

MEETING:	PLANNING COMMITTEE
DATE:	10 DECEMBER 2014
TITLE OF REPORT:	P141408/F - PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 16 OPEN MARKET HOUSES AND 9 AFFORDABLE HOMES AT BARLEY CLOSE, WOODSEAVES ROAD, EARDISLEY, HEREFORDSHIRE, For: R S Preece & Son per Mr James Spreckley, Brinsop House, Brinsop, Hereford, Herefordshire HR4 7AS
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141408&search=141408
Reason Application Submitted to Committee – Contrary to Policy	

Date Received: 1 May 2014

Ward: Castle

Grid Ref: 330950,249703

Expiry Date: 21 August 2014

Local Member: Councillor J W Hope MBE.

1. Site Description and Proposal

- 1.1 Planning permission is sought in 'full' for the erection of 25 dwellings, including 9 affordable units on land north of Woodseaves Road, Eardisley. The site forms part of an open field bounded to the east by the A4111 Road and the C1075 Woodeaves Road to the south on opposite side of which is residential development. To the west of the site is a detached dwelling, Green Gables, and its large curtilage.
- 1.2 The site which covers an area of approx one hectare is located within easy reach of the central part of the village on land adjoining the recognised development boundary for Eardisley, a 'main village' in accordance with the Herefordshire Unitary Development Plan Inset map. The main built up environment of the village extends to the south, the northern edge of the village is mainly historic in nature and forms part of the Eardisley Conservation Area, within which the site is located. On the opposite side of the road alongside the site's eastern boundary is a grade II* listed dwelling, Upper House Farmhouse. There are other listed dwellings located within the surrounding vicinity and in particularly on the southern side, alongside Woodseaves Road, which is predominantly traditional 'black and white' character and this area represents a strong feature in relationship to the surrounding build environment.
- 1.3 The site is bounded to the north by open countryside and a network of public rights of way, Further to the west along Woodeaves Road is a housing development known as Canonford Avenue comprising 22 dwellings.

The Proposal

- 1.4 The development comprises a mixture of 2, 3 and 4 bedroom two storey dwellings. The 1, 2 and 3 bed units are terraced or semi-detached. The larger units are detached, and these consist of three, 3 bedroom units and five, 4 bedroom units.
- 1.5 Vehicular access is proposed through the construction of a single point of access direct from Woodeaves Road. The estate road heads into the site with properties arranged on either side before making a long left hand turn towards the north-western portion of the site. The affordable units are located on the southern side of the site. There is also a pedestrian access point located to the north west of the site off the A4111 road connecting to the existing public footpath. The applicant has also offered a two metre strip of land alongside the adjacent A4111 highway in order to enable footpath construction from the direction of Upper House Farm.
- 1.6 Surface water drainage is taken from the site and conveyed to a SUDs pond on land to the east of the site laid out as an 'ecological feature' which will act as a feature and recreational space and buffer between development on site and the grade II* listed Upper House Farmhouse located on opposite side of the adjacent A4111 highway. Foul water would be connected to the mains.
- 1.7 The application site was subject to assessment under the Strategic Housing Land Availability Assessment and categorised as being achievable for housing development and having low/minor constraints. The implications of the Council's lack of housing land supply (HLS) are discussed below.
- 1.8 The application is accompanied by a design and access statement, ecological appraisal, archaeology report, landscape report and visual impact assessment and landscaping scheme, transport statement, drainage and flood risk assessment and a draft heads of terms to form the basis for a Section 106 Agreement. (Copy attached to this report). The Council has maintained a dialogue with the developer and their planning consultants throughout, starting with pre-application engagement prior to submission. This has led to revisions to the layout and modifications to the house-type mix and detailed design. During the application processing period an amended site layout plan was received as well as additional detail in relationship to public highway and transportation issues and drainage.

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
Section 12	-	Conserving and Enhancing the Historic Environment.

2.2 Herefordshire Unitary Development Plan (UDP):

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S7	-	Natural and Historic Heritage

DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
H4	-	Main villages: Settlement Boundaries
H7	-	Housing in the Countryside Outside Settlements
H10	-	Rural Exception Housing
H13	-	Sustainable Residential Design
H15	-	Density
H19	-	Open Space Requirements
ARCH1	-	Archaeology Assessments and Field Evaluations.
HBA4	-	Setting of Listed Buildings
HBA6	-	New Development in Conservation Areas.
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
SS6	-	Environmental Quality and Local Distinctiveness
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	-	Landscape and Townscape
LD2	-	Biodiversity and Geo-Diversity
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

Eardisley Parish Council has designated a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. An emerging neighbourhood plan may be a material consideration once it has reached submission / local authority publication stage (Regulation 16). In the case of the Eardisley Parish, the Parish Council has prepared a Neighbourhood Development Plan for the area, and a neighbourhood area was designated on 10th April 2014. Work has commenced and the plan has reached draft plan (Regulation 14) stage. However, this is not at a sufficient stage to apply any material weight. There is no timescale for

proposing/agreeing the content of the plan at this stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy.

2.5 Supplementary Planning Guidance:

- Planning Obligations Document

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

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

3. Planning History

3.1 133016/F - Residential development comprising 16 open market houses and 9 Affordable homes – Withdrawn 15th January 2014.

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water: No objection subject to the imposition of conditions with regards to foul and surface water discharges requiring the submission of a comprehensive scheme for the integrated drainage of foul, surface and land drainage run-off, with further stipulation that land drainage and surface water run-off are not permitted to connect either directly or indirectly to the public sewerage system.

4.2 Environment Agency: No objections are raised, the response indicating the flood risk assessment submitted in support of the application is acceptable as the area for the proposed development is located primarily within Flood Zone 1, which is classed as the lowest class of flood risk zone. Comment is made that paragraph 101 of the National Planning Policy Framework requires decision makes to steer new development to areas at the lowest probability of flooding by applying a sequential test and that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. Whilst it is acknowledged that part of the proposed access route is in flood zone two, this is considered as non-major development. No objections are raised in relationship to foul drainage.

4.3 English Heritage recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Internal Council Advice

4.4 The Transportation Manager raises no objections in relationship to amended plans received having initially recommended refusal.

In response to further information received in support of the application on transportation matters the Transportation Manager responded with no objections indicating the following comments:

'Further to the amended plans submitted by the applicant, a number of points have been addressed. The access onto the A4111 is not possible at the entrance to the development; this has been demonstrated by the applicant. As this is further out of the village, the speeds are higher requiring larger splays. The footpath/ PROW link has to be moved north to accommodate the visibility splays.

The Junction of the A4111 and the C1075 visibility splays are acceptable as they comply with MfS2. Improvements are required as there is vegetation overgrowing onto highway land, this improvement will benefit all.

There are a number of dropped crossings proposed providing accessibility for the able and less able, this is acceptable.

The gradient of the access road has been demonstrated to being 1 in 20, this is acceptable though this will need to be conditioned. Cycle parking will need to be provided to all properties, this will need to be conditioned. The internal road layout is acceptable though the turning head is short, this will need to be addressed though could be achieved, this can be conditioned. All garages, if used for parking allocation must be 6m x 3m internal dimensions, this will need to be conditioned, PD rights must be removed to ensure parking levels remain for the development. Emergency Planning appears to be an issue, the pictures provided by the PC show flooding of the Woodseaves Road, if the planning authority believe this to be an issue, an option would be to raise the road level and improve drainage, this could be achieved under a S278 agreement though this would need careful design to ensure the problems aren't pushed elsewhere.

The changes in parking does give opportunities for on street visitor parking which is welcome.

The spaces set aside for Woodseaves Road Residents will need to have a clear parking management strategy which will require conditioning.

The footpath from the A4111 to Woodseaves Road will need a 2m wide footpath to conform to HC Design Guide Standards.

S106 will be required to enable the footpath improvements on the A4111 and also to improve the A4111 through the village for pedestrians and traffic. Possible pedestrian crossing improvements.

If you are minded to approve, please condition and add informatives as below:
CAL, CAP, CAQ, CAS, CAZ, CB2, Management Plan for Residential Parking.
Road layout as amendments to the turning head.

4.5 Conservation Manager (Landscapes):

Landscape:

The site comprises approximately one hectare of agricultural grazing land, it has a gentle south westerly slope and is on raised land above both the A4111 and Woodseaves Road. The boundaries to the south are contained for the most part by roadways, except for a section in the south west corner where a cluster of listed buildings form part of the crossroads. To the east is Green Gables house and to the north the site extends into open countryside.

- *The Landscape Character of the Site is Principal Settled Farmlands; settled agricultural landscapes of dispersed scattered farms relic commons and small villages and hamlets. The LCA (2004) states: The dispersed settlement patterns of farmsteads and hamlets, is capable of accommodated limited new development if it is in accordance with UDP policy. Additional housing in hamlets and villages should be modest in size in order to preserve the character of the original settlement.*
- The particular location of this site serves to perform several important functions in relation to the settlement: It contains built form within the settlement preserving the historical linear pattern of development. It contributes to the rural setting of the village providing a direct link

with the open countryside and significantly it provides the setting for a number of Listed Buildings.

