

MEETING:	PLANNING COMMITTEE
DATE:	8 OCTOBER 2014
TITLE OF REPORT:	<p>P141278/O - SITE FOR A PROPOSED RESIDENTIAL DEVELOPMENT FOR 39 DWELLINGS AT LAND ADJACENT TO THE PETROL FILLING STATION AND MILL LANE, LEA, ROSS-ON-WYE,</p> <p>For: Mr Savidge per Mrs Julie Joseph, Trecorras Farm, Llangarron, Ross-on-Wye, Herefordshire, HR9 6PG</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/search-and-comment-on-planning-applications/details?id=141278&search=141278

Date Received: 30 April 2014

Ward: Penyard

Grid Ref: 366076,221695

Expiry Date: 30 July 2014

Local Member: Councillor H Bramer

1. Site Description and Proposal

- 1.1 This site is located on the southern side of the A40 Ross-on Wye to Gloucester Road immediately to the west and south of the Petrol Filling Station (PFS) at Lea, Ross-on-Wye. The land is presently in agricultural use and comprises one field and part of an adjoining field to the west. The land undulates downwards from the A40 behind the PFS then upwards over a ridge and then fall away towards the south east where it adjoins the class B4222 road and unclassified road U70246 to the east. Substantial hedgerow forms the southern boundary with post and wire fencing along the eastern and northern boundaries. The western boundary is formed by part of a sparse hedgerow and then part of an open larger field. As well as the PFS on the northern boundary housing adjoins the site on the northern and eastern boundaries namely The Old Forge, Lodge Cottage and Whiteways. On the southern boundary opposite the site is Old Mill Cottage.
- 1.2 The village centre lies to the east and is accessible via the A40 or unclassified road (pedestrian link). To the west along the A40 road are St John the Baptist Church and Lea Primary School located on the northern side of the A40.
- 1.3 The proposal, which is in Outline, seeks planning permission for up to 39 dwellings ranging from 2,3 and 4 bed houses and bungalows together with open space and landscaping on a 1.8ha site. All vehicular access is off the A40 with pedestrian access proposed off the B4222 road. Included with the development framework plan is the creation of an orchard and amenity area around the western and southern boundary of the site.
- 1.4 The application is accompanied by the following documentation:
 - Planning, Design and Access Statement
 - Transport Statement

Flood Risk Assessment
Foul Drainage Statement
Ecological Assessment
Landscape and Visual Assessment
Sustainability Statement
Section 106 Heads of Terms

- 1.5 The applicants undertook public consultation prior to the submission of the application.
- 1.6 The application has been screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and is not EIA Development and an Environmental Statement is not required.

2. Policies

2.1 National Planning Policy Framework (NPPF):

The following sections are of particular relevance:

Introduction	-	Achieving Sustainable Development
Section 6	-	Delivering a Wide Choice of High Quality Homes
Section 7	-	Requiring Good Design
Section 8	-	Promoting Healthy Communities
Section 11	-	Conserving and Enhancing the Natural Environment

2.2 Saved Policies of the Herefordshire Unitary Development Plan 2007 (UDP):

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S7	-	Natural and Historic Heritage
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
E15	-	Protection of Greenfield Land
H4	-	Main Villages Settlement Boundaries
H7	-	Housing in the Countryside Outside Settlements
H10	-	Rural Exception Housing
H13	-	Sustainable Residential Design
H15	-	Density
H16	-	Parking
H19	-	Open Space Requirements
HBA4	-	Setting of Listed Buildings
HBA9	-	Protection of Open Areas and Green Spaces
T6	-	Walking
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
CF2	-	Foul Drainage

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
SS7	-	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
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

2.4 Neighbourhood Planning:

The neighbourhood area has been designated, but there have been no consultations on issues or options to date and the draft plan is some way off being finalised. Therefore no weight can be attached to the Neighbourhood Development Plan at this stage.

2.5 Other Relevant National and Local Guidance/Material Considerations:

National Planning Practice Guidance (2014)
Annual Monitoring Report
Five Year Housing Land Supply (2013-2018) Interim Position Statement
Planning for Growth – 2011
Laying the Foundations – 2011
Housing and Growth – 2012
Green Infrastructure Strategy – 2010

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

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

- 3.1 SE2000/0787/0 – Site for 15no. 3 bed houses, associated landscaping and highway schemes, and new public footpaths. Appeal against non determination dismissed 20th October 2000.
- 3.2 SE1999/2466/0 – Site for residential development (32 units) and ancillary road and footpath works. Refused 17th March 2000 Appeal dismissed 20th October 2000.

4. Consultation Summary

Statutory

- 4.1 Environment Agency The site is located in Flood Zone 1 and, as such, I would have no comments to offer. I would recommend you seek the comments of your Land Drainage team, as the Lead Local Flood authority (LLFA), who would look at surface water flooding and how it is managed. I note that the FRA does make reference to surface water flooding on the site and how it is proposed to manage it.
- 4.2 Welsh Water have outlined strong concerns regarding overland flooding downstream of this proposal, which in turn is having significant detrimental effect of the public sewerage network. The responsibility of land drainage rests with the local authority and/or the Environment Agency. Therefore Welsh Water recommends that the Local Authority and other agencies investigate this matter further so that appropriate solutions can be identified to address the issues surrounding flooding from local watercourses.
- 4.3 Notwithstanding the above, we request that if planning permission is granted the following conditions are attached to any planning consent to ensure no detriment to existing residents or the environment and to Welsh Water's assets.

SEWERAGE

Conditions

- 4.4 Foul water and surface water discharges shall be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

SEWAGE TREATMENT

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

WATER SUPPLY

- 4.6 No problems are envisaged in providing a water supply for this development.

Internal

Transportation Manager

- 4.7 The proposed access to the site has visibility splays of 2.4m x 90m to Lea and 120m to Ross, this is acceptable due to the speeds at the junction, complying with the design guide principles.
- 4.8 The proposal is to access onto Mill Lane and the A40, the estate must only have vehicle access onto the A40 to minimise the impact on Mill Lane. A cycle /footway link from all of the site onto the u70246 is a requirement and the design needs to comply to the councils Highways Design Guide with the gradient at 1 in 20. This needs to be conditioned.
- 4.9 The frontage of the site needs to have the footpath improved with a minimum of 2m width widening where necessary to secure the proposed visibility splay, x distance of 2.4m. The linkage to the school and the village centre needs to be improved to accommodate dropped crossings and a suitable crossing to the school with suitable visibility splays. This needs to be secured as part of the scheme and under a Section 278 Agreement.
- 4.10 The layout will be subject to a S38 agreement and submitted as part of reserved matters, the indicative layout will need to change due to the proposed access onto Mill lane. This needs to be dealt with at reserved matters stage as will the parking, travel plan, etc.
- 4.11 Lea is subject to severe flooding, it is essential that the development does not impact on this, the proposed development must not commence until works to any proposed flood defence/mitigation has been completed or it can be secured that the development will have no impact on any flooding in Lea. This must be secured by condition.
- 4.12 A flood study report is being undertaken by Herefordshire Council's service provider to identify issues and options, it is recognised the development is contributing to a solution.
- 4.13 S106 for the site is required and funds will be used to improve connectivity in Lea, improving sustainable transport links in Lea, including the Traffic lit junction, pedestrian crossing points, bus stop, footpath improvements, build outs to redefine junction and any other improvements identified through detailed design. The full contribution will be addressed in detailed planning. If you are minded to approve, please condition the following:

