

MEETING:	PLANNING COMMITTEE
DATE:	19 NOVEMBER 2014
TITLE OF REPORT:	P141830/O - SITE FOR 18 NO. DWELLINGS, ASSOCIATED CAR PARKING, ACCESS AND LANDSCAPING. AT COURT FARM, MUCH BIRCH, HEREFORDSHIRE, HR2 8HT For: Mr Green per Mr Dean Benbow, 21 Mill Street, Kington, Herefordshire, HR5 3AL
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141830&search=141830

Date Received: 19 June 2014

Ward: Pontrilas

Grid Ref: 350322,230432

Expiry Date: 26 September 2014

Local Member: Councillor J Norris

1. Site Description and Proposal

- 1.1 The 1.1 hectare application site comprises a packing shed, a tall steel framed building and two small outbuildings at its northern end located at Court Farm, Much Birch, a smaller settlement identified in policy H6 of the Herefordshire Unitary Development Plan (HUDP). The southern half of the site is part of an open agricultural fields. As the site covers only part of an agricultural field, there is no existing or historic boundary to the south of the site at present. There is an access road that skirts the rear of the packing shed along the sites northern boundary. This road serves Mayfield Cottage and Worcester Cottage, it then leads south-westwards across arable land.
- 1.2 The outline application proposes 18 new dwellings with access, scale, layout and landscaping to be determined at this stage. Appearance is the only matter reserved for future consideration. Access is taken off Court Farm Road (U71606) which leads southwards from the A49(T) past the Doctor's Surgery and Community Hall and parish church. The existing unadopted access road will be upgraded to adoptable standards and comprise a 6m wide carriageway with a 2m wide footpath along its western edge. The creation of the new 2m pavement necessitates the removal of the existing ad-hoc community parking. This will be re-provided along the northern edge of the development in a more formal manner with 8 spaces provided.
- 1.3 The layout shows 18 dwellings in a cul-de-sac arrangement with a green area functioning as a residential roundabout at the terminus of the proposed road. The scheme includes 12 detached dwellings and 6 semi-detached dwellings. The 6 semi-detached dwellings are located at the north of the site and have been identified as being affordable units to be secured by way of a section 106 agreement.
- 1.4 The landscaping scheme illustrates boundary treatment within this site and biodiversity improvements beyond the site boundary. Site boundaries would be defined by indigenous

Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795

hedging of Hawthorn, Blackthorn, Hazel, Holly, Dog Rose, Field Maple, Dogwood, Spindle and Wild Privet composition. Fruit trees would be planted in rear gardens on property boundaries to increase privacy between dwellings and increase bio-diversity. A dedicated wildlife habitat area will act as a buffer between the new development and the open countryside to the south and would include a new pond, wildflower grassland and native scrub.

1.5 The application is accompanied by the following documents:

- Extended Phase 1 Habitat Survey
- Design and Access Statement
- Section 106 Draft Heads of Terms

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance to this application:

Introduction	-	Achieving Sustainable Development
Chapter 4	-	Promoting sustainable transport
Chapter 6	-	Delivering a Wide Choice of High Quality Homes
Chapter 7	-	Requiring Good Design
Chapter 8	-	Promoting Healthy Communities
Chapter 11	-	Conserving and Enhancing the Natural Environment

2.2 Herefordshire Unitary Development Plan 2007 (HUDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S6	-	Transport
S7	-	Natural and Historic Heritage
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
DR7	-	Flood Risk
H6	-	Housing in Smaller settlements
H7	-	Housing in the Countryside Outside Settlements
H13	-	Sustainable Residential Design
T8	-	Road Hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
CF2	-	Foul Drainage

2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

2.4 Herefordshire Local Plan Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes

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SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety, Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geo-Diversity
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

2.5 The emerging Core Strategy is at an early stage of preparation not yet having been submitted to the Secretary of State. A number of objections have been lodged against the Core Strategy's rural housing policies. For these two reasons the emerging Core Strategy is attributed minimal weight in the determination of this application in accordance with paragraph 216 of the NPPF.

