

MEETING:	PLANNING COMMITTEE
DATE:	26 APRIL 2016
TITLE OF REPORT:	<p>152204 - PROPOSED OUTLINE APPLICATION WITH SOME MATTERS RESERVED FOR 39 NO. DWELLINGS, GARAGES, ROADS, SCHOOL NATURE AREA, OFF ROAD SCHOOL PARKING AND ALLOTMENTS AT LAND OPPOSITE ORLETON SCHOOL, KINGS ROAD, ORLETON, HEREFORDSHIRE</p> <p>For: Mr Price per Mr John Needham, 22 Broad Street, Ludlow, Shropshire, SY8 1NG</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152204&search=152204
Reason Application submitted to Committee – Redirection	

Date Received: 27 July 2015

Ward: Bircher

Grid Ref: 349598,267476

Expiry Date: 6 April 2016

Local Member: Councillor WLS Bowen

1. Site Description and Proposal

- 1.1 The proposed site is an irregularly shaped parcel of agricultural land of some 2.63 hectares, located on the north eastern edge of the settlement. It is bounded to the east by Kings Road, the main road running through the centre of the village, and is opposite Orleton Primary School. The existing housing development of Hallets Well is located immediately to the south west while the north/north western boundary is defined by the Orleton Brook which meanders along this edge of the site. The site is essentially flat and all of the boundaries are well vegetated with a combination of trees and mature hedgerows.
- 1.2 The application is made in outline with access and layout to be determined at this stage. Appearance, landscaping and scale are all reserved for future consideration.
- 1.3 The submitted plans show a development of 39 dwellings. The proposed development is split into parts. The housing development is limited to 1.70 hectares in the south westerly part of the site and bounding Hallets Well. The balance of the land is to be dedicated to community uses. Some 0.22 hectares is set aside for a dedicated car park for Orleton Primary School; a nature ecological area of some 0.37 hectares is also gifted to the school and an area of 0.4 hectares is earmarked as allotments for the community.
- 1.4 The scheme is to be served by a single vehicular access for both the residential development and car parking facilities for the school. A footpath is also shown within the application site, emerging onto Kings Road directly opposite the school.

1.5 Heads of Terms have been agreed with the applicant's agent and are appended to the report.

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
SS6	-	Environmental Quality and Local Distinctiveness
RA1	-	Rural Housing Distribution
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	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

2.2 National Planning Policy Framework:

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

Orleton are producing a joint Neighbourhood Plan with Richards Castle. The Neighbourhood Area was designated on 29th July 2013. A regulation 14 submission is expected shortly, however, whilst a material consideration it is not sufficiently advanced to attract weight for the purposes of determining planning applications.

2.4 The Herefordshire Local Plan 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 relevant to this application

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water – no objections
- 4.2 Severn Trent – no objection subject to condition
- 4.3 Environment Agency – Comment as follows:

Flood Risk: A portion of this site falls within Flood Zone 3 (High Probability) and 2 (Medium Probability) of the Orleton Brook, classed as an ordinary watercourse, on our Flood Map. The majority of the southern part of the site is shown to lie In Flood Zone 1 (Low Probability) i.e. outside of the 1 in 1000 year extent.

Our Flood Map for Planning at this location is based on a national, generalised mapping technique rather than a detailed hydraulic model. Whilst this type of modelling ignores the presence and impacts of structures such as bridges and culverts, the flood zones are relatively accurate as they use topographic data (LiDAR).

We are aware of historical flooding in Orleton (1963, 1976, 1990, 2000, and 2002) and particularly in 2007 when 10 properties flooded in the village. We recommend that Steve Hodges is contacted at Herefordshire Council for further information on the historical flooding. As a consequence there are proposals to investigate a potential flood alleviation scheme in Orleton in the form of an upstream attenuation reservoir.

Sequential Test: The NPPF details the requirement for a risk-based ST in determining planning applications. See paragraphs 100–104 of the NPPF and the advice within the Flood Risk and Coastal Change Section of the government's NPPG.

Paragraph 101 of the NPPF requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a ST. It states that *'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding'*.

Whilst a portion of the site is located within Flood Zone 3 the site has been designed to ensure that all built development is located within Flood Zone 1, the low risk Zone. If the LPA are satisfied that this site is appropriate for development then we would offer the following comments on the Flood Risk Assessment (FRA).

Flood Risk Assessment: Hydro-Logic Services have undertaken a FRA for this application (Ref: K0515/1 dated July 2015). Figure 2.4 of the FRA confirms that the vast majority of the site proposed for housing falls outside of the 1 in 1000 year extent on our current Flood Map for Planning. A sequential approach to the development of the site has been used with all residential (More Vulnerable) buildings located within Flood Zone 1, school car parking in Flood Zone 2 and allotments and nature areas in Flood Zone 3. As a consequence no hydraulic modelling has been undertaken as part of the FRA (including blockages of the downstream bridge structure) and no finished floor levels have been proposed.

