

MEETING:	PLANNING COMMITTEE
DATE:	13 JANUARY 2016
TITLE OF REPORT:	152036 - SITE FOR PROPOSED ERECTION OF 27 DWELLINGS INCLUDING AFFORDABLE HOUSING AT LAND ADJACENT TO FARADAY HOUSE, MADLEY, HEREFORDSHIRE, HR2 9PJ For: Bage Developments Ltd per Mr Bernard Eacock, 1 Fine Street, Peterchurch, Herefordshire, HR2 0SN
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152036&search=152036
Reason Application submitted to Committee - Re-direction	

Date Received: 9 July 2015

Ward: Stoney Street

Grid Ref: 341743,239047

Expiry Date: 20 October 2015

Local Member: Councillor SD Williams

1. Site Description and Proposal

- 1.1 The application site lies to the north of the settlement of Madley approximately 9km due west of Hereford City. The site lies in a position to the west of the C1098 (towards Lulham / Bridge Sollers), and immediately adjacent to the site that obtained planning permission for residential development in 2013 that include the site of the unoccupied bungalow known as Faraday House. The site comprises a 1.18 hectare (2.93 acre site) and is defined by hedges to the east along the roadside the and west alongside the Public Right of Way but is not defined by existing boundaries to the south or north. The site is currently in agricultural use.
- 1.2 The application seeks outline planning permission of the erection of 27 dwellings, including 9 affordable units, with all matters reserved for future consideration. The application is supported by a Design and Access Statement, Planning Statement, Flood Risk Assessment and Ecology Report as well as an illustrative layout plan that also details the access to the site as being through the adjacent development site utilising the previously agreed access point onto the C1098. Alongside these and illustrative 3D plan and document relating to the provision of the landscape buffer and drainage arrangements to the north of the site are provided.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Ensuring Sufficient Housing Land Delivery
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness

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

RA1	-	Rural Housing Distribution
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
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and River Water Quality
ID1	-	Infrastructure Delivery

2.2 National Planning Policy Framework, in particular chapters:

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

2.3 National Planning Practice Guidance 2014

2.4 Madley Parish Council has designated a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The Parish Council will prepare a Neighbourhood Development Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy. Whilst the Neighbourhood Plan is a material consideration it is not sufficiently advanced to attract weight for the purposes of determining planning applications.

2.5 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>

3. Planning History

3.1 None on application site but the following applications relate to the adjoining site through which access is gained:

- 150897 - Site for proposed erection of 10 cottages – Approved 3rd July 2015
- 121332 - Demolition of existing dwelling (Faraday House) and redevelopment of site in conjunction with UDP housing allocation H5(g) with 19 dwellings – Approved 4th October 2013.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water has made the following comments:

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets

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

No problems are envisaged with the provision of water supply for this development

Internal Council Consultees

4.2 The Transportation Manager recommends that any permission which this Authority may wish to give include conditions and officers the following comments:

Any future layout should be to HC design guide. There are a number of issues concerning the submitted draft layout: -

- Parking spaces - when the formal layout is submitted, a full site plan showing the parking provision of each dwelling should be provided without landscape proposals.
- Parking provisions for the following dwellings need to be reviewed.
 - 004 - Clearer details for driveway access onto the highway
 - 005 - Clearer provision of actual parking spaces/turning areas
 - 013 - Concerns regarding the unusual layout of parking provision for 013/014 dwellings. Parking area of 013 could cause conflict if visitors parking in front of the associated parking provision for 013. This would result in the turning area provision for 014 being reduced or access being prevented. Parking provision for 013 should be reviewed to provide parking at the front of the property.
 - 014 - See 013
 - 020 - Provision should be shown that two full parking spaces can be achieved.
 - 021 - Clearer provision of actual parking spaces/turning areas
 - 027 - Provision should be shown that two full parking spaces can be achieved.
- Design speeds - design speeds for minor access roads states that there should be a maximum 40 m straight. How have the applicant designed the highway for the design speed of 20 mph.
- How does the development under this application connect to the previously approved application site 150897
- Provision should be made to connect the northern section of the development to the Public Right Of Way (PROW)

4.3 The Conservation Manager (Ecology) has made the following comments:

Please note that there are a number of ecological surveys the mitigation and enhancement requirements from Phase 1 which apply to this Phase 2 development. Appropriate ecological reports should be consulted in responding to the conditions recommended.

4.4 The Conservation Manager (Landscape) has made the following comments:

These are my landscape comments which reference to this application:

The National Planning Policy Framework, Item 11, 109 states: *'The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and soils'*

The site is an agricultural field outside the village settlement boundary with Grade 2 agricultural soils which are considered 'Very Good' soils. The proposed development will mean the loss of this very good agricultural soil.

The Herefordshire Local Plan Core Strategy 2011 – 2031, Dated October 2015, following policies state:

SS6. Environmental quality and local distinctiveness: *'Development proposals should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations'*.