- A particular example of which is Upper House Farmhouse, where the house relates directly to the space it overlooks providing intervisibility with The Cruck House, April Cottages and the Forge located along Woodseaves Road.
- Key landscape features within the site include; the ditch, bank and hedgerow, in addition to a large oak to the south west corner of the site. These are shown to be retained in the current proposals and form part of the frontage to the housing.
- The proposed open space to the south east of the proposal provides a landscape buffer to the sensitive boundary along which a number of listed buildings are situated. As well as the reinstatement of a former PROW providing connectivity from Woodseaves Road to existing PROW.

Visual and Public Amenity:

- Residential properties located along Woodseaves Road and the A4111 will have clear views of the settlement. However the proposed landscape buffer to the east will filter these views as vegetation matures. The proposed layout fronting onto Woodseaves Road, along which the Herefordshire Trail passes, is considered to now better relate to the existing character of the village.
- The PROW EE14 which runs across the north east corner of the site linking the settlement to a network of paths. Whilst views from this footpath are envisaged, the staggering of the proposed dwellings will reduce the visual impact. The proposals tree planting to the north of the proposal will help to better assimilate the proposals into the landscape, however it should be noted this planting is located outside of the site boundary.
- The new entrance is proposed off an existing access, existing landscape features remain unaltered thus reducing the degree of impact.

4.6 Conservation Manager (Ecology) recommends attachment of a condition with regards to a species and habitat enhancement scheme with regards to the mitigation measures and enhancement opportunities as highlighted in the ecological report submitted in support of the application being attached to any approval notice issued as well as informative notes with regards to the provisions of the Wildlife and Countryside Act 1981.

4.7 Conservation Manager (Historic Buildings)

‘The application site is located to the north end of the village of Eardisley which is part of the “Black and White Trail” in North Herefordshire. The site is within the Eardisley Conservation Area and has a number of listed buildings adjacent to its north, east and south-east boundaries. These are largely grade II buildings but to the east of the site is the grade II Upper House Farm.*

Development proposals for the application site require assessment against saved UDP heritage policies HBA4 (setting of listed buildings) and HBA6 (new development in conservation areas). Extensive pre-application discussions have been held for a number of schemes.

The proposed development would provide a total of 25 dwellings accessed via a cul de sac off Woodseaves Road. The drawings and reports presented do not assess the impact of the development on the surrounding listed buildings or the character of the conservation area, though archaeological evaluation has taken place on the site itself (and has been commented upon by archaeology colleagues). Given the number of heritage assets affected by the proposal this seems a surprising omission.

The drawings show typical cottage-style and traditional house types but because they are submitted as house-type drawings rather than street elevations there is a degree of imagination required to link the correct elevations together and then assess the impact on the surroundings. The "Draft Landscape Report" tries to alleviate the difficulty except that the materials stated on the drawings are not accurately reflected so again the impact is less than clear.

From a village design perspective the use of a cul de sac is regrettable since it is not an inclusive form and does not reflect the historically linear nature of Eardisley. However in an effort to encourage the development to front Woodseaves Road at least, the three rows of three cottages nearest the road are orientated to face south with their front doors and gardens. The retention of the existing hedgerow and brook along Woodseaves Road will always give a degree of separation but will also act as a buffer between the lower historic properties and the higher new development.

In terms of the setting of the surrounding listed buildings it is considered that the development should not have an adverse impact, albeit there will clearly be a change. The Cruck House (grade II to the south) is part of the row of dwellings on Woodseaves Road and is located opposite an existing entrance drive which would become Barley Close. It is not considered that the setting of this building will be adversely affected by the development of the new housing proposed in this scheme.

The listed buildings to the south-east of the development site form a tight knit cluster with a parking area to the rear and adjacent to the site. The buildings face into the village and are currently backed by open fields. This characteristic would be changed by the development as the open fields would be more remote from the listed buildings. However the significance of these dwellings does not rely on their association with the surrounding countryside and therefore it is considered that the alteration in setting does not constitute harm.

To the north-east of the site is a grade II listed barn conversion. Whilst this building originally was directly linked to the surrounding field system in circulation and usage terms, these linkages have been severed by the conversion and land ownership changes. The building is clearly now used as a dwelling and to have some of the open fields of the original setting lost to housing is not considered to be severely detrimental to its setting. There will still be a significant proportion of the surrounding land which remains as open field so that the former barn will retain much of its agricultural setting.

To the east of the site, across the main road, lies the Upper House Farm complex which contains grade II listed barns and the grade II Upper House Farmhouse itself. The complex has recently been developed for housing with the barns converted and new housing built to the north. Currently these buildings have a western outlook of open fields and indeed they can be viewed from various footpaths to the west. The complex is on the edge of the village and has a setting that incorporates both village and countryside. To some extent this has already been reduced by the addition of the new housing to the north of the listed buildings but it is not considered that the application proposal would have a detrimental effect on the setting of the barns or farmhouse. The setting will still be on the edge of the village and the complex will still be visible as a whole from vantage points across the open fields.*

It is therefore considered that the scheme will not be detrimental to the settings of the various listed buildings in the vicinity of the site, though it is acknowledged that there will be a change. The scheme is considered to comply with saved policy HBA4, setting of listed buildings.

In considering the effect of the scheme on the conservation area of Eardisley it is clear that the particular topographical and ecological circumstances of the site impose various constraints. From Woodseaves Road the access road and land rise to the north onto the site and therefore any development could have a tendency to loom over the buildings on the lower ground to the

south. The retention of the hedgerow and the brook is welcome as this forms an important element of the character and appearance of this part of the conservation area. Their presence results in the built development being located further into the site and therefore perspective plays a part in reducing the impact of the built form.

As previously mentioned the scheme would be arranged on a cul de sac which is not a characteristic of the conservation area or the wider village. However the housing proposed does relate reasonably well to Woodseaves Road and is of a scale that should allow its assimilation into the area. It would be useful to have the submitted landscape 3D views redone with the correct walling materials as this would clarify the appearance of the scheme. Alternatively coloured street scene elevations should be submitted for clarification purposes – the colour of the render will need to be accurately assessed as the current proposal seems rather too dark.

The impact on the conservation area, subject to the extra/revised information above being satisfactory, is considered to be acceptable in terms of the type of dwellings, their density and scale and their materials. The scheme is therefore considered to comply with policy HBA6 (subject to the above clarification).

In terms of the design of the dwellings the main comment relates to the use of fake chimneys to most of the units. This is not considered acceptable and does not reflect good design. The chimneys must be usable.

Conditions on any permission would need to include external materials, joinery details (windows etc must be timber not upvc, in perpetuity), cast metal rainwater goods, no close boarded fencing, no fake chimneys.'

4.8 The Drainage Manager has responded to the application indicating:

We have no objections to the proposals in principle and the additional information provided provides greater clarity and certainty on the proposals. The Council may wish to note the following comments:

- The cover letter, prepared by the Applicant's flood risk / drainage consultant, makes several recommendations for how surface runoff at the site is to be managed. Our response assumes the Applicant intends to implement these recommendations in full.
- There is limited detail provided to demonstrate how runoff, and in particular exceedance flows, from the southern part of the site will be directed towards the attenuation pond and avoid following the natural topography towards Woodseaves Road. The likelihood of exceedance is reduced as the drainage is to be designed for a 100 year (with climate change) event, and assuming there is flexibility in site levels we consider this could likely be achieved for the majority of the site however this is not yet confirmed and would need to be demonstrated in the detailed design.
- It is stated that the Council will be asked to adopt the SUDS but there is no evidence of any consultation with the Council in this respect and it is unknown whether this has taken place. It is recommended that this is confirmed to ensure that appropriate arrangements for adoption and maintenance will be made. If necessary the Applicant should confirm what alternative arrangements would be made.

If the council is minded to grant planning permission we recommend the following information is provided prior to commencement, secured through appropriate planning conditions.

- Detailed drainage layout for the development and supporting calculations demonstrating the 100 year (with climate change allowance) design standard is achieved; that surface water discharges from the site for a range of events up to the 100 year (climate change) do not exceed existing rates; and showing sufficient detail in terms of layout and levels to

demonstrate how flows (including exceedance flows) are routed to the attenuation pond and then to the Folly Brook.

- Details of the proposed measures to provide adequate separation and treatment of polluted water, in accordance with current guidance, and the measures to prevent blockage of the attenuation pond outlet.
- Confirmation that agreements are in place for the adoption & maintenance of the site drainage systems.
- A detailed site plan showing proposed floor levels and external levels, demonstrating floor levels are a minimum of 300mm above external ground levels.

In addition we recommend that infiltration testing in accordance with BRE365 is required prior to construction to confirm that infiltration is not feasible as the sole means to manage surface water runoff.

We also refer the Council to our comments made in our response of 18th September 2014 in respect of the Sequential Test and emergency response.

