

MEETING:	PLANNING COMMITTEE
DATE:	9 DECEMBER 2015
TITLE OF REPORT:	<p>151641 - PROPOSED ERECTION OF NINE DWELLINGS AT LAND TO REAR OF BRAMLEY HOUSE AND ORCHARD HOUSE, OFF KINGSACRE ROAD, SWAINSHILL, HEREFORD, HR4 0SG</p> <p>For: Messrs Griffiths per Mr Robert Jolly, P O Box 310, Malvern, Worcestershire, WR14 9FF</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151641&search=151641
Reason Application submitted to Committee – Redirection.	

Date Received: 1 June 2015

Ward: Credenhill

Grid Ref: 346753,241573

Expiry Date: 27 July 2015

Local Member: Councillor RI Matthews (Councillor WLS Bowen has acted on his behalf for this application.)

1. Site Description and Proposal

- 1.1 The application site lies to the south side of the A438, Kings Acre Road, to the west of Hereford City but within the Parish of Breinton. The site is currently used as a paddock. The site is rectangular in form and 0.58 hectares in size.
- 1.2 The site is accessed by way of an existing access road off the A438 that also provides access to the two detached properties, Bramley House and Orchard House (owned by family of the applicant). The eastern boundary of the site is formed by an existing hedgerow, beyond which lies the un-adopted lane that serves five dwellings. Four of these dwellings front the site, with their front gardens and parking areas adjacent to the lane and private gardens to the rear. The remaining dwelling is located to the south and is set in an enclosed garden with access to the south of the lane.
- 1.3 The western boundary of the site is formed by existing landscape boundary, beyond which are the detached dwellings that front Breinton Lane and their rear gardens that extend approximately 35m from the rear of the dwelling to the boundary. The exception to this is a detached bungalow known as St Aidans, that lies on the boundary of the site in its south western corner.
- 1.4 The application seeks outline planning permission for the erection of 9 dwellings with all matters except for access reserved for future consideration. An indicative layout has been provided but matters of layout, appearance, scale and landscaping are reserved. Access would be via the existing road and would be 4.8m wide, with footway provision. Visibility splays of 4.5m by 120m in either direction are detailed on the submitted plans.

1.5 The application is also accompanied by a Planning Supporting Statement, Ecological report, and Flood Risk and Drainage Statement. The draft Heads of Terms is appended to this report.

2. Policies

2.1 National Planning Policy Framework (NPPF). In particular chapters:

- Introduction - Achieving sustainable development
- Section 4 - Promoting sustainable communities
- Section 6 - Delivering a wide choice of high quality homes
- Section 7 - Requiring good design
- Section 8 - Promoting healthy communities
- Section 11 - Conserving and enhancing the natural environment
- Section 12 - Conserving and enhancing the historic environment

2.2 National Planning Practice Guidance

2.3 The Herefordshire Local Plan – Core Strategy:

- SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS3 - Releasing Land for Residential Development
- SS4 - Movement and Transportation
- SS6 - Addressing Climate Change
- RA1 - Rural Housing Strategy
- RA2 - Housing in Settlements outside Hereford and the Market Towns
- H1 - Affordable Housing – Thresholds and Targets
- H3 - Ensuring an Appropriate Range and Mix of Housing
- OS1 - Requirement for Open Space, Sports and Recreation Facilities
- OS2 - Meeting Open Space, Sports and Recreation Needs
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD1 - Landscape and Townscape
- LD2 - Biodiversity and Geodiversity
- LD3 - Green Infrastructure
- LD4 - Historic Environment and Heritage Assets
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Wastewater Treatment and River Water Quality
- ID1 - Infrastructure Delivery

The Core Strategy 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/core-strategy/adopted-core-strategy>

2.4 Breinton Parish Neighbourhood Area was approved in January 2014 and has since progressed to Regulation 16 stage and its initial 6 week consultation has been completed. At this time, there are some areas that require further work to ensure compliance with the Core Strategy and a repeat Regulation 16 consultation will be undertaken in the new year before progressing to examination. At this stage, where compliant with the Core Strategy, weight can be attributed to this document in the decision making process.

3. Planning History

3.1 DCCW2004/4088/F – Proposed site for residential development – Withdrawn

3.2 SH921185PF and SH910725/F - 2 dwellings and joint access.

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

4. Consultation Summary

Statutory Consultees

- 4.1 Welsh Water raises no objection to the proposed development but recommends conditions be attached to the planning permission in respect of foul and surface water drainage and the presence of the mains Sewer across the site.

