

TING:	PLANNING COMMITTEE
DATE:	15 JUNE 2016
TITLE OF REPORT:	152568 - SITE FOR PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 50 HOUSES AT THE PADDOCKS, ROMAN ROAD, HEREFORD, HR4 7SR For: Mr Brailsford per Mr James Spreckley MRICS, Brinsop House, Brinsop, Hereford, Herefordshire HR4 7AS
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152568&search=152568
Reason Application submitted to Committee – Redirection	

Date Received: 27 August 2015

Ward: Kings Acre

Grid Ref: 348580,242271

Expiry Date: 30 June 2016

Local Member: Councillor MN Mansell

1. Site Description and Proposal

- 1.1 Outline planning permission with all matters bar access reserved is sought for the erection of up to 50 dwellings, including 35% affordable, on land at The Paddocks, Roman Road, Hereford. The site is accessed from Roman Road and comprises a detached dwelling with garden, two adjoining poultry units and an arable field, which extends to 1.4 hectares in total. 50 dwellings would equate to a density of 35.7 dwellings/hectare.
- 1.2 Roman Road, with its associated shared cycle/footway passes to the north, with part of the northern boundary and the remaining three boundaries bordered by agricultural land forming part of the allocated Three Elms Strategic Urban Extension (SUE). Further to the west is Bovingdon Park with its residential mobile homes and to the east, beyond the intervening agricultural land, is Beeches Business Park. The site is bounded by hedgerows with some trees lying in the garden of the existing dwelling.
- 1.3 To the south of the site levels descend towards Three Elms and the Huntington Conservation Area, which is 200m from the site's southern boundary. There are no designated or non-designated heritage assets on the site, although there are a number of listed buildings within the Conservation Area. Public Right of Way HER37 leaves Huntington Lane at Newcourt Farm to the south, extending northwards and running just outside the site's eastern boundary before opening onto Roman Road and terminating on Tillington Road.
- 1.4 Within the site there is a significant levels differential between the dwelling and poultry units and the agricultural land, which is between 1.5m and 2m higher. The effect of local topography is such that the feed bins associated with the poultry units are visible on the skyline from the south.

- 1.5 Although made in outline, detailed proposals for access have been prepared and are for determination at this stage. The proposals involve taking access into the north-western corner of the site, which results in the formation of a T-junction with the Bovingdon Park access.
- 1.6 Otherwise the application is accompanied by a Development Framework plan which shows the basic approach to site layout and the retention of the mature oak, around which public open space is proposed and the enhancement of hedgerows and the formation of a link on the eastern boundary onto the public right of way.
- 1.7 The site falls within The Parish of Hereford. The Council will oversee production of a Hereford Area Plan to guide development at a more local level than the Core Strategy in due course.
- 1.8 Hereford's 'urban fringe' has also been subject to sensitivity analysis as part of the Core Strategy Evidence Base. It falls within zone 2c – Stretton Sugwas – Huntington – a zone of medium-low sensitivity. This contrasts with large tracts of the urban fringe, which are assessed as being more sensitive to development.
- 1.9 The site is entirely within Flood Zone 1, but accompanied by a Flood Risk Assessment on the basis that the site is more than 1 hectare in extent. Planning, Arboricultural, Transport and Ecological Statements have also been submitted; the Planning Statement having been updated in response to adoption of the Core Strategy.
- 1.10 The Council has adopted a Screening Opinion confirming it does not consider the scheme to represent development requiring the submission of an Environmental Statement.

2. Policies

2.1 The Herefordshire Local Plan - Core Strategy:-

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Environmental quality and local distinctiveness
HD1	-	Hereford
HD3	-	Hereford movement
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sports and Recreation Facilities
OS2	-	Meeting Open Space, Sports and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality
ID1	-	Infrastructure Delivery

2.2 National Planning Policy Framework 2012

Introduction	-	Achieving Sustainable Development
Section 4	-	Promoting Sustainable Communities
Section 6	-	Delivering a Wide Choice of High Quality Homes
Section 7	-	Requiring Good Design
Section 8	-	Promoting Healthy Communities

- Section 11 - Conserving and Enhancing the Natural Environment
- Section 12 - Conserving and Enhancing the Historic Environment

2.3 National Planning Practice Guidance 2014

2.4 Neighbourhood Planning

The Council will oversee production of a Hereford Area Plan, but work has not yet commenced on this.

2.5 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

3. Planning History

3.1 None

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: No objection subject to conditions

Sewerage

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Sewage treatment

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

Water supply

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

Internal Council Consultations

4.2 Transportation Manager: No objection subject to conditions

The proposal is for the erection of up to 50 dwellings with access via the A4103 Roman Road. As originally proposed the scheme envisaged a ghost right-turn lane for east-bound vehicles but this has since been revisited on the basis that trip generation would not warrant this level of intervention.