3. Planning History

3.1 **DCSW2007/3846/O** Residential Development (9 dwellings), pond, parking for village hall and surgery, proposed landscaping and treatment plant, demolition of pack house, removal of static caravans: Approved

4. Consultation Summary

4.1 The Council's Transportation Manager does not object:

"The proposal has been subject to a lot of discussion, the main issue for the site is connectivity and mitigating the impact of the development. The proposal is to adopt the highway from plots 18 and 11 through to the adopted highway and to provide a safe pedestrian access to the A49 which will include improvements on the A49. A106 will be required to support sustainable transport links in the vicinity of the development though the improvements above should be covered under a S278 agreement. The proposal is provide additional parking outside of the adopted area; this will need to be conditioned as to the provision and maintenance for the life of the development.

The house parking could be tweaked which will allow for more on street parking. If garages are to be used and count for parking, the internal dimensions need to be 3m x 6m. The visibility at the junction is acceptable as the speeds are low, visibility at the accesses will be protected by the service strip."

4.2 The Highways Agency does not object:

"The site is for 18 residential dwellings on the edge of an established community and replaces a fairly intensive seasonal packing facility. We do not envisage that this development will have a detrimental effect on the local trunk road network."

4.3 The Council's Conservation Manager does not object:

"The proposed scheme allows for an increase of residential units following a recent permission for residential development on the site (DS073782/O). The proposed development site is located within close proximity to the grade II listed church of St Mary

and St Thomas A Becket. The church is at the centre of a cluster of houses and buildings which comprise of modern and historic development.

The existing site, which is run down and with the traces of demolished structures, falls within this setting but its condition adds little to its setting. Beyond the site, the rural setting of the village is evident with the ground sloping away to provide views of the surrounding landscape. The church is located in a dominant position within this landscape.

The permitted scheme for the site therefore has an impact on the village in that it repairs part of the village that detracts from the setting of the listed church and that it also has an impact on the more open setting of the church. The proposed scheme seeks to add units to the existing permission but will have the same effect as the consented scheme. The pattern of the proposed development contributes to the established clustered or nucleated pattern of settlement in the village which is focussed on the church rather than being at odds with its established character and appearance. No objection is therefore made to the principle of development.

As set out in the Design & Access Statement submitted with the application, the design and detail (including materials) of the houses will be crucial in fully and successfully integrating the proposed development within the village.”

4.4 The Council’s Waste Manager does not object.

4.5 The Ramblers Society does not object but requests the developer be made aware of their legal requirement to maintain the public right of way:

“The footpath is routed along the existing track which will become the main access/egress from the proposed site. As the over lap is fairly short there will probably be little or no impact upon the footpath, however to ensure this is the case I feel the proposed 15 mph speed limit should be reduced to 10 mph as currently imposed by Court Farm Chickens Ltd. I ask you to ensure that the developer is aware that there is a legal requirement to maintain and keep clear a Public Right of Way at all times.”

4.6 The Council’s Housing team support the application:

“The application states that they are to be constructed to DQS, Lifetime Homes and the Code for Sustainable Homes all of the required standards by the Housing Team. The bed sizes and tenure split are also supported; further discussion needs to be had with the developer as to which intermediate tenure he would be looking to develop.”

5. Representations

5.1 Much Birch Parish Council state that:

“The Parish Council supports the application. They can see no grounds under which it can be refused but would ask for careful consideration of the access road from the Road A49 to the start of the development. Heads of Terms (106 monies) to be used for sustainable transport with serious consideration given to the access road and attendant issues, although it is acknowledged that the width of the road cannot be changed.”

5.2 Two letters of representation were received from Ms D Hadley and Ms M Wood who comment that:

- The access road is very narrow and used by a variety of people, namely local residents, visitors to the surgery, mini buses for the fruit pickers on the farm and big lorries servicing the chicken farm. There is barely room for two cars to pass on the lane and lorries find it a tight fit.
- The wall of the churchyard has been damaged recently by a large lorry and since repaired.
- The problem is compounded by cars parking on the pavement outside the surgery in spite of being urged not to do so, as parking is available elsewhere. This creates a further problem for people trying to walk on the pavement, especially for wheel chairs and mothers with pushchairs.
- Living within sound of the A49, there are often hoots and squealing of breaks as cars enter and exit the lane from the A49. Although it is a good while since there has been an accident the area is potentially very dangerous, even more so when there is an Autumn flu clinic at the surgery.
- There are concerns that there is no shop to be provided within the scheme with locals having to use facilities at Peterstow or Hereford.