The response dated 18th September 2014 indicates:

The Environment Agency's Flood Map for Planning (Figure 1) shows the site is mostly located in Flood Zone 1 (<0.1% annual probability of flooding from rivers) and that the access onto Woodseaves Road lies within Flood Zone 2 (1% - 0.1% annual probability of flooding). A FRA has been prepared for the development. A summary of the conclusions of the FRA is as follows:

- Flood Zone – the site is located in Flood Zone 1, with Woodseaves Road and much of Eardisley in Flood Zone 2.
- The Sequential Test does not apply to sites within Flood Zone 1.
- The proposed development is “More vulnerable” to flooding, which according to the NPPF is appropriate in Flood Zone 1 and 2 without the need to apply the Exception Test.
- Fluvial flood risk is low as the site is within Flood Zone 1 and situated 1.15m (according to LiDAR) above the Folly Brook on the southern boundary of the site.
- Groundwater flood risk – deemed low as there are no issues reported in the SFRA.
- Sewer flood risk – deemed low as no issues are reported in the SFRA.
- Surface water flood risk – The FRA states that surface water flows will naturally avoid the site, flowing east and south along Woodseaves Road and Church Road. The FRA recommends a ditch is provided along the northern margin of the site.
- Infrastructure failure – risk deemed low as no infrastructure identified.
- Access & egress – The FRA states that Woodseaves Road is liable to fluvial flooding during a 1:1000 event and that alternative (pedestrian) access will be provided to Church Road.

We make the following comments in respect of the FRA and flood risk to the development:

- Sequential Test - As the main access to the development lies within Flood Zone 2 and is potentially at significant risk of flooding we recommend the planning authority should apply the Sequential Test to this development;
- Whilst we agree that the site itself is at low risk of fluvial flooding the site access and Woodseaves Road is potentially at greater risk than indicated by the EA Flood Map. The Applicant should provide details of proposed finished floor levels to demonstrate these provide a suitable freeboard above the relevant modelled 100 year (climate change) flood level. The impact of climate change on fluvial flood levels has not been considered in the FRA however the topographic survey suggests this should be easily achieved. Flood level estimates may shortly be available from Herefordshire Council. Alternatively an assumed 300mm increase on the present day 100 year flood levels is deemed appropriate for this site. Depths of around 0.2m were reported on Woodseaves Road for the 2007 event deemed to be in the order of a 50 year return period. Flood depths would also be expected to increase in the future due to climate change.

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

- Surface Water Flood Risks - We note that the site is reasonably steeply sloping and susceptible to overland flows from the north-west and within the site. The ditch recommended in the FRA is not shown on the proposed layout. The proposals should also include appropriate mitigation within the site, such as raised floor levels and external levels set to direct flows away from existing and proposed properties and main access routes.
- Access & egress - We note that Woodseaves Road is vulnerable to both fluvial & surface water flooding for much smaller events than the 1000 year. It may not therefore be considered safe. Due to the size of the development we recommend that HC emergency planners are consulted to confirm that the additional properties, potentially with no vehicular access during a flood, will not put an unacceptable strain on resources.

Surface Water Drainage

A drainage strategy has not been provided for the development.

The FRA included an assessment of potential for soakaways to manage runoff from roofs and concluded that these are feasible and could be fitted beneath a garden or driveway. The FRA also recommends the use of swales to manage runoff from roads and paved areas and the use of permeable and porous materials for paths and parking areas. No information is provided in respect of sizes of swales or attenuation storage.

Whilst we support the suggestion in the FRA for soakaways, swales and permeable paving we make the following comments:

- The soils at the site are described as loamy with impeded drainage. The infiltration rate assumed in the FRA (0.001 m/h, equivalent to 2.8×10^{-7} m/s) is lower than the generally recommended minimum of 1×10^{-6} m/s. This has led to excessive half drain down times (165 and 101 hours) compared with the BRE365 recommended limit of 24 hours. If soakaways are proposed the Applicant should demonstrate that the risks of exceedance, associated with multiple storms, can be appropriately mitigated. The Applicant should also demonstrate that sufficient space is available for storage of surface runoff should soakaways be unfeasible.
- The FRA suggests that individual soakaways will be provided for each property. The Applicant must clarify arrangements for ownership and maintenance of the soakaways to ensure these remain functional for the lifetime of the development. If individual soakaways are proposed it is recommended that these are not located in the rear gardens of properties as this may cause difficulties with access for routine maintenance. There is also a risk that amendments to private soakaways will be made by homeowners who are not fully appreciative of their important function.

A detailed drainage strategy will be required for the development to support the application 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.

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. Infiltration techniques should be used unless infiltration testing or a contamination assessment confirms these are not feasible. We have identified that the use of infiltration techniques may not be suitable for this development and recommend that further information is provided by the Applicant as discussed above. If infiltration is proven to not be suitable, we recommend a combined infiltration/attenuation approach with a restricted discharge to a watercourse (first preference) or public sewer (second preference).

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. Areas designated for surface water storage should be located outside of the 100 year (with climate change) flood extent. The Folly Brook does not have capacity to accept additional flows from the site, therefore if this is proposed the strategy should demonstrate how the impacts in terms of peak runoff rate and runoff volume have been addressed.

Reference should be made to Defra/EA document 'Preliminary Rainfall Runoff Management for Developments' (Revision E, January 2012) for guidance on calculating Greenfield runoff rates and volumes. Guidance for managing extreme events can be found within CIRIA C635: Designing for exceedance in urban drainage: Good practice.

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. 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 that are approved by the Council and that serve more than one property. Further guidance should be available in 2015.

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

The proposed layout plan shows a foul connection to Woodseaves Road. It is assumed the Applicant intends to connect to the public sewer and the response from DCWW suggests this will be feasible. The Applicant should confirm their proposal for disposal of foul drainage in their drainage strategy.

Developer Contributions to Flood Alleviation

Herefordshire Council are currently investigating a potential flood alleviation scheme for Eardisley which may reduce flooding to Woodseaves Road. Contributions may be sought from developers to help fund the proposed alleviation measures.

Overall Comment

We recommend that the council objects to the application on the grounds of insufficient information relating to drainage. A proposed drainage strategy should be provided to support the Application. The following information should be provided to support the application:

- A detailed drainage strategy, with supporting calculations, showing the location and sizes of any soakaways or attenuation storage (demonstrating these are outside the 100 year (climate change) flood extent) and demonstrating how discharges from the site are restricted to greenfield rates for all events up to the 100 year (with climate change allowance). Greenfield rates should be calculated in accordance with current guidance. The drainage strategy should 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 or existing properties;
- Details of the proposals for adoption and maintenance of the surface water and foul water drainage systems;
- 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.

- Prior to construction, evidence of infiltration testing in accordance with BRE365 to confirm that infiltration is feasible (if proposed). Groundwater levels should also be obtained to confirm these will be a minimum of 1m below the invert (base) levels of any soakaways.

In addition it is recommended that Herefordshire Council planners confirm the development meets the requirements of the Sequential Test and it is recommended that the Emergency Planning team is consulted to confirm that the additional properties will not lead to an unacceptable strain on resources in the event of a flood preventing vehicular access to the site.

4.9 The Parks and Countryside Manager raises no objections indicating:

'It is noted that the draft heads of terms include an off site contribution toward improving existing play in Eardisley which is supported in meeting UDP policy requirements. The contributions are for the market housing only and only include 3 and 4+ bed roomed properties. It is assumed therefore that there are no 2 bed properties.

It is noted that the draft heads of terms include an off site contribution towards outdoor sports contributions, it should also include indoor facilities: This is supported in meeting the SPD on Planning Obligations requirements but the contribution should be used in consultation with the local Parish Council and in accordance with any neighbourhood plan or local identified need. This could include indoor village hall "sports" facilities as there are very few outdoors sports facilities in Eardisely. It may be that that there is no identified need.

Landscape Area to provide recreational space with seating for the village:

It is noted that there is an area of POS to be provided as part of the SUDS requirement. With careful design to take account of health and safety of standing water, these areas can provide opportunities for both informal natural play and for wildlife. However, consideration needs to be given to the adoption, future maintenance commuted sum requirements of this area.

For example, with regard to 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 Herefordshire Council with a 15 year commuted sum plus appropriate replacement costs; or by the Parish Council or 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.'

Total towards recreational and open space on site and toward existing sports facilities in connection to the local community equates to £37,580 (In accordance with detail as set out in the attached Heads of Terms).

A further response in relationship to an amended site plan due to drainage issues also raises no objections.

4.10 The Public Rights of Way Manager raises no objection.

4.11 The Housing Manager raises no objections indicating the tenure of 3 units for social rent and 6 intermediate housing is supported.

4.12 The Conservation Manager, (Archaeology), raises no objections indicating despite the seemingly sensitive location, the evidence now indicates that the site is actually of comparatively low potential archaeological interest and under the circumstances there are no further requirements or comments to make.

- 4.13 The Schools Organisation and Capital Investment Manager raises no objections indicating that the sums as indicated in the draft heads of terms (attached to this report), is in accordance with requirements of the Planning Obligations Document. The contribution for this development totals educational requirements equals £76,350.
- 4.14 Waste & Recycling Manager raises no objections. Total in accordance with Planning Obligations as indicated on attached draft Heads of Terms equals £1920.

