

MEETING:	PLANNING COMMITTEE
DATE:	11 FEBRUARY 2015
TITLE OF REPORT:	<p>P141963/O - SITE FOR ERECTION OF UP TO 38 HOUSES AND APARTMENTS WITH HIGHWAY ACCESS ONTO ELM GREEN ROAD; ASSOCIATED INFRASTRUCTURE AND LANDSCAPING AT LAND EAST OF CALLOWSIDE, ELM TREE ROAD, EWYAS HAROLD, HEREFORDSHIRE, HR2 0HZ</p> <p>For: The Kentchurch Court Estate per Savills LLP, The Quadrangle, Imperial Square, Cheltenham, Gloucester, GL50 1PZ</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141963&search=141963
Reason Application submitted to Committee – Contrary to policy	

Date Received: 1 July 2014

**Ward: Golden Valley
South**

Grid Ref: 339490,228402

Expiry Date: 27th February 2015

Local Member: Councillor GJ Powell

1. Site Description and Proposal

- 1.1 Outline planning permission with all matters bar access reserved is sought for the erection of up to 38 dwellings, including 13 affordable units, on a 2.4 hectare site bounded to the immediate west by the residential development Callowside and to the north by the residential estate Elmdale and adjoining fire station and sewerage pumping station. The site lies outside but adjacent the Unitary Development Plan (UDP) settlement boundary for Ewyas Harold, which is a main village within both the UDP and the draft Herefordshire Local Plan – Core Strategy.
- 1.2 The site is part of a large agricultural field situated on the eastern edge of the village. Access to the site is taken from the C1221 Elm Green Road, which runs west/east from the junction with the B4347 some 200m to the west. The proposed point of access is at approximately the mid-point of the northern boundary between two over-mature oak trees. The residential estate Elmdale lies on the opposite side of the road to the north and the application site boundary is drawn deliberately to extend as far eastwards as Elmdale. Also on the north side of the road are the fire station and sewerage pumping station.
- 1.3 The landscape character type is Principal Settled Farmlands, but bounded to the immediate east by Riverside Meadows; the River Dore lying approximately 250m beyond the site's eastern boundary. The site itself is typical of the Principal Settled Farmlands typology, being in arable use with hedgerows to field boundaries. Although generally flat, the land to the south rises quite

significantly to Callow Hill Wood; a special wildlife site and Ancient (replanted) woodland, which is also in the applicant's ownership.

- 1.4 The illustrative layout plan depicts a low density scheme, reflecting the sensitivity of this edge of village location and the transition from village to open countryside. The layout, albeit the detail is reserved for future consideration, shows a large area of informal public open space central to the development with houses arranged around the site's periphery. The ground conditions are not conducive to infiltration of surface and land drainage run-off, so attenuation features are proposed along the site's eastern boundary. These comprise a series of swales, draining to an attenuation pond.
- 1.5 Although village facilities are within an acceptable walking distance of the site, Elm Green Road itself has no continuous footway to the junction with the B4347 at Trappe House and at present there is no pedestrian crossing facility. During the course of the application the need to provide continuous off-road access onwards towards village facilities has been accepted and a design subject to a Phase 1 Road Safety Audit. This comprises the provision of a 1.2m footway on the southern side of Elm Green Road, with the section adjoining the junction constructed so as to permit overrunning by larger vehicles. The footway is then continued along the southern side of the B4347 to a pedestrian crossing point onto the north side of the B4347 and onwards towards the primary school and other village facilities.
- 1.6 The site was identified as land with low/minor constraints by the Strategic Housing Land Availability Assessment. The proportionate growth target for Ewyas Harold, as the largest settlement in the Golden Valley Housing Market Area, is 55 (12% growth over the lifetime of the Core Strategy).
- 1.7 The application is accompanied by the following supporting documents:
- Flood Risk Assessment and Drainage Feasibility Study;
 - Planning Statement
 - Design and Access Statement;
 - Arboricultural & Ecological Assessment;
 - Framework Layout and Landscaping Plan;
 - Residential Travel Plan; &
 - Topographic Survey
- 1.8 The application is also accompanied by a draft Heads of Terms outlining an agreement in principle to make contributions towards sustainable transport, education and other projects subject to CIL compliance. The agreed Heads of Terms is appended to the report.