Internal Council Consultees

- 4.2 The Transportation Manager makes the following comments:

It is noted that the application is in outline with all matters except access reserved.

An indicative layout plan has been submitted and in principle this would be likely to provide an acceptable layout. Car parking should be provided in accordance with our standards for the number of bedrooms proposed, and secure covered cycle parking included in the proposals, either in appropriately sized garages or elsewhere

The proposed development is indicated to use a surfaced access onto Kings Acre Road that currently exists, however whilst geometrically this is likely to be acceptable, the construction of this is unknown and may not be acceptable for adoption. I would suggest the agent discusses adoption proposals with our Senior Highways Adoptions Officer.

The amorphous turning head generates excessive paved areas and could be changed to a standard turning head to reduce the impact of the development.

The impact of the development on the existing transport network is considered acceptable.

The development would link to the existing footway infrastructure on Kings Acre Road and onward to bus stops schools and other facilities, however the distance to these needs to be taken into consideration in determination of the application

- 4.3 The Conservation Manager (Ecology):

This site proposed for development lies within a substantial area of Traditional Orchard - a UK Biodiversity Action Plan priority habitat (now a Habitat of Principal Importance). As such, it is of significant value for their wildlife potential within the landscape. These orchards are habitat for a variety of species which are considered of local importance including noble chafer, lesser spotted woodpecker with many species of fungi and saproxylic beetles. Sadly, I understand that this area is now cleared of its fruit trees which is happening to many old orchard sites throughout Herefordshire to satisfy development objectives. Conservation of these habitats is especially important for the latter due to the maturity of the trees and wood decay within them. The NERC Act 2006 with a 2010 updated habitat and species list including Traditional Orchards as UK Priority Habitat.

As the LPA's policy documents state, "Policy NC6 of the UDP and the NPPF support the protection of priority habitats. Traditional Orchards are important features in the wider landscape and are protected under UDP Policy LA2." On the basis of the ecological importance of such sites and the above policy, I do not support removal of trees on these sites for development and I would recommend refusal of any applications requiring this.

There is presumption against development of these priority habitats and it is so sad to see what was a traditional orchard reduced to nothing over the years. Further, removal of trees will not result in any avoidance of the policies above and may also result in breaches of wildlife

legislation It seems that this site has piles of brash left from the most recent clearance and I notice that this is last part of a more extensive traditional orchard encompassing an area to the south of the site.

Clearly the site has little of its biodiversity interest as little remains of this Habitat of Principle Importance. The ecological survey report clearly did not reveal the development site to be of much ecological value but the area to the south covered by the ecological survey is still clearly of interest. It appears that the area to the south is still within the applicant's ownership and, as such, might be maintained as traditional orchard.

I will not object to the development provided there is a compensatory commitment to re-establish areas of lost trees and manage an area in association with this development as traditional orchard.

I would suggest that a non-standard condition is applied to any approval of this application.

4.4 The Public rights of Way Manager raises no objection.

4.5 Education makes the following comment:

The educational facilities provided for this development site are Stretton Sugwas Primary School and Whitecross High School.

Stretton Sugwas Primary School has a planned admission number of 20. As at the schools summer census 2015:-

- 4 year groups are at or over capacity- YR=21, Y1=20, Y2=20, Y5=21

The school will require additional classroom space to accommodate the needs of the children created by this development and we would therefore be seeking the contribution to provide an extension to the classroom space at the school.

Whitecross Secondary School has a planned admission number of 180. As at the schools summer census 2015:-

- 2 year groups are at or over capacity- Y7=190, Y11=180

The school will require additional classroom space to accommodate the needs of the children created by this development and we would therefore be seeking the contribution to increase the corridor running alongside and into the dining area. This will ease the congestion that will be caused by an increase in pupils and also provide additional space to be used for PE and breakout classes.