The revised proposal intends only modest alterations to the existing arrangement, with the access road extending into the north-west corner of the site with priority over the Bovingdon Park junction. The potential for vehicles queuing is addressed by the introduction of yellow box marking.

This scheme has been through an independent Phase 1 Road Safety Audit and I am satisfied that subject to conditions and detailed consideration via a S.278 agreement, the proposals represent an adequate basis upon which to grant outline planning permission.

In other respects the site offers good access onto the sustainable transport links and is within acceptable walking distance of bus stops within the vicinity.

4.3 Conservation Manager (Landscape): No objection

The site is located on land at approximately 70m AOD indicated as medium low sensitivity within the Urban Fringe Sensitivity Analysis. The drawings indicate the removal of the existing dwelling as well as the associated agricultural units. The remaining characteristics within the site will therefore comprise essentially of vegetation. It is therefore recommended that an arboriculture survey be conducted to assess the existing trees and hedgerow on site. The PRoW HER37 runs parallel with the eastern site boundary linking to Huntington Conservation Area and this route should, where possible, be enhanced. Given that the site lies immediately north of the Three Elms Strategic Urban Extension and the character of this landscape is subject to change it is recommended that any proposals relate to the planned built form and public open space proposed.

I note from the submitted landscape appraisal and arboriculture survey that all existing vegetation including trees and hedgerow will remain, thereby retaining the original field pattern as shown on pre-war maps. The proposal will necessitate the removal of the bungalow and agricultural buildings which will provide an opportunity for enhancement within the site.

Views are localised and in the main confined to the footpath network which runs in close proximity to the proposal. These views will be further contained by the strengthening of the landscaping at the perimeters of the site in line with management guidelines as proposed within the landscape appraisal.

As previously noted within my comments the land does lie adjacent to the planned urban extension and as such detailed landscaping plans submitted at the reserved matters stage should demonstrate how the proposal has taken into consideration any adjacent development; providing seamless links and connectivity across the site and beyond its boundaries.

4.4 Conservation Manager (Ecology): No objection

The site development will be of low potential impact upon the biodiversity and I would accept the findings for enhancement set out in the report encompassed in a non-standard condition as follows:

The recommendations for ecological enhancement set out in Section 5 of the ecologist's report from Ecology Services dated February 2015 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

4.5 Archaeological Advisor: No objection

The Paddocks site is very much smaller than the Three Elms site and not really comparable. Also, incoming results from the immediately adjacent Three Elms trenching and previous observations from the (also adjacent) Roman Road scheme allow a fair degree of confidence regarding what may be here. In my view, we already have a good level of understanding as regards the archaeological potential of the Paddocks site. I would assess this potential as being comparatively low. Any below ground remains that are present are likely to be of a significance that could appropriately be dealt with by condition (in this case standard E01 /C47 as per NPPF Para 141).

4.6 Parks and Countryside Manager: No objection

This is an outline planning application with all matters reserved for future consideration. UDP Policies H19 and RST3 POS Requirements: In respect of POS/Play the requirements set out at the pre-application stage remain largely the same and provision should be on site to meet both policy requirements and to be within acceptable access thresholds given the location. Existing play provision at both Moor Farm and Grandstand road although in residential areas are on the other side of the main access road into Hereford and are therefore unacceptable for children, particularly younger ones, to access safely. On-site provision particularly for younger children is therefore preferred to be set out as one centrally located space to provide both formal and informal recreation opportunities.

Therefore to meet policy requirements for 50 dwellings at 2.3 persons (total 115) as a minimum the developer should provide:

0.138 hectares (1,380sq m) of on-site green infrastructure comprising;
0.046 (460sq m) hectares of Public Open Space (@ 0.4 ha per 1000 population)
0.092hectares (920sq m) of Children's Play (0.8 ha per 1000 population of which 0.03 hectares (300sq m) should be formal play (@ 0.25ha per 1000 population in accordance with Fields in Trust Standards.

It is noted that in the Development Framework Plan and proposed landscape scheme for the site an area of open green space has now been included. This area is fairly central which is supported but it looks to include a number of existing trees which are to be retained. Given that play will require a formal element the final design will need to consider these. As this proposal develops more guidance can be given on the value and type of play equipment we would prefer to see.

4.7 Land Drainage Manager: Qualified comment

The submitted Flood Risk Assessment discusses the current and proposed methods for managing surface water runoff. From the review of the Flood Risk Assessment there is uncertainty about how the site is currently drained, however an assumption is made that it drains via infiltration and/or connects into an offsite system in Roman Road.

