

MEETING:	PLANNING COMMITTEE
DATE:	3 FEBRUARY 2016
TITLE OF REPORT:	153511 - PROPOSED OUTLINE CONSENT (INCLUDING DETAILS OF ACCESS) FOR THE ERECTION OF UP TO 38 DWELLINGS AT LAND ADJACENT TO THE B4222, LEA, ROSS ON WYE, HEREFORDSHIRE, For: MLN (Land & Properties) Ltd per Mr Weatherley, Knights Professional Services Ltd, The Brampton, Newcastle under Lyme, Staffordshire, ST5 0QW
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=153511&search=153511
Reason Application submitted to Committee – Re-direction	

Date Received: 1 December 2015

Ward: Penyard

Grid Ref: 366681,221870

Expiry Date: 11 March 2016

Local Member: Councillor H Bramer

1. Site Description and Proposal

- 1.1 The site is located on the south eastern side of the B4222 Aston Crews to Lea road immediately adjacent to the eastern side of Knightshill housing estate. The land rises up from the road and the site is bisected by a watercourse. It is presently an uncultivated meadow. A field access emerges onto the B4222 but the roadside boundary is otherwise comprised of a mature hedgerow. The remaining boundaries are also formed by field hedges with a small coppice at the south western corner
- 1.2 The proposal is to construct 38 dwellings centred around a new access road. The application is made in outline with all matters apart from access reserved for future consideration. Off site improvements are proposed along the B42222 towards the village centre and at the junction with the main A40 Ross to Gloucester Road to aid pedestrian movement. The scheme is a re-submission of an application previously refused by Planning Committee, contrary to officer recommendation. The reasons for refusal are set out in the Planning History section of this report.
- 1.3 The application is accompanied by an indicative layout confirming that 38 dwellings can be developed together with a balancing pond for sustainable urban drainage and a landscape Strategy Plan. It also supported by the following documents:
- Planning Statement
 - Design & Access Statement (with addendum)
 - Landscape & Visual Impact Assessment (with addendum)
 - Flood Risk Assessment

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

- Community Consultation Programme
- Transport Statement
- Ecology Survey
- Arboricultural Statement
- Draft Heads of Terms Agreement

1.4 The addendums to the Design & Access Statement and Landscape & Visual Impact Assessment attempt to address the reasons given for the refusal of the earlier applications but the application is otherwise the same as previously considered.

2. Policies

2.1 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
SS7	-	Addressing Climate Change
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sports and Recreation Facilities
OS2	-	Meeting Open Space, Sports and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geodiversity
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

2.2 National Planning Policy Framework (NPPF):

The following sections are of particular relevance:

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

2.3 Neighbourhood Planning:

Lea 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 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.

2.4 Other Relevant National and Local Guidance/Material Considerations:

National Planning Practice Guidance (2014)
 Annual Monitoring Report
 Five Year Housing Land Supply (2013-2018) Interim Position Statement
 Planning for Growth – 2011
 Laying the Foundations – 2011
 Housing and Growth – 2012
 Green Infrastructure Strategy – 2010

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 Two applications (142410/O and 151251/O) for the same proposal have previously been submitted to the Council and refused by Planning Committee, contrary to officer recommendation. Both applications were refused for the following reasons:

1. The proposal represents the addition of a significant residential development in Lea where; in the context of this village location, other large-scale development has recently been approved. It is therefore considered that this proposal represents an over-development that would detrimentally change the rural character of the eastern fringe of the village, contrary to Policies DR1, H13 and LA3 of the Herefordshire Unitary Development Plan. The Council does not consider that the visual impacts of the development can be mitigated through the imposition of conditions. The scheme fails to contribute to the protection or enhancement of the natural or built environment and therefore the proposal also fails to meet the aims of the National Planning Policy Framework.
2. The application is not accompanied by a completed Section 106 agreement which is considered necessary to make the development acceptable. It is therefore contrary to Policy DR5 of the Herefordshire Unitary Development Plan and the Council's Supplementary Planning Document on Planning Obligations.

3.2 The applicant has appealed the Council’s first decision and it is to be dealt with as a Public Inquiry. This is due to commence on 17th May and is set to last for six days.

