

MEETING:	PLANNING COMMITTEE
DATE:	11 FEBRUARY 2015
TITLE OF REPORT:	P141487/O - SITE FOR PROPOSED ERECTION OF 52 NO. RESIDENTIAL DWELLINGS, PARKING, LANDSCAPING, DRAINAGE, AND OTHER ASSOCIATED ENGINEERING WORKS. VEHICULAR ACCESS FROM A49 AT LAND TO THE EAST OF THE A49, HOLMER, HEREFORDSHIRE For: Mr & Mrs West per Pegasus Group, First Floor South Wing, Equinox North, Great Park Road, Almondsbury, Bristol, BS32 4QL
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/search-and-comment-on-planning-applications/details?id=141487&search=141487
Reason Application submitted to Committee – Contrary to Policy	

Date Received: 21 May 2014

**Ward: Burghill,
Holmer and Lyde**

Grid Ref: 350655,242451

Expiry Date: 22 August 2014

Local Member: Councillor SJ Robertson

1. Site Description and Proposal

- 1.1 The site is located on the eastern side of the A49 Trunk Road opposite the layby to St Bartholomew's Church, Holmer, Hereford. It comprises two fields laid to pasture presently used for the grazing of horses. The A49 Trunk Road forms the entire western boundary, the southern boundary comprises a development site for 13 dwellings (P132624) with sporadic housing development and paddocks to the east. The northern boundary contains the Church Burial ground and open fields. The majority of the boundaries are well hedged with sporadic trees. The site rises from the A49 Truck Road and falls away in the north eastern corner.
- 1.2 Listed buildings are located across the A49 Trunk Road at St Bartholomew's Church (Grade 1 and Grade 2) and Holmer House Farm (Grade 2) and to the north of the site in the burial ground. Copelands (Grade 2) is located to the east.
- 1.3 A public right of way (PROW) crosses the site in a east-west direction and a high pressure water main dissects the site in a north south direction.
- 1.4 The proposal seeks outline planning permission for up to 52 dwellings on 1.82 hectares. All matters are reserved with the exception of access. An indicative plan has been submitted with access directly opposite the layby. Either side of the access the indicative plan shows dwellings fronting the main road alongside which a new 2.5m combined footpath and cycleway is proposed. The dwelling types will range from single to two storeys and comprise two to four bedroom units.

2. Policies

2.1 National Planning Policy Framework 2012. In particular chapters:

Introduction	-	Achieving Sustainable Development
Chapter 4	-	Promoting Sustainable Communities
Chapter 6	-	Delivering a Wide Choice of High Quality Homes
Chapter 7	-	Requiring Good Design
Chapter 8	-	Promoting Healthy Communities
Chapter 11	-	Conserving and Enhancing the Natural Environment
Chapter 12	-	Conserving and Enhancing the Historic Environment

2.2 National Planning Practice Guidance 2014

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
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H7	-	Housing in the Open Countryside Outside Settlements
H9	-	Affordable Housing
H10	-	Rural Exception Housing
H13	-	Sustainable Residential Design
H15	-	Density
H19	-	Open Space Requirements
HBA4	-	Setting of Listed Buildings
HBA9	-	Protection of Open Areas and Green Spaces
T8	-	Road Hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA4	-	Protection of Historic Parks and Gardens
LA5	-	Protection of Trees, Woodlands and Hedgerow
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
ARCH3	-	Scheduled Ancient Monuments
ARCH6	-	Recording of Archaeological Remains
CF2	-	Foul Drainage

2.4 Herefordshire Local Plan – Draft Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
HD1	-	Hereford
HD3	-	Hereford Movement
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 Neighbourhood Planning

Holmer and Shelwick Parish Council are not progressing a Neighbourhood Plan under the Neighbourhood Planning (General) Regulations 2012.

2.6 Other Relevant National Guidance:

Planning for Growth	-	2011
Laying the Foundations	-	2011
Housing and Growth	-	2012

2.7 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 None on this site

3.2 Adjacent to the southern boundary planning permission has been granted for 13 dwellings (P132624) with access off Church Way, Approved 11 July 2014

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water raise no objection subject to the following conditions:-

SEWERAGE

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

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

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

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

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

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

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

Foul flows from the site shall connection to public foul sewerage system located to the South of the proposed development at manhole SO50426101.

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

No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved by the Local Planning Authority.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

WATER SUPPLY

The developer has recently undertaken a potable water Hydraulic Modelling Assessment outlining 4 viable connection options. We are currently in discussion as to how best to proceed and would therefore ask the below condition to be attached to any planning permission:

No development shall take place until a potable water scheme to satisfactorily accommodate the potable water supply to the site has been submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use and no dwelling shall be occupied until the approved potable water system has been constructed, completed and brought into use in accordance with the approved scheme.

Reason: To protect the integrity of the existing public sewerage system and to prevent pollution of the environment.

In addition to the above, the proposed development is crossed by a trunk/distribution water main, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Water main(s). It may be possible for this water main to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

SEWERAGE TREATMENT

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

4.2 **Highways Agency** directs that any planning permission granted include the following conditions

Condition 1

No part of the development hereby permitted shall be brought into use until the works as shown indicatively on Drawing No. C712/03 Rev A have been completed to the satisfaction of the Local Planning Authority in consultation with the Highways Agency.

Condition 2

No trees or shrubs shall be planted within a strip measured 3m from the back of the visibility splay.

Reason(s) for the direction

To ensure that the A49 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 in the interests of road safety.

The Highways Agency informative' dated 10 October 2014 in respect of planning application P141487/0 relating to the above development is attached and should be appended to any subsequent planning permission:

The highway mitigation works associated with this consent involves works within the public highway, which is land over which you have no control. The Highways Agency therefore requires you to enter into a suitable legal Section 278 agreement to cover the design check, construction and supervision of the works. Contact should be made with the Highway Agency's Section 278 Service Delivery Manager, David Steventon to discuss these matters on david.steventon@highways.gsi.gov.uk

The applicant should be made aware that any works undertaken to the Highway Agency network are carried out under the Network Occupancy Management policy, in accordance with HA procedures, which currently requires notification/booking 12 months prior to the proposed start date. Exemptions to these bookings can be made, but only if valid reasons can be given to prove they will not affect journey time reliability and safety.

Following further discussion the Highways Agency has submitted the following further information:-

I can confirm that I and a representative from the Highways Agency's Asset Support contractor (EM Highways) met on site with Crest Nicholson and Pegasus on 26 November 2014. In addition, we have previously supplied indicating costings for a pelican crossing.