In accordance with the SPD the Children's Wellbeing Directorate would therefore be looking for a contribution to be made that would go towards the inclusion of all additional children generated by this development. The Children's Wellbeing contribution for this development would be as follows:

Contribution by No of Bedrooms	Primary	Secondary
2+bedroom apartment	£1,084	£1,036
2/3 bedroom house or bungalow	£1,899	£1,949
4+ bedroom house or bungalow	£3,111	£4,002

5. Representations

5.1 Breinton Parish Council:

Breinton Parish Councillors have considered this application against the saved policies of the Unitary Development Plan (UDP), the modified version of the Core Strategy (CS) currently being considered by the Inspector and the Council's own emerging Neighbourhood Development Plan (NDP) that will be submitted for Regulation 16 consultations in the next week.

The site in question is classified as 'open countryside' under the UDP. It is part of the Hereford Rural housing market area in the Core Strategy which in its entirety is expected to absorb 18% more housing by 2031. The NDP provides considerable evidence that the proportional amount of housing should be much lower in Breinton given the extensive environmental and other constraints. Without a finally agreed planning framework for the wider area, applications such as these might be considered premature particularly given the proximity of other potential sites which could result in piecemeal development which is certainly not the intention of the NDP.

It is against this background that Parish Councillors have advised me to write to you with their comments.

Overdevelopment

- 1. A key concern is that the present application, for nine houses, in itself represents overdevelopment of the site because the density is significantly greater than the existing, surrounding residential development of the area. We note that only part of the site listed in the current SHLAA is covered by this application and the current proposal ends in what the Transportation Department refers to as an 'amorphous turning head that generates excessive paved areas' – presumably required for continued access to the agricultural land beyond.*
- 2. This high density will in effect negatively change the character of the area and add significantly to the loss of amenity to neighbours. Therefore, it is certainly the view of the Parish Council that the number of units permitted should be reduced. Essentially, each should have larger gardens/grounds and/or there should be more communal space and careful thought should be given to layout and landscaping at the detailed planning stage upon which we would expect to be consulted.*
- 3. The Parish Council notes that Herefordshire Council's own reports point to a lack of sports fields, public open space in the wider area and Breinton's 2013 Community Led Plan shows strong support from local young people for more play areas etc.*

Loss of biodiversity and historic landscape character

- 4. The Parish Councillors is aware that until very recently the land in question was maintained as traditional orchard. There has been considerable neglect of the orchard in recent years, and trees have been purposefully removed. Since the field has not been converted to arable, and nor has it been intensively grazed, it seems reasonable to assume that this neglect has been deliberate with a view to making the land easier to develop for housing. This is not the first time recently that orchard areas in Breinton have been removed before planning applications to develop land have been submitted by other owners (ref. APP/W1850/A/13/2203561 – Breinton Lee)*
- 5. In this connection Councillors noted the previous application in 2004 for 10 units on the site in question (DCCW2004/4088/0) when it was also claimed that the land was not viable for agriculture / orchard despite being of demonstrably high quality.*

6. *Breinton is one of the few parishes in the whole of Herefordshire that, while being located close to Hereford city, has nonetheless retained a mix of traditional and modern cropped orchards. The Parish Council therefore views with concern, the loss of any further traditional orchards to be replaced by housing. While not opposing the present application, we note with interest the general comment made by the Council's own Ecologist about the cumulative impact of such losses on bio-diversity. This is a point made in many of the letters of objection that the Parish Council has received. It is not only bio-diversity, we are equally concerned about the negative impact upon the historic landscape character of Breinton.*
7. *We therefore support the suggestion made by the Council's Ecologist that, should permission be granted for development, in mitigation the applicants should be required to arrange for, and to secure, the restoration of an equivalent area of traditional orchard in the nearby vicinity. In order to compensate the community for the loss of this orchard land to development and especially those residents nearest to the site in question, such restoration should if at all possible be located on a directly adjacent site in the applicant's possession.*

Transportation

8. *Parish Councillors note that the Transportation Department's views that access onto Kings Acre Road is 'likely to be acceptable' and that 'the impact on the existing transport network is considered acceptable'. Nonetheless, we have received a considerable number of representations with concerns regarding the access and egress of vehicles into the proposed development. Should this development proceed, there will inevitably be a substantial increase in the number of vehicles accessing the A438 in this area. In particular we note resident's concerns about road safety including the death of a young pedestrian. The Planning Committee should be absolutely certain that they have the full and correct history of incidents along this stretch of the A438 before reaching any conclusions on this application.*
9. *Provision for access to and from the site should certainly include sufficient space for footpaths and cycle-ways not only into and out of the site, but across the front of the properties along that section of KAR. Not only has footpath width been cited as a contributory factor to the apparently poor highways safety in this location such changes would also improve sustainable travel options for residents.*
10. *In the Parish Council's view, should any development be approved, the developer should also make a contribution to the King Acre cycle path to provide sustainable transport alternatives. This is even more important with the reduction in buses arising from First Group removing their services along KAR. This is one of the many weaknesses in the planning statement that supports this application. It over emphasises the public transport links, the local job prospects and the support such development would provide for local (almost non-existent) services. The Transportation Department's comment on the distance to bus stops, schools and other facilities is relevant here for those without access to a car.*