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

Policy Context

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

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

6.2 In this instance the Development Plan for the area is the Herefordshire Unitary Development Plan 2007(UDP). The UDPs plan period has expired, but certain policies have been 'saved' until such a time that the Council's Core Strategy is adopted. UDP Policy H6 is one such saved policy and is relevant to the principle of providing housing in this location, the application site being immediately adjacent to the small settlement of Much Birch. UDP Policy H6 resists residential development comprising anything other than one dwelling. However, the two-stage process set out at S38 (6) also necessitates an assessment of material considerations.

6.3 In this instance, and in the context of the housing land supply deficit, the NPPF is the most significant material consideration for the purpose of decision-taking as indicated in paragraph 2 of the NPPF. The NPPFs material contribution to the determination process is two-fold:

- Paragraph 215 outlines the NPPFs role as a barometer of the weight which can be apportioned to policies of the local plan; and
- The NPPF sets independent requirements of development with paragraphs functioning as stand-alone policies.

6.4 For the purposes of determining the weight which can be apportioned to policies of the development plan, paragraph 215 of the NPPF requires the degree of consistency between the two documents to be appraised. The closer the policies in the development plan to the policies in the Framework, the greater the weight that may be given. With specific regard to housing supply policies, paragraphs 47 & 49 are relevant. Paragraph 47 requires that Local Planning

Authorities have an identified five year supply of housing plus a 5% buffer. Where there has been a record of persistent under delivery of housing, local planning authorities should increase this buffer to 20%. Paragraph 49 requires that the relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.

- 6.5 Herefordshire Council cannot currently demonstrate a five year housing supply neither have they identified a sufficient quantity of land on a persistent basis – a position recently upheld at appeal, triggering the requirement for a 20% buffer. The Council's housing policies are therefore contrary to the provisions of paragraphs 47 & 49 of the NPPF. On this basis and in accordance with paragraphs 215 and 49 of the NPPF, HUDP Policy H6 cannot be relied upon to determine the geographical location of housing in and around Much Birch.
- 6.6 Paragraph 14 of the NPPF sets out the process for decision takers and requires that:
- Proposals that accord with the development plan should be approved without delay; or
 - Where the development plan is silent, absent or relevant policies are out of date, permission is granted unless adverse impacts would significantly and demonstrably outweigh the benefits in the context of the NPPF as a whole.
- 6.7 Having established that the Council's housing policies, including HUDP Policy H6, are out-of-date, the second limb of the above is the applicable test of acceptability for residential development in this location and throughout the county. It must therefore be considered if the development is representative of sustainable development having regard to the NPPF as a whole. If this is found to be true then the positive presumption shall be engaged and planning permission granted.

Principle of development

- 6.8 Within the forward to the NPPF the purpose of planning is described as being to help achieve sustainable development. The Government's definition of Sustainable Development is considered to be the NPPF in its entirety though paragraph 17 lays out a concise set of 'core planning principles'. Amongst these principles are that decision taking should:
- take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it; and
 - actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus development in locations which are or can be made sustainable.
- 6.9 Locally, HUDP Policy S1 requires, amongst other things, that development proposals should respect patterns of local distinctiveness and landscape character in both town and country. Policy DR1 similarly requires that development should promote or reinforce the distinctive character of the locality. These policies are generally consistent with the advice on design and distinctiveness set out in the NPPF (chapter 6) and so continue to attract considerable weight.
- 6.10 Essentially, in determining the acceptability of the principle of development in this location there are two main criteria which development shall meet: The location of the site with regards facilities and services and the ability for residential development to sit harmoniously with the sites built and natural context.
- 6.11 The application site is located immediately adjacent to the village of Much Birch which provides the following facilities and services with distances to the application site in brackets (distances are measured as one would walk rather than as the crow flies and are approximate):

- Church (65 metres);
- Community Centre (100 metres);
- Doctors Surgery (100 metres);
- Primary school (530 metres);
- The Pilgrim Hotel (630 metres);
- The Axe & Cleaver Inn (1200 metres);
- Car Garage (1300 metres); and
- A number of bus stops, the closest of which is 140 metres from.

