

MEETING:	PLANNING COMMITTEE
DATE:	2 APRIL 2014
TITLE OF REPORT:	P132924/O - SITE FOR ERECTION OF 40 DWELLINGS 1, 2, 3 AND 4 BED UNITS AND ASSOCIATED PARKING AT GADBRIDGE ROAD, WEOBLEY, HEREFORDSHIRE, HR4 8SN For: Mr Barnes per Mr Harris, Stoneycroft Planning & Development Consultants, 11 Paulbrook Road, Bridgnorth, Shropshire, WV16 5DN
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132924

Date Received: 28 October 2013

**Ward: Golden Cross
with Weobley**

Grid Ref: 340605,251704

Expiry Date: 3 February 2014

Local Member: Councillor M J K Cooper

1. Site Description and Proposal

- 1.1 The application site is located on the east edge of the village, immediately adjacent to residential development at Bearcroft, on a minor road out of the village (C1093), Gadbridge Road. The village hall, childrens play area and sports pitch are directly opposite, whilst a doctors surgery and dental practice are also located on Gadbridge Road. The village is also served by primary and secondary schools while the historic core of the village lies approximately 300 metres to the east and contains a number of local shops, pubs and restaurants. In addition to the residential area of Bearcroft, the site is also opposite further residential development at Apple Meadow.
- 1.2 The site forms a roughly rectangular parcel of grazing land amounting to approximately 1.3 hectares, and has hedgerows boundaries to the north, south and east, with the rear gardens of some of the dwellings on Bearcroft to the west. From a high point in the north east corner of the site, the levels fall away by just over 2 metres westwards and southwards. A footpath runs across part of the site frontage as far as the village hall and it lies within a 30mph zone.
- 1.3 The site lies beyond the settlement boundary for the village and therefore is considered to be open countryside where Policy H7 of the Herefordshire Unitary Development Plan (the UDP) would apply. It is within the Conservation Area for the village; which is wide ranging and encompasses the whole of the village, both its historic core and modern residential development to the south and east, and agricultural land that surrounds.

1.4 The application is made in outline and is for the erection of 40 dwellings and associated infrastructure. Access, landscaping and the scale of development are to be determined at this stage, with layout and appearance reserved for future consideration. The application is supported by the following documents:

- Design & Access Statement – (including a Draft Heads of Terms Agreement)
- Heritage Statement
- Phase 1 & 2 Ecological Survey
- Flood Risk Assessment
- Transport Statement

1.5 The Transport Assessment has been amended since its original submission to take account of concerns raised by the parish council about traffic movements. All references to highway matters are based on this most recent report.

2. Policies

2.1 National Planning Policy Framework

The following sections are of particular relevance:

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

2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
H4	-	Main Villages: Settlement Boundaries
H7	-	Housing in the Countryside Outside Settlements
H13	-	Sustainable Residential Design
H15	-	Density
H19	-	Open Space Requirements
T8	-	Road Hierarchy
LA3	-	Setting of Settlements
NC1	-	Biodiversity and Development
HBA6	-	New Development Within Conservation Areas

2.3 Herefordshire Local Plan Core Strategy – Deposit Draft

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

Neighbourhood Planning

- 2.4 Weobley Parish Council has successfully applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed on 7th August 2013. The Parish Council will have the responsibility of preparing a Neighbourhood Development Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this early stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy.
- 2.5 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

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

3. Planning History

- 3.1 None identified

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water – No objection subject to conditions to ensure that surface water does not discharge to the public sewer.

Internal Council Consultations

- 4.2 Transportation Manager – The traffic counts show that the flows will be well within the capacity of the network. Even the 11:00am peak of 90 vehicles should not cause disruption. Consequently no objections are raised subject to conditions.
- 4.3 Conservation Manager
- Ecology – No objection subject to condition
- Archaeology – The site has low archaeological potential and therefore there is no objection to the proposal.
- 4.4 Strategic Housing Manager – On the basis of the information provided within the Draft Heads of Terms Agreement the applicant has complied with the affordable housing requirements in relation to numbers, mix and tenure, standards and local connection criteria.

