

MEETING:	PLANNING COMMITTEE
DATE:	4 MARCH 2015
TITLE OF REPORT:	<p>141651 - SITE FOR RESIDENTIAL DEVELOPMENT OF UP TO 100 DWELLINGS, WITH ASSOCIATED MEANS OF ACCESS AND CAR PARKING FOR THE FULL PITCHER PUBLIC HOUSE AT LAND TO THE REAR OF THE FULL PITCHER, NEW STREET, LEDBURY, HR8 2EN</p> <p>The Silverwood Partnership & Enterprise Inn Plc per Ms L Wilkinson, D2 Planning, Suites 3 & 4 Westbury Court, Church Road, Westbury on Trym, Bristol, BS9 3EF</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141651&search=141651
Reason Application submitted to Committee – Contrary to Policy	

Date Received: 5 June 2014

Ward: Ledbury

Grid Ref: 370470,236849

Expiry Date: 10 September 2014

Local Members: Councillors PL Bettington, EPJ Harvey and TL Widdows

Introduction

- 1.1 This application was deferred at the last Planning Committee on 11 February 2015 with a request for the submission of additional information regarding the details of the means of access to the site, clarification as to whether the visibility splays required crossed third party land and details of existing football pitch provision in the town.
- 1.2 The applicant's agent has also provided a written statement regarding the existing provision of football pitches in Ledbury and this is reproduced in full below:

There are currently five senior full size football pitches in Ledbury. One at New Street (formally the home of Ledbury Town Football Club), three at the Ledbury Rugby Club's sports fields on Ross Road (now being used for matches by Ledbury Town Football Club) and one all-weather AstroTurf pitch at John Masefield High School which has also been used for training by Ledbury Town Football Club.

In the past Ledbury Cricket Club have sub-let the pitch at the top of their ground to Ledbury Town Football Club, they would use the pitch for pre-season training when their own ground was under a maintenance programme and at times when there was a fixture clash at their main pitch using their changing facilities. At all times Ledbury Cricket Club had the final say over usage to protect the pitch from causing damage to the outfield, it was therefore not in used in wet conditions and was not used for training beyond pre-season due to there being no floodlights.

This agreement is no longer in place as it was made with the old committee of Ledbury Town Football Club which has been disbanded, and because the club had fallen into arrears which breached the terms of the sub-letting. Ledbury Cricket Club have now been approached by Ledbury Rugby Club to take over the use of the pitch for junior football use, which they will agree to.

Ledbury Town Football Club are indebted to their Landlord and have now surrendered the lease of their main football ground on New Street and due to continuing debt have now be locked out permanently, although the new Committee continue to negotiate with the Landlord.

Ledbury Rugby Club are allowing Ledbury Town Football Club to use their grounds on the Ross Road for matches as they have the shower facilities required post match for home and away players.

Since the lock out of Ledbury Town Football Club, Ledbury Cricket Club, as gesture of good will, allowed the team to use the pitch on one occasion to enable them to fulfil a fixture, but the changing and shower facilities available at the cricket ground are inadequate for senior football use.

Wyn Rogers, Director of Ledbury Rugby Club, has agreed to allow Ledbury Town Football Club to play on a semi-permanent basis at Ross Road. To help with wear and tear at Ross Road the junior team, Ledbury 'Swifts', will be allowed to play at the existing cricket pitch and when brought into use, the new Cricket Ground approved at Ross Road/Orlham Lane. This new facility includes a Sport England compliant junior pitch and will be made available to the Swifts by Ledbury Cricket Club on a permanent basis.

Therefore, in view of the above, it has been clearly demonstrated that the relocation of the Cricket Club to the Ross Road/Orlham Lane site will not result in a deficiency of football pitches, for either junior or senior players, in the Ledbury area.

- 1.3 The Council's Parks & Countryside Officer has provided an additional response in relation to the statement about football pitch provision in Ledbury an comments as follows:

There is a surplus of senior pitches in the Ledbury Area (not necessarily the town). The use of the second pitch at the Ledbury Cricket Club is as D2 Planning Ltd has reported in the accompanying statement was used on an ad hoc basis as and when at the good will of the cricket club and given its usage and lack of security it was not included in the overall calculations in the Playing Pitch Assessment. With regard to any future investment at this site and the delivery of sustainable facilities for both football and cricket it is not considered a viable option and is not included in the Investment Plan.