Sustainable development

11. *The Parish Council also repeat their long-held concerns over the sustainability of all such developments. None of the plans submitted ever acknowledge water or drainage issues. Every site in the parish of which the Parish Council is aware has constraints on sewerage – potential hydraulic overloading, sewage treatment – potential capacity issues and water supply – low water pressure. If approval for this application is granted, the developer should fund improvements to the mains water and sewerage infrastructure, including waste water capacity, prior to development, to overcome the difficulties in this location and for the surrounding properties who will be impacted from additional development in this area.*

Planning process

12. *One of the difficulties with applications for outline planning permission only is that they provide insufficient detail for the Parish Council to make an informed decision and do not address many of the issues of concern to local residents. For instance it is not clear from the outline plans what type of housing is proposed for this development. Breinton's Community Led Plan and the emerging Neighbourhood Development Plan identifies that the local community do not need, or want, executive style houses. It is desired that smaller housing units will address local needs. Smaller units will also be more in keeping with the area and would reduce the impact on existing properties. From the limited amount of information available it does not appear that this proposal will address housing needs in the parish as quantified in the 2012 needs survey.*
 13. *Therefore, if permission is granted, the Parish Councillors would want to be consulted on all the matters relating to any detailed planning application that is submitted in the future. Can you please note your records that subsequent planning applications should be referred back to Breinton Parish Council for comment and not determined by officers under delegated powers.*
 14. *Finally, please note that this application is not in Swainshill as claimed or might be assumed from the apparent postal address, but Breinton. Swainshill forms part of the adjacent parish – Stretton Sugwas – and housing issues there are being addressed by their NDP. The application has caused considerable disquiet amongst neighbouring property owners which you will judge from the number and content of the representations that you receive. The application had to be considered twice by Parish Councillors – at a planning meeting and again, more recently, at a full council meeting – because the first meeting had to be closed prematurely due to the bad behaviour of some of those present. This incident has now resulted in the Parish Council being banned from holding further planning meetings at that venue.*
- 5.2 12 letters of objection have been received that raise the following issues:
- Density not in keeping. Dwellings will be cramped in their plots
 - Should be less dwellings that are larger with large plots
 - There is a need for smaller homes rather than select developments
 - Inspectors previously been dismissive of ribbon development
 - Location will encourage car use
 - Lack of budget for bus services
 - Access not wide enough
 - Highway safety from additional traffic movements at the junction on the A438
 - Traffic movements are high with heavy vehicles, agricultural vehicles
 - Speeding is common
 - Pedestrian safety for those crossing this access;
 - Numbers of dwellings mean additional traffic
 - Preservation of agricultural land
 - Overlooking and loss of privacy
 - Impact on tranquillity of the area.
 - Impact on water / sewerage pipes during construction
 - Removal of the orchard and trees has been detrimental to wildlife
 - Potential for development further on and this would have a further impact
 - Schools are oversubscribe

- 5.3 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>

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

6. Officer's Appraisal

6.1 The application falls to be considered having regard to the following issues:

1. Principle of Development
2. Character of the Area and impact on surrounding area
3. Affordable Housing requirements
4. Access and Highway Safety
5. Biodiversity
6. Section 106 Agreement

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

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

6.3 In this instance the Development Plan is the recently adopted Herefordshire Local Plan Core Strategy. Policy SS1 enforces what is at the heart of the Government's National Planning Policy Framework in its '*presumption in favour of sustainable development*'. This policy states:

When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.

