

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>12 MARCH 2014</b>
<b>TITLE OF REPORT:</b>	<p><b>P132230/O - SITE FOR ERECTION OF NINE HOUSES AND ASSOCIATED DEVELOPMENT AT LAND ADJACENT TO CROSS FARM, CREDENHILL, HEREFORDSHIRE, HR4 7DJ</b></p> <p><b>For: Mr Griffiths per Stansgate Planning LLP, 9 The Courtyard, Timothy's Bridge Road, Stratford upon Avon, Warwickshire, CV37 9NP</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132230">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132230</a>

**Date Received: 13 August 2013**

**Ward: Credenhill**

**Grid Ref: 345223,243644**

**Expiry Date: 25 October 2013**

Local Member: Councillor RI Matthews

### **Update to Report**

Following the deferral of this application by the Planning Committee a meeting was arranged and held on the 12<sup>th</sup> February 2014. This meeting was attended by officers, the applicant and agent, a representative of Credenhill Parish Council and the Ward Councillor and focussed upon the mechanism for the delivery of the 'bus lay by' to the north side of the A480.

### Applicant's Offer

In response to this meeting, the applicant's agent has made the following offer for consideration in the determination of this application.

1. The applicant understands the most important issue to the local community concerning this application is the delivery of a bus layby and its associated highway infrastructure, in the interests of highway safety
2. The applicant agrees that the Section 106 agreement is worded to ensure that all financial contributions are directed towards delivering the layby. Furthermore, the scale of "bus layby contribution" is similar to that which would otherwise arise from "conventional" financial contributions spread across a variety of services.
3. A cost sheet was proffered at the meeting that a bus layby located opposite the site might cost about £62,000.
4. I have calculated the scale of conventional financial contributions as follows:

Based on 3 x 4-bed market houses and 3 x 3-bed market houses:

- a) Education contribution = £41,565.
- b) Highway infrastructure contribution = £20,643.
- c) Play area maintenance = £2109.
- d) Waste reduction & recycling = £1080.
- e) 2% monitoring fee = £1308.

Therefore Totaling = £66,705

5. In order to achieve equivalence, I have considered a pro-rata financial contribution towards a bus layby based on the number and size of market houses. But I think such a formula will appear contrived. Furthermore there are other complicated permutations regarding the number and size of market houses, third party landowner issues and whether the final cost of the layby comes to more or less than £62,000.

6. Therefore I suggest the wording be something like "The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £66,700 to provide a new bus layby and associated highway infrastructure works located on the A480 in the vicinity of the application site. The sum shall be paid on or before the commencement of the development and may be pooled with other contributions if appropriate. Herefordshire Council covenants with the developer to return the sum if not spent on the aforementioned bus layby works within 5 years of the receipt of the sum."

7. The remainder of the S106 will relate only to the delivery of affordable housing and meeting reasonable council costs in completing the agreement.

The land that would be required to construct and provide the lay-by is not in Council control or ownership. A letter has been received, via the ward Councillor, from the current landowner, that states:

*'I can confirm that the Reese family are the owners of the land opposite the proposed development at Cross Farm, Credenhill and that we would be prepared to release a strip for land for a very modest fee, to help improve the highway situation alongside the A480 road'*

As the land is not in the control of the Council or applicant, and if this land cannot be secured (for example a change of ownership / prohibitive cost of purchase, legal or cost implications), and works undertaken within 5 years of payment, then this sum would be returned to the applicant. This is considered to be a significant risk, especially as this payment is in lieu of the other contributions that could be secured for improvements to infrastructure locally such as improvements to the local school and play areas, extending cycleways / footways, improving bus stops or other speed reduction measures in the locality.

### Section 106 requirements

In the consideration of this planning application, officers have prepared a Heads of Terms. This has been undertaken having regard to the adopted policies of the Development Plan, in this instance, The Herefordshire Unitary Development Plan (policy DR5) and the Supplementary Planning Document – Planning Obligations. This Heads of Terms is attached to this report and is prepared on a 'per unit' basis as this is an outline application.

