

DELEGATED DECISION REPORT

APPLICATION NUMBER

173522

Land South of the B4349 and West of the C1221, Kingstone, Herefordshire, HR2 9HP

CASE OFFICER: Mr Edward Thomas

DATE OF SITE VISIT: Various

CONSULTATIONS

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The site, which is currently greenfield, occupies an area of approximately 7.8ha to the south of the B4349 at Kingstone. The northern boundary is formed by the B4349 highway; Dean Pool road (C1221) runs along the eastern boundary, with the sports pitch and an agricultural field adjacent the southern and south-western boundaries. The GP practice lies opposite on the north side of the B4349. A public right of way KS25 runs parallel to but outside the site's SW boundary. The application site at present forms part of a green 'wedge' that separates the two main built up part of the village.

The site has a maximum ground level difference of approximately 2.5m and average ground level of 92.00mAOD. Approximately 70% of the site falls towards the northern boundary and the remaining 30% falls to the south-western boundary.

The application seeks planning permission for the erection of 150 dwellings at a gross density of 19 dw/ha. It is an application made in the context of 130351, which was a passivhaus scheme promoted by Archihaus that received planning permission in September 2014. The site was sold to the current applicants Lagan Homes on the basis it was not possible to take the Archihaus scheme forward. The Archihaus proposal was, however, implemented and is extant.

The fact that a planning permission for 150 dwellings, live work units, POS and allotments is in place, is a significant material consideration. The planning permission as granted was recognised in the Kingstone and Thruxton NDP via KTH1 and KTH2.

The current proposal is also for the erection of 150 dwellings, with allotments, cycle and footway infrastructure and public open space but is not to Passivhaus standard. There is no community building, shop or livework units proposed. The framework for the dwellings is manufactured off-site using the applicants 'Fasthouse' system, with the panels delivered to the site pre-fabricated.

The application has been subject to amendment during the application process. The amendments are discussed in more detail below, but may be summarised as follows:-

- Significant changes to the housing mix to reflect the Council's SHMA data.
- Amendments to the cycle-footway provision within the scheme to enable the provision of a 3m shared cycle-footway from the C1221 to a crossing point to the west of the main junction with a new footway/cycle way installed across the frontage as s278 works. This should facilitate onward travel to the school.
- The additional of contributions towards the WVT and CCG

A copy of the site layout plan as proposed is shown below.

There are proposed 3 phases of development, the first phase being the units directly accessible off the main junction with the B4349; which has already been installed as part of the implementation of the original permission. The cycle/footway link from the C1221 in the SE corner passes through the central POS, exits onto the south side of the B4349 onto a new shared surface linking to a crossing point.

The surface water strategy involves the construction of 3 attenuation basins, which broadly speaking are located at each corner of this roughly triangular site. The intention with the lagoon in the NW corner is that it will accommodate not only surface water from the development, but will also accept drainage from the highway, store it and then release at an attenuated rate at an agreed point of connection. In this way it is considered that betterment against the existing position will be achieved.

Likewise the drainage strategy promotes, via connection of the southernmost lagoon to an existing watercourse, improvement to the existing piped system, which should have beneficial impact on the drainage of the sports fields to the south.

Allotments remain as part of the scheme, but the livework and commercial elements have been deleted. The applicants say this is in response to pre-application discussion with the Parish Council and although the Parish Council has objected to the development, their comments do not cite the absence of these elements as part of the objection.

The reference to housing mix above is (and further below) is in recognition of the fact that as proposed originally, the application promoted a significant proportion of 4+ bed dwellings. This has subsequently been amended to a mix promoted by the LPA.

The site is within flood zone 1 and not covered by any landscape or environmental designations. The site is not within a "sensitive area" as defined by the EIA Regulations 2017 and although a formal request for a Screening Opinion has not been made, I am of the view that the proposal does not represent EIA development.

The nearest designated heritage asset is Bridge Court, which lies to the east of the site on the opposite side of the C1221.



Below is an extract from the street-scene drawings. This elevation is that overlooking the central public open space from the SE.



This elevation shows a fairly 'standard' approach in terms of appearance, but I do not the proportions of the window openings and porch detailing is appropriate to the rural vernacular. There are 6 no. bungalows within the scheme.

The application is supported by a number of technical documents and drawings. A number of these have been updated during the course of the application and have been consulted on.

Representations received are reported below. The officer's appraisal will discuss the proposal in the context of the adopted Development Plan. This, of course, is against the context that:

- 1) The Council cannot demonstrate a 5 year supply of housing land and the housing supply policies of the CS are out of date.
- 2) The NDP policies are up to date by virtue of the WMS from December 2016.
- 3) The NPD recognises the earlier permission as a commitment.

Planning Policies

The Development Plan here comprises the Herefordshire Local Plan – Core Strategy and the Kingstone & Thruxton NDP.

Herefordshire Core Strategy – Local Plan 2011-2031

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:-

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Ensuring Sufficient Housing Land Delivery
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
SS7	-	Addressing Climate Change
RA1	-	Rural Housing Distribution
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
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
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality
ID1	-	Infrastructure Delivery

NPPF

Introduction	-	Achieving Sustainable Development
Section 3	-	Supporting a Prosperous Rural Economy
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
- Section 12 - Conserving and Enhancing the Historic Environment

Kingstone & Thruxton Group NDP (made 1st December 2016)

The NDP adopts a settlement boundary KTH1 and sets out criteria against which development on this, the largest commitment site, will be judged in KTH2.

KTH1 also describes the need for phasing of development so as to reduce strain on local infrastructure.

KTF1 deals with flooding and surface water and reference is made in the NDP to the well-known surface water flooding issues.

Policy KTH3 - Meeting Local Housing Needs and Providing a Mix of New Housing encourages residential development that provides tenures, types and sizes of housing that will help to meet the local housing need. These require providing for the elderly and smaller market housing.

KTH4 Character and distribution, KTD1 Protecting and Enhancing Green Infrastructure and KTD2 Nature conservation, are also relevant.

