

MEETING:	PLANNING COMMITTEE
DATE:	2 SEPTEMBER 2015
TITLE OF REPORT:	<p>150888 - OUTLINE APPLICATION FOR PROPOSED ERECTION OF (UP TO) 35 DWELLINGS WITH NEW ACCESS AND ASSOCIATED LANDSCAPING AND PARKING AT LAND TO THE WEST OF A40, WESTON-UNDER-PENYARD, HEREFORDSHIRE, HR9 7PA</p> <p>For: MG Property Consultants per Hunter Page Planning Ltd, Thornbury House, 18 High Street, Cheltenham, Gloucestershire, GL50 1DZ</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150888&search=150888
Reason Application submitted to Committee – Contrary to Policy	

Date Received: 27 March 2015

Ward: Penyard

Grid Ref: 363505,223088

Expiry Date: 30 June 2015

Local Member: Councillor H Bramer

1. Site Description and Proposal

- 1.1 The application site is located on the eastern side of Weston under Penyard, approximately two miles from Ross on Wye. The village is dissected by the A40 Ross-on-Wye to Gloucester Road and the application site lies on the southern side of the road.
- 1.2 The site is generally flat, although there is a gentle rise towards the south west. It is roughly rectangular in shape and approximately 1.3 hectares in size. Its current use is not immediately evident but it appears as an area of rough pasture on the edge of the village.
- 1.3 Its north western boundary is formed by a modern residential estate which is a mix of bungalows and two storey houses. A mature hedge and the A40 form the boundary to the north east, while the south western boundary is formed by a hedgerow and a track which gives access to an agricultural building. Finally, the south eastern boundary is made up of a broken hedgerow with open countryside beyond.
- 1.4 Weston under Penyard contains a range of services including the village hall, public house and the local primary school. The site is situated approximately 150m from the nearest bus stops which are located either side of the A40. The buses provide an hourly service to both Gloucester and Ross-on-Wye.
- 1.5 The application site has no national or local designations in terms of either ecology or landscape and does not fall within a floodplain. There are no listed buildings on or adjoining the site, the closest being the Church of St Lawrence which is approximately 340 metres to the

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

north west. The only physical constraint to the development of the site are two sewer easements that cross in roughly a north west / south east direction.

1.6 The application is made in outline with all matters apart from access reserved for future consideration. It has been amended since its original submission. Originally for up to 42 dwellings, the proposal now seeks permission for up to 35 dwellings with 35% to be affordable.

1.7 The application is accompanied by the following documents:

- Planning Statement
- Design & Access Statement
- Transport Statement
- Landscape and Visual Appraisal
- Ecological Assessment
- Flood Risk Assessment
- Drainage Strategy
- Archaeological Evaluation
- Noise Impact Assessment
- Statement of Community Involvement
- 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
H7 - Housing in the Countryside Outside Settlements
H9 - Affordable Housing
H15 - Density
T8 - Road Hierarchy
LA2 - Landscape Character and Areas Least Resilient to Change
LA3 - Setting of Settlements
LA5 - Protection of Trees, Woodlands and Hedgerows
NC1 - Biodiversity and Development
NC8 - Habitat Creation, Restoration and Enhancement
ARCH1 - Archaeological Assessments and Field Evaluations
ARCH5 - Sites of Lesser Regional or Local Importance

2.3 Herefordshire 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
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geodiversity
LD4	-	Historic Environment and Heritage Assets
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

2.4 Neighbourhood Planning

Weston under Penyard are preparing a Neighbourhood Plan. At the time of preparing this report they had reached the Regulation 15 stage. The Local Planning Authority were to publicise the consultation from 4 August 2015 until 16 September 2015. This is the Regulation 16 stage. At the end of that 6 week period the Plan can be considered as a material consideration in the determination of a planning application.