In the submission detailed above there have been some assumptions made about the size of properties that would be developed, three x 3 bed and three x 4 bed. The remaining three would be affordable dwellings and as such do not attract financial contributions.

To provide a summary and comparison please find a table below that outlines the contributions for both this scenario and if the reserved matters application seeks to secure six x four bed dwellings. A 2% contribution is also required for the monitoring and enforcement of the agreement.

<b>Contribution</b>	<b>3 x 3 bed and 3 x 4 bed</b>	<b>6 x 4 bed</b>
Education	£41,658.00	£53,970.00
Sustainable Transport	£20,643.00	£23,592.00
Open Spaces / Play	£2,109.00	£2,316.00
Libraries	£1,032.00	£1,446.00
Waste	£720.00	£720.00
<b>Total</b>	<b>£66,162.00</b>	<b>£82,044.00</b>

In addition to the offer, a letter signed by the owner of the land required to construct the bus lay-by has been provided. This confirms that they are willing to offer the land for this purpose.

### Officers Advice on the Offer

Whilst the desire to secure this bus lay by / pull in has clearly been ongoing for a number of years there is still a requirement to consider whether taking a contribution of £66,700.00 to secure this bus lay-by complies with the Community Infrastructure (CIL) regulations. The CIL tests must consider whether the financial contribution to provide this infrastructure complies with the following requirements:

- (a) Is it necessary to make the development acceptable in planning terms?
- (b) Is it directly related to the development?; and
- (c) Is it fairly and reasonably related in scale and kind to the development?

It continues to be your officers opinion that the provision of the bus lay by is not necessary to make the development acceptable in planning terms but that using the 'sustainable transport' element of the contributions listed above towards the improvements to an existing facility (including the layby and possible passenger waiting facilities) would be compliant and this continues to be the officers recommendation in this instance. As such, whilst the negotiations and offer by the applicants are welcomed in response to the strong local views, having considered the legal position in respect of the CIL regulations, lack of certainty regarding ownership or control of the land to undertake the infrastructure improvements, and the loss of contributions required by the adopted policies of the Development Plan, the officers recommendation remains unchanged. However it will ultimately be for the Planning Committee to determine whether the provision of the locally important bus lay-by overrides the advice set out above. It will however be important to consider the reasoning for this and the mechanism by which it can be delivered, including how the owners of the bus lay-by land will be included into any Agreement.

Planning Committee members also raised concern about 'accident records' in the area. The meeting that took place on 12 February established that there was local knowledge of a number of accidents/incidents that may well not have been recorded as such. Notwithstanding this, I have obtained records within a radius of 1km along the A480 in each direction and on Station Road. There are a total of 10 since 2009, 6 of which were attended by a police officer with the remaining being reported by phone. These relate to a variety of locations and incidents / reasons but make no specific reference to the bus waiting etc.

In addition to the above, the treatment of the boundary wall was discussed in some detail at the meeting. The applicant has been advised that the clear preference is for the reconstruction of the wall on a line set back to achieve the required visibility. The applicant has agreed to this in principle and it is recommended that the final detail is reserved by condition.

## **1. Site Description and Proposal**

- 1.1 The application site lies to the north of the main village of Credenhill, accessed from the A480 and located between Well Cottage to the east, the barn conversion complex, Cross Barns, to the west and St Mary's CE Primary School to the south. The site is an irregularly shaped field

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

and is approximately 0.6 hectares in size. The site slopes gently by about 3m from north to south and 1m from west to east. The boundary of the site to the north / north west comprises a stone wall, with three mature horse chestnut trees, whilst the remainder of the site consists of fencing and walling of various types. The southern and eastern boundaries benefit from mature trees.

