Herefordshire Council

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| **MEETING:** | **PLANNING AND REGULATORY COMMITTEE** |
| **DATE:** | **21 FEBRUARY 2018** |
| **TITLE OF REPORT:** | **163324 - RESERVED MATTERS APPLICATION (LAYOUT, SCALE, APPEARANCE AND LANDSCAPING) FOLLOWING OUTLINE APPROVAL 150888 - FOR THE ERECTION OF 35 DWELLINGS AT LAND TO THE WEST OF A40, WESTON UNDER PENYARD, HEREFORDSHIRE.**<br><br>**For: Ballimark Ltd, Ruardean Works, Varnister Road, Nr Drybrook, Gloucester, GL17 9BH** |
| **WEBSITE LINK:** | https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163324&search=163324 |
| **Reason Application submitted to Committee – Contrary to Policy** | |

**Date Received: 17 October 2016** **Ward: Penyard** **Grid Ref: 363505,223088**

**Expiry Date: 1 October 2017**
Local Member: Councillor H Bramer

## 1. Site Description and Proposal

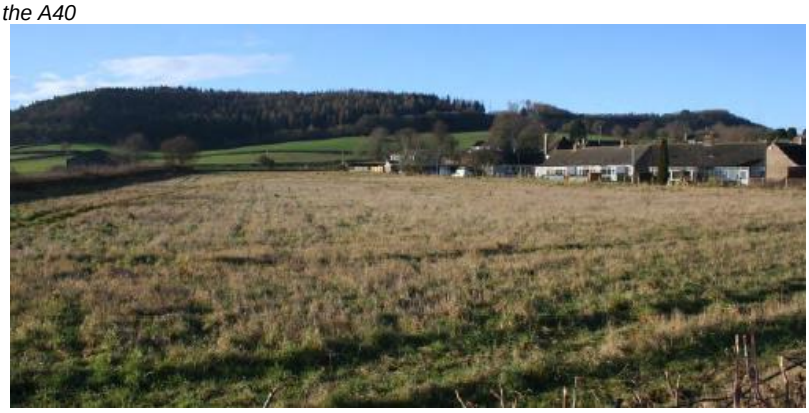
1.1 The application seeks approval of Reserved Matters following the grant of outline planning permission P150888/O, with all matters bar access reserved for the erection of 35 dwellings on land immediately west of the A40 at Weston under Penyard.

1.2 The application site is located on the south eastern fringe of Weston under Penyard, approximately two miles from Ross on Wye. The village is dissected by the A40 Ross-on-Wye to Gloucester Road and the application site lies on the southern side of the road.

1.3 The site is generally flat, although there is a gentle rise towards the south west. It is roughly rectangular in shape and approximately 1.3 hectares in size. Its current use is not immediately evident but it appears as an area of rough pasture on the edge of the village.

1.4 Its north western boundary is formed by a modern residential estate which is a mix of bungalows and two storey houses. A mature hedge and the A40 form the boundary to the north east, while the south western boundary is formed by a hedgerow and a track which gives access to an agricultural building. Finally, the south eastern boundary is made up of a gappy hedgerow with open countryside beyond.

*View of the site from the A40*



1.5 The layout arrangement, which has been subject to amendment during the course of the application, shows the detailed layout for 35 dwellings. These comprise a range of detached, semi-detached and terraced properties. The layout plan is shown below. Given the rectangular shape of the site, development is shown in depth, but is constrained by the presence of existing residential development on Seabrook Place and Penyard Gardens along the south western boundary. Plots arranged along this shared boundary are either orientated with a back garden along the boundary or with a blank gable end opposing existing properties. The scheme provides a clear development frontage onto the A40, although dwellings are set back from the road as a consequence of a drainage easement that runs across this part of the site. The main point of access into the site is positioned in the south eastern corner of the road frontage. As stated earlier, this was previously agreed by the outline planning permission.

*Proposed site layout*

**PRIVATE**

| House Type | No of Bedrooms | SqFt | No | Total SqFt |
|---|---|---|---|---|
| Hornby | 2 | 780 | 4 | 3120 |
| Tennyson | 2 | 859 | 6 | 5154 |
| Potter | 3 | 950 | 3 | 2850 |
| Potter-A | 3 | 966 | 1 | 966 |
| Hardy | 3 | 1114 | 2 | 2228 |
| Joyce | 4 | 1202 | 4 | 4808 |
| Austen-A | 4 | 1315 | 1 | 1315 |
| Austen-B | 4 | 1315 | 1 | 1315 |
| Lear | 4 | 1349 | 2 | 2698 |
| Nesbit | 4 | 1370 | 1 | 1370 |
| Nesbit-A | 4 | 1393 | 1 | 1393 |
| Harwood | 5 | 2235 | 2 | 4470 |
| **TOTALS** | | | 28 | 31687 |

| | |
|---|---|
| Private housing plot areas (sqft) | 31687 |
| Net developable area (acres) | 2.45 |
| Coverage sqft/acre | 12933 |