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 planning history relating specifically to the site. The application has been made in outline with all matters apart from access reserved for future consideration. The scheme originally proposed the erection of up to 75 dwellings, but this number has since been amended to 37 dwellings following negotiations.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water – No objections subject to the imposition of conditions to require that surface water is drained separately from the site and should not discharge to the main sewer. They have also drawn the Council's attention to two separate sewer pipes that cross the site and the need for a three metre service strip to remain available should development be permitted.

Internal Council Consultations

4.2 Transportation Manager – No objection subject to the imposition of conditions but makes the following comments:

- The access location is acceptable; the visibility splays should be 120 metres in each direction with an x distance of 3.4m. Concerns are raised about the site boundary hedge, to ensure visibility is maintained, details will be required on who maintains the open space and boundary hedgerows as this could become an issue in the future. If the hedge row is

kept the traffic calming effect of having properties fronting the A40 will be lost. The existing footpath fronting the site must maintain a 2.4 width.

- An un-adopted highway is located to the rear of the site; therefore a pedestrian link to the village/school cannot be accommodated. Additional footway/cycle way access should be reviewed adjacent to no. 20 or 16 Seabrook Place, this will allow for the reduction in pedestrian access to village due to un-adopted track at the rear of the site.
- S278 agreement is required to undertake the offsite works which will include changing the existing TRO (Traffic Regulation Order) to move the speed limit east to incorporate the access to within the 30mph, the removal of red anti-skid and roundel markings will also be required. Works be included and agreed on either this application (15088) or 143842 if application is approved.
- The site should only be accessed from the A40 due to the narrowness of U70208 School Lane and the location of Weston under Penyard Primary School.
- Adoption of the shared surfaces is not preferred due to only serving 6 properties. Parking to be designed to Herefordshire Council design guide.
- If garages to be included in the parking numbers, 3m x 6m must be the internal dimensions.

4.3 Conservation Manager

Landscapes

Following on from a site visit conducted on the 1 June 2015 as well as extensive walking of footpaths within the locality. I am of the opinion that the proposal is unlikely to cause undue landscape or visual impact and with considered design has the potential to enhance the eastern edge of the settlement.

A number of recommendations have been made within the landscape appraisal in terms of layout, these are welcomed and should be used to inform the detailed design layout:

- Built form should be set back from the eastern boundary and this buffer strengthened in terms of height of hedgerow and the introduction of hedgerow trees.
- Planting within the POS will assist in breaking up massing and enhancing the eastern approach to the village.
- Breaks in planting and built form should be retained in order to retain long views across the settlement to the church tower.
- Layout of proposed dwellings should take into account the existing layout of built form in particular the single storey dwellings at Penyard Gardens.
- Connectivity to Seabrook Place, Penyard Gardens as well as the recreational space should be developed through pedestrian links.
- It is recommended that detailed landscaping proposals indicating trees and hedgerow for retention, in conjunction with a management plan be submitted as part of a condition.

Ecology

No objection subject to the imposition of a condition to ensure that the recommendations as set out within the ecology report as submitted by the applicant are followed, and to require the submission of a habitat protection and enhancement scheme prior to the commencement of development.

Archaeology

The site has a degree of archaeological interest, particularly relating to the north / eastern part of the site closest to the A40. This interest principally relates to Roman 'industrial' remains in the locality (ancient furnace and metalworking debris etc). Such remains are relatively common and extensively found in the broader hinterland of the settlement of Ariconivm further to the northeast, and although clearly of some importance and group value, would not be regarded as being exceptionally significant in themselves.

In my view, the remains indicated on the application site are not of sufficient value to merit preservation in situ, although they would certainly merit archaeological recording as mitigation for any loss. Accordingly, subject to the attachment of a suitable archaeological condition to any permission granted, I would have no objections.

4.4 Land Drainage Engineer

We have no objections in principal to the development on the grounds of flood risk and drainage. The site is located wholly within Flood Zone 1 and the submitted FRA and proposed drainage strategy has demonstrated that flood risk both to the site and downstream of the site is likely to be manageable. However, we recommend the following is provided as part of any subsequent reserved matters application:

- Finalised drainage arrangements and details with supporting calculations for surface water and foul drainage systems – including further details of pollution prevention control measures and exceedance flow routes;
- Results of infiltration testing undertaken in accordance with BRE 365 and results of recorded groundwater levels;
- Evidence that the Applicant has considered ground contamination risks; and
- Finalised proposals for the adoption and maintenance of surface water and foul drainage systems.