We accept this is an outline application with 1.7ha of the 2.6ha site being proposed for housing though a development layout has been included. Though the dwellings are located in Flood Zone 1, given the proximity to the watercourse and floodplain, we would still recommend raising the finished floor levels to protect them from extreme flood events/potential blockages of the

bridge structure. In addition, we would suggest that flood notices be considered for the primary school car park.

The impacts of climate change have not been considered and to ensure there is no increased flood risk to third parties there should be no raising of ground levels within Flood Zones 2 and 3 i.e. within the nature area, allotments or car park.

As highlighted above, Orleton has a history of flooding and Herefordshire Council, as the Lead Local Flood Authority, are proposing a potential flood alleviation scheme and this is on our 6 year Medium Term Plan (MTP). For a development of this size, we would suggest that a developer contribution be agreed to help towards reducing flood risk to the site given that the allotments, nature area and car park are all at potential risk but also to the benefit the whole of Orleton. As the flood alleviation scheme is proposed by Herefordshire Council we suggest Steve Hodges is contacted to discuss a suitable contribution.

In summary we have no objections to these proposals from a flood risk perspective given that the residential units are all proposed in Flood Zone, subject to condition

Internal Council Consultations

4.4 Transportation Manager – Comments awaited

4.5 Conservation Manager (Landscape) – Comments as follows:

The landscape character of the proposed site is that of Wet Pasture Meadows. Proposed soft landscape boundary features and site landscaping should emphasis this landscape character.

The major part of the site of proposed development is located in a Flood Zone 1 – a low flood risk area. The northern part of the site is located in a Flood Zone 2. Correctly no housing has been proposed in this northern part of the site.

The proposed site lies adjacent to a conservation area on its south western boundary. There will be a loss of a green field site on this conservation boundary which will change the character of the village density. There are views into the site from the western site boundary from the nearby footpath OL1. This visual impact when seen from footpath OL1 requires sensitive mitigation to reduce this visual impact.

4.5 Conservation Manager (Archaeology) – no objection

4.6 Conservation Manager (Ecology) – no objection subject to condition

4.7 Land Drainage Engineer – Comments as follows:

Figure 1 indicates that the northern part of the site is located partially in the high risk Flood Zone 3, where the annual probability of flooding from fluvial sources is greater than 1% (1 in 100), and partially in the medium risk Flood Zone 2 where the annual probability of flooding from fluvial sources is between 1% and 0.1% (between 1 in 100 and 1 in 1000).

As the site is greater than 1 ha and located within Flood Zones 2 and 3, 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 provided by the Applicant.

The proposed residential development is proposed to be located in the southern part of the site, outside of the mapped Flood Zone 3 area. The new car park is proposed in the north of the site on land identified as Flood Zone 2, and the School Nature Area and allotments are proposed in the area identified as Flood Zone 3.

The Applicant has demonstrated application of the site-specific Sequential Test, with the most vulnerable development (residential dwellings) proposed to be located in the low risk Flood Zone 1, and less vulnerable development (the car park, allotments and the School Nature Area) proposed to be located in Flood Zone 2 and 3. We agree with this approach.

For outline planning permission, we believe that the Applicant has provided sufficient information to demonstrate that a site-specific Sequential Test has been adopted and that there is a viable means of discharging surface water runoff within increasing risk to people and property elsewhere. However, as explained above, whilst we have no objection the location of less vulnerable development in areas identified to be at flood risk, it is assumed that this stage that these works will require no raising of ground levels or result in no change to the current hydraulic regime. Should the works cause a change to the current hydraulic regime or reduce the volume of flood storage within this area, we recommend that a more detailed assessment is undertaken in consultation with the Environment Agency prior to the Council granting outline permission.

If the Council are minded to grant permission for this development, it is imperative that a more detailed assessment of flood risk is provided as part of any subsequent reserved matters application. The following information should be provided as part of a more detailed assessment and design development:

- An updated FRA which includes detailed flood mapping clarifying the extent and depth of flood zones in relation to the proposed development, with flood levels provided for the 1 in 100 year event with climate change allowance, and information on how the proposed development will be protected against flood risk including flood resilience measures. The Applicant should assess the potential impacts of the scheme on flood risk elsewhere and, if necessary, incorporate mitigation such as the provision of flood compensation storage.
- Results of soil infiltration tests and groundwater monitoring undertaken in winter to provide worst-case soil infiltration rates and groundwater levels.
- If infiltration techniques are found to be not feasible, the Applicant should provide an outline surface water drainage strategy that considers other forms of disposal in accordance with the SUDS hierarchy as set out in NPPF.
- Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with a 30% increase in rainfall intensity to allow for the effects of future climate change.
- Evidence that the Applicant has considered designing for exceedance, up to and including the 1 in 100 year rainfall event, with a 30% increase in rainfall intensity to allow for the effects of future climate change.
- Demonstration that appropriate pollution control measures are in place prior to discharge.

