

DCSW2008/2020/O - PROVISION OF 6 AFFORDABLE (DISCOUNTED MARKET HOUSING) DWELLINGS, BIO-DISC TREATMENT PLANT AND USE OF EXISTING ACCESS, 6 ATTACHED SINGLE GARAGES, ETNA, ORCOP HILL, MUCH DEWCHURCH, HEREFORDSHIRE, HR2 8EW

For: Mr K Jones per Brian Griffin P&CC Ltd, The Cottage, Green Bottom, Littledean, Gloucester, GL14 3LH

Date Received: 4th August 2008

Ward: Pontrilas

Grid Ref: 48137, 28175

Expiry Date: 29th September 2008

Local Member: Councillor Mrs J Fishley

Councillor R Smith

Introduction

This application was considered by the Southern Area Planning Sub-Committee at its meeting on the 12th November, 2008. It was resolved to grant planning permission, contrary to the recommendation of the report, subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 securing a discount on the market value of the dwellings in line with Council policy to ensure its affordability in perpetuity, control over the allocation of the dwellings to local people and appropriate control in relation to the standard of accommodation provided. The circumstances concerning its referral to the Planning Committee are unusual insofar as there was a misinterpretation of the Committee resolution but this was subsequently clarified and has been discussed further with the applicant. The background to the application and the resolution are set out below but in simple terms the applicant is now offering discounted market housing at a 40% discount of the market value.

The application seeks to provide affordable housing in Orcop in the form of two and three bed semi-detached dwellings each with a 90 sq. m floor area. The application was submitted on the basis that the houses would be for open market sale but at a discount to make them affordable. As reported to the Southern Area Planning Sub-Committee, the application proposed that the discount to be offered would be 30% below open market value. This was discussed at some length during the consideration of the application together with the potential for the discount to be set at 40% to restrict the value of the properties further. Notwithstanding this and following further clarification, the Sub-Committee resolution to approve was based upon the desire to secure a scheme that met the Council's affordability requirements. This would entail securing a still greater discount on the market value of the properties (£103,000 for the 2 bed dwellings and £109,000 for the 3 bed dwellings). This additional requirement has been discussed with the applicant but at the time of writing it has been confirmed that he wishes the application to be determined on the basis of the 40% discount on the market value of the dwellings.

At its meeting on 12th November, 2008 the Southern Area Planning Sub-Committee was recommended to refuse the application for the following reasons:

1. The proposal constitutes development in open countryside where there is a strong presumption against new residential development unless there are exceptional circumstances to justify otherwise. The development will not meet an identified local need for affordable housing and does not satisfy the requirements of the rural exceptions policy. The proposal is therefore contrary to Policies H7 and H10 of the Herefordshire Unitary Development Plan and the guiding principles of PPS7 – Sustainable Development In Rural Areas.
2. The proposed development by reason of the layout and elevated position of the site would detract from the character and appearance of this part of Orcop Hill and the surrounding countryside and therefore the proposal is contrary to Policies DR1 and H13 of the Herefordshire Unitary Development Plan.
3. The proposal by reason of its isolated rural location would not be sustainable in terms of reducing the need to travel by private car as required by Policies S1, S6 and DR2 and as set out in Government advice contained in PPS7 – Sustainable Development in Rural Areas and PPG13 – Transport.

In the debate Members considered the findings of the Housing Needs Study for Orcop (January 2003) and identified that a requirement for a total of 18 dwellings (7 affordable and 11 open market) had been established and reference was made to the support of Orcop Parish Council as well as the relevance of the adjacent completed development of 6 low cost market homes which enabled ready access to the proposed site.

The updated report (set out in full below) included details of the prices at which the existing 6 low cost market dwellings had been sold, some of which exceeded the level of affordability derived from using average incomes as a baseline. Concern was expressed that the proposal did not represent affordable housing as defined by the Council's guidance and that it may be possible to find alternative solutions that did, but ultimately it was considered that there was still a need to be met with an increased discount.

The debate largely focussed on the issue of affordability, although it was also clearly expressed that the refusal reasons relating to landscape impact and the sustainability were not supported on the basis of the general character of the area and the availability of local services to the locality.