Consultation Summary

DCWW – 3rd July 2018

We have reviewed the information submitted as part of this application with particular focus on the Kingstone Flood Risk Assessment reference PB6859-RHD-DE-G0-RP-D-0501 Rev 01/final dated 18th August 2017. We understand that the site will be split into 4 phases, each with its own independent drainage arrangement. The Drainage Strategy indicates that all surface water flows will drain via attenuation ponds to either highway drains or existing watercourses. We welcome the introduction of sustainable drainage methods as an alternative to a public sewer connection.

We acknowledge that due to site levels it is unlikely that the total development can drain via gravity to the closest point on the public sewer network and therefore a new on site sewerage pumping station is proposed. During our discussions with the applicant we were asked to explore a possible foul connection for a portion of the development to drain via gravity to the south. At that time we assessed this proposal and any impact on an existing sewerage pumping station and concluded that there is sufficient capacity to accommodate 50 residential dwellings. It is always our preference to achieve a gravity fed connection where possible and request that this aspect is clarified to confirm whether this is a viable option.

Notwithstanding the above, if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent.

Conditions

Only foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made at or downstream of manhole reference number SO42363301 as indicated on the extract of the Sewerage Network Plan attached to this decision notice. Thereafter, no 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.

And updated comments from May 2018

We write further to our previous letter dated 03/11/2017 relating to the above site, and we can provide the following comments following dialogue with the applicant to progress their drainage strategy

Notwithstanding the above we confirm that our previous comments relating to surface water remain and this letter focuses on the preferred off site point of connection to the existing public sewer network.

We understand that through investigations the original agreed connection point cannot be located and/or is within private land. Therefore, the amended foul water proposal intends to communicate flows towards the public sewer in Lowfield meadow.

We request that if you are minded to grant planning permission that the following Conditions and Advisory Notes are included within any subsequent consent.

Conditions

Only foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made at or downstream of manhole reference number SO42365517 as indicated on the extract of the Sewerage Network Plan attached to this decision notice. Thereafter, no 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.

Natural England has no objection

Wye Valley Trust

Request financial contributions towards acute care. This request is met in the draft HoT.

CCG

Request contributions towards the Kingstone Surgery. This request is met in the draft HoT.

Waste & Recycling

Approve with Conditions

Collection points needed (e.g. an area of hard standing where the residents can place bins on collection day) for all plots located over a 25metre distance from where the RCV can safely access. All collection points must be within 25metres of where the RCV can access, in accordance with 'Guidance Notes for storage and collection of domestic refuse and recycling'.

Public Rights of Way

There are no public rights of way within the proposed site. Public footpath KS25 runs just outside the western boundary, but would not appear to be affected by the development.

Parks & Countryside

No objection subject to contributions towards formal play and the provision of suitable play opportunities upon the site. This is dealt with via the S106.

Tree Officer

I have visited the site and viewed the documents. The trees on the western boundary are a mix of native species, predominantly English Oak semi mature to mature in age. Drawing P01 indicates that the access road has the potential to encroach within the rooting area of these trees which can be detrimental to their condition. Currently this application does not contain any information as to how trees on or near to the site might be protected during construction.

Accordingly I would like to see a tree survey, Arboricultural Impact Assessment (AIA) & Tree Protection Plan (TPP) in accordance with the guidance provided in BS5837:2012 Tree in relation to design, demolition and construction to ascertain to what extent trees might be impacted and how these impacts could be mitigated. This requirement applies to all trees on the site or on adjacent land where they could be impacted.

Ecologist original response

Thank you for consulting me on this application. I have read the ecological report from Countryside Consultants which updates and builds upon the original survey. I am content that it covers the requisite ecological aspects and recommend that a non-standard condition for habitat/biodiversity enhancement is attached to any decision as follows:

The recommendations set out in the ecologist's report from Countryside Consultants dated September 2017 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme integrated with the landscape plan should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

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

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

Ecologist 24th Jan 2018

Thank you for consulting me on the amendments proposed for this application. They do not affect my original comments. However, I would add that the management of foul water and the SuD system to be installed for the site are positive developments which will serve to avoid impacts on local water course and the R Wye. The connection for mains sewerage means that there will be no likely significant effect on the R. Wye SAC and the need for a full Habitats Regulations Assessment can be screened out for this development.

Traffic Manger 8th Feb 2018

I refer to my previous comments on this site. It is noted that a large development on this site has been previously approved.

1. It should be noted that if this site had started from scratch then a Transport Assessment should be provided, however it is recognised that the previously permitted application (130351) had provided documentation. In addition, every major development on the relevant parts of the highways network, that has happened subsequently will have regards for this development and would have taken the approved scheme into account.
2. The application needs to provide a signalised crossing, across the B4349, this should be provided to the west of the site access to connect the desire lines to the schools. The offsite works will be included in a section 278 agreement and will require a Stage 1 Road Safety Audit to be undertaken. If a signalised crossing is not proposed then justification for the type and location must be provided.
3. Connections to the wider network need to be reviewed
 - a. The crossing point to the east of the site only provides a full crossing point for pedestrians and appears to forget about the cyclists. The footway should be extended to meet the existing footway. This needs to be included as part of the RSA stage 1
 - b. Connections to the public right of way should be provided though the areas near the turning head.
 - c. Links should be provided through to the playing fields from the site to connect to the PROW.
 - d. The footway/cycleway appears to access the B4349 at the east of the site, however there is no footway/cycleway along the front of the site and there is no crossing point provided, this needs to be reviewed along with any provision of an additional crossing point as it would be used to connect to the bus stop.
4. The speed limit needs to be reviewed, local concern regarding the existing 40 mph has been raised and it would seem sensible as part of the proposed development that the speed limit is changed. This can either be by extension of the 20 mph, and therefore additional traffic calming features will be required, or by a new 30 mph speed limit connecting up with the existing 30 mph along C1221. Both changes to the speed limit will require a new Traffic Regulation Order (part of the S106)
5. In terms of the provision of the allotments, will these be used by people on the proposed site or from further afield as concerns are raised that vehicle numbers will increase if used by offsite users.