H03 2.4m x distance, 90m to Lea and 120m to the school, H17 to include improvements as described above and a condition for the pedestrian/cycle link onto Mill

Conservation Manager (Ecology)

- 4.14 'I have read the ecological report by Janet Lomas dated October 2013 and agree with its findings. The creation of traditional orchard areas and conservation of the more interesting areas of grassland are welcome developments for this site;

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

If this application is to be approved, I recommend the inclusion of condition K4 together with standard informatives N11A and N11C.

4.15 Conservation Manager (Landscape)

The Landscape Constraints

(a) Landscape Character

The landscape character of rolling hills, grazed pastures and arable fields, surrounded by hedgerows and a small village in the valley bottom would be diluted with new housing. This would be a loss to the traditional landscape character of this area.

(b) Landscape Function and Value

The landscape function and value of the site is its green infrastructure which relates the site to the wider countryside. Proposed housing on this site would lose this landscape context to the wider landscape.

(c) Landscape Sensitivity and Capacity to Absorb Development

The landscape sensitivity and capacity to absorb the development is low, due to the following reasons:

The northern boundary of the site with its elevated position and low hedgerows is open to the surrounding countryside. Proposed housing would dilute this connection and context with the surrounding countryside, forming a barrier to the green infrastructure which runs parallel in a north-south direction to the west of the village.

Heavy rainfall is becoming more extreme and more common with climate change. The south-eastern boundary of the site is in a flood area and new housing with its hard surfaced areas and fast run-off, exacerbate this existing flooding area of the village.

The Grade II listed building the Church of St John the Baptist presently has a rural context. This would be diluted by proposed housing on this site.

(d) Natural Landscape and Biodiversity

The native hedgerow boundaries and associated native trees are likely to provide good habitat for flora and fauna. This is especially so on the south-eastern boundary of the site. This habitat area will lose its viability, if housing is proposed in this south-eastern area.

(e) Visual and Public Amenity

The public right of way to the west of the site which goes in a southerly direction from the Church of St John the Baptist to the A4222, will lose its visual rural amenity value.

From a landscape-related perspective the site has a limited potential to accommodate this proposed development. If the proposal is to be considered further, then the following information would be required with the planning application.

A Sustainable Urban Drainage report and associated drawings to be forwarded. This should show material descriptions of permeable hard surface proposals, ground drainage via infiltration and information on excess surface water being temporarily accommodated by attenuation systems on site.

A landscape and visual impact assessment.

Hard and soft landscape details to include full planting plans, schedules and specifications for planting and the protection of existing and proposed vegetation. Habitat enhancement conservation and restoration proposals and vegetation to be removed to be clearly identified.

A landscape and ecological management plan. This management plan should show how the landscape proposals and ecological maintenance is to be monitored and maintained. The ecological aspect of the plan should be forwarded to our Ecological advisor for comment.

I would also recommend five landscape proposals:

No buildings on the low lying area of the south eastern section of the site.

No access to the site from the south eastern boundary.

Habitat creation in the south eastern area of the site.

Native tree and native hedgerow screening including evergreen species on the western boundary of the site.

If access to the site is proposed from the A40 on the northern boundary of the site and there is a loss of existing hedgerow for visibility splays requirements, then this should be compensated by a new native hedgerow running parallel, 2m away from the existing hedgerow. Native trees should be planted in this hedgerow.

4.16 The applicants commissioned further landscape analysis and the Conservation Manager (Landscapes) advises as follows:

With regards to items listed in my Landscape Response Section 5.1 to 5.4, I am now in the possession of:

- 5.1 The Sustainable Urban Drainage Report/drawings and the
- 5.2 The Landscape and Visual Appraisal

With reference to:

5.3 The hard and soft landscape details such as planting species, sizes, quantities and spacing, these should be provided at the Full Application stage, and

5.4 The Landscape and Ecological Management Plan (outlining future monitoring and maintenance), these should also be provided at the Full Application stage.

With regard to the five recommended landscape proposals 5.5 to 5.9 in the Landscape Response Section, I happy with the following proposals:

- 5.6 No access to site from south eastern boundary,
- 5.8 Native tree and native hedgerows, including evergreen species on western boundary,
- 5.9 On the northern boundary along the A40, paths to house frontages are reoriented to allow planting of a native hedge. (The planting plan proposals at the Full Application stage should show adequate space for this proposed native hedgerow - i.e. in a mature planting phase, five to ten years hence).

With reference to:

5.5 In the south eastern section of the site I would like to see some Sustainable Urban Drainage proposals for the site. The Flood risk Assessment and Drainage Strategy, prepared

by Infrastruct CS Ltd, dated 03/04/2013, states: 8.12, Flood Relief Measures 'It is important to note that the proposed development will not exacerbate the flooding that does occur both in Mill Lane and in the centre of Lea during periods of heavy rainfall and as such it is not reasonable to require the proposed development to provide remedial measures to alleviate those problems particularly as there appear to be a number of sources that contribute to the flooding.'

It is however in view of climate change, good practice with new developments to promote sustainable urban drainage with permeable soft landscaped areas in low lying areas of the proposed site.

5.7 I'm happy with the proposal for a proposed community orchard in the southern section of the proposed site.

Land Drainage Officer

Overview of the Proposal

- 4.17 The proposed development comprises the construction of 39 residential dwellings, a mixture of 2, 3 and 4 bedroom houses, with associated landscaping and infrastructure. The proposed development is located on a greenfield site, situated between the A40 to the north and the B4222 to the south on the outskirts of the village of Lea. The site area is approximately 1.8 ha as stated on the application form.