The Council's Senior Land Drainage Engineer also advises that a study has been completed to establish the feasibility of developing a flood alleviation scheme. The study has shown that there would be merits in developing a flood storage area at Orleton. He also comments that during storms highway drainage on Millbrook Way becomes overwhelmed.

To reduce flood risk within Orleton we are seeking funding to promote the flood storage area and/or highway drainage improvements. At this stage a cost estimate has not been completed, however an initial budget of £50,000 may be assumed. We consider that a £30,000 developer contribution would be needed to assist in delivery.

4.8 Environmental Health and Trading Standards Manager – no objection

4.9 Public Rights of Way Manager – no objection

4.10 Education – Comments as follows:

The educational facilities provided for this development site are Orleton Primary School, and Wigmore High School.

Orleton Primary School has a planned admission number of 30. As at the schools summer census 2015 two year groups are at or over capacity- Y4=30, Y5=34

The school will require additional classroom space to accommodate the needs of the children created by this development and we would therefore be seeking the contribution to replace the current mobile classroom with a permanent build classroom that is the recommended size and can therefore accommodate larger groups.

Wigmore Secondary School has a planned admission number of 90. As at the schools summer census 2015 two year groups are at or over capacity- Y9=90, Y1=93

The school will require additional classroom space to accommodate the needs of the children created by this development and we would therefore be seeking the contribution to replace the history classroom accommodation with permanent build spaces that are built to the recommended size and can accommodate larger groups.

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

Contribution by no. of bedrooms	Primary	Secondary	Total
2+ bedroom apartment	£1,084	£1,036	£2,120
2/3 bedroom house or bungalow	£1,899	£1,949	£3,848
4+ bedroom house or bungalow	£3,111	£4,002	£7,113

4.11 Waste Operations Team Leader – Comments as follows:

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 £3120 is requested.

4.12 Parks & Countryside Manager – Comments as follows:

It is noted that there is no on-site POS or Play on this site or an off-site contribution in lieu of this, but land gifted to the local community and school including:

- 0.4ha Allotments for the community
- 0.37ha nature ecological area gifted to the school

The formal play element would probably be not required. In accordance with the Play Facilities Study and Investment Plan villages of this size (500+) are required to provide a medium sized play area and Orleton is well catered for in this respect. The village does have a good sized play area which caters for all ages (infants, juniors, teenagers which has recently been refurbished, is of good quality and meets the need of the current population. Although there is room to further expand it the Parish Council and Village Hall Committee would need to demonstrate that additional equipment is needed in order for an off-site contribution to be requested from this site.

5. Representations

5.1 Orleton Parish Council

Orleton Parish Council held an extraordinary meeting on 3 September 2015 in order to consider planning application 152204 Land opposite Orleton School, Kings Road, Orleton. The parish council opposes the proposed outline planning application on the following grounds:

1. Infrastructure – Orleton Parish Council is undertaking a neighbourhood development plan, and sees a need for new housing, however, at this time the infrastructure in the village will not support this. There is a long running problem with the sewage infrastructure which dates back 20 years or more, and is currently the subject of an investigation by Severn Trent Water's Investment Planning team to try and identify suitable remedial works (please see Severn Trent July 2015 update below, and more information is available on request).

"[We]...have been looking into this scheme since we last met. As you are aware, we have been to site, interviewed the residents who flood and we also went to your Parish Council meeting.... The MH surveys are complete and the Flow Monitors go in this week. Having spoken to the residents we know that there is overland flow from the bridge restriction and that gullies have been put in to mitigate this flow I think the upstream property flooding is related to this overland flow. From inspection I think the problem is flat back-falling sewers in the rear gardens of the affected properties causing pollution. This is supported by pollution reports in DWF condition. The solution is a relay the sewer in the road (as the gardens are well kept, with trees sheds hedges etc). We have identified the potential route and scoped this up roughly. Our contractor Amey has visited the site to confirm that the solution is buildable. I need to wait for a verified model to confirm the upstream issues but I am confident that we are getting to the bottom of the problem."

Several times per year, raw sewage leaks from the system. At other times, heavy rainfall overwhelms the infrastructure leading to local flooding fed from the manhole covers on the adjacent Kings Road. Any development must depend on an adequate infrastructure and this is not in place at this time at Orleton.

Contrary to the flood report, Kings Road does flood, and at one point was impassable for five days. A local resident reported five serious floods in 45 years, several in the past 10 years. Another local resident reported that their garden, which will be adjacent to the proposed development floods each year. The proposed soakaways in the development would be the responsibility of the residents to check after heavy rainfall and once per month, which is an unrealistic expectation, and will inevitably lead to increased surface water run off in an area of the village which already has problems with surface water run off, and on a site which is immediately adjacent to a flood zone and an area of Kings Road which is known to flood.