Orcop is not an identified settlement in the Herefordshire Unitary Development Plan and as such exceptions would be limited to only single dwellings in accordance with Policy H10. It is nevertheless presented as an exception site justified on the basis of the identified need to provide affordable housing. By reference to Housing Needs Survey, the identified need is 7 dwellings and in conjunction with the existing 6 dwellings, this need would be exceeded by the current application. In this context it is considered that there should be no exceptions. Notwithstanding the increased discount discussed by Members, to use the 40% discount as suggested by the applicant will result in the sale price of the houses below the open market price but exceeding what would be affordable to most households in need and furthermore to meet the need more appropriately, a range of tenure types (social rented and intermediate) would be required.

In summary, and following further consultation with the Strategic Housing Manager, a proposal that secured a further discount on the market value as described above would be considered acceptable. The applicant has been given an opportunity to amend the proposal to satisfy the resolution but has not taken up this offer and as such on the principle issue of affordability, the proposal does not satisfy a critical policy. Members are also advised to attach appropriate weight to the issues relating to the landscape impact and

sustainability which remain valid reasons for refusal, particularly in the current scenario where the benefits of providing truly affordable housing fall short of that required by policy.

1. Site Description and Proposal

- 1.1 The proposal site is on the western side of Lyston Lane, a Class III road (C1235) that links Orcop Hill to the A466 road.
- 1.2 Access to the site is via an existing surfaced road that passes the north-eastern side of Etna, a dwelling lived in by the applicant. This roadway, with improved visibility to the north-east, serves six affordable market dwellings (approved pursuant to DCSW2004/0047/O) which are down slope from and to the south-west of the application site. These three pairs of dwellings are subject to a Section 106 Agreement that discounts the market value of the semi-detached properties by 30%. It is proposed that the current proposal would again be subject to a discount of 30% of their market value (this discount has subsequently been increased to 40% of the market value).
- 1.3 This open site was formerly partly covered by two poultry units. This is an outline application and the only matter to be determined at this stage is the means of access. All other matters are reserved for future consideration.
- 1.4 The roadway and the majority of the site lies within the Pontrilas Ward with a much smaller portion adjoining the existing six dwellings recently constructed within the Vallets Ward.
- 1.5 Orcop was identified as a settlement in the South Herefordshire District Local Plan, and the above-mentioned 2004 application was considered in relation to this plan.

Orcop is no longer classified as a settlement within the Herefordshire Unitary Development Plan and in policy terms is regarded as a site within open countryside.

2. Policies

2.1 Government Guidance

- PPS3 - Housing
- PPS7 - Sustainable Development in Rural Areas

2.2 Regional Planning Guidance for the West Midlands (RSS)

2.3 Herefordshire Unitary Development Plan

- Policy S1 - Sustainable Development
- Policy S6 - Transport
- Policy H7 - Housing in the Countryside Outside Settlements
- Policy H10 - Rural Exceptional Housing
- Policy H13 - Sustainable Residential Design
- Policy DR1 - Design
- Policy DR2 - Land Use and Activity
- Policy LA3 - Setting of Settlements

2.4 Supplementary Planning Guidance & Other Material Considerations

Planning Obligations (adopted April 2008)

Herefordshire Housing Needs Assessment 2005

3. Planning History

3.1	Code 11623	2 flock houses, boiler house and agricultural workers bungalow	- Approved August 1961
	SH930279PF	Demolish 2 existing poultry houses and buildings and replace with 2 modern poultry houses, bins	- Approved 21.04.93
	SH971420PF	Extension of time for one year only (conditions 1 – 7) excluding condition 6 agreed on SH930279PF	- Approved 09.12.97
	SS990095PF	Extension of time for 2 years only for planning permission SH971420PF	- Approved 16.03.99
	SW2001/0496/F	Extension of time for 2 years of previous planning permission SS990095PF	- Approved 11.04.01
	DCSW2003/2651/O	Site for 11 dwellings with bio-disc treatment system (affordable housing)	- Withdrawn 28.11.03
	DCSW2004/0047/O	Site for 6 dwellings (affordable market housing), removal of poultry buildings	- Approved 31.08.05 (subject to Section 106/ Planning Obligation)
	DCSW2006/1032/O	Variation on condition 5 of DCSW2004/0047/O	- Approved 05.05.06
	DCSW2006/1534/RM	6 dwellings for affordable market housing	- Approved 18.07.06

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Traffic Manager states that “visibility is sub-standard, access now needs to be set back 2.4 metres (wing walls hide visibility). Layout of access road not to design specification, must be adopted; access to road not acceptable, needs to be re-aligned.”