The new cricket facility will meet both the needs for cricket and will also help to address some of those for football by accommodating a junior football pitch. This will support the development of a sustainable facility providing for both summer and winter sports.

- 1.4 Since its deferral at Planning Committee on 11 February, the application has attracted further public interest with 34 letters of support received. In summary the points raised are as follows:

- The re-location of the cricket club is vital to allow the game to grow in Ledbury and this can only happen if the existing site is re-developed for housing.
- If the club does not re-locate and, without any security of tenure at its existing ground, the club may cease to exist.
- The site to which this application relates is within the limits of the bypass and would therefore be integrated within the community.
- The site would have easy access to the local network of footpaths that take pedestrians to the town centre and to John Masefield High School.

- Development of the site would cause very little visual impact.
- Suggestions that development would lead to the loss of a public open space are incorrect as the site is actually privately owned land.

1.5 Correspondence has also been received from Ledbury Area Cycle Forum. They consider that the Council should take up the offer made by the applicant to upgrade the path on the north side of Ross Road as far as the Orham Lane junction as an upgraded path, linking with the town trail, would provide safe pedestrian access.

2. Officer's Comments

2.1 With regard to proposed access arrangements, the applicant's agent has provided additional plans. These confirm that visibility splays in excess of 50 metres can be provided in both directions and that these can be accommodated within the highway. The plans have been assessed by the Council's Transportation Manager and he has confirmed that the splays do not cross third party land.

2.2 Your officers are content that this proposal will not erode sports pitch provision in Ledbury and this is reflected in the comments of the Parks & Countryside Officer who is satisfied that; in combination with the now approved scheme for the re-location of the cricket club, pitch provision would be improved. This view is not altered by the above statement.

2.3 The letters of support do not raise any new issues and the comments from Ledbury Area Cycle Forum regarding the upgrade of the footpath along Ross Road are covered by the proposed contributions for highway improvements as outlined in the Draft Heads of Terms Agreement that is appended to the original report.

2.4 It is therefore concluded that the proposal is acceptable as submitted and there is no change to the recommendation made in the original report which follows below.

Extract from report to Planning Committee on 11 February 2015

1. Site Description and Proposal

- 1.1 The site comprises 2.75 hectares of generally flat recreation land located to the east of New Street, Ledbury, on an area to the rear of The Full Pitcher Public House. The land is currently used as a cricket pitch and is an area of managed grassland. The boundaries to the north, south and east are formed with tall and unmanaged hedgerows while the western boundary is a post and wire fence along the rear of The Full Pitcher Public House. A public footpath also crosses the existing cricket pitch. A football pitch is also used on the cricket outfield during the winter. The land rises gradually from the rear of the Public House to the top of the site.
- 1.2 The site is located on the south-western edge of the town and adjacent to the A417. The site is adjoined to the north by Ledbury Town Football Club, to the east by an area of open space associated with a neighbouring residential estate with New Street and Leadon Way (A417) forming the western and southern boundaries respectively.
- 1.3 The application is made in outline and is for the erection of up to 100 dwellings. All matters apart from means of access are reserved for future consideration. The proposal also includes details of a revised parking layout for The Full Pitcher Public House. The detailed arrangements for access show a new junction on New Street.
- 1.4 The application is submitted with the following documents:
- Design & Access Statement
 - Transport Assessment
 - Flood Risk Assessment and Surface Water Drainage Strategy
 - Open Space / Recreational Needs Assessment
 - Ecological Appraisal
 - Affordable Housing Statement
 - Draft Heads of Terms Agreement

2. Policies

2.1 National Planning Policy Framework:

The following sections are of particular relevance:

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

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas

H13	-	Sustainable Residential Design
H15	-	Density
H19	-	Open Space Requirements
T8	-	Road Hierarchy
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
NC1	-	Biodiversity and Development
NC8	-	Habitat Creation, Restoration and Enhancement
RST4	-	Safeguarding Existing Recreational Open Space

2.3 Herefordshire Local Plan Core Strategy - Deposit Draft

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land For Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
LB1	-	Development in Ledbury
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sports and Recreation Facilities
OS2	-	Meeting Open Space, Sports and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geodiversity
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

Neighbourhood Planning

2.4 An emerging neighbourhood plan may be a material consideration once it has reached submission/local authority publication stage (Regulation 16). In the case of the Ledbury, a neighbourhood area was designated on 12th November 2012 and work has commenced on a plan but this has not yet reached Regulation 14 stage. Therefore no material weight can be applied in the Planning Balance.