- 4.5 Parks & Countryside Manager – The Draft Heads of Terms Agreement complies with policy, both in terms of off-site public open space and sports facilities requirements. The open space proposed as part of the landscaping scheme is too small to provide a useable play or recreation space and its future maintenance needs to be considered as it would not be adopted by the Council. Such area can make good community garden areas and this may be taken into account.
- 4.6 Schools Organisation and Capital Investment Officer - The educational facilities provided for this development site are Conningsby Early Years, Weobley Primary School, Weobley High School, St Marys RC High School and Weobley Youth. With the exception of Weobley Primary School, all schools currently have capacity issues in some of their year groups.
- 4.7 The Childcare Sufficiency Assessment highlights that within the Conningsby Early Years area 2% of parents are unable to return to work and 22% are unable to take a better job due to childcare issues. Demand gaps have been noted for full day care with a particular demand gap for variable hours. Supply gaps have also been noted for holiday care and baby care.
- 4.8 The youth service within Weobley delivers one session per week using their mobile service. However with more resource the youth service would like to provide additional activities and services in the evening.

5. Representations

- 5.1 Weobley Parish Council strongly objects to this application and make the following comments:
1. At a public meeting held to discuss the application the overwhelming view of the residents attending the meeting was that this application must be refused because of the traffic implications and the Parish Council endorses this view, for the following reasons:
 - Gadbridge Road is a narrow unclassified road and there are already approximately 160 houses feeding onto this road. Its junction with High Street and Hereford Road is particularly hazardous for vehicles exiting and entering and for pedestrians crossing.
 - It has been noted that the traffic data in the application has been taken from surveys done in 2004. Since then the traffic situation has deteriorated considerably in Weobley as a whole, but especially in this particular part of the village.
 - The doctor's and dentist surgeries are also located along this road, with almost no parking provision for patients. Both surgeries serve a wide catchment area, and many patients have to come by car, which results in severe parking problems and traffic congestion outside the surgeries during the daytime.
 - This road also carries regular daily traffic to and from surrounding villages and a significant flow of large agricultural tractors and machinery during the daytime adds to the traffic chaos.
 - The village hall is also located along this road and is well used. It has the added attraction of an excellent play area which results in a good deal of foot traffic of children and young people to the site, which is directly opposite the entrance to the development. In addition elderly residents access this road on foot or by mobility scooter from the sheltered housing at Burton Gardens, to attend the surgeries or visit the local shops. It is feared that an increase in traffic could impact even further on road safety issues for pedestrians.

A development of 40 houses would significantly add to the traffic flow along this road and it is likely that it will also further exacerbate the traffic congestion. Some residents of

Bearcroft and Apple Meadow park along the Gadbridge Road rather than using the parking provision within the developments and there is no reason to suppose that residents of the new development will not do likewise.

The Parish Council insists that an up to date traffic survey and report is commissioned by the developer using information recorded now and not over the Christmas period in order to provide an accurate assessment of the true traffic impact of this development.

2. The Parish Council is aware of the requirements of the draft Core Strategy and of the need for 14% target growth in the main villages within the Leominster area, which for Weobley would be 61 houses in the period up to 2031. But we believe that for Weobley this should be a phased process with modest growth taking place gradually over the 18 year period. There is already a development of 8 affordable homes approved for Pepperplock and an application has been submitted for 15 dwellings on land adjacent to the Primary School. If you include other "infill" proposals and add this current application then it seems that we will be meeting our required numbers for growth within the next year or so, rather than over the stated period of 18 years. The impact of such a relatively large amount of development on our small rural community over such a small period of time will, we feel, be detrimental rather than beneficial. Already some of our local amenities are struggling to cope with demand and the infrastructure of the village, as we have noted above, is not suited to such a rapid influx of new residents.
3. The Parish Council is concerned about the element of affordable/social housing within the application. You will of course be aware that Weobley already has around 10% more affordable homes than the county's average. As the Pepperplock development for 8 affordable homes has now been approved and the development for the land by the Primary School also includes 5 affordable homes, it seems that Weobley has met the required number of affordable homes identified by the most recent housing needs survey. The Parish Council feels strongly that no more affordable homes should be built in Weobley . So will there be a demand or necessity for the additional 14 social/affordable houses now proposed?
4. As there is no demonstrated need for the additional 14 social/affordable homes the Parish Council suggests that consideration should be given to reducing the density - perhaps to 30 houses - and the Section 106 payment be increased in lieu of building affordable homes.
5. If the application were to be approved the Parish Council would want the Section 106 money to be spent directly in Weobley, at the direction of the Parish Council and would suggest that part of this money is spent on widening Gadbridge Road from the rear of the last house on Bearcroft to at least the entrance of the proposed development.
6. The Parish Council needs to know what extra provision has been included in the proposal for connecting to the sewage works and what contribution to upgrade these facilities has been included?
7. Weobley is an important tourism destination for Herefordshire and therefore it is important that any growth should be steady and organic to maintain its pleasant environment and surroundings.
8. Weobley Parish Council established a Heritage Trail in 2012 to encourage visitors to spend more time in the village, as the trail is followed on foot. Pedestrians following the trail have to cross the road by The Throne, at the junction of Gadbridge Road, Hereford Road and High Street. The Parish Council has already highlighted this as being a difficult and dangerous junction, which will be made more dangerous by the increased traffic generated by this development.