The outcome of this meeting and site visit was the likelihood that an informal crossing with dropped kerbs and suitable markings would be appropriate, but that this would need to be demonstrated by the designer during the detailed design stage.

We note that Pegasus in its letter of 23 December 2014 was committed to enter into a Section 278 agreement to provide a 2.5 metre wide footpath and the vehicular access to the site.

The technical detail of these proposals will be subject to review by the Highways Agency when the developer/landowner enters into the appropriate agreement, however, the principle of both is agreeable to the Agency. This approach would also apply to a pedestrian crossing should it be provided solely by the developer.

Should a pedestrian crossing be required for the site the Agency is aware that the cost may need to be shared between other nearby development sites and that in those circumstances a Section 106 planning obligation with the Council would be appropriate.

- 4.3 **English Heritage:** Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

- 4.4 Internal Consultees

Transportation Manager:

The proposed access is onto A49 Trunk Road and the acceptability of that aspect falls under the jurisdiction of Highways Agency. Such access, if approved would require a Section 278 agreement with Highways Agency. The first junction towards Hereford on the existing highway network is Starting Gate roundabout and the Highways Agency's view on the impact of the development traffic will be required to assess the acceptability of the additional traffic and whether mitigation is required.

It is noted that a brief Transport Statement has been provided which only assesses the site junction itself. The Appendices to that document indicate that the site will generate 15 vehicle trips in the morning peak towards Hereford to Starting Gate roundabout. With further distribution at that point, and with the majority likely to follow the A49 into Hereford, the impact on the non-trunk road parts of the highway network will be minimal, and is therefore considered acceptable.

The Transport Statement and drawings indicate that the existing narrow footway in the verge of A49 is to be widened to 2m, and I would suggest that 2.5m would be more appropriate to provide a shared footway/cycleway as far as Church Way which would be preferable, as suggested at pre-application stage.

Whilst the Concept Plan is indicative only, with layout a reserved matter, I will comment on the layout provided.

Two shared private drives are shown immediately adjacent to the radii of the site access from the A49 and are not acceptable. It is noted these are not shown on the separate site access drawing.

The layout should accord with our Highways Design Guide for New Developments, and will require a turning head at the limit of the adopted highway. The segregated footway around the bend will result in separation of the adopted highway parts. This is undesirable and the intervening grass would not be adopted, giving problems with maintenance. Therefore the footway should follow the road. Car parking in accordance with our standards for the number of bedrooms in each dwelling should be provided. Oversized garages of a suitable size to include cycle storage, or separate cycle storage, should be provided.

It is noted that a Draft Heads of Terms has been submitted, but this does only proposes very limited and unclear proposals for Transport, with no details of financial sums or detailed proposals and does not accord with our SPD. Further discussion on this aspect is required.

Subject to resolution of the above points my recommendation is for approval subject to conditions

Conservation Manager (Historic Buildings):

The proposed development is situated to the east of the A49 within the village of Holmer, a small settlement on the edge of Hereford. The outward expansion of Hereford during the 20th century has extended towards the village along roads such as Dale Drive but stops short of Church Way. Development within the village consists of dispersed buildings or farmsteads, which include the grade II listed Holmer House, the grade I listed Church of St Bartholomew and its associated grade II listed Bell Tower. To the east of the proposed site are more dispersed dwellings, focussed around Coldwells Road, a historic route through the local area.

While the scheme is in outline, a number of documents have been submitted as part of an application that assess the significance of nearby heritage assets, such as the listed buildings identified above, and that consider the prevailing characteristics of the surrounding built environment. While this is welcomed, there are some real concerns in relation to how this assessment has translated into an indicative layout and indeed, whether development on this scale is appropriate in this location, particularly where there is such a considerable impact on the setting of nearby listed buildings.

The grade I listed church of St Bartholomew is a building of exceptional importance and significance. It has long enjoyed an open, semi-rural setting and while development has begun to encroach upon this setting to the south, the historic landscape setting of the church is largely retained to the east, west and north. This open landscape contributes to the significance of the listed building – the church was constructed as a rural church and the agricultural character of the surrounding area is largely preserved. This setting is vital in understanding the value and significance of the listed building.

The proposed development would extend the suburbs of Hereford to the existing fields opposite the listed church. This would clearly have a significant impact on its setting, creating a more suburban environment that is at odds with the significance of the building. It is also at odds with the general pattern of development in the local area which is concentrated around historic routes.

There is an ambition to create a principal access route on axis with St Bartholomew in order to create a framed view of the listed building. This is entirely artificial, adds an element of formal planning with the context of the church that is inappropriate in a semi-rural context and urbanises the existing landscape and built environment.

Under the terms of the NPPF, the proposals would cause substantial harm to the setting of the grade I listed church, the grade II listed bell tower and the grade II listed Holmer House. There are no demonstrable public benefits of the proposed scheme that could outweigh this harm. The Heritage and Archaeological Report states that the impact of the proposed development would be minor and therefore would cause only 'less than substantial harm' to the setting of the church and its significance. The setting of the listed building(s) would be fundamentally transformed and therefore, this assertion is not supported. Substantial harm is caused through the principle of development and through the proposed layout of the development itself. The proposals are therefore considered unacceptable.

Conservation Manager (Landscape):

Proposed Development:

The proposal is for 52 residential dwellings with associated access and landscaping.

Site and Surrounding Area:

The proposal is located within the settlement of Holmer a village beyond the northern edge of the Urban Settlement Boundary of Hereford adjacent to the A49.

Landscape:

The site comprises two agricultural fields currently used for grazing, bounded by the A49 to the west. With the burial ground associated with the Grade I Church of St Bartholomew and further open countryside to the north. To the south and east is further pasture land with outline permission granted for 13 houses.