Fluvial Flood Risk

- 4.18 The Environment Agency's Flood Map for Planning (Figure 1) shows the site is located in Flood Zone 1. The site is situated adjacent to the Rudhall Brook, a tributary of the River Wye. It is noted that the site is located at the very upstream extent of the Environment Agency flood mapping of the Rudhall Brook. Flooding from the brook and surface runoff is a well documented issue in the village.
- 4.18 Part of the site is considered potentially at risk of fluvial flooding from the Rudhall Brook, particularly when considering the effects of climate change. A FRA is required for the development as the site is larger than 1 ha. An FRA has been provided by the Applicant.
- 4.19 The Applicant's FRA concludes that the risk of fluvial flooding to the site is low. We consider that part of the site, particularly the entrances to the site off Whiteways, could be subject to flooding from the Rudhall Brook in a 100 year event and may therefore be situated in Flood Zone 3a (annual probability of flooding from rivers > 1%). The proposed development (residential) is classified as "more vulnerable" to flooding, which would be subject to the Exception Test in Flood Zone 3a.
- 4.20 We recommend that the Applicant provides an assessment of the flood extent and flood depths at the site for a 100 year event (with an appropriate allowance for climate change in accordance with NPPF guidance). If the site and / or access routes are shown to be at risk for this event the Applicant should provide evidence that appropriate mitigation is provided to reduce flood risks to acceptable levels. We would usually recommend that finished floor levels are set a minimum of BOOmm above the 100 year (climate change) flood level, and dry access (preferably vehicular) should be provided to properties for this event. The illustrative layouts show a pedestrian access route connecting the five properties in the south eastern corner of the development to higher parts of the site, however the three properties in the north eastern corner appear to only have access to Whiteways. It is recommended that the council's Emergency Planners are consulted regarding detailed requirements for access and egress to the site.

- 4.21 To inform this assessment the Council may shortly be able to provide estimates of flood levels at the site as a modelling study of the Rudhall Brook is currently underway. Alternatively the Applicant could commission their own study.

Other Considerations and Sources of Flood Risk

- 4.22 The Applicant's FRA concludes that the risk of surface water flooding at the site is low, as "the topography of the surrounding area is such that overland flows to the site are low and the presence of a landscaping buffer zone provides additional protection". In general we agree with this conclusion. However, as identified in the FRA, the EA's Risk of Flooding from Surface Water map shows that Whiteways adjacent to the site and the A40 in the centre of the village to be at risk from surface water flooding. The topography of the site suggests runoff from the site and land immediately to the west would naturally flow through the site towards the centre of Lea. The FRA states that floor levels will be set above adjacent highway and parking areas such that habitable dwellings will not be at risk from flooding. This is considered appropriate mitigation (subject to detailed design) to manage overland flows through the site. We would also recommend that the detailed design includes measures to maintain dry access through the site as well as preventing flooding to properties. As detailed above, we recommend an assessment of flood levels and depths at the eastern accesses to the site to demonstrate that safe access and egress is provided.
- 4.23 The FRA concludes that the risk of groundwater flooding at the site is low due to the raised topography at the site compared with adjacent areas. A review of the EA's online mapping shows the bedrock at the site is designated a Secondary A aquifer (permeable layers supporting water supplies at a local scale). British Geological Survey online mapping shows the underlying geology at the site is sandstone with superficial deposits of alluvium close to the Rudhall Brook. The EA mapping indicates the soils have a high leaching potential, supported by the Cranfield University Soilscales mapping which shows freely draining loamy soils. We agree with the Applicant that groundwater flooding is unlikely to be a significant issue to most of the site but consider that the lower lying areas may be at risk. We understand that the development does not include any basement structures and the measures proposed by the Applicant to manage overland flows (i.e. raised floor levels) are considered appropriate mitigation for groundwater flooding.
- 4.24 The FRA considers the risk of flooding from local sewerage and artificial sources and concludes that both of these are low. The Applicant notes that there are reports of flooding of the local foul sewer network, stated as being due to surface water ingress to the foul pumping station. Several of the local residents also report flooding of foul sewers during times of flood. We concur with the Applicant that this does not present a significant flood risk to the development however recommend that this should be carefully considered in the detailed design of foul drainage for the development in consultation with Dwr Cymru Welsh Water.
- 4.25 The FRA recognises the existing flooding problems in Lea and indicates that a contribution could be made towards flood alleviation measures. This is supported in the proposed SI06 Heads of Terms included in the application documents.

Surface Water Drainage

- 4.26 The Applicant has provided an outline drainage strategy with their application. As detailed in the FRA the surface water drainage strategy for the development is as follows:
- Roof runoff discharged into cellular soakaways and private hardstanding to be permeable paving. All private drainage will be sized to accommodate a 100 year storm with a 30% allowance for climate change. Private drainage owners to be issued with a maintenance manual.

- Rainwater harvesting to be employed for the affordable housing element of the development (no further details provided);
- All dwellings to be provided with rainwater butts;
- Adopted highway runoff discharged to the Rudhall Brook with rates restricted to "greenfield or operational discharge rates". It is unclear what is meant by "operational discharge rates". However, it is assumed this implies the minimum flow rate that can usually be accommodated with flow controls (generally taken as 5 l/s). Clarification should be sought from the Applicant in this respect. Storage is proposed in oversized pipes, designed to accommodate the 30 year storm.

- 4.27 We note that the drainage plan shows soakaways to be located within the rear gardens of private properties. We do not recommend this unless there are no other suitable locations for soakaways within the development layout. It is assumed that individual homeowners will be responsible for maintenance of the soakaways. It is noted that under Schedule 3 of the Flood & Water Management Act, once enacted, Herefordshire Council as lead local flood authority are responsible for adopting new SUDS systems serving more than one property. It is recommended that they are consulted prior to submission of any reserved matters application to establish their position at that time.
- 4.28 Infiltration testing has also been undertaken at the site (locations not shown) which showed rates of 46×10^{-6} m/s (0.017 m/h) and 8.3×10^{-6} m/s (0.003 m/h). The Applicant states that these are on the border line of acceptable use of infiltration techniques. Microdrainage calculations are provided in the FRA which indicate that soakaways have been designed for a 100 year storm (with 30% climate change allowance). It is unclear exactly how these calculations relate to the proposed soakaways and areas of permeable paving shown on the drainage layout plan. The half drain time is quoted as 7279 minutes (5 days). This does not meet the criteria stated in BRE 365 that half drain times should be less than 24 hours to cater for subsequent storms. We do not consider that a reliance on infiltration is appropriate for this development due to the low infiltration rates on site.
- 4.29 Supporting Microdrainage calculations for the highway drainage indicate that storage has been designed for the 30 year storm (no climate change allowance) although again it is unclear exactly how these relate to the highway areas shown on the site plan. The Applicant has not provided details of proposals to manage highway runoff for larger events. Exceedance flow routes have been identified along the main access roads discharging off site, however there do not appear to be any measures proposed to manage exceedance flows on site so as not to increase off site discharges.
- 4.30 We recommend that the Applicant should provide further details and justification of the drainage strategy demonstrating how surface water from the proposed development will be managed, including consideration of exceedance during events greater than the design standard and/or when the system does not operate as intended. The strategy should demonstrate that runoff will not exceed pre-developed greenfield rates and ensure no unacceptable flood risk to the development or increased flood risk to people/property elsewhere up to the 1 in 100 year event, including an allowance for climate change. If soakaways remain a component of the drainage strategy, this should consider appropriate mitigation against the low infiltration rates and subsequent extended half drain time. Guidance for managing extreme events can be found within CIRIA C635: Designing for exceedance in urban drainage: Good practice.
- 4.31 In accordance with the draft National Standards for Sustainable Drainage and Policy DR4 of the Unitary Development Plan, the drainage strategy should incorporate the use of Sustainable Drainage (SUDS) where possible. The surface water drainage strategy should be designed to mimic the existing drainage of the site. We recommend the Applicant considers the use of other SUDS measures such as swales and detention basins as a replacement for soakaways and in preference to underground pipe systems where feasible. The Applicant

should provide justification for the use of oversized pipes for attenuation storage of highway drainage.