- 1.2 The proposal is an outline application, with all matters except for access reserved. The application seeks to establish the acceptability of a residential development for 9 dwellings and associated infrastructure. The application is accompanied by a detailed planning statement, ecology report and archaeological appraisal.
- 1.3 An indicative layout is also provided that details 9 plots or 6 detached properties and three terraced properties. The site will provide three affordable dwellings (2 x 2 bed and 1 x 3 bed). A soft landscape amenity space is indicated on the western boundary of the site, with its intention being a 'no-go area' for trees and native habitat enhancement rather than as public open space.
- 1.4 Access to the site is proposed in the position of the existing access, to the west of the northern boundary. A revised plan (drawing number 6991-6 –Rev B) has been submitted that details the preferred rebuilding of the wall behind the visibility splay to a height of 1.2m instead of the previous plan that reduced the height of the wall to 0.5m within the visibility splay.

## **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
H9	-	Affordable 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
HBA4	-	Setting of Listed Buildings
ARCH1	-	Archaeological assessment and field evaluations

### 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 CW2001/0698/F – Proposed new agricultural access to field – Approved with Conditions 7<sup>th</sup> November 2001.

### 4. **Consultation Summary**

#### Statutory Consultees

4.1 Welsh Water: No objection subject to conditions and note position of the mains sewer within the site.

#### Internal Council Advice

4.2 The Transportation Manager makes the following comments:

The site is within a 30mph limit and the site access is proposed at the location of an existing access which is proposed to be improved to serve the development. The five year Personal Injury Accident history 100m either side of the access at the location indicates only one injury accident, involving a single vehicle on the side road to the east rather than on A480.

I have looked at the information within the Design and Access Statement and the indicated visibility splays in terms of Manual for Streets methodology and requirements, which is being widely used generally and by the Planning Inspectorate in the determination of planning

appeals. The achievable 70m visibility to edge of road to the east would exceed the MfS requirements for the speeds that are observed at the location. Visibility to DMRB for 30mph of 90m is available, albeit partially over the access and garden of the adjacent property, Well Cottage. As this forms visibility for their own access, whilst not guaranteed, it is likely to remain. To the west greater visibility is available. Stopping sight distances for drivers approaching from the west of a stationary vehicle waiting to turn right into the access is also achievable. With the on carriageway SLOW markings and approach warning signs for the school and crossing, drivers should be prepared for hazards. The approach carriageway also has high friction surfacing.

Therefore, whilst full DMRB visibility of 90m within their control would be preferable, as MfS standard visibility is to be provided, I consider that a refusal on highways grounds would be likely to be difficult to substantiate and have recommended approval subject to conditions.

The internal layout is considered acceptable, but if the road is to be adopted, the boundary wall will need to be reconstructed to the rear of the visibility splay and land forming the splay to be dedicated as highway. I note however the Design and Access Statement in Paragraph 5.2 states that whilst constructed to adoptable standards, it is intended to remain in private ownership, therefore a Section 38 agreement would not be required. I also note in Paragraph 5.1 that the wall is to be rebuilt 1m further away from the road, whereas the plans show visibility over the wall which is to be reduced in height to 600mm. If lowering of the wall is chosen then this should be for the full length and not just to 600mm height but to a height to ensure that visibility between points 600mm above ground at each end of the splay is achievable, which is likely to be lower. Clarification should be sought in this respect, but the setting back of the wall would be preferable. *(Note: this section of the response has been superseded by the submission of the amended plan referred to in the introduction)*

A larger footway and landing area could then be provided at the crossing, subject to land dedication. The geometric standards for the road set out in Paragraph 5.2 are considered acceptable. Pedestrian dropped kerbs will be required for continuity of the footway across the access.

Garages should be sized appropriately to accommodate cycles and cars (minimum width 3m single, 6m double and minimum length 6m)

The proposed Heads of Terms are acceptable, but I would suggest that speed reduction measures are added to the list of potential uses.

Recommends that any permission which this Authority may wish to give include the following conditions:-

CAB (provision of visibility splays) (as shown on drawing 6991-600) CAE (details of access construction) CAH (details of driveway gradient) CAL (provision and retention of parking and turning) CAQ (details of road construction) CAZ (parking for site operatives)

#### 4.3 The Conservation Manager (Ecology) makes the following comments:

I read the ecological report by Swift Ecology dated August 2013. I accept its findings and agree with the recommendations for protected species and habitat enhancement.