Planning applications that accord with the policies in this Core Strategy (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise - taking into account whether:

- a) *any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in national policy taken as a whole; or*
- b) *specific elements of national policy indicate that development should be restricted*

6.4 Policies SS2 (Delivering new homes) and SS3 (Releasing land for residential development) of the Core Strategy set out clearly the need to ensure sufficient housing land delivery across the County. In order to meet the targets of the Core Strategy the Council will need to continue to support housing growth by granting planning permissions where the developments meet with the policies of the Core Strategy, (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans)

6.5 Policy RA1 of the Core Strategy identifies that Herefordshire Rural areas will need to find a minimum of 5,300 new dwellings between 2011 and 2031 to contribute towards the county's housing needs. The dwellings will be broadly distributed across the seven Housing Market Areas (HMA's). Breinton lies within the Hereford HMA.

6.6 The dwellings that lie in the vicinity of the application site lie within the Parish of Breinton, and within its designated Neighbourhood Area. The Neighbourhood Development Plan describes Breinton: *The parish is not conventional in the sense that it neither has one larger village nor a distinct centre. The parish is very rural and consists of a series of dispersed hamlets: including*

Lower Breinton, Breinton Common, Cranstone and Warham, as well as significant ribbon development, backing on to open fields, along the south side of the A438 - Kings Acre Road.

- 6.7 Breinton draft NDP acknowledges in its objectives, the need to promote a level of housing growth to meet the indicative housing target for Herefordshire that is proportionate to the size of Breinton parish and its settlements so that the parish retains its essentially rural character. Whilst the key objectives of the Breinton NDP are broadly compliant with the CS, its specific Housing policies are being reconsidered to ensure compliance with the CS policy position relating specifically to policy RA2 and RA3 and to ensure growth of the parish is appropriate.
- 6.8 The Parish is currently reconsidering its housing policies within its Neighbourhood Plan to ensure compliance with the Core Strategy objectives. As such, it is not possible to give weight to these policies at this time. It does however; acknowledge that Breinton is identified as being an 'other' settlement which is capable of accommodating proportionate housing development (figure 4.15). This seeks an 18% minimum growth target over the plan period across the area. This equates, when taking into account the Kings Acre area, to a minimum of 72 dwellings, to 2031. As there are a number of planning permissions already secured in the area (to April 2014), the residual minimum requirement over the lifetime of the Core Strategy is 67 and therefore remains well in excess of the nine units proposed.

Character of the area

- 6.9 RA2 is relevant as guiding development in these rural settlements. It states:-

"The minimum growth target in each rural Housing Market Area will be used to inform the level of housing development to be delivered in the various settlements set out in Figures 4.14 and 4.15. Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets.

Housing proposals will be permitted where the following criteria are met:

- 1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.15 proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement; and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;*
- 2. Their locations make best and full use of suitable brownfield sites wherever possible;*
- 3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and*
- 4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlement, reflecting local demand.*

Specific proposals for the delivery of local need housing will be particularly supported where they meet an identified need and their long-term retention as local needs housing is secured as such."

- 6.10 As noted above, Breinton does not have one readily identifiable core area of housing, but a large proportion of the dwellings that lie in the parish lie in the Kings Acre area. This cluster of dwelling is formed by both ribbons development along Kings Acre Road, incorporating the cul-de-sac developments of four acres and cherry orchard as well as the detached dwellings that front Breinton Lane to the north of the application site. The emerging NDP policy appears very

specific to Kings Acre frontage and protecting the visual breaks along this area as well as protecting open countryside (although it is not yet clear what is considered to be open countryside). This is being reviewed and no weight can currently be attributed to this NDP policy. Although its aims are acknowledged, it would be difficult to apply these to the application being considered.