6. Clearer plans need to be provided to show the name of the house to allow for a review of the parking provision for each dwelling.

*Case officer comment – the comments at 2, 3 and 4 above have been addressed. And in respect of the crossing points will be further addressed via a s278 agreement. Gap analysis now suggests that an uncontrolled crossing is acceptable. In respect of 5, additional visitor parking has been included within the site.

Landscape Officer

I am disappointed to note that there appears to be little change in the layout of the indicative drawing at pre-application stage to what is in front of me now:

- No landscape appraisal or landscape plans are submitted.
- No arboricultural impact assessment has been submitted.
- The proposed layout is dominated by the road hierarchy which extends to the fringes of the site, opportunities for creating cycle links and pedestrian connectivity appear to have been lost.
- The aforementioned green spine which ran the length of the site from north to south and also extended east to west has been severed by roads and thus the landscape led concept has been lost.

Whilst it may be necessary to make amendments to the original layout of the permitted scheme, it is apparent that what is before me now is no longer landscape led. Given the size of the scheme and its position in terms of the connectivity of the village I would recommend the applicant engage a landscape architect to review the scheme and develop a more sustainable layout.

Officer comment: Subsequent to receipt of these comments a landscape and visual impact appraisal was submitted. The officer clearly expresses her opinion that the scheme is not as 'landscape led' as the predecessor, but I am of the view that the central POS, which is extensive, will create a sense of place. Moreover, these comments pre-date the revisions to the plan which promote the 3m shared cycle/footway from the B4349 to the C1221 and also makes provision for a connection to the sports field.

Comments in respect of the lack of arboricultural assessment are noted, but in respect of off-site trees (there are none to be affected on the site itself), protection measures will be required by condition.

Historic Buildings Officer

Recommendations: We have no objections to the proposals. The site is not in a Conservation area and would not impact upon the setting of nearby listed buildings.

Background to Recommendations:

To the East of the site lies Bridge Court, a grade 2 listed building. The development proposals would not impact upon the setting of this building.

Representations

Kingstone Group Parish Council

1. Policy KTH1 of its NDP states that sustainable development which is exemplary and innovative will be supported on this site, this new application is neither sustainable or innovative. The new plans will result in a loss of cycle routes, pedestrian routes and wildlife corridors, being dominated by roadways and therefore its landscaping is considered to be poor. The houses are not eco-friendly, being made in Northern Ireland and brought across, with their sustainability unproven. 2. Kingstone has a consistently very bad flooding problem. A Flood Risk Survey identified a medium risk in the north east corner of the Village i.e. by the surgery and also by the Seven Sites playing field. It is believed that this application has not addressed this problem with no updated proposals having been presented. A CCTV drainage survey has been carried out by Royal HaskoningDHV and we would request no decision is made until this report has been received and an adequate solution to any problems resolved. Local opinion suggests that any drainage and sewerage should go directly north, with the fall of the land so as not to exacerbate already existing problems. 3. Sewerage, Welsh Water have already identified that the existing public sewerage system can potentially only cope with an additional 50 houses. They have advised that no surface water or land drainage should go to the public sewerage system. The application does not identify a satisfactory solution to the sewerage problem. 4. It is a legal requirement to notify all adjacent landowners and neighbours of this application, it is a fact that this has not been done. 5. It is the belief of KTPC that the planners were persuaded to pass the original Archihaus Application by the word Passivhaus construction and the promise of a new unit on the Rotherwas Industrial Park with possible consequent additional employment for the area, none of which has materialised. The original decision was flawed and it is believed unsafe in that the reasons for granting of the permission no longer exist. The Parish Council wish to reiterate all the original comments that were made. Kingstone does not have the infrastructure, or amenities, to cope with such a large housing development. It has insufficient schooling, policing, road network, amenities and there will be a massive impact on the doctors surgery and health service generally. The Parish Council would like to request that a relevant transport assessment is carried out and the one carried out by Archihaus, based on a laptop exercise in Yorkshire, is totally disregarded.

Amended plans and information were received and I re-consulted the Parish Council. I sent an email to the Parish Clerk on 7th Feb 2018 explaining the amendments and seeking comment. None were forthcoming.

Hereford Civic Society

The HCS apologizes for the late submission of comments on this application, being our oversight. Please note HCS has no formal connection with Archihaus and Architype apart from payment for an advertisement within PLACE, the HCS quarterly magazine.

This application is presented as a similar proposal to the previously permitted one by Archihaus. This is not valid as there are significant differences. Archihaus secured an innovative and contemporary consent being a new approach to speculative housing development. In particular it

- proposed principals of "eco-minimalism" which surely should be incorporated in all 21st century developments - orientation, heatsink foundations, high levels of insulation etc.
- Positive interpretation of traditional local styles using contemporary materials.
- Inclusion of live/work units
- Community facilities
- Permeability through the site including access at the south end.

The current application, whilst having to meet minimum building regulation standards, makes no steps towards

- Harvesting heat from the sun, generally incorporating little cottage style windows with no consideration of orientation.
- Refers to "traditional elevations" (Cerde Planning submission) illustrated by poor modern interpretations of old cottages. Houses that have little link with the traditional styles and materials of Herefordshire.
- No provision for different life styles of working in this century
- No community facilities - this has no benefit for the present neighbours of the site or, indeed, the potential new occupants.
- No access from the south shown on the site plan. Design and Access Statement. pl8

This application is yet another stereotypical application by house builders not grasping the fact that the world has changed. Now it is important to take proper steps to include the community in creating new developments, recognising climate change and creating PLACES of character. This is nothing but a large cul-de-sac. Herefordshire must do better than this.