- 4.32 Details of any necessary maintenance of the proposed surface water drainage system should be provided by the Applicant along with who will be responsible for undertaking maintenance. The Applicant must consider treatment of surface water prior to discharge. Evidence of adequate separation and/or treatment of polluted water (including that from vehicular areas) should be provided to ensure no risk of pollution is introduced to groundwater or watercourses, both locally and downstream of the site.

Foul Water Drainage

- 4.33 It is understood that a gravity drainage system is proposed, discharging into the Welsh Water foul sewer running along the B4222 and that DCWW have given consent in principle to connect to the sewer. We have no further comments except to reiterate the recommendation above that the Applicant considers the risk of flooding from foul sewers when the foul pumping station is surcharged.

Overall Comment

- 4.34 We note that should the development proceed, a contribution may be made towards flood alleviation measures. However on the basis of the information submitted to date, we recommend that the Council objects to the proposed development on flood risk and drainage grounds. Further information should be provided by the Applicant to address the following concerns:

- An assessment of flood risks from the Rudhall Brook/surface water flows at the eastern site boundary for the 100 year (climate change) event to demonstrate that safe access and egress is provided with the current proposals and that the risk of flooding to properties is low;
- We recommend that the Applicant reconsiders the proposal to rely on infiltration to dispose of runoff from roofs and non-adopted highway / parking areas. If infiltration remains the preferred technique, the Applicant should demonstrate how the slow drain down times and subsequent exacerbated risk of exceedance has been addressed;
- The Applicant should justify the proposal for attenuation of highway runoff in oversized pipes and demonstrate why more sustainable techniques are not feasible;
- Further information is required to demonstrate that exceedance of the drainage system has been adequately considered and that suitable mitigation is included to prevent an unacceptable risk of flooding to the development. Runoff from the site should be restricted to greenfield rates for all events up to the 100 year (with climate change allowance).

- 4.35 If the Council is minded to approve the application we recommend that the above information is submitted as part of any reserved matters submission, with the following in addition:

- Details of the proposals for adoption and maintenance of the surface water drainage system;
- A detailed drainage strategy, with supporting calculations, showing the location and sizes of any soakaways and attenuation storage and demonstrating how discharges from the site are restricted to greenfield rates for all events up to the 100 year (with climate change allowance). The Applicant should also provide information on

groundwater levels as Standing Advice recommends that the invert level of a soakaway should be at least 1 m above the groundwater level.

- Evidence of adequate separation and/or treatment of polluted water (including that from vehicular areas) should be provided to ensure no risk of pollution is introduced to groundwater or watercourses, both locally and downstream of the site.

Following the above advice the applicants commissioned further work and the Land Drainage Manager has confirmed the following:-

The additional information addresses our concerns sufficient for outline planning
The information addresses our concerns sufficient to remove our recommended objection on flood risk and land drainage grounds, subject to provision of a detailed drainage strategy with the full planning application.

Housing Manager

- 4.36 In previous discussions with the Agent I negotiated 14 units of affordable housing with a breakdown of 6 social rent and 8 intermediate tenure. However, after a discussion with officers and taking into account the housing needs survey the provision of 6 intermediate tenure affordable units and a contribution towards flood works within the village of Lea is acceptable to the housing team.

Education

- 4.37 The educational facilities provided for this development site are Ryefields Early Years, Lea Primary School, John Kyrle High School, St Marys RC High School and Ross Youth.
- 4.38 The Childcare Sufficiency Assessment highlighted that within the Ryefields area 12% of parents are unable to seek work and 16% are prevented from getting a better job due to childcare issues. The Ryefields area has the largest significant percentage in the County who require childcare at the weekends, for shift work and overnight. An anecdotal need for child minders was also noted in both supply and demand.
- 4.39 The youth service within Ross-on-Wye has close working links with the extended schools service, however a major need that been identified in Tudorville and the local Councillors keen for the youth services to provide activities in this area. The youth service is also requested to work with the youth of other rural parishes but is unable to provide this as they do not currently have the resources.

Lea Primary School has a planned admission number of 15. As at the schools Spring Census 2014:

2 year groups were at or over capacity- YR-16, Y2- 19

John Kyrle Secondary School has a planned admission number of 210. As at the schools Spring Census 2014:

4 year groups were at or over capacity- Y8- 211, Y9- 222, Y10-213, Y11-233

St Marys RC Secondary School has a planned admission number of 135. As at the schools Spring Census 2014:

4 year groups are over capacity- Y7- 158, Y8- 149, Y9- 150, Y10-151, Y11-132

- 4.40 Approximately 1% of the population are affected by special educational needs and as such the Children's Wellbeing Directorate will allocate a proportion of the monies for Primary, Secondary and Post 16 education to schools within the special educational needs sector.

- 4.41 Please note that the Planned Admission Number of the above year groups is based on permanent and temporary accommodation, whereas section 3.5.6 of the SPD states that the capacity should be based on the permanent accommodation, therefore, additional children may also prevent us from being able to remove temporary classrooms at John Kyrle High School that we would otherwise be able to do.
- 4.42 In accordance with the SPD the Children's Wellbeing Directorate would therefore be looking for a contribution to be made that would go towards the inclusion of all additional children generated by this development. The Children's Wellbeing contribution for this development would be as follows:

Contribution by No. of Bedrooms	Pre-School	Primary	Secondary	Post 16	Youth	SEN	Total
2+ bedroom/apartment	£117	£1,084	£1,036	£87	£432	£89	£2,845
2/3 bedroom house/bungalow	£244	£1,899	£1,949	£87	£583	£138	£4,900
4+ bedroom	£360	£3,111	£4,002	£87	£1,148	£247	£8,955

- 4.43 Please note this is the contribution that would be requested at this point in time based on the current information available that is pupil census data and the criteria in the SPD. It is therefore likely that this level of contribution will change (increase or decrease) for all subsequent applications made.

Parks and Leisure Officer

- 4.44 **POS/recreation requirements:** As per my pre-app comments a development of this size is required to provide POS/Play to meet UDP Policy H19 and RST3 requirements.
- 4.45 It is noted that the proposed layout has incorporated an amount of both formal and informal POS/Play area including a community orchard. This is supported. Whilst it is unclear as to the amount provided, it looks to more than adequately meet the policy requirements of:

POS (0.4 ha per 1000 population)

Play area provision (0.6 – 0.8 ha per 1000 population)

which for 39 dwellings @ 2.3 average occupancy (pop 89.7) equates to approx. 0.105ha (1,050 sq m).