5. Representations

- 5.1 Eardisley Parish Council has responded to the application indicating:

'The issues raised by EGPC to the last submission have not been adequately addressed. The amended planning application still lacks detail and also contains inaccurate details. The view of Eardisley Group Parish Council remains to recommend refusal.'

Eardisley Parish Council's response dated 16th September 2014 stated:

'The Highways Comments Response offers no improvement over the original submission. The proposal remains unacceptable.'

Access: this report states that, on a number of specific grounds, the A4111 is not suitable for access to the site, therefore Woodseaves Road "would be the most appropriate [access to the site] in terms of safety and convenience to residents". However, there is no evidence in this report that proves the suitability of the Woodseaves Road access.

- The Junction of Woodseaves Road with the A4111 by the Tram Inn would be subject to far more vehicular use even though poor visibility to the north makes that junction just as much of a safety risk as a site access onto the A4111 further north would be.*
- The proposed two Woodseaves Road pedestrian crossings add complexity in the light of increased traffic on the Road. The report fails to acknowledge that the 'brick structure' at the proposed eastern crossing is the village pump house which, as part of Eardisley's heritage attracts tourists.*
- The proposed slope of the access road will be too long and difficult for site residents who are older, infirm or wheelchair users.*
- Parking is not improved by this amendment. The inadequate 5 spaces that are supposed to compensate Woodseaves Road residents and users will be even more difficult to access because of the cutting out of the slope up to the site. Nothing has been done to provide visitor parking on the site or significant numbers of practical spaces to replace parking on Woodseaves Road. Overall, parking in this part of the village would be significantly worsened by this proposal.*
- There is still no proposal to enable site residents to get into or out of the Barley Close site when Woodseaves Road floods. It is also still unclear whether large vehicles will be able to turn around on the site.*
- This report introduces an A4111 crossing which will serve Upper Court, which has no path to the village. It was noted that this path would require Upper Court residents to cross the A4111 at a point where cars are travelling at 45 mph and that it was this applicant who failed to provide a safe path to the village when he built Upper Court, despite being asked to do so by this PC at the time of that application, and subsequently.*

The Eardisley group Parish Council remains firmly of the view that this proposal is unacceptable for access and other reasons stated previously.'

Eardisley Parish Council's earlier initial undated response indicated:

'EARDISLEY GROUP PARISH COUNCIL CONTINUES TO OBJECT TO THE APPLICATION BECAUSE OF THE SEVERITY OF THE IMPACT THIS PROPOSAL WOULD HAVE ON THE VILLAGE.

Parking

- *Traffic -Preventing residents' parking in Woodseaves Road. The Parish Council will not tolerate residents being seriously inconvenienced by the loss of their only available parking in the Road. Forcing Woodseaves Road residents to go elsewhere in the village to park. The 5 onsite spaces would seldom be available to residents.*
 - *Forcing visitors to Barley Close to park elsewhere. The 5 spaces are the only visitor parking on the site. Taking no account of disabled residents.*
 - *Preventing parking for tourists, and users of businesses and facilities.*
 - *Increasing the very real traffic congestion and dangers to pedestrians and cyclists in the main road in Eardisley. Making no realistic provision for a safe route to school.*
 - *Increasing the danger to motorists because of the 50-i- more vehicles using the Tram Junction several times per day.*
 - *Increasing danger to pedestrians crossing Woodseaves Road near the site access rather than walking in the wrong direction to use a new crossing further west in Woodseaves Road.*
- Flood Risk*
- *Siting the access to Barley Close in a road that is known for flash-flooding and referring in the application to an emergency access to the A4111 which passes through a pond. This means the Barley Close residents will be cut off in flood conditions.*
- Conservation area*
- *Taking no sympathetic account of housing density or design, and building materials to make an appropriate contribution to the character of a village in a rural conservation area where tourism is popular.*

Green or play space

- *Making no provision for a safe recreational space for children within the development, only an unprotected storm water storage pond.*

The National Planning Policy Framework

- *The document states that 'development should only be prevented or refused on transport grounds where the residual and cumulative impacts are severe.' The overwhelming view of residents at the meeting was that the impact of this development on transport in Eardisley would indeed be severe.*
- *The NPPF also states that 'applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community'. No such consultation has taken place'.*

5.2 Eardisley Parochial Church Council has responded indicating:

'We have a concern that the current proposal regarding parking restrictions on the Woodseaves Road will have an adverse and therefore unacceptable effect on the Methodist Chapel, local businesses and particularly local residents, some of whom are elderly and/or profoundly disabled.'

5.3 The Campaign to Protect Rural England (Herefordshire Branch), has commented:

'The field is outside the Village Settlement Boundary, It is within the Eardisley Conservation area and the proposed access is off a narrow road (Woodseaves Road) where the residents on

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

the opposite side of the road are obliged to park their cars, thus making the already narrow road much more difficult to negotiate/overtake.

Additionally there are historic flooding issues from the Folly Brook which is an open stream until it is culverted just before the proposed access to the site.

The Eardisley Residents have been working on a comprehensive and well-researched Neighbourhood Plan and have public consultations to ascertain local views on the best areas to establish new homes. This draft Plan is in the last stages towards completion and It Is felt by many of those concerned that no decision on this Application should be made before the Neighbourhood Plan is accepted and becomes a material consideration In planning decisions. This agricultural field (presently used for grazing cattle) is not featured in this draft Plan and, judging by the representations on the Council's Planning website, is not favoured by several Residents as a suitable site for residential dwellings.

Our specific planning concerns are:

- (1) The suitability of the site, access and design proposals: the application site is described, In the Application Form, as 1 hectare in extent but several of the supporting documents say that it Is c. 2 hectares...this confusion should be corrected. The photo montages indicate houses which do not appear to fit Into the local scene at all and jar with the old, attractive houses on Woodseaves Road.

Almost opposite the proposed entrance there Is the Grade 11 Cruck House (probably C14 although subsequently modified), and adjoining the north west boundary of the site there is a converted Barn, also Grade 11 listed. On the opposite side of the A4111 is sited the jettied upper-storey Upper House Farm, Grade 11* listed, probably dating from C15.

The field surface is uneven and slopes considerably towards the north west and yet the proposed pond Is to be situated to the south west of the houses. Although there has been an Archaeological Survey (commissioned by the Developer) there could be historical or even archaeological features which have not been discovered; the archives at the Herefordshire Record Office could be accessed (even though It is closed to the public until Spring 2015) for further investigation.

The proposed pond represents a considerable hazard for families with young children. The proposed entrance (off Woodseaves Road) will be difficult to access with the height of the field from the Road and it will be over the culverted stream.

- (2) Transport problems (road width, lack of pavements for children walking to the Primary School, adjacent fast (and narrow) A4111 road): Woodseaves Road is narrow, and there are already considerable parking difficulties as the residents have to park in the road. The nearby popular public house, the 'Tram' causes additional parking problems and congestion for road users. The additional car spaces (2 for each proposed house) will exacerbate this situation. There are few pavements in the centre of Eardisley, making children's journeys to the Primary School hazardous. The heavy vehicles using the A4111, the main road through the centre of the Village, often obscuring visibility. The School is situated on the A4111.

The Flood Risk Assessment document notes that, in times of flooding, the Woodseaves Road entrance/exit would not be safe to use and there should be an alternative exit onto the busy, narrow A4111 road this again would be hazardous; there appears to be no provision on the plans for access to this alternative exit.

The narrow roads do not appear to permit cycle tracks although 25 cycle spaces are specified in the application.

(3) Traffic issues narrow High Street with HGVs causing congestion/hazards:

Visibility when turning from Woodseaves Road into the A4111 is limited; the A4111 is narrow (particularly in the centre of the Village near Eardisley Bridge where it is less than 16ft wide); recent traffic studies found that there are 4000 vehicle movements per day on the A4111 stretch through the Village, with 20% of these HGVs; vehicles frequently mount the pavements (where they exist) causing danger to pedestrians, especially children and mothers with pushchairs. A further 55 cars (specified in the proposal application) would make this situation worse.

(4) Potential flooding, with consequent danger to residents, new and existing:

The proposed development, with surfaced driveways etc. will exacerbate field drainage problems and run-off (the land slopes down towards Woodseaves Road); long standing residents report 3 incidents of serious flooding within the past 14 years; the application form notes that there are no watercourses within 20 metres..but the Folly Brook runs adjacent to the southern boundary of the site.

(5) Adverse effects on scenic, old timber framed 'Black and White' houses and Listed Buildings in immediate and close vicinity: Eardisley, with several other Herefordshire towns/villages, is famous for the old and well maintained timber framed 'black and white' buildings. Seven Grade 11 Listed Buildings surround the site: these are detailed in the privately commissioned Archaeological Assessment accompanying the application.

As Tourism is one of Herefordshire's most valuable economies surely the attractions of this Village should not be compromised by inappropriate developments.