A total of 5 letters of objection have been received from local residents. These are all available on the Council's website, but are summarised here as follows:-

- The infrastructure within the village is insufficient to support such a large scheme.
- There is a lack of public services, including bus services
- These are non-standard build.
- The scheme is substantially different to the consented scheme and not an improvement. The Passivhaus accreditation that Members appeared to give significant weight to at the original stage is no longer proposed.
- The scheme as now proposed does not fulfil the objectives of the NDP; particularly KTH2.
- Large schemes like this, which are liable to attract young families are better located in towns where the amenities are on hand.
- The development will add unacceptable to the volume of traffic using substandard roads. Vehicles travelling along the B4349 rarely observe the posted speed limit (40mph). The speed limit should be reduced to 30mph.
- The application is unclear insofar as surface water drainage is concerned.
- The C1221 should not be used for construction traffic
- The scheme will inundate the surgery, which is already at capacity
- The scheme will exacerbate known surface water flooding issues within the village.

Dr J Sleath (on behalf of the Kingstone Surgery)

Although we are aware that planning permission has already been granted to the earlier application by Archihaus, our general objections to that development still apply to the new application. In addition to the other developments in the surrounding villages, there will be a significant and negative impact on the work of the surgery and the quality of the service that we provide to our current population. General Practice is already running at maximum capacity, with increasing staffing and recruitment problems, and like other components of the local infrastructure we will find it very difficult to cope and to continue to provide the level of service which the existing population deserves. Our Surgery premises are opposite the site where Lagan Homes plan to build, and we continue to have specific concerns in relation to the drainage which we have already communicated. The proposed development site has a history of poor drainage, the result of which is a tendency for the standing groundwater from the site to flood the B4349 road adjacent to our premises. Please see the attached photographs.. Our own drainage system just about copes with ground water from our own site, although this can take quite a while to drain away. The soil drainage test performed in the field for Archihaus had to be abandoned because water remained in the hole that had been dug and did not drain into the clay soil.

We have serious concerns that the proposed housing development will exacerbate these problems. There are already groundwater drainage problems locally, and any drainage scheme risks moving the problem to neighbouring premises or another part of the village, which is already liable to flooding in places. We are also concerned about the plans to dispose of sewerage from the site. We understand that Dwr Cymru have no concerns about the local sewerage plant being able to cope with the additional housing. However in our own experience the local network of sewerage pipes (in Lowfield Meadow in particular), seem to block easily. This in turn has led to problems on our own land, when a blockage in Lowfield Meadow backed up onto our own premises. The existing sewerage pipes were laid to cope with a relatively small area of council housing and are unlikely to manage the increased volume of waste material.

Officer's Appraisal:

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

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

In this instance the Development Plan for the area comprises the Herefordshire Local Plan – Core Strategy 2011-2031 (CS). In the context of a lack of 5-year supply, housing proposals should be considered in the context of the positive presumption in favour of sustainable development and the pre-weighted planning balance at Paragraph 14 of the NPPF - unless restrictive policies apply. The CS underpins the importance of maintaining a supply of housing land with Policy SS1 echoing the positive presumption, SS2 setting out the spatial strategy insofar as housing delivery is concerned and SS3 setting out the measures that might be promoted where housing completions are below the required level.

The CS approach to housing delivery in rural areas rests with the proportionate distribution of dwellings across the settlements identified at figures 4.14 and 4.15 of the CS. Tarrington is a main settlement within the Hereford Housing Market Area, where the indicative minimum

target for growth is 18%. CS Policy RA1 states that the indicative housing growth targets in each of the rural HMAs will be used as a basis for the production of NDPs, with local evidence and environmental factors determining the appropriate scale of development. Policy RA2 sets out the criteria against which housing proposals will be considered where a NDP does not exist and explains that NDPs will, in time, allocate land for new housing or otherwise demonstrate delivery to provide a level of housing to meet the minimum target. Taken, together, it is clear that RA1 and RA2 operate to cede precedence to NDPs that are made; as is the case here.

The NPD recognises the extant permission as a commitment, so the principle of development here is clear. However, the policy KTH2, whilst not mentioning passivhaus explicitly, does require development to be innovative and exemplar.

It is my view that the main issues arising with this application are as follows:-

- 1) Whether the scheme promotes an acceptable mix of housing;
- 2) An assessment of the application against NDP policy KTH2;
- 3) An assessment of the provision of non-motorised users in the context of CS policy MT1 and the need to promote active travel.
- 4) The drainage arrangements proposed.
- 5) Whether other adverse impacts can be adequately mitigated by conditions and/or S106 contributions.

Housing mix

Open market mix

The original planning permission was essentially as per the needs data expressed in the Nov 2013 LHMA report.

For the sake of comparison I set out the respective mixes below:

Approved scheme (130351)		As originally proposed (173522)
1 bed	4	0
2 bed	22	14
3 bed	54	38
4 bed +	17	45

As above, the approved scheme provided for the need as per the Council's evidence base, hence the 54/97 (56.7%) of the open market dwellings are 3-bed.

The mix as originally proposed removed 1 bed units and this was agreed in principle with the Housing Delivery officer. However, rather than a commensurate increase in 2-bed properties, the original mix saw a reduction in 2-bed and a significant reduction where the need is greatest (i.e. 3-bed). The consequence was a significant increase in 4 bed + (17 to 45) more than 2 ½ times the indicated need.

The Council sought to negotiate with the applicant, aware that the presence of the 'fall-back' position was being rehearsed at various points of the application documentation. In my view,

however, the 'fall-back' (which was policy compliant in respect of the open market mix), has absolutely no bearing on this debate. What was being proposed by the applicant originally was in now way comparable to the 'fall-back' position; which is thus largely irrelevant to this point.

That being said, the Council, being aware of the need to boost the supply of housing at the district level and thus keen to stimulate the delivery of housing on committed sites, did confirm a willingness to negotiate on this point. Given the affordable housing is now 64% 2-bed, the Council stated a willingness to concede that the 2-bed market mix might reasonably rest at 22 units. The Council did not, however, agree that the 6 units 'gained' from the loss of 2 x 2-bed and 4 x 1-bed units should be added to the 4-bed stock alongside the loss of 3-bed units.