2. Policies

- 2.1 National Planning Policy Framework. The following sections are of particular relevance:

Introduction	-	Achieving Sustainable Development
Section 4	-	Promoting Sustainable Transport
Section 6	-	Delivering a Wide Choice of High Quality Homes
Section 7	-	Requiring Good Design
Section 8	-	Promoting Healthy Communities
Section 11	-	Conserving and Enhancing the Natural Environment

- 2.2 National Planning Policy Guidance

- 2.3 Herefordshire Unitary Development Plan 2007

S1	-	Sustainable Development
S2	-	Development Requirements

S3	-	Housing
S7	-	Natural and Historic Heritage
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
E15	-	Protection of Greenfield Land
H4	-	Main Villages: Settlement Boundaries
H7	-	Housing in the Countryside Outside Settlements
H10	-	Rural Exception Housing
H13	-	Sustainable Residential Design
H15	-	Density
H16	-	Car parking
H19	-	Open Space Requirements
T6	-	Walking
T8	-	Road Hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
CF2	-	Foul Drainage

2.4 Herefordshire Local Plan – Draft Core Strategy

The pre-submission consultation on the Draft Local Plan – Core Strategy closed on 3 July. At the time of writing an Independent Inspector is in the process of examining the Core Strategy in order to determine its soundness. The majority of the Core Strategy policies were subject to objection and, as the examination in public is not yet complete, can be afforded only limited weight for the purposes of decision making.

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sports and Recreation Facilities
OS2	-	Meeting Open Space, Sports and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geodiversity
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

2.5 The parishes of Abbey Dore, Bacton, Ewyas Harold, Dulas, Llancillo, Rowlestone and Kentchurch have designated a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The Parish Council will prepare a Neighbourhood Development

Plan for that area. The plan must be in general conformity with the strategic content of the emerging Core Strategy, but is not sufficiently advanced to attract weight for the purpose of decision-taking.

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

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

3. Planning History

- 3.1 There is no relevant planning history

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection subject to the imposition of conditions

Internal Council Responses

- 4.2 Transportation Manager: No objection subject to conditions

Further to the submission of the Safety Audit and detailed drawings I have no objection to the proposed development.

Off Site Highway Improvements

The main issue with the site has been the lack of continuous off-road pedestrian connectivity to village facilities. As a result of negotiations the scheme now proposes a footpath to the B4347 which will allow access to facilities in the village and transport links on the A465. A stage 1 Safety Audit has been carried out and the detailed drawings confirm that such a scheme is deliverable. The scheme will provide the footway links required which will assist the existing use and crossing of the B4347.

The footpath will be over runnable to cater for the larger vehicles to turn. Whilst this is undesirable the lane operates as a single lane already and the issue already exists for residents of Callowside and Elmdale. The proposed crossing point on the B road is the optimum point for visibility. As identified, works on the B4347 road are required to improve visibility and access to the crossing point. The developer is aware of the need to enter into a S278 agreement to design and fund these works.

Access into the site from Elm Green Road

The access visibility is acceptable with 2.4m x 90m, this complies with current design guidance including Manual for Streets 2 and the more prescriptive Design Manual for Roads and Bridges. The existing hedgerow will need to be pulled back to enable this, with the extent indicated on the master plan. There will need to be breaks in this to accommodate the footpath link across the site frontage.

Internal Layout

The internal layout is only indicative, although the Public Open Space is separate from the Sustainable Drainage features. It would appear prudent to combine these features so as to minimise maintenance issues, though this can be given further thought as the detailed design evolves at the Reserved Matters stage. This will need to be in line with a S38 Agreement. The master plan sets out a loop road enclosing a play area which includes ramps. There are roads which serve less than 5 houses which should become private drives with the larger ones requiring the access to be adopted. Parking needs to be to HC Design Guide.

The only concern is the access to the woodland and whether parking needs to be provided? The intended nature of access and use of the woodland walks should be clarified.

The access road will be adopted under a S38 Agreement.

S106 Contributions

The contributions required will be as per the Planning Obligations SPD and based on the housing size, this will be calculated when the housing mix is finalised. The Transport Statement identifies a problem on the A465 which will impact on the site. The regular bus and school service use this location for drop off and pick up and improvements are required to ensure safety. There are other schemes relating to the school and crossings within the village which can be identified to support any contributions generated via the S106.

4.3 Conservation Manager (Landscape): No objection

The site is currently arable land with gently rising topography from the east to west, bounded to the north by hedgerow, adjacent to which lies Elm Green Road and to the west by hedgerow defining the boundary with the 20th century Callowside development. To the south is Callow Hill Wood and the east is open as the site forms part of a larger field.

The site lies within the Principal Settled Farmlands Landscape Character Type defined as; *'settled agricultural landscapes of dispersed scattered farms, relic commons and small villages and hamlets...with networks of small winding lanes nestling within a matrix of hedged fields.'*

There are no statutory designations within the site boundary and no Public Rights of Way cross the site. The Special Wildlife Site Callow Hill Wood lies adjacent to the southern boundary.

