

**DCSW2007/3846/O - RESIDENTIAL DEVELOPMENT,
POND, PARKING FOR VILLAGE HALL AND SURGERY.
PROPOSED LANDSCAPING AND TREATMENT PLANT.
DEMOLITION OF PACK HOUSE, REMOVAL OF STATIC
CARAVANS, COURT FARM, MUCH BIRCH,
HEREFORDSHIRE, HR2 8HT**

**For: F. M. Green per Brian Griffin P & C C Ltd, The
Cottage, Green Bottom, Littledean, Gloucestershire,
GL14 3LH**

Date Received: 17th December 2007

Ward: Pontrilas

Grid Ref: 50356, 30456

Expiry Date: 11th February 2008

Local Member: Councillor R. H. Smith

Introduction

This application was considered by the Southern Area Planning Sub-Committee at its meeting on 5th March 2008 when Members resolved to grant 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.

At its meeting on 5th March 2008 the Southern Area Planning Sub-Committee was recommended to refuse this application for the following reasons:

- 1. The proposed development does not constitute infilling development, accepted windfall development or accepted affordable housing, therefore the development is contrary to the provisions of Policies H.6, H.9 and H.10 of the Herefordshire Unitary Development Plan 2007.**
- 2. A habitat survey/mitigation report has not been provided in relation to fauna utilising the existing site and therefore the proposal does not satisfy the need to establish the bio-diversity of the scheme and is contrary to the provisions of Policies NC1, NC2, NC3, NC4 and NC5 of the Herefordshire Unitary Development Plan 2007**

In the debate the Members of the Area Sub-Committee acknowledged that the proposal does not accord with the policies of the Unitary Development Plan identified in the reasons for refusal but they felt that in this case an exception should be made because:

1. there is an unmet need for affordable and specialist housing in the rural areas
2. Much Birch has many facilities which make it a suitable settlement for additional housing including a primary school, church, community hall and doctors' surgery. The village is also on a main bus route
3. the site is itself very unkempt and untidy and a well designed new housing scheme would be a significant improvement over the current state of the site. Furthermore the site clearly counts as previously development land

4. the development would bring a specific benefit of additional parking facilities for the church, surgery and village hall.
5. the second (biodiversity) reason for refusal could be overcome with conditions.

In the light of the above arguments it was resolved to grant planning permission.

The application raises the following issues:

1. Much Birch is defined as a Smaller Settlement in the Unitary Development Plan. This categorisation acknowledges that local facilities are present, but none-the-less limits development to small individual infill plots only. Smaller Settlements do not have "Village Envelopes" or "Settlement Boundaries" as a result of the deliberations of the Unitary Development. This status was carefully argued over and justified through the UDP process and is now the current policy of the Council. In these circumstances the relevant Policy is H6 and the proposals are directly contrary to this policy.
2. The understanding of rural housing need, as expressed by members, is not supported on the basis of current UDP figures. Herefordshire currently has an adequate five year supply of land for house building based on UDP policies and the advice in Planning Policy Statement 3. There is an acknowledged shortage of affordable housing but this scheme proposes only 35% affordable housing as though this were a site in a market town or a main village. The "35%" policy does not apply to exception sites on the edge of rural settlements. There is therefore no basis for the development in terms of housing land supply.
3. The development could, potentially, comply with Policy H10 for Affordable Housing if it were entirely for affordable housing and the need had been identified in an up-to-date housing needs survey. However, there is no such survey in place for Much Birch and the proposal includes no details of any evidence of either a specific affordable housing need or the support of a Registered Social Landlord. The Strategic Housing Team have not been involved. The proposal is therefore outside the provisions of Policy H10 and neither does it meet the requirements of Policy H9. In order to overcome this the proposal would have to be for exclusively affordable housing (and not just 35% affordable housing as proposed) and would need the active support of the Strategic Housing Team.
4. The site is, indeed, a "Brownfield" site, but that alone does not justify redevelopment for housing purposes.
5. The principal community benefit argued by the applicants is the provision of additional car parking for the doctors' surgery, church and village hall. This would introduce additional traffic onto a narrow lane and would, of itself, encourage further journeys by private car. Whilst this is not so great an issue as to justify a further reason for refusal in this case, neither is it a positive argument for permitting new housing contrary to policy.
6. The other main benefit of the scheme, i.e. tidying up the site, is likewise, not an adequate reason to permit development which is contrary to policy. In any event, the tidying of the site could be achieved through enforcement action if it were considered expedient.
7. It is acknowledged that the biodiversity reason for refusal could be overcome through further negotiation as suggested by Members, but that still leaves the essential policy objection to the development in place.