9. The Throne stands immediately on the corner of the junction with Gadbridge Road and is a Grade 2* listed building. It may well be adversely affected by the increase in traffic and the possibility of damage due to the increasing likelihood of a traffic accident at this junction.
10. The Parish Councillors wish to raise their concerns that there was no pre-planning consultation with either the Parish Council or, we understand, the Ward Councillor, prior to this application being submitted.

5.2 Thirty eight letters of objection have been received from local residents. In summary the points raised are as follows:

- Highway safety
 - a) the development will increase congestion along Gadbridge Road and at its junction with High Street / Hereford Road
 - b) there will be a conflict between pedestrians, cyclists and traffic
 - c) there is insufficient capacity within the existing road network
 - d) the applicant should be required to complete an up-to-date traffic survey
- Concerns about surface water flooding and waterlogging of the field. This will be exacerbated by further development
- Insufficient capacity within the existing sewerage system
- The proposed density is too high and should be reduced
- Concerns about the indicative design
- The development will have a detrimental impact on the residential amenity of properties that border the site
- The proposal will have a detrimental impact on the conservation area
- Increased pressure on local services, particularly the doctors surgery and dental practice
- No need for further affordable housing in the village. Needs have been met by recent permissions elsewhere
- The proposal will have detrimental ecological impacts

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 issue of the Council's lack of a five year housing land supply has been well rehearsed over recent months by other applications and appeal decisions for residential development on land outside of settlement boundaries identified by Policy H4 of the Herefordshire Unitary Development Plan (the UDP). This application is submitted on the same basis and relates to a site that was considered to have low constraints when assessed under the Council's 2012 Strategic Housing Land Availability Assessment.

6.2 In order to establish a degree of consistency in the absence of housing policies that are considered to be up-to-date with the National Planning Policy Framework (NPPF), the Council has adopted an interim protocol for the consideration of applications that would otherwise be contrary to Policy H7 of the UDP. It accepts that appropriate residential development outside the development boundaries of main settlements may be permitted to help address the housing shortfall, subject to all other material planning considerations, and specifies that sites

should be located adjacent to main settlements defined by Policy H4 of the UDP. This approach is consistent with the NPPF which presumes in favour of sustainable development.

- 6.3 In simple geographic terms the site is compliant with the interim protocol as it is immediately adjacent to Weobley's settlement boundary. The village has a wide range of services and, in accordance with the NPPF, is considered to be one that is sustainable and appropriate for further development. This is reflected by the fact that it has been identified in the emerging policies of the Core Strategy as a village that is appropriate for proportionate growth. The determination of this application therefore rests with other material planning considerations and whether they outweigh the Council's lack of a five year housing land supply.