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

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

3. Planning History

3.1 There is no history on the application site that is specifically relevant to this application. However, the following relate to an adjoining site and are considered to be relevant:

100939/F - Proposed new access and car park layout and demolition of existing bungalow – Refused 30 June 2010.

112337/F - New access and car park layout following demolition of existing bungalow – Refused 11 November 2011.

Whilst not clear from the description of development, both of these applications sought to provide car parking for Ledbury Town Football Club. Both applications were refused for similar reasons relating to the over-engineered design of the access onto New Street, the fact that the schemes over-provided parking at a level in excess of the Council's adopted parking standards and due to the detrimental effect that the proposal would have had on the street scene.

4. Consultation Summary

Statutory Consultations

- 4.1 **Sport England** - It is understood that development of the site, and its replacement will in principle allow the cricket club to have a bigger, better site with security of tenure allowing the club to grow as they aspire. It is noted that the Open Space Needs Assessment accompanying the application refers to a concurrent planning application for the relocation of the existing cricket club facilities to a brand new, purpose built site to the south of Ross Road/west of Orham Lane. The site is stated to provide a junior and senior cricket pitch as well as a new cricket pavilion and is half a mile from the existing site.

Whilst the intentions are set out and Sport England could in principle support the proposal as it would meet our Exception E4 to the loss of playing fields, it is vital that the replacement facilities are subject to a detailed planning application which is determined at the same time/before this application.

In order for Sport England not to object to this current planning application, the planning application, P142517/F, for the relocation would need to be approved, and the facilities be operational before work could start on the redevelopment of this site for housing.

Therefore, Sport England maintains its objection to this application on the basis that it will result in the loss of playing field, until a suitable Section 106 agreement, or other legal mechanism is delivered, or arrangements are confirmed on replacement provision.

Sport England can confirm that once a suitable section 106 agreement or other legal mechanism has been signed, we will withdraw our objection. Sport England would be pleased to discuss the contents of the section 106 agreement or other legal mechanism, with a view to withdrawing the current objection.

Should your Authority be minded to approve the application without an acceptable section 106 agreement or other legal mechanism in place, then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the National Planning Policy Guidance, the application should be referred to the National Planning Casework Unit.

- 4.2 Severn Trent – No objection subject to conditions.

Internal Council Consultations

- 4.3 Transportation Manager - I am content that the speed regime south-bound in New Street, and the roundabout works will bring speeds down to that where the Stopping Sight Distance is small enough that rear-end shunts into vehicles waiting to turn right into the development will be unlikely. In any case, the peak flows south-bound on New Street show that there will be sufficient breaks in the traffic to limit queueing behind right turning vehicles.

The amendments to the roundabout, once implemented will slow traffic exiting the roundabout to New Street. This will obviate the need to provide a right turning lane into the proposed development.

- 4.4 Conservation Manager (Ecology) – No objection subject to the imposition of a condition to secure an ecological mitigation and enhancement scheme in accordance with the recommendations of the ecology report submitted as part of the application.
- 4.5 Public Rights of Way Manager - No objection as the proposal does not appear to affect public footpath LR35
- 4.6 Housing Development Officer - No objection subject to the provision of affordable housing.
- 4.7 Parks & Countryside Manager - The principal of this proposal is supported in meeting the need identified by the Herefordshire Playing Pitch Assessment 2012 and policy requirements to require alternative provision of at least equivalent community benefit. A comprehensive proposal to show that it is possible for the cricket club to develop facilities of a least equivalent quality which are sustainable and that the proposed site is suitable, both in planning terms and in meeting the club's needs in being fit for purpose is required before this application is determined. This should include details of phasing/ timescales/ estimated costs/financial support. The new facility should be ready for use prior to the closure of the existing.