The Council also remarked that the evidence of need in the LMHA is backed by local-level research underpinning the NDP; which appears to reveal that there is a degree of under-occupation of larger properties within the parish by elderly single occupiers and couples. If smaller, market properties are built on sites such as this, existing, larger 4-bed properties might reasonably become available to families who would like to stay within the local community.

Taking all of the above into account the Council promoted the following mix:-

2 bed	22
3 bed	49
4 bed	26
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Total	97

This was accepted by the applicant and is considered to be acceptable in relation to the local evidence and Policy H3 of the CS. I consider that whilst the original proposal was clearly unacceptable, in agreeing the loss of 19 4-bed units, the applicant has shown a willingness to accept what is self-evidently the local requirement. On this basis I am content that the scheme promotes a mix of open market (and affordable) dwellings that will create a balanced community in accordance with CS policy, the NDP at KTH3 and NPPF guidance.

Assessment of the scheme relative to KTH2

NDP – KTH2

The Kingstone and Thruxton Neighbourhood Development Plan indicates at Policy K2H2 that sustainable development which is exemplary and innovative will be supported on committed Site 1 (the application site).

The supporting text in the Neighbourhood Plan recognises that the approved development was, 'in part' allowed due to the environment, social and economic sustainability incorporated into the design of landscaping, site layout and buildings, and a mix of uses.

The Neighbourhood Plan states there is a need to ensure that as the site is delivered, development is designed and constructed in an innovative sustainable way, in line with the existing planning proposal as the sustainable design was a key consideration in the decision to grant consent.

The applicants perspective is that the proposed passive house scheme is not capable of being delivered for reasons associated with viability. The applicant recognises the policy contained in the Neighbourhood Plan and the required test is to ensure that any development is considered to be economically, environmentally and socially sustainable. However, I would agree with the applicant's premise that the previous Passivhaus levels of sustainability and the corresponding layout cannot reasonably be the only manner in which the site can come forward.

The applicants provided the following by way of illustrating what they perceive to be the innovative and performance related elements of the FastHouse approach that in their view secures compliance with KTH2.

"1 - Offsite manufacture – with on-site assembly – minimises on-site waste as material requirements can be more accurately calculated. This in turn shrinks the supply chain which in turn cuts the carbon footprint of the build.

2 - Offsite construction within a controlled factory environment demonstrably benefits future occupiers as well as providing a deliverable solution to the trades skill shortage:

3 - The build is precision made – with a guaranteed high quality outcome. This predictability means that, unlike traditional methods of building, (where the whole house from scratch was built on site) factors arising from faults or poor weather are eliminated.

4 - The significant sustainability gains include more energy efficient homes with extraordinary air tightness being achieved which practically eliminates air leakages.

Specifically, to comply with the requirements of Part L of the Building Regulations, air permeability rating needs to be less than 10m³ (h/m²) at 50Pa, see Table 2 below:

Typically traditional masonry construction complies with a design permeability of 7m³ (h/m²) and actual measured results ranging between 5 and 7m³ (h/m²). Copies of relevant test certificates are attached. The FastHouse units will have a design air permeability of no greater than 5 with actual measured results expected to achieve values in the range of 3 to 5m³ (h/m²).

Table 2 also identifies the target "U" values for roof construction, walls (external and party walls) and floors. SAP calculations produced for a comparable FastHouse unit are attached which demonstrate that all "U" values for the building fabric comfortably exceed these requirements.

5 - Homes never experience moisture (due to being built under the factory roof) which is the root cause of mould and mildew being experienced by traditional build occupiers.

6 - Efficient building practices extends the durability and life of the build because of a stronger construction method.

7 - Insulated components offer superior thermal and air properties – in turn reducing homeowner heating bills compared with conventional insulation properties.

8 - Less thermal bridging in construction increases insulation properties.

9 - Ability to manage moisture inside the home increases longevity of the fabric.

10 - Components such as planning and electricity cabling being installed in the factory minimises any potential for problems or leaks when compared to onsite installation.

11 – A significant reduction in the potential of future occupiers experiencing minimal snagging – as unlike with traditional bricks and mortar - the robust computerised manufacturing in a weather proof environment avoids any error, and results in a higher quality build.

12 - Future occupiers experience no movement or cracks in the build in years to come as the construction is fixed as a rigid box, similarly no settling or drying out is required upon completion.

13-The predictable conditions created by this innovative construction method demonstrably avoids on site errors and delays.

14-The energy requirements of on-site machinery are also substantially reduced. Similarly, because of the build involves transported 'completed' components there are minimal vehicle movements associated with the development.

In terms of the skills shortage, it has been well documented that Brexit has severely curtailed the supply of EU workers, and the house building industry is increasingly looking for innovative and exemplar factory manufacturing methods. The proposed Fast House method requires a reduced amount of labour whilst at the same time increasing health and safety; reducing waste and achieving consistent better quality new homes.

Recent commentary in the press has highlighted the fact that Britain's withdrawal from the EU will force change in traditional house building as a result of the scarcity of labour supply. Indeed the recent White Paper sets out the Government's support in principle to this innovative method of construction. The White Paper highlights the fact that planners will have a key role in determining how fast this industry is able to grow – and is a key factor in the sector's growth potential.

Finally, it is worth noting that the innovative method of construction will also result in less disturbance and disruption to the local area – particularly the potential for noise pollution from heavy machinery and equipment on site. As set out above, vehicle movements are also minimal, which also eases any potential of conflict with the local road hierarchy for access and parking for site operatives. Fewer trades persons on site also reduces known construction related difficulties, such as mud on the road and congestion whilst deliveries to site are being made.