Highway Matters

- 6.4 The principal objection to the application from the parish council and local residents relates to the intensification of traffic movements along Gadbridge Road and the detrimental effect that this will have on highway safety, particularly in light of the fact that the road is used by patients attending the doctors and dental surgeries. These facilities have limited off-street parking and therefore the majority of patients have to park on the road. They were initially concerned that the Transport Statement submitted with the application was based on figures dating back to 2004. In response the applicant commissioned a new traffic count and responded to further concerns raised by local residents and the parish council by re-positioning equipment to a location on Gadbridge Road between its junction with Hereford Road / High Street and the doctors surgery.
- 6.5 The results of the traffic survey, conducted between 23rd – 29th January 2014, show that the average speeds of vehicles passing along Gadbridge Road are 21.7 mph and 21.5 mph eastbound and westbound respectively. The survey also finds that the peak flows are at 11:00am (90 vehicles per hour) and 4:00pm (71 vehicles per hour).
- 6.6 The Transport Statement then goes on to consider the projected traffic increases likely to be associated with the development proposed. This is based on TRICS (Trip Rate Information Computer System) data, a nationwide database that is used to make assumptions for trip rates for transport planning purposes. The database is well established and is an accepted model that has been used in the assessment of numerous other applications across the county. The TRICS data suggests that the development would generate the following peak traffic movements:
- 8:00am to 9:00am - 5 in 8 out
 - 4:00pm to 6:00pm - 9 in 6 out
- 6.7 Gadbridge Road is a well-used public highway in a primarily residential area. The survey shows that traffic speeds are low; well below the 30mph speed limit, and this is probably due to the nature of road and the fact that there is on-road parking which effectively acts as a traffic calming measure. There is not a high incidence of accidents along the road, the only reported accident being in 2005 at the Gadbridge Road/Hereford Road junction and attributed to driver error.
- 6.8 Although a peak figure for traffic movements of 90 may initially appear high, this actually equates to 1½ per minute. It is also noted that this peak is at 11:00am, and does not correspond with the more typical pattern of traffic movement as people leave home for work in the morning. The addition of movements associated with the proposed development may take this peak figure closer to 100, but this is considered to represent a modest increase and the local road network is of sufficient capacity to absorb this.
- 6.9 The proposed access to the site is positioned within the 30 mph zone and the road alignment is almost straight. The plans demonstrate that appropriate visibility can be achieved in both

directions. They also show the continuation of a footpath along the entire Gadbridge Road frontage. Not only does this benefit the proposal itself but also improves connectivity to the existing childrens play area and sports pitch that is located immediately to the east of the village hall.

- 6.10 The Draft Heads of Terms Agreement appended to this report does include a contribution for improvements to transport infrastructure. The parish council have indicated in their comments that, if the application is to be approved, they would wish this to be used for improvements along Gadbridge Road. Any contributions will be used following consultation with the parish council. Notwithstanding this, it is considered that there is sufficient capacity within the existing road network to absorb this development. The additional traffic movements are not likely to demonstrably impact upon highway safety and the plans demonstrate that a safe access can be provided from the site onto Gadbridge Road. The scheme therefore accords with Policies DR3, H13 and T8 of the UDP.

Density and Visual Impact

- 6.11 Although the application has been made in outline, the applicant has indicated that scale is to be considered at this stage. The proposal amounts to a density of 30 dwellings per hectare. This compares to that part of Bearcroft immediately adjacent to the application site (approximately 27 dwellings per hectare), and Apple Meadow opposite, which is a 29 dwelling development on 0.9 hectares. With development on the opposite side of the road, the site forms a natural extension to the village. It is visually contained by existing hedgerows to the north and east and the proposed development is not considered to be of a scale that is disproportionate to its setting in the fact that it is adjacent to a large residential area in Bearcroft.
- 6.12 The overriding character of the immediate area is defined by Bearcroft and Apple Meadow, and not by the historic core of the village which lies further to the west and with which it has no visual context. Although the boundaries of the conservation area are widely drawn to protect the setting of the historic centre, the setting within the locality of the application site is determined by the surrounding modern residential development.
- 6.13 It should be noted that the layout and street scenes submitted as part of this application are purely indicative as detailed design and layout are reserved for future consideration. Consequently there is no justification for the refusal of this application on design grounds or that it will have a detrimental impact on the residential amenity of adjacent dwellings.
- 6.14 The addition of 40 dwellings as proposed in this case will have no demonstrable impact on the conservation area. The comparisons outlined above demonstrate that the scale and mass of development is comparable to existing development. The scheme is not considered to be high density and it is considered that the proposal accords with policies H15 and HBA6 of the UDP.