2.Road safety – The proposed car park for the school means children will need to cross Kings Road to get to school on the opposite side. This in itself is a risk without an adequate crossing. However, the proposed access to the development is located where there is no pavement on either side of Kings Road, which means the children will need to walk on the road. At busy times, when children are being dropped off and picked up from school, this lack of pavement and crossing will lead to children walking on the road on both sides of Kings Road and crossing the road at all points between the school and proposed entrance to the development.

3. Scale – The neighbourhood plan questionnaire asked what scale of development is appropriate for any one development, and the answer is clear: ideally 2-5 houses (50-54%). Only 11 percent considered a development with more than 10 houses to be appropriate. The proposal to build 39 houses is out of scale with the wishes of local people and would be an overdevelopment of the village.

For the reasons of sewage infrastructure, flooding, road safety and overdevelopment, Orleton Parish Council urges that the planning application is refused.

Following the receipt of additional information and re-consultation, the parish council's further comments are as follows:

The field highlighted for development flooded in 2007 and 2008. Historically, sewage leaked into the field on one occasion. The parish council has already provided funding to establish allotments in a neighbouring parish, so there is no expectation of funding from the parish council for allotments on this site.

With regard to earlier comments on road safety, the provision of a footpath on the proposed development is noted. However, there is no provision for a secure road crossing, which means people and children will be crossing the road all along the proposed new footpath in order to access the school.

5.2 West Mercia Police – Comment as follows:

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 community safety in this village.

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

Highway matters

- Inadequate local road network to accommodate increased traffic movements
- Existing congestion problems around the school as parents drop off and collect children
- Concern about the safety of children having to cross a busy and dangerous road from the proposed car park
- Intensification in the use of Kings Road / B4362 junction where visibility is poor

Flood risk

- The site is within a flood plain with a recent history of flooding
- Development on the site will increase the risk of flooding elsewhere
- Concerns that the use of proposed car park, allotments and nature area would be untenable as they are located on areas prone to flood

Infrastructure

- Increased pressure on a sewage system that is already at capacity. There have already been numerous complaints by local residents to Severn Trent about incidents of sewage backing up.
- Lack of capacity at the school
- Increased pressure on other local services, such as the doctors surgery

Amenity issues

- Disturbance will be caused to local residents during construction from noise on site
- Other pollution problems during construction, particularly dust

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

- Loss of amenity and overlooking of properties on Hallets Well

Other matters

- The number of dwellings proposed is too many
- Smaller scale growth should be promoted
- The proposal contributes nothing in terms of economic growth and the development will simply serve commuters to larger towns such as Ludlow, Leominster and Hereford
- There is no demand for allotments in the village
- Adverse impacts on wildlife

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

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152204&search=152204>

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

Policy Context

6.1 Section 38 (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 Core Strategy (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 Core Strategy 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 Core Strategy 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 Core Strategy Appendix 4.

6.5 The matter of housing land supply has been the subject of particular scrutiny at three recent appeal inquiries and, in reaching their decisions for housing development at Rosemary Lane, Leintwardine and land off Leadon Way, Ledbury two separate Inspectors have concluded that the Council is not able to demonstrate a 5 year supply of housing land. Therefore, policies relevant to the supply of housing are, in accordance with paragraph 49 of the NPPF, out-of-date. However, this does not render such policies an irrelevance and they may still be afforded some weight. For the avoidance of doubt, the Inspectors involved with the appeals referred to

above have determined that SS2, SS3, RA1 and RA2 are all relevant to the supply of housing in the rural context.

- 6.6 Irrespective of the weight to be ascribed to the Core Strategy housing supply policies, it is useful to review the application in context. Orleton is identified as one of the rural settlements within the Leominster 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 Core Strategy Policy RA1 is to ascribe an indicative housing growth target for the settlements listed within each rural HMA. Within the Leominster rural HMA the indicative minimum housing growth is 14%. In terms of actual housing numbers the minimum growth target for Orleton between 2011 and 2031 is 53 dwellings. 28 commitments or completions have been identified between the period of 2011 and 2014, leaving a shortfall of the minimum growth target of 25.
- 6.7 The growth target should not be seen as a ceiling to development and proposals should be considered in terms of paragraph 14 of the NPPF which states that the presumption in favour of sustainable development requires the granting of planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.8 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. In this case however, the Neighbourhood Plan is not sufficiently far advanced to be given any weight in the determination of this application.
- 6.9 In the absence of a NDP that attracts weight, the CS confirms that housing schemes should be assessed against their relationship to the main built up part of the settlement; the intention being to avoid unsustainable patterns of development that give rise to isolated residential development, that are inaccessible and give rise to attendant landscape harm.
- 6.10 The core principles upon which RA2 is founded can be summarised as an expectation that development proposals should reflect the size, role and function of the village concerned; make best use of brownfield land where possible; result in high-quality, sustainable development which enhances local character where possible and does not result in unsustainable patterns of development. It is my view, therefore, that although out-of-date, RA2 may continue to attract reduced weight in the determination of this application. This is because it is positively worded and does not, in advance of an NDP, seek to impose a cap on development. It does, however, require development to be built within or adjacent the main built up part of the settlement concerned, and that locational aspect of the policy cannot, in your officers’ opinion, carry weight in the current context.
- 6.11 However, it is your officers opinion that the site is adjacent to the main built up part of the settlement, being bounded immediately to the south west by existing dwellings and being opposite Orleton Primary School. It would not result in an isolated or unsustainable pattern of development and the detailed design of the scheme would be agreed at a reserved matters stage.
- 6.12 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.