3.3 The Council’s decisions to refuse the applications pre-date the adoption of the Core Strategy and the appeal will be decided on the most up-to-date development plan policies. The table below shows the UDP policies and the comparable Core Strategy policies that this proposal should be considered against:

UDP Policy	Title	Core Strategy Policy	Title
DR1	Design	SD1	Sustainable Design and Energy Efficiency
H13	Sustainable Residential Design	SS2	Delivering New Homes
		MT1	Traffic Management, Highway Safety and promoting Active Travel
		OS1	Requirement for Open Space, Sport and Recreation

		OS2	Facilities Meeting Open Space, Sport and Recreation Needs
		SD1	Sustainable Design and Energy Efficiency
LA3	Setting of Settlements	SS6	Environmental Quality and Local Distinctiveness
		LD1	Landscape and Townscape
DR5	Planning Obligations	ID1	Infrastructure Delivery

4. Consultation Summary

Internal Council Consultations

4.1 Transportation Manager - The site should be built to adoptable HC standards. The two bridges (footway/carriageway) should be designed out therefore reducing the commuted sums and maintenance burden on the authority. The plan submitted under this application should be regarded as indicative and not what has been agreed. Turning heads and parking provision should meet HC design standards. On this basis the proposal is acceptable, subject to conditions and informatives.

4.2 Conservation Manager:

Ecology – Not received. However, the application remains unchanged in respect of ecological matters and the comments previously made in respect of application ref. 15121/O were as follows:

This resubmission is accompanied by the original ecological report which I have again reviewed. Notwithstanding, the previous application which was refused, my comments remain the same as before:

The grassland is species poor so much so that the Millennium Phase 1 Habitat Map has recorded it as improved. However, there is much opportunity for site ecological enhancement. I would also note that the watercourse should be protected from the activities involved in construction which should be detailed in a Construction Environmental Plan.

The stream has undergone substantial clearance works. At some stage the landscaping will need to be done to the stream which should have a riparian zone of vegetation to ensure otters are able to access it undisturbed with some water vole habitat creation preferably. We need a plan for this and for the site's other ecological enhancements which should be accomplished under a habitat enhancement scheme.

On this basis no objection is raised to the application subject to the imposition of conditions.

Landscape – Not received, but it is noted that no objection was made to the original application by the Council's Landscape Officer. Her original conclusions were as follows:

It is recognised that there are opportunities for enhancement as part of this development. Primarily within the site itself the opening up and planting of the watercourse forming part of the open space that runs north to south through the site. It is further envisaged that with appropriate planting and management of northern and eastern boundaries the approach to

settlement can be enhanced. Further detail with respect to planting proposals and management would be required as part of the Reserved Matters.

It is considered that the south eastern section of the development is more visually prominent where the landform rises and forms part of the foothills of High Hope. Careful consideration of the layout should be undertaken with an appropriate buffer following the contour line along the southern boundary, in conjunction with siting of properties greater in height in less sensitive positions within the development. This will reduce the visual impact of the development from a number of aforementioned locations.

Archaeology – No objection.

4.3 Parks & Countryside Officer:

On Site Public Open Space (POS): It is noted that the POS elements are to be provided on-site and the proposed layout includes 4 areas of POS, including a Linear Park that provides a buffer between the eastern and southern boundaries that links to an open ecological area with ponds. This latter feature provides water attenuation as part of the overall SUDS scheme. These 4 areas total:

- Site A: SuDs area with informal recreation POS: 0.34ha (3465sq m)
- Site B: small entrance amenity space: 0.05ha (500sq m)
- Area C: small entrance amenity space: 0.0795ha (795 sq)
- Site D: linear landscape buffer: 0.24ha (2,400sq m)

Total 0.716ha (7,160sq m)

This is in excess of policy requirements for informal open space and amenity space but the POS proposed is provided as buffers or SUDs areas and at best only some of it will only provide informal recreation opportunities.