- The Landscape Character Type is Principal Settled Farmlands these are defined as: *Settled agricultural landscapes of dispersed scattered farms relic commons and small villages and hamlets. This is a landscape with a notably domestic character defined by the scale of its field pattern the nature and density of its settlement and its traditional land uses.*
- The site is bounded by hedgerow on all boundaries apart from a short section to the east. There are no free standing trees on the site but there are mature trees along the northern boundary in addition to several along the eastern boundary, including a mature Holm Oak. The area in which the site is situated was once part of extensive orchards and pasture. Identified within the Green Infrastructure Strategy (Feb 2010) as part of zone HerLEZ4 the following enhancement is recommended: *Maintain and enhance network of hedgerows. Plant traditional orchards. Create species rich grassland areas*
- There are no statutory landscape designations within the site. However the PROW H03 crosses the northern section of the site from west to east.
- The site is noted as High to Medium sensitivity within The Urban Fringe Sensitivity Analysis Hereford and the Market Towns (Jan 2010): *The small scale pastoral fields within a stream valley contribute to an intimate rural character despite the proximity to the city. Much of the historic pattern of field hedgerows has been conserved. The wayside settlement pattern which is characteristic of Principal Settled Farmlands is still discernible particularly along Coldwells Road although there has been some infilling.*
- The site lies at the northern extents of Hereford and thus performs an important role as part of the gateway to city. Development has expanded northwards during the 20th century but has stopped short at Church Way, thus preserving the rural character of the settlement.

Visual and Public Amenity:

The site has a relatively limited visual envelope; this is due to its essentially flat raised topography and the degree of mature vegetation surrounding the site to the north.

- However dwellings to the south, east and west, both existing and proposed, will have partial views of the proposal.
- A degree of intervisibility between the Grade II listed; Holmer House and the Grade I listed Church of St Bartholomew exists. Whilst the connection between the two is degraded as a result of the intervening A49, the open countryside of the application site does contribute to the semi-rural setting of the church.
- Public Right of Way H03 crosses the northern section of the site from west to east, linking to a wider network of pathways to the north uninterrupted views of the proposals are envisaged.

- Key receptors are users of the A49 highway travelling southwards; this approach represents the northern gateway to the city.

Conclusions:

- The area identified as High to Medium sensitivity, currently retains many of its traditional characteristics, given its proximity to the city boundary it is considered particularly vulnerable to change.
- The LCA states that: *additional housing in hamlets and villages should be modest in size in order to preserve the character of the original settlement*. It is considered that the scale and form of the current proposal is representative of a suburban character which does not follow the existing pattern of dispersed dwellings within the village of Holmer.
- Whilst it is recognised the A49 crosses through the site a visual connection between the agricultural land and the Grade I listed church of St Bartholomew still exists and appropriate consideration to its setting should be given.
- Proposals to remove existing hedgerows H11, H21 in addition to the northern section of H13 and the southern section of H7 should be reviewed; these are considered to represent part of the key characteristics of the site.

Conservation Manager (Ecology):

I visited the site as part of the pre-application process and can vouch for the accuracy of the vegetation assessment. In principle I would support this application as I think the biodiversity interest of the site might be secured and enhanced. The report is commensurate with my thoughts concerning some integration of the richer areas of grassland into the development design and landscaping. The semi-improved, species poor nature of the three fields in question has richer patches of botanical richness. The removal of hedgerows is of concern – there is not a clear enough picture of the use of these hedges as flight lines by bat species. This is one recommendation of the report which I would advise is addressed preferably not through condition. I would accept the assessment regarding great crested newt (GCN) and the surrounding ponds; there is no pond on the site and the potential hibernation refugia on the site would appear to be limited excepting the hedgerows to be removed. Pre-development site checks and Reasonable Avoidance Measures should be put in place to ensure that the impact on GCN is minimal. I note the intention to retain as much existing hedgerow as possible, I would call for a review of those intended for removal in the landscape plan and a revised scheme to accommodate more of the existing internal to the site such as the whole length of that flanking the existing footpath across the site at least. It is important for continuity that existing structures are maintained.

I could suggest a condition which accommodates the recommendations in Section 4.13 to 4.16 of the ecologist's report and procurement of a habitat enhancement plan. However, I feel that there needs to be greater consolidation of the ecological information with mitigation within the design scheme before granting any approval. In particular, the arboricultural appraisal also needs to include a category assessment for bat potential. Further clarification is needed of the use of existing grassland sward within the scheme. I would ask that the biodiversity enhancement of grassland areas utilises as much as possible of existing turf with supplementary seeding rather than replacement by sowing a wildflower mix afresh. The reason for this is to preserve any entomological ecology associated with the current botanical communities. Bird's foot trefoil for instance is a food plant for a number of butterfly species including Common Blue and I would not wish to see any elimination of meta-populations of insect dependent upon it for survival. If this requires any turf translocation then I would support this.

Conservation Manager (Archaeology):

Thank you for consulting me about this proposal. I have no objections, although I have the following comments to make:

- I note the submission of a ' Heritage and Archaeological Report' (AC Archaeology, ref ACD901/1/4) with this application. The report is acceptable and fit for purpose, and I need no further information.
- The issue of possible effect on the setting of listed buildings In the vicinity (especially but not limited to The Church of St Bartholomew across the A49) has been raised. As this particular matter would normally fall within the specific remit of my colleague the Senior Building Conservation Officer, I think it more appropriate if she comment on it if she wishes to do so, rather than myself.
- As regards archaeological issues as commonly understood, I would largely agree with the assessment provided in the Heritage and Archaeological Report.
- In summary, this assessment indicates that there are no known [archaeological] heritage assets of substance within to the site , and that there is only limited potential for the presence of currently undiscovered archaeological remains.
- However, particularly since the site does not appear to have been affected by recent intensive agriculture, there is still risk that occasional remains of moderate interest may be present here. Accordingly, in line with Para 141 of the NPPF, and as indeed is anticipated on page 17 of The Report, some archaeological recording may be advisable as mitigation.
- I would suggest the attachment of standard archaeological' programme' of works Condition E01/C47 to permission if granted. In this case, the programme of work would only need to consist of a limited precautionary watching brief.

Land Drainage Manager:

Overview of the Proposal

The Applicant proposes the construction of 52 new dwellings (with associated access and car parking) on the land adjacent to the east side of the A49 in Holmer. The proposed development site covers an area of 1.86ha and it is currently use for agricultural purposes.

Fluvial Flood Risk

Figure 1 indicates that the site is located in the low risk Flood Zone 1, where the annual probability of flooding from fluvial sources is less than 0.1% (1 in 1000). As the site is greater than 1 ha, a Flood Risk Assessment (FRA) is required in accordance with National Planning Policy Framework (NPPF) as part of the planning application. A FRA has been provided by the Applicant, which confirms the low fluvial flood risk at the site.

Other Considerations and Sources of Flood Risk

As required by NPPF, the FRA also gives consideration to flood risk from other sources. The report states that the potential flood risk from surface water and groundwater is considered to be of low risk. However, the EA's Risk of Flooding from Surface water map indicates high risk of flooding from surface water in the location of the proposed access road to the development.