In their Design and Access Statement, the applicant acknowledges that open space provided within the development will be by agreement with the Local Authority.

- 4.8 Education: No objection subject to the provision of financial contributions as outlined in the Heads of Terms Agreement that accompanies the application.
- 4.9 Environmental Health and Trading Standards Manager - Records indicate two areas of unknown filled ground within the proposed development. They also suggest that the proposed development is within 250m of a known closed landfill site with some of the proposed residential development being within 100 metres. It will therefore be necessary for the applicant to undertake a site investigation to consider the risk from the landfill to the development. Therefore we would recommend a condition be appended to any planning approval to ensure the site is both safe and suitable for its intended use.

5. Representations

- 5.1 Ledbury Town Council - Object to the application on the following grounds:
- The site is currently protected under UDP Policy RST4 Safeguarded Open Space.
 - There is no provision made for the loss of the existing sporting facility on the site.
 - Concerns over access and egress.
- 5.2 Ramblers Association – Pleased to note that the development does not require any diversion or extinguishment of the footpath but object to the application. The footpath passes through a pleasant open green space and is readily accessible to the nearby population. This proposal will completely change the nature of the site, both literally and visually, to detriment of the footpath users.
- 5.3 CPRE – Object to the application for the following reasons:
- It is important to protect open spaces within Ledbury.
 - The built up area of Ledbury will be extended beyond its natural boundaries and would create a precedent for further development.
 - Ledbury has made a substantial contribution towards housing development in recent years. More development will bring further pressure on the town's infrastructure.
 - The problems experienced by the cricket club due to the nature of their tenancy should not carry much weight in the determination of this application.

5.4 Ledbury & District Civic Society – Object to the application on the following grounds:

- It has been suggested that the 100 dwellings proposed here will not contribute to the housing numbers required for Ledbury in the emerging Core Strategy. If this is the case then this is unreasonable.
- The application is made on the basis that a replacement cricket ground will be found. This should be fully established before outline planning permission is granted on this site.
- Ledbury is short of green spaces within the town. If permission is granted here there should be robust protection for the football ground next door.

5.5 Six letters of objection have been received in response to the public consultation period. In summary the points raised are as follows:

- The proposal results in the loss of a recreational area that is protected by UDP policy
- Ledbury lacks green spaces within the town environment
- The development will bring pressure to close the public footpath which crosses the site
- The existing open space on Villa Way, and adjacent to the application site, is not properly maintained. This is why the cricket pitch is used by dog walkers
- The proposal represents over-development
- There are inadequate services and facilities in Ledbury with particular concern about the capacity of schools and doctors surgery
- Concern about highway safety and intensification of traffic along New Street
- There is insufficient space to create a protected right turn and its implementation would increase the likelihood of accidents.

5.6 One letter of support has been received. In summary the points raised are as follows:

- More houses are needed in the area
- The proposal to replace the cricket pitch is in relatively close proximity to the town and will provide more opportunities for young people to be involved in sport
- The provision of a protected right turn will improve highway safety

5.7 Correspondence has also been received from the freehold owners of the adjacent football ground. In summary the points raised are as follows:

- The scheme will result in the loss of the club's training pitch
- Residential development immediately adjoining the boundary of the ground will be affected by existing floodlighting and match day attendances
- Is there an intention for a landscaped buffer or other form of noise attenuation between the site and football ground?
- Would it be possible to condition any planning permission, should it be forthcoming, to reserve a point of vehicular access from the estate road to the football ground?