4.5 Education – No objection to the proposal subject to a Section 106 Agreement in accordance with the Council's Planning Obligations Supplementary Document.

4.6 Parks & Countryside Officer

Given the location of the nearby recreation ground and play area the applicant has acknowledged in the draft Heads of Terms that an off-site contribution should be provided, which is in accordance with pre-application comments and that any contribution should have regard to CIL regulations. This is supported.

The contribution would be used at the existing play area at Weston-under-Penyard Village Hall and playing fields which are situated immediately to the south of the application site. In accordance with the Play Facilities Study and Investment Plan the existing play area is old, small, caters for younger children only, is out of date and requires replacing and improving to provide play value for all ages. Contributions are calculated in accordance with the SPD on Planning Obligations and on market housing only as follows:

- 2 bed: £965

- 3 bed: £1,640
- 4+bed: £2,219

It is also noted that the indicative site layout shows an amount of public open space on site which it is understood would act as a "gateway" amenity space. Future management will need to be considered. 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 the Parish Council or by a management company for example.

4.7 Public Rights of Way Manager – no objection.

4.8 Environmental Health (Noise)

The nearest 4 or 5 proposed houses closest to the A40 will receive the greatest impact and the report specifies that it is anticipated that noise levels without attenuation will exceed 55dB. It is anticipated but not demonstrated in the report that screening by way of perimeter fencing and the houses themselves will provide sufficient attenuation.

Further information is requested by way of calculation of the actual noise levels in the gardens of the proposed houses closest to the A40.

5. Representations

5.1 Weston under Penyard Parish Council - object to this application due to the size of the development. It is not consistent with the emerging Neighbourhood Plan.

In a further response the parish council state:

Further to our last representation on 16th May 2015, concerning Planning Application P150888/O, please be advised that the Weston under Penyard Parish Council has approved a Neighbourhood Plan for the parish and has submitted the Plan and associated supporting documents to Herefordshire Council under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012. For all matters concerning application P150888/O we would now request that all of the Plan's policies be taken into consideration, thereby ensuring that any future development in the parish is carried out in accordance with the wishes of the parish residents, as expressed through the Plan. We would highlight that Policy HS1 states that the approved maximum number of houses on this site is now 18.

5.2 Ross & District Civic Society - Although the NPPF makes a 'presumption in favour of sustainable development' it also states [para 17] that planning should be 'genuinely plan-led, empowering local people to shape their surroundings'. While the county's Core Strategy has yet to receive formal approval, it clearly does not, and will not, envisage large-scale development of villages.

To increase Weston by up to 44 houses would be disproportionate & would adversely affect the character of this rural area [NPPF para 17]. This impact would be all the more pronounced if application 143842/0 for up to 75 houses on the eastern side of the A40 were also to be approved.

With the local community still involved in producing a Neighbourhood Plan any major development approved in the near future would clearly render their efforts futile and irrelevant.

A de facto situation is now arising of likely major development along an A40 corridor stretching from Ross to Lea. Apart from its massive impact on the rural landscape such development,

taken as a whole, will inevitably have major consequences for traffic along several miles of the A40.

No reading of the draft Core Strategy over its prolonged years of gestation would have led most observers to conclude that the A40 corridor was to become such a key focus of housing development.