- 6.12 These amenities are considered to be within walking distance of the application site, with the possible exception of the Car Garage which breaches the 1200 metres maximum walking distance suggested by 'Guidelines For Providing For Journeys On Foot' which is referenced in paragraph 5.1.1 of Manual for Streets 2. The more extensive amenities found within the city of Hereford are accessible by a regular bus service running frequently between Much Birch and Hereford.
- 6.13 In terms of the route's nature, the first 150 metres from the application site to the above facilities is along Court Farm Road the final 100 metres of which benefit from a pavement. This application includes the provision of pavement between the application site and the commencement of the pavement outside of the doctor's surgery which would be delivered by way of a section 278 agreement. Resultantly a continuous footpath would be provided from the application site to the community centre, doctor's surgery, church and bus stop. In order to reach the other facilities within the village, one must cross the A49 to access a footpath which then spans the entire length of the village of Much Birch. There is no designated crossing point on the A49 within Much Birch and the speed limit of the road at this point is 40mph. The entire route is unlit.
- 6.14 The large part of one's journey between the application site and the aforementioned amenities would benefit from a designated pedestrian footpath which whilst unlit, is capable of providing safe and convenient movement between the application site and local facilities. However, in crossing the A49 one would have to negotiate a large volume and disparate type of vehicular traffic. The A49 is thus a plausible barrier to safe and convenient pedestrian flow throughout the village. Much Birch benefits from a fairly even split of facilities either side of the A49 and thus in dissecting the village on a north-south axis, the A49 is an inherent and historic consideration in providing residential growth within the village of Much Birch.
- 6.15 In appraising the suitability of the application site with regard to its proximity to facilities and services it is considered that significant weight be attached to the short and safe pedestrian route to the church, community centre, doctor's surgery and bus stop. Furthermore, although the A49 represents a substantial restraint to one's ability to safely and conveniently access other amenities within the village, crossing the A49 to the footpath on its eastern flank is possible by virtue of the good visibility in each direction along the A49 – 590 metres in a south-easterly direction and 270 metres in a north-westerly direction measured from the pavement edge to the centre line of the road. The site is considered to offer reasonable access to a good level of facilities and services within the village of Much Birch and the more extensive facilities at Hereford by methods other than the private motor vehicle. The provision of a pedestrian crossing on the A49 is not considered integral to the application's acceptability in terms of the site's location nor would the works required to provide a crossing be of a scale commensurate to proposed development. Such a provision by way of a 278 agreement would not therefore be reasonable.
- 6.16 Turning to the suitability of the residential development of the site for this setting, it is pertinent to note that the site abuts the inferred boundary of Much Birch. The area of the village within which the site is located is primarily residential though also includes a church, community centre and doctor's surgery. It is officer opinion that the residential development of the site is compatible with its context from a land use perspective.

Highways

- 6.17 The application site is located at the extent of an unclassified road known as Court Farm Road which is currently utilised by residential and agricultural traffic. The road provides access to the doctors' surgery, community centre, church, fruit farm, poultry units and a number of dwellings. The road is relatively narrow being approximately 4 metres wide at its most narrow. It is single track save for the most northerly 25 metres which provides two marked lanes for traffic turning onto and off the A49. Visibility of 45 metres in each direction is provided at the access to the proposed development and provides adequate splays for the nature of the road and vehicle speeds thereon. The intensification of vehicle numbers using both the local highway network and accessing the A49 is considered acceptable having consulted both the Council's Transportation Manager and the Highways Agency. The impact on highways safety is not considered severe as per the test of acceptability laid out in paragraph 32 of the NPPF.
- 6.18 The proposal includes the provision of a length of footpath alongside the curtilage of the dwelling known as 'Avalon'. This will improve the connectivity of the site to the surrounding village and facilities therein. This is considered integral to the acceptability of the application and as such its provision will be required via Section 278 agreement rather than Section 106.
- 6.19 Court Farm Road is subjected to impromptu parking mainly in relation to the use of the doctor's surgery and community centre. Whilst it is difficult to reconcile the loss of this space given its informal nature, its loss has been mitigated for as best possible through the provision of 8 no. spaces for community use. The lifetime maintenance of these spaces will be a condition of any permission given.
- 6.20 Internally, the site layout is acceptable. There is comment from the Council's Transportation Manager that the parking arrangement could be amended to increase on-road parking. This is a matter which can be dealt with via condition. Parking within each garage shall be no less than 6m x 3 metres per parking space and will be a necessary requirement of any reserved matters application.