The protections contained in Herefordshire UDP Policies ARCH1, HBA6, HBA8, LA3 and S7 could be contravened if this development is permitted. Section 12 of the NPPF describes the measures to be taken to 'conserve and enhance the historic environment' with paras. 131 to 135 and 137 of particular relevance. Additionally the setting and area around listed buildings is required to be protected under Sections 66 and 77 of the 'Planning (Listed Buildings and Conservation Areas) Act 1990.

In summary the proposed development appears to be inappropriate in this location. With all these concerns we trust that this Planning Application will not be permitted.'

5.4 55 letters of objection have been received from members of the public. Their key comments can be summarised as follows:

- Concerns about the impact of the proposed development in relationship to surrounding public highways and current car parking arrangements for surrounding residents and businesses.
- Potential flooding issues.
- Detrimental impact on character of surrounding Conservation Area and setting of nearby listed buildings.
- Development will encroach into the surrounding rural landscape.
- Consideration should be given to the preferential development of brownfield sites rather than green field sites.
- Neighbourhood planning and local opinion favours brownfield development before greenfield development.
- Loss of amenity and privacy to surrounding dwellings during construction and as a result of the development.

- Concerns about insufficient public consultation in respect of the proposed development.
- Concerns about lack of sufficient play area/recreational space in relationship to the development on site.

5.5 Five letters of support have been received. Comments made can be summarised as follows:

- Good mix of houses is proposed.
- Location is considered acceptable when assessed against other sites surrounding the village.
- Development is of a scale that will enable the village to grow and develop in a sustainable manner.

5.6 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 application seeks planning permission for the erection of 25 dwellings on the southern section of a open field which is located on the northern fringe of the village immediately outside but alongside the recognised development boundary for Eardisley. The site has been subject to the Strategic Housing Land Availability Assessment (SHLAA) and categorised as having low/minor constraints.

The key issues are considered to be:-

- An assessment of the principle of development at this location in the context of 'saved' UDP policies, the NPPF and other material guidance;
- An assessment of the sustainability of the scheme having regard to the presumption in favour of sustainable development;
- An assessment of the scheme's impact on the existing settlement in terms of privacy, character and amenity;
- Impacts on highway safety.
- Drainage and flooding matters.
- Assessment on the impacts of the development in relationship to the historic environment.

The Principle of Development in the context of 'saved' UDP policies the Framework and other material guidance

6.2 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."

6.3 In this instance the Development Plan for the area is the Herefordshire Unitary Development Plan 2007(UDP). UDP policy S3 sets out provision for the erection of 800 dwellings per year between 2001 and 2007 and 600 per year thereafter. The distribution for housing is split between Hereford and the market towns, main villages and the wider rural area. 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 National Planning Policy Framework, (NPPF). Essentially, the greater the degree of consistency, the greater the weight that can be attached.

6.4 Eardisley is defined as a main village under saved UDP Policy H4. This site falls outside but adjacent to the settlement boundary. Development is thus contrary to 'saved' UDP policy H4 and none of the exceptions under Policy H7 are met. It is clear, therefore, that the proposal is contrary to the housing delivery policies of the UDP.

6.5 The two-stage process set out at S38 (6) requires, for the purpose of any determination, assessment of material considerations. In this instance the NPPF is the most significant material consideration. Paragraph 215 recognises the primacy of the Development Plan but 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 may be given)."

6.6 The effect of this paragraph is to effectively supersede the UDP with the NPPF where there is inconsistency in approach and objectives. 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 11-15.

Paragraph 47 states: *"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."*

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 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.

6.8 In this context, therefore, the proposed erection of 25 dwellings, which includes 35% as affordable housing on a deliverable and available SHLAA low/minor constraints site is a significant material consideration telling in favour of the development to which substantial weight should be attached.

6.9 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.

6.10 On this issue, officers conclude that in the light of the housing land supply issue and NPPF policies, the principle of development at this location outside but adjoining the UDP defined settlement boundary, is acceptable.

Hereford Local Plan – Draft Core Strategy 2013-2031

- 6.11 The Draft Local Plan is not sufficiently advanced for its policies to be attributed weight for the purposes of decision making and this has been borne out by the Home Farm decision. It is the case, however, that Eardisley is identified as a settlement within policy RA1 where it is anticipated that proportionate growth will occur during the plan period to 2031. This equates to approximately 29 dwellings. It is clear, therefore, that Eardisley can expect to accommodate proportionate growth over the plan period and this is generally accepted. It is the timing of and location of development that are in dispute; the Parish Council and a number of local residents stating that large-scale development of this nature is prejudicial to emerging neighbourhood plan proposals; although recent appeal decisions confirm that emerging neighbourhood plans cannot be given significant weight for the purposes of decision taking.
- 6.12 On this basis officers conclude that in the absence of a five-year housing land supply the presumption in favour of *sustainable development* set out at Paragraph 14 of the NPPF should apply (if it should be concluded that the development is sustainable) and the principle of development cannot be rejected on the basis of its location outside the UDP settlement boundary.

The Presumption in Favour of Sustainable Development

- 6.13 In order to engage the presumption in favour of the approval of sustainable development, a proposal must first demonstrate that it is representative of sustainable development. Although not expressly defined, the NPPF refers to the three dimensions of sustainable development as being the economic, environmental and social dimensions. The NPPF thus establishes the need for the planning system to perform a number of roles including, *inter alia*, providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment.
- 6.14 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. Although not allocated for housing development; it being the intention in Herefordshire that neighbourhood plans fulfil this function, the site has been assessed via the Strategic Housing Land Availability Assessment as having low/minor constraints and being capable of delivery within the first five years of the plan period. The current application is testimony to this. In the context of persistent under-delivery, including some large-scale UDP allocated housing sites on which development is still yet to commence; officers consider the immediate deliverability of this site to be a material consideration.
- 6.15 Paragraph 14 of the NPPF states that for decision making, the presumption in favour of sustainable development means:
- Approving development proposals that accord with the development plan without delay; and
 - Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or Specific policies in this Framework indicate development should be restricted.

- 6.16 The requirement to ensure the supply of housing is boosted is further reinforced at paragraph 47 and paragraph 49 confirms that housing policies within the adopted development plan

cannot be considered up to date in the absence of a five-year supply of deliverable housing sites.

- 6.17 NPPF paragraph 56 confirms that the Government attaches great importance to the design of the built environment, confirming that “good design is a key aspect of sustainable development” and “indivisible from good planning.” Good design should contribute positively to making places better for people. The NPPF recognises it is important to plan positively for the achievement of high quality and *inclusive* design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 6.18 Within this overarching approach it is recognised that design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. Paragraph 60 states as follows:-

“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”

- 6.19 ‘Saved’ UDP Policy DR1 (1) echoes the general aims and objectives of this approach, avoiding prescription, but advocating design that where relevant seeks to “promote or reinforce the distinctive character and appearance of the locality in terms of a range of issues including layout, density, scale, height and design. The appearance of individual buildings is not mentioned specifically and this is considered consistent with the NPPF guidance that policies should guide in relation to scale *et al* rather than prescribe an architectural approach. DR1 (3) also requires, where relevant that development should “respect the context of the site, taking into account townscape and landscape character and topography, including the impact of the proposal on urban vistas, longer distance views and ridgelines.”

Accessibility to Goods, Services and Employment

- 6.20 As regards the sustainability of the site in locational terms, a number of representations refer to the lack of access to necessary goods, services and employment opportunities. It is argued that the bus service, although relatively good by comparison with other rural services, is not a genuine alternative to the private motor car. Comment has been made that Eardisley does not have many employment opportunities within the parish and that Eardisley should be allowed to grow at a consistent rate throughout the Core Strategy plan period in accordance with advice as set out in the emerging neighbourhood plan.
- 6.21 Whilst taking this into account, it is relevant that Eardisley has been identified as a main village in the UDP and it is intended that this remain the case in the Draft Local Plan – Core Strategy. Emerging policies anticipate that rural settlements such as Eardisley will accommodate proportionate growth over the plan period; it is the means by which the need is met that is an issue. However, given that Eardisley is identified as a main village in the existing and emerging Development Plans, officers do not consider it can be argued simultaneously that such villages are unsustainable locations for proportionate housing growth. On this point officers are mindful of the Inspector’s conclusion in relation to the recent appeal at Whitehouse Drive, Kingstone, where the sustainability of the settlement was also at issue. The Inspector identified Kingstone’s inclusion as a main village in the UDP and the proposed inclusion as a RA1 settlement in the emerging Core Strategy – as is the case with Eardisley. Whilst noting that Kingstone did not contain all of the facilities necessary for day-to-day existence he held the view that it did support sufficient facilities to warrant its status as a sustainable location for future housing growth. Officers consider that this conclusion is equally applicable to Eardisley. To conclude that Eardisley is not a sustainable location for housing delivery would seriously undermine the

evidence base supporting the Core Strategy; specifically the housing delivery policies and is not, in the opinion of your officers, arguable.