Indeed, one 40 foot flatbed lorry contains enough panels to erect one dwelling and this reduces the need for multiple lorries. Comparables are shown below:

<u>Item Delivered</u>	<u>Method Delivered</u>	<u>FastHouse Method Loads</u>
Concrete blocks for internal walls	Large articulated lorry	1 load per house – Saved 83 lorry movements
Mortar	Delivered via a mortar silo and regularly refilled via a cement lorry	0.5 loads per house – saves 42 lorry movements
Cavity insulation	Several vans per dwelling	3 per house – saves 249 van movements
Floor insulation	Several vans per dwelling	2 per house – saves 166 lorry movements
Floor Joists	Large articulated lorry	1 per house – saves 83 lorry movements
Internal flooring	Articulated lorry	0.5 per house – saves 42 lorry movements
Windows & ancillaries	Numerous flatbed trailers	2 per house – saves 166 lorry movements
Plasterboard sheeting & ancillaries	Numerous 3 axel white transporter van	3 per house – saves 249 van movements
Electrical conduits/wiring	Numerous white transporter vans	3 per house – saves 249 van loads
First fix plumbing	Numerous white transporter vans	3 per house – saves 249 van movements

It is also worth reiterating that a reduced build programme reduces the operatives car / van journeys to and from site and this will result in several hundred further vehicle movements reductions and associated carbon footprint improvements.”

In my view, the evidence (albeit from the developer) demonstrates that the Fasthouse mode does have the potential to achieve space heating standards that exceed the Building Regulations. Moreover, although the pre-text to KTH2 makes reference to the committed scheme, the policy itself does not (and nor should it have in my view) insist on a passivhaus scheme. The difficulty I have is that absent a definition in respect of innovative and exemplary the judgement as to what fulfils the policy requirement is to a large degree subjective.

I think it fair to say, however, that the passivhaus standard is renowned for achieving thermal efficiency such that heating costs are somewhere in the region of 10%-15% that of a 'standard' house. Passivhaus dwellings are marked for their appearance, which generally requires alignment on an east/west axis with smaller apertures on the north-side and large openings taking advantage of solar gain on the south-side. A passivhaus may take many forms, but the orientation is normally as per that described above.

On balance I am satisfied that the Fasthouse approach does exhibit significant benefits above a standardised approach. That this modular approach is still innovative when applied at large-scale in the UK context perhaps says something about our reluctance to invest in such production methods; albeit the White Paper is explicit in promoting innovative construction methods. These pre-fabricated methods would not be held as 'innovative' in most other western or northern European countries.

I have also noted above that the PC has not raised objection specifically to the absence of the livework element and/or the commercial buildings and I understand this to be a consequence of pre-application discussion. The Ward Member, with whom I have spoken regularly, has confirmed this approach.

Overall, therefore, and mindful of the lack of prescription in KTH2, I am of the view that the proposal is acceptable, whilst noting that there is a clear degree of conflict with the policy. I will return to this in the planning balance below.

S106

The draft agreement for this scheme varies relative to the agreement executed for 130351.

The comments below refer to the draft Heads of Terms.

The education contribution is £482,805. This is a contribution across primary, secondary, post-16 and special educational needs. The nominated schools are Kingstone and Thruxton Primary and Kingstone Secondary.

The sustainable transport contribution is £299,815. The projects are itemised. However, it should be stressed that the developer will be obliged to provide the pedestrian crossing facility on the B4349 via a S278 agreement i.e. at their cost and separate to the £299,815.

The recycling contribution is fixed and will allow the provision of general waste and recycling bins for each property.

The developer has the option of providing formal play on site or off-site. Paragraph 4 deals with those options.

Paragraph 5 requires the provision of 10 allotments and paragraphs 6 and 7 specify the future management and specification.

Paragraph 9 requires the payment of £87,000 towards outdoor sports, which in this case will be put towards an all-weather pitch at Kingstone High School and football equipment at Severn Site Playing Fields.

Paragraph 10 is the contribution towards the Wye Valley Trust (hospital) - £79,273

Paragraph 11 is the contribution towards primary care i.e. Kingstone Surgery - £40,302

Paragraphs 12-18 regulate the affordable housing and specify the eligibility criteria, including the local connection (17).

It is worth noting that there are significant points of difference between this draft Heads of Terms and the agreement signed pursuant to the earlier permission. Principally this revolves around the 'new' contributions in the form of the WVT and primary care sums – circa £120,000 total. It is also worth stressing that Lagan Homes are agreeable to the full amount of the primary care (surgery) contribution being payable upon commencement of development; as opposed to the more usual payment on first occupation.

It is considered that the contributions sought via the S106, the terms of which are agreed, are necessary and lead to compliance with Policy ID1 of the Core Strategy.

The access strategy

The development relies on the same point of access from the B4349 that the original permission did. The bell-mouth has been installed following the discharge of pre-commencement conditions such that the original permission is extant. The Traffic Manager is content with this junction. Original comments referred to the need for a TA, but latterly the officer accepts that this is unnecessary in the context of the extant permission.

The visibility achievable is clearly acceptable for measured speeds and will be governed by condition.

In terms of access via sustainable modes, the scheme has been amended such that the crossing of the B4349 is moved to the west of the junction. The crossing point as per the original permission was to the east of the junction and thus not on the desire line towards the school. I consider this a significant benefit, with the introduction of a shared cycle/footway within the existing highway verge and attendant improvements to the highway drainage.

The crossing has been through RSA1 and the Council's highways engineers have confirmed that the gap analysis supports the view that the crossing need not be controlled. This addresses the earlier concerns expressed under the Traffic Manager's comments above.

This is controlled by condition – see below. Overall, I am content that the scheme fulfils the original objective of the extant permission by making provision for a connection for cycles and pedestrians from the C1221 to the B4349, whilst also making the provision for a potential future connection (should it be agreed) to the sport fields. I am content that the scheme fulfils the objectives of MT1.

I'd also note that in response to concerns expressed by the Parish Council, additional visitor parking spaces have been located at various points throughout the site.

A condition is also imposed requiring the developer to fund a TRO to install a new 30mph speed limit on the B4349. This addresses concerns raised by some local residents and the Traffic Manager as recorded above.

Drainage

It is intended to make a foul connection to the mains.

It is intended that surface water be attenuated in 3 no. lagoons with outfalls to mimic greenfield run-off. As above, it is proposed to take some of the highway drainage into Lagoon 1 to achieve betterment relative to the pre-existing scenario.