5.8 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 The site to which this application relates is currently used as a cricket pitch by Ledbury Cricket Club, and also contains a football pitch that has been used for training purposes by Ledbury Town Football Club. It lies within Ledbury's settlement boundary and therefore in this case the primary issue is not that of the release of land that has previously been considered as open countryside, but the potential loss of sports pitches. The key policies to consider are S8, RST1 and RST4 of the Herefordshire Unitary Development Plan (HUDP).
- 6.2 Specifically, Policy RST4 deals with the safeguarding of existing recreational open space. It is a criteria based policy that suggests that proposals that would result in the loss of public or private open spaces with recreational value, or facilities that help meet the needs of the community will not be permitted unless:
- There is a clear excess of outdoor playing space provision and/or open space in the area; or
 - Alternative provision of at least equivalent community benefit is provided in a convenient and accessible location.
- 6.3 The application site is privately owned and is rented to Ledbury Cricket Club on a short term lease. The club are reluctant to invest in the current site as they have no security of tenure and their short lease has meant in the past that they have been unsuccessful in their attempts to secure grant funding for improvements.
- 6.4 The public have a right of access across the field via a public footpath. However, as private land it is not otherwise generally available for public use. An area of public open space on Villa Way is located immediately to the east of the application site, separated from it only by a hedgerow.
- 6.5 The Herefordshire Playing Pitch Assessment advises that there is a shortfall of formal playing pitches in Ledbury and therefore the first of these criteria is not applicable. However, it will be noted that a separate application is to be considered for the provision of new cricket and junior football pitches on land at Orham Lane, approximately 500 metres to the west of this application site (application reference P142517/F), and that the application is to be considered by Planning Committee with a recommendation for approval from officers.
- 6.6 The application for replacement facilities demonstrates that improved cricket and junior football provision would be made for the town were planning permission to be granted. The application has the support of the Council's Parks & Countryside Officer and of Sport England, and your officers are satisfied that the new facilities meet the second criteria of Policy RST4. Therefore the loss of the existing sports pitches and the principle of developing the land for housing is considered to be acceptable, subject to all other material planning considerations.
- 6.7 The comments received in relation to this application from Sport England are caveated that permission should not be granted unless alternative provision is secured. Both your officers and the applicant's agent acknowledge the importance of ensuring that new cricket facilities are provided and are capable of use before the re-development of the site takes place and this is reflected by a clause in the Heads of Terms Agreement attached to this report, which requires alternative provision to be made and capable of use before the development of this site takes place.

6.8 Paragraph 32 of the NPPF is key to the highway impact debate where it states:

Plans and decisions should take account of 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.

- 6.9 The application has been amended since its original submission in terms of the manner in which access to the site is provided. It was initially intended to create a protected right turn into the site for vehicles approaching from the west. However, this is now omitted from the scheme following further discussions between the applicant's highway consultant and the Council's highway engineers. The changes to the proposal have resulted from separate proposals to make alterations to the roundabout that forms the A417/A449/New Street junction to improve its safety. These plans would see the narrowing of access/egress points on the arms of the roundabout, including New Street. With a proposal to create a protected right turn into the site these plans would not be feasible and therefore the applicant was asked to investigate the possibility of its omission. A 7 day traffic count on New Street within the locality of the proposed access was subsequently completed and a supplementary Transport Assessment has been submitted.
- 6.10 The Assessment shows that the peak flow in a single hour over the seven day period was 305 movements in a northerly direction (into Ledbury) and 102 in a southerly direction. The report also includes an assessment of the gap in traffic flows within the peak hour to see whether there would be capacity for vehicles turning right to be safely accommodated. This part of the assessment assumes that; based on a development of 100 dwellings, 50 vehicle movements would occur within the peak hour. The summary shows that there were 50 occasions where the gap between southerly traffic movements were in excess of 25 seconds. The report considers that, with vehicles travelling at a speed of 30mph, a five second gap is reasonably required to make a right turn safely, and it concludes that it is unlikely that the development would give rise to a situation where vehicles would be caused to queue back onto the roundabout as they wait to make a right turn.
- 6.11 The Council's Highway Engineer has considered and accepts the findings of the supplementary Transport Assessment. It is accepted also that there is not a requirement for a protected right turn, thus facilitating the improvements to the roundabout. Although they are not required as a consequence of the development proposed, the applicant has indicated a willingness to part fund the improvement works as the costs of providing access to the site are reduced through the omission of the protected right turn.
- 6.12 The information contained within the supplementary Highway Assessment serves to demonstrate that, with the amended access arrangements, the proposal can be accommodated into the existing highway network with detriment to the safety of highway users. The alterations to the roundabout are considered to represent an improvement to safety and therefore the proposal is considered to accord with Policies DR3 and T8 of the HUDP and paragraph 32 of the NPPF.
- 6.13 The site is immediately adjacent to existing residential areas and forms a logical addition to the town for housing. The boundaries of the town are constrained to the south by the A417 and the substantial tree belt that runs along its northern side. The site has an obvious visual relationship with the town's built form and the proposal is considered to accord with Policy LA3 of the UDP which assesses the impact of development upon the setting of settlements.
- 6.14 Some of the letters of objection raise concerns about the proposed density of the scheme and consider that it represents over-development. The site amounts to 2.75 hectares and, based on a development of 100 dwellings, this would amount to 36 dwellings per hectare. This is not considered to be high density and would reflect the pattern of development within the locality