- 4.46 My previous comments suggested that provision could be either on or off site but should be determined in consultation with the Parish Council. My preferred option was to provide something on site as the existing play area in Lea is some distance away and would involve crossing a busy main road, the A40 and unless a crossing point is provided this is not ideal for young children. That said, it is owned and managed by a housing association and although has reasonable equipment it is an untidy site which is need of improvement.
- 4.47 **Draft Heads of Terms:** It is noted that the draft heads of terms indicate both an off-site contribution “to be used in consultation with the Parish Council for the improvement of POS and rights of way” and “the provision of maintenance of open space and landscape belt within the site”.

4.48 It is not normal to provide both on and off site provision and given the amount provided on site, it may be that an off-site contribution is not required. It may be that a combination of both on and off has been negotiated with the Parish Council in which case this needs to be agreed by them.

4.49 **Future Adoption and Maintenance:** It is unlikely that Herefordshire Council will adopt any on-site POS/Play. Suitable management and maintenance arrangements will be required to support any provision of open space and associated infrastructure within the open space in line with the Council's policies. This could be by adoption by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

4.50 **SPD Planning Obligations: Sport England Contributions:** it is noted that no reference is made to this contribution. In accordance with the SPD on Planning Obligations a Sport England contribution is asked for from all residential development 10 and over. It is based on Sport England's facilities calculator methodology as follows:

- 1 bed - £408
- 2 bed - £496
- 3 bed - £672
- 4+ bed - £818

This is subject to a piece of work currently being undertaken to complete the Indoor Sports Facility Investment Plan. This work will identify where additional investment is required in meeting future needs and includes facilities managed by HALO. This work will complete soon and once more information is known it will be forwarded.

In the more rural areas such as Lea if the Parish Council has or is in the process of identifying investment required for village hall/sports halls to improve quality/quantity to meet local community needs, for instance, via their Neighbourhood Planning process, this should also be considered as a local priority.

5. Representations

5.1 Lea Parish Council state: The Lea Parish Council held a meeting on the 17th June 2014 at which the public were invited to make comments or ask questions of the applicant's consultants who were present. Having heard the responses and points made by the public the Parish Council resolved to support the application subject to the following reservations which would need to be dealt with at the detailed stage and prior to implementation.

1. Problems relating to surface water drainage.
2. Problems relating to the foul drainage system.
3. The need to provide a mix of housing types which would meet the actual needs of the village. [The P.C. considers that the proportion of affordable housing is already high enough]
4. The problems of overlooking in the N.E. corner of the site.
5. The need for improvements to the sub-standard Whiteways and its junction with Mill Lane.

6. Any monies raised via a Section 106 Agreement should be prioritised towards resolving flooding problems in the village.

5.2 Forty letters of objection have been received the main points raised:-

1. There are a number of applications in Lea all of which need to be considered together
2. Current drainage system inadequate therefore this will only exacerbate the problem.
3. Lea is a village not a small town
4. Additional traffic on roads
5. Limited bus service
6. Concern as to whether village can accommodate increase impact on shops, school etc
7. No street lighting near A40 – this would detract from the village appearance and character
8. Open space between the PFS and vicarage/church forms an important part of the existing character and should be protected
9. Size, style and regimentation of housing conflicts with the existing character of the core of the village
10. Welsh Water are not going to remedy sewerage problems until 2016/17
11. Flooding remains a major concern and no development should take place until this is resolved
12. Only 31 dwellings are identified for Lea between 2011 to 2031 therefore the scale of the development is unnecessary
13. The height of the development will destroy the unique character of the village
14. Impact on setting of listed buildings
15. New housing should be built on brownfield land
16. Grade 2 agricultural land should not be developed alternative sites should be considered as required by Para 112 NPPF
17. Previous appeal decision dismissed due to loss of hedgerow
18. SHLAA identifies site should only be considered in the 11-20 year timescale
19. Pedestrian crossing is in wrong place
20. Proposal represents a significant overdevelopment of an exposed site
21. The school is full to capacity
22. Housing should be moved from the north east corner to reduce impact on listed buildings and centre of village
23. Housing will be a blot on the landscape
24. Outside of settlement boundary

5.3 Six letters of support have been received the main points raised:-

1. Best option for development in the village
2. Help secure future of village school
3. Sustainable development
4. Benefits include mitigation for surface water run-off
5. SHLAA identifies the land as being available and achievable

5.4 Six letters with a mixed reaction have been received the main points raised:-

1. If approved additional screening to adjacent property needs to be incorporated into layout
2. More landscaping to help reduce impact of development with open space moved to centre of development and more trees around the perimeter
3. Reduce density and use of materials in character with the village
4. The need for further affordable housing is questionable

5. Affordable housing should include bungalows

- 5.5 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:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

- 6.1 Lea is identified within the adopted Unitary Development Plan as a main village and is also allocated as a main village within the Hereford Housing Market Area within the emerging Local Plan – Core Strategy with a 14% indicative growth target over the plan period. This equates to approximately 31 dwellings. The application is made in the context of the housing land supply deficit.
- 6.2 Taking the characteristics of the site into account the main issue is whether, having regard to the supply of housing land, the proposals would give rise to adverse impacts, having particular regard to the likely effects upon the character and appearance of the area, nature conservation interests and highway safety and heritage assets, that would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development.

The Principle of Development in the Context of 'Saved' UDP Policies the NPPF and Other Material Guidance

- 6.3 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

- 6.4 In this instance the Development Plan for the area is the Herefordshire Unitary Development Plan 2007(UDP). The plan is time-expired, but relevant policies have been 'saved' pending the adoption of the Herefordshire Local Plan - Core Strategy. UDP policies can only be attributed weight according to their consistency with the NPPF; the greater the degree of consistency, the greater the weight that can be attached.

- 6.5 The two-stage process set out at S38 (6) requires, for the purpose of any determination under the Act, assessment of material considerations. In this instance, and in the context of the housing land supply deficit, the NPPF is the most significant material consideration. Paragraph 215 recognises the primacy of the Development Plan but, as above, only where saved policies are consistent with the NPPF:-

"In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that maybe given)."

- 6.6 The effect of this paragraph is to supersede the UDP with the NPPF where there is inconsistency in approach and objectives. As such, and in the light of the housing land supply deficit, the housing policies of the NPPF must take precedence and the presumption in favour of approval as set out at paragraph 14 is engaged if development can be shown to be *sustainable*.