Existing Services

- 6.15 Objections have been raised by some local residents and the parish council that there is insufficient capacity within the existing sewerage system. The response from Welsh Water raises no objection to the proposal, subject to conditions to ensure that surface water run-off does not discharge to the mains sewer system. They have also been explicit in their comments by making the following statement:

“No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.”

- 6.16 It is clear that there is sufficient capacity within the existing system and that it does not need to be upgraded to accommodate the development proposed. The scheme therefore accords with Policy DR4 of the UDP.
- 6.17 Some concerns have also been raised about the impact of the development upon the doctors surgery and dental practice in the village, and that additional dwellings will put additional pressure on finite resources. It is noted, however, that neither the doctors surgery or dental practice have objected to the application.
- 6.18 The existence of such facilities within Weobley are a significant contributory factor to its sustainability credentials. In the absence of any objection from either, there is no substantive evidence to conclude that the proposal will have a negative effect on either of them and therefore this is not considered to provide justification for the refusal of the application.

Affordable Housing Provision

- 6.19 Some concerns have been raised about the level of affordable housing provision in the village, particularly in light of the fact that permissions have recently been granted on two separate parcels of land to the east of Weobley High School for developments that provide a total of thirteen affordable dwellings; seven of which are to be social rented and six intermediate.
- 6.20 As referred to earlier in this report, Weobley is a sustainable village and is appropriate for further development, and in order to continue to comply with policy requirements this will include the provision of affordable housing. Not only will this be to meet the needs of the village itself, but also the needs of its wider rural hinterland.
- 6.21 A Housing Needs Survey for Weobley was completed in September 2011 and demonstrated a need for 14 dwellings. This is due to be reviewed later this year and, consistent with other villages that have undergone similar reviews, it is likely that the need will have increased over the three year period. Housing provision is at its most sustainable when it provides a range of accommodation to meet the needs of the community as a whole. It is accepted that the two planning permissions will almost completely meet the need that the 2011 survey has identified but by the time they are constructed there is likely to be a further requirement.
- 6.22 Notwithstanding this, a more flexible approach towards affordable housing tenure may be taken. Intermediate housing can incorporate shared ownership and discounted market properties and, in particular, the latter helps to bridge the gap between affordable housing and fully open market properties. It has therefore been accepted that this proposal can provide intermediate housing only. The Draft Heads of Terms Agreement originally submitted and indicating the provision of six social rented properties has been amended to reflect this and a copy is appended to this report.
- 6.23 The provision of a mix of housing tenures in this manner ensures that a broad range of properties are available and is key to ensuring that settlements continue to be sustainable, helping to promote the growth of diverse communities as advocated by paragraph 50 of the NPPF. The affordable element of the scheme proposed is therefore considered appropriate.

Ecology

- 6.24 The report submitted with the application identifies existing hedgerows as having biodiversity value for birds and mammals and that, following survey work, an Oak tree in the north-west corner of the site may provide a roosting site for a lone Soprano Pipistrelle bat. Landscaping is to be determined at this stage and the plans show that hedgerow boundaries to the north and east are to be retained, as is the Oak in the north west corner of the site. This approach is compliant with Policy NC1 which seeks to ensure that biodiversity features are retained.

- 6.25 The ecological survey makes a number of recommendations to promote biodiversity enhancement through the development of the scheme. These have been assessed by the Council's Ecologist who does not object to the application and has recommended the imposition of a condition to ensure that the recommendations made are implemented. The site has no specific nature conservation designations and the proposal is considered to accord with Policy NC1 of the UDP.

Conclusion

- 6.26 The NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development. It has been demonstrated that Weobley is a sustainable settlement and it is considered that the site relates well to the existing village and is an obvious and appropriate area for further housing growth. There are no overriding reasons that would preclude the grant of planning permission. The scheme accords with the National Planning Policy Framework and the Herefordshire Unitary Development Plan and, subject to the completion of a Section 106 Agreement, the application is recommended for approval.

