

MEETING:	PLANNING COMMITTEE
DATE:	13 JULY 2016
TITLE OF REPORT:	<p>160014 - PROPOSED ERECTION OF 12 DWELLINGS, NEW VEHICULAR ACCESS AND ASSOCIATED WORKS INCLUDING NEW PLAY AREA/OPEN SPACE AT LAND ADJACENT TO STOKE LACY VILLAGE HALL, STOKE LACY, HEREFORDSHIRE, HR7 4HG</p> <p>For: Mr Symonds per Mrs Julie Joseph, Trecorras Farm, Llangarron, Ross-on-Wye, Herefordshire, HR9 6PG</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=160014&search=160014
Reason Application submitted to Committee – Re-direction	

Date Received: 6 January 2016

Ward: Three Crosses

Grid Ref: 362423,250220

Expiry Date: 20 April 2016

Local Member: Councillor JG Lester

1. Site Description and Proposal

- 1.1 The site lies to the west of the A465 Bromyard Road adjacent to Stoke Lacy village hall. It is centrally located and is currently used as a commercial orchard. The total site area is approximately 1.47 hectares.
- 1.2 The village is split into two parts. Stoke Lacy is the historic core which includes the church and a number of farmsteads, whilst Stoke Cross comprises more recent development, has a higher concentration of residential properties, and includes the parish hall, public house and employment uses. The village is also served by a local bus route that runs between Bromyard and Hereford. The stop for Hereford is located at the northernmost point of the application site, whilst the stop for Bromyard is a further 50 metres to the north.
- 1.3 The site slopes roughly from north to south and is irregularly shaped. It is bounded to the roadside by a mature hedgerow and similarly mature vegetation to the east and south east. Boundaries to the north and south are also comprised of hedgerows but these are not as mature and allow more open views across the site.
- 1.4 Access to the site is currently via a roadside entrance off the A465, immediately opposite The Plough Inn Public House. A public right of way runs to the south of the site; adjacent to the village hall, before spurring off in a south easterly direction, connecting the A465 and Three Choirs Way long distance walk further to the east.

- 1.5 A group of dwellings lie immediately north of the site which include four properties known locally as the 'Swedish Houses'. These are dormer style bungalows and are within the closest proximity to the northern boundary. On the opposite side of the A465 and to the north-west is the small residential estate known as Westbury.
- 1.6 The application was originally submitted as an outline proposal for the erection of 25 dwellings with all matters apart from access and landscaping reserved for future consideration. However, the scheme has been amended in light of the grant of planning permission on land adjacent to Newlands (151937/O) for 27 dwellings and the numbers have been reduced to 12. The application is supported by the following documents:
- Planning, Design & Access Statement
 - Landscape & Visual Baseline Statement
 - Transport Assessment
 - Flood Risk Assessment and Drainage Statement
 - Ecology Survey
- 1.7 As part of on-going discussions in relation to the application a Draft heads of Terms Agreement has been prepared and agreed with the applicant's agent. A copy is appended to this report.

2. Policies

2.1 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

2.2 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

2.3 Neighbourhood Planning

Stoke Lacy Parish Council are not at the present time producing a Neighborhood Plan.

- 2.4 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 There is no planning history that relates specifically to this site. However, there is a resolution to approve the erection of 28 dwelling houses with details of access and all other matters reserved on land adjacent to Newlands (151937/O). Permission is subject the completion of a Section 106 Agreement.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water – No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site. No problems are envisaged with the provision of water supply for this development. No objection subject to the imposition of conditions.

Internal Council Consultations

- 4.2 Transportation Manager – No objection subject to the imposition of conditions

Conservation Manager

- 4.3 Ecology - I have reviewed the amended plans and the ecological report by Janet Lomas dated September 2015. I am satisfied that the report covers all the key aspects of the ecology of the site. I am happy to support the application subject to conditions and advisory notes.

- 4.4 Landscape – No objections in principle and makes the following comments:

I have read the landscape appraisal submitted in support of the current application and I note the reduction in the number of units from 25 to 12.

- 4.5 Given the position of the site in relation to the existing pattern of development I have no objection to the principle of development on the site. The visual effects are localised mid to long distance views of the site are limited and would be filtered by the proposed planting.