- 6.7 The NPPF approach to Housing Delivery is set out in Chapter 6 – Delivering a wide choice of high quality homes. Paragraph 47 requires that local authorities allocate sufficient housing land to meet 5 years' worth of their requirement with an additional 5% buffer. Deliverable sites should also be identified for years 6-10 and preferably years 11-15 too. Paragraph 47 underlines that UDP housing supply policies should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 6.8 The Council's published position is that it cannot demonstrate a five year supply of housing land. This has been reaffirmed by the recently published Housing Land Supply Interim Position Statement – May 2014. This, in conjunction with recent appeal decisions, confirms that the Council does not have a five year supply of deliverable housing land, is significantly short of being able to do so, and persistent under-delivery over the last 5 years renders the authority liable to inclusion in the 20% bracket.
- 6.9 In this context, therefore, the proposed erection of approximately 39 dwellings, including 6 affordable, on a deliverable and available site is a significant material consideration telling in favour of the development to which substantial weight should be attached.
- 6.10 Taking all of the above into account, officers conclude that in the absence of a five-year housing land supply and advice set down in paragraphs 47 & 49 of the NPPF, the presumption in favour of sustainable development expressed at Paragraph 14 of the NPPF is applicable if it should be concluded that the development proposal is sustainable. As such, the principle of development cannot be rejected on the basis of its location outside the UDP settlement boundary.

Assessment of the Scheme's Sustainability Having Regard to the NPPF and Housing Land Supply

- 6.11 The NPPF refers to the pursuit of sustainable development as the golden thread running through decision-taking. It also identifies the three mutually dependent dimensions to sustainable development; the economic, social and environmental dimensions or *roles*.
- 6.12 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land. The social dimension also refers to the need to ensure an appropriate supply of housing to meet present and future needs and this scheme contributes towards this requirement with a mix of open market and affordable units of various sizes. Fulfilment of the environmental role requires the protection and enhancement of our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use resources prudently and moving towards a low-carbon economy.
- 6.13 In this instance officers consider that in terms of access to goods and services the site is sustainably located whereas the delivery of up to 39 dwellings, including 6 affordable, together with contributions towards public open space, sustainable transport, flood defences and education infrastructure would contribute towards fulfilment of the economic and social roles. These are significant material considerations telling in favour of the development.

Impact on Landscape Character

- 6.14 NPPF Paragraph 109 states that valued landscapes should be protected and enhanced. Paragraph 113 advises local authorities to set criteria based policies against which proposal for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. It goes further, however, and confirms that *'distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.'* Appeal decisions have also confirmed that although not containing the 'cost-benefit' analysis of the NPPF, policies LA2

Further information on the subject of this report is available from Mr K Bishop on 01432 260756

(landscape character), LA3 (setting of settlements), NC1 (biodiversity and development), NC6 (biodiversity action plans), NC7 (compensation for loss of biodiversity) and HBA4 (setting of listed buildings) are broadly consistent with chapter 11 of the NPPF.

- 6.15 The application site has no formal landscape designation. It lies in open countryside outside but adjacent the settlement boundary. Although categorised as a SHLAA significant constraints site this was on landscape impact, something that this proposal addresses. It is accepted that the proposed development is not likely to adversely affect the character of the wider Herefordshire landscape. The Conservation Manager (Landscape) considers that the site can accommodate development, although this is contingent on the Reserved Matters submission reflecting the need to enhance landscaping around the site. The Development Framework plan partly reflects this requirement and enhanced green infrastructure by drawing development away from the western boundary onto the open fields and the most prominent part of the site.

On the basis that conditions will be imposed requiring the protection of hedgerows and SUDS scheme, and in the context of the housing supply situation, the principle of development is considered acceptable in the context of 'saved' UDP policies LA2 and LA3.

Impact on Heritage Assets

- 6.16 There are no visible heritage assets within the vicinity of the site. However St John the Baptist Church is approximately 200m to the west and a group of listed dwellings located near the centre of the village. Although the listed buildings in the village are within 65m of the northern and eastern edge of the site due to the topography and intervening non listed buildings your officers are satisfied that the application site does impact upon the setting of these heritage assets.

Impact on Ecological Interests

- 6.17 The Council's Ecologist concurs with the findings of the submitted ecological appraisals. It is concluded that the proposal will not have a significant impact on ecological interests. Subject to the imposition of conditions and informatives as set out below, the development is considered to accord with the provisions of the Development Plan and NPPF guidance.

Transport

- 6.18 The Transportation Manager

Concern was raised by the Transportation Manager regarding the additional vehicular access points identified off the unclassified road to the east and onto Mill Lane(B4222) with the initial proposal. The agent has amended the development framework masterplan to provide for all vehicular access off the A40 and pedestrian connectivity only to the south onto Mill Lane and the unclassified road which links into the centre of the village. Accordingly all access to the development is considered acceptable subject to the following provisions which are included as part of the S106 and S278 agreements together with planning conditions as appropriate. This covers enhanced footpath provision along the A40, pedestrian crossing points, bus stop and improvement to the traffic light junction in the centre of the village.

- 6.19 Therefore the Transportation Manager concludes that the scheme is acceptable relative to the requirements of paragraph 32 of the NPPF.

Land Drainage and Flood Risk

- 6.20 The centre of Lea suffers from flooding and is an identified flood risk area. The Council has commissioned a report to identify the issues and means to alleviate the situation. The findings of this report are due shortly. Due to the topography of the area and with the centre of Lea located within the 'dip' all waters gravitate towards the centre of the village. This has resulted in flooded properties and the closure of the main A40 road.
- 6.21 This planning application through the S106 seeks to provide a substantial sum (£480,000) towards a flood attenuation scheme. The monies have been calculated on reduced affordable housing provision as identified by the housing needs survey for the village.
- 6.22 The exact figure for the flood attenuation works is not yet known however by establishing funding towards a scheme its implementation will inevitably be brought forward and enable additional inward investment from other agencies to fund the scheme. Any monies remaining will be used to provide additional off site-affordable housing. This is considered to be a key economic and social aspect to the scheme which should be given significant weight in the decision making process.

Public Open Space

- 6.23 The masterplan provides for public open space to be provided on site with a play area and creation of a community orchard and green corridor along the western boundary. The management of these facilities will be by means of a management company.

S106 Contributions

- 6.24 The S106 draft Heads of Terms are appended to the report. CIL regulation compliant contributions have been negotiated. The agent has confirmed agreement to the Draft Heads of Term which provide for a raft of contributions.

Impact on Adjoining Residential Amenity

- 6.25 Loss of amenity arising from direct and prejudicial overlooking is a material consideration. In this case, officers are satisfied that development of the site is possible without undue impact on adjoining property, particularly those dwellings adjoining the site to the north east and south. Clearly this will be contingent on detailed consideration at the Reserved Matters stage. The masterplan does identify single storey dwellings along the north eastern boundary and careful design and layout will need to be undertaken to limit any impact on adjoining residential property. However your officers consider this can be achieved. This view is further clarified by the previous appeal on the site when the appointed inspector confirmed that '*with care in the layout of the development and landscaping of the site unacceptable consequences could be avoided*'.
- 6.26 Adoption of this approach would ensure adequate separation distances, although care would need to be taken to ensure that dwellings on the site's periphery are constructed at a level that does not result in an undue overbearing impact. At this stage, however, officers are satisfied that an appropriate layout at the Reserved Matters stage would be capable of according with the requirements of saved UDP policy H13 and NPPF paragraph 12, which demands good standards of amenity.