This is most likely associated with a local dip in topography and we recommend that the applicant provides a robust drainage system within the new junction to reduce this risk.

Risk of flooding from reservoirs has not been considered in the submitted FRA. However, the EA's Flooding from Reservoirs map indicates that the site is not located in an area at risk of flooding from such source.

The FRA also includes an assessment of the likely impacts of future climate change on the proposed development.

Surface Water Drainage

The submitted FRA considers the SUDS hierarchy in relation to the surface water drainage. Soil infiltration tests were carried out on the site and the results shows that infiltration is not feasible. The test results are enclosed in the FRA.

The vast majority of the site slopes down towards the A49, with only small area in the north-east corner that slopes down towards a watercourse located nearby. Discharge of surface water runoff generated by the development to this watercourse was not considered to be practical as a gravity outfall to this watercourse could not be achieved. Surface water runoff generated by the development is therefore proposed to be discharge to the surface water public sewer located at the A49/A4103 junction. The discharge rate will be limited to the rate agreed with Dwr Cymru Welsh Water (DCWW).

Whilst we would prefer to see surface water discharged to a watercourse instead of the public sewerage network, we agree that in this instance a connection to the sewerage network would be an appropriate approach to avoid the need for a pumped outfall.

A separate drainage system is proposed for the surface water runoff generated by the proposed roads within the development. The Applicant proposes to discharge road runoff to the existing highway drainage system in the A49. The discharge rate will be limited to the rate agreed with the Highway Agency (HA). If it is confirmed by the HA that no connection can be made into the A49 highway drainage system, then DCWW have confirmed that they would accept highway flows into their existing public sewerage system.

Where possible and in accordance with the submitted FRA, the Applicant should promote the use of SUDS, particularly the use of on-the-ground conveyance and storage systems that provide attenuation, treatment, biodiversity and amenity benefits.

The Applicant calculated the required surface water attenuation storage volumes for the development and for the new roads. They were calculated for the 1 in 100 year event with 30% climate change allowance. The calculations are found to be satisfactory.

Correspondence with DCWW is enclosed in the submitted FRA.

The Applicant must consider the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage. Surface water should either be managed within the site boundary or directed to an area of low vulnerability. Guidance for managing extreme events can be found within CIRIA C635: Designing for exceedance in urban drainage: Good practice.

The Applicant makes little reference to the treatment of surface water prior to discharge. Evidence of adequate separation and/or treatment of polluted water should be provided to ensure no risk of pollution is introduced to downstream receptors. Alternatively, evidence is required that confirms DCWW and/or HA do not require treatment prior to the discharge of surface water into their systems.

Foul Water Drainage

The Applicant contacted DCWW in regards to foul water discharge from the site to the public sewers. DCWW confirmed that the foul water from the development can be discharged to the 225mm public foul sewerage located at the A49/A4103 junction.

Correspondence with DCWW is enclosed in the submitted FRA.

Overall Comment

Overall, for outline planning permission, we do not object to the proposed development on flood risk and drainage grounds.

Should the Council be minded to grant outline planning permission, we recommend that the submission and approval of detailed proposals for the disposal of foul water and surface water runoff from the development is included within any reserved matters associated with the permission. The detailed drainage proposals should include:

Schools Organisation and Capital Investment Manager

Schools affected:

Broadlands Primary - As at the School Spring Census 2014 all year group have space capacity. No Contribution.

St Pauls CE Primary - As at the School Spring Census 2014 5 year groups were at or over capacity.

St Francis RC Primary - As at the School Spring Census 2014 5 year groups were at or over capacity.

Aylestone Secondary - As at the School Spring Census 2014 all year groups have space capacity. No Contribution.

St Mary's RC Secondary - As at the School Spring Census 2014 4 year group were at or over capacity. 8% contribution.

Contribution per house as follows:

Contribution by No of Bedrooms	Pre-School	Primary	Secondary	Post 16	Youth	SEN	Total
2+bedroom/apartment	£117	£1,084	£ 82	£87	£ 432	£ 89	£1,891
2/3 bedroom house/bungalow	£244	£1,899	£155	£87	£ 583	£138	£3,106
4+ bedroom	£360	£3,111	£320	£87	£1,148	£247	£5,273

Parks and Countryside Manager:

On site POS provision

Amount: It is noted in the Design and Access Statement that the on site POS provision totals circa 0.2ha. This includes 2 areas of "POS":

In accordance with UPD Policy H19 and Policy RST3, schemes of 52 houses using the standard population rate of 2.3 which equates to 119 persons approximately would require the following on site provision:

- 0.04ha POS
- 0.09 ha Play to include both formal and informal. This total 0.13ha

Therefore provision of 0.2 ha would adequately meet these requirements. That said, the applicant has indicated 2 areas of on-site POS:

- 1 x larger area centrally located to provide informal recreation and play
- 1 x smaller "gateway" area to provide an attractive pedestrian access as part of the public right of way (PROW).

There is no indication of the individual sizes of these areas and we would only consider the larger of the two which is specifically identified as recreation and play space as "usable" POS in meeting the 0.13 ha requirement, therefore we would ask the applicant to confirm that this is the case. Although the exact size of the small "gateway" POS is not known, given its purpose (the applicant has considered its purpose from an aesthetic point of view) unless otherwise laid out, this would not be considered to provide much if any recreational value therefore should be taken out of the overall offer of POS.

Access and Layout: All POS should be Integrated within the development, provide connectivity to other areas of POS and be easily accessible via a good network of footpaths and cycle-ways. Although the applicant has considered access to the wider network of green spaces and pedestrian links outside of the proposed development there seems to be little consideration to providing "internal pedestrian/cycle links" between the areas of green space, PROW and central POS to create a more joined up network of POS enabling safer and easier access by local residents.

With some changes to the overall housing layout it looks to be possible to create one larger fairly central POS space (possibly linked) incorporating both POS areas. From a user and maintenance point of view this will be more sustainable offering a larger more multi-functional community space.

As per my pre app comments, on a development of this size we would expect to see a combination of one larger formal central play area for all ages, space for a kick about area and opportunities for informal recreation. If appropriate, this could combine semi natural open space, such as SUDs areas which can be used for informal recreation, wildlife corridors and biodiversity If designed appropriately.

