from the development. In this instance, officers would consider that the initial concerns in respect of landscape impact of the development have been successfully addressed and that the highway safety concerns have been carefully considered and also addressed with the amended plans. As such all potential impacts can be successfully mitigated, resolved and solutions secured through conditions or through the Reserved Matters submission and as such, there is a clear and overriding weight of evidence supporting approval of this application which is considered to comply with the requirements of the relevant saved Unitary Development Plan Policies and the National Planning Policy Framework.

RECOMMENDATION

That subject to the completion of a Section 106 Agreement, planning permission be granted subject to the following conditions:

- 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. **C01 Samples of external materials**
7. **G09 Details of Boundary treatments**
8. **G11 Landscaping scheme - implementation**
9. **G14 Landscape management plan**
10. **G15 Landscape maintenance arrangements**
11. **Prior to the commencement of development a hedgerow translocation method statement and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. Works and maintenance shall be carried out in accordance with the approved details.**

Reason: In the interests of visual amenity, landscape and nature conservation having regard to the requirements of policies DR1, H13 and LA6 of the Unitary Development Plan and the requirements of the National Planning Policy Framework.
12. **Prior to any other works hereby approved on the application site are commenced, the proposed access shall be constructed, and road realignment undertaken and visibility splays provided in accordance with the details shown on drawing number H450/05 and those details agreed by conditions H18 below.**

Reason: In the interests of highway safety and to ensure an adequate and acceptable means of access is available during construction and to serve the dwellings hereby approved in accordance with the requirements of policy DR3 of the Unitary Development Plan and the requirements of the National Planning Policy Framework.
13. **H09 Driveway gradient**
14. **H18 On site roads - submission of details**
15. **H19 On site roads - implementation / completion**
16. **G15 Landscape maintenance arrangements**
17. **H29 Secure covered cycle parking provision**
18. **H08 Access closure**
19. **H17 Junction improvement/off site works**
20. **The precautionary mitigation and recommendations set out in the Section 5 of the JJE ecologist's report dated September 2013 concerning birds and further reptile surveys with mitigation should be followed. Prior to commencement of the development, a biodiversity enhancement plan should 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 should 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 NPPF and the NERC Act 2006

- 21. L01 Foul/surface water drainage
- 22. L03 No drainage run-off to public system
- 23. I51 Details of slab levels
- 24. I20 Scheme of surface water drainage

INFORMATIVES:

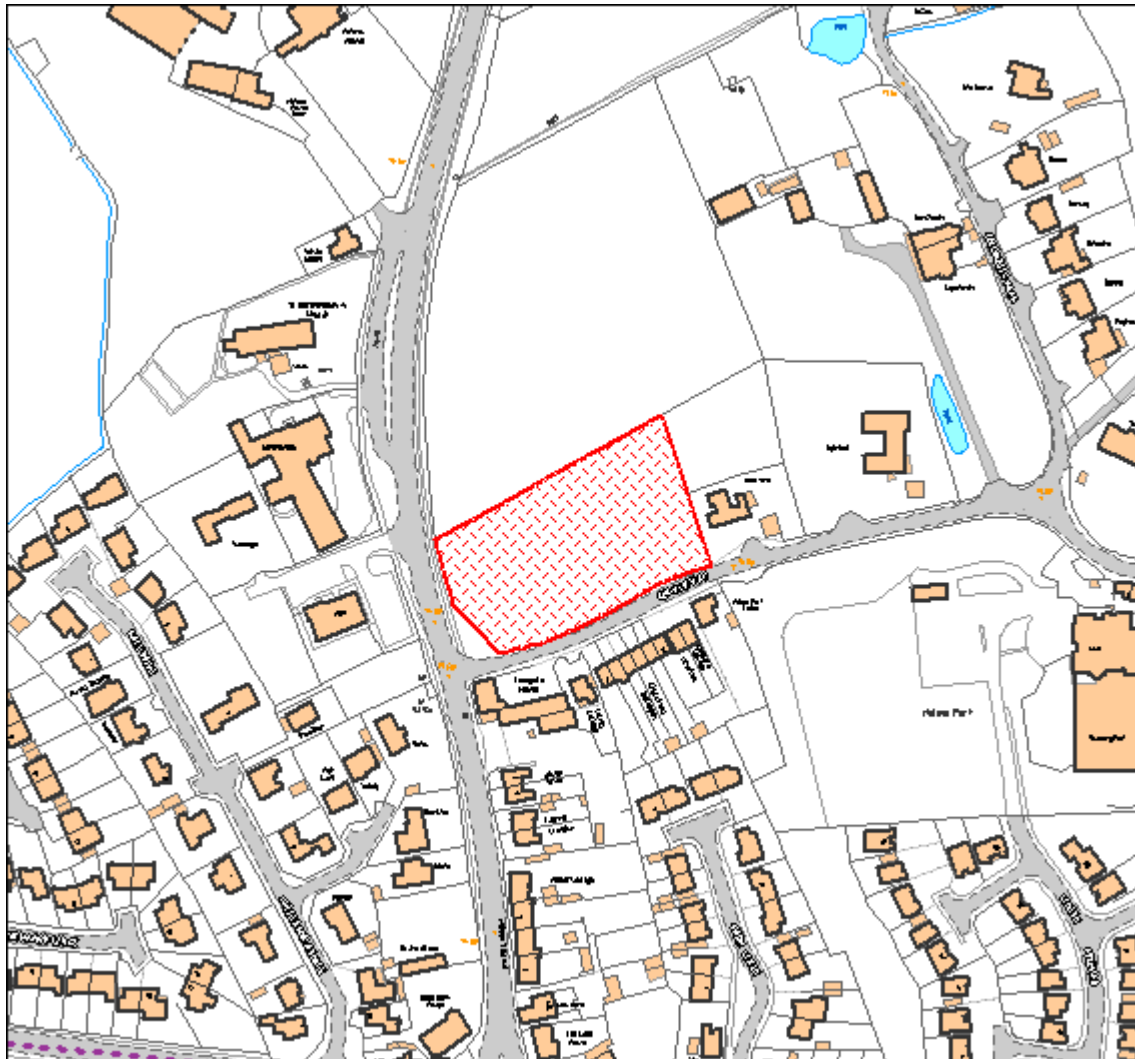
- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2. HN10 No drainage to discharge to highway
- 3. HN08 Section 38 Agreement & Drainage details
- 4. HN01 Mud on highway
- 5. HN28 Highways Design Guide and Specification
- 6. HN13 Protection of visibility splays on private land
- 7. N11C General
- 8. N14 Party Wall Act 1996