- 4.6 I do however note that the appraisal states the removal of some hedgerow along the A465 boundary, the transport statement suggests a 2.4m x 90m visibility splay, clarification as to the extent of hedgerow removal is therefore required in order to determine the extent of the landscape effects. Currently a robust hedgerow exists along this boundary which contributes to the rural character of the settlement and extensive removal could have a detrimental effect.

- 4.7 Furthermore whilst I am aware that the layout is a schematic layout given that this is an outline application, I do have some comments in relation to the proposals:

- The current layout does indicate a pinch point between the existing commercial units and the proposed roadway.
- The public space adjacent to the village hall as commented upon by the Parks and Countryside officer should be appropriately designed to function for the local community.

- I note that there are a number of trees on along the site boundary which have not been surveyed, a tree survey was requested at pre-app stage, a tree constraints plan would be useful in determining RPA's of both trees and hedgerow to inform layout.

4.8 Public Rights of Way Manager – No objection

4.9 Environmental Health & Trading Standards Manager – No objection

4.10 Waste & Recycling - Each property will be provided, as standard, with 1 x 180 litre black general rubbish bin and 1 x 240 litre green recycling bin. The location point at which residents are able to present their bins for collection should be at the boundary of the property closest to the public highway and not more than 25 meters from the point on the highway that an RCV can safely access. In this area we operate an 18 tonne RCV.

4.11 Housing Manager - There is a requirement for any application which proposes open market housing of more than 10 dwellings to provide affordable housing. This site sits within the Bromyard HMA and as such there is a requirement to provide 40% affordable housing. After reviewing the correspondence it appears to me that the applicant is not meeting this requirement, as the application states that it will provide 2 units by way of low cost mark.

4.12 In order for me to support the application 4 units will need to be provided. I am happy for these units to be low cost market and would be looking for 2 x 2 and 2 x 3 bed units.

4.13 Parks & Countryside Manager – The applicant has clearly indicated how the open space will be used having consulted the Village Hall Committee. This reflects my original comments and the need to consult with the Parish Council as to their requirements especially when considering any formal play for such a small site, given a village the size of Stoke Lacy doesn't require any formal provision. Discussions have taken place with the village hall committee and they have advised that they are supportive of the land being gifted to them, given that Stoke Lacy village hall has no useable outdoor space. They have suggested that rather than a formal play area the land should be set out informally which would allow multiple uses including the erection of a marquees if required which is supported.

4.14 Although not mentioned, suitable management and maintenance arrangements are required and as the land is to be gifted to the village hall committee, it is assumed this will be through them.

5. Representations

5.1 Stoke Lacy Parish Council – Comment as follows:

Stoke Lacy Parish Council OPPOSED this application, on the following grounds:

1. The objections made to the original proposal for 25 houses on this site, made by this Parish Council on 10th February 2016, still pertain. Notwithstanding the proposed 'gift' of land to the village hall and that the number of houses has been reduced to 12, the potential flooding, road safety and all other issues still remain, including the probability of contaminated land, as stated on the Environmental Health Issues letter on the planning website. Also this land was marked as 'unsuitable for development' in the land survey of Stoke Lacy/Stoke Cross. Source: Call for sites, page 5.
2. From the Minutes of the Planning Meeting for the Newlands development: "This proposal (for 28 houses) would provide in one development more than the minimum growth the Core Strategy envisaged for Stoke Lacy in the life of the Strategy", (January 2016; outline planning permission granted.)

3. Since 10th February 2016 a further 4 planning applications have been approved for Stoke Lacy/Stoke Cross, bringing the total number of planning approvals to 32, which represents some 20% of existing houses in the area. In the Parish Council's view and, presumably, in Herefordshire Planners' view (see 2 above) these more than allow for the minimum 15% housing growth envisaged in the Core Strategy for Stoke Lacy/Stoke Cross to 2031. A further 12 houses would be a gross overdevelopment of this very small settlement and would contravene Herefordshire Council's own Strategy.

- 5.2 Stoke Lacy Village Hall Charity – Has commented on the application. In summary the points raised are as follows:

Although the scheme has been significantly amended since its original submission, there are a number of issues with which the charity remains unhappy. These are:

- The proposed position of the pedestrian crossing.
- Access / security issues relating to the gifted area of open space.
- The implication that the village hall car park could be used as overflow parking for the new development

- 5.3 West Mercia Police - I note that this application makes reference to crime reduction and anti social measures within the Design Access Statement, under the Planning Policy, para 3.7.