At the appropriate time, we would be able to advise further on what we would require on site Including design, size and costs of formal equipment: as a guide the Fields In Trust (which has replaced the National Playing Fields Association 6 acre standard) suggest children's play at 0.25ha per 1000 pop to include 0.25ha formal and 0.55h Informal play per 1000 pop.

Future Maintenance and Commuted Sums

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 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.

Draft Heads of Terms

Outdoor Sports: It is noted that in the Draft Heads of Terms the applicant has stated that "any further off site contribution to POS and sports facilities will be agreed with Herefordshire Council as required, in accordance with the level of existing provision within the vicinity of the development".

For a development of less than 60 in accordance with UDP Policy H19 there is no requirement to provide either on or off site facilities for outdoor sports.

Indoor Sports: We do ask for a Sport England contribution in accordance with the SPD on Planning Obligations from all residential development of over 10 and a contribution based on market housing only. This is subject to a piece of work currently being undertaken to complete the Indoor Sports Facility Investment Plan. This will include future proofing (2031) to identify deficiencies in existing provision both quantity and quality above and beyond investment required to bring facilities up to a standard which is fit for purpose. This work will identify where additional investment is required in meeting future needs and includes facilities managed by HALO. It may be the case that this contribution is not required.

Housing Manager

I have been in discussions with the developer and can confirm that the tenure split and mix has been agreed in principle as 50% social rent and 50% intermediate tenure. However, having looked at the supporting documentation, I would like to bring to your attention that the Draft Heads of Terms and the Affordable Housing Statement differ with regards to the tenure agreed. I would like to seek clarification that the developer will be providing social rent and not affordable rent as stated in the Affordable Housing Statement.

The units would need to be built to Homes and Communities Design and Quality Standards, Lifetime Homes and Level 3 of the Code for Sustainable Homes with local connection to the parish of Holmer.

The exact location of the affordable housing units will need to be agreed prior to the submission of reserved matters, but would advise that they should be well integrated within the development.

5. Representations

5.1 Holmer and Shelwick Parish Council object to this application for the following reasons:

- The development impacts on three listed buildings in the area
- It impacts the view on a prominent footpath
- The development is too close to the burial ground border
- The density of the development
- The access is proposed to go out onto the A49 on a bend which the parish council feel is a traffic safety issue.
- The proposal did not mention the 30mph speed limit being extended on the A49 to alleviate any safety issues.

- Pedestrian safety is an issue as the current pavements are not suitable or safe so the development is not sustainable.
- Also the parish Council feels there is a lack of detail in the proposal.

Additional comments have been received as follows:-

The Parish Council would like to clarify the position regarding the burial ground.

When Crest obtained their consent for the Furlongs on Roman Road they agreed as part of the Section 106 monies to give the Parish £15,000 to extend the burial ground.

Due to the physical constraints, being the A49 on the Western boundary, a pond to the North and a high pressure network water main to the East, the burial ground can only be extended to the South.

Crest Development will have doubled the population of the Parish with their Furlongs development and therefore should acknowledge the need to make provision for burials.

The Parish will require the squaring off of the Southern boundary, making a worthwhile extension.

5.2 Hereford Civic Society

Hereford Civic Society objects to this application. At a full Council meeting (7.3.14) a motion was passed that:- all new housing proposals should consider "the highest possible energy efficiency standards, Passivhaus, AECB Silver Standard or similar. Orientation and suitability for renewable energy systems, especially passive solar and large-scale active solar should also be included at the design stage of any development." Clearly that hasn't occurred here, where even the most basic of environmental considerations - that of orientation - has not been considered. There is concern that this is just a big cul-de-sac.

5.3 Nine letters of objection/representation have been received the main points are:-

1. Highway concerns on a very busy road where the 30mph sign only starts by the burial ground. If approved 30mph restriction should be moved further north.
2. Pavement to east side of A49 would be helpful.
3. Traffic lights are required to provide a safe access.
4. Traffic calming measures required.
5. Need for a crossing facility.
6. Lack of infrastructure, roads, sewerage.
7. Set a precedent for more dwellings.
8. Burial ground is nearly full.
9. Insensitive development next to burial ground.
10. Impact on setting of listed buildings.
11. Loss of privacy and security

- 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

The application is made in outline with all matters reserved except for access and involves the erection of up to 52 dwellings on land east of the A49 Trunk Road opposite St Bartholomew's Church, Holmer, Hereford. The site is outside but near to the settlement boundary for Hereford City as defined by the Unitary Development Plan, but falls within the parish of Holmer.

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 scheme's impact on the existing settlement in terms of landscape character and amenity and surface water drainage;
- An assessment on the impact of the development on listed buildings/structures and Ancient Monuments(Heritage Assets); and
- Impact on Highway Safety

The Principle of Development in the context of 'saved' UDP policies the NPPF 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). 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.

- 6.4 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 may be given)."

- 6.5 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

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

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*.

6.6 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;&*
- *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.”

It is the second bullet point that is relevant in this case.

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 11-15. 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.

The Council’s Housing Land Supply

6.8 The Council’s published position is that it cannot demonstrate a five year supply of housing land. *This was the published position in April 2012 and again in July 2012 and has been reaffirmed* by the recently published Housing Land Supply Interim Position Statement – May 2014. This, in conjunction with recent appeal decisions, confirms that the Council does not have a five year supply of deliverable housing land, is significantly short of being able to do so, and persistent under-delivery over the last 5 years renders the authority liable to inclusion in the 20% bracket.

6.9 In this context, therefore, the proposed erection of 52 dwellings, including 35% affordable, on a deliverable and available site is a significant material consideration telling in favour of the development to which substantial weight should be attached.

6.10 Taking all of the above into account, officers conclude that in the absence of a five-year housing land supply and advice set down in paragraphs 47 & 49 of the NPPF, the presumption in favour of sustainable development expressed at Paragraph 14 of the NPPF is applicable if it should be concluded that the development proposal is sustainable. As such, the principle of development cannot be rejected on the basis of its location outside the UDP settlement boundary. Furthermore, if the Core Strategy housing growth target for Hereford is to be achieved, greenfield sites on the edge of the existing settlement will have to be released.

Hereford Local Plan – Draft Core Strategy 2013-2031

6.11 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. It is the case, however, that within the draft Local Plan, Hereford, as the main population centre, remains the principal focus for housing and related growth over the plan period (2011-2031).