5.3 Nineteen letters of objection have been received from local residents. In summary the points raised are as follows:

- Development is outside of the UDP settlement boundary
- It conflicts with the emerging neighbourhood plan in terms of the number of dwellings proposed
- The combination of the two applications on opposite sides of the A40 would result in the disproportionate growth of the village
- The proposal is out of place, disproportionate and will detract from the village
- Doesn't meet the housing needs of the village
- Vehicles tend to overtake on this straight stretch of the A40 and the introduction of additional traffic movements will be detrimental to highway safety
- The number of vehicles on an already busy road will be further increased
- Footpaths along the A40 are narrow and unsafe
- The village lacks local amenities and services
- There are no employment opportunities in the area
- Local bus services are inadequate
- The village school is too small to accommodate the increased number of children likely to be generated by the development
- No detail given of the size, type, style or design of buildings

5.4 One letter giving mixed comments has also been received. Whilst the author is generally in favour of the development, it is considered that more storage space/garaging should be afforded to dwellings and they would also like to see a shop in the village.

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

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

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

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

6. Officer's Appraisal

6.1 Weston under Penyard is identified within the adopted Unitary Development Plan as a main village and is also allocated as a main village within the Ross on Wye Housing Market Area within the emerging Local Plan – Core Strategy with a 14% indicative growth target over the plan period.

6.2 Taking the characteristics of the site into account the main issue is whether, having regard to the supply of housing land, the proposals would give rise to adverse impacts, having particular regard to the likely effects upon the character and appearance of the area, the scale of the development proposed and its cumulative effects with other proposals in the locality, highway safety and the availability of services and employment opportunities locally that would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development.

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

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

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

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

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

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

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

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

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

6.9 In this context, therefore, the proposed erection of up to 35 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.

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

- 6.11 The NPPF refers to the pursuit of sustainable development as the golden thread running through decision-taking. It also identifies the three mutually dependent dimensions to sustainable development; the economic, social and environmental dimensions or *roles*.
- 6.12 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land. The social dimension also refers to the need to ensure an appropriate supply of housing to meet present and future needs and this scheme contributes towards this requirement with a mix of open market and affordable units of various sizes. Fulfilment of the environmental role requires the protection and enhancement of our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use resources prudently and movement towards a low-carbon economy.
- 6.13 Weston under Penyard is a main village within the UDP and also identified as a main village in the Herefordshire Local Plan – Core Strategy. Officers consider that in terms of access to local services that include a primary school and public transport and its relative proximity and connectivity to Ross on Wye, which acts as a service centre and where there are employment opportunities, the site is sustainably located. The delivery of up to 35 dwellings, including 35% affordable, together with contributions towards public open space, sustainable transport and education infrastructure, would contribute towards fulfilment of the economic and social roles. These are significant material considerations telling in favour of the development.
- 6.14 The site is not subject to any environmental designations and the Council's Conservation Manager observes that the scheme has the potential to deliver ecological enhancement in accordance with saved UDP policy and NPPF objectives subject to an appropriately worded condition to achieve this objective.

Impact on Landscape Character and the Setting of the Village

- 6.15 NPPF Paragraph 109 states that valued landscapes should be protected and enhanced. Paragraph 113 advises local authorities to set criteria based policies against which proposal for any development on or affecting protected wildlife or geo-diversity sites or landscape areas will be judged. It also confirms that *'distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.'* Appeal decisions have also confirmed that although not containing the 'cost-benefit' analysis of the NPPF, policies LA2 (landscape character), and LA3 (setting of settlements) are broadly consistent with chapter 11 of the NPPF.
- 6.16 The application site has no formal landscape designation. It lies in open countryside outside, but adjacent to, the settlement boundary. The site forms part of the eastern approach to the village when travelling along the A40 in a westerly direction but is not immediately discernible as a separate parcel of land from the road due to the mature hedge forming the eastern boundary and the proximity of the built edge of the village to it.
- 6.17 Penyard Gardens is currently seen as the defined edge of the village. It is not of any particular architectural quality and inhibits any view of the older parts of the village that lie around the church.
- 6.18 As described above, the application site is not visually legible due to the topography of the land and the prominence of the hedgerow forming its eastern boundary. The proposal will simply introduce a new edge to the built form of the village, and the visual effect will not be dissimilar to the situation as it presently exists.