The hedgerow to the north of the site contains three mature oak trees, two of which lie within the site boundary. One of which is to be removed.

The site is adjacent to the Village Settlement Boundary and forms part of the approach to the village along Elm Green Road. Approaching from the east, on crossing Elm Bridge, the landscape opens out and views of the site are considered sensitive in this context.

Visual and Public Amenity:

The site is relatively well contained; to the south by Callow Hill Wood and by intervening land form and existing development to the west and north. The eastern boundary is open and whilst immediate views are contained by vegetation following the tributary to the River Dore, there is potential for middle distance views on rising landform from Kentchurch Court Estate. It is however envisaged that development will be seen in the context of the existing settlement thus reducing its impact.

Conclusions:

- Whilst there will be a change in character to the site it is considered that the proposal will form a continuum with the eastern edge of the settlement boundary and that visual receptors will view it as such, therefore reducing the degree of impact.
- The eastern boundary is considered sensitive and the proposed mitigation will assist in assimilating the development into the landscape.

Detailed landscape proposals should be submitted indicating vegetation for retention, with plant specifications for mitigating planting. Consideration should be given to how the centrally proposed community space connects with informal planting to the east of the site in terms of wildlife corridors and green infrastructure.

4.4 Land Drainage Manager: No objection in principle

Overall, for outline planning permission, we do not object to the proposed development on flood risk and drainage grounds. The site is located in an area deemed to be at low risk of flooding from all sources, except overland flow which is judged to be moderate and where the Applicant has proposed mitigation to reduce this risk. Residual risk of flooding to the site from exceedance of the drainage system needs further clarification when consideration is given to final ground levels at the site. In addition anecdotal evidence indicates a number of local flood incidents have historically occurred which are not currently considered in the FRA report and we recommend these are taken into consideration by the Applicant, Therefore, should the Council grant outline planning permission, we recommend that the submission and approval of detailed proposals for the disposal of surface water runoff from the development is included within any reserved matters associated with the permission, in addition to the FRA accompanying the final scheme proposals demonstrating that the residual risk to the site is in line with NPPF guidance.

The detailed drainage proposals and FRA should include:

- Consideration of the reported surface water and sewerage flooding local to the site. The applicant should collate and review information regarding local reported flood incidents to qualify any potential impact to the site and ascertain that safe access and egress to the site can be achieved during times of flooding,
- Evidence that the Applicant has sought and agreed permissions to discharge surface water runoff from the site into the highway drainage. The Applicant should clarify that the highway drainage is adequate to accept the outfall from the site without increasing flood risk to the highway or properties at Elm Bridge,
- Design of the below ground drainage system to be completed considering a 30% allowance for climate change applied the 30 year event
- Further information to demonstrate that exceedance of the drainage system has been adequately considered and that suitable mitigation is included to prevent an unacceptable risk of flooding to the development and elsewhere,
- Details of the proposals for adoption and maintenance of the surface water drainage system;
- 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.

4.5 Parks & Countryside Manager: No objection

In accordance with UPD Policy H19 and Policy RST3, schemes of 38 houses using the standard population rate of 2.3 would require the following:

- 0.03ha POS (0.4 ha per 1000 population)
- 0.07 ha provision for children including formal and informal (0.8ha per 1000 population) Total 0.1ha

In total the development will provide approximately 0.8ha of Public Open Space (POS)/play. This more than adequately meets the policy requirements shown above.

Design: The approach taken by landscape strategy is supported. Although the existing play area in the village is of good quality, it is some distance from the proposed development and opportunities for more natural play and wider access to the countryside are welcomed. There are two main areas of POS on site and opportunities to connect to the woodland at Callow Hill beyond, assuming the landowners grant permission for permissive routes.

Central POS: The large central area will create a focal point to the development with provision for informal recreation, a naturalistic play area and orchard planting. Future design and provision of play equipment should make the most of the topography. Level changes and slopes can make for imaginative play opportunities.

SUDS POS: The corridor of open space which includes meadow vegetation, retention ponds and swales along the eastern boundary will allow opportunities for informal recreation. To this end the "SUDs" area should be designed with health and safety in mind of standing water.

Future Maintenance: 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; 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.

4.6 Housing Development Officer: No objection

Negotiations have taken place with the agent with regards to dwelling numbers, bed size, tenure and standards. All that was agreed has been incorporated into the planning application and the application is supported.