**AFFORDABLE**

| House Type | No of Bedrooms | SqFt | No | Total SqFt |
|---|---|---|---|---|
| 902 | 2 | 828 | 2 | 1656 |
| 903 Wide | 3 | 968 | 2 | 1936 |
| 903 Wide-A | 3 | 983 | 1 | 983 |
| 903 | 3 | 968 | 2 | 1936 |
| **TOTALS** | | | 7 | 6511 |

| | |
|---|---|
| Affordable Housing plot areas (sqft) | 6511 |
| Net developable area (acres) | 0.47 |
| Coverage sqft/acre | 13853 |

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|---|---|---|
| **SITE TOTALS** | 35 | 38198 |

1.6 Other significant amendments to the application relate to the ability of the scheme to deliver affordable housing. The applicants have submitted a viability assessment which concluded that, on the basis of the S106 requirements set out by the Outline planning permission to provide 12 no. affordable dwellings and contributions totalling £196,405 the scheme would not be viable. The scheme to be determined delivers a reduced number of 7 affordable dwellings and a full suite of contributions in accordance with the Council's Planning Obligations Supplementary Planning Document. The rationale behind this will be explored later in this report.

1.7 In addition to the amended plans, the application is also supported by the following documents:

- Design Statement
- Materials Schedule
- Boundary Materials Layout
- Construction Management Plan
- Arboricultural Constraints Report
- Five Year Landscape Management Plan
- Preliminary Ground Investigation Report
- Drainage Strategy and Flood Risk Assessment
- Archaeological Excavation and Watching Brief

## 2. Policies

2.1 Herefordshire Local Plan – Core Strategy

| | | |
|---|---|---|
| SS1 | - | Presumption in Favour of Sustainable Development |
| SS2 | - | Delivering New Homes |
| SS3 | - | Releasing Land for Residential Development |
| SS4 | - | Movement and Transportation |
| RA2 | - | Housing in Settlements Outside Hereford and the Market Towns |
| RA3 | - | Herefordshire's Countryside |
| H1 | - | Affordable Housing – Thresholds and Targets |
| H3 | - | Ensuring an Appropriate Range and Mix of Housing |
| MT1 | - | Traffic Management, Highway Safety and Promoting Active Travel |
| LD1 | - | Landscape and Townscape |
| LD2 | - | Biodiversity and Geodiversity |
| LD3 | - | Green Infrastructure |
| LD4 | - | Historic Environment and Heritage Assets |
| SD1 | - | Sustainable Design and Energy Efficiency |
| SD3 | - | Sustainable Water Management and Water Resources |
| ID1 | - | Infrastructure Delivery |

2.2 National Planning Policy Framework:

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

2.3 Weston under Penyard Neighbourhood Development Plan (made 20 May 2016 – this attracts full weight for the purposes of decision-makng.)

H1 - Number of New Houses

HS1 - Land East of Penyard Gardens, SW of A40
H3 - Housing Mix and Tenancy
H4 - Type of Housing
H5 - Provision of Affordable Housing
D1 - Design Appearance
D2 - Technical Design
SD1 - Community Facilities
ST1 - Accommodating Traffic within the Parish
SE1 - Sustaining the Parish Environment and Landscape
SE2 - Sustaining Local Heritage and Character
SE6 - Sustainable Water Management

https://www.herefordshire.gov.uk/downloads/file/9257/neighbourhood_development_plan

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

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

## 3. Planning History

3.1 150888/O - Outline application for proposed erection of (up to) 35 dwellings with new access and associated landscaping and parking – Approved following the completion of a Section 106 Agreement on 2 April 2015.

On the basis of the Reserved Matters as they were originally submitted, the Agreement would have delivered the following:

- 12 no. affordable dwellings – six 2 bed and six 3 bed
- £71,464 towards education improvements
- £4,482 towards special educational needs
- £75,961 towards traffic calming and traffic management measures in the locality;
- £53,989 towards the open space and play
- £2,800 towards recycling facilities

## 4. Consultation Summary

Statutory Consultations

4.1 Welsh Water

No objection subject to compliance with condition 15 of the outline planning permission.

