

DCNW2007/2653/F - PROPOSED ERECTION OF 6 DWELLING UNITS AND ANCILLARY GARAGES AND FORMATION OF NEW VEHICULAR ACCESS AT LAND ADJACENT TO METHODIST CHAPEL, HEREFORD ROAD, WEOBLEY, HEREFORDSHIRE

For: Border Oak Design & Construction Ltd

Date Received:
14th August 2007

Ward:
Golden Cross with
Weobley

Grid Ref:
40466, 51366

Expiry Date:
9th October 2007

Local Member: Councillor J Goodwin

Introduction

This application was considered by the Northern Area Planning Sub-Committee at its meeting on 17th October 2007 when Members resolved to approve planning permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

The site is allocated in the Unitary Development Plan for 12 houses, with 35% being affordable houses. A recent planning application for such a scheme was refused by the Northern Area Sub-Committee (contrary to recommendation) for the reasons that the access through the cul-de-sac of Chapel Orchard was not considered to be satisfactory, and the impact on amenities of Chapel Orchard residents and character of the area were considered to be unacceptable. No appeal has been lodged against that refusal of permission. Instead the applicants have submitted a revised scheme taking access directly off Hereford Road. The new scheme is for only six houses with none of them affordable.

In the debate Members of the Area Sub-Committee considered that the new scheme was more acceptable on highways and design grounds and resolved to grant permission. They were not unduly concerned by the lack of any affordable housing, or by the very low density of the development. In particular Members considered that the applicants had gone to considerable lengths to prepare a scheme in keeping with the area and its setting opposite an ancient monument. They felt that the design incorporated a welcome amount of open space and the houses and garages were of a style in keeping with an historic village. The proposed access road was directly off Hereford Road and thereby overcame the problem of a route through Chapel Orchard. The proposed dwellings would be comprised of one two-bed; one three-bed and four four-bed properties and reflected the character, appearance, mix and range of properties elsewhere in the village. They felt that the village already had a good provision of affordable housing on other sites and questioned the need for more at this location.

Notwithstanding the views of the Area Sub-Committee the following factors are relevant to this case:

1. The allocation of the site for twelve dwellings was tested in the public local inquiry into the Unitary Development Plan and found to be acceptable. That allocation is now the adopted planning policy of Herefordshire Council for this site. There is nothing intrinsically inappropriate about the target figure of twelve dwellings. Not to use the site to its reasonable potential is contrary to a number of policy objectives and in conflict with the conclusions of the Inspector and the Council following the public local inquiry into the Unitary Development Plan. The allocation is important in order to meet housebuilding targets.
2. The density of the scheme for 6 dwellings, at 15 per hectare, is so low that it is in direct conflict with Unitary Development Plan policy and amounts to an inefficient use of development land.
3. The absence of affordable housing is likewise in direct conflict with the Unitary Development Plan policy and also fails to take account of the housing needs survey of February 2007 which identified a need for another 11 affordable houses to serve Weobley.

Overall it has not been shown why a scheme for twelve houses could not be achieved with access directly off Hereford Road. The low density now proposed remains in conflict with the Council's own planning policies especially with regard to affordable housing and housebuilding needs generally. For these reasons the application is referred to this Committee for further consideration.

The original report to the Northern Area Planning Sub-Committee follows.

1. Site Description and Proposal

- 1.1 The site for the proposed development is on land allocated in the Herefordshire Unitary Development Plan for an estimated capacity of 12 dwellings to the rear of the Methodist Chapel, Hereford Road, Weobley.
- 1.2 To the south of the application site is the residential area known as 'Chapel Orchard'. This housing estate consists of two-storey dwellings constructed of brick under tiled roofs.
- 1.3 There are also residential areas to the northern and eastern boundaries, these are a mixture of house types. The external facing materials are predominantly brick. To the west of the site, on the opposite side of the adjacent C1095 Hereford Road, is the site of Weobley Castle, a Scheduled Ancient Monument. This survives as large earthworks.
- 1.4 The application site itself occupies an area of 0.41 hectares and is relatively flat grassland. The boundaries consist of various native and evergreen vegetation.
- 1.5 The application proposes the construction of 6 timber-framed dwellings and ancillary garages under natural slate/plain clay tiled roofs, with access into the site directly off the adjacent Hereford Road.