The landscape character of the proposed site is that of Principal Timbered Farmlands. This wooded character with hedgerows should be emphasized on the boundaries of the proposed site. The linear hedgerow pattern of the surrounding countryside should also be reflected on the Northern boundary. The area is also considered a dark sky area so night lighting proposals should take this into consideration.

SS7. Addressing climate change: *'Development proposals will be required to include measures which will mitigate their impact on climate change'*.

The site is in a Flood Zone 1 which is considered a low flood risk area. Future erratic weather caused by climate change however will increase the risk of surface water run-off from the site. On the North Eastern boundary of the site, the adjacent road has a 1:200 year shallow flood event. Sustainable drainage proposals should take this into consideration.

LD1. Landscape and townscape: *'Development proposals should'*

- *Demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas;*
- *Conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, nationally and locally designated parks and gardens and conservation areas; through the protection of the area's character and by enabling appropriate uses, design and management;*
- *Incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings; and*
- *Maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement to trees lost through development and new planting to support green infrastructure.*

The landscape design should reflect the Landscape Character of this area and the local landscape character of the village. Green infrastructure proposals should tie into existing green infrastructure and emphasize any valued native flora species of this area. The footpath enhancement on the Western boundary should also conserve and enhance local biodiversity and visual amenity.

Recommendations

The applicant is to provide the following information:

An amended Proposed Housing Layout Phase 1 plan, showing the Northern boundary with:

- A proposed native woodland running in an East West direction.

- Another proposed native hedgerow with a post and rail wooden fence running in an East West direction on the Northern boundary of the proposed woodland.
- Indicative native ground flora proposals for the woodland. and
- Within this proposed woodland the proposed water retention area is to show indicative native marginal planting.
- A cross section of the Western boundary showing the footpath, proposed boundary feature and gardens. The cross section is also to show an indicative adult human to give scale and context to this cross section.
- An Outline SUDs Landscape Plan.
- Information on any night lighting proposals. If any?

4.5 The Land Drainage Manager has made the following comments:

Fluvial Flood Risk

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

Other Considerations and Sources of Flood Risk

As required by NPPF, the FRA also gives consideration to flood risk from other sources. The potential flood risk from surface water and impounded bodies of water have been assessed and considered to be of low risk. We concur with this assessment.

The submitted FRA states that the risk of flooding from groundwater and sewers is considered to be low as the finished floor levels of the new dwellings will be elevated above the existing ground levels which would provide protection against potential overland flooding from sewers and groundwater.

Surface Water Drainage

The submitted FRA has calculated the greenfield peak flow rate and runoff volume for a range of storm durations up to 6hrs. The rates have been calculated using the Wallingford method as the Applicant suggests that the IH124 method is not suitable for a site of this size. Whilst we appreciate that the IH124 method is not ideal for small catchments, we believe that this is the most appropriate method currently available as recommended within the Defra/EA document 'Preliminary Rainfall Runoff Management for Developments' (Revision E, January 2012) that provides guidance on calculating greenfield runoff rates and volumes. We therefore recommend that these calculations are revisited as the current rates provided within the FRA appear too high for events with a storm duration of less than 6 hours.

The submitted FRA considers the SUDS management train to manage surface water runoff from the site. The report considers that underlying ground conditions may not be suitable to support infiltration techniques but recommends that soil infiltration rates and groundwater levels are investigated at the site to confirm whether infiltration techniques are feasible. We concur with this recommendation and require the results of infiltration testing (undertaken in accordance with BRE365 at the approximate location of proposed infiltration features) and the calculated depth to the groundwater table to be submitted to the Council for review prior to construction. If infiltration is feasible we require the Applicant to maximise infiltration within the proposed drainage strategy – noting that we also support the use of combined attenuation and infiltration features that can provide some infiltration of runoff during smaller rainfall events.

The submitted FRA proposes to attenuate surface water generated on the site in off-site pond prior to discharge to a local watercourse located to the north of the site. We approve of this

approach (subject to review of ground conditions) and assume that the location of the pond 'off-site' and route of the proposed discharge has been agreed with the relevant riparian owner. The Applicant may also need to obtain Ordinary Watercourse Consent for the proposed outfall to the watercourse and recommend that this is discussed directly with the Council's Land Drainage Officer.

The FRA suggests that discharge to the 'local drainage network' may also be considered but it is unclear if this refers to a piped system (i.e. public sewerage network) or the local field drainage system in the area. We would like to remind the Applicant that discharge to the public sewerage network would only be considered acceptable if infiltration to ground or discharge to a watercourse were not feasible, and subject to agreement with the relevant sewerage authority.

The FRA states that discharge to the adjacent watercourse will be limited to the current greenfield runoff rate. However, it is unclear if this just refers to the 1 in 100 year greenfield peak flow rate. In accordance Defra's Non-statutory Technical Standards for SUDS (March 2015) the Applicant is required to ensure that:

- The peak runoff rate from the development for the 1 in 1 year rainfall event **and** the 1 in 100 year rainfall event should never exceed the peak greenfield runoff rate for the same event (i.e. limiting runoff just to the 1 in 100 year rate is not acceptable); and
- Where reasonably practicable, the runoff volume from the development in the 1 in 100 year, 6 hour rainfall event should never exceed the greenfield runoff volume for the same event.