Internal Council Consultations

4.2 Traffic Manager

The footway/cycleway is an important connection. Whilst the information notes that it is the intention to provide this link it should be shown/demonstrated on submitted documents. The connection also needs a drop kerb provision within the Herefordshire Housing land. The existing footway at the front of the site is to be widened and this needs to be shown on the submitted plans. The site layout is generally agreed, minor points to be agreed through the S38/278 process.

Please can a plan be supplied showing the number of bedrooms and the number of parking spaces allotted to the dwellings. This is to confirm that the layout meets HC design guide parking guidance. Parking adjacent to dwelling numbers 25-28 could pose problems with vehicles being blocked in.

4.3 Conservation Manager

Ecology

Having looked through all the relevant plans and reports provided, I am satisfied that if built as specified then all relevant ecological considerations have been taken in to account and that the detailed biodiversity enhancements are appropriate.

Landscape

I have seen the landscape proposals (sheets 1 and 2). I am content with landscaping shown. As previously discussed the securing of the hedgerow through the removal of PD rights of properties along the eastern boundary is appropriate in this instance. In addition to this the maintenance of the hedgerow height through an agreed maintenance plan is also recommended.

Archaeology

The submitted archaeological scheme is fully acceptable and (particularly since the work referred to has actually been done) Condition 16 should be discharged.

4.4 Environmental Health & Trading Standards Manager

We have had sight of the applicant's proposals for the discharge of conditions 10 and 17. A construction management plan is supplied in accordance with condition 10. We would ask that this be amended specifically to include a named contact point for local residents and details of how the developer intends to communicate with them.

Condition 17 noise attenuation scheme – the design layout of the site means that amenity areas to the houses closest to the road will be shielded by the houses themselves and so we have no further objections or comments to make on noise grounds.

4.5 Land Drainage Engineer

We have no objections in principle to the approval of this reserved matters application in regard to flood risk and drainage. The Applicant has addressed the majority of the points raised within our response to the outline planning application and we are confident that outstanding issues can be addressed prior to construction as part of suitably worded planning conditions.

We therefore recommend the following information is provided as part of suitably worded planning conditions prior to construction:

- Detailed drawings of the proposed crate soakaways, permeable paving and infiltration pond – including inlet and outfall details of the pond and appropriate overflow during exceedance events.
- A copy of infiltration testing calculations and confirmation of test locations, demonstrating that tests were undertaken in accordance with BRE 365.
- Evidence that groundwater levels are greater than 1m below all infiltration structures.
- A revised infiltration basin design with supporting micro-drainage calculations
- Correspondence with Herefordshire Council confirming that a S38 agreement has been made to adopt the infiltration basin.

If closer inspection of the submitted infiltration testing calculations indicates an unacceptable uncertainty then a lower infiltration rate may be considered more appropriate at the location of the proposed infiltration pond, and revised calculations and drawings will need to be submitted prior to construction.

Following the submission of additional drainage information further comments have been received as follows:

*The Applicant has addressed the majority of the points raised within our previous response to the reserved matters planning application and we are confident that outstanding issues can be addressed prior to construction as part of suitably worded planning conditions. We therefore recommend the following information is provided as part of suitably worded planning conditions prior to construction:*

- *Detailed drawings of the infiltration basin including confirmation of the location of the high level overflow for all events greater than the 1 in 100 year event and demonstration that exceedance flows from the basin will be directed towards an area of low vulnerability.*

*The Applicant intends for the infiltration basin to be adopted by Herefordshire Council Highways. We have no further comment on this matter but refer this to the Council for review and comment.*

4.6 Housing Officer

With regards to the site in Weston under Penyard, Strategic Housing's preference concerning affordable housing delivery is that priority has to be given to the delivery of dwellings on site rather than the payment of a commuted sum. No affordable dwellings for rent or shared ownership have been delivered in the village in over 20 years. The last form of affordable development produced in the village was for Low Cost Market and these were approximately 10 years ago. There is an immediate housing need in the village for the dwellings.

If a commuted sum were to be received there are no sites in or adjacent to the village to invest the money in. Consequently the immediate delivery of affordable housing would not happen.

## 5. Representations

5.1 Weston under Penyard Parish Council

Policy HS1 (c) requires a combined footway / cycleway link to be provided between the development site and the existing adopted highways to the SW side of the development. This is described in the applicant's Design Statement as a "pedestrian link to the village". However a firm proposal for the layout of this link has not been sighted in the application. The reserved matters application should not be approved until this link is confirmed and designed appropriately.