Off-site Contributions: Noting that the proposed layout does include potential for an on-site play area to meet policy requirement I would advise that this would not be the preferred option, although Lea does not have a neighbourhood plan in place it is assumed that improvements to the existing play area would be supported locally. The site is adjacent to the only play area in the village at Rudhall View and the applicant has considered pedestrian and cycle connections to this area. The play area is owned and maintained by Gloucester Housing Association. It will serve both existing and new residents and in accordance with the Play Facilities Study and Investment Plan there is room to expand and improve condition. Therefore an off-site contribution is tasked for towards improving the quality of the play offer at Rudhall View. The contributions could be reduced by an appropriate % if the applicant can demonstrate how much on site is usable could be used for informal play. For example if designed accordingly, SuDs areas with careful design to take account of health and safety issues of standing water can provide good opportunities for both wildlife and natural play.

In accordance with the SPD on planning obligations contributions are requested on market housing only as follows:

- 2 bed: £965
- 3 bed: £1,640
- 4+ bed: £2,219

On-Site POS Adoption: Herefordshire Council will not consider adopting on-site POS.

Suitable management and maintenance arrangements will be required to support any provision of open space and associated infrastructure within the open space in line with the Council's policies. This could be through an adoption by a Parish Council, or by use of a

management company, but must be demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement or through local arrangements such as a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

On-Site SuDS Adoption: With regard to the SUDS areas: With the changing legal issues/revising national guidance around SuDS following recent Govt consultations, at this time we are unable to advise a definitive answer on adoption and maintenance of any SuDS areas. Any adoption or maintenance agreements and associated commuted sums/management charges with any eligible body are subject to the powers, acts and national guidance that is live and relevant at the time of adoption.

4.4 Environmental Health and Trading Standards

Noise - From a noise and nuisance perspective our department has no objections to the proposal for residential dwellings in this location.

There are four proposed dwellings that are quite close to Ross to Gloucester via Lea main road where road traffic noise might impact on the amenity of the proposed residential occupants.

I would therefore recommend that a road traffic and noise assessment report be undertaken should outline permission be granted so that we can be satisfied that satisfactory day and night time noise standards are achieved in accordance with BS8233: 2014.

Contaminated land - Our records indicate the proposed development is within 250 metres of a closed landfill site and as such I would recommend the imposition of a condition be appended to require further investigation to any approval.

5. Representations

5.1 Lea Parish Council

Lea Parish Council notes the statement made within para 1.4 of the Planning Statement related to this proposal which states that 'local Parish Council now support the proposal'. The proposal came before Lea Parish Council long after the publication of the Planning Statement and therefore it is clearly incorrect.

Lea Parish Council does not approve of any use of the site for housing development, but reluctantly agrees that following advice received to the effect that under existing planning policy it is available for such development. In doing so Lea Parish Council strongly recommends the following be included as conditions:

- That it be a condition requiring that prior to the submission of any reserved matters application the developer consults with it with a view to incorporating within any scheme a housing design, layout and density appropriate to meet local needs as identified following the recent Lea Neighbourhood Development Plan village questionnaire.
- That improvements to the junction of the B4222 with the A40 as specified within documents included within the application are made a condition of any development approval. Additionally, appropriate steps are taken towards improving pedestrian safety along the B4222 between the development site and the houses at Knightshill Farm.

- That in view of historical flash flooding within the site an independent flood risk assessment be required and submitted to the local planning authority for approval in advance of the submission of any reserved matters application.
- That it be a condition that adequate steps are taken to ensure the maintenance of open areas and water courses in perpetuity.
- That a significant proportion of any Section 106 (CIL) monies is allocated for funding needs within Lea Parish.

At this stage it is suggested that whilst the site has been identified within a Herefordshire Housing Land Availability assessment as having the potential for a higher housing density than that proposed as a maximum, it is considered that a lower density would be appropriate and that consideration of the provision of bungalows, homes with suitable access for the disabled and specific accommodation for the elderly should be considered.

Making property at this location suited to a more elderly segment of the population would avoid there being added pressure on local school facilities and avoid an extra volume of pedestrian traffic on the busy A40 between the development site and the school. It would also avoid the need to provide any additional play facilities on or adjacent to the site, and reduce but not avoid the need to protect children from any danger resulting from the presence of a water course on the site.

5.2 Aston Ingham Parish Council

Aston Ingham objects to this application principally because it fails the sustainability test, and therefore permission should not be granted on the basis of a presumption in favour of sustainable development, which the developers claim should override the policies in the UDP.