The submitted FRA provides preliminary calculation of the required storage volume and states that the storage volume was calculated for the 6 hour 1 in 100 year storm event, including a 30% increase in rainfall intensity due to climate change effects. We agree with this approach, but require the applicant to ensure that the requirements above are satisfied and that an appropriate greenfield runoff rates are calculated and adhered to.

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

The Applicant makes no reference to the treatment of surface water prior to discharge. Evidence of adequate separation and/or treatment of polluted water should be provided to ensure no risk of pollution is introduced to groundwater or watercourses, both locally and downstream of the site.

Foul Water Drainage

The submitted Planning Statement states that foul water from the development will be discharged to the existing sewer system. It also states that Welsh Water, during pre-application consultation, has confirmed that there is sufficient capacity within the existing drainage system to manage additional flows from the new development. We have no further comment on this matter.

Overall Comment

Overall, for outline planning permission, we do not object to the proposed development on flood risk and drainage grounds as it appears that a suitable method for managing surface water runoff is available, subject to further consideration of the submitted calculations and confirmation that the location of surface water drainage features outside of the site boundary is acceptable.

However, all new drainage systems for new developments within Herefordshire must meet the new Non-Statutory Technical Standards for Sustainable Drainage Systems and we are concerned with the current methods used to calculate proposed discharge rates and attenuation volumes. Therefore, should the Council be minded to grant outline planning permission, we recommend that the submission and approval of detailed proposals for the disposal of foul water and surface water runoff from the development is included within any reserved matters associated with the permission.

The detailed drainage proposals should include:

- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- Provision of appropriate calculations demonstrating proposed discharge rates and attenuation volumes between the 1 in 1 year and 1 in 100 year events, allowing for the potential effects of climate change;
- Evidence that the Applicant has sought and agreed permissions to construct an attenuation pond and overflow for surface water runoff through third party land;
- Demonstration that the Applicant has considered designing for exceedance of the surface water management system;
- Demonstration that appropriate pollution control measures are in place prior to discharge.

Prior to construction we will require results of on-site infiltration testing undertaken in accordance with BRE365 and, if infiltration or unlined storage structures are proposed, evidence that the base of any features are 1m above the groundwater table.

The Applicant may need to obtain Ordinary Watercourse Consent for the proposed outfall to the watercourse and recommend that this is discussed directly with the Council's Land Drainage Officer.

4.6 The Public Rights of Way Manager comments that the Public footpath MY3A is shown on plans, and is not obstructed by the development. The path must be given at least a 2m width to ensure it does not become too enclosed.

4.7 The Housing Manager supports the outline application for 27 dwellings of which nine are to be made available as affordable housing. The tenure and bed sizes are also supported but further discussions will need to take place with regards to the siting of the dwellings on the site as they will be expected to be pepper potted within the open market. All affordable are to be allocated to those in Housing need with a local connect to Madley in the first instance.

4.8 The Parks and Countryside Manager make the following comments:

In accordance with UPD Policy H19 schemes of 27 houses are required to provide a small children's play area and amenity space. However, these are small, costly to maintain and offer little in play value and it is noted that the proposed layout makes no provision for this on site. This is supported and in lieu of this an off-site contribution is requested towards improving existing provision. In accordance with the Play Facilities Study and Investment Plan the existing neighbourhood play area in Madley owned and managed by the Parish Council is old, in poor condition and in need of replacement. Better design and new equipment is required.

It is understood that access has already been considered as part of the adjacent application and given the size of development a suitable link through the village will be required to connect to other parts of the village including the play area via a controlled crossing point and footway

There are no draft heads of terms with this application and in their planning statement the applicant has agreed to resolve the s.106 requirements during the application process.

4.9 The Waste Management team have made the following observations:

The layout plan looks acceptable for collection of waste & recycling across the site. My only comment is with regards to plot number 25. Due to the absence of the footpath extending to the roadside, if there are 2 cars parked on the private drive then access to place a bin at the boundary of the property, or to move a wheelchair/pushchair from the road to their own door will be difficult. We do already have a problem with one location in the county which has the same layout.

Development will require 1 x 180 litre general rubbish bin and 1 x 240 litre green recycling bin for each property therefore a s.106 contribution of £2160 is requested

5. Representations

5.1 Madley Parish Council has made the following comments:

The application 152036 is phase 2 of a proposed development which would provide for a total of 37 dwellings. The application for Phase 1 has had approval for some considerable time but has not been developed to date and there is considerable consternation in the community that the impact of one development would not be properly addressed if a further development were to be linked on to it. Indeed many of the concerns raised below apply to the first development as well as being stressed in relation to application 152036.