An Assessment of the Sustainability of the Proposals

- 6.12 The presumption in favour of the approval of sustainable development may only be engaged if a development proposal demonstrates 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.
- 6.13 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.
- 6.14 Although not allocated for housing development; it being the intention in Herefordshire that specific area and neighbourhood plans fulfil this function, the site has been assessed via the Strategic Housing Land Availability Assessment as having major constraints due to landscape sensitivity; although the current application is testimony to the site's availability and deliverability. In the context of persistent under-delivery, officers consider the immediate deliverability of this site to be a material consideration.
- 6.15 The Council's Conservation Manager (Landscapes) has objected to the development on the basis that it represents an incursion into the sensitive part of the urban fringe identified as High to Medium sensitivity. The objection is made on the basis that residential development is uncharacteristic of the principal settled farmlands character type and likely to be highly visible and impact upon the historic setting of nearby listed buildings. It is concluded that the proposal would represent urbanisation contrary to the existing pattern of dispersed dwellings in the locality contrary to 'saved' UDP policies DR1 (3), and LA2, which directs refusal of development that would adversely affect either the overall character of the landscape or its key features.
- 6.16 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the local and natural environment by "protecting and enhancing valued landscapes".
- 6.17 Paragraph 113 recognises, however, that it is necessary to make distinctions between the hierarchies of landscape areas in terms of whether the designation is of international, national or local significance. This is in order that protection is "commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks." As such, although the harm with adopted UDP policies is acknowledged, the site itself is not subject to any of the specific policies of the NPPF that indicate that development should be restricted in relation to Conservation Areas or AONB. To this extent, therefore, although conflict with the environmental role of sustainable development is identified, it is necessary to weigh this harm against the benefits of the proposal in conducting the 'planning balance'. Refusal should only ensue if the decision taker considers that the adverse impacts associated with approval "significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF when considered as a whole" – the paragraph 14 'test'.
- 6.18 In addressing the planning balance, decision-takers need to consider both benefits and adverse impacts.
- 6.19 Beyond the benefits associated with affordable housing provision and increased breadth of housing choice locally, the site is considered to represent a sustainable location for housing growth in terms of good access to, amenities and employment. The Highways Agency and Transportation Manager have confirmed that accessibility can be achieved through non-car borne access to local shops, schools and employment opportunities and it is this potential that

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

off-sets concerns in relation to the potential for increased pressure on the A49 Trunk Road. The provision of a combined cycle/footpath along the frontage of the site to link into Church Way and further enhances non-car borne access as well as improving accessibility in the area. In this respect, therefore, officers consider that the proposal would be consistent with the economic and social dimensions of sustainable development.

- 6.20 The site has been assessed for surface water drainage and flood risk, the Council Drainage Consultants confirm no objection subject to a robust drainage system particularly within the junction which is identified as high risk to surface water flooding most likely due to the dip in the road. At paragraph 103 the NPPF sets out the expectations that development should not increase flood risk elsewhere. Applications should be informed by a site specific Flood Risk Assessment, as is the case here, and opportunities offered by new development to reduce the causes and impacts of flooding should be taken (para.100).
- 6.21 Officers are thus satisfied that an NPPF compliant drainage scheme is capable of being delivered in the event that planning permission is granted.
- 6.22 The application is made in outline and by definition all matters except access are be reserved for future consideration. Officers consider, however, that in terms of the economic and social dimensions of sustainable development, the development proposal is sustainable. The delivery of housing, including 35% affordable, in the context of a significant under-supply is a significant material consideration telling in favour of approval. Likewise the site is well related to a range of goods, services and amenities and well served by public transport provision. Positive impacts in relation to job creation and within construction and related sectors and the new homes bonus are also material considerations.
- 6.23 It has been identified, however, that the development would be at odds within the prevailing landscape character. The development would encroach upon open countryside in its relationship with Hereford City. Despite the concerns raised by the Council's Landscape Manager your officers consider this is a well contained site on the edge of the built up area which does not impact upon the wider landscape setting and importantly does not have a designation such as Conservation Area or AONB.
- 6.24 Listed Buildings and their settings located across the A49 road at St Bartholomew's Church and Holmer House Farm together with Copelands further to the east have been considered. The Conservation Manager has identified that substantial harm to the setting would occur. However English Heritage raise no objections and the applicants' report confirms it would be minor and therefore would cause only 'less than substantial harm'. This is an important aspect of the Planning Balance as when harm is identified considerable weight should be given creating a strong presumption against granting planning permission. Your officers consider that the separation of the site from St Bartholomew's Church and Holmer House Farm by the A49 Trunk Road and layby limits substantially the impact of the site from their settings. Also Copelands is sited over 65m to the east where the topography again limits impact albeit that the site boundary is contiguous with the western boundary of the curtilage of Copelands. I am therefore satisfied that any harm is less than substantial and that the benefits of the scheme outweigh the less than substantial harm it would cause in accordance with paragraph 134 of the NPPF.
- 6.25 Officers recognise this conflict and the aspiration that sustainable development should positively encompass the three dimensions as being mutually dependent. However, in the context of the housing supply deficit, officers do not consider that the limited conflict with one of the dimensions should necessarily lead to refusal and in taking this view are mindful of the absence of an international or national landscape designation on site. On balance, therefore, officers conclude that the presumption in favour of sustainable development can be engaged and that a decision should be taken in the light of paragraph 14 of the NPPF.

Other Matters

Highway Safety

- 6.26 The Highways Agency has no objection to the proposal. The proposed junction is in accordance with standards and gives adequate visibility to the nearside of the carriageway in each direction. The impact of additional traffic on the network is not considered sufficient to cause concern in relation to the NPPF advice which confirms that “development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.” On this matter the scheme is considered to comply with saved UDP Policy DR3 and the NPPF. The Council’s Transportation Manager is also satisfied but will require significant improvements to the indicative plan at the Reserved Matters stage when the finer detail can be resolved.

Ecology

- 6.27 The applicant has confirmed that prior to commencement of the development, a full working method statement will be submitted to the local planning authority for written approval, and the work shall be implemented as approved.
- 6.28 The working method statement will be prepared in respect of protected species potentially present including bats, great crested newts and nesting birds.
- 6.29 The Conservation Manager in principle supports this application as the biodiversity interest of the site can be secured and enhanced.
- 6.30 In order to ensure there are no adverse effects on great crested newts and that no offences are committed in relation to this species the Working Method Statement will include detail of specific mitigation measures to be implemented. These will include:
- Details of methodology for trapping and removal of great crested newts from site under a licence from Natural England.
 - Protection and retention of suitable terrestrial habitat within the site.
 - Protection and retention of habitat connectivity between ponds.
 - Details of creation of suitable habitats within proposed green-space including rough grassland and scrub/ structure planting, two drainage ponds suitable to support great crested newts and refuges and hibernacula.
 - Enhancement of existing ponds.
 - Design prescriptions for a wildlife culvert to allow amphibians and small mammals to cross under the access road.