2. Policies

- 2.1 National Planning Policy Statement 3: Housing

- 2.2 Herefordshire Unitary Development Plan
 - S1 - Sustainable Development
 - S2 - Development Requirements
 - S7 - Natural and Historic Heritage
 - DR1 - Design
 - DR2 - Land Use and Activity
 - DR3 - Movement
 - DR4 - Environment
 - H4 - Main Villages: Settlement Boundaries
 - H5 - Main Village - Housing Land Allocations
 - H9 - Affordable Housing
 - H13 - Sustainable Residential Design
 - H15 - Density
 - H16 - Car Parking
 - LA2 - Landscape Character and Areas Least Resilient to Change
 - HBA6 - New Development within Conservation Areas
 - ARCH1 - Archaeological Assessments and Field Evaluations
 - CF2 - Foul Drainage
- 2.3 Weobley Parish Plan Supplementary Planning Guidance
- 2.4 Housing Needs Study for Weobley - February 2007

3. Planning History

- 3.1 NW07/0603/F - Proposed erection of 12 dwelling units and ancillary garages at land adjacent to Weobley Methodist Chapel, Weobley - Refused 27th June 2007.
- 3.2 NW06/3549/F - Proposed erection of 13 dwelling units and ancillary garages - Withdrawn 4th January 2007.
- 3.3 NW03/2057/F - Construction of 9 houses with garages - Withdrawn 8th December 2003.
- 3.4 N98/0827/O - Erection of four dwellings served by a private drive - Refused 17th February 1999. Later dismissed on appeal 16th September 1999.
- 3.5 N98/0014/O - Site for erection of four dwellings served by private drive - Refused 10th March 1998.

4. Consultation Summary

Statutory Consultations

- 4.1 English Heritage have responded to the application with no comment. Their response stating that the application should be determined in accordance with national and local planning guidance and on the basis of your specialist conservation advice.
- 4.2 Welsh Water raise no objections subject to inclusion of conditions relating to foul and surface water drainage.

Internal Council Advice

- 4.3 The Archaeology Manager raises no objection to the proposed development.

- 4.4 The Forward Planning Manager has responded to the application stating that the application site is an allocated site in the Herefordshire Unitary Development Plan with an estimated capacity of 12 dwellings. The proposal is for 6 dwellings on an area of 0.41 hectares which would provide a density of 14 dwellings per hectare. Given that the indicative capacity has been provided for within the Herefordshire Unitary Development Plan at a density of 30 dwellings per hectare as the indicative minimum, then the proposal is not in keeping with policy.

The response further states concerns about the proposed dwellings scale and footprint in that the proposed dwellings are larger than the identified need for housing types in the area and therefore not in keeping with the Herefordshire Unitary Development Plan and identified need.

- 4.5 The Landscape Manager comments that the overall character of the proposed development does not reflect the organically developed settlement pattern of the wider village. A condition with regards a scheme of landscaping is recommended for any subsequently approval notice issued.
- 4.6 The Transportation Manager raises no objections subject to inclusion of conditions with regards to access, parking and turning within the site.
- 4.7 The Parks Development Manager requests the sum of £7000 towards improvements to the Hopelands Village Hall play area in Weobley and £3780 towards local sport and leisure provision.
- 4.8 Strategic Housing Enabling Manager objects to the proposed development, due to no provision for affordable housing. Comment is made that the site is allocated for 12 units which would have resulted in 5 affordable units.
- 4.9 Children and Young People's Directorate requests a contribution of £2000 per dwelling. In accordance with the latest draft Supplementary Planning Document on planning obligations. This amount will rise to £6000 per dwelling on its adoption by the Council.
- 4.10 The Conservation Manager states the interior of the site is dominated visually by the surrounding estate development and its shape dictates the road layout. This gives flexibility in terms of form and limited flexibility in terms of layout, but given the context there should be a strong sense of rural informality. The common orientation and rhythmic placing of plots 3-6 are, on the contrary, too formal. It would be better in views into the site from the road to see roofs with ridges of various orientations.

5. Representations

- 5.1 Weobley Parish Council raise no objections to the proposed development. However, comment is made about surface water drainage from the site.
- 5.2 Letters of comment/support have been received from the following:-

Pamela Jenkins, 7 Chapel Orchard, Weobley
Pamela McGill, 9 Chapel Orchard, Weobley
S & D J Eady, 5 Chapel Orchard, Weobley
K Metcalfe, 13 Chapel Orchard, Weobley
D R Smith, 4 Chapel Orchard, Weobley
L Tilbury, 12 Chapel Orchard, Weobley

E M King, 1 Chapel Orchard, Weobley
Mrs N Bishop, 11 Chapel Orchard, Weobley
C F Faulkner, Oak View, Hereford Road, Weobley
G & R Norman, Orchard Garden, Hereford Road, Weobley
James Smith (Secretary), The Methodist Church
C B Havard, Bell Meadow, Weobley

Basically most of the letters received support the proposed access into the site directly off Hereford Road rather than through Chapel Orchard as proposed in the previous application refused planning permission by this Committee.

Some of the responses received raise concerns about the size and scale of the proposed dwelling units, in comparison to the surrounding houses, in that the proposed dwellings appear excessively large in relationship to surrounding houses.

- 5.3 A further letter has also been received from the applicants, in response to Officer concerns about the proposed development.