4.7 Schools Capital and Investment Manager: No objection subject to S106 contribution

As of the summer 2014 census data one year group (year 1) at Ewyas Harold Primary School was over capacity. All years groups at Kingstone Secondary School have spare capacity. Accordingly a contribution is sought towards the primary school (£1,899 per 2/3 bed open market house), with a proportionate 8% contribution towards St Mary's R.C. High School.

4.8 Conservation Manager (Ecology): No objection subject to conditions

There are few ecological constraints on development of this site but a number of enhancements which may be put in place for increasing biodiversity. I note that the main constraint applies to the retention of tree T2 and removal of tree T3 – the latter will require an assessment of its bat potential before felling. If given approval I would recommend that the following non-standard condition added:

The species mitigation and habitat enhancement measures shall be carried out in accordance with the recommendations set out in Section 4.5 of the ecologist's report from EDP dated June 2014. Prior to commencement of the development, the habitat features to be retained or lost shall be clearly identified as part of the landscape plan and the works proposed shall be carried out in accordance with the plan.

5. Representations

5.1 Ewyas Harold Group Parish Council submits the following comments: Car parking is insufficient and there needs to be provision for all dwellings.

Local evidence shows current sewage system is not fit for purpose and could not cope with the additional capacity the development would entail.

Highway safety is a major issue - the development is unsustainable without provision of a continuous footpath for the entire length from the proposed development to Trappe House Comer, together with a safe crossing for pedestrians at Trappe House Comer or suitable alternative location.

These measures will enable safe access to the village centre and school for pedestrians - additional signage [as originally proposed] will not be sufficient.

5.2 Six letters of representation have been received, including communication from the Parish Council's advisor on drainage and flood risk; this correspondence having been taken into account by the Council's Land Drainage Consultants. The key issues are summarised as follows:-

- Although Welsh Water confirms the adequacy of the waste-water treatment plant, this system has failed on numerous occasions; probably as a consequence of overland flow entering the system. On occasion Elm Green Road itself has been impassable and foul effluent has emerged from the system onto the public highway and very probably fouled the River Dore;
- There is concern that SUDs and swales may not be an entirely appropriate means of dealing with surface water run-off;
- The site is outside the settlement boundary and contrary to the Unitary Development Plan;
- An application for one dwelling was refused at Callowside. How can 38 be considered appropriate?
- There is no continuous pedestrian access to village facilities. The road is very narrow at the junction with the B4347;
- Affordable housing should be better related to goods, services and employment opportunities;
- Bus services are poor and the latest bus returning from Hereford is now the 17:20, meaning it's unlikely that those working in Hereford will be able to use the bus for the work commute. Any contributions from the development should be put towards improving bus services and investigate the potential for adapting the bus route to take in this stretch of Elm Green Road, with a bus-stop located outside the site.

5.3 In response to concerns in respect of pedestrian access to village facilities the proposals have been amended as per the Traffic Manager's comments above. The off-site highway improvements have been through a Phase 1 Road Safety Audit and there is sufficient confidence that the scheme is workable and can proceed to detailed design stage.

5.4 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

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

6. Officer's Appraisal

6.1 Ewyas Harold is identified within the adopted Unitary Development Plan as a main village and is also allocated as a main village within the Golden Valley Housing Market Area within the emerging Local Plan – Core Strategy with a 12% indicative growth target over the plan period. This equates to 55 dwellings.

6.2 Taking the characteristics of the site into account the main issue is whether, having regard to the supply of housing land, the proposals would give rise to adverse impacts, having particular regard to the likely effects upon the character and appearance of the area, nature conservation

interests and highway safety, that would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development.

The Principle of Development in the Context of ‘saved’ UDP Policies, the National Planning Policy Framework (NPPF) and Other Material Guidance

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

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

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

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

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

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

6.7 The NPPF approach to Housing Delivery is set out in Chapter 6 – Delivering a wide choice of high quality homes. Paragraph 47 requires that local authorities allocate sufficient housing land to meet 5 years’ worth of their requirement with an additional 5% buffer. Deliverable sites should also be identified for years 6-10 and preferably years 11-15 too. Paragraph 47 underlines that UDP housing supply policies should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

6.8 The Council’s published position is that it cannot demonstrate a five year supply of housing land. This has been reaffirmed by the published Housing Land Supply Interim Position Statement – May 2014. This, in conjunction with recent appeal decisions, confirms that the Council does not have a five year supply of deliverable housing land, is significantly short of being able to do so, and persistent under-delivery over the last 5 years renders the authority liable to inclusion in the 20% bracket.