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 European Protected Species are present on a development site, the Local Planning Authority must establish whether the three tests have been met prior to determining this application. If the Wildlife Licensing Unit at Natural England is also happy that these Tests have been satisfied, then an EPS development licence can be granted.

The three tests that must be satisfied are:

That the development is “in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment”.

1. That there is “no satisfactory alternative”
2. That the derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range”

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

4.4 The Council’s Housing team supports the principle of the application which would deliver 3 affordable units for social rent. The house sizes and tenure are all supported. The dwellings are required to be built to Lifetime Homes, DQS and a minimum level of Code 3 for Sustainable Homes.

4.5 The Parks and Countryside Manager makes the following comments:

It is noted that the draft Heads of Terms include a contribution towards off-site POS including local play facilities and recreational rights of way that exist in the vicinity. These details are in accordance with my pre-application comments.

It is noted that the Planning Statement makes reference to a "soft landscaped amenity space measuring 400 sqm" which is not intended to perform the role of POS and instead will be a "no go area". This is to be supported as per my previous comments and the development of a management plan for the long-term management of this area by future residents is welcomed

4.6 The Conservation Manager (Archaeology) has received the Archaeological Assessment and confirms that this resolves all outstanding matters and that no conditions are needed.

## **5. Representations**

5.1 Credenhill Parish Council make the following comments:

The Parish Council wish to OPPOSE the planning application for the following reasons:

1. The Safer Roads Partnership report shows that for the period 23 October to 27 November 2012 that the average number of vehicles travelling through this location over a 24 hour period is 5,794. The parish council has grave concerns that the location of the entrance to the development, will cause further accidents to those using the A480. Many motorists do not comply with the 30 mile per hour speed limit and we are concerned that vehicles pulling out of the development towards Hereford will increase the accident rate for this area.
2. The parish council strongly question the visibility distances as shown on the proposed access plan. The figures given do not take into account the reduced line of visibility when the owners at Well Cottage park their cars on their drive. Also worth noting is the visibility towards Station Road which will also be reduced due to a large hedge on the roadside at 2 Cross Barns. We note the comments made in the planning statement by Adrian Smith (Highways officer) that ‘the 70m visibility to edge of road would JUST meet the MfS minimum requirements for the speeds that are indicated at the location’.

3. The bus stop bound for Hereford is also a cause for concern as vehicles have to remain stationary behind the bus whilst passengers get on. This has been a problem for a number of years as vehicles travelling to Hereford around the bend have very limited time to stop. This added to the extra traffic joining the highway from the development can only cause more difficulties. The parish council would stipulate that a bus layby be created as mentioned in the planning statement item 5.9. This would allow the bus to pull off the highway and rejoin when safe to do so.
4. Please note the bus stop shown on the proposed access plan is incorrect. The stop is actually further along near to 3 Cross Barn, closer to the junction with Station Road.
5. This area is also used by local pedestrians especially school children who walk to school. Many parents are worried about the effect of another junction being added to the area.
6. Residents have informed the parish council that the sewerage system is already causing regular problems in this area and the field floods with raw sewerage as the main drains are unable to cope.
7. The buildings next to and opposite the proposed development are listed. Any development within this area would need to be sympathetic and in keeping with the rural area.
8. The parish council query whether this is an over developed site and if the number of houses should be reduced.