Specifically, the core principle of sustainability is that dwellings should be built close to sites of employment and other mainstream services, such as retail areas, medical centres and other public services. The fact that the minor facilities quoted in this proposal (village shop, pub and church) are within walking distance of the development is inconsequential, as residents will still need to commute to work and otherwise travel to local towns for all other services.

The Parish Council considers that the existence of a bus route through the village to other towns contributes very little to the sustainability equation. The service is under-utilised and subsidised, despite being close to housing developments in Lea, and its future is not guaranteed. It is very unlikely that the proposed development will change the dynamics in any meaningful way, and Councillors feel that the proposal substantially underestimates the number of private car journeys by a considerable margin, and therefore highway capacity and congestion problems.

These major issues are of a scale which places them outside the scope of S106 or reserved matters. The Parish Council submits that this proposal must be considered in the context of other proposed developments in the village, as the total number of dwellings is far in excess of what is reasonable for a village of this size, amenities and infrastructure, and inherently contrary to the principles of sustainability. There are significant concerns regarding potential flooding and the capacity of the sewage system.

In addition, Councillors raised a number of concerns over development in the AGLV, visual impact and local infrastructure capacity, and were sceptical of projections of local employment opportunities which would be created by the development.

The quality of the scheme in terms of layout and design is acknowledged.

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

Policy and cumulative effects of development

- The current proposal is identical to two previously refused schemes. The reasons for refusal are still valid.
- Lea is identified for 14% housing growth in the emerging Core Strategy. There are recently approved schemes in the village that have already met this criteria.
- In combination with other approved schemes the proposal will constitute severe over development in this rural context.

Flooding and drainage

- The site is subject to flash flooding and drains poorly.
- Existing problems at the centre of the village with regard to surface and foul water flooding.
- If approved, the scheme should contribute towards flood relief works to mitigate its impacts.

Highway safety

- Extra vehicles generated by the development are likely to cause highway safety problems on the B4222.
- If approved, the proposal should secure significant highway improvements along the B4222 and at its junction with the A40.

Sustainability

- There is insufficient infrastructure in the village to cope with additional development
- The proposal is not in close proximity to local services. The houses would be some distance from the school, village hall and church.
- Concerns over flooding place a major question mark over the developments sustainability.

Landscape impact

- The site is at the edge of the village and will impinge upon the open countryside.

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

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

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

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

6. Officer's Appraisal

Principle of Development

6.1 The Core Strategy has been adopted. Policy SS1 sets the theme of a presumption in favour of sustainable development and is a direct reflection of paragraph 14 of the NPPF. It reads as follows:

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.*

6.2 The policy is clear that where proposals can be shown to be sustainable there should be a presumption in their favour, unless material planning considerations indicate otherwise.

6.3 Policy RA1 sets out the council's strategy for the distribution of rural housing. Lea falls within the Ross on Wye Housing Market Area (HMA) where the minimum proportionate growth target is 14%. Policy RA2 then goes on to outline those settlements that are considered to be appropriate for proportionate growth and Lea is listed as one of the 119 settlements that are considered to be appropriate for accommodating growth. It states:-

"To maintain and strengthen locally sustainable communities across the rural parts of Herefordshire, sustainable housing growth will be supported in or adjacent to those settlements identified in Figures 4.14 and 4.15. This will enable development that has the ability to bolster existing service provision, improve facilities and infrastructure and meet the needs of the communities concerned.

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.”