The submitted Flood Risk Assessment states that all surface water runoff generated by the development will be infiltrated to ground. This is in accordance with the NPPF, Non-Statutory Technical Standards for Sustainable Drainage Systems and Policy SD3 of the Core Strategy that state that the drainage strategy should incorporate the use of Sustainable Drainage (SUDS) where possible and that the use of infiltration features should be promoted in the first instance.

The Applicant's review of the Cranfield University Soilscales mapping indicates that the site is underlain by freely draining soils and is therefore likely to support infiltration measures. However, our review of the British Geological Survey maps show that the bedrock geology of the site is primarily siltstone and mudstone formation which may limit infiltration or surface water runoff, depending on the depth to bedrock. Prior to construction, further evidence will be

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

required to demonstrate that infiltration is a viable option for surface water discharge. The results of infiltration testing undertaken in accordance with BRE365 should be submitted for review. We also require the Applicant to demonstrate that the base of any infiltration features is a minimum of 1m above groundwater levels.

No further information regarding the proposed location of soakaways has been provided, although we believe that the intention is to locate soakaways within the curtilage of private dwellings. If this approach is proposed, the Applicant must demonstrate how maintenance access will be achieved. We note that the Applicant intends for the adoption and maintenance of all drainage systems, including those serving the proposed access road, will become the responsibility of the property owners.

If drainage cannot be achieved solely through infiltration due to site conditions, the preferred options are (in order of preference): (i) a controlled discharge to a local watercourse, or (ii) a controlled discharge into the public sewer network (depending on availability and capacity). The rate and volume of discharge should strive to provide betterment and be restricted to the pre-development Greenfield values. Reference should be made to The SUDS Manual (CIRIA C753, 2015) for guidance on calculating Greenfield runoff rates and volumes. We stress that the discharge rate from the site should be limited for a range of rates and volumes equal to the current greenfield runoff rates for all events between the 1 in 1 year event and up to and including the 1 in 100 year storm event with climate change allowance. Simply limiting discharge to the 1 in 100 year event will not be considered acceptable. This guidance is in accordance with the Non-Statutory Technical Standards for Sustainable Drainage.

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

The Applicant makes no reference to the treatment of surface water prior to discharge. During the development of the proposed drainage system, evidence of adequate separation and/or treatment of polluted water should be provided to ensure no risk of pollution is introduced to groundwater or watercourses, both locally and downstream of the site. Given that the site lies within Zone 3 of a groundwater Source Protection Zone, the applicant may need to consult with the Environment Agency regarding the possible impact on groundwater quality. We advise that the use of deep soakaways is unlikely to be permitted.

Overall Comment

In principle, for outline planning permission we do not object to the proposed development on flood risk and drainage grounds. However, we recommend that prior to granting permission the Council request clarification of the proposed method for managing foul water discharges from the site, especially given the sensitivity of the underlying aquifer.

Should the Council be minded to grant planning permission, we recommend that the submission and approval of detailed proposals for the disposal of foul water and surface water runoff from the development is included within any reserved matters associated with the permission. The detailed drainage proposals should include the following:

- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Results of infiltration testing undertaken in accordance with BRE365;

- Confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;
- Demonstration of the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage;
- Demonstration that appropriate treatment of surface water will be provided;

If the results of infiltration testing indicate that infiltration will not provide a feasible means of managing surface water runoff, an alternative drainage strategy must be submitted to the Council for review and approval. Best practice SUDS techniques should be considered and we promote the use of combined attenuation and infiltration features that maximise infiltration during smaller rainfall events.

4.8 Public Rights of Way Officer: No objection

Public footpath HER37 has been included in plans, and would not appear to be adversely affected by the development. The link onto the footpath is acceptable.

4.9 Housing Development Officer: No objection

The Housing team in principle support the above application for up to 50 dwellings of which 35% (17 dwellings) will be allocated as affordable housing. The tenure split is acceptable but discussions will need to take place with regards to bed sizes. The dwellings will be allocated to those in housing need within Hereford city in the first instance.

4.10 Schools Capital and Investment Manager: Additional capacity will be required at both Trinity Primary School and Whitecross High School. S106 contributions will therefore be required in accordance with the Planning Obligations SPD.

4.11 Environmental Health Officer: Qualified comment

The noise report identifies that in external areas, noise levels without mitigation are likely to exceed the desirable standard of 50dB or less LAeq to comply with the British Standard BS8233. Mitigation of an acoustic fence is proposed which would reduce sound levels but it is unclear from what is proposed whether the fence would run along the whole of the north side of the boundary of the development and it would be helpful to clarify this. Without mitigation, the noise report identifies unsatisfactory sound levels in the external amenity areas of the proposed development.