Design, Layout and Architecture

- 6.22 It is acknowledged that good design is indivisible from sustainable development. Neither local nor national policy seeks to impose a straitjacket on designers. Good, innovative design is actively encouraged, particularly where it has the ability to promote or reinforce local distinctiveness. The local planning authority acknowledges the challenge that creating a sense of place can pose designers; particularly on mid-size schemes on discrete parcels of land at the edge of a rural settlement such as Eardisley. The Council acknowledges the benefits to be derived from the provision of a good housing mix, but also that on schemes of 25 dwellings this in itself can present challenges in terms of giving a scheme qualities that ground it within the local context but also a unity within the scheme itself. In this instance the mix is such that it is considered appropriate to the local character and context. Incorporating a divergence of house-types is illustrative of the difficulty inherent in unifying manifestly different 'products' and thereby creating a 'sense of place'. It is the case, however, that traditional villages that have grown organically and less rapidly over time do have just such a mix – the large manor house and farmhouse, the small and medium sized cottages, the bakery and the smithy etc.
- 6.23 Officers agree that the submitted Design and Access Statement is accurate insofar as its assessment of the existing built form is concerned and believe it reasonable to describe Eardisley as comprising period properties, typically timber-framed 'black and white' along the adjacent highways with mid/late C20th expansion further to the east and south of the village core, in more of a cul-de-sac form. Thus the prevailing character can be hard to identify and there is no strong overall prevailing architectural character. Eardisley is not without numerous examples of traditional Herefordshire vernacular, it is just that in terms of volume these examples are becoming outnumbered by the more modern development which now serves as a backcloth to the period properties lining the A4111 and Woodseaves Roads.
- 6.24 From vantage points to the north Eardisley is defined mainly by its historic nature. There is a hard edge to the settlement when viewed from public vantage points to the north, other than a more recent development on the northern edge of the former farmstead known as Upper House Farm, where there is a small development of detached two-storey dwellings. Most of the historic development is inward looking. Whilst it is not uncommon for traditional ribbon development to present flank or rear elevations to open countryside, this is often in a different context to that proposed here, where two storey dwellings will stand in close proximity to each other and the boundary with open countryside.
- 6.25 The geometry of the application site is such that it is hard to conceive a response other than in the manner of a 'small estate' road, with dwellings fronting on either side. It is unfortunate, but a consequence of circumstance, that inter-connection cannot be made to existing immediate developments. However the site will integrate and is considered to be easily accessible on foot to the core of the village and the community facilities associated with the village community.
- 6.26 Revisions to the layout and housing mix and appearance have been undertaken in response to officer concerns in relationship to a previous application for development on site, which was later withdrawn. Principally the entrance to the site has been reviewed, with significant overhaul to the design and layout in order that development on site is better integrated into the surrounding built environment. The applicants having responded to concerns in relationship to the design and scale of the original proposal, the current layout and design is considered more reflective of the surrounding built environment. The palette of materials has also been reviewed, with some principal elevations throughout the scheme faced in painted render. This alleviates the regimented uniformity associated with the use of brick throughout and is considered more appropriate in the village scenario, where there is often a diverse range of

architecture and consequently building materials. Chimneys are also incorporated as a reflection of local vernacular.

- 6.27 Given the overall mix of architectural styles and periods present in Eardisley, it is difficult to reconcile policies that require the reinforcement or promotion of local distinctiveness with proposals for modern housing development, particularly where local distinctiveness has been blurred over time by comparatively large-scale C20th expansion; as is the overall case in this settlement.
- 6.28 In conclusion, whilst officers accept that there is more than one potential approach to architecture on the site, it is considered that the proposed development is one that overall will integrate into the surrounding built environment in an acceptable manner with consideration to the surrounding Conservation Area and setting of the various listed buildings. It is considered the development will not have a detrimental impact on the overall setting of these listed buildings, (which includes the nearby Upper House Farmhouse grade II* listed building), In this context the use of standard house-types is not considered inherently unsustainable as a design approach but is broadly consistent with overall organic growth of the settlement concerned.

Impacts in Relationship to Highway Matters

- 6.29 A substantial number of representations have raised highway safety as a significant area for concern. It is highlighted that the proposed access into the site is off Woodseaves Road which is considered a sub-standard road in order to accommodate the increase in traffic as a result of the development which will entail use of what is considered a substandard junction onto the adjoining A4111 road. The Parish Council in a response indicating recent traffic studies found that there are 4000 vehicle movements per day on the A4111 road stretch through the Village, with 20% of these HGVs; vehicles frequently mount the pavements (where they exist) causing danger to pedestrians, especially children and mothers with pushchairs. A further 55 cars (specified in the proposal application) would make this situation worse.
- 6.30 Objectors have also identified deficiencies with regards to parking facilities in the Woodseaves Road area and vehicle speeds along this stretch of highway. Suggestions have been made that access into the site would be better directly off the A4111 road.
- 6.31 Saved UDP policy DR3 requires, where relevant, that development should provide a safe, convenient and attractive pattern of movement into, out of and across development sites, particularly for pedestrians, people with disabilities and the elderly. The NPPF has concise guidance at paragraph 32. It concludes that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. In this instance the development would be served by an access onto the C1075 Woodseaves Road and this meets the Council's Highways Design Guide. Visibility is acceptable across the frontage. Whilst the lack of a continuous footway alongside Woodseaves Road on its side adjoining the application site is noted, it is not considered that this pre-existing situation should be used as a basis for refusal of the scheme with consideration to the amount of dwellings proposed and furthermore the developer has given an undertaking that S106 contributions could reasonably be used towards the potential for delivery of traffic calming and/or pavement improvements. The plans submitted in support of the application also propose a small designated car parking area on the entrance to the site which is not located adjoining any proposed houses on site. This parking facility is offered with consideration to local concerns about parking provision along Woodseaves Road and in particular when using local community facilities. This car parking area would form part of the site's management company with that of the landscaping/recreational space. Taken as a whole, it is not considered that the scheme would result in the significant residual cumulative impacts necessary to justify a refusal on highway grounds. Overall it is considered that with appropriate conditions attached to any approval notice issued as recommended by the Transportation Manager in his response to the application, on highway

matters the application is acceptable. The land offered for a footway can be secured via the Section 106 agreement in relationship to the development.

Drainage and Flooding Matters

- 6.32 The site is located primarily in Flood Zone 1 which is considered low risk zone in accordance with the Environment Agency Flood Risk Maps. The proposed access into the site and a small section of the southern portion is located within Flood Zone 2 which is considered medium risk zone. The response from the Environment Agency indicates that the Flood Risk Assessment submitted in support of the application offers an alternative pedestrian access route onto Church Road and that there is no flood risk associated with this access and therefore no concerns are raised about this alternative route in the event of a flood emergency. As a consequence there are no objections from the Environment Agency, Welsh Water or the Council's Drainage Consultant on the issues of flood risk, pollution control, water supply or foul drainage conveyance. Welsh Water does recommend a Grampian-style condition to ensure that a fully integrated drainage scheme is designed prior to the commencement of development.
- 6.33 The Land Drainage Manager in the response dated 18th September 2014 refers to the requirement for consideration to a sequential test in relationship to the main access to the development which lies within Flood Zone 2 and as a consequence potentially at significant risk of flooding, whilst acknowledging that the site itself is in flood zone 1 and therefore the site itself is at low risk of fluvial flooding and does not require consideration to a sequential test. The village of Eardisley is located mainly within a high risk flood area, the applicants have demonstrated that the drainage of the site can be achieved without further exacerbation to drainage issues and indicated an adequate means of escape in the event of a flood in a northerly direction from the site, and it is noted that the EA have indicated that whilst part of the proposed access route is in flood zone two, this is considered as non-major development.
- 6.34 The Land Drainage Manager in response to further clarification on drainage matters has concluded that the development is acceptable in relationship to drainage matters and it is recommended that conditions as recommended by the Land Drainage Manager, are attached to any approval notice issued and this includes reference to finished floor levels of development on site. On matters in relationship to access and comments as made by the Transportation Manager in respect of raising the road level in order to help in relationship to drainage matters, this suggestion is not considered necessary, based on advice as given by the relevant consultees on flooding and drainage matters, with appropriate conditions attached to any approval notice issued. The applicant's agent has confirmed his client's willingness to accept the recommendations of the Land Drainage Manager with regard to the suggested planning conditions requiring submission of further detailed information relating to SUDS and infiltration testing to BRE365 prior to commencement of development.

Assessment on the Impacts of the Development in Relationship to the Historic Environment

- 6.35 The Council is under a statutory duty to consider the impact of the proposal upon the adjoining heritage assets. (Grade II* Upper House Farmhouse and other grade two listed buildings in the locality). The Farmhouse lies to the east of the application site on the opposite side of the adjoining A4111 road and will be screened from the site by the proposed storm water pond which is designed to also act as a landscaped area in order to provide recreational space and to act as a barrier between the site and the grade II* listed dwelling. There are also other listed dwellings alongside Woodseaves Road.
- 6.36 The Conservation Manager, (Historic Buildings), has responded to the application indicating overall the proposed development complies with Policies HBA4: Setting of listed buildings and HBA6: New development within Conservation Areas, subject to clarification about external render colour and usable chimney stacks.