4.3 Strategic Housing makes the following observation:

“Strategic Housing does not support the above application for 6 discounted market houses at Orcop Hill. Orcop is classed as an undefined settlement therefore

development is limited to the construction of a single affordable dwelling. Orcop also has a lack of facilities and services, making it an unsustainable location for affordable housing.

Strategic Housing do not consider the units to be affordable with the proposed 30% discount. To be affordable the units would need to be discounted in line with the Supplementary Planning Document, Planning Obligations 2008 – technical data, i.e. a 3 bed would be £109,000.”

Updated comments relating to the existing 6 properties:

4.4 “I have listed below the prices that the original 6 properties were sold for, from Land Registry information:

1 Birch Grove	£113,750
2 Birch Grove	£119,950
3 Birch Grove	£115,000
4 Birch Grove	£145,000
5 Birch Grove	£145,000
6 Birch Grove	£149,950

- The original prices agreed by Councillors with the 30% discount were £113,750 and £140,000. This figure is higher than we (Strategic Housing) wanted as we suggested the SPG figures which at the time were £104,515 and £110,321. Therefore the discounted price should be nearer 40%. The SPG figures that we are currently using are £103,000 and £109,000 therefore we are again looking for a 40% discount. Two low cost market schemes recently completed have been discounted by 40%, they are Risbury and Walford.
- Bradbury Lines low cost market properties were again agreed for a 30% discount and recently we have had to convert them to rented units because they have not been sold. To do this we had to support Housing Corporation funding to convert the units, therefore becoming units with grant assistance.
- The average salary in the County is just over £20,000 so our figures have been calculated for affordability on that basis.
- Unsustainable since the local people stated in the housing need studies that they wanted social housing and low cost purchase up to £90,000.

The Housing Need Study Page 7 para 2 states: "8 people mentioned lack of facilities - shop, post office, children's playground and some felt there should be no further development without such services"

Mainly smaller 2 bed accommodation was suggested as being needed in the Housing Need study page 8 para 3.

- All the properties as agreed in the original S106 were advertised through Homepoint, in total 51 people placed bids for those properties however, only two applicants returned their information to us to be assessed. We know that we put one person forward with a local connection that was housed.

I now have the names of the households who purchased the properties. I can advise that 3 are from Orcop and 2 are from outside the area, 1 is unknown. Of the three with a connection only one paid the agreed price.”

5. Representations

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

- previous application was based on housing needs assessment identifying a need for 18 emergent and existing households to be provided with suitable housing
- response of over 40 local applicants
- given response for emergent households, this application is made
- six affordable discounted market houses, one adapted for wheelchair use are proposed
- since 2005 draft Regional Spatial Strategy requires an increased rate of house building, both market and affordable housing
- outline application, all matters reserved, save the means of access.

5.2 In the Design and Access Statement submitted the following main points are made:

Amount - 6 two-bedroom discounted market houses (30%) with single detached garage. Semi-detached in cul-de-sac.

- each dwelling approximately 90m squared
- connecting pavement to 6 recently built houses
- Orcop Hill served by minor roads
- site is mainly flat with slight rise to north and west
- bio-disc treatment system would be installed

Orcop Housing Needs 2003

- undertaken by Housing Department between Jan - March 2003. Higher than normal response, i.e. 67% of 379 resident population
- identified greater need than average parish for additional affordable market housing
- need for 11 new dwellings, seven affordable and four market housing for emergent households, and for existing households a need for seven dwellings, no affordable, all market housing
- 18 new dwellings (11 market and 7 affordable)
- previous scheme attracted exceptional response of over 40 local applicants

Planning Policies

- comprises Unitary Development Plan and West Midlands draft RSS. Unitary Development Plan's rural regeneration policy is 'seeking adequate provision of local housing to meet local needs, including affordable housing'.