8. In these circumstances an approval would be contrary to the Council's policies to exercise strict control over proposals for new development in the open countryside.

It is clear from the above that the proposal conflicts with the development plan policies which seek to restrict development in the rural areas without special justification. Consequently, this application is referred to this meeting for further consideration.

The report to the Southern Area Planning Sub-Committee follows:

1. Site Description and Proposal

- 1.1 The 0.59 hectares application site comprises a packing shed, a tall steel framed building and, to the west, a small area of trees encircling a pond. To the west and south-west of the pond are static caravans. There is an access road that skirts the northern side of the packing shed. This road serves Mayfield Cottage and Worcester Cottage, it then leads south-westwards across arable land.
- 1.2 The outline application proposes 9 new dwellings with the means of access the only reserved matter to be determined at this stage. Access is taken off a road that leads southwards from the A49(T) past the Doctor's Surgery and Community Hall and parish church, before continuing south past the packing shed, a spur road continues westwards past the northern end of the packing shed, it serves two private dwellinghouses and farm land further to the south-west.
- 1.3 An indicative plan provides details for a layout of 9 dwellings, comprised of 4 detached dwellings either side of the new access road, a pair of semi-detached dwellings in the north-western area of the site and, in the south-western area, a terrace of 3 dwellings; these have been identified by the applicant as being affordable dwellings. The remaining six dwellings will be open market dwellings. An existing pond will be filled in and a new one is proposed to the south of the site.
- 1.4 It is proposed to create a parking area for the benefit of users of the Doctor's Surgery, Community Hall and the church, e.g. for weddings, on the eastern edge of the site. This area adjoins Avalon, a dwelling immediately to the north of the application site.

2. Policies

2.1 Planning Policy Statement

- PPS1 - Delivering Sustainable Development
- PPS7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007

- Policy S1 - Sustainable Development
- Policy S2 - Development Requirements
- Policy DR2 - Land Use and Activity
- Policy DR3 - Movement
- Policy DR4 - Environment
- Policy H6 - Housing in Smaller Settlements
- Policy H7 - Housing in the Countryside Outside Settlements
- Policy H10 - Rural Exception Housing

3. Planning History

3.1 None identified.

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Traffic Manager states that the carriageway will need to be adopted as well as the access to the unclassified road (u/c 71606). It would need to comply with the design guide.

4.3 The Conservation Manager states, notwithstanding that the plan submitted is indicative, that the layout does not integrate in this settlement. Vehicular circulation dominates the scheme.

4.4 Council's Ecologist states that an assessment needs to be undertaken for great crested newts and bats. An ecological survey needs to be commissioned.

5. Representations

5.1 In a statement that accompanied the application the applicant's agent makes the following main points:

- means of access to be determined at this state
- advice from the Barker Review, National Housing and Planning Advice Unit Paper, PPS1 and PPS7
- development centres on pack house/cold store grouping to south of A49(T) at Much Birch
- large and tall steel framed building used for packing and storage of fruit and vegetables, on 24 hour basis year round, to be demolished
- building has ground floor of approximately 674m, portion two-storey
- number of static caravans to south, plus water collection sump and hard cored area
- almost level site
- no settlement boundary for Much Birch
- number of facilities, village hall, Doctor's Surgery, primary school, church, good transport links and pavements to bus stops
- not within flood risk area
- not an infill site
- a windfall site; 35% dwellings affordable in accordance with Policy H9
- applicant will discuss provision of dedicated housing, i.e. for age groups, tenure types
- outline for 4 detached dwellings, 2 semi-detached and 3 terraced properties
- additional parking be made available to Parish along eastern frontage of site for up to 30 light vehicles (lack of parking for village hall, surgery and nearby church)
- treatment plant provided, as well as new pond
- access maintained to east, provides access to Court Farm to the south

- site arguably within boundaries of settlement, noisy pack house would be replaced by small residential development
- County has not built enough new houses over last 10-20 years
- Much Birch covered by Policy H6, site not covered by it nor Policy H10
- similar to Policy H4, except Much Birch is defined as a smaller settlement
- exception given need for more housing, removal of packing shed, caravans, provision of affordable dwellings, affordable housing for over 55s if required, and settlement has good range of facilities
- provides local need housing as required by PPS7, and affordable housing in PPS3
- an exception site, considerable merit for settlement and also long lasting benefits.

