

6 DCSW2009/0298/O - PROVISION OF 6 AFFORDABLE DWELLINGS ON SITE OF FORMER POULTRY UNIT, BIO DISC TREATMENT PLANT AND USE OF EXISTING ACCESS. ORCOP POULTRY, ORCOP HILL, MUCH DEWCHURCH, HEREFORD, HR2 8EW.

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

Date Received: 17 February 2009

Ward: Pontrilas

Grid Ref: 48141, 28172

Expiry Date: 14 April 2009

Local Member: Councillors MJ Fishley and RH Smith

1. Site Description and Proposal

- 1.1 The application site is on the western side of Lyston Lane, a Class III road (C1235) that links Orcop Hill to the A466 road. The site was formerly partly covered by two poultry units.
- 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 serves six discounted 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%.
- 1.3 The proposal site is similar in outline to one refused in January this year (DCSW2008/2020/O). The refused scheme proposed a discount of 30% of their market value. It is now proposed to discount the market value by 45%. An indicative layout accompanying the application provides for three pairs of semi-detached dwellings in a staggered formation. Landscaping is also indicated to the north-east and adjoining the northern side of the existing entrance to the site serving the six built dwellings at Birch View, south-east of the application site.
- 1.4 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.
- 1.5 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.
- 1.6 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 the application site is regarded as one 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 - Approved 05.05.06
DCSW2004/0047/O
- DCSW2006/1534/RM 6 dwellings for affordable market - Approved 18.07.06
housing
- DCSW2008/2020/O 6 affordable (discount market - Refused 09.01.09
housing)

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency's response is awaited.

Internal Council Advice

- 4.2 The Traffic Manager states that the access road to the development will need to be adopted and a footpath provided to the north. Access to the new section needs to be altered, i.e. to be 90 degrees to existing and set away from the bend. Existing access will need to be brought up to standard as regards the footpath and visibility, and comply with the Council's Design Guide.

- 4.3 Strategic Housing makes the following observations:

“Strategic Housing is unable to support the above application for 6 affordable dwellings at Orcop Hill. Orcop is classed as an undefined settlement therefore development is limited to the construction of a single affordable dwelling. However, if Committee is mindful to grant permission for 6 affordable units then Strategic Housing would look for the affordable units to be provided as follows:

1. to the current affordable levels stated in the SPD Planning Obligations
2. to be built to Housing Corporation Design & Quality standards
3. to be built to Joseph Rowntree Lifetime Homes
4. all units to be subject to a Section 106, allocated through Home Point to local people in housing need.

After initial discussions with the developer he has agreed to develop the units to the agreed affordable levels. The Section 106 will ensure that the properties go to people with a local connection, the agreed period for the Council to take on the properties is three months, however, discussions can take place to extend this period if felt necessary.”

- 4.4 Environmental Health and Trading Standards Manager's recommendation is awaited.
- 4.5 Forward Planning Manager states the site is in open countryside given Orcop is not identified as a settlement in the Unitary Development Plan. The development would extend up slope into open countryside. Policy H10 (in the UDP) only allows for single dwellings supported by evidence of need. Location is not sustainable given it is dependent on use of the private car. More housing will be needed in the next plan period, however current proposal does not satisfy requirements of Policy H10. Also considered to be encroachment of dwellings on prominent hillside would be harmful to character and appearance of countryside and as a consequence is contrary to Policies DR1 and H13 of the Unitary Development Plan.

5. Representations

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

- outline consent refused by 10 votes to 8 at full Planning Committee on 9 January 2009
- considerable support expressed by Committee, opponents felt scheme needed to be affordable in accordance with the Council's SPD
- invited to re-apply for 6 affordable dwellings following a meeting with officers
- affordability for a 3 bedroom property defined as £109,000 which represents a 45% discount on open market value. Application made on this basis
- application for 6 affordable dwellings, treatment plant and use of existing access
- more natural layout required at meeting with officers. Application site is similar and more landscaping is offered to east of entrance/access road to soften view from the east
- previous application based on housing needs assessment that identified a need for 18 emergent and existing households. Given overwhelming response this application is for 6 affordable houses including one adapted for wheelchair use
- since draft Regional Spatial Strategy requires an increased rate of house building to meet numbers of affordable and market housing based on the number of newly forming households and increased immigration.