6.9 In this context, therefore, the proposed erection of up to 38 dwellings, including 35% affordable, on a deliverable and available site, identified as having low/minor constraints in the SHLAA, is a significant material consideration telling in favour of the development to which substantial weight should be attached.

6.10 Taking all of the above into account, officers conclude that in the absence of a five-year housing land supply and advice set down in paragraphs 47 & 49 of the NPPF, the presumption in favour of sustainable development expressed at Paragraph 14 of the NPPF is applicable if it should be

concluded that the development proposal is sustainable. As such, the principle of development cannot be rejected on the basis of its location outside the UDP settlement boundary.

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

- 6.11 The NPPF refers to the pursuit of sustainable development as the golden thread running through decision-taking. It also identifies the three mutually dependent dimensions to sustainable development; the economic, social and environmental dimensions or *roles*.
- 6.12 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land. The social dimension also refers to the need to ensure an appropriate supply of housing to meet present and future needs and this scheme contributes towards this requirement with a mix of open market and affordable units of various sizes. Fulfilment of the environmental role requires the protection and enhancement of our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use resources prudently and movement towards a low-carbon economy.
- 6.13 Ewyas Harold is a main village within the UDP and also identified as a main village in the Hereford Local Plan – Core Strategy. It is also the largest village in the Golden Valley Housing Market Area with approximately 460 dwellings. Officers consider that in terms of access to goods, services and employment opportunities the site is sustainably located whereas the delivery of up to 38 dwellings, including 35% affordable, together with contributions towards public open space, sustainable transport and education infrastructure would contribute towards fulfilment of the economic and social roles. These are significant material considerations telling in favour of the development. The site is not subject to any environmental designations and the Council's Conservation Manager observes that the scheme has the potential to deliver ecological enhancement in accordance with saved UDP policy and NPPF objectives.

Impact on Landscape Character

- 6.14 NPPF Paragraph 109 states that valued landscapes should be protected and enhanced. Paragraph 113 advises local authorities to set criteria based policies against which proposal for any development on or affecting protected wildlife or geo-diversity sites or landscape areas will be judged. It also confirms that *'distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.'* Appeal decisions have also confirmed that although not containing the 'cost-benefit' analysis of the NPPF, policies LA2 (landscape character), and LA3 are broadly consistent with chapter 11 of the NPPF.
- 6.15 The application site has no formal landscape designation. It lies in open countryside outside but adjacent the settlement boundary. It was also classified as a site with minor constraints in the SHLAA. The Conservation Manager (Landscape) concludes the proposed development is not likely to adversely affect the character of the landscape or its visual amenity. The officer considers that the site can accommodate development, which would be seen in middle distance views from higher ground against the backdrop of the existing residential development locally. With detailed consideration at the Reserved Matters stage officers consider that the development has the potential to enhance the approach to the village.
- 6.16 The arboricultural report recommends removal of one over-mature oak tree within the roadside hedgerow, with a replacement intended.
- 6.17 On the basis that conditions will be imposed requiring the protection of hedgerows where possible and the formulation of a detailed planting regime and in the context of the housing

supply situation, the principle of development is considered acceptable in the context of 'saved' UDP policies LA2 and LA3.

Pedestrian access to local facilities

- 6.18 Saved UDP policy DR3 and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 30 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 32 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development are severe.'
- 6.19 In this case objections have been received in relation to the lack of pedestrian facilities on Elm Green Road and these concerns were also expressed by the Council's Transportation Manager. As a result the applicants have commissioned additional work to determine the feasibility of installing a footway along Elm Green Road to the junction of the B4347 at Trappe House, with a crossing facility for onward travel to the school and other village facilities. This scheme has been subject of a Phase 1 Road Safety Audit which considers the proposal is feasible and the Transportation Manager is content that the scheme, when realised, would represent a significant improvement to pedestrian facilities for the benefit not only of prospective occupiers of the scheme, but also existing residents of Callowside and Elmdale; who at present have to walk on the highway.
- 6.20 The applicants have accepted the necessity of this work, which will be subject to further detailed design and adoption via a S278 agreement. The off-site improvements are, however, sufficiently far advanced for the purpose of taking a decision in relation to this application and go well beyond the original proposal to install advance warning signs – referred to in the Parish Council comments at 5.1. In the context of the wider benefits that these proposals will bring in terms of highway safety and encouragement of non-car borne local trips, officers consider the scheme to represent a significant benefit and contribution towards the social and environmental dimensions of sustainable development.