Foul Drainage and Water Supply

- 6.27 The Water Authority has outlined strong concerns regarding overland flooding downstream of this proposal which in turn has had significant detrimental effect on the public sewerage network. However it should be noted that this proposal seeks to fund substantial works of improvement to resolve this matter. They raise no objection to the development in terms of the capacity of the treatment works to cater for the additional foul waste flow or provision of a water supply subject to appropriate conditions as recommended.

Sustainable Design

- 6.28 The applicant has confirmed through the sustainability statement that all dwellings shall follow a fabric first approach to energy efficiency. It is envisaged that energy consumption and carbon emissions will be reduced by building to a minimum of code 4 of the code for sustainable homes. The site offers good opportunity to construct on an orientation that ensures optimum exposure to passive solar gain and for solar thermal and PV panels. In addition water harvesting will form part of the Reserved Matters application.

The Neighbourhood Plan

- 6.29 Lea Parish Council has designated a neighbourhood plan area. Paragraph 17 of the NPPF, states that planning should be *'genuinely plan led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of an area'*.
- 6.30 However there have been no consultations on the issues or options to date and therefore the draft plan is some way off being finalised. Therefore no weight can be attached to the Neighbourhood Plan at the present time.

Summary and Conclusions

- 6.31 The Council cannot demonstrate a five-year supply of housing land with requisite buffer. The housing policies of the UDP are thus out-of-date and the full weight of the NPPF is applicable. UDP policies may be attributed weight according to their consistency with the NPPF; the greater the consistency, the greater the weight that may be accorded. The pursuit of sustainable development is a golden thread running through both plan-making and decision-taking and identifies three dimensions to sustainable development; the economic, social and environmental roles.
- 6.32 When considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that the presumption in favour of approval is engaged. The site lies outside but directly adjacent the settlement boundary on a SHLAA site that was designated as having significant constraints on the basis of landscape impact. Lea is, having regard to the NPPF, a sustainable location and this site is well placed to benefit from good pedestrian connectivity to village facilities. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel).
- 6.33 The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic role. Likewise S106 contributions and the new homes bonus should also be regarded as material considerations. In providing a greater supply of housing and breadth of choice, including 6 affordable homes and in offering enhancements to footway and pedestrian crossing facilities locally, officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development. In

addition the contribution towards the flood attenuation scheme is considered to carry significant weight in the planning balance.

- 6.34 The Conservation Manager (Landscapes) confirms the application site has the ability to accommodate residential development subject to the enhanced landscaping of the western boundary and retention of other boundary features and the Development Framework Plan responds positively to these requirements. The site does not exert any influence on the setting of the heritage asset as identified in the report due to the distances involved, topography and intervening buildings. Certainly any impact such as there may be is likely to result in less than substantial harm to the significance of the heritage assets. This is in the context of the safeguard provided by detailed assessment of the layout, landscaping, scale and appearance at the Reserved Matters stage.
- 6.35 Officers conclude that there are no highways, ecological issues that should lead towards refusal of the application and that any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits. It is therefore concluded that the presumption in favour of sustainable development should be engaged and that planning permission should be granted subject to the completion of a legal undertaking and planning conditions. The conditions will include a requirement to limit the number of dwellings to no more than 39 and to formulate an integrated foul and surface water run-off scheme. The commencement of the development will also be controlled to run in parallel with the flood alleviation scheme. Finally officers would also recommend the developer conducts further consultation with the Parish Council and local community as regards the detail of any forthcoming Reserved Matters submission.

RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant Outline Planning Permission, subject to the conditions below and any other further conditions considered necessary:

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. **C01 Samples of External Materials**
5. **The submission of reserved matters in respect of layout, scale, appearance and landscaping and the implementation of the development shall be carried out in accordance with the approved plans.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, HBA4 and LA4 and the National Planning Policy Framework.

6. **The development shall include a mix of dwellings of no more than 39 dwellings and no dwellings shall be a mixture of one and two storeys high.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, H13, HBA4 and the National Planning Policy Framework.

7. **H03 Visibility Splays**
8. **H06 Vehicular Access Construction**
9. **H09 Driveway Gradient**
10. **H11 Parking - Estate Development (more than one house)**
11. **H17 Junction Improvement/Off Site Works**
12. **H18 On Site Roads - Submission of Details**
13. **H19 On Site Roads - Phasing**
14. **H20 Road Completion in 2 years**
15. **H21 Wheel Washing**
16. **H27 Parking for Site Operatives**
17. **H29 Secure Covered Cycle Parking Provision**
18. **H30 Travel Plans**
19. **L01 Foul/Surface Water Drainage**
20. **L02 No Surface Water to Connect to Public System**
21. **L04 Comprehensive & Integrated Draining of Site**
22. **G04 Protection of Trees/Hedgerows that are to be Retained**
23. **G10 Landscaping Scheme**
24. **G11 Landscaping Scheme - Implementation**
25. **K4 Nature Conservation - Implementation**

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **HN10 No Drainage to Discharge to Highway**
3. **HN08 Section 38 Agreement & Drainage details**
4. **HN07 Section 278 Agreement**
5. **HN04 Private Apparatus Within Highway**

- 6. **HN28 Highways Design Guide and Specification**
- 7. **HN27 Annual Travel Plan Reviews**
- 8. **HN25 Travel Plans**
- 9. **N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
- 10. **N11C General**