- 6.4 Lea is a settlement that has been identified as being appropriate for proportionate growth. This amounts to 14% in the Ross on Wye HMA and a minimum of 43 dwellings for Lea. The parish council have identified a Neighbourhood Plan Area, but a detailed policy document is not sufficiently far advanced to be material to the determination of this application. In the absence of such a document, the development’s conformity with the numbered criteria of Core Strategy Policy RA2 is the appropriate method of determination.
- 6.5 The application site has previously been assessed under the Strategic Housing Land Availability Assessment (SHLAA) and was found to have low or minor constraints. It is immediately adjacent to the built environs of the village and is considered to be appropriate for development during the plan period through SHLAA. Whilst the detailed design and layout is a matter to be determined, the basic criteria of the first point of policy RA2, which requires proposals to be within or immediately adjacent to settlements is met.
- 6.6 The second criteria of RA2 refers to a need to make the full best use of brownfield sites where possible. No such sites have been identified in Lea and so this is not material to the determination of this application.
- 6.7 The third criteria seeks to ensure the delivery of high quality, sustainable schemes that make a positive contribution to the surrounding environment and landscape. The environmental and landscape benefits that will be provided by the scheme will be considered in further detail in the following paragraphs of this report. It is your officer’s view that the site offers the potential to meet the three roles towards sustainable development as outlined by paragraph 14 of the NPPF and that this part of the policy is also met.
- 6.8 The fourth and final criteria of policy RA2 highlights the need to provide housing of the type and tenure that reflects local demand. The consultation response from Lea Parish Council comments in some detail in this regard. The application is, of course, made in outline and the details of house types are reserved for future consideration. Should planning permission be granted in outline the applicant would be actively encouraged to enter into further discussions with the parish council and other interested parties to ensure the delivery of a scheme that reflects local demand in accordance with this criteria of RA2.
- 6.9 In this instance, officers consider that there is no overriding harm in the context of Policy RA2. The proposal is therefore representative of sustainable development when held against both the Core Strategy and paragraph 14 of the NPPF.

Impact on Landscape Character

- 6.10 NPPF Paragraph 109 states that valued landscapes should be protected and enhanced. Paragraph 113 advises local authorities to set criteria based policies against which proposal for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. It goes further, however, and confirms that *‘distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.’*
- 6.11 The addendum to the Landscape and Visual Impact Assessment (LVIA) that has been submitted with the current application considers that the site, consisting of scrub and grassland bound by intermittent hedgerows, is not typical of the key characteristics of the wider landscape found further east, north and south. The original comments from the

Council's Landscape Officer accord with this view as she noted that the site is less sensitive due to its current condition.

- 6.12 The site has no formal landscape designation. It lies in open countryside, but is immediately adjacent to the settlement and the late 20th century residential development of Rudhall View. SHLAA has identified that the site is a low/minor constraints and the vegetation surrounding lead to a conclusion that the site is visually contained. This visual containment limits the prominence of the site.
- 6.13 The application has been refused on two occasions because of concerns that the proposals represent over-development that would detrimentally affect the rural character of the eastern fringe of the village. Although not explicit, the implication of the reason for refusal is that the scheme would have a negative effect on the setting of the village and that this cannot be appropriately mitigated through the submission of a detailed landscape plan at a reserved matters stage.
- 6.14 The reason for refusal is contrary to the advice originally given by the Council's Landscape Officer who considered that there was a potential for landscape enhancement. The Council's Ecologist was also of the view in respect of the previous two applications that the scheme offered opportunities for biodiversity enhancement. The site is overgrown and offers little in terms of green infrastructure. The proper management of the watercourse running through the lower part of the site would enhance this infrastructure and is considered to be another environmental benefit weighing in favour of the development.
- 6.15 It is considered that the re-development of the site can offer enhancements, although this is contingent on the Reserved Matters submission reflecting the need to enhance landscaping as identified. The landscape plan partly reflects this requirement with enhanced green infrastructure, and the addendum to the LVIA acknowledges that there is an opportunity to provide improvement and enhancement to the settlement edge by introducing additional landscape planting along the northern and eastern boundaries of the site.
- 6.16 In light of the eroded quality of the application site and the limited contribution that it currently makes to the wider landscape and the setting of the village, it remains the opinion of your officers that the scheme offers an opportunity for landscape, biodiversity and green infrastructure enhancement and therefore accords with policies RA2(3), LD1, LD2 and LD3 of the Core Strategy. Furthermore, given the limited landscape value of the site itself, and the contribution it makes to the setting of the village, officers are not convinced that the first reason given in refusal of the previous two applications can be defended on appeal.

Highway Safety

- 6.17 The issue of highway safety was raised by objectors when the first application was submitted and was fully considered by officers at that stage. The first application was not refused on highways safety grounds and it was considered that the highway impacts that the development would have could be mitigated through the imposition of conditions and through a series of off-site improvements to be secured through a combination of Section 278 works and through Section 106 contributions for highway improvements.
- 6.18 Paragraph 32 of the NPPF states that:
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*
- 6.19 The visibility splays and highway improvements can be secured through the imposition of appropriately worded conditions and; in the case of the improvements at the B4222 / A40 junction, through a Section 278 Agreement.
- 6.20 The introduction of 38 new dwellings will clearly result in an increase in traffic movements along the B4222 and at its junction with the A40. This may result in an increase in number and frequency of vehicles queuing at the junction, but officers are satisfied that there is capacity within the road network to accommodate this. The Transport Statement includes a seven day speed survey which does show that vehicle speeds are in excess of the 30mph.