5. Representations

5.1 Hereford City Council: Objection

We support the local representations that traffic implications have not been properly addressed and also feel this is premature given the proposals nearby for 1,000 homes under the Core Strategy. It may also be over development of the site.

5.2 Burghill Parish Council (adjoining Parish): Qualified comment

Burghill Parish Council is concerned that the application does not appear to support adequate provision for access to public transport. Currently the 437 Tillington Bus also serves the Bovingdon Park community. It is intended that the proposed development and Bovingdon Park will now share the same access, involving a new road layout. However these plans seem to ignore any provision for bus travel, nor is there a bus stop or turning area included. We regard this as vitally important for the sustainability of rural bus services within our community.

5.3 27 letters of objection have been received. The content is summarised as follows:-

- The proposal will add to congestion already experienced on Roman Road and on the wider highway network.
- The entrance conflicts with Bovingdon Park and will alter the tranquillity of the area, which is why residents chose to live there.
- The problem of access to the development and sharing it with Bovingdon Park and its residents, vehicles will be turning in off the Roman Rd and across it, this very busy road is subject to the national speed limit so vehicles are travelling at high speed and would be an accident waiting to happen.
- The new development with a normal demographic will have a dramatic effect on traffic flows at peak times. This will be extremely dangerous as the Roman Road at this point is a 60 mph road with people accelerating hard after passing the 60 sign by Ravenhills. This piece of road also has no street lighting.
- The Core Strategy assumes that 500 houses can be built before any infrastructure improvements need to be done. This number will already be exceeded with the current number of applications that are being processed.
- Pedestrian connectivity is not good. The new development will exacerbate this serious problem, and with children resident on the proposed development, it will only be a matter of time before an accident occurs.
- The traffic congestion on Kings Acre Road and Roman Road should these developments go ahead would increase significantly leading to the health problems associated with air pollution.
- Hereford is a small market town and these large developments are turning it into a big city but without the necessary infrastructure; our roads and hospital are already struggling to cope and these plans will push them over the edge.
- Brownfield sites with less landscape impact and better connections to the city centre should be prioritised. Developing greenfield sites results in loss of agriculturally productive land and wildlife habitats.
- There are 610,000 empty homes in this country why do we need any more?
- The ecology report is inaccurate.
- Also the ground water report infers no risk of flooding on site this may be true, but surface water routed in soakaways can still pollute the ground water table.
- Bovingdon Park is a very pleasant place to live (at the moment). At this present time there is the very real threat of at least 1000 houses being built, either to the side of the Park, whereas this application compounds the issue by building on land which is the entrance to Bovingdon Park.
- The height of the houses will be much higher than the existing farm buildings and will sit on the horizon of the adjacent farming land and will be seen from all angles and views.
- Such level of development will not be in keeping with the area that stretches from the Hamlet of Huntington (a conservation area) up to the holiday/retirement homes at Bovingdon Park (which could become engulfed by housing development). If permitted to happen such urban expansion will result in a great loss to residents to the West of the City who make ample use of the rural amenities currently afforded us as walkers and cyclists, with the area becoming cramped, oppressive and over crowded.
- There could be an adverse effect in relation to flood risk on residents sited lower down in the Hamlet (Huntington) from increased water run off, and whilst it is claimed that this can be mitigated through soakaways, the effectiveness of these will rely on individual householders in maintaining them.
- A geotechnical assessment should be undertaken by a suitably qualified professional. Such an assessment should identify whether the site or surrounding area could become susceptible to inundation settlement, the effect of any ground slopes on downhill waterlogging, and, any other adverse impacts that could likely result from a proposed infiltration means of surface water disposal.

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

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

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

6.2 In this instance the Development Plan for the area is the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies, referred to at section 2.3, are relevant. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms that proposals that accord with the policies of the CS (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

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

6.4 Equally it is clear that failure to maintain a robust NPPF compliant supply of housing land will render the housing supply policies of the CS 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 Appendix 4.

6.5 Having regard to the above, I consider the main issues are as follows:-

- The impact of the development upon the character and appearance of the area;
- The impact of the development upon the local highway and pedestrian/cycling facilities;
- Whether, having regard to the Development Plan and material considerations, the development can be regarded as sustainable.

Housing Land Supply

6.6 Despite relatively recent adoption of the CS, it is clear that the Housing Land Supply deficit persists. The Examination Inspector concluded that there was a marginal but realistic five-year housing land supply on the basis of the Core Strategy provisions. The supply was assessed at 5.24 years.