I know that there is still some debate in respect of the point of connection for the outfall from Lagoon 1, but I am content that there is nothing here that cannot be reserved by conditions as recommended below.

I am also mindful that DCWW will have control in respect of any connection of surface water outfall into their Waste water treatment works and if this is not feasible an alternative would have to be found. I am mindful, also, of the extant permission in this respect; which was likewise subject to planning conditions.

Overall, I have nothing before me to suggest that withholding planning permission on the basis of flood risk or water quality impacts would be warranted. I refer you to the conditions listed below.

Other matters

Ecology – the Council's ecologist is content that the scheme is acceptable subject to conditions and Natural England records no objection. I am content that the scheme complies with LD2 and SD3 and SD4 and also KTH4; which concerns itself, in part, with water quality within the R.Wye SAC/SSSI.

Trees – I recommend a condition to ensure that tree protection measures are implemented.

Materials – the applicant has promoted facing materials that I consider acceptable and will again make subject of a condition. These include good quality facing bricks, weatherboarding, render and plain clay tiles. I am of the view that the scheme will, with appropriate landscaping (to be reserved by condition) mature into a pleasant environment.

The materials will assist with the overall appearance of the scheme and I note the orientation of dwelling facing onto the central public open space which will be framed by new tree planting. Certainly there is the potential to enhance bio-diversity via this scheme when considered against the baseline position. It should be noted that the requirement to provide alternative Skylark nesting plots at another location has been discharged.

The Council's Historic Buildings Officer has no objection on the basis that the proposal would not affect the setting of any designated heritage asset(s). Accordingly it is not necessary to weigh any heritage harm in the planning balance.

Lighting of the scheme is controlled by condition, but the PC will ultimately decide whether it would like the development to be street-lit.

The Planning Balance

The proposal is for residential development on a site which has an extant (but unviable) planning permission and which is within the NDP defined settlement boundary and thus an allocated site (or at least a site recognised in the NDP as a commitment).

Paragraph 49 of the NPPF confirms that such proposals must, in the context of a lack of housing land supply, be considered in the context of the presumption in favour of sustainable development. Thus where policies are silent or out of date, the decision maker should determine whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF when taken as a whole. This mirrors the effect of CS policy SS1. It is fair to conclude that the weight to go to the fact that the proposal has the potential to fulfil the housing delivery envisaged by the extant permission is a significant material consideration weighing in favour of the scheme.

In this case the NDP is made. The CS cedes to the NDP in respect of the approach to rural housing distribution, but this is academic in this case given the extant permission and recognition of this site as a commitment. However, it is still necessary, in the context that the NDP attains full weight (by virtue of the WMS) to consider the scheme against the NDP as a whole.

I have recognised that the scheme does not fulfil all of the requirements of KTH2 (the allocation policy), yet there is no objection recorded to the absence of the livework units, community building and/or commercial units. I have taken my lead on these points from the Parish Council and Ward Member.

I recognise the subjective nature of a judgement in respect of the KTH2 requirement that development be innovative and exemplar and that there will be many who hold the view that this scheme is neither. However, on balance, and mindful of the extra weight to go to the provision of housing in this context, I do not consider that the limited degree of conflict with KTH2 should be fatal to this scheme.

I do have regard to the sustainability credentials set out by the applicant in respect of the mode of construction and on-costs and consider these demonstrably better than a standard construction.

I note also that the scheme, contrary to some observations recorded above, does in my view make appropriate provision for sustainable travel. The relocation of the B4349 crossing point is in my view advantageous relative to the extant permission and the site is, in my view, demonstrably permeable on foot and cycle.

I also have regard to the potential to address some of the well-known surface water flooding issue and the applicant's investigation of improvements that might be made in this regard. I consider that the details of the drainage scheme can legitimately be held over by condition and have nothing before me to demonstrate that permission should be withheld.

I note also concerns in respect of the speed of traffic using the B4349 and recommend a condition that will require, in effect, the applicant to fund an application for a Traffic Regulation Order to investigate the potential for the introduction of a 30mph limit.

The S106 differs from that executed originally insofar as the Council is now entitled to seek contributions, where necessary, towards primary care. Contributions are thus secured towards the GP surgery and the Wye Valley Trust (Hereford Hospital). The terms set out

above have been agreed. In this respect the development will offset its impacts to a greater extent than the extant scheme, which is not bound by the same requirements.

Naturally I understand that there are those who consider the local community has had this scheme foisted upon them as a consequence of the Council's previous acceptance of the passivhaus scheme. However, the NDP recognises the commitment and includes the site as an allocation.

In terms of the planning balance, there are obvious benefits arising from the scheme insofar as housing supply is concerned and I must give significant weight to the affordable housing proposed; which is of a proportion that complies with KTH2 and H3 of the CS.

I am satisfied that this boost to supply will also manifest itself in the form of social benefits.

My view in respect of the environmental role is of course influenced by the extant permission and yet I consider that the proposal has the potential to yield benefits in this sphere too. The potential to address known surface water flooding is one example.

Overall, therefore, I am of the view that the scheme when considered in the round against the CS and NDP is representative of sustainable development.

As above, I have been in regular contact with the Ward Member, Cllr Johnson. He in turn has, as I understand it, been in regular contact with the Parish Council and local residents. He has confirmed he is content for the application to be progressed subject to conditions and the S106 agreement, via the scheme of delegation to officers.

My recommendation is that the scheme is approved subject to the conditions set out below and any other conditions considered necessary by officers and the execution of the S106 in accordance with the Heads of Terms recorded above.

RECOMMENDATION: **PERMIT** ☒ **REFUSE** ☐

CONDITION(S) & REASON(S) / REASON(S) FOR REFUSAL:

(please note any variations to standard conditions)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 and the National Planning Policy Framework.

- 2 The development shall be carried out strictly in accordance with the approved plans except where otherwise stipulated by conditions attached to this permission:

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policies LD1 and SD1 of the Herefordshire Local Plan – Core Strategy 2011-2031 and Policies KTH1 and KTH2 of the Kingstone and Thruxton NDP 2016-2031.