- 6.19 The Council's Landscape Officer considers that the proposal is unlikely to cause undue landscape or visual impact and, with considered design, has the potential to enhance the eastern edge of the settlement. The key to this would be to retain the hedge along the eastern boundary and the applicant's agent has submitted an indicative layout as part of their submission which shows that the development could be arranged in such a manner to ensure that it is retained and does not form a curtilage boundary for any of the properties.
- 6.20 It is acknowledged that the proposal represents a significant addition to the housing stock in the village but the site represents an obvious opportunity to provide housing land. This is acknowledged in the emerging Neighbourhood Plan which has identified it as one of two sites for growth. At 27 dwellings per hectare, the proposal is not of a high density and is in fact comparable in this regard to its immediate surroundings. The proposal makes good use of the land at a level that is considered to be appropriate in terms of its context.
- 6.21 It is therefore concluded that the proposal will not adversely affect the landscape character of the area, nor will it detrimentally affect the setting of Weston under Penyard and the proposal is consequently considered to accord with policies LA2 and LA3 of the UDP.

Highway Matters

- 6.22 The proposed means of access to the site is onto the A40 at a point where the national speed limit applies, but approximately 50 metres to the east of the edge of the village where the limit is reduced to 30 mph. The road is straight in both directions and visibility is good at the proposed point of access. The application is accompanied by a Transport Statement and detailed layouts of the proposed means of access which demonstrate that appropriate visibility splays can be provided in accordance with the council's design guide specifications. The Transportation Manager's comments anticipate the completion of a Section 278 Agreement which will include the extension of the 30 mph zone to the south east of the proposed new access, combined with other highway works designed to reduce traffic speeds. The Heads of Terms appended to this report also sets out contributions to be made for highway improvements.

Archaeology

- 6.23 The results of the evaluation indicate that the majority of the site is of limited archaeological potential. The survey made a number of finds in the northern corner of the site but more limited elsewhere. The Council's Archaeologist has considered the findings of the survey and raises no objection to the application subject to the imposition of a condition to secure a programme of archaeological works. This is reflected in the recommendation that concludes this report.

Noise

- 6.24 The Council's Environmental Health Officer has commented that the noise levels without attenuation within the gardens of the dwellings closest to the A40 will exceed the 55dB and requests the submission of further information.
- 6.25 The applicant's acoustic consultant has responded by suggesting that the relationship between the proposed dwellings and the A40 is not inherently unusual, but that the introduction of panel fencing will provide the required mitigation, reducing noise within the gardens of properties by 7dB.
- 6.26 Although the proposal does include a plan showing the layout of dwellings it should be recognised that the application is made in outline and that the precise layout is reserved for future consideration and may change from that shown on the indicative plan. Notwithstanding this, the presence of a sewage pipe running across the front of the site, and the need to

ensure that this area is kept free from development means that dwellings will be set back from the road. Your officers are sufficiently content that the matter of acoustic attenuation is not in itself a reason to refuse the application and can be dealt with by condition.

Compliance with the emerging Core Strategy and Neighbourhood Plan

6.27 At the time of writing this report the Core Strategy has been the subject of a further four week period of public consultation following further modifications to reflect the Government's recent Ministerial Statement on wind turbines. The consultation period expired on 10 August and it is anticipated that the Inspector's Report will be received in the near future. However, until the report is received by the Council the policies in the emerging Core Strategy are considered to have limited weight.

6.28 As reported at paragraph 2.4 of this report, the emerging Neighbourhood Plan is currently at Regulation 16 stage and is the subject of a public consultation period. It is noted that the draft plan identifies two preferred sites for development in Weston under Penyard and these are the site to which this application relates and that on the opposite side of the A40 where the Council is also considering a separate planning application.

6.29 With regard to this particular site, the Neighbourhood Plan proposes that the number of dwellings to be accommodated on the site should be limited to 18. On a site of 1.3 hectares this would equate to a housing density of approximately 14 dwellings per hectare. Paragraph 58 of the NPPF sets out a framework for the establishment of design related policies in local and neighbourhood plans, and its third bullet point is quite clear that:

"Planning policies and decisions should ensure that developments optimise the potential of the site to accommodate development..."