- 6.11 Kings Acre is often described as being linear ribbon development but is interspersed with cul-de-sacs and historic developments that emerge southwards such as those on Cherry Orchard, Yew Tree Gardens and Four Acres, all within very close proximity to this site. The proposal, whilst in outline, has provided an indicative plan, showing a Cul-de-Sac arrangement not dissimilar to the Cul-de-Sac at Four Acres to the east. It is my opinion that this site is well related to the built form of the surrounding area and with sensitive landscaping and design could be integrated, as organic growth, into the surrounding area in accordance with the requirements of the relevant Core Strategy Policies.
- 6.12 Local residents raise concern about the density of development, but this proposal of nine dwellings within a 0.58 hectare site represents a very low density of only 15.5 per hectare. The plans submitted are indicative only, but clearly identify that a development of nine dwellings can be accommodated on this site. It is worth noting that locally density is generally low with the dwellings in Cherry Orchard representing development of approximately 15 per hectare, those on four acres, around 12 per hectare and Yew Tree Gardens around 17 per hectare.
- 6.13 The application is outline only with all matters except for access reserved. Whilst an indicative plan has been submitted with the application, the layout, scale, appearance and landscaping would form part of a Reserved Matters application and this application seeks to establish the principle of development. These submissions should seek to not only address some of the concerns raised by local residents in respect of layout, privacy and amenity, but also the requirements of policy RA2 above.
- 6.14 In addition to this Core Strategy policy SD1 (Sustainable Design and Energy Efficiency) seeks to secure high quality design and well planned development, that positively contribute to the character of the area and that development successfully integrates into the existing built, natural and historic environment. This policy also seeks in the inclusion of physical sustainability measures, including orientation of buildings, provision of water conservation measures, storage for bicycles and waste, including provision for recycling and enabling renewable energy and energy conservation infrastructure. Policy SD3 deals specifically with water consumption and a condition is recommended to address this requirement. The use of sustainable construction methods is also pursued in this policy. These requirements must be considered alongside those of residential amenity in the progression of any approval. Officers would also expect the exploration of the retention of trees and mature landscape boundaries as these would help to integrate the development. Noting the recent loss of trees and the Conservation Manager's comments, this must form an integral part of a Reserved Matters submission. This assessment is also required by policy LD1 of the Core Strategy that acknowledges the importance and value of the landscape and seeks to conserve landscape features such as trees and boundary hedgerows.
- 6.15 The comments of Welsh Water and local residents in respect of the location of the drains are also noted and would need to be considered when finalising any layouts. Any developer would be in detailed discussion with Welsh Water in any respect, but the applicant is clearly aware of these issues as the drain locations have been detailed on the plans submitted. Surface water drainage plans would also need to be supplied and considered and a condition is recommended. As such, the requirements of policy SD4 in respect of Foul Sewerage can be met.
- 6.16 Officers are satisfied, that whilst this application is in outline form only at this stage, this is a small scale development that can be, though careful design and consideration, assimilated

successfully into the locality, whilst providing a relatively modest, but important, number of dwellings to the parish that will count towards the minimum 18% increase in dwellings sought in the parish and Hereford Housing Market Areas by policy RA1 of the Core Strategy.

Affordable Housing

- 6.17 Policy H1 of the Core Strategy established the affordable housing targets for the County. This policy states that all new open market housing proposals on sites of more than 10 dwellings which have a maximum combined gross floor space of more than 1000 sqm will be expected to contribute towards meeting affordable housing needs. This application does not meet this threshold and therefore affordable housing is not required.

Ecology

- 6.18 Many of the letters of objection refer to the gradual removal of trees from this former orchard site. This is reflected in the comments of the Council's Conservation Manager (Ecology), who does not object but recommends that a condition be imposed ensuring the re-establishment of areas of lost trees and management of an area in association with this development as traditional orchard. The developer or applicant may wish to ensure this detail is identified on a reserved Matter submission. On this basis the proposal would ensure compliance with the requirements of policy LD2 of the Core Strategy.
- 6.19 Access is a matter in which agreement is sought at this Outline stage. The concerns of local residents in respect of the speed of traffic and concern about additional turning movements into and out of the access are noted. However, this junction does offer adequate visibility in either direction and is capable of accommodating the traffic movements without a severe impact on the highway impact. As such, this proposal would, with the appropriate conditions and upgrade to the junction meet adoptable standards, comply with the requirements of policy MT1 of the Core Strategy. In addition to this, S106 contributions are sought that can be used for improvements to sustainable transport infrastructure including pedestrian / cycleway and bus stops. Liaison with the Ward Councillor and Parish Council on these matters will be sought.

Section 106 Agreement

- 6.20 Policy ID1 of the Core Strategy seeks to secure provision for new and / or enhancement of existing infrastructure, services and facilities to support development and sustainable communities. This can be secured through a S106 agreement and a draft Heads of Terms is appended to this report that seeks contributions for transport infrastructure, open spaces / play, education and waste.
- 6.21 Local residents have raised concern about capacity at the school, but this is acknowledged in seeking a contribution to support the school's growth where it has capacity issues. The lack of a cycle path and pedestrian safety issues is also raised in representation, and this application would also contribute towards improving sustainable transport infrastructure in the locality, in consultation with the Parish Council and Highways Officers. Subject to the completion of the S106 agreement, the proposed development would be compliant with the requirements of policy ID1 of the Core Strategy.