Land Drainage and Flood Risk

- 6.21 Neither Welsh Water nor the Council's Land Drainage Manager have any objection to the development subject to the imposition of planning conditions. The site lies wholly within Flood Zone 1 and is at low risk of flooding from fluvial sources. Whilst objection letters have expressed concern at surface water drainage and the absence of detailed design from the current submission, there is no objection in principle to the development of the site as proposed on the provision that detailed drainage proposals are formulated and agreed prior to commencement of development. The Land Drainage consultant's comments set out the detailed information that should be incorporated at the detailed design stage and this will be reflected in the imposition of a planning condition to require the submission of a fully integrated foul and surface water drainage system for agreement prior to the commencement of development, with completion of the scheme prior to first occupation of any of the dwelling houses approved. This scheme would be subject to a further round of consultation at the Reserved Matters stage.

Impact on Ecological Interests

- 6.22 The Council's Conservation Manager (Ecology) concurs with the findings of the submitted ecological appraisals. It is concluded that the proposal will not have a significant impact on ecological interests, but actually has the potential to enhance biodiversity. The oak tree scheduled for removal ought to be subject to further survey work prior to felling. Subject to the imposition of conditions as set out below, which include tree and hedgerow protection measures,

the development is considered to accord with the provisions of the Development Plan and NPPF guidance.

S106 Heads of Terms

6.23 The S106 draft Heads of Terms are appended to the report. CIL regulation compliant contributions have been negotiated and are summarised as follows:

‘Education Contribution’	-	£1,891 per open market 2-bed unit £3,106 per open market 3-bed unit £5,273 per open market 4+ bed unit
‘Sustainable Transport Contribution’	-	£1,721 per open market 2-bed unit £2,583 per open market 3-bed unit £3,442 per open market 4+ bed unit
‘Waste & Recycling’	-	£120 per open market dwelling
‘Library’	-	£146 per open market 2-bed unit £198 per open market 3-bed unit £241 per open market 4+ bed unit

The S106 will also include provisions to ensure 35% of the development meets the definition of affordable housing, together with requisite standards and eligibility criteria.

A maintenance contribution towards the management of on-site public open space and any necessary SUDs system, which will be adopted by the Council, will also be required.

Impact on Adjoining Residential Amenity

6.24 Loss of amenity arising from direct and prejudicial overlooking is a material consideration. In this case, officers are satisfied that development of the site is possible without undue impact on adjoining property, particularly those dwellings adjoining the site to the west and north at Callowside and Elmdale respectively. Clearly this will be contingent on detailed consideration at the Reserved Matters stage, but the Design and Access Statement indicates that dwellings would not exceed two storeys and separation distances on the illustrative layout respect the standards that would ordinarily be sought. At this stage, therefore, officers are satisfied that an appropriate layout at the Reserved Matters stage would be capable of according with the requirements of saved UDP policy H13 and NPPF paragraph 12, which demands good standards of amenity.

Sustainable Design

6.25 The applicant has confirmed that all dwellings shall follow a fabric first approach to energy efficiency. It is envisaged that energy consumption and carbon emissions will be reduced by building to a minimum of code 4 of the code for sustainable homes. The site offers good opportunity to construct on an orientation that ensures optimum exposure to passive solar gain.

The Neighbourhood Plan

6.26 The Group Parish Council has designated a neighbourhood plan area. Work has been progressing towards the formulation of the plan for a considerable period. Paragraph 17 of the NPPF, states that planning should be *‘genuinely plan led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of an area’*.

- 6.27 The Neighbourhood Plan is not presently sufficiently far advanced to be attributed weight for the purposes of decision-taking and planning applications cannot, in these circumstances, be refused because they are potentially prejudicial to the neighbourhood plan.