- 6.37 External render colour detail can be subject to a condition attached to any approval notice issued. With regards to chimney stacks, it is noted that the proposed elevation plans submitted for planning consideration indicate many dwellings with chimney stacks and all with chimney pots. Whilst it is acknowledged that the site is located alongside an historic part of the village where existing dwellings have chimney stacks, it is considered that the proposed elevation plans are acceptable in this aspect with regards to architectural and built environment character and whilst visual impact is a material planning consideration, it would be unreasonable to insist that every dwelling has a usable chimney stack. Therefore on matters in relationship to the historic environment, issues as raised by objectors to the application, (in particular the response from Herefordshire branch of CPRE), are not considered sufficient in order to warrant refusal to the application, the development considered to be in accordance with Policies DR1, HBA4, HBA6 and other relevant UDP policies on this matter as well as the NPPF.

Other Matters

Development should be considered on Brown Field Sites before that of a Green Field Site

- 6.38 It is acknowledged that the site is a 'greenfield' site which is identified in the Strategic Housing Land Availability Assessment and categorised as being achievable and appropriate for housing development with low/minor constraints. Whilst it is acknowledged that other sites may be feasible for development, none to date have come forward for consideration for housing development.
- 6.39 Paragraph 102 of the NPPF advises consideration to a sequential test in relationship to development to be focused on sites with a lower probability of flooding. The site is located in flood zone 1, (lower risk flood zone), with its proposed access and a small proportion of its southern fringe in flood zone two. (medium risk zone). The applicants have demonstrated that there is an adequate means of pedestrian escape route in the event of flooding and as such the Environment Agency raises no objections on this matter. With regard to other sites in and around the settlement boundary, (in accordance with the UDP), it is acknowledged that many are located within a recognised area liable to flood.

Benefits Arising From the Proposal

- 6.40 S38(6) of the Planning and Compulsory Purchase Act necessitates review of other material considerations alongside the provisions of the Development Plan in exercising the 'planning balance'. The main material consideration in the context is the National Planning Policy Framework, which supersedes the housing supply policies of the UDP. As such the acknowledged shortfall in deliverable housing sites represents a consideration of significant weight in favour of the scheme. The scheme would also boost the supply of housing and go some way to addressing the current need for affordable housing within the parish. In terms of the economic dimension of sustainable development, the development would introduce benefits in terms of the New Homes Bonus, as well as investment in jobs and construction in the area.
- 6.41 S106 contributions of £196076 have been confirmed. It is agreed that contributions towards education infrastructure, open space and sustainable transport strategies are compliant with the CIL regulations (122(2)). In this respect the scheme complies with 'saved' UDP policy DR5, the Planning Obligations SPD and the Framework.

Overlooking

- 6.42 Objectors have referred to loss of amenity. Having enjoyed an aspect over open countryside this is understandable. Loss of outlook is not, however, a material planning consideration.

- 6.43 Loss of amenity arising from direct and prejudicial overlooking is a material consideration. In this case, the relationships in terms of window-to-window distance are not considered to warrant a refusal based on loss of amenity.

Concerns About Lack of sufficient Play Area/Recreational Space in relationship to the Development on Site

- 6.44 Concerns have been raised in responses from members of the public and Eardisley Parish Council that there is insufficient play area/recreational space provided on site and that what is proposed is in relationship to an unprotected storm water storage pond.
- 6.45 The site plan in support of the application indicates a pond as a strong feature to the site, which will also act as part of a SUD's drainage strategy and this is to be landscaped with naturalistic planting and recreational space. The pond is located to the east of the site and will also act as a buffer between the development and the nearby Grade II* listed dwelling.
- 6.46 The Parks and Countryside Manager raises no objections to this proposal, indicating these areas can provide opportunities for both informal natural play and wildlife. The Conservation Manager, (Landscape), raises no objections indicating that landscaping as proposed will filter views into and out of the site as vegetation matures.
- 6.47 It is considered that the application does provide adequate and suitable open and recreational space and that with appropriate conditions attached to any approval notice and with consideration to detail as set out in the draft heads of terms attached to this report, that the recreational/open space and drainage pond can be designed and managed in a suitable manner that will be of benefit for all.
- 6.48 It is also noted that on ecological issues the Council's Planning Ecologist concurs with the findings of the submitted appraisal and it is considered that the proposal will have no worse than a neutral impact on ecological interests. The development is considered to accord with the provisions of the Development Plan and NPPF guidance in this regard with a condition attached to any approval notice in order to ensure that the ecological recommendations are followed as indicated in the ecological report submitted in support of the application.

Community Engagement

- 6.49 Concerns have also been raised about insufficient public consultation with regards to the proposal. It is understood that the developer undertook to carry out pre-application consultation events, including one-to-one stakeholder meetings and an open exhibitions. The Design and Access Statement makes reference to the Parish Council being first consulted on this proposal in July 2013 when a presentation was made and a full discussion entered into regarding the merits of the proposed location and the details of the proposed development. The Design and Access Statement further states that the Parish Council subsequently held an open meeting with the village to consider the proposal. The site has also been included in the Neighbourhood Plan Steering Group public exhibitions held on 19 February, 27 February and 8 March 2014 and details of the amended proposals to the development of this site were discussed with the Neighbourhood Plan Steering Group on 8 April, and a Planning Exhibition was held on 16 April with full details of the proposed development, site layouts and specific house types.

The Proposal is Premature and Contrary to Localism in the Guise of the Neighbourhood Plan

- 6.50 Eardisley Parish Council has designated a neighbourhood plan area, and although one of the most advanced, the plan itself is not presently sufficiently far enough advanced to be attributed any weight for the purposes of decision-taking. Whilst acknowledging that schemes such as this appear contrary to the intended aims of localism, the Council cannot reject schemes purely because they are potentially prejudicial to the neighbourhood plan; particularly where the plan is

in the early stages of preparation. In the same way that the Council cannot rely on emerging Core Strategy policies, emerging neighbourhood plan proposals cannot be attributed weight.

7. Conclusion

- 7.1 In accordance with S38 (6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.2 In the weighing of material considerations regard must be had to the provisions of the NPPF; especially in the context of a shortage of deliverable housing sites. It is acknowledged that the development places reliance upon the presumption in favour of sustainable development as set out at paragraph 14 of the NPPF in the context of a housing land supply deficit, but equally that the emerging policies of the Core Strategy and Neighbourhood Plan are not sufficiently advanced to attract weight in the decision-making process.
- 7.3 The contribution that the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged. The raft of S106 contributions are also noted. The ability of an increased population to underpin local services is also recognised.
- 7.4 Officers consider that in the context of existing development within Eardisley, the design of the proposal in terms of its layout and architecture is acceptable. Therefore on issues in relationship to the surrounding historic built environment and landscape on balance the development is considered acceptable. It is acknowledged that many issues of concern have been raised on transportation/public highway access and drainage issues, however these issues are considered to be addressed satisfactorily with appropriate conditions attached to any approval notice issued as indicated by the respective external and internal consultees on these matters.
- 7.5 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.
- 7.6 Any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits and it is recommended that planning permission be granted subject to the completion of a legal undertaking under Section 106 of the Town and Country Planning Act 1990 and planning conditions as referred to below.

RECOMMENDATION

That 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 full planning permission, subject to the conditions below and any other further conditions considered necessary.

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
 - Amended site plan - drawing number 1541.00E.
 - Elevations and floor plans - House type A - drawing number 1541.01C
 - Elevations and floor plans - House type B - drawing number 1541.02B
 - Elevations and floor plans - House type C - drawing number 1541.04A
 - Elevations and floor plans - House type D and E - drawing number 1541.05B
 - Elevations and floor plans - House type F - drawing number 1541.07.

- Landscape master plan date stamped Herefordshire Council 7 May 2014 on landscaping issues unless subject to conditions as attached below and amended footpath gradient detail submitted in support of the application.

3. H13 Access, turning area and parking
4. H17 Junction improvements/off site works
5. H18 On site roads - submission of details
6. H20 Road completion in 2 years
7. H29 Secure covered cycle parking provision
8. F14 Removal of permitted development rights
9. C01 Sample of external materials (to include colour and sample of external render).
10. D04 Details of window sections, eaves, verges and barge boards.
11. D05 Details of external joinery finishes
12. D10 Specification of guttering and downpipes
13. All external doors and windows will be of timber construction in perpetuity.
Reason: In consideration of the location of the development and to comply with Policies HBA4 and HBA6 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.
14. G09 Details of boundary treatments (Detail will also be included with regards to boundary treatments between individual dwellings which will not be of close boarded fencing.
15. G10 Landscaping scheme
16. G11 Landscaping scheme implementation
17. Prior to commencement of the development, a species and habitat enhancement scheme must be submitted to, 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 must be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NCI, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006
18. L01 Foul/surface water drainage
19. L02 No surface water to connect to public system

20. L03 No drainage run-off to public system
21. I16 Restriction of hours during construction
22. I51 Details of slab levels
15. Before construction works commence on site, a hydraulic modelling assessment shall be undertaken by the developer in liaison with Dwr Cymru Welsh Water, in order to assess the effect the proposed development will have on the existing water supply network, together with any necessary associated infrastructure works.