5.2 In a Design and Access Statement:

- site area 0.4 hectares, housing density 22.5 dwellings per hectare. Density higher than surrounding area, however it is in accordance with Government advice and provisions of the Unitary Development Plan
- accessed via a central 'T' road to serve two existing dwellings
- separate parking for 30 vehicles provided to east of site, for those going to church, Village Hall and Doctor's Surgery
- indicative layout provided
- maximum height 8.5m for detached dwellings and 7m for elsewhere
- properties surrounding site mix of bungalows and two-storey dwellings
- dwellings to west will be viewed together with layout of terrace, detached and semi-detached dwellings
- good visibility onto A49(T)
- scheme drawn up with community involvement, i.e. Much Birch Parish Council, a number of design features included at their request.

5.3 Much Birch Parish Council make the following observations:

"Application is supported by the Council and request that the affordable housing offered is for the over 55s. The Council welcome the parking facilities for both the village hall and doctor's surgery, as parking at present is a problem for these at present."

5.4 Three letters of representation have been received from:

A. Beaumont, Worcester Cottage, Much Birch, HR2 8HT
Mr. J. & Mrs. M. A. Pearl, Mickleden, Much Birch, HR2 8HT
Mr. J. Hollingshead, Avalon, Much Birch, HR2 8HT

The following main issues are raised:

- two detached houses will overlook my property
- a lot of water comes down the lane from the A49, only one drain on this lane
- a lot more traffic (farm traffic, including mini-buses, vehicles in connection with hall, surgery and church) lane needs improving and maintaining
- have right of way over road serving the development
- drainage from my property (Worcester Cottage) and Mayfield Cottage runs onto the site and then onto Court Farm via drain. Flow slowed by excavation works at pack house
- my land flooded; rectified by drainage which will be severed by development

- removal of pack house, an eyesore will greatly improve area as will removal of rubbish and temporary buildings
- additional car parking provided, alleviates problems in vicinity, i.e. Hall and Surgery
- urge Council to approve application.

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

6. Officer's Appraisal

- 6.1 The main issue is the status of the site with regard to the Unitary Development Plan. Much Birch is designated as a smaller settlement and the criteria for such settlements is set out in Policy H6. The applicant's agent also states correctly that the development proposed falls outside the remit of Policy H6 given that the site does not constitute limited infilling, as defined by Policy H6 of the Unitary Development Plan. This principle has already been endorsed in various appeal decisions including one relating to residential development on the Mushroom Farm site further along the A49(T), close to the Axe and Cleaver Public House.
- 6.2 The other relevant housing policy is Policy H10 which sets out the criteria for sites adjoining those sites identified in Policy H6, i.e. smaller settlements such as Much Birch and larger settlements listed in Policy H4. The identified sites need to be environmentally acceptable, have good access to facilities, but also crucially provide only affordable housing, no market housing is permissible. The need for affordable housing also needs to be substantiated by a local housing need survey, normally in the form of a parish survey. The policy also requires that such housing provision as identified by the housing needs survey could not be otherwise met on another site in the parish. It is evident that the application has not addressed the issues of need identified by a recent parish survey nor evidence that this need could not be provided on another site. In any event Policy H10 (Rural Exception Housing) wholly relates to affordable housing and cannot apply to the proposed open market housing.
- 6.3 Reference is made by the applicant's agent to Policy H9 in the Unitary Development Plan which relates to 'Affordable Housing'. It relates to allocated and windfall sites. These sites relate though only to Hereford and the market towns (excluding Kington) together with settlements identified in Policy H4, i.e. larger settlements. The affordable provision of 35 per cent of dwellings being for affordable housing relates to market towns and larger settlements, but not to smaller settlements such as Much Birch. Therefore the application does not satisfy the requirements of Policy H9.
- 6.4 The second issue relates to the existing pond which the Council's Ecologist has identified as possibly providing a habitat for great crested newts and bats. A survey has been carried out, however at the time of drafting this report it has not been possible to re-consult the Council's Ecologist. The requirements set out in Policies NC1, NC2, NC3, NC4 and NC5 seek to determine the effect of development on biodiversity has not, therefore, been met. Whilst the proposal entails the provision of a new pond, until such time as the authority can determine the importance of the existing pond and its environs the application is contrary to the provisions of policies in the Unitary Development Plan cited above that seek to assess existing wildlife habitats and mitigate for new development.
- 6.5 The remaining issues relating to drainage issues raised by residents in the vicinity of the site are matters that would normally be addressed within the remit of a detailed

planning application. Third party rights are matters that are treated separately from any planning permission granted.