Policy HA1 (h) states that the developer should ensure that the phasing of construction minimises the effect on the amenity or visual intrusion of residents of properties located nearby and those new residents nearby within their development. The developer should provide a working method statement showing how development should be brought forward in phases to minimise any adverse effects. A Construction Management Plan has been provided but does not address the issue of phasing or the duration of the construction phase from start to finish.

A "Site Strategy Plan" has been provided, which is unclear but may indicate four phases for the first 27 houses, with no mention of the remaining 8 houses. Clarification is requested. The intention for the location of the Sales Complex is unclear since the Site Strategy Plan seems to indicate that it shares the same site Phase 1 construction. Clarification is requested.

Postscript 30th November 2016: The Parish Council has now received from MFF an additional drawing SL.01 which clarifies that all the houses will be built over four phases. However no information has been provided to date on the time-line for each of the phases and the complete development, or whether the four phases will be contiguous. The PC is seeking assurances that the entire development will be completed in the shortest possible time so that the village is not adversely affected by the presence of the construction site over a long period of time. Clarification is also required on the location of the sales complex and how this relates to phase1 construction. The Parish Council presumes that the revised drawing SL-01 will be issued as an amendment to the application.

Policy D2 (b) requires that adequate off-street parking should be provided. Excluding garages, which are often not used for regular parking of cars, it seems that the design layout has adopted the simplistic approach of providing two parking spaces for each dwelling regardless of whether these are are 2, 3, 4 or 5 bedroom houses.

Weston under Penyard has a poor and deteriorating bus service and so the local car ownership is high. Many hundreds of houses are planned for the eastern side of Ross on Wye spreading out along the A40 and nearby area. This is expected to lead to increasing car journeys as residents travel longer distances to find employment and education, resulting in even higher car ownership levels.

On-street parking for residents and visitors is undesirable, untidy and increases the risk of accidents. Two parking spaces for four-bedroom houses is considered insufficient and should be increased to at least three spaces per house. For the two five-bedroom houses it seems that the proposed layouts could reasonably accommodate the parking of up to four cars per house without undue inconvenience and so this is probably acceptable.

The site layout does indicate three parking spaces for visitors near the entrance from the A40. In practical terms these are too far from the houses and the spaces are unlikely to be used for that purpose.

As already discussed with MFF there are concerns about the increasing numbers of commercial vehicles being parked in housing developments by residents. Arrangements should be included to permit any long term on-street parking of commercial vehicles only within the grounds of residential houses.

5.2 Following the receipt of amended plans showing the reduction in affordable housing and further consultation, the parish council **object** to the revisions and have made further comments:

*During the NP consultation process residents expressed a need for affordable homes. This re-consultation only achieves 7 affordable homes, nearly 50% less than the original plan. The parish council prefers the arrangement of housing in the original plan.*

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163324&search=163324

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 The principle of development on this land is established via the outline planning permission and the RM submission is submitted in accordance with the relevant conditions.

6.2 In this instance access was approved, so the RM's comprise appearance, scale, layout and landscaping.

6.3 The Development Plan for the area comprises the Core Strategy and the Weston under Penyard NDP and the documents attract full weight for the purposes of decision-makng.

6.4 In accordance with the presumption in favour of sustainable development, as expressed in the NPPF and CS, approval should be given unless the adverse impacts significantly and demonstrably outweigh the benefits. There are, in my view, no restrictive policies applicable.

Appearance

6.5 The site is adjacent to the residential areas comprised of Penyard Gardens and Seabrook Place. It forms part of the eastern approach to the village when travelling along the A40 in a westerly direction, but is not immediately discernible as a separate parcel of land from the road due to the mature hedge forming the eastern boundary and the proximity of the built edge of the village to it.

6.6 Penyard Gardens and Seabrook Place are currently seen as the defined edge of the village. Neither are of any particular architectural quality and inhibit views of the older parts of the village that lie around the church. Moreover, it is my opinion they should not provide the cues for the detailed design and appearance of this proposal; it often being argued that new development should reflect that to which is most closely relates.