Consequently the Council strongly oppose the application raising the following concerns:

- The impact of traffic on the village will be significant both in the development stage and the longer term. In particular the vehicle access of such a large development onto the Bridge Sollars Road which is unpaved and with poor access visibility is a major concern.
- The impact of such a large development on the physical infrastructure is a major concern. There have been on-going problems with the drainage and sewage systems of the village and the Council raise their concerns relating to the capacity of the systems.
- The development of 27 family designed dwellings will necessarily impact upon the social facilities of the village and in particular the school provision. Madley Primary school is currently over-subscribed and has no room for expansion and therefore residents moving into the village could be required to place their children in schools outside of the village.
- The application is for development on a greenfield site outside of the village settlement boundary and not in accordance with the preferred development sites that the Council have already proposed and submitted.
- This is a large proposed development which would account for a significant proportion of the village's Core Strategy commitment and thereby preclude the ability of the community to effectively manage its future sustainable expansion in line with the Core Strategy up to the year 2030.

The Ecological Survey was felt to be inadequate in as much as it was based on site surveys undertaken in November. The land surrounding the village is of particular importance to many migrating and hibernating birds and mammals and it is felt that there is a need for a far greater appreciation of the impact of the loss of the environment across the whole seasonal calendar year. Furthermore it is of major importance that the impact of the planned Phase 1 development

on the environment should be fully assessed and addressed over a significant period of time before any further development can be considered.

Additional comments were also received following a further Parish Council Meeting:

Madley Parish Council has already submitted its concerns regarding the material planning considerations for the planning application 152036. We would respectfully suggest that we would like to add that the weight to our objections for the planning application 152036 lies in the fact that it is a proposed Phase 2 development to a previous planning approval that attracted some considerable concerns at that time, and that the original approved development is yet to be started despite the initial approval having been granted some considerable time ago. The Parish Council would therefore like the opportunity to assess the impact of the approved Phase 1 development upon the village and incorporate this into its planning to address its Core Strategy requirements.

Consequently, it would seem incongruous in the light of the previous concerns relating to the impact of the Phase 1 development to allow this further development at this time.

5.2 West Mercia Police have made the following comments:

I do not wish to formally object to the proposals at this time. However there are opportunities to design out crime and/or the fear of crime and to promote community safety.

I note that this application does not make reference to crime reduction measures within the Design Access Statement. There is a clear opportunity within the development to achieve the Secured by Design award scheme. The development appears to have good access control and natural surveillance already built into the design. The principles and standards of the award give excellent guidance on crime prevention through the environmental design and also on the physical measures. The scheme has a proven track record in crime prevention and reduction which would enhance the community well being within this village

5.3 26 Letters (19 households) of representation have been received to this application that raises the following concerns and objections:

- Land Drainage and potential flood risk from surface water drainage on the site.
- Flash Flooding / flooding on the adjacent highway.
- Concern about adequacy of the drainage reports and contents.
- Slope of land conflicts with suggested drainage strategy.
- Inadequate mains drainage
- Bridge Sollars Road too narrow to cope with traffic.
- Bridge Sollars Road heavily used by large agricultural traffic and vehicles as well as an alternative route to Hereford at peak times. Often conflict of traffic movements meaning reversing along the lane.
- Speed of traffic on approach to the junction and in proximity to the proposed access.
- Road network not sufficient to accommodate the increase in traffic.
- Not safe for cycling / walking in the locality or to employment uses.
- School would struggle to cope with additional pupils and more cars blocking road would be dangerous.
- Public transport inadequate/infrequent – under threat from lack of expenditure.
- No demand for housing in Madley
- Phase 2 should not be considered until phase 1 complete
- Subdivision of applications
- Too much development in a short time not good for the village
- How many of the 18% growth have already been built?

- School at capacity and concern about how they would accommodate the children from this development and would the financial contribution be enough to address this?
- No employment opportunities in Madley
- Negative impact on the character and appearance of the locality
- landscape impact, detrimental visual impact on the locality
- Prime agricultural land should not be lost to development and brown field sites should be a priority
- Remaining field parcel would not be productive for agriculture

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

Planning Policy

6.1 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."

6.2 In this instance the Development Plan for the area is the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies, referred to at section 2.1, are relevant to development of this nature. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms proposals that accord with the policies of the CS (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

6.3 As per the NPPF, the delivery of sustainable housing development to meet objectively assessed needs is a central CS theme. Policy SS2 'Delivering new homes' confirms that Hereford, with the market towns in the tier below, is the main focus for new housing development. In the rural areas new housing development will be acceptable *"where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community."*

6.4 Equally it is clear that failure to maintain a robust NPPF compliant supply of housing land will render the housing supply policies of the CS and by extension adopted NDPs out-of-date. Policy SS3 'Ensuring sufficient housing land delivery' thus imposes requirements on the Council in the event that completions fall below the trajectory set out in CS Appendix 4.

6.5 Madley is identified as one of the figure 4.14 rural settlements within the Hereford Housing Market Area (HMA). These settlements are to be the main focus of proportionate housing development in the rural areas. The strategy set out at CS Policy RA1 is to ascribe a minimum housing growth target for the settlements listed within each rural HMA. Within the Hereford rural HMA the indicative minimum housing growth is 18%. The position as at 1 April 2014 for Madley parish is set out in the table below.