RECOMMENDATION

That officers named in the scheme of delegation be authorised to issue planning permission subject to:

- 1. The completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report.**
- 2. The conditions set out in this report and any varied or additional conditions considered necessary by officers:**
 - 1. C02 - Time limit for submission of reserved matters (outline permission)**
 - 2. C03 - A03 Time limit for commencement (outline permission)**
 - 3. C04 - A04 Approval of reserved matters**
 - 4. C05 - A05 Plans and particulars of reserved matters**
 - 5. C06 - B01 Development in accordance with the approved plans**
 - 6. C97 - G11 Landscaping scheme - implementation**
 - 7. CAB - H03 Visibility splays**
 - 8. CAZ - H27 Parking for site operatives**
 - 9. The recommendations set out in section 6 the ecologist's report dated July 2013 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, the species and habitat enhancement scheme should be submitted and be approved in writing by the local planning authority, and the scheme 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.**

Reasons: 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, Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan and the National Planning Policy Framework

- 10. CD3 - L01 Foul/surface water drainage
- 11. CD4 - L02 No surface water to connect to public system
- 12. CD5 - L03 No drainage run-off to public system
- 13. CD6 - L04 Comprehensive & Integrated draining of site

INFORMATIVES:

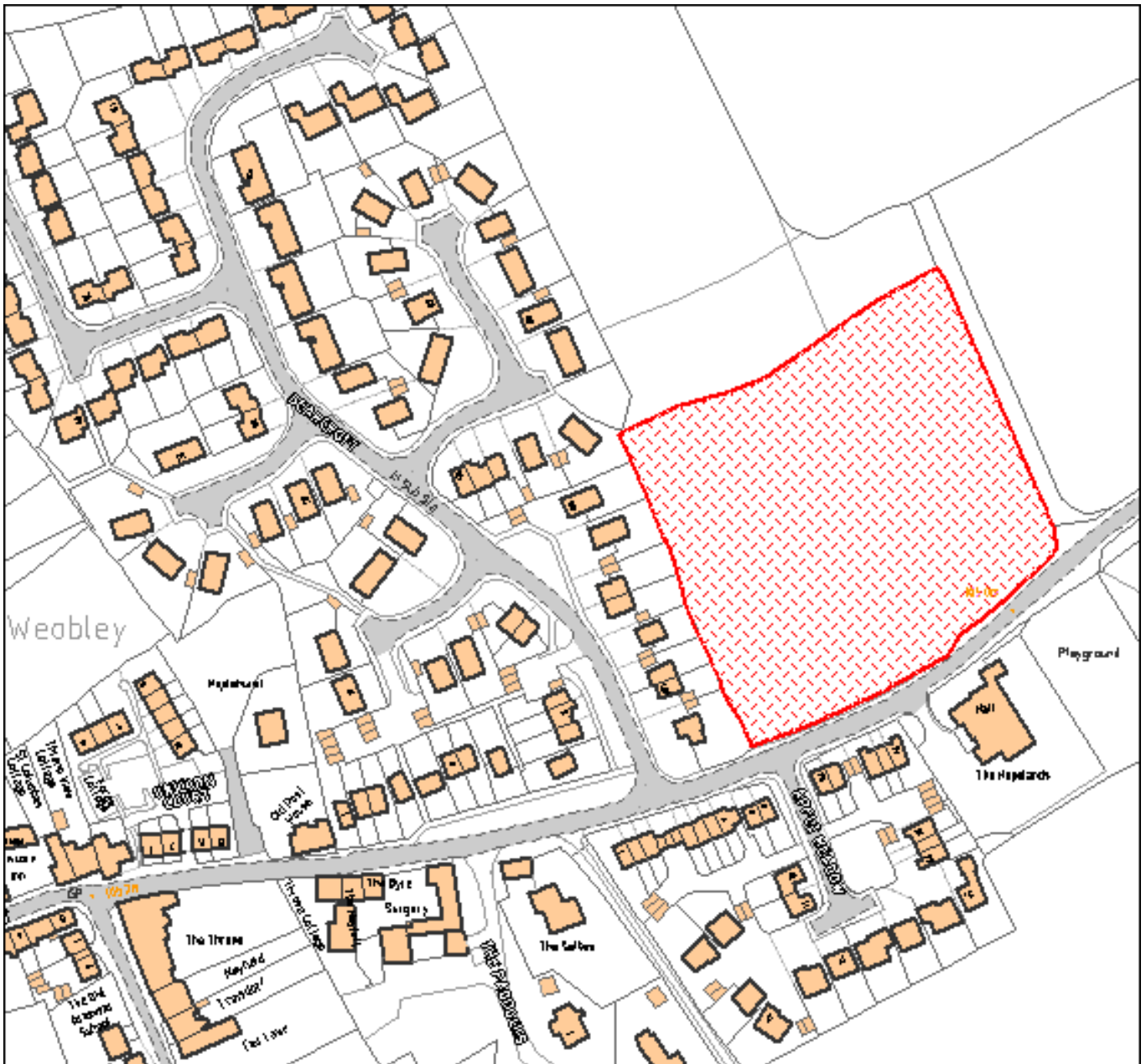
- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) in relation to the Transport Statement 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. I30 - N11A Wildlife and Countryside Act 1981 (as amended) - Birds
- 3. I33 - N11C General
- 4. I09 - HN04 Private apparatus within highway
- 5. I35 - HN28 Highways Design Guide and Specification
- 6. I43 - HN13 Protection of visibility splays on private land
- 7. I45 - HN05 Works within the highway