Foul Drainage

- 6.31 Welsh Water has confirmed that the existing mains system has capacity to accommodate the proposed development with no adverse effects on the River Lugg/ River Wye SAC.

S106 Contributions/Off Site Improvements

- 6.32 Off-site highway improvement projects have been identified as measures to increase the likelihood of non-car borne movements and include a new 2.5m combined cycle and footpath, funding towards a pedestrian controlled crossing of the A49 (278 Highway Agreement),

improvements to bus passenger waiting facilities and extension of the 30mph limit. These projects will be included within the Draft Heads of Terms (attached) for clarity. Other contributions include education, library, recycling facilities and public open space.

- 6.33 Contributions for the burial ground have been investigated, however, due to space still available at Holmer and spaces available in the main Hereford Cemetery for the next twenty years contributions could not be justified.

Impact on the Amenity of Nearby Property

- 6.36 The indicative layout confirms the site is capable of accommodating the 52 dwellings proposed without undue impact on the living conditions associated with dwellings nearby. The density is equivalent to 28dw/ha, which is comparatively low, but appropriate within this zone of transition between town and country. However the layout could be better informed with single storey buildings on the higher ground near the burial ground and dwellings moved away from the boundaries to enhance landscaping particularly on the eastern boundary. It should also be noted that the burial ground is at a higher level than the development site with a mature hedge. These are matters that can be resolved in the subsequent Reserved Matters application. It is therefore considered that in terms of impact upon adjoining land uses the scheme complies with saved UDP policies DR2 and H13.

Affordable Housing

- 6.37 The scheme makes provision for 35% affordable housing, which accords with policy. This proposal has the support of the Housing Development Manager which includes the proposed mix and tenure.

Conclusions

- 6.39 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.
- 6.40 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 are not sufficiently advanced to attract weight in the decision-making process.
- 6.41 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. S106 contributions are also noted (although a signed undertaking has not been completed). 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.
- 6.42 Officers consider that there are no highways, drainage or ecological related 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 recommended that planning permission be granted subject to the completion of a legal undertaking and appropriate planning conditions as stated below.

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. A05 Plans and particulars of reserved matters
5. E01 Archaeological site investigation
6. I17 Scheme of foul drainage disposal
7. H01 Single access - no footway
8. H03 Visibility splays
9. H04 Visibility over frontage
10. H06 Vehicular access construction
11. H08 Access closure
12. H11 Parking - estate development (more than one house)
13. H17 Junction improvement/off site works
14. H21 Wheel washing
15. H27 Parking for site operatives
16. Foul water and surface water discharges shall be drained separately from the site.

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

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

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

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

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

19. **Foul flows from the site shall connection to public foul sewerage system located to the South of the proposed development at manhole SO50426101.**
- Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.**
20. **No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved by the Local Planning Authority.**
- Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.**
21. **No development shall take place until a potable water scheme to satisfactorily accommodate the potable water supply to the site has been submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use and no dwelling shall be occupied until the approved potable water system has been constructed, completed and brought into use in accordance with the approved scheme.**
- Reason: To protect the integrity of the existing public sewerage system and to prevent pollution of the environment.**
22. **No structure is to be sited within a minimum distance of 4.5 metres from the centre line of the pipe. The pipeline must therefore be located and marked up accurately at an early stage so that the Developer or others understand clearly the limits to which they are confined with respect to the Company's apparatus. Arrangements can be made for Company staff to trace and peg out such water mains on request of the Developer.**
- Reason: In order to protect the integrity of the water main in accordance with policy**
23. **Adequate precautions are to be taken to ensure the protection of the water main during the course of site development.**
- Reason: In order to protect the integrity of the water main in accordance with policy**
24. **No part of the development hereby permitted shall be brought into use until the works as shown indicatively on Drawing No. C712/03 Rev A have been completed to the satisfaction of the Local Planning Authority in consultation with the Highways Agency.**
- Reason: To ensure that the A49 Trunk Road continues to serve its purpose as part of a national system of routes for the through traffic in accordance with Section 10 (2) of the Highways Act 1980 in the interest of road safety.**
25. **No trees or shrubs shall be planted within a strip measured 3m from the back of the visibility splay.**
- Reason: To ensure that the A49 Trunk Road continues to serve its purpose as part of a national system of routes for the through traffic in accordance with Section 10 (2) of the Highways Act 1980 in the interest of road safety.**

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. **I05 - HN10 No drainage to discharge to highway**
3. **I06 - HN02 Public rights of way affected**
4. **I07 - HN08 Section 38 Agreement & Drainage details**
5. **I11 - HN01 Mud on highway**
6. **HN28 - Highways Design Guide and Specification**