Parish/Group	Number of households in parish	% growth in Local Plan Core Strategy	Number of new houses required to 2031	Housing Completions 2011 – 2014	Housing commitments as at 1 April 2014	Total housing remaining
Madley	492	18	89	2	36	51

- 6.6 This expresses a remaining minimum housing requirement to 2031 of 51. This takes into account the 19 dwellings that were approved in 2013 on the adjacent site. If the scheme for only 10 were implemented instead, then there would be a requirement for a further 9 to be found. There may also be other small-scale developments granted planning permission or have a resolution for approval since April 1st 2014 that would also need to be taken into account.
- 6.7 The preamble to RA2 – Housing in settlements outside Hereford and the market towns states: *“Within these [figure 4.14] settlements carefully considered development which is proportionate to the size of the community and its needs will be permitted.”* The proactive approach to neighbourhood planning in Herefordshire is also noted and that when adopted, Neighbourhood Development Plans (NDPs) will be the principal mechanism by which new rural housing will be identified, allocated and managed. Madley Parish Council has only comparatively recently applied to designate a neighbourhood plan area. Accordingly, the Neighbourhood Plan is not presently sufficiently far advanced to be attributed weight for the purposes of decision-taking and planning applications cannot, in these circumstances, be refused because they are potentially prejudicial to the neighbourhood plan. Nonetheless, the proposed development of 27 would clearly be within the minimum target for growth for the parish over the plan period.
- 6.8 However, and particularly until NDPs are adopted, RA2 is positively expressed insofar as housing proposals will be permitted where the four criteria of the policy are met. Moreover, the Inspector’s Main Modification 038 confirms that in the period leading up to the definition of appropriate settlement boundaries i.e. until such time as NDPs define a settlement boundary, the Council will *“assess any applications for residential developments in Figure 4.14 and 4.15 against their relationship to the main built up form of the settlement.”* Thus with the NDP not yet attracting weight, policy RA2 is key to assessment of planning applications that deliver housing in the rural settlements.
- 6.9 Policy RA2 states that housing proposals will be permitted where the following criteria are met:
- *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 result in development that contributes to or is essential to the social well-being of the settlement concerned.*
 - *Their locations make the best and full use of suitable brownfield sites wherever possible.*
 - *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.*
 - *They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in the particular settlement, reflecting local demand.*
- 6.10 Thus it can be seen that RA2 requires assessment of the development proposed against the size, role and function of the village, location relative to the main built form and that the scheme is high quality and sustainable, making a positive contribution to the surrounding environment and its landscape setting.

- 6.11 The relationship with the adjacent site, that has been the subject of recent planning permissions, is key to this assessment. This development extended beyond the natural perimeters of the 'Faraday House' site into the agricultural land and proposed the creation of a new boundary edge of the settlement. This site has been designed as an extension to this development, whether this site will be developed for the lower density, 10 dwelling scheme or for the 19 dwelling scheme has not yet been decided. The extended site that is now the subject of this application was assessed in the SHLAA in 2012 as being one that may be achievable in the later plan period by way of access through the UDP allocated site that has subsequently been the subject of the two approved schemes.
- 6.12 The connection with this site provides the ability to connect the site physically with the village and the services and facilities that this offers such as the school, pub and shop. Phase 1 secures the vehicular access, including the provision of the new footways and crossing points. As such, this phase of the development will be a natural extension to the approved site in terms of how it would relate and function with the built form. Whilst the concerns about this matter are noted, this site could not be developed independently of Phase 1 and a condition in respect of phasing of the development as a whole (phase 1 and phase 2) and how this would be progressed is suggested. At this time, both sites remain in the ownership of the applicant. Whilst this site is to be considered on its own merits, the plans do clearly show how these two sites integrate.
- 6.13 This is an application for outline planning permission that seeks agreement to the principle of development but it is important to establish whether the development would be compliant with the aims of policy RA2 detailed above. The site does lie on the edge of the settlement and will be visible on the approach from the north. It will extend into the open field and as such how this new edge of settlement is formed and appears will be important. The application does recognise the constraints here and acknowledges that the organic pattern of enclosure is important to the landscape character. The Council's Landscape Character Assessment states that a geometric pattern should not be superimposed by subdividing fields or enlarging others and employing straight fence or hedge lines. It also states that there is considerable scope for small-scale woodland planting which reflects the scale, shape and composition of the existing woodland character and favouring oak as the dominant species. Small scale field corner copses are encouraged as is new planting of hedgerow oaks to enhance the age structure. As such, the application proposes a landscape buffer to the north of the application site that would include:
- additional planting of hedgerow oak trees along the western boundary of Phases 1 and 2 as well as the northern boundary to the field north of Phase 2.
 - planting of small scale field corner copses which would serve to mitigate the impact of the housing boundary to the north of Phase 2.
 - native hedgerow with oak trees along northern edge of Phase 2.
 - incorporation of the route of a public footpath along the western boundary.
 - possible incorporation of a swale taking surface water runoff from the housing site to the existing ponds in a field north of the site (same ownership).
 - possible incorporation of an infiltration basin for surface water runoff from the housing site.
 - areas of grassland between and edging the proposed copses to be managed for wild flowers and enhanced biodiversity value.
- 6.14 It is considered that a properly considered and detailed landscape plan, that is accompanied by a long term management plan will offer a solution that will allow this development, and phase 1 to integrate successfully with the built form of the village and its landscape setting in accordance with policy RA2 of the Core Strategy.
- 6.15 Whilst a detailed indicative plan has been submitted with the application, the access, layout, scale, appearance and landscaping would form part of a Reserved Matters application. These submissions should seek to not only address some of the concerns raised by local residents,