- 3 The development hereby approved shall be carried out in accordance with phasing plan 17035-P07 unless otherwise agreed in writing by the Local Planning Authority. The approved phasing plan shall permit the three identified phases of development to proceed in numerical sequence or concurrently.

Reason: In order to ensure that the development is undertaken in conjunction with the requisite mitigation and to comply with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy.

- 4 Notwithstanding the approved plans and with the exception of any necessary ground work and development of plots 1-3 and 46-52 inclusive on Phase One, no development shall commence until details of the following off-site works to be delivered by a Section 278 agreement have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved in accordance with the agreed phasing plan and in respect of the crossing of the B4349 shall be completed prior to the first occupation of any of the dwellings hereby approved:

1. A crossing of the B4349 for non-motorised users to the west of the site access onto this carriageway;
2. The introduction of a 30mph speed restriction on the B4349.

- 5 Notwithstanding the approved plans and with the exception of any necessary ground work and development of plots 1-3 and 46-52 inclusive on Phase One, no development shall commence until details of the following off-site works to be delivered by a Section 278 agreement have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved in accordance with a timetable that shall agreed in writing by the local planning authority,

1. A pedestrian/cycle crossing of the C1221 with the associated infrastructure.

Reason: To ensure the sustainable transport links are appropriately designed in accordance with Policy MT1 of the Herefordshire Local Plan – Core Strategy 2011-2031 and Policy KTH2 of the Kingstone and Thruxton NDP 2016-2031.

- 6 The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow him/her to observe the excavations and record items of interest and finds. A minimum of 5 days' written notice of the commencement date of any works shall be given in writing to the County Archaeology Service.

Reason: To allow the potential archaeological interest of the site to be investigated and recorded and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy 2011-2031 and Policies XX of the Kingstone and Thruxton NDP 2016-2031.

- 7 No dwelling hereby approved in each phase shall be occupied until a landscape design for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The details submitted should include:

Soft landscaping

- a) A plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, species and canopy spread, together with an indication of which are to be retained and which are to be removed.
- b) A plan(s) at a scale of 1:200 or 1:500 showing the layout of proposed tree, hedge and shrub planting and grass areas
- c) A written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment.

Hard landscaping

- a) Existing and proposed finished levels or contours
- b) The position, design and materials of all site enclosure (e.g. fences, walls)
- c) Car parking layout and other vehicular and pedestrian areas
- d) Hard surfacing materials
- e) Minor structures (e.g. play equipment, street furniture, lighting, refuse areas, signs etc.)
- f) Location of existing and proposed functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating routes, manholes, supports etc.)

Reason: In order to maintain the visual amenities of the area and to conform to Policy LD1 of the Herefordshire Local Plan – Core Strategy and Policies KTH4, KTD1 and KTD2 of the Kingstone and Thruxton NDP 2016-2031.

8. The soft landscaping scheme approved under condition 6 shall be carried out concurrently with each phase of the development hereby permitted and shall be completed no later than the first planting season following the completion of the relevant phase of development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period. The hard landscaping shall be completed prior to the [first use/occupation] of the development hereby permitted

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and Policies KTH4, KTD1 and KTD2 of the Kingstone and Thruxton NDP 2016-2031.

9. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens for each phase shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any phase of the development. The landscape management plan shall be carried out and maintained as approved.

Reason: In order to maintain the visual amenity of the area and to comply with Policies LD2 and LD3 of the Herefordshire Local Plan – Core Strategy 2011-2031 and Policies KTH4, KTD1 and KTD2 of the Kingstone and Thruxton NDP 2016-2031.

- 10 Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 78 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy 2011-2031.

- 11 Prior to the first occupation of the dwellings hereby approved the existing vehicular access onto the adjoining B4349 highway shall be permanently closed. Details of the means of closure and reinstatement of the area shall be submitted to and approved in writing by the local planning authority prior to the commencement of work on the development hereby approved.

Reason: To ensure the safe and free flow of traffic using the adjoining County highway and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy 2011-2031.

- 12 Prior to the first occupation of any dwelling to which this permission relates an area for car and cycle parking shall be laid out within the curtilage of that property, in accordance with the approved plans which shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the local planning authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles and cycles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy 2011-2031 and Policy KTH2 of the Kingstone and Thruxton NDP 2016-2031.

- 13 No development, other than necessary ground works and superstructure of the dwellinghouses, shall begin within each phase until the engineering details and specification of the proposed roads and highway drains relevant to that phase have

been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and completed to a minimum of wearing course within each phase prior to occupation of the last dwelling within that phase of the development hereby permitted.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform to the requirements of Policy MT1 of Herefordshire Core Strategy – Local Plan 2011-2031.

- 14 Only foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made at or downstream of manhole reference number SO42363301 as indicated on the extract of the Sewerage Network Plan attached to this decision notice. Thereafter, no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system unless otherwise agreed in writing by the local planning authority.

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 so as to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy 2011-2031.

- 15 Prior to the commencement of development, other than any necessary ground work (excluding any road or sewer infrastructure), and construction of plots 1-3 and 46-52 inclusive only within Phase 1, details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the phasing plan and prior to first occupation of any of the dwellings hereby approved.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy 2011-2031.

- 16 Prior to the occupation of any dwelling within each phase hereby permitted, full details of all external lighting to be installed upon the site (including upon the external elevations of the buildings) shall be submitted to and be approved in writing by the local planning authority. No external lighting shall be installed upon the site (including upon the external elevations of the building) without the prior written consent of the local planning authority. The approved external lighting shall be installed in accordance with the approved details and thereafter maintained in accordance with those details.

Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.

- 17 The recommendations set out in the ecologist's report from Countryside Consultants dated September 2017 should be followed unless otherwise agreed in writing by the

local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme integrated with the landscape plan should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

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

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

Informatives

1. Statement of positive and proactive working
2. S106 note

Signed:  Dated: 26/6/2018.....

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT

☒

REFUSE

☐

Signed: 

..... Dated: 27/6/18