The letter states that the latest proposal is intended to address the concerns of the residents at Chapel Orchard, to improve the immediate environment of the Methodist Chapel and to provide the best possible option for access from Hereford Road.

The letter also confirms acceptance to enter into an appropriate Section 106 Agreement with regard to public highway infrastructure improvements, amenity space improvements, sport and education provision. Comment is also made about appreciation, that the proposal does require a degree of compromise, which they hope on balance will be deemed to be acceptable.

- 5.4 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 This application is presented to Committee, at the local member's request, due to local residents concerns about public highway access to a previous application for 12 houses on the site, refused planning permission by this Committee at its meeting on 27th June 2007.

- 6.2 The main issues with regards to this application are:-

- Density of the proposed development
- Affordable housing provision
- Design

6.3 Density of the proposed development

The site is allocated in the Herefordshire Unitary Development Plan for housing development, with an estimated capacity of 12 dwellings. Paragraph 3.4.55 on the site states '*The site is suitable for medium density development of around 12 units, incorporating an element of affordable housing.*'

- 6.4 The application proposes 6 units, which represents a density of 14 dwellings per hectare (the site covers an area of 0.41 hectares). The site density required in accordance with Herefordshire Unitary Development Policy is 30 dwellings per hectare.

PPS3: Housing; advises using 30 dwellings per hectare as the indicative minimum. The Herefordshire Unitary Development Plan recommended a density for the site at the lower end of the range, but the development as proposed does not comply with local or national policy on dwelling unit density.

6.5 Affordable Housing Provision

The application site covers an area of 0.41 hectares and therefore in accordance with Herefordshire Unitary Development Plan policy on affordable housing, 35% of the total amount of housing on site must be affordable housing.

6.6 The applicants have not provided for any affordable housing provision, which normally would be subject to a Section 106 Agreement, under the Town and Country Planning Act 1990. However, they have agreed to requests for contributing through a Section 106 Agreement for financial provision towards local education, public highway infrastructure improvements amenity/play area and sports provision contributions in accordance with the individual Council relevant sections on these

6.7 The Council's Strategic Housing Manager has also raised concerns, that the site subject to this application, is an allocated housing site, in accordance with Herefordshire Unitary Development Plan policy, for an estimated capacity of 12 units, which equates to 5 affordable units. The substantial drop in the number of proposed units and under development of the site adversely affects strategic housing target delivery figures.

6.8 The Weobley Housing Needs survey of February 2007, identified a need for a further 11 affordable dwellings in the village. This proposal singularly fails to address possibly the most pressing issue for the Council in not providing any affordable dwellings as required by the site allocation in the Herefordshire Unitary Development Plan, Council policy generally, Regional Policy and National Policy. There is no doubt that in any potential appeal against refusal the Planning Inspectorate would support the Local Planning Authority in seeking to achieve these objectives. Such a fundamental failure to comply with policy must be rebuffed to deter similar attempts to side step the provision of affordable housing.

6.9 Comment has been made within the application's Design and Access Statement that two of the proposed units are to be allocated to members of the site owner's extended family, in order to enable them to return to live in the village. This is not considered to constitute affordable housing provision in accordance with Herefordshire Unitary Development Plan Policy, on affordable housing.

6.9 Design

The application proposes 6 large detached dwellings of a scale and design that is not typical of the immediate surrounding area, being overly dominant in relationship to other dwellings within the immediate vicinity of the application site. The dwelling unit proposed for plot no 6, in particular having an overwhelming effect on the adjacent dwelling know as 5 Chapel Orchard.

6.10 Policy DR1: Design in the Herefordshire Unitary Development Plan states all development will be required to promote or reinforce the distinctive character and appearance of the locality in terms of layout, density, means of access and enclosure, scale, mass, height design and materials.

The development subject to this application is for 6 detached dwellings that are large in scale and mass and therefore not typical of surrounding dwellings scale and mass or external construction materials. The surrounding built environment is one of predominantly brick, rather than timber framed dwellings, with timber cladding and mainly lime rich render.

6.11 Conclusion

The application proposes a development density that is not in accordance with Herefordshire Unitary Development Plan Policy for this UDP allocated site. The proposal also fails to comply with PPS3: Housing in respect of both density and the delivery of affordable housing.

6.12 No provision has been made for affordable housing. The site measures 0.41 hectares and therefore provision must be made for 35% affordable housing provision. Furthermore this site is earmarked in the Herefordshire Unitary Development Plan for approximately 12 dwelling units. Targeted affordable housing provision, on other allocated housing sites, may be jeopardised by acceptance of this proposal.

6.13 The overall design of the proposed development is such that it will overly dominate the surrounding built environment and its immediate built character. It will not, thereby, comply with Herefordshire Unitary Development Plan Policy on design.