but also the requirements of policy RA2 above. 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 landscape mitigation suggested above to also form part of this submission so that the impact of the proposed dwellings can be properly considered upon submission.

- 6.16 Officer are satisfied, that whilst this application is in Outline form only at this stage, this is a development of a scale that can be considered as growth that is proportionate to the size of the settlement and that can be, through careful design and consideration, assimilated successfully into the locality, whilst providing an 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.

Sustainability of Location and Highway Safety

- 6.17 Policy SS4 of the Core Strategy seeks to ensure that new developments are designed and located to minimise impacts upon the transport network and where practicable, site development proposals are in accessible locations and facilitate a genuine choice of modes of travel, including walking, cycling and public transport. This site is well connected to the existing settlement and its services, offering a genuine opportunity to walk to the primary school, public house, shop and church. Whilst the local residents state that employment opportunities in Madley are scarce, there are some large employers in the locality that could be readily accessed via bus or short car journey. An increased settlement population will also support local businesses and services in the long term and has a clear social and economic benefit.
- 6.18 One of the key concerns raised locally is the potential impact of the development on the local highway network. The access to the site was agreed by the planning permissions for phase 1, the specification for which is sufficient to accommodate the numbers of dwellings proposed as a whole. The Council's Transportation Manager has no objections to this proposal subject to conditions to ensure the delivery of the access and visibility splays in accordance with the design guide and the proposal is considered to be compliant with the requirements of policy MT1 of the Core Strategy. The concerns of the local residents are acknowledged but officers consider that the relatively modest increase in traffic into the local network from this site could not be considered to have a severe impact on highway safety. As such, the National Planning Policy Framework (para 32) would not support refusal of this planning application on this ground. There may be some scope for the use of the Transportation Contribution to provide a village/parish gate that has some benefits in terms of traffic calming as they announce the entrance to the village.

School Traffic and School Capacity

- 6.19 The Council's Education Manager has acknowledged that Madley Primary School is at capacity in six year groups. The main concern locally seems to be the ability for the school to accept new children and the impact in terms of the parking and congestion problems caused in the locality by the school related traffic. Data for 2014 obtained from the Education Manager confirms that 99 of the 126 children that live in the catchment area for the school attend School at Madley Primary School (this equates to 46.7% of the school's pupils in spring 2014). In the reception intake, if you live in the catchment then the ongoing position / trend from this data is that they

will obtain a place in this school if this is their parental preference. New development in Madley may offer families that travel from nearby the opportunity to live locally to the school reducing the need for travel. Overtime, those moving to the area with younger children would move through the school from reception, and there would be an increase in 'catchment' children meaning a more sustainable position long term. Whilst this congestion is an existing and continuing issue locally it is not an issue that would be sufficient to refuse planning permission for this development. It should also be noted that the proposed development would attract financial contributions towards the primary school to address the capacity issues. This requirement is on a per unit basis (open Market units only) as follows:

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

Drainage

- 6.20 Policy SD3 of the Core Strategy seeks to ensure that the issues of water management and flood risk are addressed and ensure that developments take account of the measures required to ensure that the development itself is safe but that the developments include appropriate sustainable drainage systems (SuDS) to manage surface water appropriate to the hydrological setting of the site. Development should not result in an increase in run off and should aim to achieve a reduction in the existing run off rate and volumes where possible. Members attention is drawn to the comments of the land drainage manager above that provide a detailed overview of the drainage issues for the site and what will need to be included in any detailed reserved matters designs. The applicant has acknowledged the comments of the manager and confirmed an agreement to address these requirements by the submission of details. A condition is suggested to ensure that this matter is fully addressed and agreed prior to the commencement of any works. An Informative note advising any applicant of the requirements of the land drainage engineer is also suggested. The long term management and maintenance of the SuDS system will need to also be established and the Heads of Terms attached to this report ensures that this matter is agreed via a legal agreement. The comments in respect of the surface water run off onto the adjacent highway are also noted and this matter would need to also be addressed as part of the technical details to ensure that this development contains any surface water and does not discharge to the highway.
- 6.21 Having regard to the above. officers are satisfied that these matters can be concluded positively and that the issues of surface water and flood risk have been adequately dealt with in compliance with policy SD3 of the Core Strategy and with the guidance contained within the National Planning Policy Framework.
- 6.22 Some reference is made to the capacity of the Foul Sewerage system in the locality. Welsh Water, the Statutory provider in this area, has confirmed no objection to the proposed development subject to conditions in respect of the separation of foul and surface water drainage and the provision of a detailed land drainage plan. As such, this proposal would also conform with the requirements of policy SD4 of the Core Strategy.