Highway Matters

- 6.13 Policy MT1 of the Core Strategy and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 30 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 32 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where *'the residual cumulative impacts of development are severe.'*(NPPF para. 32).
- 6.14 Kings Road is a local distributor road. It runs past Orleton Primary School and on through the middle of the village. The site is located within a 30mph zone.
- 6.15 It is acknowledged that the road does become congested during the mornings and afternoon as parents drop and collect their children at school – this has been witnessed first hand by the case officer. The problems arise due to a lack of parking. The proposal seeks to address this through the provision of a car park and a pedestrian link. This would ultimately require parents and children to cross Kings Road but, in light of the fact that on-street parking should be entirely absent, this is not considered to be inherently dangerous. Visibility is good in both directions at the point of the pedestrian crossing and the speed survey that forms part of the Transport Statement accompanying the application shows that the 85th percentile speed in both directions is 30mph.
- 6.16 The proposed vehicular access is located at a position to optimise visibility in both directions. The Transport Statement advises that visibility splays in excess of minimum standard requirements can be achieved and having assessed this on site, your officers see no evidence to dispute this.
- 6.17 Projections based on TRICS data suggest that traffic movements at the peak AM period (8.00 – 9.00) amount to 15 movements out of the junction, or one every 1 ½ minutes. Even with the daily vehicle movements associated with the school, there is no evidence available to suggest that the local road network could not accommodate this growth.
- 6.18 There is no documented evidence of accidents along Kings Road within the immediate vicinity of the school, and one accident at the junction with the B4362. Its severity was considered to be slight.
- 6.19 In conclusion, the provision of a new car park to provide parents with off-street parking when dropping off and collecting their children from school is considered to represent a significant improvement in terms of highway safety. Appropriate vehicular access can be provided and it is concluded that the scheme accords with policy MT1 of the Core Strategy and paragraph 32 of the NPPF.

Flooding

- 6.20 It is acknowledged that part of the site falls within a flood zone 2 and 3. These areas have been left free from residential development and are to be used to provide the car park, nature area for the school and allotments. The dwellings are located within areas which, according to Environment Agency flood maps, are less susceptible to flood and are accordingly designated as flood zone 1.

- 6.21 In commenting on the application, the Environment Agency acknowledge the content of the Flood Risk Assessment supporting the application and that there is evidence of historical flooding in the village. They also identify that the dwellings are located in flood zone 1 and do not object to the application from a flood risk perspective. However, they do recommend conditions requiring the details of finished floor levels of the dwellings to be submitted, that flood notices are displayed for the primary school car park and that there should be no raising of ground levels within Flood Zones 2 and 3 i.e. within the nature area, allotments or car park.
- 6.22 It is also recommended that a financial contribution is requested to help towards reducing flood risk to the site given that the allotments, nature area and car park are all at potential risk, but also to the benefit the whole of Orleton. Further consultation with the Council's Senior Drainage Engineer has confirmed that a flood alleviation scheme for the village is presently being developed and a contribution of £30,000 towards this is requested. This is accepted by the applicant and is reflected in the Draft Heads of Terms appended to this report.
- 6.23 The location of dwellings on land falling outside of the flood zone shows that the applicant has taken a sequential approach towards development in accordance with the NPPG and the first criteria of policy SD3 of the Core Strategy. The latter also requires that, where flooding is identified as an issue, new developments should seek to reduce flood risk through the inclusion of flood storage or compensation measures. An agreement to contribute towards a flood alleviation scheme that will not only benefit the site but also the wider village demonstrates this and officers therefore conclude that the proposal accords with policy SD3 of the Core Strategy.

Local Infrastructure

- 6.24 Many of the objections received refer to problems with the local sewage system and that during periods of heavy rainfall it becomes inundated and lacks sufficient capacity for existing dwellings. The parish council's comments refer to discussions and correspondence that they have had with Severn Trent, and part of the latter is re-produced by the Parish Council in their comments at paragraph 5.1(1). This would appear to suggest that the situation is being exacerbated by overland flow caused by a restriction in the flow of Orleton Brook caused by a bridge restriction.
- 6.25 The comments received from Severn Trent do not reflect the discussions that have taken place with the Parish Council. Officers have forwarded the Parish Council's comments on to Severn Trent for their further consideration and response but to date none has been received.
- 6.26 The problems of overland flow of the Orleton Brook are part of the wider flooding issue that the flood alleviation scheme referred to in earlier paragraphs seeks to address.