Layout, Scale and Appearance

- 6.21 Chapter 7 of the NPPF in its entirety is applicable to the design of development. Chief among its requirements is the need for good design. Paragraph 56 states that "Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people." This is expanded on later in the chapter with paragraph 63 requiring outstanding design to be given significant weight in the determination process and paragraph 64 requiring development of poor design which fails to make the most of opportunities presented to be refused.
- 6.22 Chapter 7's other provisions underpin those within the UDPs design policies. Paragraphs 58 – 60 require that development reinforces local distinctiveness and history adding to the quality of the area, creating a strong sense of place and that development is visually attractive. Particular attention should be given to the aforementioned in the context of site access, scale, massing, detailed design, layout, density, height and landscaping. Paragraph 61 highlights the importance of connections between people and places and the integration of new development into the natural, built and historic environment as inherent aspects of good design.
- 6.23 HUDP Policy H13, supported by DR1, requires consideration of the design of residential development and its potential to impact on the locality in terms of neighbouring residential amenity, landscape character, the environment and highways safety. HUDP policies H13, DR1 and S1 also require development to include energy conservation and renewable energy generation techniques. These policies are generally consistent with the advice on design and distinctiveness set out in the NPPF (chapter 7) and so continue to attract considerable weight.

- 6.24 Historically, Much Birch has developed in an ad hoc manner, as with many villages within the County. This is particularly evident along Court Farm Road which has a fairly well maintained semi-rural character with stone buildings and a moderate amount of roadside greenery. This is however eroded somewhat by the more modern, suburban style brick development of the doctor's surgery and community centre and along the tributary cul-de-sacs.
- 6.25 The historic form of development in this locality is of full height two-storey dwellings, of a gabled form and stone construction. More recent development has seen the introduction of one and one and a half storey dwellings which tend to be of a red-brick construction. Whilst varying in the number of storeys provided, buildings do tend to be of the minimal height necessary to provide the accommodation within with low eaves heights, thus upholding a traditional feature of semi-rural residential buildings. Where larger footprints are necessary these are provided through projections of a subservient scale perpendicular to the main ridgeline rather than by increasing the depth of the main element of the building. The built context of the area is therefore of a disparate character, though the historic features remain prevalent by virtue of their more prominent location relative to Court Farm Road and the wider village.
- 6.26 The application site is visually separate from the land which it immediately adjoins to the north by virtue of the dense and tall hedges which make up its northern boundary. Vegetation is a feature of Court Farm Road, with existing cul-de-sacs to the north of Court Farm Road well screened from public view. Therefore although the development would not be fully visible from all parts of Court Farm Road it would still have a significant visual relationship with it. As such, it is imperative that any development of the application site does not represent too stark a change in character from Court Farm Road so as not to appear as an entity separate to that provided along Court Farm Road and subsequently within the rest of the village.
- 6.27 This application seeks approval of all matters save for appearance. All matters have connotations for a scheme's design within the context of the above mentioned policies. Furthermore, the matters for which approval is sought, particularly layout and scale will create a framework within which the 'appearance' of the development must be provided when approval of that matter is required.
- 6.28 Given the geometry of the site it is hard to envisage a response other than the elongated cul-de-sac as proposed. There is however precedent for such development style locally with a number of cul-de-sacs spurring from Court Farm Road. Building orientation is determined by the access road and successfully reinforces the shape of the site, relating well to existing site boundaries. The inclusion of the landscaped loop at the southern end of the site provides turning whilst also designing out the potential to develop further into the open countryside. The density of development at circa 17 dwellings per hectare is low, but in this instance is considered necessary to uphold the semi-rural character of local development. Footprints are 'T' shaped with gabled roofs which will naturally provide a form of building whose perpendicular protrusions will break its potential massing. Building spacing is acceptable providing strategic gaps which will help to increase the visual depth of development thus further reduce its massing. The retention of hedgerow, to the north of the site in conjunction with the site's location away from the predominant public vantage point of the A49 will ensure that the more historic elements of Court Farm Road, particularly the parish church, retain their prominence within the streetscape. As a result of the above, it is officer opinion that the proposed development would provide a 'social space' of an appearance and functioning which would sit comfortably within its semi-rural milieu with potential to incorporate characterful elements of the local vernacular into the detailed design of the scheme.