5.2 9 letters of objection have been received that raise the following issues:

- Highway safety concerns including examples such as:
  - speed limits not observed
  - Position of bus stops in such close proximity to the access along with pedestrian crossing and other junctions and accesses causes conflict / accidents
  - Traffic queues behind the waiting buses, causing cars to pull out or to brake suddenly, especially when they meet a queue; they also restrict visibility.
  - Surrounding accesses are already difficult and dangerous to manoeuvre around.
  - High number of accidents in vicinity
  - Large number of additional cars using the access for 9 dwellings
  - Development would be hidden between two bends
  - Does not take into account loss of visibility due to trees
  - Near to local school with a lot of pedestrian movements
- Impact of development of the character of the listed barns and area
- Numbers of dwellings proposed is out of character with the area and village infrastructure would not cope
- The field provides a visual break and the development will blur the edges of the village.
- Loss of privacy to adjoining dwelling
- Impact on wildlife and protected species such as bats
- Lack of sewerage capacity as demonstrated with blockages in last 5 years. Additional load would cause health hazard.
- Potential for surface water flooding

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:-

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



## 6. Officer's Appraisal

6.1 The application falls to be considered having regard to the following matters:

- 1) Principle of development
- 2) Access and Highway Safety
- 3) Impact of development upon the character of the area and amenities of residents
- 4) Impact upon the setting of the listed buildings
- 5) Ecology
- 6) Drainage
- 7) Section 106 Agreement

### Principle of Development

6.2 The application seeks outline planning permission for the erection of 9 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 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. 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.

6.5 Notwithstanding this, it remains the case that 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 Credenhill is a main village and has good links to the County's main centre of population (Hereford) and the goods, services and employment opportunities located there. Other roles will be considered further in this report but as the application site is located immediately adjacent the existing settlement boundary, it is considered sustainable in terms of its location and 'in principle' should be supported.

#### Access and Highway Safety

- 6.9 The access to the site is considered to be in the optimum position in terms of highway safety, with the amended plan detailing the wall to be rebuilt behind the visibility splay. Achievable visibility meets the Manual for Street (MfS) standards and the Transportation Manager has not raised an objection to this proposal. In coming to this conclusion, consideration has been given to the concerns raised in respect of the siting of the bus stops and the associated bus waiting and traffic queues, proximity of other junctions and accesses as well as the amount and speed of traffic.
- 6.10 The acceptability of this access must be considered in relation to the policy context. Policy DR3 of the Unitary Development Plan requires that development '*incorporates adequate provision for vehicular access from the highway network, without detriment to highway safety or to pedestrians, cyclists or public transport*'. Paragraph 32 of the National Planning Policy Framework requires that decisions should take account of whether:

*'safe and suitable access to the site can be achieved for all people' and:*

*'improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'*

- 6.11 One of the key concerns locally relates to the location of the bus stops adjacent to the site and residents describe the existing problems that occur when a bus stops for passengers to alight or board, causing cars to queue and traffic to have to stop quickly when approaching around the bend, or cars pulling around the waiting bus. Whilst this access is offset from the bus stop, it is local opinion that this new access will contribute to the potential for accidents in the area. There is a long held desire locally to create a bus 'lay by / pull in' on land to the north of the A480 to try and address this concern.
- 6.12 Whilst officers acknowledge the problems caused by the location of the bus stop opposite the site and note the desire locally for this to be improved through the provision of a pull in bay. The provision of this bus lay by is not considered to be necessary to make this application acceptable in highway safety terms, although it is acknowledged that the improvement would be of benefit to users of the access. It would also potentially benefit all highway users if

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secured but a detailed highway safety audit would need to be undertaken before the Council could commit to this course of action. The land required is also outside of the Council's or applicant's control as it is in private ownership. If this was undertaken in the future then it would be desirable to provide improved passenger waiting facilities as part of these works and Section 106 monies from this development could be used to provide these in the future, if works were undertaken using pooled contributions. As such 'improvements to passenger waiting facilities' is included in the heads of terms, along with improvements to pedestrian and cycle links and speed reduction measures.