6.7 Housing land supply has been further examined in recent Inquiries in the County in respect of appeals for proposed housing developments at Leintwardine, Ledbury and Bromyard. The Inspectors have concluded in relation to all of these appeals that the Council is unable to demonstrate a robust five-year supply of deliverable housing sites sufficient to meet its identified needs. This view was reached on an assessment of the amount of housing reasonably likely to be delivered on the strategic sites allocated in the Core Strategy.

- 6.8 The Inspectors' conclusions as to the lack of a robust five-year housing land supply have also been accepted by the Council for the purposes of the most recent Public Inquiry at Bartestree (143771, May 2016) where it was agreed with the appellants that the supply stood at 3.63 years; this figure taking into account the contribution to supply arising from the allowed appeals at Leintwardine and Ledbury.
- 6.9 If the 3.63 years' worth of supply is accepted, the deficit is equivalent to 1,564 dwellings. In this context, CS policies that are relevant for the supply of housing are out-of-date and housing applications should be considered in the context of the presumption in favour of sustainable development. This presumption, as set out at paragraph 14 of the NPPF (and echoed by CS Policy SS1), requires that permission is granted unless any adverse impacts of doing so would "*significantly and demonstrably*" outweigh the benefits, when assessed against the policies of the Framework when read as a whole. In this case, the relevant policies are SS2, SS3 and HD1. However, there is no obvious tension between the application proposal and these policies in any event. CS Policy HD1 recognises that the residual housing requirement for Hereford (i.e. that not accounted for by the 4 strategic sites), will be provided through the implementation of existing commitments, windfall development and the development of non-strategic sites allocated through the production of the Hereford Area Plan. This site can be categorised as a windfall opportunity.
- 6.10 At the present, therefore, the contribution that the scheme would make towards the supply of housing, particularly in the context of close connection to the county's main focus for growth, is a significant material consideration telling in favour of the proposal. Moreover, development of this site for housing does not conflict with the spatial strategy as set out at CS policies SS2, SS3 and HD1.

The supply of affordable housing

- 6.11 The Local Housing Market Assessment (LHMA) provides an evidence-base for Core Strategy policies regarding housing need and demand for market and affordable housing within Herefordshire and the seven local housing market areas within the County.
- 6.12 The Assessment includes an estimate of housing need in the Hereford HMA for the period 2012-17 which takes account of the backlog of current housing need, future housing need and affordable housing supply.
- 6.13 At Examination, the Inspector accepted as realistic a position whereby affordable housing need is distributed over the Plan period rather than being met between 2012 and 2017. This conclusion reflected previous rates of affordable housing provision and viability. This approach requires the delivery of 369 affordable homes per annum (2012-2031). Although it increases the time over which the affordable housing need would be met it is a more realistic assumption of what could be achieved.
- 6.14 The LHMA thus confirms a position where there is a significant demonstrable need for affordable housing in the local housing market area within the immediate five-year period. Accordingly, the policy compliant contribution that the application scheme would make to the supply of affordable housing is also a significant material consideration telling in favour of the scheme.

Character and appearance of the area

- 6.15 Policy LD1 'Landscape and townscape' requires, *inter alia*, that development should demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas. Schemes should also incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings, with the maintenance and extension of tree cover where important to amenity...through new planting to support green infrastructure.

- 6.16 The site represents, in the Council's assessment, land of lesser environmental sensitivity that is, in effect, encompassed by the Three Elms Urban Extension. The illustrative layout takes care to respond sensitively to the strong boundary features by conserving and enhancing them where possible. Significant additional tree planting is proposed, on a site that has, boundary planting aside, no landscape features. Against its current agricultural use and as recognised by the Landscape Officer, the scheme is considered to represent an opportunity to enhance biodiversity. Officers consider the scheme complies with Policy LD1 in every respect.
- 6.17 Policy LD2 'Biodiversity and geodiversity' requires the conservation, restoration and enhancement of the county's biodiversity and geodiversity assets. Development considered likely to harm sites and species of European importance will not be permitted. This links back to NPPF paragraph 118 – a restrictive policy. In this case the ability to connect foul drainage to the mains sewer has overcome any doubt that the scheme might pose a threat to the conservation objectives of the River Wye SAC/SSSI and its tributaries. As above, through significant native species landscaping, the proposal offers the opportunity to enhance biodiversity and Green Infrastructure as per the requirements of Policy LD3.
- 6.18 Policy LD4 'Historic Environment and Heritage Assets', requires, *inter alia*, that development affecting heritage assets and the wider historic environment should preserve or where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design. In this case the site has no direct effect on any designated or non-designated heritage assets. The Huntington Conservation Area (a designated heritage asset) stands to the south at a distance of 200 metres. It comprises a number of historic buildings, including Grade II listed houses and the Grade II listed Church of St Mary Magdelene.
- 6.19 Given the intervening features, topography and self-contained nature of the application site, it is my view that the impact on designated and non-designated heritage assets will be negligible and that LD4 is not breached accordingly. In reaching this conclusion I have also had regard to the fact that the Three Elms SUE, whilst maintaining a buffer to the conservation area, proposes housing development on the land to the south of the current application site and thus in closer proximity to the conservation area.