*Eastern approach towards the village with application site in the foreground*

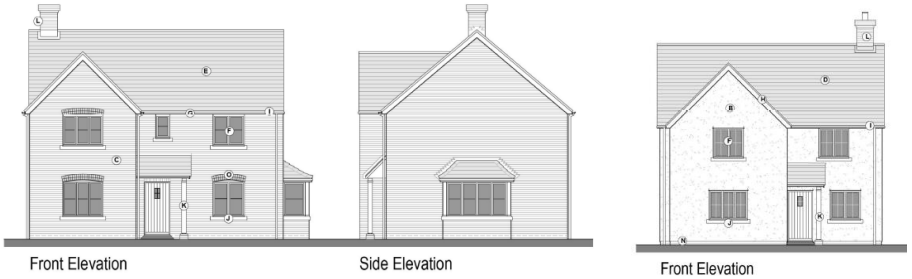
6.7 Policy LD1 of the Core Strategy requires that developments demonstrate that they have been positively influenced in terms of their scale and design by their surroundings. Policy D1 of the NDP is a similarly criteria-based policy which requires that:

*"…new development should offer a design that seeks to reflect local distinctiveness and the aesthetic qualities of traditional rural settlements and buildings found in South Herefordshire. Development proposals should contain design measures which, in addition to regulatory requirements, will:*

*a) Be sympathetic to the existing traditional character of the parish, utilising a mixture of materials and architectural styles and incorporate locally distinctive features, for example, the use of local stone;*
*b) Ensure that the design and use of materials is such that affordable homes are visually indistinguishable from market housing;*
*c) Respect the scale, density and character of existing properties in the parish;"*

6.8 The proposal creates a frontage onto the A40 which, in your officer's view, helps to assimilate the development with the rest of the village. The house types proposed use a variety of materials, which includes brick, render and stone and architectural features to add visual interest to the appearance of the development and some examples are shown below:

*Examples of house types*



6.9 The submission includes a detailed materials schedule. This is also reflective of the surrounding area with a mix of brick, stone and render for elevations and a variation of roofing materials which will create a degree of visual interest in the built form. The materials schedule is considered to be acceptable. Your officers view is that the proposal has been positively influenced by the character of its surroundings in accordance with Policy LD1 of the Core Strategy. Furthermore, it is also considered that the development will serve to enhance the appearance of the approach to the village in accordance with Policy D1 of the NDP. The proposal accords with both policies and is acceptable in terms of its appearance.

Scale

6.10 The dwellings proposed are all two storeys and are broadly of a scale consistent with the surrounding context. Penyard Gardens does provide an exception to this as it is predominantly comprised of single storey dwellings. This, in your officers opinion, does not preclude a development that is entirely of two storeys and the relationship with properties on Penyard Gardens will be explored further in the layout section of this report.

6.11 The scale, in terms of dwelling numbers, is consistent with the outline planning permission. A development of 35 dwellings on a site of 1.3 hectares represents a density of 27 dwellings per hectare. It was accepted in the determination of the outline application that the proposal is not of a high density and is in fact comparable in this regard to its immediate surroundings. The proposal makes good use of the land at a level that is considered to be appropriate in terms of its context.

6.12 For the purposes of this assessment, I am content that the scale of development in terms of the proportions of the dwellings themselves is acceptable in accordance with LD1 and SD1 of the Core Strategy and D1 of the NDP.

Layout

6.13 Policies SD1 of the Core Strategy and D1 of the NDP both place importance on ensuring that the residential amenity of existing and future residents is safeguarded. The layout as originally submitted gave some concern to officers that the residential amenity of 17 to 20 Penyard Gardens would be impacted as a consequence of overlooking. As a result the plans have been amended to increase the separation between these properties and those within the site. Space has been created between dwellings within the site through the reconfiguration of parking spaces and your officers are of the view that this has addressed the concerns originally raised by them.

6.14 The layout is also influenced by the drainage easement that runs across the front of the site. While plots 1 to 4 front onto the A40, they are set behind an area of green space. This will serve to provide an attractive setting for the development an enables the retention on a hedgerow along the road frontage, albeit that this will be a newly planted hedgerow as the existing one will need to be removed to facilitate visibility splays at the junction and footpath improvements along the A40.

6.15 Discussions have continued between officers, the applicants and Herefordshire Housing as an adjoining landowner in order to ensure a footpath link onto Seabrook Place is provided. This is crucial as it creates an obvious route to the primary school and playing fields to the south west of the site. Herefordshire Housing own a grass verge that lies between the boundary of the application site and the adopted highway of Seabrook Place. A Deed of Dedication of the land for it to be used for highway purposes has been signed which will ensure that a footpath link can be delivered. This is an important part of the layout as it ensures connectivity with the surrounding area and addresses the Parish Council's specific comments in this regard at 5.1. Its delivery will ensure compliance with Policy MT1 of the Core Strategy and Policies D2 and ST1 of the NDP, all of which seek to promote schemes that are integrated with their locality and all access to local services by means other than private modes of transport.