Visual Implications/Setting of the Settlement

- 6.27 The proposal will inevitably change the character of the area in terms of the landscape and the setting of the village. It is currently an agricultural field bounded by mature hedgerows and a watercourse. The perception of open countryside will clearly be altered if the site is developed. The Conservation Manager has commented in detail on the application and, whilst acknowledging the changes in character to the area, does not object to the scheme.
- 6.28 Although the proposal does extend development on previously un-developed land, its scale and form are not considered to be at odds with the landscape character of the area. The site is considered to form a natural extension to the village and reflects the modern development that has occurred over the past 30 years. It is therefore concluded that the proposal is compliant with Policy LD1 of the Core Strategy.

Amenity

- 6.29 Some local residents have expressed concerns about the impact that the proposed development will have on residential amenity, referring to proximity to existing dwellings on Hallets Well and also nuisance that may arise during the construction phase should planning permission be granted.
- 6.30 With reference to the first of these points, the proposed dwellings on the south western boundary are a minimum of 35 metres, when measured back-to-back, from the dwellings on Hallets Well. An industry standard of 22 metres back-to-back distance is usually applied to new residential estates, but this is not enshrined in any planning policy. Nevertheless, the proposal sees a minimum separation distance well in excess of this and subject to the submission of a landscaping scheme along the shared boundary this will ensure an appropriate level of residential amenity is afforded to both existing and proposed dwellings.
- 6.31 Concerns relating to nuisance likely to be caused during the construction phase are short-term issues that will ordinarily be mitigated through good practice on behalf of the developer. However, it is entirely reasonable for the local planning authority to impose conditions relating to these aspects of a scheme. The submission of a construction management plan and details to ensure that access is provided to the site before any other aspect of the development takes place are considered both reasonable and necessary and are included in the recommendation below. On this basis the proposal is considered to be compliant with policy SD1 of the Core Strategy.

Other Matters

- 6.32 A group Tree Preservation Order bounds the site to the west. This falls outside of the scope of the development and dwellings are located well away from them to ensure that they will not have an impact upon them. The recommendation includes a condition to ensure the protection of all trees and hedges to be retained during the construction phase.
- 6.33 Orleton Conservation Area encompasses all of the village, including more modern C20th elements that bound the application site. The more historic parts are located further to the south west and the closest listed building is the church, some 250 metres away. Your officers have assessed the potential impact of the development on these heritage assets and, by virtue of their distance from the site and the intervening modern development, do not consider that there is a demonstrable impact upon their character or setting. The proposal is considered to accord with policy LD1 of the Core Strategy and the NPPF.

Summary and Conclusions

- 6.34 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 developments should be approved where they accord with the development plan. The site is adjacent to the built area of Orleton. The village is sustainable and is one where proportionate growth will be promoted.
- 6.35 The principle of development is considered to be acceptable, with the detailed design and landscaping to be dealt with at the reserved matters stage. The proposed dwellings on the south western boundary are a minimum of 35 metres, when measured back-to-back, from the dwellings on Hallets Well. Subject to the submission of a landscaping scheme along the shared boundary this will ensure an appropriate level of residential amenity and ensure compliance with Policy RA2, SD1 and LD1 of the Core Strategy.

- 6.36 Whilst local residents concerns have been considered, 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. Matters of impact upon biodiversity have been resolved satisfactorily and the council's Ecologist is content that the mitigation measures proposed in the ecology report that accompanies the application are sufficient to ensure that the requirements of policy LD2 are met.
- 6.37 The application demonstrates that potential flood risks have been considered in the preparation of the application. Residential development lies outside of those areas most prone to flooding. The applicant is also agreeable to a contribution towards flood alleviation to mitigate any impacts in this regard. The proposal accords with policy SD3 of the Core Strategy.
- 6.38 Infrastructure impacts are similarly addressed through contributions towards education improvements and, in the absence of an objection from Severn Trent, there are insufficient grounds to recommend refusal on the basis that the proposal will overload existing sewage treatment facilities.
- 6.39 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.
- 6.40 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.

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. Details of the appearance, landscaping and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 3. The development hereby permitted shall be begun either before the expiration of**

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

three years from the date of this permission, or before the expiration of two years from the date of the approval of the last reserved matters to be approved, whichever is the later.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

4. **Development, including works of site clearance, shall not begin until a Habitat Enhancement Plan, including a timetable for implementation, based on the recommendations set out at Section 4 of the Ecological Appraisal submitted with the planning application and integrated with the landscaping scheme to be submitted pursuant to condition 1 above, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Habitat Enhancement Plan.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policy LD2 of the Herefordshire Local Plan – Core Strategy, and to comply with Policy LD2 in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