There is, however, a clear opportunity within the development to achieve the Secured by Design award scheme. The development appears to have good access control and natural surveillance already built into the design. The principles and standards of the award give excellent guidance on crime prevention through the environmental design and also on the physical measures. The scheme has a proven track record in crime prevention and reduction which would enhance the community well being within this village.

- 5.4 CPRE – Object to the application. In summary the points raised are as follows:

- There is already sufficient provision of new housing development in the village for the Plan Period 2011-2031. The proposal is contrary to Policy RA1 of the Core Strategy.
- The proposed new access to the site directly from the A465 will jeopardise the safety of road users and pedestrians, contrary to Policy MT1 of the Core Strategy.
- The site is grade 3 agricultural land and a productive orchard. The proposal is contrary to Policies LD2 and LD3 of the Core Strategy and paragraphs 110 and 112 of the National Planning Policy Framework.
- The consequence of the proposal would be an unsustainable development for new and existing residents, contrary to Policy SD1 of the Core Strategy and paragraph 120 of the National Planning Policy Framework.

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

Principle of Development

- Disproportionate growth for the existing size of the village, particularly in light of the recent permission for 28 dwellings at Newlands.
- The proposed dwellings will not be affordable to local people and will not meet local needs.
- There is no great need for new housing locally.
- The village lacks local services, amenities or employment opportunities to support a development of this size.
- The village is not sustainably located and future residents would have to rely on private modes of transport.

- The Council should promote a more dispersed, lower density housing model.
- There will be increased pressure on existing services such as local schools and doctors surgery.

Amenity

- The scheme will have a detrimental impact on the amenities of adjoining residents.
- Increases in pollution (air, light and noise).
- Noise and general disruption during construction.

Highway Matters

- Additional traffic and the position of the access road will cause highway safety problems.
- There have been a number of near misses and incidents of dangerous driving that have not been recorded.
- There is no safe footpath between Stoke Lacy and Stoke Cross

Visual Impacts

- The development is not in keeping with the rest of the village / does not reflect local distinctiveness.
- The proposal would be detrimental to the setting of the village and will be particularly visible from public footpaths to the east.

Other Matters

- The proposal will result in the loss of an orchard and cause detrimental effects on local wildlife and a loss of biodiversity.
- Local people were led to believe that the development would be instead of, not as well as, the approved scheme at Newlands.
- Increased possibility of flooding in lower lying parts of the village.

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

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 in a number of recent appeal inquiries and it has been consistently concluded that 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, Inspectors have determined that CS policies 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. Stoke Cross / Stoke Lacy is identified as one of the rural settlements within the Bromyard 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 Bromyard rural HMA the indicative minimum housing growth is 15%. This amounts to 24 dwellings for Stoke Lacy.
- 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, Stoke Lacy has not sought to progress a Neighbourhood Plan.
- 6.9 In the absence of a NDP, 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 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 well related to Stoke Lacy. It is bounded by the village Hall to the south and dwellings to the north. Access can be achieved directly onto the A465 and the Wye Valley Brewery and Plough Inn public house are opposite. It cannot be concluded that the proposal would 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 The proposed means of access to the site is onto the A465 and within a 30 mph zone. At the point of the proposed access the road is straight in both directions; although continues to rise in a northerly direction, and is currently bounded by a mature hedge that forms part of the application site. There are other traffic generating uses within the immediate locality which include the village hall, brewery, public house and other business uses.

The application is accompanied by a Transport Statement. This includes details of a speed survey completed as part of the assessment of road conditions within the locality. It confirms the point made in many of the letters of objection that traffic speeds exceed the 30 mph limit. 85th percentiles are recorded as being 36 mph to the north of the Plough Inn and 38 mph adjacent to the village hall. Accordingly, the 2.4 x 90 metre visibility splays shown on the plan forming an appendix to the Transport Assessment are well in excess of those prescribed for a 30mph limit.