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 132624/O

SITE ADDRESS : LAND OFF CHURCH WAY, HOLMER, HEREFORD

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DRAFT HEADS OF TERMS

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

PROPOSED PLANNING OBLIGATION AGREEMENT

Section 106 Town and Country Planning Act 1990

132624/O – Erection of up to 13 no. residential dwellings along with associated vehicular and pedestrian access, internal access road, car parking including garaging, landscaping including realignment of existing hedgerow, drainage and other associated works on land at Land Off Church Way, Holmer , HR1 1LL.

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

- £ 1809.00 (index linked) for a 2 bedroom apartment open market unit
- £ 2951.00 (index linked) for a 2/3 bedroom open market unit
- £ 4953.00 (index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at Broadlands Primary School, St Frances Xavier Primary School, Youth Service with 1% allocated for Special Education Needs (SEN). The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed) and may be pooled with other contributions if appropriate.

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

- £ 1,920.00 (index linked) for a 2 bedroom open market unit
- £ 2,580.00 (index linked) for a 3 bedroom open market unit
- £ 3,440.00 (index linked) for a 4+ bedroom open market unit

provide new highway and sustainable transport infrastructure to serve the development, including improvements to pedestrian / cycling facilities in the area including improved connectivity and crossing to A49 (controlled) and any appropriate Traffic Regulation Orders for alterations in the vicinity of the application site.

The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed) and may be pooled with other contributions if appropriate.

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £21,707 for use towards developing an appropriate play facility (possibly play trail) at Cleave Orchard or to improving play equipment at Wentworth Park.

OR

Provide a play area to meet policy requirements: A development of this size in accordance with UDP policy RST 3 would require 0.02ha. (200 sq m based on a population of 30.2 and 0.8 ha per 1000 population). We would require the developer to provide approx. £10,000 worth of equipment on the facility (calculated using the SPD on Planning Obligations development costs only). The

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design should allow for future development as this amount would not provide a play area with good play value, appropriate design should allow for future additions. A commuted sum would also be sought for future maintenance.

The sum shall be paid / or play area provided 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.

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

- £ 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 bedroom open market unit

(contribution based around the requirements of policy H19 and RST4 of the UDP and Sport England Sports Facilities Calculator). The money shall be used by Herefordshire Council to provide enhanced indoor sports facilities in Hereford City. (priorities identified in the Indoor Facilities strategy for Hereford and Playing Pitch Assessment for Hereford including the Leisure Centre, Swimming pool and Aylestone Park accordance with priorities at the time)

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+ 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. 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.

8. 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.

9. 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

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Section 106 Agreement. The sum shall be paid on or before the commencement of the development.

10. 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.

KG – August 2013