Highway matters

- 6.20 Concerns have been expressed in relation to the off-site highway work necessary to facilitate access to the site, which involves the formation of a T-junction with the Bovingdon Park site. Further, the ability of the network to cope with additional demand has been questioned.
- 6.21 Core Strategy Policy MT1 'Traffic management, highway safety and promoting active travel' deals with highway matters. NPPF paragraph 32 confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development (i.e. post-mitigation) are severe.
- 6.22 Policy MT1 requires that development proposals should demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development. Development should also promote and, where possible, incorporate integrated transport connections and supporting infrastructure (depending on the nature and location of the site), including access to services by means other than private motorised transport and encourage active travel behaviour to reduce numbers of short distance car journeys through the use of travel plans and other promotional and awareness raising activities.
- 6.23 The proposed access design envisages no change to the existing Roman Road layout, but will give priority to the site over access and egress to Bovingdon Park. This is delivered by

amendments to line marking and will involve a yellow box junction to ensure that vehicles leaving the site to join the Roman Road do not queue across the Bovingdon Park junction. This arrangement has been through an independent Phase 1 Road Safety Audit, which has returned 'no problems' with this approach.

- 6.24 The scheme also promotes connection onto the existing public right of way which passes just beyond the site's eastern boundary. The Transportation Manager has no objection and is content that the submitted arrangement represents a suitable basis on which to issue outline planning permission subject to conditions. The junction works will also be subject to detailed assessment via a S278 application and associated Phase 2 RSA. In conclusion on the second main issue, officers are content that the scheme accords with CS Policy MT1. He is also content that the local highway network can absorb the additional traffic generated without compromising the safe operation of the network.

Other matters

- 6.25 Welsh Water does not object subject to conditions and the Land Drainage comments draw the same conclusion. Whilst there is not certainty as to the ability to deal with surface water via infiltration alone, the scheme is in outline and further assessment will be necessary in advance of Reserved Matters submissions. On this basis I am content that the scheme accords with CS Policies SD3 and SD4.

Ecology

- 6.26 The Council's Ecologist is content that the submitted assessment is an accurate reflection of the site's ecological interest and offers no objection subject to conditions.

Noise

- 6.27 A noise report has been prepared to address road traffic and potential for noise emanating from Beeches Business Park. The report concludes that some form of mitigation will be required in order to ensure that noise levels fall within acceptable bounds within private garden spaces. This will be governed by a planning condition requiring the formulation and submission for agreement in writing of a noise attenuation scheme.

S106

- 6.28 The application is accompanied by a draft Heads of Terms that makes provision for contributions towards education, sustainable transport, on-site play equipment and the provision of and eligibility for occupation of the affordable housing. I am content that these contributions are fair, reasonable and necessary to make the development acceptable and thus compliant with the CIL Regulations.

Commentary on objections received

- 6.29 The city council considers the application premature and also potential over-development. The CS is adopted and a prematurity argument is not sustainable. The density of development assuming 50 dwellings is 35.7/hectare. CS Policy SS2 specifies a target net density of between 30 and 50 dwellings to the hectare. The proposal is consistent with this target.
- 6.30 Arguments that the county does not need housing are untenable when considered against the objectively assessed need of 16,500 houses and the more specific requirement that Hereford provides 6,500 over the plan period. Moreover, the fact that this site is embraced by the Three Elms SUE, is also relevant when considering the principle of development on this site; which it should be noted is part brownfield / part greenfield land.

6.31 Concerns are also raised in relation to the safe operation of the Bovingdon junction. As above, however, the proposed access arrangements have been through an independent Phase 1 Road Safety Audit which raises no objection and will be subject to further detailed design via the S278 application. Moreover there is no demonstrable evidence to support the argument that the scheme will result in residual cumulative impacts that are so severe as to warrant refusal.

7. The Planning Balance

7.1 The application is for housing and in the light of the housing land supply deficit must be considered against the test prescribed at NPPF paragraph 14 and CS Policy SS1. Permission should be granted, therefore, unless the adverse impacts of doing so would *significantly* and *demonstrably* outweigh the benefits when assessed against the NPPF when considered as a whole.