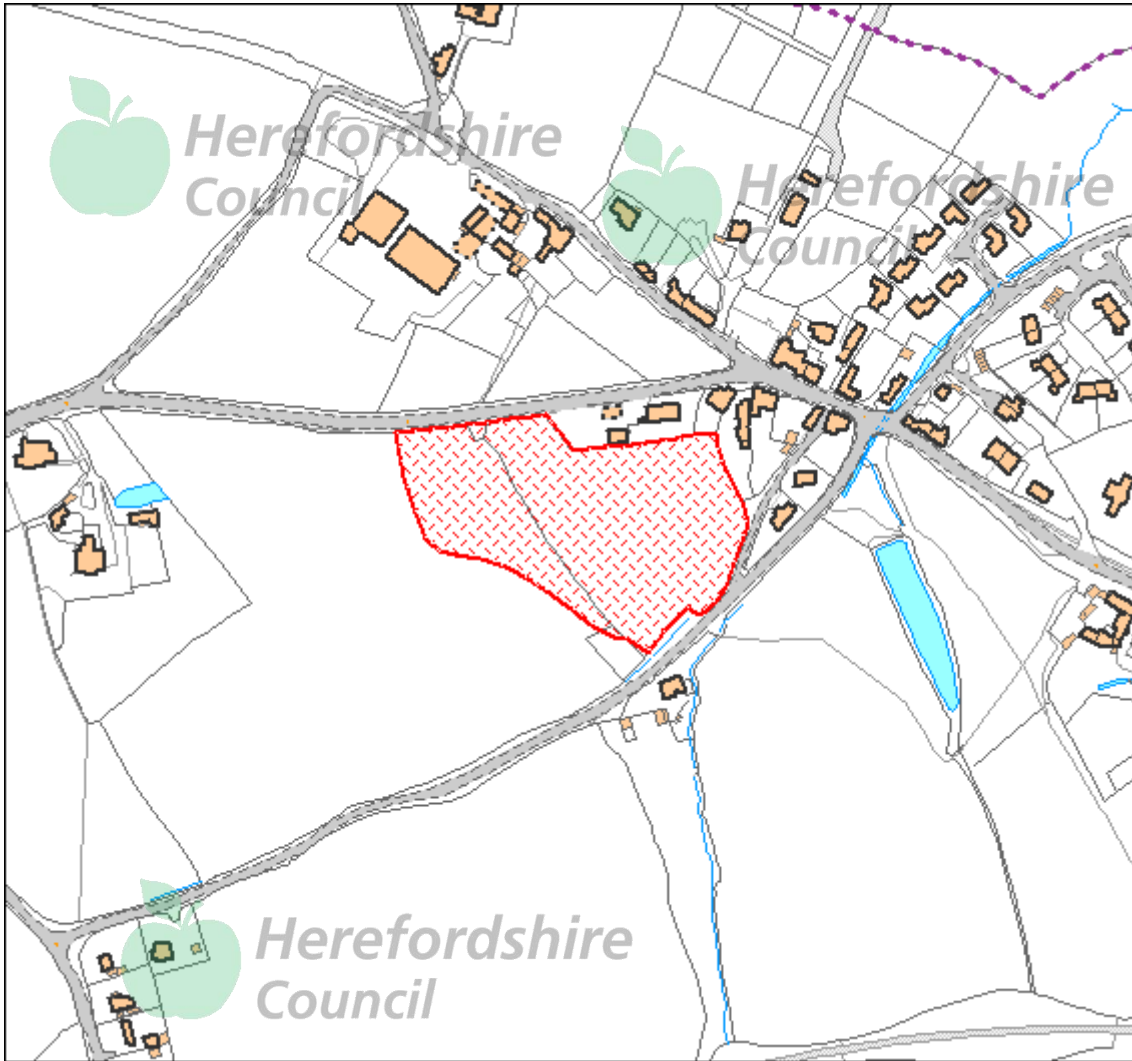
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 141278/O

SITE ADDRESS : LAND ADJACENT TO THE PETROL FILLING STATION AND MILL LANE, LEA, ROSS-ON-WYE, HEREFORDSHIRE

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Further information on the subject of this report is available from Mr K Bishop on 01432 260756

DRAFT HEADS OF TERMS

PROPOSED PLANNING OBLIGATION AGREEMENT

Section 106 Town and Country Planning Act 1990

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 general market units only.

Planning application reference: P141278/O

Site for the proposed residential development for 39 dwellings on land adjacent to the petrol filling station and Mill Lane, Lea, Ross-on-Wye, Herefordshire

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

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

£4,900.00 (index linked) for a 3 bedroom open market dwelling

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

The contributions will provide for enhanced educational infrastructure at Ryefile Early Years, Lea Primary School, John Kyrle High School, St Mary's Roman Catholic School, Ross Youth and the Special Education Needs Schools. The sum shall be paid on or before first occupation of the 1st open market dwellinghouse, and may be pooled with other contributions if appropriate.

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

£2,457.00 (index linked) for a 2 bedroom open market dwelling

£3,686.00 (index linked) for a 3 bedroom open market dwelling

£4,915.00 (index linked) for a 4+ bedroom open market dwelling

The contributions will provide for sustainable transport infrastructure to serve the development including pedestrian and bus infrastructure improvements at the crossroads in the village centre and a pedestrian crossing to the primary school. The sum shall be paid on or before occupation of the 1st open market dwellinghouse and may be pooled with other contributions if appropriate.

Note: the footpath adjacent to the A40 to the village centre will need to be upgraded to a minimum 2.5 metre width through a section 278 agreement

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

£408.00 (index linked) for a 1 bedroom open market dwelling

- £496.00** (index linked) for a 2 bedroom open market dwelling
- £672.00** (index linked) for a 3 bedroom open market dwelling
- £818.00** (index linked) for a 4 bedroom open market dwelling

The contributions will provide for off-site indoor play facilities within Ross-on-Wye. In the more rural areas such as Lea if the Parish Council has or is in the process of identifying investment required for village hall/sports halls to improve quality/quantity to meet local community needs, for instance, via their Neighbourhood Planning Process, this should also be considered as a local priority. The sum shall be paid on or before occupation of the 1st open market dwellinghouse and may be pooled with other contributions if 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 dwelling
- £146.00** (index linked) for a 2 bedroom open market dwelling
- £198.00** (index linked) for a 3 bedroom open market dwelling
- £241.00** (index linked) for a 4+ bedroom open market dwelling

The contributions will provide for enhanced Library facilities in Ross-on-Wye. 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.

5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£120.00** (index linked) per dwelling. The contribution will provide for waste reduction and recycling in Ross-on-Wye. The sum shall be paid on or before 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 **£480,000.00** (index linked) for the delivery of a flood attenuation system in Lea. In the event that the monies are not require for the flood attenuation system the monies will revert to the delivery of off-site affordable housing. 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. Given the location of the development Herefordshire Council would not wish to adopt any on site Public Open Space. The maintenance of the on-site Public Open Space (POS) will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the parish council or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

Note: If an attenuation basin is proposed it will be transferred to the Council with a 60 year commuted maintenance sum. This will be done as part of the Section 38 process.

8. The developer covenants with Herefordshire Council that 6 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 (2008).
9. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
10. The Affordable Housing Units must be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-
 - 10.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 10.2 satisfy the requirements of paragraph 12 of this schedule
11. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of who has:-
 - 11.1 a local connection with the parish of Lea;
 - 11.2 in the event there being no person with a local connection to the above parish any other person ordinarily resident within the administrative area of Herefordshire Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 10 above
12. For the purposes of sub-paragraph 11.1 of this schedule ‘local connection’ means having a connection to one of the parishes specified above because that person:
 - 12.1 is or in the past was normally resident there; or
 - 12.2 is employed there; or
 - 12.3 has a family association there; or

12.4 a proven need to give support to or receive support from family members; or

12.5 because of special circumstances

13. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to a subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
14. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 3 of the 'Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes' or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
15. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3, 4, 5 and 6 above for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
16. The sums referred to in paragraphs 1, 2, 3, 4, 5 and 6 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
17. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
18. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Yvonne Coleman

Planning Obligations Manager