RECOMMENDATION

That planning permission be refused for the following reasons:-

- 1 The proposed development is of a density of individual housing units that fails to comply with Policies H5 and H15 in the Herefordshire Unitary Development Plan 2007 and guidance as stated in Planning Policy Statement 3: Housing.**
- 2 The complete absence to make provision for affordable housing is contrary to Policies H5 and H9 of the Herefordshire Unitary Development Plan 2007, Regional Planning and Policy Planning Policy Statement 3: Housing.**
- 3 The overall layout, design and scale of the development is such that it does not reinforce the local built character and appearance of the locality, particularly by reason of the scale, mass, materials and design of the proposed new houses. in which the application site is located. Therefore the proposal is contrary to Policies DR1, H15 and HBA6 of the Herefordshire Unitary Development Plan 2007.**

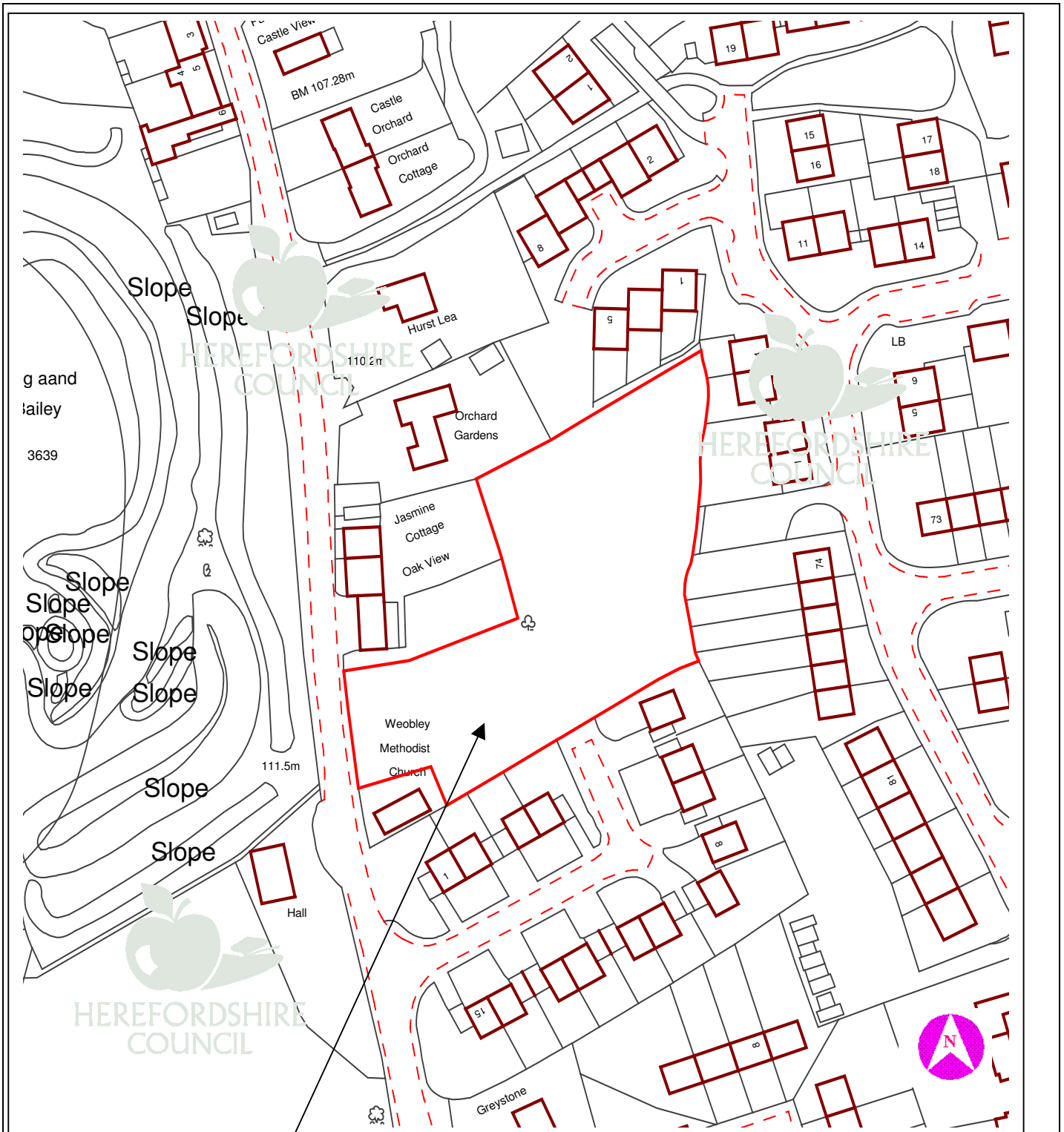
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2007/2653/F

SCALE : 1 : 1250

SITE ADDRESS : Land adjacent to Methodist Chapel, Hereford Road, Weobley, Herefordshire

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