7.2 In the context of the applicable policies and having regard to the site's location and relative accessibility, the principle of development is acceptable. The Officer's Appraisal assesses the scheme against the principal relevant policies and concludes that the scheme is in accordance with them. There is an absence of demonstrable harm, the site is of low environmental sensitivity and there are no objections from statutory or internal consultees. Allied to this, weight should also be attributed to the demonstrable need for housing and the contribution that the proposal would make in fulfilling the need for affordable housing.

7.3 The NPPF describes the three dimensions of sustainable development as comprising the economic, social and environmental roles. These are to be pursued together as they are mutually dependent.

Economic Role

7.4 The scheme would result in a positive benefits in economic terms. As well as providing for a development for which there is a demonstrable need, the economic benefits can be summarised as:

- Expenditure by the resident population;
- Expenditure arising through the construction phase itself, with attendant creation and support for construction jobs and those in related sectors.

Social Role

7.5 The scheme gives rise to significant benefits in terms of the social role, again arising principally from the supply, in a sustainable location, of general needs and affordable housing.

Environmental Role

7.6 The scheme is also considered to have negligible environmental impacts.

- The site utilises land of low environmental sensitivity;
- The Conservation Manager does not object to the landscape impact of the scheme;
- The Conservation Manager has no objection in relation to ecology or the setting of designated heritage assets within the locality;
- Mature hedgerows and key trees on site are maintained.

Conclusion

- 7.7 Having regard to s38(6) of the Planning and Compulsory Purchase Act 2004, officers consider that the proposal accords with the provisions of the Core Strategy when taken as a whole. Moreover, and in the light of the lack of housing land supply and evidence of under-supply for market and affordable housing, officers consider that in light of the positive benefits arising and lack of significant or demonstrable adverse impacts, the application should be recommended for approval as per the NPPF test at paragraph 14. This is subject to completion of a legal agreement that fulfils the objectives described above, as per the attached draft Heads of Terms.

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 commencement (full permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **H06 Vehicular access construction**
5. **H17 Junction improvement/off site works**
6. **H21 Wheel washing**
7. **H27 Parking for site operatives**
8. **H30 Travel Plans**
9. **E01 Site investigation – archaeology**
10. **G04 Protection of trees/hedgerows that are to be retained**
11. **G09 Details of boundary treatments**
12. **Landscaping scheme**
13. **No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.**
14. **The recommendations for ecological enhancement set out in Section 5 of the ecologist's report from Ecology Services dated February 2015 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as**

approved.

- 15. H29 Secure covered cycle parking provision
- 16. I51 Details of slab levels
- 17. I16 Restriction of hours during construction
- 18. I01 Scheme of noise attenuating measures

INFORMATIVES:

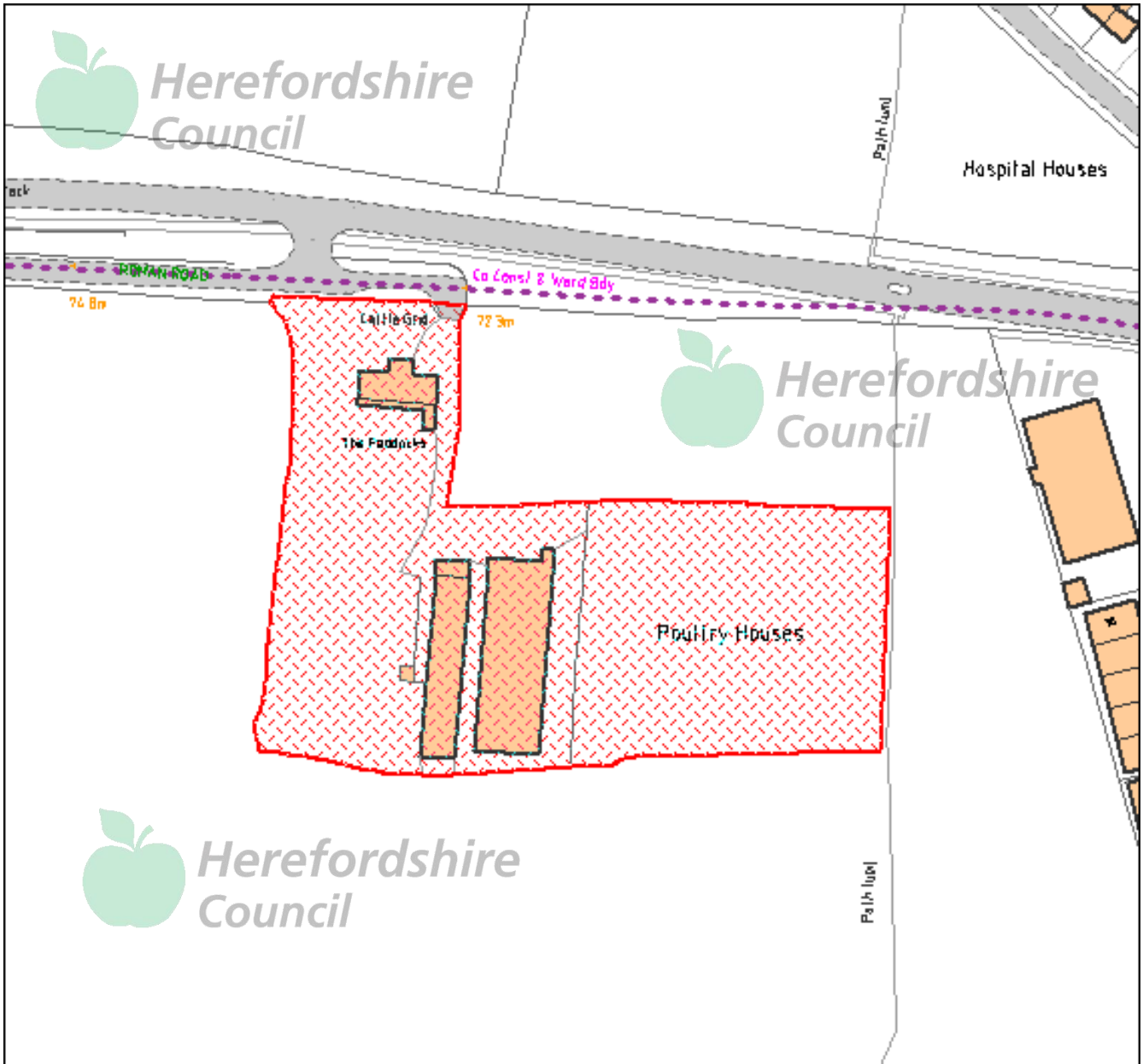
- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.
- 2. HN01 Mud on highway
- 3. HN02 Public rights of way
- 4. HN04 Private apparatus within highway
- 5. HN05 Works within the highway
- 6. HN07 Section 278 Agreement
- 7. HN10 No drainage to discharge to highway
- 8. HN25 Travel Plans
- 9. N02 Section 106 obligation