- 6.13 As such, whilst officers fully acknowledge the views of the Parish Council, it is advised that the site can accommodate an adequate safe access that complies with the recognised standards. The impact from traffic movements of 9 dwellings would not be one that can be considered in the context of paragraph 32 as 'severe'. An objection based on the failure to provide this bus lay-by / pull in would be difficult to defend in this policy context as there is no 'significant or severe impact' on highway safety from this development. However, the benefits of providing this are noted and the use of Section 106 monies in whole or in part for this purpose has been agreed in principle with the applicant. However, having reflected on the matter following the meeting held on 12 February, the proposal in its original form is considered to comply with the requirement of policy DR3 of the Unitary Development Plan and paragraph 32 of 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 9 dwellings can be accommodated within the site without requiring undue proximity to the nearest affected dwellings. There would be a need to improve boundary treatments in respect of these properties, and a condition is recommended to secure this. The layout of the site has also been considered to include an area of planting and significant separation distances between properties. 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 although this issue will be more carefully considered in its Reserved Matters form.

#### Impact upon the setting of the listed buildings

- 6.15 The site lies adjacent to the Grade II Cross Farm and its curtilage listed barns (Cross Barns) and opposite the grade II listed Cross Cottage. The impact upon the setting of these listed buildings has been carefully considered by officers. The indicative layout reflects this, ensuring development is located to the east of the site. The design and siting of the proposed dwellings, along with the details of soft and hard landscaping schemes will also be carefully considered at any subsequent Reserved Matters stage. It is officers opinion that the development of the site can be undertaken without significant harm to the setting of the listed buildings or character of the area and as such this would comply with the requirements of policies HBA4 of the Unitary Development Plan and paragraphs 132 and 133 of the National Planning Policy Framework.

#### Ecology

- 6.16 A detailed ecological report has been received, that identifies the potential for protected species along with appropriate mitigation in accordance with the requirements of policies NC7 and NC8 that seek to compensate and mitigate for loss and create, restore and enhance habitats. These policies are broadly consistent with the NPPF guidance on these matters. The impact upon biodiversity is not considered to be significant and conditions are recommended to ensure that this is undertaken.

## Drainage

- 6.17 Local residents raise concern about localised flooding and drainage capacity. Welsh Water have not objected to these proposals and are content that there is capacity within the network to accommodate these dwellings. A detailed drainage scheme will be required as either part of the Reserved Matters application or by condition that will fully considered surface water drainage, attenuation and disposal. Officers are satisfied that this relatively small scale proposal complies with the requirements of policy DR4 of the Unitary Development Plan.

## Section 106 and Affordable Housing

- 6.18 The proposed development falls to be considered having regard to the requirements of policy DR5 of the Unitary Development Plan and Supplementary Planning Document – Planning Obligations. A draft Heads of Terms is appended to this report that makes provision for financial contributions and also secures the provision of 3 affordable dwellings that will in the first instance be allocated on the basis of local connection to the parish of Credenhill in accordance with the requirements of policy H9 of the UDP. The provision of affordable housing is an acknowledged social benefit having regard to the requirements of paragraph 7 of the NPPF that would weigh significantly in favour of the development.

## Conclusion

- 6.19 The consultation process has identified a number of concerns arising from this proposal for 9 dwellings and these matters have been considered above. The application site lies immediately adjacent to the main settlement of Credenhill and is a location that is considered to be sustainable. Acknowledging that the Council does not have a 5 year Housing Land Supply, the requirements of paragraph 14 of the NPPF must be considered.
- 6.20 The proposals would assist in addressing the shortfall in housing supply within the County 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. The affordable housing element of the scheme would assist in meeting housing needs of the local community. 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 much 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.
- 6.21 These benefits must be weighed in respect of any identified harm arising from the development. In this instance, officers would consider that all impacts can be successfully mitigated 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 (in accordance with the Heads of Terms attached) 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. **H01 Single access - no footway**
8. **H09 Driveway gradient**
9. **H18 On site roads - submission of details**
10. **H19 On site roads - phasing**
11. **H21 Wheel washing**
12. **G15 Landscape maintenance arrangements**
13. **H29 Secure covered cycle parking provision**
14. **Before any other works hereby approved on the application site are commenced, the access shall be modified and constructed in accordance with details shown on drawing number 6991-600 Rev B and with engineering details agreed in relation to condition above.  
Reason: In the interests of highway safety and to conform with the requirements of DR3 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.**
15. **K4 Nature Conservation - Implementation**
16. **L01 Foul/surface water drainage**
17. **L02 No surface water to connect to public system**
18. **L03 No drainage run-off to public system**
19. **I51 Details of slab levels**
20. **G09 Details of Boundary treatments**
21. **G10 Landscaping scheme**
22. **G11 Landscaping scheme - implementation**
23. **G04 Protection of trees/hedgerows that are to be retained**
24. **G14 Landscape management plan**
25. **G15 Landscape maintenance arrangements**
26. **I16 Restriction of hours during construction**
27. **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