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 132924/O

SITE ADDRESS : GADBIDGE ROAD, WEABLEY, HEREFORDSHIRE, HR4 8SN

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Further information on the subject of this report is available from Mr A Banks on 01432 383085

DRAFT HEADS OF TERMS

PROPOSED PLANNING OBLIGATION AGREEMENT

Section 106 Town and Country Planning Act 1990

Planning Application Reference - 132924/O

Site for the erection of 40 dwellings, comprising 1, 2, 3 and 4 bed units, and associated parking on land at Gadbridge Road, Weobley, Herefordshire

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

Residential Development (erection of 40 dwellings) incorporating 35% affordable on land at Gadbridge Road, Weobley.

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

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

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

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

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

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

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

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

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

£695 (index linked) for a 2 bedroom open market unit
£1,640 (index linked) for a 3 bedroom open market unit
£2,219 (index linked) for a 4+ bedroom open market unit

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

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

£408 (index linked) for a 1 bedroom open market unit
£496 (index linked) for a 2 bedroom open market unit
£672 (index linked) for a 3 bedroom open market unit
£818 (index linked) for a 4+ bedroom open market unit

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

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

£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. The sum shall be paid on or before the occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.

6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £120 (index linked) per open market dwelling. The contribution will provide for waste reduction and recycling in Hereford. The sum shall be paid on or before occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.

7. The developer covenants with Herefordshire Council to pay Herefordshire Council 1% of the build costs of the development to provide public art. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

8. The developer covenants with Herefordshire Council that 35% (14 units – on basis of development of 40) of the residential units shall be “Affordable Housing” which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.

9. The Affordable Housing units shall all be made available for intermediate tenure occupation and shall comprise eight (8) two bed dwellings and six (6) three bed dwellings.

10. All the affordable housing units shall be completed and made available for occupation prior to

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the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.

11. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-:
 - 11.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 11.2 satisfy the requirements of paragraphs 11 & 12 of this schedule
12. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
 - 12.1 a local connection with the parish of Weobley
 - 12.2 in the event of there being no person with a local connection to Weobley any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 12.1 above.
13. For the purposes of sub-paragraph 13.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
 - 13.1 is or in the past was normally resident there; or
 - 13.2 is employed there; or
 - 13.3 has a family association there; or
 - 13.4 a proven need to give support to or receive support from family members; or
 - 13.5 because of special circumstances;
14. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to such subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
15. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 4 of the 'Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes' or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
16. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 4, 5, 6 and 7 above, for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.

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17. The sums referred to in paragraphs 1, 2, 3, 4, 5, 6 and 7 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
18. 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.
19. 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.

Andrew Banks
Principal Planning Officer

13th March 2013