Ecology

- 6.23 Policy LD2 of the Core Strategy seeks to ensure that development proposals conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire. The Councils Ecologist has considered the reports and proposals submitted with the application and raises no objection to this proposal. There is significant scope to improve biodiversity through the 'landscape buffer' and associated SuDS proposals to the north of the site as well as the reinforcement of landscape boundaries and green infrastructure along the adjacent Public Right of Way. Conditions are recommended

Affordable Housing

- 6.24 Policy H1 of the Core Strategy seeks to ensure the delivery of affordable housing with developments. This application will provide nine affordable units, secured via a section 106 agreement with occupation for those with local connection in the first instance. The proposal would therefore comply with the requirements of this policy.

Section 106

- 6.25 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 section 106 agreement and a draft Heads of Terms is appended to this report that seeks contributions for transport infrastructure, open spaces / play, education. Subject to the completion of the Section 106 agreement, the proposed development would be compliant with the requirements of policy ID1 of the Core Strategy. Consultation with the Parish Council and Ward Councillor in how this can be best used is encouraged.

Conclusion

- 6.26 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 sites location is well located to the main settlement of Madley and has good access to local services and facilities as well as public transport offering a genuine opportunity for alternative means of travel to its occupants for some journeys. 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.
- 6.27 Officers are of the opinion that the proposed access that would serve the development is sufficient to absorb the additional traffic generated from the development and that the additional traffic would not adversely affect the safe and efficient flow of traffic on the network. The concerns raised by the Parish Council and local residents have been carefully considered but officers are of the opinion that this development would comply with the requirements of policy MT1 of the Core Strategy and with the guidance contained within the National Planning Policy Framework.
- 6.28 Matters of land drainage and biodiversity have been resolved satisfactorily and the requirements of policies SD3, SD4 and LD2 are met. The recommendation below requires the completion of the section 106 agreement to ensure compliance with the requirements of policy ID1 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.
- 6.29 The adoption of the Core Strategy confirms 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. 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.

6.30 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 Section 106 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. **B01 Development in accordance with the approved plans**
5. **C01 Samples of external materials**
6. **I51 Details of slab levels**
7. **H03 Visibility splays**
8. **H07 Single access - outline consent**
9. **H13 Access, turning area and parking**
10. **H17 Junction improvement/off site works**
11. **H18 On site roads - submission of details**
12. **H19 On site roads - phasing**
13. **H20 Road completion in 2 years**
14. **H27 Parking for site operatives**
15. **H29 Secure covered cycle parking provision**
16. **I16 Restriction of hours during construction**
17. **G11 Landscaping scheme - implementation**
18. **G14 Landscape management plan**
19. **G15 Landscape maintenance arrangements**
20. **The recommendations set out in the ecologist's reports dated 27th June 2013 from Countryside Consultants and from Just Mammals Ecology dated November 2014 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of development a full working method statement to cover great crested newt mitigation shall be submitted to, and be approved in writing by, the local planning authority. The scheme shall be implemented as**

approved.

Prior to commencement of the development, a habitat enhancement and management scheme should be submitted to and be approved in writing by the local planning authority, and the scheme 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 and enhancement work.

Reasons:

- 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 & Integrated draining of site
- 27. M17 Water Efficiency - Residential

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. Non Standard - Drainage advice
- 3. HN01 Mud on highway
- 4. HN04 Private apparatus within highway
- 5. HN05 Works within the highway
- 6. HN08 Section 38 Agreement & Drainage details
- 7. HN07 Section 278 Agreement
- 8. HN10 No drainage to discharge to highway
- 9. HN22 Works adjoining highway