6.30 The adoption of the Neighbourhood Plan will depend upon its compliance with the NPPF and the Core Strategy. Policy SS2 refers to housing density and it says that:

"Residential density will be determined by local character and good quality design. The target net density across the county is between 30 and 50 dwellings per hectare, although this may be less in sensitive areas."

6.31 In your officers view the proposal for up to 35 dwellings at an approximate density of 27 per hectare complies with the NPPF. There is nothing to suggest from the consultation responses received that the site is particularly sensitive to justify the significant reduction in density that is proposed by the Neighbourhood Plan. Such a low density does not reflect the character of the immediate locality, nor does it represent the most effective or best use of land and it is not considered that a reason for refusal based on the density of the development could be substantiated on appeal.

Summary and Conclusions

6.32 The Council cannot demonstrate a five-year supply of housing land with requisite buffer. The housing policies of the UDP are thus out-of-date and the full weight of the NPPF is applicable. UDP policies may be attributed weight according to their consistency with the NPPF; the greater the consistency, the greater the weight that may be accorded. The pursuit of sustainable development is a golden thread running through both plan-making and decision-taking and identifies three dimensions to sustainable development: the economic, social and environmental roles.

6.33 When considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of

sustainable development and that in the absence of significant and demonstrable adverse impacts, the application should be approved.

- 6.34 The site lies outside but adjacent to the settlement boundary for Weston under Penyard and is, having regard to the NPPF and saved and emerging local policies, a sustainable location. The site is immediately adjacent to bus stops and services to Ross on Wye and Gloucester. Although only an outline application, it is also evident that there are opportunities to ensure pedestrian permeability and connectivity to other parts of the village, particularly the school and playing fields to the south of the site. These opportunities will ensure that prospective residents have a genuine choice of transport modes. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel).
- 6.35 The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic role. In providing a greater supply of housing and breadth of choice, including 35% affordable and in offering enhancements to footways in the locality, officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development.
- 6.36 It has been demonstrated that the proposal will not harm the landscape character of the area or the setting of the village. The Landscape Officer has in fact suggested that the proposal offers an opportunity to enhance the setting of the village.
- 6.37 Officers conclude that there are no landscape, highways, drainage, ecological or archaeological issues that should lead towards refusal of the application and that any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits.
- 6.38 It is therefore concluded that planning permission should be granted subject to the completion of a Section 106 Planning Obligation in accordance with the Heads of Terms appended to this report and appropriate planning conditions. The conditions will include a requirement to limit the number of dwellings to no more than 35 and to formulate an integrated foul and surface water run-off scheme. Officers would also recommend the developer conducts further consultation with the Parish Council and local community as regards the detail of any forthcoming Reserved Matters submission.

RECOMMENDATION

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

- 1. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**
- 3. A04 Approval of reserved matters**
- 4. B01 Development in accordance with approved plans**
- 5. C01 Samples of external materials**
- 6. The development shall include no more than 35 dwellings and no dwelling shall be more than two storeys high.**

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

- 7. H02 Single access – footway**
- 8. H03 Visibility splays**
- 9. H06 Vehicular access construction**
- 10. H11 Parking – estate development (more than one house)**
- 11. H18 On site roads – submission of details**
- 12. H20 Road completion**
- 13. H21 Wheel washing**
- 14. H27 Parking for site operatives**
- 15. H29 Covered and secure cycle parking provision**
- 16. The recommendations set out in the ecologist’s report from All Ecology dated October 2014 should be followed. Prior to commencement of the development, a habitat protection and enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, The scheme should include a timetable for completion of habitat protection and enhancement measures and they 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.

Reasons: 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 Herefordshire Unitary Development Plan.

To comply with Herefordshire Council’s Policy 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.