Conclusion

- 6.22 Both Core Strategy policy SS1 and paragraph 14 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where they accord with the development plan. The site's location in an established group of dwellings to the west of Hereford City has access to local services and employment via genuine opportunities to use alternative means of travel. Access to the site can be safely achieved and section 106 contributions can be secured to improve local

connectivity and infrastructure. The principle of development is considered to be acceptable, with detailed design matters being considered in the Reserved Matters stage to ensure compliance with, in particular Policies RA2, SD1 and LD1 of the Core Strategy.

- 6.22 Having regard to the three indivisible dimensions of sustainable development as set out in the Core Strategy and NPPF, officers conclude that the scheme, when considered as a whole, is representative of sustainable development and that the presumption in favour of approval is therefore engaged. The contribution that the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic and social roles. Likewise S106 contributions should also be regarded as material considerations when making any decision.
- 6.24 The adoption of the Core Strategy confirms, at this moment in time, a five year housing land supply of 5.24 years (Published March 2015). The provision of a five year housing land supply is only feasible when the Local Planning Authority continue to grant planning permission for housing to meet its growth targets, including the current shortfall. Small scale sites such as the one proposed are vital to support the growth required over the plan period and to ensure a continued five year housing land supply for the County.
- 6.25 This proposed development is considered to be sustainable development, for which there is a presumption in favour and as such, it is officers' recommendation that this is approved with the appropriate conditions, subject to the completion of the S106 agreement in accordance with the Heads of Terms attached to this report.

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. C01 Samples of external materials**
- 7. G11 Landscaping scheme - implementation**
- 8. H09 Driveway gradient**
- 9. H13 Access, turning area and parking**
- 10. H18 On site roads - submission of details**
- 11. H27 Parking for site operatives**
- 12. H29 Secure covered cycle parking provision**
- 13. I16 Restriction of hours during construction**

14. The recommendations set out in the ecologist's report from Focus ecology dated May 2015 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority. The scheme shall incorporate the allocation of a compensatory area of mixed orchard planting commensurate with the composition of the original site trees and the scheme be implemented as approved and managed as a standard tree orchard in perpetuity. 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 Policy LD2 of the Herefordshire Local Plan - Core Strategy in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

15. L01 Foul/surface water drainage
16. L02 No surface water to connect to public system
17. L03 No drainage run-off to public system
18. Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 shall be submitted to and approved in writing by the local planning authority and implemented as approved.