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

The visibility splays shown on the plans take account of this and consequently exceed the usual requirements for visibility within a 30 mph zone.

- 6.21 Your officers conclude that the highway impacts of the development proposed are not severe and therefore it accords with paragraph 32 of the NPPF. Moreover, it offers an opportunity to improve pedestrian safety around the junction of the B4222 / A40, a move that is considered to be necessary to promote increased pedestrian activity by existing residents and those resultant residents should planning permission be granted for this scheme. Accordingly the proposal is also considered to accord with policy MT1 of the Core Strategy.

Land Drainage and Flood Risk

- 6.22 The centre of Lea suffers from flooding and is an identified flood risk area. Due to the topography of the area and with the centre of Lea located within the 'dip' all waters gravitate towards the centre of the village. This has resulted in flooded properties and the closure of the main A40 road.
- 6.23 Council officers continue to be engaged in discussions with the parish council and Balfour Beatty Living Places about the range and extent of flood alleviation works required to mitigate existing surface water flooding problems and their cost. Although the case officer has not been provided with a costing for the works required, it is estimated that they are likely to be well in excess of £500,000.
- 6.24 The draft heads of terms agreement appended to this report includes a contribution towards a flood attenuation scheme. The calculation for this follows the same approach taken for the site adjacent to the petrol filling station and is based on a reduced on-site affordable housing provision, with a commuted sum equivalent to the shortfall in numbers being used for a flood alleviation scheme.
- 6.25 The exact figure for the flood attenuation works is not yet known. However by establishing funding towards a scheme, its implementation will inevitably be brought forward and enable additional inward investment from other agencies to fund the scheme. Any monies remaining will be used to provide additional off site-affordable housing. This is considered to be a key economic and social aspect to the scheme which should be given significant weight in the decision making process.

Impact on Ecological Interests

- 6.26 The Council's Ecologist concurs with the findings of the submitted ecological appraisals. It is concluded that the proposal will not have a significant impact on ecological interests and subject to the imposition of conditions and informatives as set out below, the development is considered to accord with policies LD2 and LD3 of the Core Strategy.

Impact on Adjoining Residential Amenity

- 6.27 Loss of amenity arising from direct and prejudicial overlooking is a material consideration. In this case, officers are satisfied that development of the site is possible without undue impact on adjoining property, particularly those dwellings adjoining the site to the west and south. Clearly this will be contingent on detailed consideration at the Reserved Matters stage. However your officers consider this can be achieved.
- 6.28 Care would need to be taken to ensure that dwellings on the site's periphery are constructed at a level that does not result in an undue overbearing impact. The parish council's comments regarding the inclusion of bungalows are particularly pertinent here and such an approach may be appropriate at the Reserved Matters stage to ensure compliance with the requirements of policy SD1 of the Core Strategy.

Environmental Matters

- 6.29 The Council's Environmental Health Officers have commented on the application in respect of contaminated land and noise. With regard to the former a condition is recommended to undertake further investigation given the proximity of a former landfill site. This is reflected in the recommendation and the conditions outlined below. With regard to noise, the consultation response suggests a requirement for a noise assessment at reserved matters stage in order to assess the potential impact of road noise on dwellings and to ensure that this is reflected in the layout of the scheme. In your officers' view this is unduly onerous. The results of the speed survey completed as part of the Transport Assessment show the B4222 to be lightly trafficked, with just 45 vehicle movements passing the proposed site entrance at the peak am period between 8.30 and 9.30. Speeds are also relatively low at between 30 – 40 mph and the need for a noise assessment in this particular instance does not appear to be justified.

S106 Contributions

- 6.30 The S106 draft Heads of Terms are appended to the report. CIL regulation compliant contributions have been negotiated. The agent has confirmed agreement to the Draft Heads of Terms which provide for a raft of contributions.