Summary and Conclusions

- 6.28 The Council cannot demonstrate a five-year supply of housing land with requisite buffer. The housing policies of the UDP are thus out-of-date and the full weight of the NPPF is applicable. UDP policies may be attributed weight according to their consistency with the NPPF; the greater the consistency, the greater the weight that may be accorded. The pursuit of sustainable development is a golden thread running through both plan-making and decision-taking and identifies three dimensions to sustainable development; the economic, social and environmental roles.
- 6.29 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 in the absence of significant and demonstrable adverse impacts, the application should be approved.
- 6.30 The site lies outside but directly adjacent the settlement boundary on a SHLAA site that was designated as having low/minor constraints and is thus in full accord with the Council's interim protocol. Ewyas Harold is, having regard to the NPPF and saved and emerging local policies, a sustainable location and the scheme has been amended to include improvements to pedestrian facilities and thus improve connectivity to village facilities for both existing and prospective residents. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel).
- 6.31 The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic role. Likewise S106 contributions and the new homes bonus should also be regarded as material considerations. In providing a greater supply of housing and breadth of choice, including 35% affordable and in offering enhancements to footway and pedestrian crossing facilities locally, officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development.
- 6.32 The Conservation Manager (Landscape) confirms the application site has the ability to accommodate residential development subject to the retention of landscape features and the illustrative material indicates a sensitive, low-density approach which responds positively to local landscape. The site is over 500m from the nearest designated heritage asset (Bridge House Farm) and has no direct impact on this or any other designated heritage asset and the site is not subject to any of the other restrictive policies that footnote 9 of the NPPF refers to.
- 6.33 Officers conclude that there are no highways, drainage, ecological or archaeological issues that should lead towards refusal of the application and that any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits. It is therefore concluded that planning permission should be granted subject to the completion of a Section 106 Planning Obligation and appropriate planning conditions. The conditions will include a requirement to limit the number of dwellings to no more than 38 and to formulate an integrated foul and surface water run-off scheme. Officers would also recommend the developer conducts further consultation with the Parish Council and local community as regards the detail of any forthcoming Reserved Matters submission.

RECOMMENDATION

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

1. **A02 Time limit for submission of reserved matters (outline permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **C01 Samples of external materials**
5. **The development shall include no more than 38 dwellings and no dwelling shall be more than two storeys high.**

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

6. **H03 Visibility splays**
7. **H08 Access closure**
8. **H11 Parking – estate development (more than one house)**
9. **H17 Junction improvement/off site works**
10. **H18 On site roads – submission of details**
11. **H19 On site roads - phasing**
12. **H20 Road completion**
13. **H21 Wheel washing**
14. **H27 Parking for site operatives**
15. **H29 Covered and secure cycle parking provision**
16. **H30 Travel plans**
17. **The species mitigation and habitat enhancement measures shall be carried out in accordance with the recommendations set out in Section 4.5 of the ecologist's report from EDP dated June 2014. Prior to commencement of the development, the habitat features to be retained or lost shall be clearly identified as part of the landscape plan and the works proposed shall be carried out in accordance with the plan.**

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

- 18. **G04 Protection of trees/hedgerows that are to be retained**
- 19. **G09 Details of boundary treatments**
- 20. **G10 Landscaping scheme**
- 21. **G11 Landscaping scheme - implementation**
- 22. **L01 Foul/surface water drainage**
- 23. **L02 No surface water to connect to public system**
- 24. **L03 No drainage run-off to public system**
- 25. **L04 Comprehensive and integrated draining of site**

INFORMATIVES:

- 1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. **HN10 No drainage to discharge to highway**
- 3. **HN08 Section 38 Agreement & Drainage details**
- 4. **HN07 Section 278 Agreement**
- 5. **HN04 Private apparatus within highway**
- 6. **HN01 Mud on highway**
- 8. **HN25 Travel Plans**
- 9. **HN05 Works within the highway**