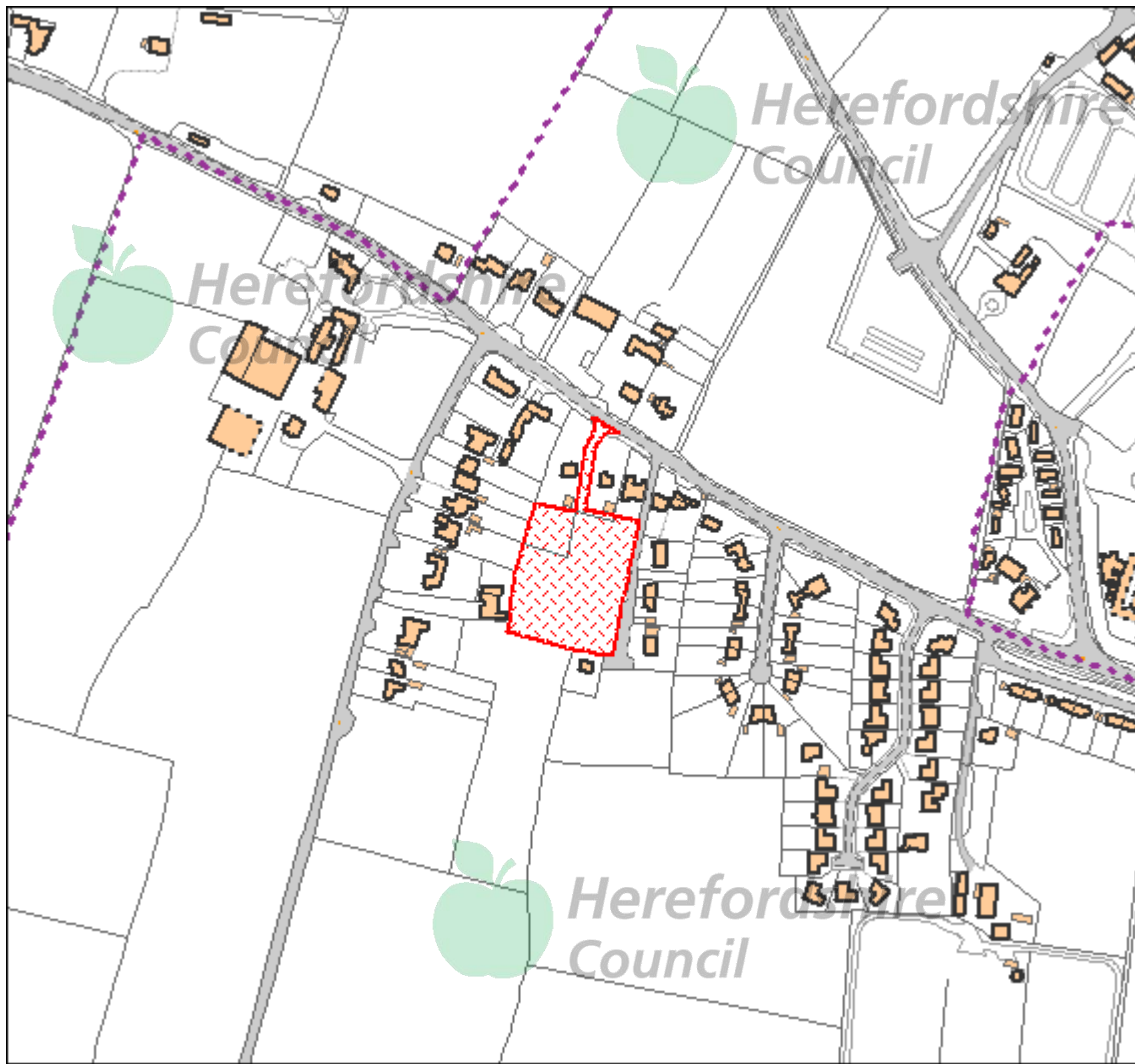
Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy

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. 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. HN08 Section 38 Agreement & Drainage details
3. HN01 Mud on highway
4. HN28 Highways Design Guide and Specification

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 151641

SITE ADDRESS : LAND TO REAR OF BRAMLEY HOUSE AND ORCHARD HOUSE, OFF KINGSACRE ROAD, SWAINSHILL, HEREFORD, HR4 0SG

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HEADS OF TERMS

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

Planning Application – 151641

Site address: Land to the rear of Bramley House and Orchard House, off Kings Acre Road, Swainshill, Herefordshire, HR4 0SG

Proposal: Proposed erection of 9 dwellings

Parish: Breinton

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).

Transportation

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

£- £1,720	(index linked) for a 2 bedroom open market unit
£- £2,580	(index linked) for a 3 bedroom open market unit
£- £3,440	(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, in consultation with the Parish Council and Highways England, 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

The sum shall be paid on or before occupation of the 1st open market dwelling unless phased payments are agreed with the Local Planning Authority.

Public Open Space / Play

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

£193.00	(index linked) for 1 bedroom open market unit
£235.00	(index linked) for a 2 bedroom open market unit
£317.00	(index linked) for a 3 bedroom open market unit
£386.000	(index linked) for a 4+ bedroom open market unit

To provide an off-site contribution towards improvements to existing the local Public Rights of Way

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

Network , in consultation with the Public Rights of Way Manager Parish Council. This will be in accordance

The sum shall be paid on or before occupation of the 1st open market dwelling unless phased payments are agreed. With the local planning Authority.

Waste

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 unless phased payments are agreed with the Local Planning Authority.

Education

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

£ 2,120.00 (index linked) for a 2 bedroom open market dwelling

£5,587.00 (index linked) for a 3 bedroom open market dwelling

£7113.00 (index linked) for a 4+ bedroom open market dwelling

to provide enhanced educational infrastructure at enhanced educational infrastructure at Stretton Sugwas Primary School and Whitecross High School, and shall be paid in accordance with a phasing programme to be agreed in writing with Herefordshire Council, and may be pooled with other contributions if appropriate.

5. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3 and 4 above 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.
6. 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.
7. 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.
8. 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.

9.

Kelly Gibbons
October 2015