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 152568

SITE ADDRESS : THE PADDOCKS, ROMAN ROAD, HEREFORD, HEREFORDSHIRE, HR4 7SR

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This document has been prepared against the criteria set out in the Supplementary Planning Document on 'Planning Obligations' which was adopted in April 2008.

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

Planning Application: Residential development of up to 50 houses at The Paddocks, Roman Road, Hereford.

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

£3,106.00 (index linked) for a 2/3 bedroom open market unit
£ 5,273.00 (index linked) for a 4+ bedroom open market unit

The contributions will provide for enhanced educational infrastructure, youth service Infrastructure, early years childcare insufficiency solutions and the Special Education Needs Schools. The sum shall be paid in 4 equal instalments on the first occupation of 25%, 50%, 75% and 100% of the open market houses.

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

£ 1966.00 (index linked) for a 2 bedroom open market unit
£ 2949.00 (Index linked) for a 3 bedroom open market unit
£ 3932.00 (Index linked) for a 4+ bedroom open market unit

The contributions will provide for sustainable transport infrastructure to serve the development, which sum shall be paid in 4 equal instalments on the first occupation of 25%, 50%, 75% and 100% of the open market houses.

The monies shall be used by Herefordshire Council at its option for any or all of the following purposes within the locality:-

Safe Routes for Schools
Improvements to sustainable transport facilities
Traffic Calming
Cycling and walking routes

3. The developer covenants with Herefordshire Council to provide a minimum of 0.12 hectares of on-site green infrastructure comprising 0.004 hectares of public open space and 0.08 hectares of childrens play of which 0.03 hectares should be formal play.

4. The developer covenants with Herefordshire Council that 35% of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H1 of Herefordshire Local Plan – Core Strategy or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations. Of those Affordable Housing units 50 % shall be for social rent and 50% for discounted market housing.

5. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.

6. The Affordable Housing Units must be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or 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:-

7.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and

7.2 satisfy the requirements of paragraph 12 of this schedule

7.3 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 who has:-

- a local connection with Hereford
- Cascading to the adjoining parishes

7. In the event there being no person with a local connection to any of the above parishes any other person ordinarily resident within the administrative area of Herefordshire 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 84 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 6.3 above

8. For the purposes of sub-paragraph 6.3 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:

- is or in the past was normally resident there; or
- is employed there; or
- has a family association there; or
- a proven need to give support to or receive support from family members; or
- because of special circumstances

9. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, and 3 above for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.

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

11. The developer covenants with Herefordshire Council to pay a surcharge of 1% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.

12. 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.