Layout

- adjoins existing site, appears as part of established group with common access and linking pavements to Orcop.

Scale

- about 6.5m high, garage 3.3m high
- approximately 6.5m x 7m in area

Landscape

- each dwelling will have side and rear gardens
- 3 clumps of trees will be planted; close boarded fencing between properties

Appearance

- to be affordable will be block rendered mortar and tiled roof matching that used on adjacent site

Access

- existing access utilised

General Information

- Orcop Hill dispersed settlement of mostly two-storey brick or stone dwellings
- it has a public house, chapel, telephone box
- four bus stops serve Orcop Hill
- Policy S1 is also relevant
- Orcop is in open countryside under Policy H7, only exceptions for rural businesses and rural exception sites in line with Policy H10 will be permissible
- Policy H10 limits exceptions to one dwelling therefore on face of it proposal contrary to Policy H7
- factors needed to be taken into account are:
 - (i) layout will not harm amenity or amenity of existing occupiers
 - (ii) RSS requires increase in housing provision in a very rural county
 - (iii) PPS7 states local planning authorities need to meet housing requirements in rural areas. PPS3 is committed.
 - (iv) Government's National Housing Advisory Panel recommended a better mix of houses be provided, particularly low cost houses
- Orcop Hill is well served by public transport (bus route 412 Hereford - Orcop) proposed to be expanded
- not ribbon development as it constitutes a constrained block of development within outer boundary of Orcop Hill
- legal agreement would ensure dwellings only sold or rented at 30 per cent of their open market value
- acknowledged site is in open countryside, previous site would have been contrary to Unitary Development Plan, yet demand was considerable
- local community has approached client for further expansion
- one dwelling at least for special needs and one dwelling would be designed for wheelchair user
- 30 per cent discount as previously.

5.3 Much Dewchurch Parish Council make the following observations:

"This application raises questions of what can be regarded as exceptional circumstances, whether further development should be allowed on what is considered to be a Green Field Site, and if approved, will it not set a precedent for further applications for development on the remaining and adjoining land.

Much Dewchurch Parish Council appreciate that there may be a demand for the proposed type of housing from local people which should be addressed, but in this case UDP Policies H7 and H10 would be contravened if permission is granted for the proposed development.”

5.4 Orcop Parish Council make the following observations:

“Orcop Parish Council has no objections to this application. It fully supports and welcomes the proposal for more affordable housing in the area.”

5.5 Llanwarne Parish Council make the following observations:

“This site is not in Llanwarne, it appears to be in Orcop Parish. Llanwarne has no objections.”

5.6 Four letters of representation have been received from:

Mrs V Harcombe, Wenmai Cottage, Orcop Hill, HR2 8SD
J Manns & S Sayce, 2 Birch View, Orcop, HR2 8SH
D G Baly, Lodge Farm, Orcop, HR2 8SA
E A Baly, Lodge Farm, Orcop, HR2 8SA

The following main points are raised:

- cannot see there being any more purchasers when you can only sell one out of six
- can see houses standing empty for some time
- does not sit well. Presence of predominantly stone houses in Orcop
- additional traffic on narrow lane, wear and tear by farm traffic now made worse by more traffic

- where will bio-disc discharge to?
- area highlighted should be for landscaping
- took over a year to sell current houses, four of which could not sell through Home Point scheme
- understand only 3 sold at affordable price
- assured at planning meeting (at which I spoke) no further development
- Orcop has no shop, school; new residents would need to travel probably by car to Hereford, Ross or Monmouth
- high on skyline, visible from Harewood End and large area to east
- also bear in mind site is partly in parish of Much Dewchurch whose inhabitants live several miles away, unaffected by development and not able to see eyesore.

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 considered to be the principle of developing the site having regard to Government guidance expressed in PPS7, the Regional Spatial Strategy and the policies of the Herefordshire Unitary Development Plan which restricts housing development in the open countryside.