- 6.15 If planning permission were to be granted the development would be subject to the completion of a Section 278 Agreement. This would include works that are deemed to be necessary within the application site or on highway land to make the development acceptable in highway safety terms. In this case the Transport Assessment has identified the need to extend the footpath across the entire site frontage from the village hall to connect with the bus stop to the north, and to provide a crossing point. This would take the form of dropped kerbs rather than a more formal controlled crossing and is identified on the indicative layout plan. Its location has been questioned with some suggestion that it would require a breach of the guard rails that have been put in place adjacent to the pedestrian entrance to the village hall. Members can be assured that all works required through Section 278 Agreements are the subject of detailed assessment to ensure that all works proposed are safe, and the location of the crossing point will be given the same scrutiny.
- 6.16 The Heads of Terms appended to this report also sets out contributions to be made for other off site highway improvements and include a gateway feature for the settlement and the installation of a Speed Indication Display (SID) device. These are matters that, in your officers opinion, provide mitigation in highway safety terms to make the development acceptable.

- 6.17 It is concluded that in terms of highway safety, the above measures demonstrate that any potential impacts arising from the development can be mitigated. The proposal is therefore considered to accord with Policy MT1 of the Core Strategy and paragraph 32 of the NPPF.

Landscape and Ecological Impacts

- 6.18 The site is currently used as a commercial orchard. It is surrounded by mature hedgerows and is visually contained. In landscape terms its presence is not especially evident. Views from the footpath to the east are filtered by these hedgerows and these are unlikely to be unaffected by the development.
- 6.19 In terms of landscape impact, apart from the removal of the orchard the most significant visual change will be the removal of the roadside hedgerow. A balance has to be struck here between a desire to retain the rural nature of the village and a desire to change the perception of the area for road users.
- 6.20 No objections have been raised to the application by either the Council's Landscape Officer or Ecologist, subject to the imposition of conditions. The scheme includes measures to mitigate the impacts of the development which include the retention of existing hedgerows and areas of new planting. The Landscape Officer has recommended the submission of further information in respect of Root Protection Areas (RPAs) around existing trees and this is a matter that can be dealt with through the imposition of an appropriately worded condition. Similarly the Council's Ecologist has recommended the imposition of conditions to ensure that development is carried out in accordance with the recommendations in the ecology report submitted with the application.
- 6.21 Development of any sort will inevitably have impacts both in terms of landscape and ecology. In both cases however it is considered that the impacts of the development can be mitigated. The site has no national or local designation in either regard and on this basis, the proposal is sustainable and considered to accord with policies LD1, LD2 and LD3 of the Core Strategy.

Other Matters

- 6.22 The potential for increased flood risk has been raised by some of the letters of objection but no evidence has been submitted to substantiate this and it is not supported either by the information submitted as part of the application, or in the consultation response received from the Council's Land Drainage Engineer. There was an initial request for the submission of further information in respect of drainage arrangements, but this has now been provided and, subject to condition, is considered to be acceptable. There is no clear evidence to suggest that the proposal will cause flooding elsewhere and the scheme is compliant with Policy SD3 of the Core Strategy.
- 6.23 Draft Heads of Terms are appended to the report. These include the provision of four affordable dwellings in accordance with Policy H1 of the Core Strategy. The applicant has also allocated a specific area of open space adjacent to the village hall. The Heads of Terms also requires a contribution to be made towards education infrastructure at Burley Gate Primary School and, as discussed previously, highway improvements that include the creation of a gateway feature and SID device to try and reduce traffic speeds along the A465. These are all considered to be social benefits that weigh in favour of the development.

Summary and Conclusions

- 6.24 Both Policy SS1 of the Core Strategy and paragraph 14 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where they accord with the development plan. The site is well related to the built elements of Stoke Cross. Notwithstanding the concerns raised by local

residents, the village is considered to be sustainable and is one where proportionate growth will be promoted.

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.

- 6.25 The development will have some impacts in environmental terms. The character of the orchard and the village would inevitably be changed if the development were to go ahead. There will also be some impacts in terms of biodiversity through the loss of existing vegetation and habitats. Whilst these impacts can be mitigated through new planting and landscaping schemes they are not necessarily environmental benefits. However, the area is not afforded any national or local designation and your officers do not consider these impacts to outweigh the presumption in favour of sustainable development.
- 6.26 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. C02 - A02 Time limit for submission of reserved matters (outline permission)**
- 2. C03 - A03 Time limit for commencement (outline permission)**
- 3. C04 - A04 Approval of reserved matters**
- 4. None of the dwellings shall be occupied until the roadworks necessary to provide vehicular access from the A465 have been completed in accordance with details submitted to and approved in writing by the Local Planning Authority.**

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

- 5. 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.