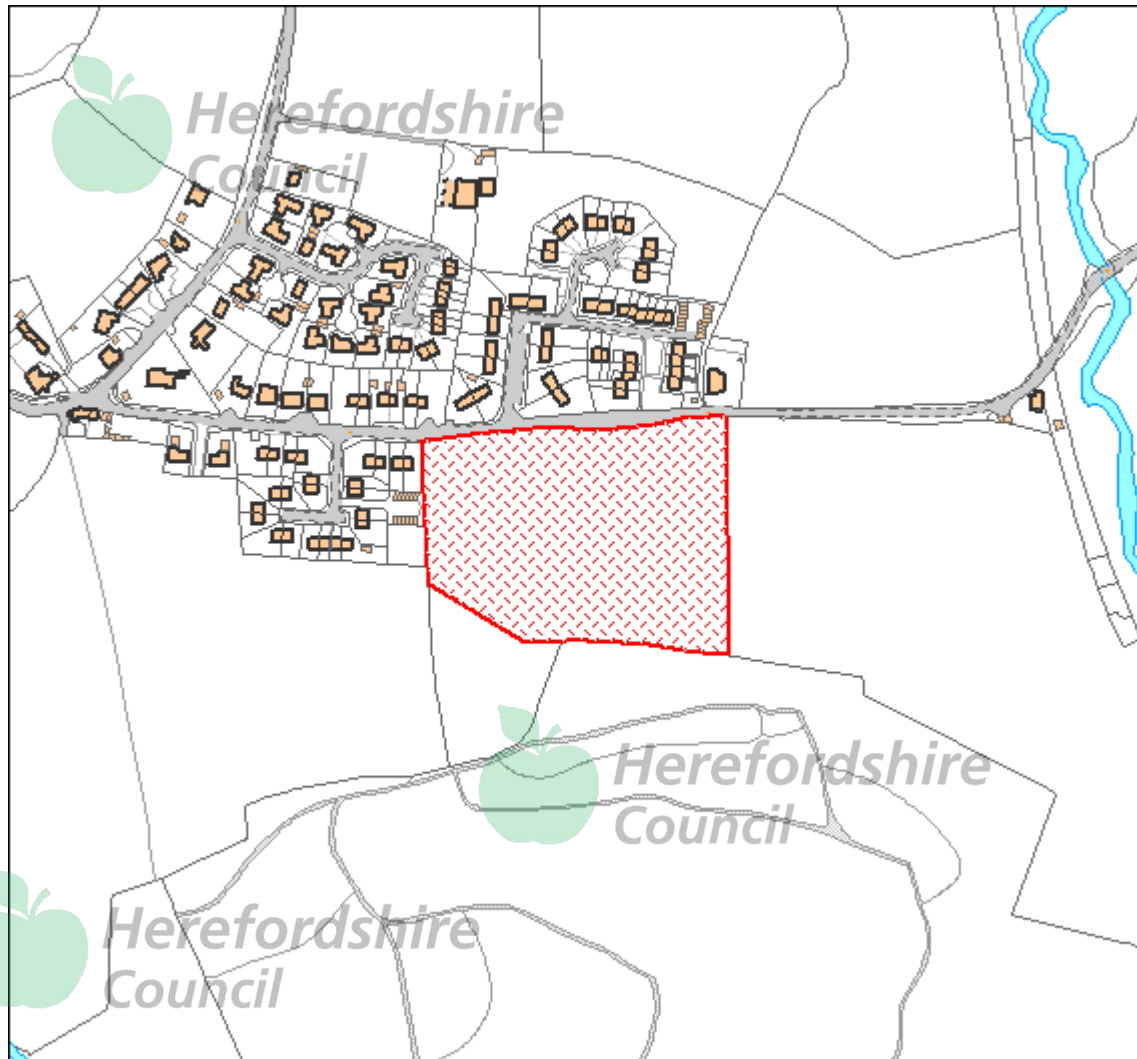
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 141963/O

SITE ADDRESS : LAND EAST OF CALLOWSIDE, ELM TREE ROAD, EWYAS HAROLD,
HEREFORDSHIRE, HR2 0HZ

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

DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement Section 106 Town and Country Planning Act 1990

Planning Application – 141963/O

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

Residential Development for the erection of up to 38 dwellings and associated infrastructure on land to the east of Callowside, Ewyas Harold

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

£1,891	(index linked) for a 2 bedroom apartment open market unit
£3,106	(index linked) for a 2/3 bedroom open market unit
£5,273	(index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure for Early Years, Ewyas Harold Primary School, a proportionate secondary contribution (8%) to St Marys RC High School, Post 16, Youth Services and Special Education Needs. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

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

£1,721	(index linked) for a 2 bedroom open market unit
£2,583	(index linked) for a 3 bedroom open market unit
£3,442	(index linked) for a 4+ bedroom open market unit

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

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

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

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

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

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

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

£120.00	(index linked) for a 1 bedroom open market unit
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Further information on the subject of this report is available from Mr A Banks on 01432 383085

£146.00	(index linked) for a 2 bedroom open market unit
£198.00	(index linked) for a 3 bedroom open market unit
£241.00	(index linked) for a 4+ bedroom open market unit

The contributions will provide for enhanced Library facilities. The sum shall be paid on or before the occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.

5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £120 (index linked) per open market dwelling. The contribution will provide for waste reduction and recycling in Leominster. The sum shall be paid on or before occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council a 15 year commuted sum for maintenance of the on-site Public Open Space (POS) if to be adopted by the Council. Such sums to be calculated in accordance with the Council's most recently published tariffs.
7. The developer covenants with Herefordshire Council that 35% (13 units – on basis of development of 38) 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, at least nine shall be made available for social rent with the remainder 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 Ewyas Harold
 - 11.2. in the event of there being no person with a local connection to Ewyas Harold any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 12.1 above.
12. For the purposes of sub-paragraph 13.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
 - 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 4 of the 'Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes' or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
15. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 4, 5, 6 and 7 above, for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
16. The sums referred to in paragraphs 1, 2, 3, 4, 5, 6 and 7 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
17. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
18. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Andrew Banks
Principal Planning Officer

February 2015