Landscape

- 6.29 NPPF Paragraph 109 states that valued landscapes should be protected and enhanced. HUDP Policies LA2 and LA3 are broadly consistent with chapters 11 and 12 of the NPPF and require that the landscape character and setting of a settlement be acknowledged, respected and improved where ever possible.
- 6.30 The application will be visible from the south given its projection beyond the existing extent of development. However, given the Council's lack of housing land and a historic approval of development on the site allied with the reparation of what is at present a dilapidated site and the residential milieu within which the site would be viewed there is no landscape objection to the principle of development. Again, the detailed design of the proposed dwellings will have connotations for the landscape impact of the scheme through the layout and scale of development as well as indicative elevations show that there is potential for development to sit comfortably within its context.
- 6.31 At present, this area of Much Birch has a graduated boundary by virtue of staggered agricultural development which does not benefit from a defined boundary. This proposal, through the provision of housing and a strong southern boundary would provide a definitive edge to the village. Furthermore, a landscaping plan as described in the below 'Ecology' section of this report will help to integrate the site into the surrounding open countryside whilst also serving to improve the visual appearance of what is currently degraded agricultural land.

Ecology

- 6.32 The application is accompanied by an Phase One Ecological Survey which concludes that impact on protected species and their habitat is unlikely and whilst recommending care be taken during the development, does not raise objections to the principle of the development of the site. Appended to the survey is a number of biodiversity improvement works which include the following:
- A new native boundary hedgerow along each boundary consisting of native species;
 - An area of the main field to be sown with general wildflower grassland mix and to be managed as a hay meadow;
 - Field corners to be planted with native scrub – approximately 25 square metres worth of scrub planting in each corner; and
 - A new underlined pond between 100 and 200 square metres in surface area.
- 6.33 The NPPF and HUDP Policies NC1, NC6 and NC7 require the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity wherever possible with the NPPF specifically requiring "opportunities to incorporate biodiversity in and around developments to be encouraged". It is officer opinion that the content of this report has accurately and correctly appraised the situation and subject to the appending of conditions to any permission given protected species and their habitat would be successfully protected. Furthermore the developer has actively sought to provide improvements to local biodiversity of a scale and quality which is considered commensurate to the size of development.

Setting of Listed Building

- 6.34 The application site is located 40 metres to the south-west of the Grade II listed Church of St Mary's and Thomas a Becket and thus the proposed development has potential to impact on its setting. The church is, however, located at the centre of a cluster of houses and buildings which comprise of modern and historic development. The application site in its current state offers little to the setting of the listed building. Beyond the site, the rural setting of the village is evident with

the ground sloping away to provide views of the surrounding landscape. The church is located in a dominant position within this landscape.

- 6.35 The proposed scheme will repair an element of the Church's setting which at present is in a poor condition but will also erode the open setting of the church when viewed from the south. However, the further provision of housing is not considered to have a greater impact than the permission which was previously granted for 9 dwellings. The pattern of the proposed development contributes to the established clustered pattern of settlement in the village which is focussed on the church rather than being at odds with its established character and appearance. The Council's Conservation Officer therefore offers no objection to the principle of development.