Reason: To protect the integrity of the existing water supply system.
16. There shall be no beneficial use or occupation of any of the buildings hereby approved until such time that any necessary water infrastructure works required by the hydraulic modelling assessment referred to in the above condition have been completed and approved by Dwr Cymru Welsh Water and the Local Planning Authority has been informed in writing of its completion.

Reason: To ensure that the proposed development does not adversely affect the integrity of the existing water supply system.
17. L04 Comprehensive & Integrated drainage of site
18. I55 Site Waste Management
19. I52 Finished floor levels.

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Management Plan for Residential Parking.
3. Road layout as amendments to the turning head
4. N11A
5. N11C
6. HN10 No drainage to discharge to highway
7. HN08 Section 38 Agreement & Drainage details
8. HN04 Private apparatus within highway
9. HN28 Highways Design Guide and Specification

10. **HN13 Protection of visibility splays on private land**

11. **HN05 Works within the highway**

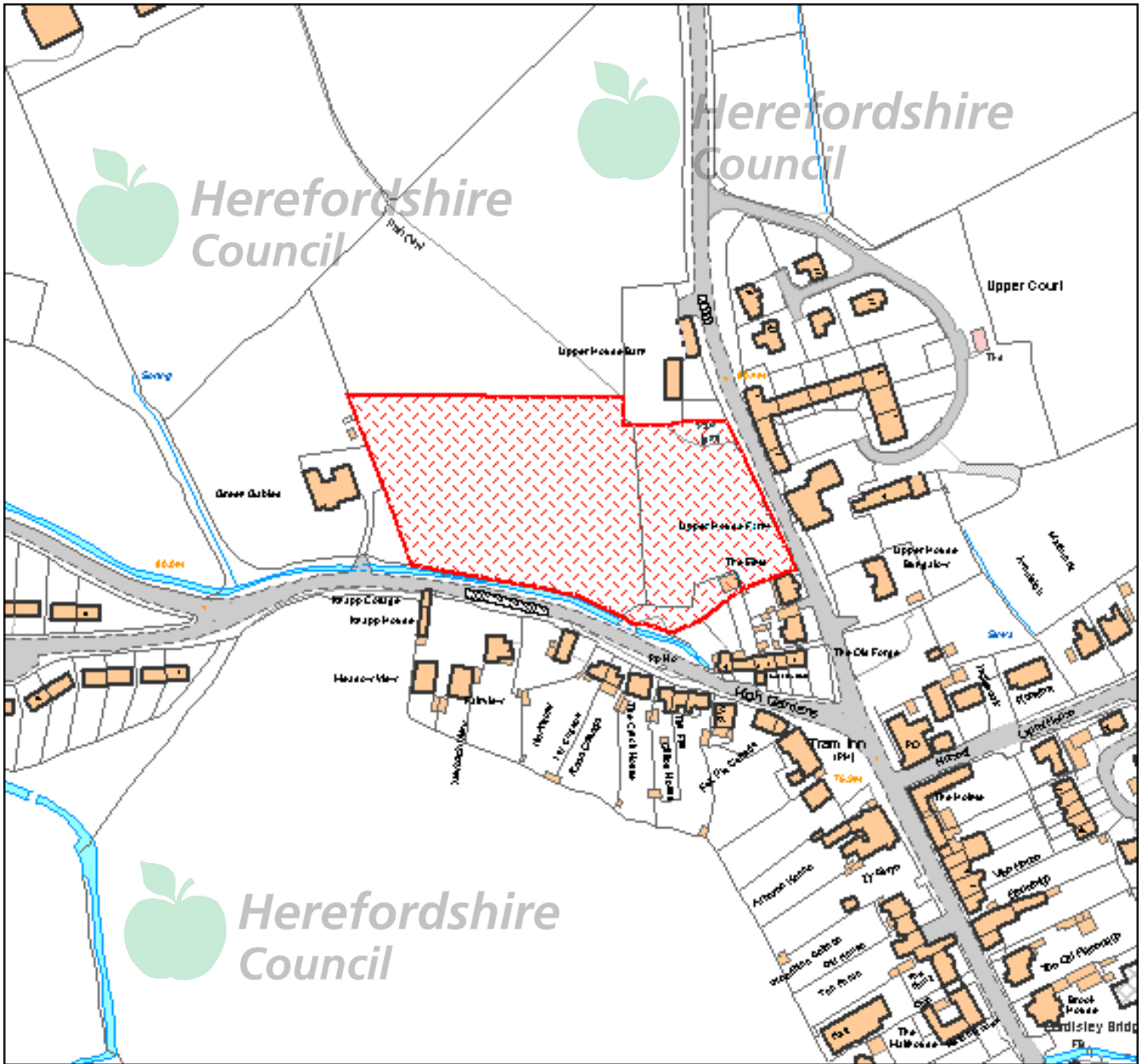
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 141408/F

SITE ADDRESS : BARLEY CLOSE, WOODSEAVES ROAD, EARDISLEY, HEREFORDSHIRE

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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 open market units only.

Proposed residential development comprising 16 open market houses and 9 affordable houses on land known as Barley Close, Woodseaves Road, Eardisley, Herefordshire.

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

£3,106.00 (index linked) for a 2/3 bedroom open market unit

£5,273.00 (index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at Kington Early Years, Eardisley Primary School, St Mary's Roman Catholic School (8% of secondary contribution) Post 16, Kington Youth Services and Special Education Needs (1% of total contribution). The sum may be pooled with other contributions if appropriate. **Based on the submitted scheme the education contribution will be £60,531.00.**

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

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

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

to provide a sustainable transport infrastructure to serve the development. The sum may be pooled with other contributions if appropriate. **Based on the submitted scheme the transport contribution will be £65,121.00.**

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

- Traffic calming and traffic management measures in the locality, this will include the management of traffic movements in the centre of the village where there is conflict between vehicles and pedestrians due to the width of the carriageway and properties being hard on to the edge of the carriageway
- New pedestrian and crossing facilities, this will include the provision of footways and dropped kerbs to connect the development at Upper Court, Eardisley
- Creation of new and enhancement in the usability of existing footpaths and cycleways connecting to the site
- Provision of and enhancement of existing localised bus infrastructure
- Safer routes to school

Note: Pedestrian crossing facilities will be provided within the vicinity of the access to the development on Woodseaves Road. These are necessary to make the development acceptable and will be delivered by the developer through a Section 278 Highway agreement.

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

£1,640.00 (index linked) for a 3 bedroom open market unit

£2,219.00 (index linked) for a 4+ bedroom open market unit

To provide an off-site play contribution towards the improvement of the existing play areas in Eardisley. The sum may be pooled with other contributions if appropriate. **Based on the submitted scheme the off-site play contribution will be £65,121.00.**

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

£198.00 (index linked) for a 3 bedroom open market unit

£241.00 (index linked) for a 4+ bedroom open market unit

The contributions will provide for enhanced Library facilities in Hereford. The sum may be pooled with other contributions if appropriate. **Based on the submitted scheme the library contribution will be £3,383.00.**

5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£120.00** (index linked) per open market dwelling. The sum may be pooled with other contributions if appropriate. ***Based on the submitted scheme the waste contribution will be £1,920.00.***

6. 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: The attenuation basin will be transferred to the Council with a 60 year commuted maintenance sum.

7. The developer covenants with Herefordshire Council that 35% (9 units) of the residential units shall be "Affordable Housing" which meets the criteria set out in Policy H9 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.

8. Of those Affordable Housing units, 3 shall be made available for social rent with the remaining 6 affordable housing units being available for intermediate tenure occupation.

9. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.

10. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-

10.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and

10.2. satisfy the requirements of paragraphs 11 & 12 of this schedule

11. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-

11.1. a local connection with the parish of Eardisley

11.2. in the event of there being no person with a local connection to Eardisley any other person with a local connection to an adjoining parish to Eardisley

11.3. In the event of there being no person with a local connection to Eardisley or adjoining parishes than 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 84 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 11.1 and 11.2 above.

12. For the purposes of sub-paragraph 11.1 and 11.2 of this schedule local connection means having a connection to one of the parishes specified above because that person:

12.1 is or in the past was normally resident there; or

12.2. is employed there; or

12.3. has a family association there; or

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

12.5. because of special circumstances.

13. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to such subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.

14. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 3 of the 'Code for Sustainable Homes - Setting the Standard in Sustainability for New Homes' or equivalent standard of carbon emission reduction, energy and water efficiency as may

be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.

15. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 4 and 5 above, for the purposes specified in the agreement within 10 years of the date of the last receipt of the Section 106 monies, 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 and 5 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
17. The sums referred to in paragraphs 1, 2, 3, 4 and 5 above shall be payable in four equal instalments upon completion of the construction of units 4, 8, 12, and 15 of the open market houses.
18. The developer covenants with Herefordshire Council to pay a surcharge of 1% 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 fees for the completion of the legal agreement.