Summary and Conclusions

- 6.31 Both Policy SS1 of the Core Strategy 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 is adjacent to the built area of Lea and is close to local services. It has been demonstrated that the scheme offers the potential to deliver environmental improvements and the completion of a Section 106 Agreement will have social benefits, not least through the contribution toward a flood alleviation scheme for the village.
- 6.32 The principle of development is considered to be acceptable, with the detailed design, layout and landscaping to be considered at the reserved matters stage. It is at this stage that it would be appropriate to consider detailed design and amenity aspects of the scheme and ensure compliance with Policy RA2, SD1 and LD1 of the Core Strategy.
- 6.33 Whilst local residents concerns have been considered in respect of highway safety, the proposed development complies with the requirements of policy MT1 of the Core Strategy and with the guidance contained within the National Planning Policy Framework. There is scope for the proposal to deliver improvements to the local road network and to improve pedestrian safety at the junction of the B4222 / A40. These are considered to mitigate for any potential impacts that the scheme may have on the local highway network. Notwithstanding, highway impacts are not considered to be severe and this did not previously form a reason for refusal of the first two applications.
- 6.34 Potential impact on ecology and biodiversity are marginal and council's Ecologist envisages that the proposal will bring about enhancements. As such the proposal meets the requirements of both policies LD2 and LD3 of the Core Strategy.
- 6.35 In assessing the three indivisible dimensions of sustainable development as set out in the Core Strategy and NPPF, officers are of the opinion that the scheme is representative of sustainable development and that the presumption in favour of approval is engaged. The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic and social roles. Likewise S106 contributions as outlined in the draft heads of terms agreement appended to this report should also be regarded as a material consideration when making any decision.

- 6.36 The adoption of the Core Strategy confirms that the council does currently have a five year housing land supply. However, this will only continue to apply if the Local Planning Authority continues to grant planning permissions for housing to meet its growth targets. Developments such as the proposal being considered here are vital to support the growth required over the plan period and to ensure a continued five year housing land supply for the County.
- 6.37 To conclude, the proposed development is considered to represent a sustainable development for which there is a presumption in favour of and, as such, the application is recommended for approval subject to conditions and the completion of the Section 106 agreement in accordance with the heads of terms attached to this report.
- 6.38 Finally officers would also recommend the developer conducts further consultation with the Parish Council and local community as regards the detail of any forthcoming Reserved Matters submission.

RECOMMENDATION

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

1. **A02 Time limit for submission of reserved matters (outline permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **B01 Development in accordance with approved plans**
5. **C01 Samples of external materials**
6. **The development shall include no more than 38 dwellings and no dwelling shall be more than two storeys high.**

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

7. **H03 Visibility splays**
8. **H06 Vehicular access construction**
9. **H09 Driveway gradient**
10. **H11 Parking - estate development (more than one house)**
11. **H17 Junction improvement/off site works**
12. **H18 On site roads - submission of details**
13. **H19 On site roads - phasing**
14. **H20 Road completion in 2 years**

15. **H21 Wheel washing**
16. **H27 Parking for site operatives**
17. **H29 Secure covered cycle parking provision**
18. **H30 Travel plans**
19. **L01 Foul/surface water drainage**
20. **L02 No surface water to connect to public system**
21. **L04 Comprehensive & Integrated draining of site**
22. **G04 Protection of trees/hedgerows that are to be retained**
23. **G10 Landscaping scheme**
24. **G11 Landscaping scheme - implementation**
25. **K4 Nature Conservation - Implementation**
26. **No development shall take place until the following has been submitted to and approved in writing by the local planning authority:**
 - a) **a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice**
 - b) **if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors**
 - c) **if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.**

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

27. **The Remediation Scheme, as approved pursuant to condition no. (26) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.**

Reason: In the interests of human health and to ensure that the proposed

development will not cause pollution to controlled waters or the wider environment.

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

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

Informatives:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. HN10 No drainage to discharge to highway
3. HN08 Section 38 Agreement & Drainage details
4. HN07 Section 278 Agreement
5. HN04 Private apparatus within highway
6. HN28 Highways Design Guide and Specification
7. HN27 Annual travel Plan Reviews
8. HN25 Travel Plans
9. N11A Wildlife and Countryside Act 1981 (as amended) - Birds
10. The assessment required by condition 26 of this permission is required to be undertaken in accordance with good practice guidance should be carried out by a suitably competent person as defined within the National Planning Policy Framework 2012. All investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.