Framework.

6. **No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:**
- a. **Wheel cleaning apparatus which shall be operated and maintained during construction of the development hereby approved.**
 - b. **Parking for site operatives and visitors which shall be retained and kept available during construction of the development.**
 - c. **A noise management plan including a scheme for the monitoring of construction noise.**
 - d. **Details of working hours and hours for deliveries**
 - e. **A scheme for the control of dust arising from building and site works**
 - f. **A scheme for the management of all waste arising from the site**
 - g. **A travel plan for employees.**

The agreed details of the CMP shall be implemented throughout the construction period.

Reason: In the interests of the residential amenity of properties within the locality and of highway safety in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

7. **No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or 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

8. **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.

9. **Prior to the first occupation of any of the dwellings hereby approved a Travel Plan which contains measures and targets to promote alternative sustainable means of transport for residents and visitors with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation**

shall be made available for inspection by the Local Planning Authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

10. **No development shall commence on site, including any site clearance, or materials or machinery brought to the site for the purposes of development until a scheme of habitat protection works (trees and hedgerows as identified in the ecology report recommendations) has been submitted to and approved in writing by the local planning authority and the agreed scheme implemented on site. The protection measures shall be maintained in good condition in situ on site until the completion of all works and the removal of materials and machinery at the end of development, at which time they must be removed from site and any disturbance made good.**

Reason: The proper consideration of potential impacts on protected species and biodiversity assets is a necessary initial requirement before any groundworks are undertaken so as to ensure that the nature conservation interest of the site is protected. So as to comply with Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

11. **In this condition ‘retained tree/hedgerow’ means an existing tree/hedgerow that is to be retained in accordance with the approved plans and particulars.**

No development, including demolition works shall be commenced on site or site huts, machinery or materials brought onto the site, before adequate measures have been taken to prevent damage to retained trees/hedgerows.. Measures to protect retained trees/hedgerows must include:

a) Root Protection Areas for each retained tree/hedgerow must be defined in accordance with BS3998:2010 – Tree Work - Recommendations, shown on the site layout drawing and approved by the Local Planning Authority.

b) Temporary protective fencing, of a type and form agreed in writing with the Local Planning Authority must be erected around each retained tree/hedgerow. The fencing must be at least 1.25 metres high and erected to encompass the whole of the Root Protection Areas for each retained tree/hedgerow.

c) No excavations, site works or trenching shall take place, no soil, waste or deleterious materials shall be deposited and no site huts, vehicles, machinery, fuel, construction materials or equipment shall be sited within the Root Protection Areas for any retained tree/hedgerow without the prior written consent of the Local Planning Authority.

d) No burning of any materials shall take place within 10 metres of the furthest extent of any retained hedgerow or the crown spread of any retained tree.

e) There shall be no alteration of soil levels within the Root Protection Areas of any retained tree/hedgerow.

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.

12. No new development shall commence on site until, based on the recommendations in the ecology report, a detailed habitat & biodiversity enhancement scheme, including type and location of bat roosting and bird nesting mitigation/enhancements, a lighting plan, landscape & planting proposal and an associated 5 year maintenance and replacement plan has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

13. No development shall commence until a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwellings approved and a datum point outside of the site, has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the absence of sufficient detailed information, the clarification of slab levels is a necessary initial requirement before any groundworks are undertaken so as to define the permission and ensure that the development is of a scale and height appropriate to the locality and to comply with Policy SD1 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. Negotiations in respect of matters of concern with the application (as originally submitted) 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 within the National Planning Policy Framework.
2. This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
3. I 09 Private apparatus within the highway
4. I 11 Mud on the highway
5. I 35 Highways Design Guide
6. I 41 Travel Plans
7. I 45 Works within the highway
8. It is possible that unforeseen contamination may be present on the site as a result of its former agricultural/orchard use. Consideration should be given to the possibility of encountering contamination on the site as a result of its former uses and specialist advice be sought should there be any concern about the land