Landscape

6.16 The submission includes a five year landscape management plan which also provides a detailed planting schedule and measures to be implemented for biodiversity enhancement. The proposals include the retention of the existing hedgerow along the south eastern boundary. This is to be properly laid to encourage bushy growth. However, the hedge will form the curtilage boundary to a number of properties and it is therefore recommended that, should reserved matters be approved, a condition is imposed to remove permitted development rights for those specific plots. This will therefore require residents to apply for planning permission should they wish to replace their section of hedgerow with another form of enclosure, and afford the local planning authority with a degree of control over this.

6.17 The retention of the hedgerow is particularly important as it is an important landscape feature on approach to the village. It also has significant biodiversity value and acts as a 'green corridor' along the site's boundary. This particular aspect of the scheme ensure compliance with Policies LD1, LD2 and LD3 of the Core Strategy, and Policy SE1 of the NDP.

6.18 The Council's Ecologist and Landscape Officer have both assessed the management plan and have confirmed that it is acceptable and it is therefore concluded that the scheme is acceptable in terms of landscape matters.

Other Matters

*Viability and Section 106 Agreement*

6.19 The application has evolved and has been amended since its original submission, reflecting negotiations that have taken place between officers and the applicants. This has included the issue of the viability of the approved outline scheme; a matter raised by the applicants which has been substantiated by them through the submission of a viability assessment.

6.20 Paragraph 173 of the NPPF provides some guidance concerning the financial viability of schemes and reads as follows:

*Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.*

6.21 Policy H3 of the NDP takes the intention of paragraph 173 of the NPPF into account by stating that schemes:

*"…should demonstrate they meet local housing needs and should provide a tenure mix of 40% of Affordable Homes unless viability considerations can be shown to necessitate an alternative percentage of provision."*

6.22 Members will be aware that in such cases your officers require that assessments be independently audited by the District Valuer. This has been the case with this application.

6.23 The District Valuer's assessment assumes a slightly lower developer profit of 15% as opposed to the 17.46% on which the applicant's Financial Viability Report is based. Notwithstanding this variation the District Valuer concludes that on the basis of the provision of affordable housing as detailed earlier in this report, and the Section 106 contribution, the scheme is not viable.

6.24 As part of the instruction given to the District Valuer when they were engaged by your officers, they have undertaken sensitivity testing to determine a point when the scheme would be viable. This has established that the proposed scheme could support a maximum planning contribution equivalent to £705,000. The District Valuer recommends that this could either take the form of:

- the provision of seven affordable dwellings and the payment of Section 106 contributions in accordance with the Council's Planning Obligations SPD; or
- the payment of an off-site affordable housing contribution totalling £497,000 (a commuted sum) together with other Section 106 contributions as per the SPD.

6.25 The District Valuer provides your officers with an entirely independent review of the financial viability of development schemes. The assumptions made about development costs are based on up to date figures provided by the Building Cost Information Service (BCIS) and I am content that the findings are a true reflection of the viability of the scheme.

6.26 Following the receipt of the Distrct Valuers report your officers met with the applicants to agree how the application should progress. The applicant's preference was to make a financial contribution, including a commuted sum in lieu of affordable housing. However, this is not your officer's preferred approach. The payment of a commuted sum relies on a premise that other land will become available and / or schemes will come forward to deliver affordable housing on

other sites. There are no such schemes in Weston under Penyard at the present time as confirmed by the comments of the Housing Officer. Furthermore, very little affordable housing has been delivered in the village in recent years and therefore the preference is to maximum number that can be viably delivered on the application site; in this case seven affordable dwellings.

6.27 On the basis of all of the above your officers are content that the scheme as approved by the outline permission is not viable. It has been demonstrated that a scheme can be delivered that provides planning gain for the village if the affordable housing provision is reduced from 12 to 7. This will require the completion of a Deed of Variation to the Section 106 Agreement signed as part of the outline planning permission.

*Phasing*

6.28 The Parish Council comments refer to concerns in respect of the phasing of development and the expectation that development will be completed as quickly as possible in order to minimise disruption to nearby residents. At 35 dwellings, the scheme is not of a scale whereby one would expect a phasing plan to be delivered. Rather the site will be constructed in a manner that works in a practical sense and enables occupation (and thus cash flow) before the site is complete. Moreover, the S106 payments are phased according to occupation such that the quicker the units are completed and occupied, the sooner the S106 monies are payable.

*Parking provision*

6.29 Each property is provided with a minimum of two parking spaces. Larger 4 bed properties are provided with three spaces, including garaging and the two 5 bed dwellings have four spaces when their double garages are taken into account. Whilst the comments from the parish council are noted regarding garaging and its use for storage rather than parking, it is unreasonable to discount them as part of the parking provision. However, a conditon is recommended to prevent conversion of garaging to habitable accommodation without further application.