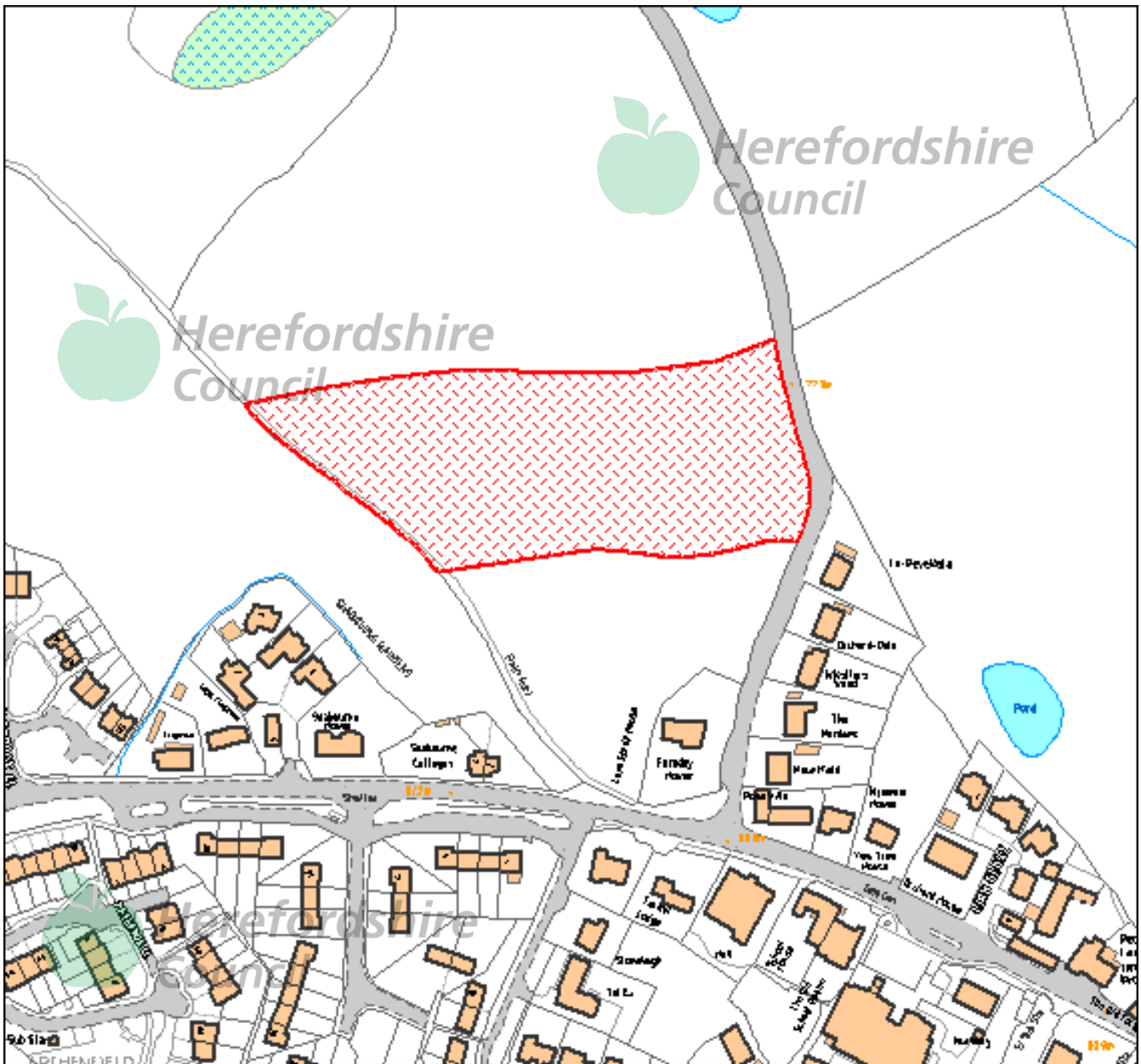
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 152036

SITE ADDRESS : LAND ADJACENT TO, FARADAY HOUSE, MADLEY, HEREFORDSHIRE, HR2 9PJ

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HEADS OF TERMS

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

Planning Application – 152036

Site address:

Land adjacent to Faraday House, Madley, Herefordshire, HR2 9PJ

Planning application for:

Outline planning permission for the erection of 27 dwellings including affordable housing

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.

Education

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

£1,084.00	(index linked) for a 2 bedroom apartment open market unit
£1,899.00	(index linked) for a 2/3 bedroom open market unit
£3,111.00	(index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at Madley Primary School. The sum shall be paid on or before the commencement of the development (or in accordance with a phased timetable to be agreed), and may be pooled with other contributions if appropriate.

Transportation

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

£ 2,457.00	(index linked) for a 2 bedroom open market unit
£ 3,686.00	(index linked) for a 3 bedroom open market unit
£ 4,915.00	(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 including parish gate feature
- 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

Open Spaces / Play

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

£ 965.00	(index linked) for a 2 bedroom open market unit
£ 1,640.00	(index linked) for a 3 bedroom open market unit
£ 2,219.00	(index linked) for a 4+ bedroom open market unit

To be used to further develop the existing neighbourhood play area in Madley owned and managed by the Parish Council. The sum shall be paid on or before occupation of the 1st open market dwelling (or in accordance with a timetable of phased payments to be agreed), and may be pooled with other contributions if appropriate.

4. The maintenance of any on-site Public Open Space (POS) (including any that may be needed for the SUDS Area) 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

NOTE: The public open space, although privately maintained, will be for the benefit and enjoyment of the general public and not solely for the use and enjoyment of residents of the development.

Waste / Recycling

5. 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 1 x waste and 1 x recycling bin for each dwelling. The sum shall be paid on or before occupation of the 1st open market dwelling.
6. The developer covenants with Herefordshire Council that 35% (9 on basis of a gross development of 27) 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.

Please note that the following tenures will be sought:

- Social Rent
- Intermediate tenure

For the avoidance of doubt, the term intermediate tenure shall not include equity loans or affordable rent.

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 Withington

9.2. in the event of there being no person with a local connection to Withington 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, 3 and 5 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.

12. The sums referred to in paragraphs 1, 2, 3 and 5 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.

Kelly Gibbons
Principal Planning Officer
Dec 2015

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