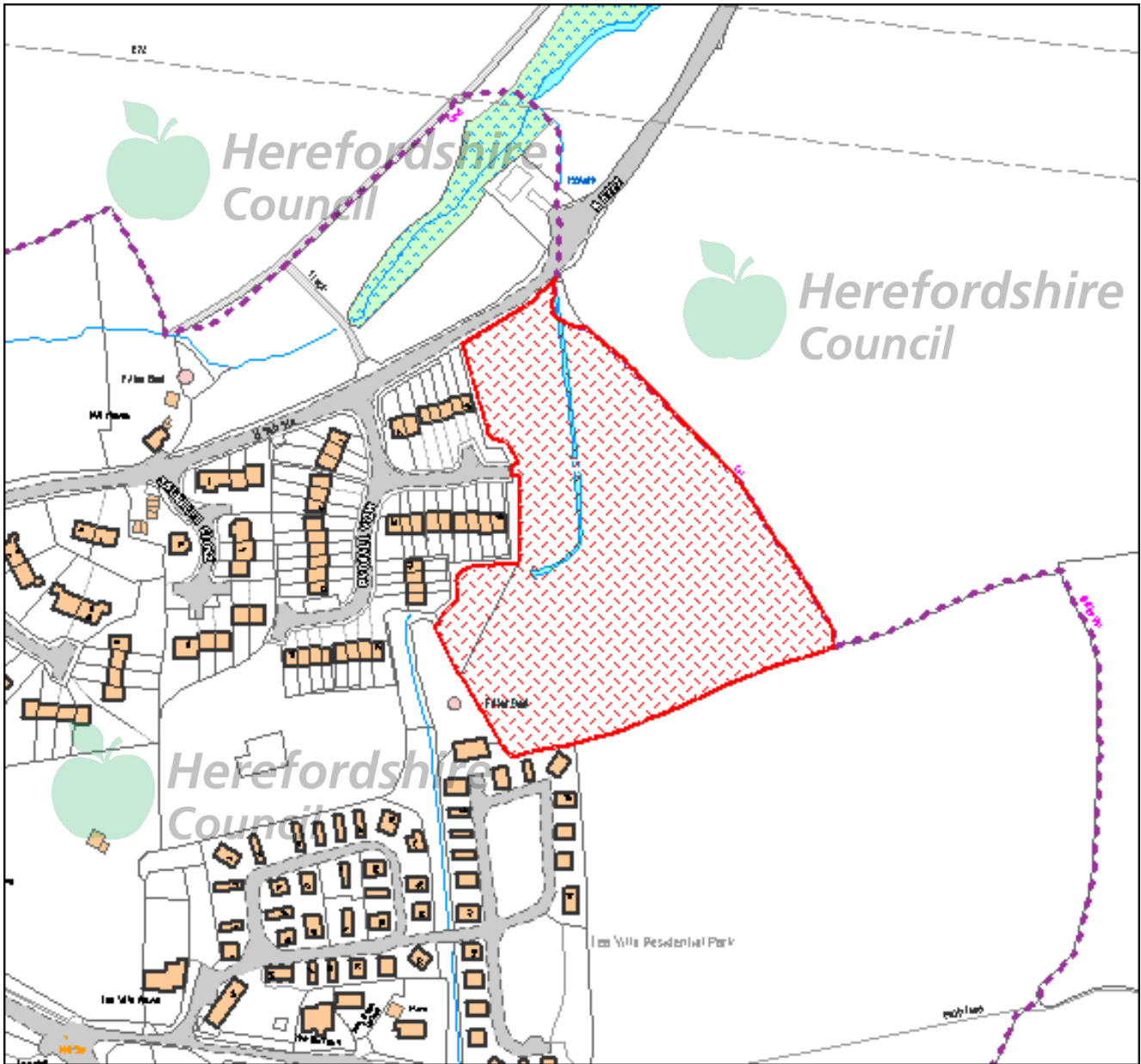
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 153511

SITE ADDRESS : LAND ADJACENT TO THE B4222, LEA, ROSS ON WYE, HEREFORDSHIRE

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