- 17. G04 Protection of trees/hedgerows that are to be retained**
- 18. G09 Details of boundary treatments**
- 19. G10 Landscaping scheme**
- 20. G11 Landscaping scheme - implementation**
- 21. L01 Foul/surface water drainage**
- 22. L02 No surface water to connect to public system**

- 23. L03 No drainage run-off to public system
- 24. L04 Comprehensive and integrated draining of site
- 25. E01 Site investigation - archaeology
- 26. I13 Scheme to protect new dwellings from road noise

Informatives:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2. HN10 No drainage to discharge to highway
- 3. HN08 Section 38 Agreement & Drainage details
- 4. HN07 Section 278 Agreement
- 5. HN04 Private apparatus within highway
- 6. HN01 Mud on highway
- 7. HN24 Drainage other than via highway system
- 8. HN05 Works within the highway
- 9. HN28 Highway Design Guide and Specification

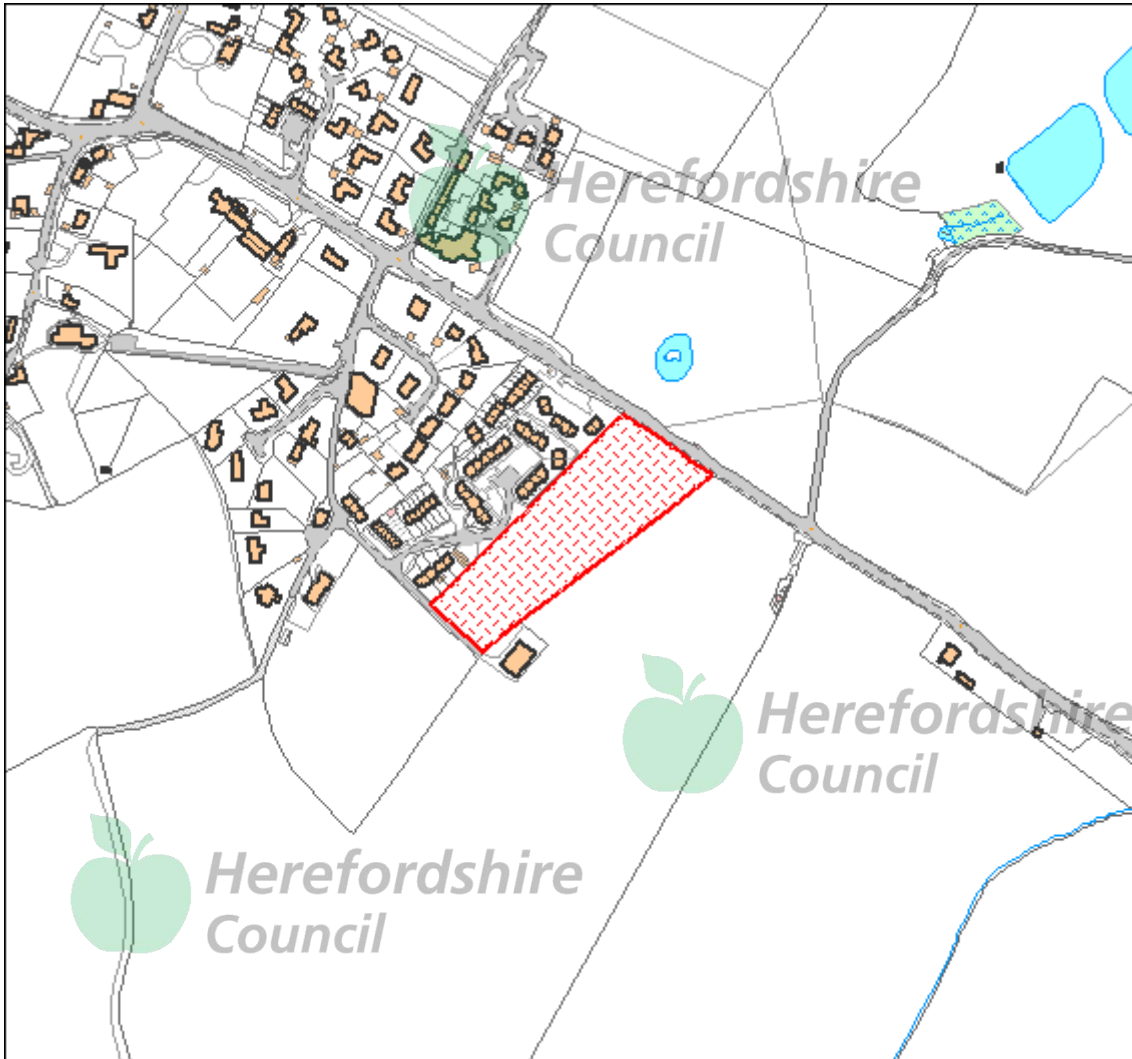
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 150888