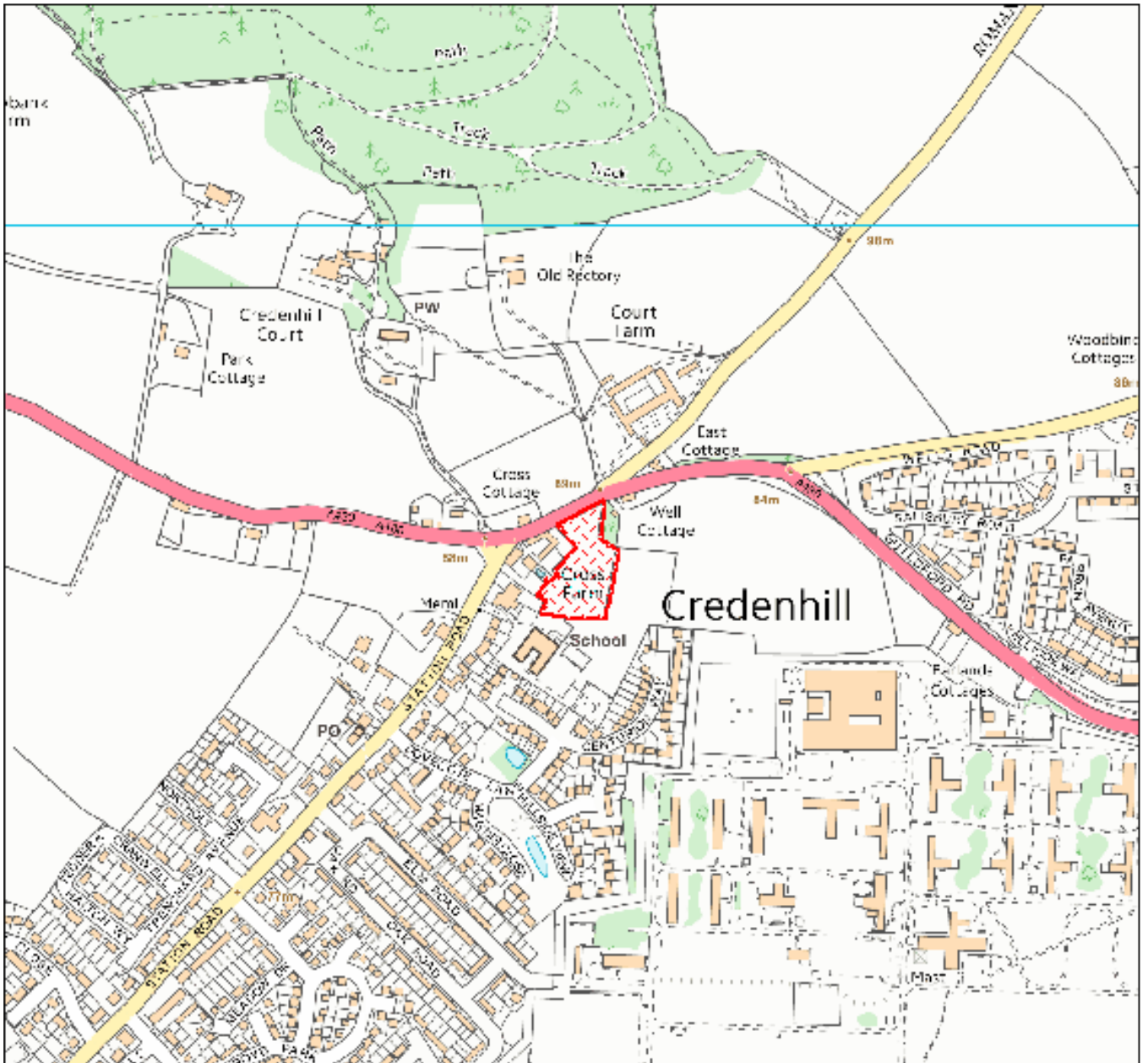
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 132230/O