- 6.2 In the supporting information, the applicant's agent correctly confirms that the site is in open countryside, that Orcop is not identified as a settlement and that the proposal is contrary to Policy H7 of the Herefordshire Unitary Development Plan. The previously approved and implemented scheme on the adjacent site was broadly supported by officers as it was considered that it related well to the existing dwellings on the fringe of Orcop Hill, which at the time was still recognised as a settlement under the terms of the South Herefordshire District Local Plan that remained in force as the now adopted Unitary Development Plan progressed towards adoption. Members may recall that the main issue at this time was the need to establish an acceptable discount on the market value of the dwellings. Officers sought this through a Section 106 Agreement that was based upon average income. Ultimately, Members supported a valuation of the six properties which discounted their open market valuation by 30%. The applicant is seeking to repeat this approach with the current proposal.
- 6.3 At the outset, the policy framework has now fundamentally changed from the time of the previously determined application. Orcop is no longer identified as either a main village or a smaller settlement in the Unitary Development Plan and as such this proposal must be considered with regard to Policy H7, which restricts residential development to limited exceptions that include dwellings required to meet the needs of an agricultural, forestry or other identified rural enterprise or rural exception housing compliant with Policy H10. According to this policy, rural exceptions will only be permitted adjacent to identified settlements and will generally only be made once during the Plan period. This fundamental policy objective is not satisfied and furthermore the Strategic Housing Manager objects to the proposal since the originally suggested 30% discount and subsequently proposed 40% discount on the market value of the dwellings will not deliver affordable housing in accordance with Council policy. This is borne out by further information received by the Strategic Housing Manager above, which adds further weight to the originally stated objection and illustrates that 3 of the original 6 dwellings were sold at a higher value than was identified.
- 6.4 The applicant seeks to make a case that other material considerations should be given weight and cites a number of factors which he considers to outweigh those policy objections in the Herefordshire Unitary Development Plan. It is not considered that a small chapel, telephone box and public house and a bus route are factors that outweigh the policy issues set out above. The occupants of the six dwellings would be largely reliant on the need to drive to take children to school, use local shops, Post Office, go to work and go to a GP. This location is not sustainable for further residential development, a fundamental reason why in the review undertaken for the Unitary Development Plan, settlements such as Orcop were no longer considered to be appropriate locations where new residential development should be identified.
- 6.5 It is also considered that the site is not environmentally acceptable in that it extends residential development up slope to a more elevated position relative to the six houses recently built and residential property to the south-east. It is considered that this proposal will result in residential development effectively extending further into open countryside, up slope and away from the fringe of Orcop Hill. This would represent an uncharacteristic and damaging form of development.
- 6.6 In conclusion, whilst it is fully acknowledged that the delivery of affordable housing is an important Council priority, this must not be at the expense of policies aimed at restricting unsustainable forms of development within the open countryside. The

Strategic Housing Manager does not support the type of housing proposed advising that a 40% discount on the market value of the proposed dwellings will not provide housing that will be affordable to local people, which was equally the case in the sale of the properties on the approved site. Accordingly, there is a fundamental policy objection to this proposal and furthermore the additional encroachment of dwellings onto a more elevated and prominent site would be harmful to the character and appearance of the surrounding countryside.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The proposal constitutes development in open countryside where there is a strong presumption against new residential development unless there are exceptional circumstances to justify otherwise. The development will not meet an identified local need for affordable housing and does not satisfy the requirements of the rural exceptions policy. The proposal is therefore contrary to Policies H7 and H10 of the Herefordshire Unitary Development Plan and the guiding principles of PPS7 – Sustainable Development in Rural Areas.**
- 2. The proposed development by reason of the layout and elevated position of the site would detract from the character and appearance of this part of Orcop Hill and the surrounding countryside and therefore the proposal is contrary to Policies DR1 and H13 of the Herefordshire Unitary Development Plan.**
- 3. The proposal by reason of its isolated rural location would not be sustainable in terms of reducing the need to travel by private car as required by Policies S1, S6 and DR2 and as set out in Government advice contained in PPS7 – Sustainable Development in Rural Areas and PPG13-Transport.**