5. **Prior to the commencement of development , including any works of site clearance or ground preparation, an Arboricultural Method Statement specifying the measures to be put in place during the construction period, for the protection of those trees and hedgerows to be retained, shall be submitted to and approved in writing by the local planning authority. The Method Statement shall be prepared in accordance with the principles set out in BS 5837:2012 – Trees in relation to design, demolition and construction: Recommendations. Development shall be carried out in accordance with approved Method Statement.**

Reason: To safeguard the amenity of the area and to ensure that the development conforms to Policies SD1, LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6. **No development, including any works of site clearance, shall commence during the bird nesting season (1 March – 31 August inclusive) unless it has been demonstrated through the submission of a method statement that shall previously have been submitted to and approved in writing by the local planning authority, that nesting birds can be adequately protected. Development shall be carried out only in accordance with the approved details which may include, but are not confined to, the timing of work, pre-work checks, avoidance of nesting areas, and protection zones around nesting areas.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policy LD2 of the Herefordshire Local Plan – Core Strategy, and to comply with Policy LD2 in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

7. **The landscaping details to be submitted pursuant to condition 1 above shall include, but are not confined to, the following:**
 - **plans at a scale of 1:200 or 1:500 showing the layout of proposed tree, hedge and shrub planting and grass areas;**

- a written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment;
- proposed finished levels and contours;
- the position, design and materials of all site enclosure and boundary treatments between and around dwellings, around the boundaries of the site as a whole and around areas of open space;
- hard surfacing materials;
- minor structures (eg play equipment, street furniture, refuse storage areas, signage etc);
- a timetable for implementation;
- a scheme for the ongoing management and maintenance of all landscaped areas, other than private domestic gardens, including the nature area and allotments, including long term design objectives, management responsibilities and maintenance schedules.

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

8. Prior to commencement of development details of the proposed slab levels of the dwellings hereby approved in relation to a datum point outside the development site, shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To protect the development from flooding and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

9. Development shall not begin in relation to the provision of road and highway drainage infrastructure until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the Local Planning Authority. No dwelling may be occupied until the road and highway drain serving the dwelling has been completed.

Reason: To ensure an adequate and acceptable means of access is available before any dwelling is occupied and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

10. Prior to the first occupation of any of the dwellings hereby approved a scheme for the provision of covered and secure cycle parking within the curtilage of each dwelling shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The cycle parking shall be installed and made available for use prior to occupation of the dwelling to which it relates and shall be retained for the purpose of cycle parking in perpetuity.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

11. No development shall take place, including works of site clearance, until details of a sustainable surface water drainage scheme, has been submitted to and approved in

writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details and timetable. The scheme to be submitted shall:

- provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- include a timetable for implementation of the scheme in relation to each phase of the development; and,
- provide a management and maintenance plan for the scheme, for the lifetime of the development, which shall include the arrangements for adoption of the scheme by any public authority or statutory undertaker, and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that effective surface water drainage facilities are provided for the proposed development and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

12. Prior to the commencement of development, details of the car park shown on the approved plan shall be submitted to and approved in writing by the local planning authority and capable of use and shall be constructed and capable of use prior to the first occupation of any of the dwellings hereby approved.

Reason: To ensure that highway improvements intended to mitigate the impacts of the development are available prior to its first occupation and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

DRAFT

HEADS OF TERMS

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

Planning Application – P152204/O

Site address:

[Land opposite Orleton School Kings Road Orleton Herefordshire](#)

Planning application for:

Proposed Outline application with some matters reserved for 39 no. dwellings, garages, roads, school nature area, off road school parking and allotments.

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

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

£2,120 (index linked) for a 2 bedroom apartment open market unit

£3,848 (index linked) for a 2/3 bedroom open market unit

£7,113 (index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at Orleton Primary School and Wigmore Secondary School. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

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

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

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

£3,932 (index linked) for a 4+ bedroom open market unit

to provide a sustainable transport infrastructure to serve the development. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

The monies shall be used by Herefordshire Council, in consultation with the Parish Council, at its option for any or all of the following purposes:

a) Creation of new and enhancement in the usability of existing footpaths and cycleways in the locality

b) Safer routes to school

NOTE: A Sec278 agreement may also be required and/or used in lieu of the above contributions depending on the advice of the local Highways Authority

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

4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £30,000. The contribution will be used for a flood alleviation scheme for Orleton. The sum shall be paid on or before the commencement of development.
5. The maintenance of any on-site Public Open Space (POS) will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the parish council and/or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

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

6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:
£193.00 (index linked) for a 1 bedroom open market unit
£235.00 (index linked) for a 2 bedroom open market unit
£317.00 (index linked) for a 3 bedroom open market unit
£368.00 (index linked) for a 4 bedroom open market unit

The contributions will be used for more informal play and recreation opportunities which exist in the rural areas. This would be identified as per the priorities identified in the Council's Public Right of Way Improvement Plans at the time of receiving the contribution and in consultation with the local parish council.

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

7. The developer covenants with Herefordshire Council that 35% (14 units on basis of a gross development of 39) 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.