SITE ADDRESS : LAND TO THE WEST OF A40, WESTON-UNDER-PENYARD, HEREFORDSHIRE, HR9 7PA

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

DRAFT HEADS OF TERMS

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

Planning Application – 150888

Site address:

Land to the west of the A40, Weston under Penyard

Planning application for:

proposed residential development of up to 35 dwellings with all matters reserved, except for access.

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008, and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). All contributions in respect of the residential development are assessed against open market units only except for item 3 which applies to all new dwellings.

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

£ 1,966 (index linked) for a 2 bedroom open market unit

£ 2,949 (index linked) for a 3 bedroom open market unit

£ 3,932 (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 in the locality
- d) Public initiatives to promote sustainable modes of transport
- e) Safer routes to school

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

£1,212 (£1,123 secondary & £89 SEN) (index linked) for a 2 bedroom open market flat

£ 2,174 (£2,036 secondary & £138 SEN) (index linked) for a 2/3 bedroom open market dwelling

£4,336 (£4,089 secondary & £247 SEN) (index linked) for a 4+ bedroom open market dwelling

The contributions will provide for enhanced educational infrastructure at John Kyrle High School and the Special Education Needs Schools. The sum shall be paid on or before first occupation of the 12th open market dwellinghouse, and may be pooled with other contributions if appropriate.

In this instance “Educational Infrastructure” means education improvements at John Kyrle High School by the internal extension of two first floor rooms to create additional teaching spaces and improved provision for special education needs through an external extension to create a physiotherapy room.

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £80 (index linked) per dwelling. The contribution will be used to provide 1x waste and 1x recycling bin for each dwelling. The sum shall be paid on or before occupation of the 1st open market dwelling

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

4.1. A contribution for off-site children’s play facilities to be provided on land adjacent to the development site:

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

£ 965 (index linked) for a 2 bedroom open market unit

£ 1,640 (index linked) for a 3 bedroom open market unit

£ 2,219 (index linked) for a 4+ bedroom open market unit

The relevant sum shall be paid on or before the commencement of development, and may be pooled with other contributions if appropriate.

5. The maintenance of any on-site Public Open Space (POS) will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the parish council and/or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

NOTE: Any attenuation basin and/or SUDS which may be transferred to the Council will require a commuted sum calculated in accordance with the Council's tariffs over a 60 year period

6. The developer covenants with Herefordshire Council that 35% (12 on basis of a gross development of 35) 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 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 7 & 8 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 Weston under Penyard
 - 9.2. in the event of there being no person with a local connection to Weston under Penyard 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 8.1 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. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2 and 3 above 4, for the purposes specified in the agreement within 10 years of the date of payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire

Council.

12. The sums referred to in paragraphs 1, 2 and 3 above 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.
13. If the developer wishes to negotiate staged and/or phased trigger points upon which one or more of the covenants referred to above shall be payable/delivered, then the developer shall pay a contribution towards Herefordshire Council's cost of monitoring and enforcing the Section 106 Agreement. Depending on the complexity of the deferred payment/delivery schedule the contribution will be no more than 2% of the total sum detailed in this Heads of Terms. The contribution shall be paid on or before the commencement of the development.
14. 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.