and the proposal is considered to accord with Policies DR1 and H13 of the HUDP in this regard. The application is of course made in outline and therefore, should planning permission be granted, the detailed design of a scheme would be subject to further scrutiny through a reserved matters application.

- 6.15 On the basis of the amendments made to the proposed access, and that alternative cricket and football provision will be secured on an alternative site, it is concluded that the proposal represents a sustainable form of development and accords with the Herefordshire Unitary Development Plan and the National Planning Policy Framework. It has not been demonstrated that there are any material planning considerations that outweigh the presumption in favour of sustainable development and therefore the application is recommended for approval subject to the completion of a Section 106 Agreement and the conditions outlined 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. **B01 Development in accordance with the approved plans**
6. **H02 Single access - footway**
7. **H06 Vehicular access construction**
8. **H17 Junction improvement/off site works**
9. **I18 Scheme of foul drainage disposal**
10. **No development shall take place until the following has been submitted to and approved in writing by the local planning authority:**
 - a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
 - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works

on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

11. The Remediation Scheme, as approved pursuant to condition 10 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment

12. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

13. The recommendations set out in Section 4.2 to 4.4 and 4.7 of the ecologist's report from Crossman Associates dated May 2014 should be followed in relation to species mitigation and habitat enhancement. Prior to commencement of the development, a full working method statement with a habitat enhancement plan should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan and to comply with Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

Informatives:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. **The contaminated land report as required by condition 10 shall be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2012. All investigations of potentially contaminated sites must undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.**
3. **HN04 Private apparatus within highway**
4. **HN28 Highways Design Guide and Specification**
5. **HN05 Works within the highway**