NOTE: the mix of tenure and unit size of the affordable units shall be agreed with Herefordshire Council:

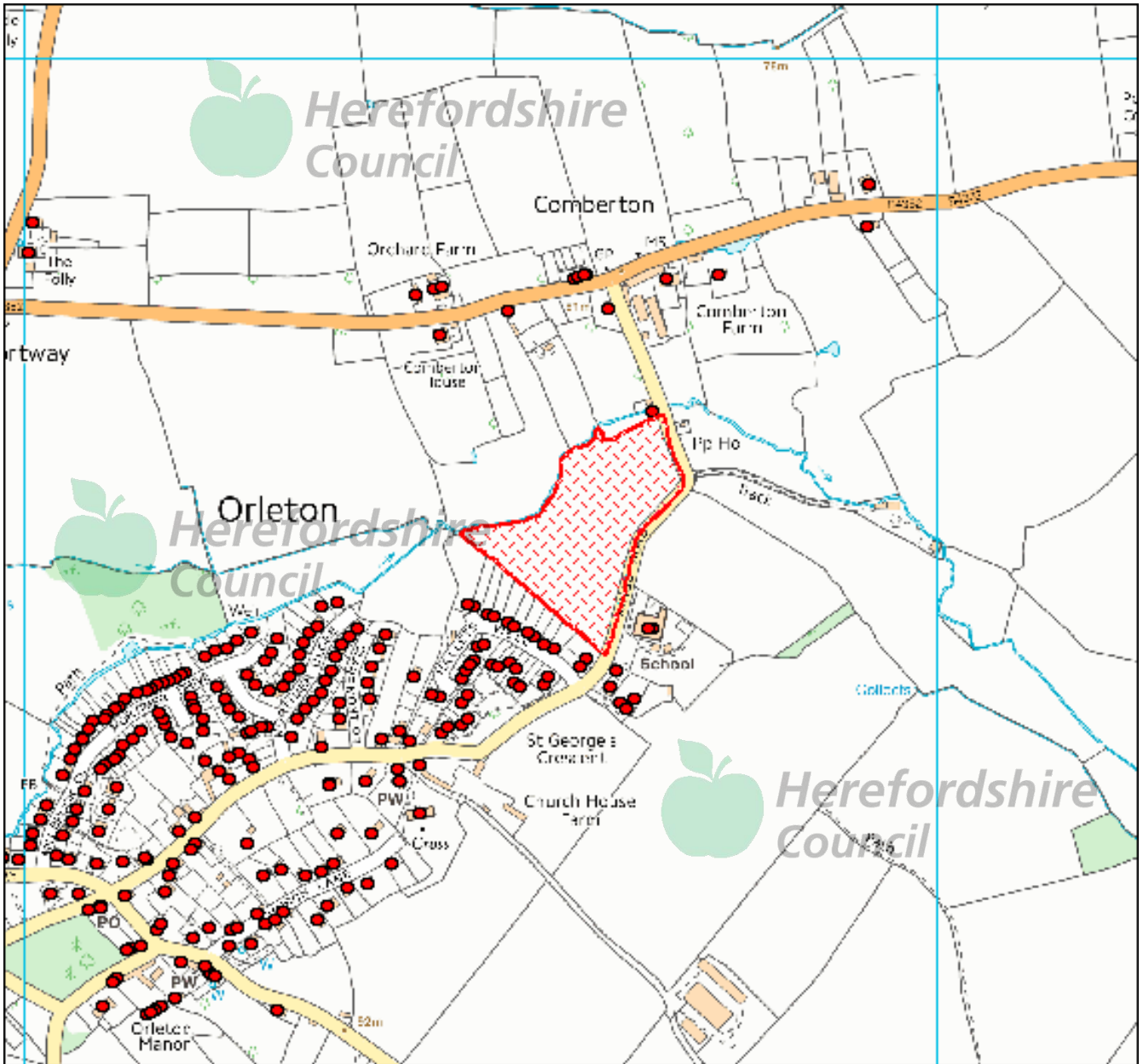
NOTE: For the avoidance of doubt, the term intermediate tenure shall not include equity loans or affordable rent.

8. 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.
9. 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:-:
 - 9.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 9.2. satisfy the requirements of paragraphs 9 & 10 of this schedule

10. 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:-
 - 10.1. a local connection with the parish of Orleton
 - 10.2. in the event of there being no person with a local connection to Orleton 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.
11. For the purposes of sub-paragraph 9.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
 - 11.1. is or in the past was normally resident there; or
 - 11.2. is employed there; or
 - 11.3. has a family association there; or
 - 11.4. a proven need to give support to or receive support from family members; or
 - 11.5. because of special circumstances;
12. 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.
13. 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.
14. 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.
15. 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.

Peter Clasby
Planning Obligations Manager

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APPLICATION NO: 152204

SITE ADDRESS : LAND OPPOSITE ORLETON SCHOOL, KINGS ROAD, ORLETON, HEREFORDSHIRE

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