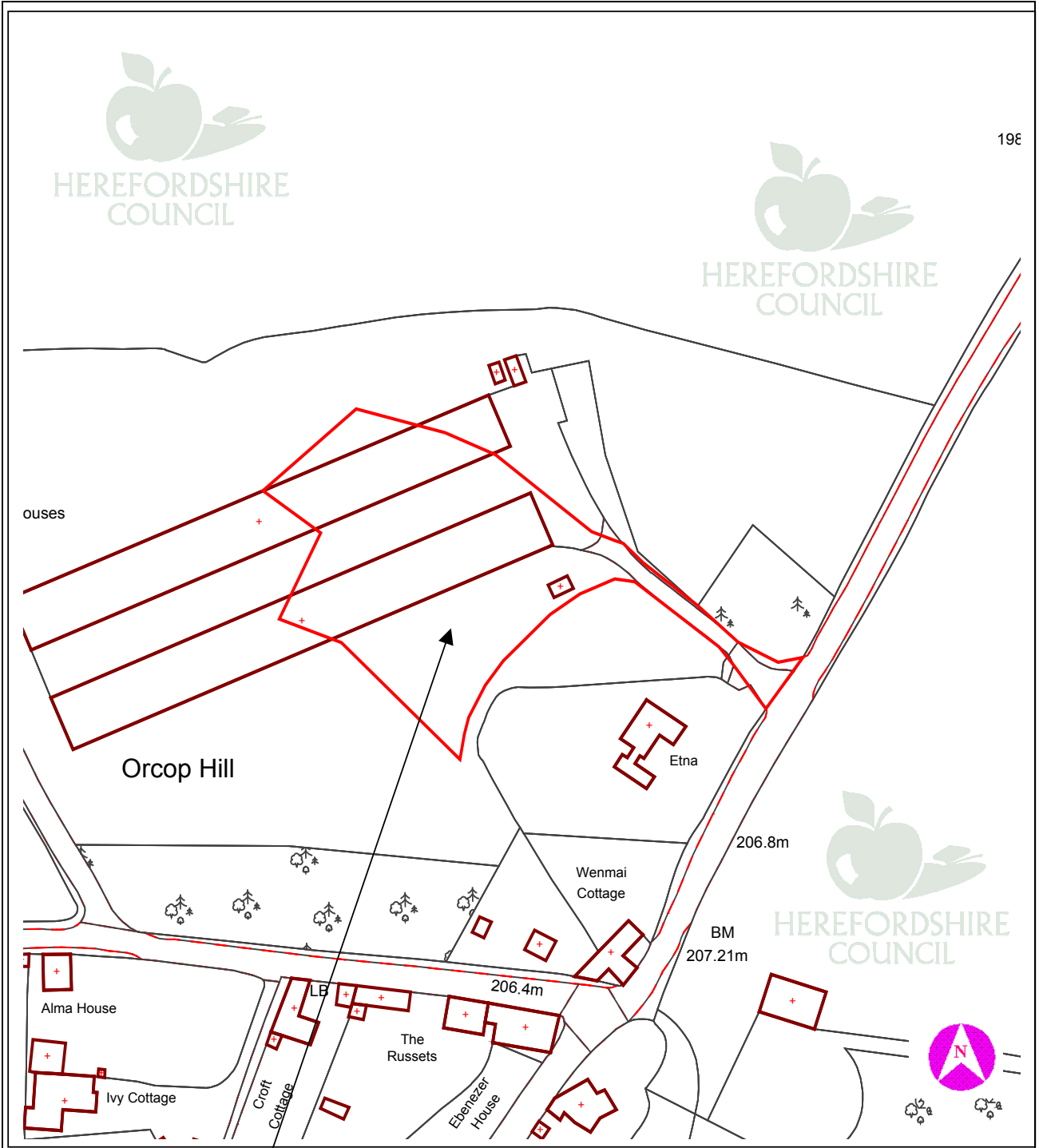
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2008/2020/O

SCALE : 1 : 1250

SITE ADDRESS : Etna, Orcop Hill, Much Dewchurch, Hereford, Herefordshire, HR2 8EW

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