Residential amenity

- 6.36 Loss of amenity arising from prejudicial overlooking and daylight reduction is a material consideration. In this case, officers are satisfied that development of the site in the manner detailed would not give rise to undue concerns for the either daylight or privacy of dwellings within the site. Existing dwellings to the periphery of the site are set within relatively spacious plots which in conjunction with the proposed layout would preclude the undue erosion of exiting privacy or amenity levels. The aforementioned is clearly caveated by the necessity to secure acceptable dwellings designs at the reserved matters stage particularly with regards fenestration.

Planning Obligations

- 6.37 The S106 draft Heads of Terms are appended to the report and as summarised include substantial contributions towards Sustainable Transport Infrastructure, Education, Public Open Space, Waste & Recycling and Libraries whilst also providing a mechanism to ensure the provision of 6 affordable units retained in perpetuity. The total amount will depend on the exact number of bedrooms per unit, though based on projected numbers would amount to £119,424 plus a 2% fee for the monitoring and enforcing of the agreement and legal costs incurred by the Council in preparing the agreement.
- 6.38 Six affordable units are to be provided (4 no. 2-beds, 2 no. 1-beds). In terms of tenure, 4 no. units will be made available for social rent whilst 2 no. would be for intermediate tenure occupation. All units shall be provided prior to the occupation of 50% of the open market dwellings. The provision itself and manner of delivery is considered acceptable by the Council's Housing Team.

Conclusion

- 6.39 Within the framework of determination as set out in paragraph 7 of the NPPF the following conclusion is offered:

Economic: The site would make a moderate contribution to the local economy through the short term employment of the construction trade. It would also likely contribute to the vitality and viability of the village of Much Birch through the increased use of the facilities therein and to a lesser extent, amenities elsewhere in Herefordshire.

Social: The scheme would provide 18 no. dwellings making a not insignificant contribution to the Council's current lack of housing land. 6 no. affordable units of a varied size and tenure would be provided where a substantiated need exists for such development. The site is located as to afford future occupants the opportunity to contribute to the established community of Much Birch utilising the social and community facilities therein.

Environment: The application site's proximity to services and facilities would in all likelihood result in future occupiers of the site undertaking a significant number of everyday activities without use of the private motor vehicle, resulting in reduced carbon emissions. In landscape terms, the site relates well to the surrounding pattern of development thereby being an appropriate land use. The site would result in the reuse of a brownfield site, though it would also interject into the open countryside by virtue of the development of a part of a field which is at present undeveloped. A landscaping scheme would however filter views of the development from the southerly aspect whilst providing a definitive boundary between the village and the open countryside beyond. The landscaping scheme would also provide significant ecological benefits through the provision of biodiversity improvement.

- 6.39 In conclusion it is considered that the proposal is representative of sustainable development and, in the absence of demonstrable harm, that planning permission should be granted subject to the appending of appropriate conditions as laid out below and the completion of a Section 106 agreement as per the attached draft heads of terms.

RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the draft Heads of Terms appended to the report, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary:

1. **A02 - Time limit for submission of reserved matters (outline permission)**
2. **A03 - Time limit for commencement (outline permission)**
3. **A04 - Approval of reserved matters**
4. **A05 - Plans and particulars of reserved matters**
5. **B01 - Development in accordance with the approved plans**
6. **F08 – No conversion of garage to habitable accommodation**
7. **F14 – Removal of permitted development rights**
8. **G11 – Landscaping scheme - implementation**
9. **H03 - Visibility splays**
10. **H06 - Vehicular access construction**
11. **H11 - Parking - estate development (more than one house)**
12. **H17 - Junction improvement/off site works**
13. **H18 - On site roads - submission of details**
14. **H19 - On site roads - phasing**
15. **H20 - Road completion in 2 years**
16. **H21 - Wheel washing**

- 17. H29 - Secure covered cycle parking provision
- 18. I16 – Restriction of hours during construction
- 19. I18 – Scheme of foul drainage disposal
- 20. K4 – Nature Conservation – Implementation
- 21. C01 - Samples of external materials

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2. N11C – General
- 3. HN05 – Works within the highway (Compliance with the Highways Act 1980 and the Traffic Management Act 2004)
- 4. HN07 – Section 278 Agreement
- 5. HN08 – Section 38 Agreement & Drainage details