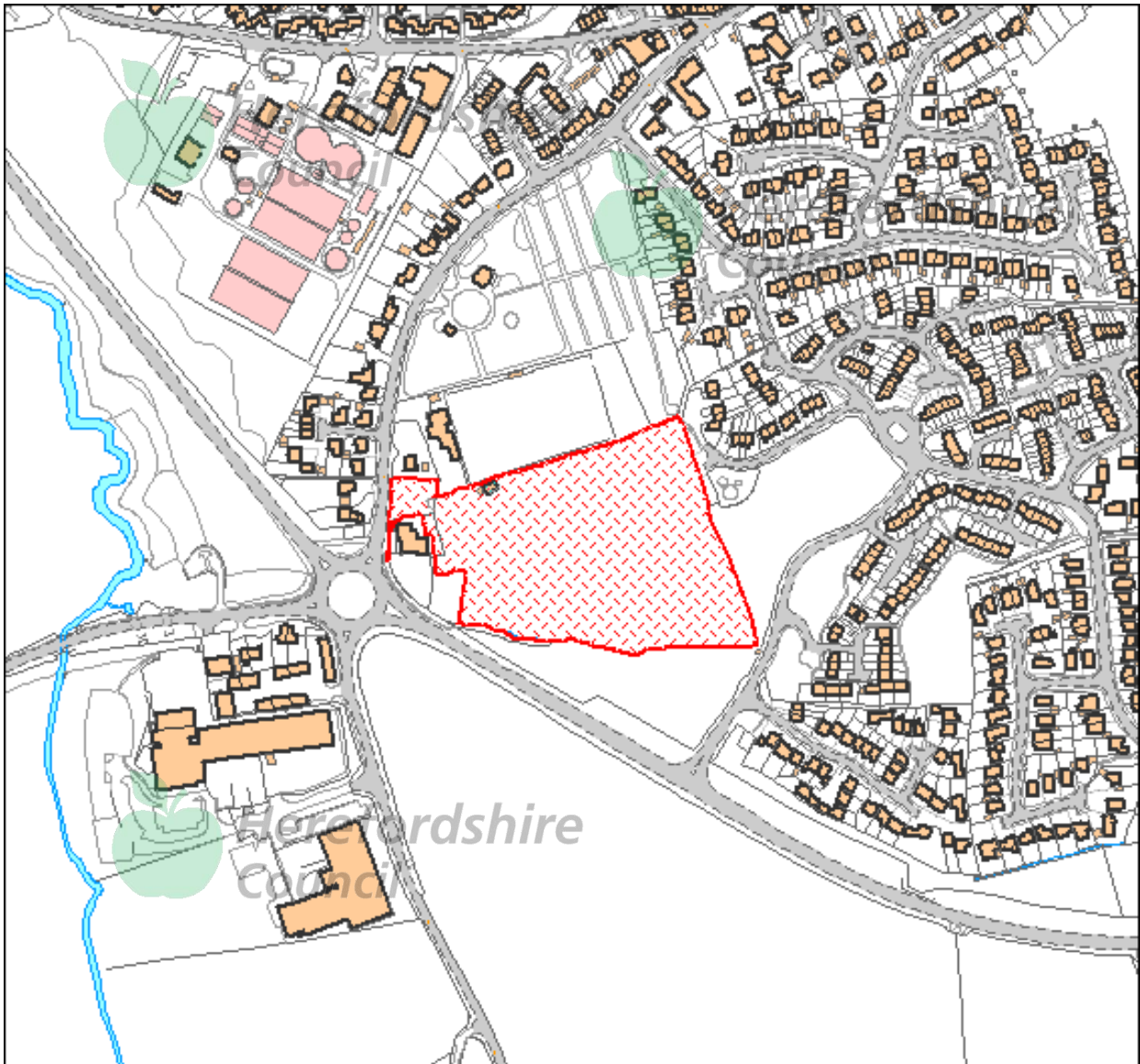
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 141651

SITE ADDRESS : LAND TO THE REAR OF THE FULL PITCHER, NEW STREET, LEDBURY, HEREFORD, HR8 2EN

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DRAFT HEADS OF TERMS

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

Planning Application – P141651/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.

Site for residential development of up to 100 dwellings, with associated means of access and car parking for the Full Pitcher Public House, New Street, Ledbury

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

£2,845	(index linked) for a 2 bedroom apartment open market unit
£4,900	(index linked) for a 2/3 bedroom open market unit
£8,955	(index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at Ledbury Early Years, Ledbury Primary School, John Masefield Secondary School, 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):

£1,967	(index linked) for a 2 bedroom open market unit
£2,952	(index linked) for a 3 bedroom open market unit
£3,933	(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) Public initiatives to promote sustainable modes of transport
- e) Safer routes to school

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

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

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

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

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

5. The developer covenants not to permit the development of that part of the site currently used for sporting activities until such time as the new cricket pitches to secure the relocation of the cricket club to the site at Orlham Lane, Ledbury (application reference P142517/F) have been completed and are capable of use, and a written offer has been made to the cricket club to transfer to the relocated site for consideration of One Pound (£1.00)
6. The developer covenants with Herefordshire Council that 40% (40 units – on basis of development of 100) 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.
7. 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.
8. 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:-:
 - 8.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 8.2. satisfy the requirements of paragraphs 9 & 10 of this schedule
9. 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:-
 - 9.1. a local connection with the parish of Ledbury
 - 9.2. in the event of there being no person with a local connection to Ledbury 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 9.1 above.
10. For the purposes of sub-paragraph 9.1 of this schedule ‘local connection’ means having a connection to one of the parishes specified above because that person:
 - 10.1. is or in the past was normally resident there; or
 - 10.2. is employed there; or
 - 10.3. has a family association there; or
 - 10.4. a proven need to give support to or receive support from family members; or
 - 10.5. because of special circumstances;
11. 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.
12. 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.

13. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3 and 4 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.
14. The sums referred to in paragraphs 1, 2, 3 and 4 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.
15. 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.
16. 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

30th January 2015