6.30 The comments from the Traffic Manager question the arrangements to be made for plots 25 to 28. In response the applicant has provided tracking diagrams to show that vehicles can maneouvre in and out of spaces satisfactorily.

*Conditions*

6.31 The plans and documents submitted with the application substantively address the requirements of the outline planning permission and the conditions it imposes. The one exception to this relates to the details of drainage arrangements and this is reflected in the comments from the land drainage engineer. Condition 15 of the outline planning permission deals specifically with the provision of an appropriate surface water management scheme and the further submission of information to discharge that condition negates the need to impose further conditions at this stage.

6.32 Whilst a materials shcedule is provided, it does not provide specific manufacturers details of bricks or roof tiles, or the type of stone to be used. A condition to require these specific details is recommended, together with one to ensure that stonework is properly laid.

6.33 A condition is also recommended to secure the delivery of the footpath prior to the occupation of the 19th dwelling on the site. This is based upon the direction of build proposed in the applicants Construction Management Plan, the intention being that the footpath would be delivered at a point when residents would not be required to walk through an active part of a building site to use the footpath.

6.34 Finally, a condition is also proposed to remove permitted development rights, only for the erection of means of enclosure, in an effort to ensure the retention of the south eastern boundary hedge. The rationale for this is set out in the landscaping section earlier.

Conclusion

6.35 The scheme provides the requisite detail in respect of the matters reserved for future consideration by the outline approval. It is of an appropriate scale in terms of the amount of development proposed (35 dwellings) and also in terms of the types of dwellings.

6.36 The appearance of the development is also acceptable. The submission includes a detailed materials schedule which is reflective of the surrounding area, with a mix of brick, stone and render for elevations and a variation of roofing materials. The layout is influenced by existing landscape features and the proximity of existing dwellings to the site's boundaries. It ensures that residential amenity is safeguarded and that existing landscaping features provide a mature landscape and biodiversity setting.

6.37 It has been demonstrated that the scheme as approved in outline is not finaincially viable. However, and as discussed above, a viable scheme can still be delivered on site; one that provides a reduced number of affordable dwellings but the full extent of the financial contributions. Officers of course acknowledge that the delivery of affordable housing is one of the Core Strategy's key objectives. In recognition of this, a detailed viability report has been submitted and scrutinised by the District Valuation Office. On this occasion officers are, on balance, prepared to recommend approval on the following basis:-

- It has been demonstrated that the scheme is unviable if affordable housing and S106 contributions are sought jointly as per the Section 106 Obligation forming part of the outline planning permission;
- The scheme can deliver a reduced amount of planning gain. Officer's have been clear that an option delivering some affordable housing; albeit less than previously agreed, is preferred, particularly given the lack of newly built affordable housing over the past 20 years as outlined by the Council's Housing Officer.
- The proposal will otherwise deliver a full amount of Section 106 contributions in accordance with the original Agreement.
- The scheme has outline planning permission and would make an important contribution to the housing land supply, with an appropriate mix and a reduced level of affordable housing.

6.38 On this basis the proposal is considered to be acceptable and in accordance, other than where varied relative to the proportion of affordable housing delivered, with the Core Strategy and NDP. There are no other material planning considerations of such weight that would justify the refusal of planing permission. The application is therefore recommended for approval subject to the completion of a Deed of Variation necessary to reflect the revised terms.

**RECOMMENDATION**

**That subject to the completion of a Deed of Variation to the Section 106 Town & Country Planning Act 1990 obligation agreement to reduce Affordable Housing provision from twelve to seven units, officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any other further conditions considered necessary.**

1. **B01 Development in accordance with approved plans and documents**

2. **C01 Samples of external materials**

3. **C06 Stonework laid on natural bed**

4. **With specific regard to Plots 23, 24, 35 and Plots 27 to 33 inclusive - Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Class A Part 2 and of Schedule 2, shall be carried out.**

   **Reason: In order to protect the character and amenity of the locality; particularly as the existing hedgerow forms an important landscape and biodiversity feature, and to comply with Policies LD1 and SD1 of the Herefordshire Local Plan – Core Strategy, Policy SE1 of he Weston under Penyard Neighbourhood Development Plan and the National Planning Policy Framework.**

5. **With the exception of any site clearance and groundwork, no further development shall take place until details of a footpath from the site onto Seabrook Place are submitted to and approved in writing by the local planning authority. The footpath shall be constructed in accordance with the approved details and shall be capable of use not later than upon the occupation of the 19th dwelling.**