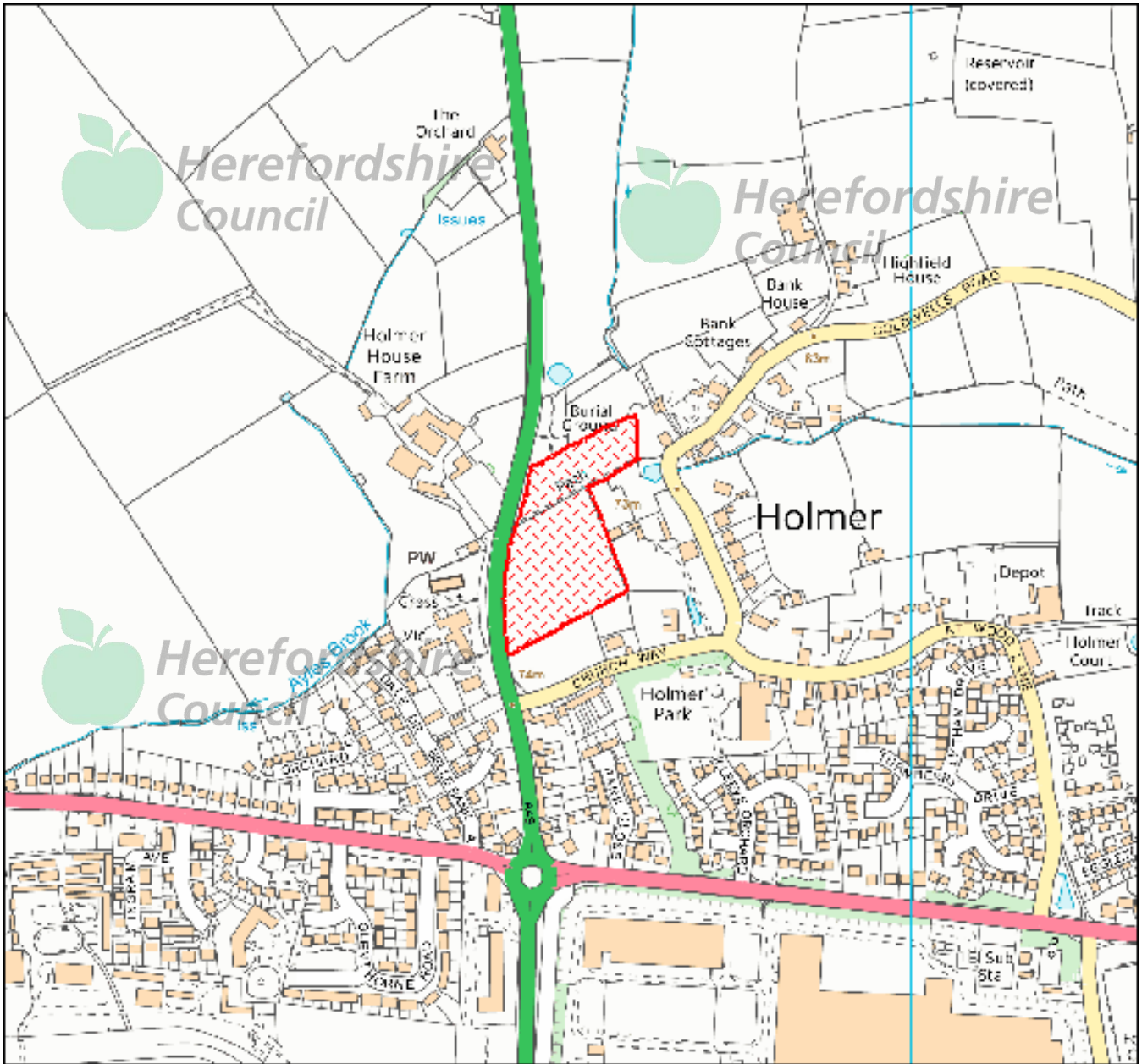
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 141487/O

SITE ADDRESS : LAND TO THE EAST OF THE A49, HOLMER, HEREFORDSHIRE

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

DRAFT HEADS OF TERMS
Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2088. **All contributions are assessed against general market units only.**

Planning application: P141487/O

Site for the proposed erection of 52 no. residential dwellings, parking, landscaping, drainage and other associated engineering works. Vehicular access from A49. On land to the east of the A49, Holmer, Herefordshire.

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

£1,891.00	(index linked) for a 2 bedroom open market dwelling
£3,106.00	(index linked) for a 3 bedroom open market dwelling
£5,273.00	(index linked) for a 4+ bedroom open market dwelling

The contributions will provide for enhanced educational infrastructure at North Hereford Early Years, St Pauls Church of England Primary School, St Francis Roman Catholic Primary School (5% of contribution), St Marys Roman Catholic Secondary School (8% of contribution), youth services and the Special Education Needs Schools (1% of contribution). The sum shall be paid on or before first occupation of the 1st open market dwellinghouse, and may be pooled with other contributions if appropriate.

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

£1,720.00	(index linked) for a 2 bedroom open market dwelling
£2,580.00	(index linked) for a 3 bedroom open market dwelling
£3,440.00	(index linked) for a 4+ bedroom open market dwelling

The contributions will provide for sustainable transport infrastructure to serve the development. The sum shall be paid on or before first occupation of the 1st open market dwellinghouse, and may be pooled with other contributions if appropriate.

The sustainable transport infrastructure will include:

- Pedestrian controlled crossing of the A49.
- Improvements to bus passenger waiting facilities within the vicinity of the development with the provision of shelters and dropped kerbs
- Extension of 30mph limit

Note: A 2.5m footway/cycleway will be delivered by the developer adjacent to the A49 to Church Way, Holmer. This will be delivered as part of the section 278 highway agreement with the Highways Agency.

3. The developer covenants with Herefordshire Council to provide 0.13 hectares of on-site Public Open Space comprising;
 - 0.04 hectares of Public Open Space (POS)
 - 0.09 hectares of play to include both formal and informal play

The POS shall be integrated within the development, providing connectivity to other areas of POS and be easily accessible via a goof network of footpaths and cycleways. Consideration should be given to providing 'internal pedestrian/cycle links' between the areas of green space, the Public Right of Way and the central POS to create a more joined up network of POS enabling safer and easier access by local residents. The on-site public open space shall be made available on or before occupation of the 1st open market dwellinghouse.

4. The developer covenants with Herefordshire Council to either 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 sum to be calculated in accordance with the Council's tariffs. Alternatively, the maintenance of the on-site Public Open Space will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable ongoing 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 that 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 sum. This will be done as part of the land transfer.

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

£120.00	(index linked) for a 1 bedroom open market dwelling
£146.00	(index linked) for a 2 bedroom open market dwelling
£198.00	(index linked) for a 3 bedroom open market dwelling
£241.00	(index linked) for a 4+ bedroom open market dwelling

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

6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£120.00** (index linked) per dwelling. The contributions will provide waste reduction and recycling in Hereford. The sum shall be paid on or before first occupation of the 1st open market dwellinghouse, and may be pooled with other contributions if appropriate.
7. The developer covenants with Herefordshire Council that 35% (up to 18 units) of the residential units shall be “Affordable Housing” which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations 2008.
8. Of those 18 Affordable Housing units, at least 9 shall be made available for social rent with the remaining 9 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 80% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.

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

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

10.2 satisfy the requirements of paragraph 12 of this schedule

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

11.1 a local connection with the parish of Holmer;

12.2 in the event there being no person with a local connection to the parish of parish of Holmer the parishes/wards of Pipe & Lyde, Sutton St Nichols, Withington, Lugwardine, Three Elms and Aylestone;

12.3 in the event there being no person with a local connection to the above parish any other person ordinarily resident within the administrative area of Herefordshire Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 11.1 above

13. For the purposes of sub-paragraph 12.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:

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

13.2 is employed there; or

13.3 has a family association there; or

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

13.5 because of special circumstances

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