- 6.6 The principal community benefit offered by the applicant is the provision of additional car parking spaces for public use. This is not sufficient to outweigh the conflict with Herefordshire Council's own planning policies and would arguably lead to additional traffic which would not, of itself, be desirable.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The proposed development does not constitute infilling development, accepted windfall development or accepted affordable housing, therefore the development is contrary to the provisions of Policies H6, H9 and H10 of the Herefordshire Unitary Development Plan 2007.**
- 2. A habitat survey/mitigation report has not been provided in relation to fauna utilising the existing site and therefore the proposal does not satisfy the need to establish the bio-diversity of the scheme and is contrary to the provisions of Policies NC1, NC2, NC3, NC4 and NC5 of the Herefordshire Unitary Development Plan: 2007.**

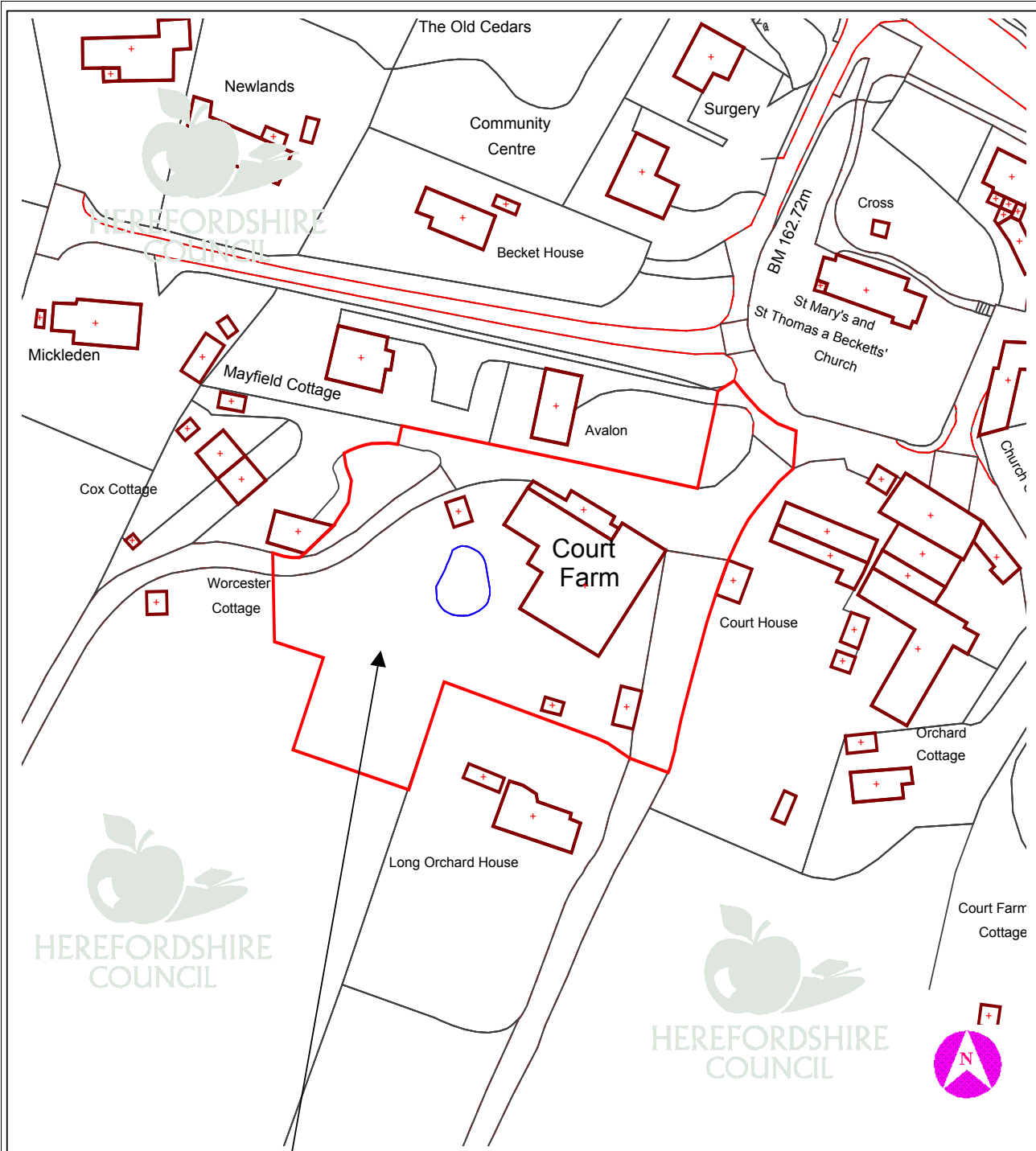
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2007/3846/O

SCALE : 1 : 1250

SITE ADDRESS : Court Farm, Much Birch, Herefordshire, HR2 8HT

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