**SITE ADDRESS :** LAND ADJACENT TO CROSS FARM, CREDENHILL, HEREFORDSHIRE, HR4 7DJ

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

# HEADS OF TERMS

## PROPOSED PLANNING OBLIGATION AGREEMENT

### Section 106 Town and Country Planning Act 1990

Application Number: 132230/O

Residential development (9 Units) on land at Cross Farm, Credenhill, Herefordshire, HR4 7DJ.

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

£ 2,845.00 (index linked) for a 2 bedroom apartment open market unit

£ 4,900.00 (index linked) for a 2/3 bedroom open market unit

£ 8,955.00 (index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at St Marys Credenhill Primary School, St Frances Xavier Primary School, Weobley High 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:

£ 1,966.00 (index linked) for a 2 bedroom open market unit

£ 2,949.00 (index linked) for a 3 bedroom open market unit

£ 3,932.00 (index linked) for a 4+ bedroom open market unit

To provide new highway and sustainable transport infrastructure to serve the development, including:

- improvements to pedestrian / cycling facilities in the area including extension of the off road cycle route and improvements to public transport facilities in the area.
- Improvements to passenger waiting facilities in the proximity of the application site
- Speed reduction measures in the locality (A480) 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:

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



£ 193.00	(index linked) for a 1 bedroom unit
£ 235.00	(index linked) for a 2 bedroom unit
£ 317.00	(index linked) for a 3 bedroom unit
£ 386.00	(index linked) for a 4+ bedroom unit

for the use towards improvements identified in the Play Facilities Study, Action Plans and emerging Investment plan on play facilities in the village including Dovecote Lane which is in need of improvement to replace old and aging equipment which offers little in play value or on improving quality/accessibility of the more natural and semi natural green space and recreational rights of way as identified in the Council's Rights of Way Improvement Plan which exist in the vicinity. Priorities for spend will be identified through local consultation and at the time of receiving the contribution

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

4. *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

For the enhancement of library facilities at Hereford City. 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.

5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £120 (index linked) per dwelling. The contribution will provide for waste reduction and recycling in Hereford. The sum shall be paid on or before occupation of the 1<sup>st</sup> open market dwelling, and may be pooled with other contributions if appropriate developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:
6. The developer covenants with Herefordshire Council that three (3) of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
7. Of those Affordable Housing units, 3 shall be made available for social rent occupation.
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 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:-:
  - 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 paragraphs 9 & 10 of this schedule
10. 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:-
  - 10.1. a local connection with the parish of Credenhill;
  - 10.2. in the event of there being no person having a local connection to the parish of Credenhill, a person with a local connection with the parishes of Burghill, Brinsop and Wormsley, Kenchester and Stretton Sugwas.
  - 10.3. in the event of there being no person with a local connection to any of the above parishes, any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 1.5.1 or 1.5.2 above.
11. For the purposes of sub-paragraph 10.1 or 10.2 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
  - 11.1. is or in the past was normally resident there; or
  - 11.2. is employed there; or
  - 11.3. has a family association there; or
  - 11.4. a proven need to give support to or receive support from family members; or
  - 11.5. 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 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. Code for Sustainable Homes Minimum Level 3. 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. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 4 and 5 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.

14. The sums referred to in paragraphs 1, 2, 3, 4 and 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.
15. 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.
16. 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 – Jan 2014.**