9. **The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com**

10. **The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.**

11. **The landscaping/enhancement scheme should take in to account Chalara Ash Dieback Disease that is now endemic to the UK and widespread across Herefordshire. With a 95-98% ash mortality consideration should be given as to the management of existing ash trees on site and ensure appropriate additional mitigation planting of future standard hedgerow trees of alternative species (eg Oak, Small-leaved Lime and Hornbeam) is included in the scheme submitted for approval. With a much better take up by wildlife the enhancement scheme should also see the inclusion of bat roosting opportunities within the houses (see Bat Conservation Trust website for details of appropriate ‘bat bricks’ raised ridge tiles and bat boxes) and the use of woodcrete bird nesting boxes including sparrow terraces. The lighting plan is needed so as to ensure bats and other nocturnal animals and the wider landscape are not impacted by any additional lighting and support the objectives of the ‘dark skies initiative’.**

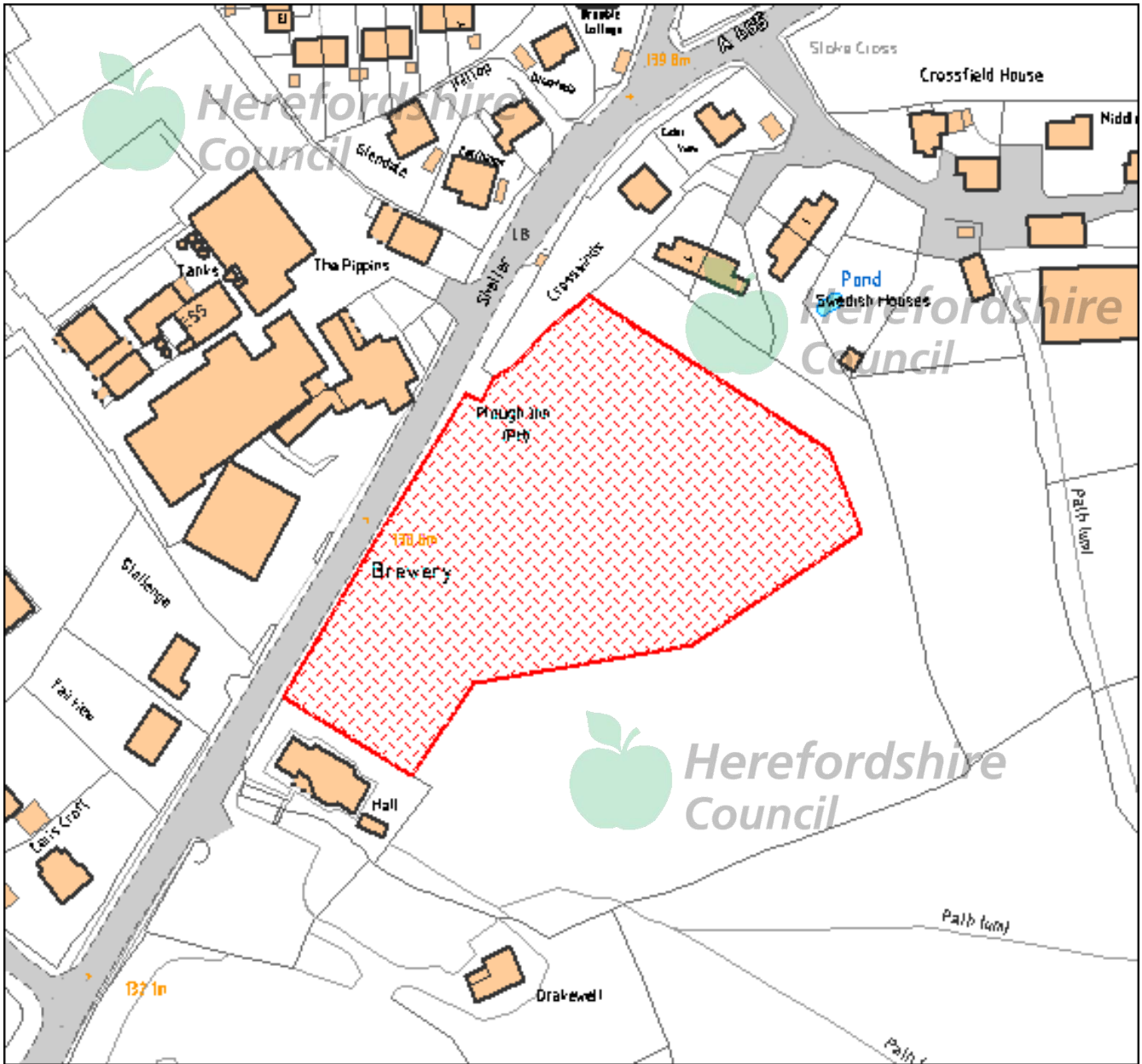
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 160014