   **Reason: In the interests of highway safety and convenience and a well co-ordinated development and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy D2 of the Weston under Penyard Neighbourhood Development Plan and the National Planning Policy Framework.**

6. **F08 No conversion of garage to habitable accommodation**

7. **M17 Efficient use of water**

**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. **The attention of the applicant is drawn to the conditions on the outline planning permission granted on 2 April 2015 (Reference No. P132924/O. This application for**

**the approval of reserved matters is granted subject to these conditions.**

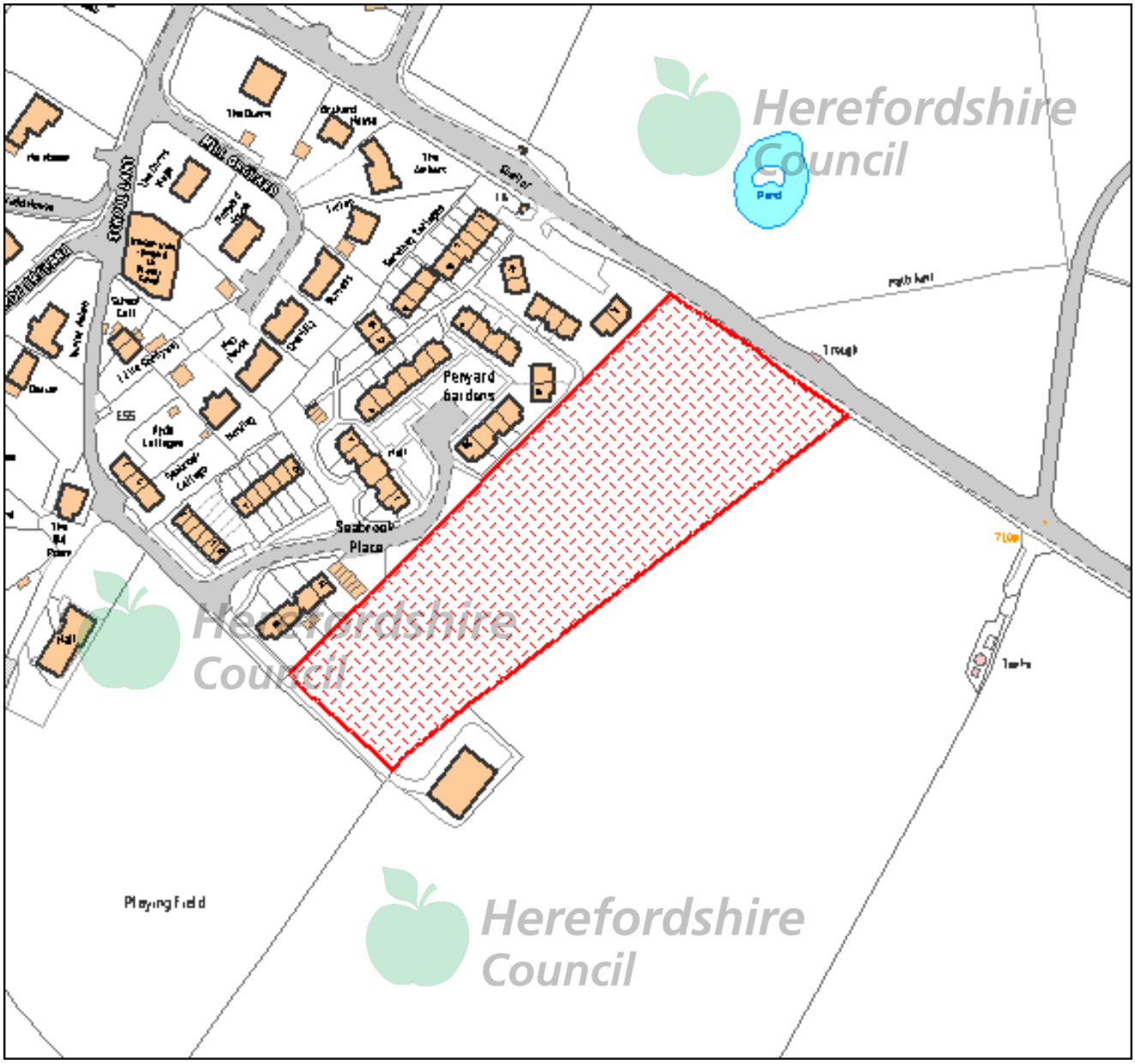
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

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**APPLICATION NO:** 163324

**SITE ADDRESS :** LAND TO THE WEST OF A40, WESTON UNDER PENYARD, HEREFORDSHIRE

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