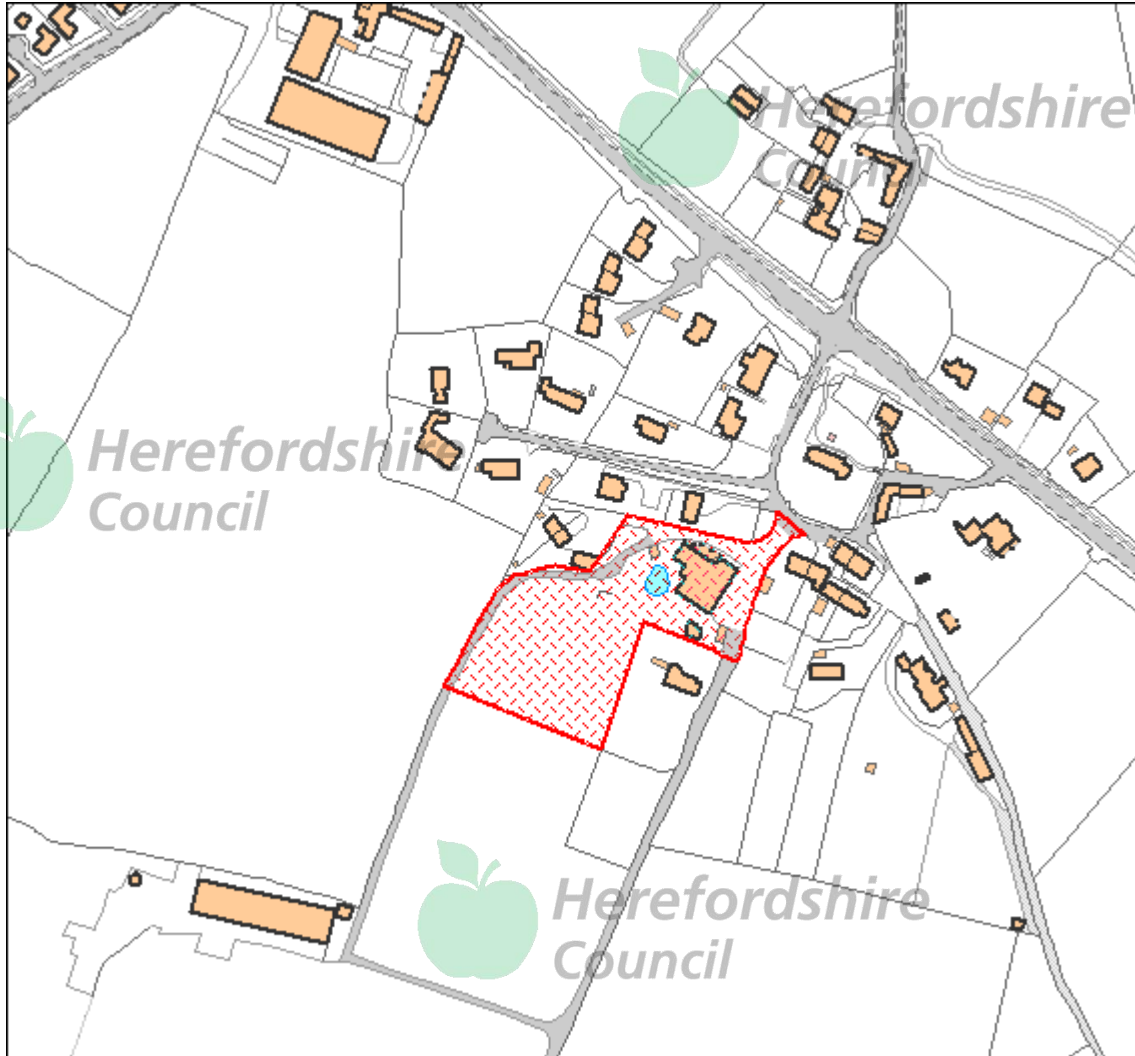
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 141830/O

SITE ADDRESS : COURT FARM, MUCH BIRCH, HEREFORDSHIRE, HR2 8HT

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Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795