SITE ADDRESS : LAND ADJACENT TO STOKE LACY VILLAGE HALL, STOKE LACY, HEREFORDSHIRE, HR7 4HG

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

DRAFT

HEADS OF TERMS

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

Planning Application – P160014

Site address:

Land adjacent to Stoke Lacy Village Hall, Stoke Lacy, Herefordshire, HR7 4HG

Planning application for:

Proposed erection of 12 dwellings, new vehicular access and associated works including new play area/open space.

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):

£1,201.00 (index linked) for a 2 bedroom apartment open market unit

£2,143.00 (index linked) for a 2/3 bedroom open market unit

£3,471.00 (index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at Burley Gate Primary 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):

£1,967.00 (index linked) for a 2 bedroom open market unit

£2,592.00 (index linked) for a 3 bedroom open market unit

£3,933.00 (index linked) for a 4+ bedroom open market unit

to provide 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) Provision of Gateway features at both ends of the village, to reduce speeds and make drivers more aware of the village environment they are driving through. This may include relocation/redesign of the 30mph features and the installation of a Speed Indicator Device.
- b) Improvements to and provision of passenger waiting facilities, shelters and dropped kerbs.
- c) Provision of improved pedestrian/cycle access to key infrastructure identified at

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

NOTE: A Section 278 agreement may also be required for the provision of the footpath to the bus stop and the crossing to the village hall depending on the advice of the local Highways Authority

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £80.00 (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 provide a minimum of 0.033ha of on-site green infrastructure comprising;
 - 0.011ha (110sqm) of Public Open Space
 - 0.022ha (220sqm) of Children's Play of which 0.006 (60sqm) should be formal play
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 that 40% (4) of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H1 of the Herefordshire Core Strategy or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
7. The developer covenants with Herefordshire Council that the affordable housing should be low cost market comprising 2 x 2 bed dwellings and 2 x 3 bed dwellings.
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 Low Cost Market Housing Units must be allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
 - 9.1. a local connection with the parish of Stoke Lacy;
 - 9.2. in the event of there being no person with a local connection to Stoke Lacy any of the following parishes, Much Cowarne, Moreton Jeffries, Ullingswick, Little Cowarne, Bromyard West, Avenbury, Bishops Frome;
 - 9.3. in the event of there being no person with a local connection to those parishes identified in paragraph 9.1 and 9.2 above any other person who has a local connection of a type described in 10.1 to 10.2 below if the owner can demonstrate to the Council after 3 months of any Low Cost Market Housing units becoming available for sale the Owner having made all reasonable efforts has found no suitable candidate under sub-clause 9.1 or 9.2 above any other person ordinarily resident within the administrative area of the.
10. For the purposes of sub-paragraph 10.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
 - 10.1. is or in the past was normally resident there; or

- 10.2. is employed there; or
 - 10.3. has a family association there; or
 - 10.4. a proven need to give support to or receive support from family members; or
 - 10.5. because of special circumstances;
- 11. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2 and 3 above, for the purposes specified in the agreement within 10 years of the date of payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
 - 12. The sums referred to in paragraphs 1, 2 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.
 - 13. If the developer wishes to negotiate staged and/or phased trigger points upon which one or more of the covenants referred to above shall be payable/delivered, then the developer shall pay a contribution towards Herefordshire Council's cost of monitoring and enforcing the Section 106 Agreement. Depending on the complexity of the deferred payment/delivery schedule the contribution will be no more than 2% of the total sum detailed in this Heads of Terms. The contribution shall be paid on or before the commencement of the development.
 - 14. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Yvonne Coleman
Planning Obligations Manager
22 June 2016