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

- Amount: 6 affordable houses with car ports. Three pairs of dwellings fronting onto existing access road. Built in accordance with Joseph Rowntree Life Time Home Standards, i.e. minimum of 85m squared floor space. Each dwelling would have an allocated parking space. Connecting pavement to 6 affordable houses built in 2006. Site area is nearly 0.3 hectares.
- Layout: form irregular linear row of properties, gardens to front, side and rear. Orientation of 3 pairs will vary, therefore roof slopes will too.
- Scale: will be two-storey about 6.5 metres high with single-storey attached garage approximately 3.3 metres high. Roughly 7.6m x 5.6m in area.
- Landscape: gardens of at least 100m squared in area to front, side and rear, linked by pavement to Orcop. Front of properties open to public view. Three clumps of landscaping proposed to assist naturalising into its semi-urban/agrarian setting. Close boarded fencing would separate adjoining gardens.
- Appearance: to be affordable, each dwelling will be of rendered block beneath a tiled roof matching existing dwellings.
- Access, existing access utilised via new road to rear of the properties where in line parking and turning area will be provided.

5.3 General Information: In Area of Great Landscape Value. Orcop Hill comprises loose arrangement of dwellings mostly two-storey ones of stone or brick, plus a few rendered ones. Most have large gardens.

- Orcop Hill has a public house, a telephone box and small chapel. Other facilities in Orcop (impressive Church) or in wider locality i.e. Parish Hall. Four bus stops serve Orcop Hill
- Orcop Hill is served by minor roads with a short connection eastwards to the A466 and A49 to Hereford
- site is mainly flat with a slight rise to the north and west

- biodisc treatment plant would be installed for the six dwellings

Orcop Housing Needs Study 2003

- undertaken January - March 2003. Higher than normal response rate received, with some 67% of resident population of 379 being represented in responses
- purpose of survey was to identify housing needs over next 5 years. Identified greater need, when compared to other parishes, for additional affordable market housing
- survey identified need for 11 new dwellings from emergent households of which seven should be affordable and four market housing. The existing households showed a need for seven new dwellings, all market housing, i.e. no affordable housing. In total, 18 new dwellings identified comprising 11 market houses and 7 affordable houses. Application is for 6 affordable houses.

5.4 Planning Policies:

- Development Plan comprises UDP and West Midlands draft RSS
- UDP regeneration policy is to seek adequate provision of rural housing to meet local needs, including affordable housing
Policy S1 seeks a range of affordable housing, and a range of dwelling types and sizes to create and maintain sustainable and integrated communities
- Orcop is classified as open countryside under Policy H7, restricts houses to special needs and rural exception sites in accordance with Policy H10. Policy H10 allows as an exception just one dwelling
- on face of it application conflicts with UDP, however a number of factors to consider siting and layout does not harm local environment, landscape or amenity of existing occupiers
- ongoing reviews of the RSS requires County to increase housing provision in urban and rural areas over next 10 years
- increase in Herefordshire is needed
- PPS7 has key aim of offering everyone opportunity to a decent home, the needs of all for accessible and affordable houses and that local planning should plan to meet such requirements in local villages
- PPS3 states that Government is committed to improving affordability and supply in all communities
- Government's National Housing Advisory Panel has recommended that more suitable houses are provided, particularly low cost houses
- PPS3 requires a mix of both market and affordable housing, particularly in terms of price and tenure in urban and rural areas
- Orcop Hill is well served by public transport. Bus route 412 (Orcop - Hereford 7.50am (Mon - Sat), 10.05 (Wed, Fri & Sat), Hereford - Orcop 1.00pm (Wed, Fri & Sat), 4.15 school days and Wednesdays in school holidays, 5.35pm (Mon - Sat))
- development meets identified local housing need for next five years. Transport in rural areas reliant on private vehicles, however site would be served by regular bus services, which are planned to be expanded
- not ribbon development, forms a constrained block of development within outer boundary of Orcop Hill
- proposal offers affordable houses. A legal agreement would ensure that the properties could only be sold or rented at the figure agreed with the Council via a legal agreement.

5.5 The applicant's agent makes the following main points in response to the issues raised by the petition:

- previous application refused by 10 votes to 8 by full Planning Committee. It had support of Orcop Parish Council and Local Councillors
- meeting held with Housing and Planning Department officers as regards definition of affordable houses. Legal agreement will ensure that houses remain so
- houses will be first offered to Orcop people, or persons with an Orcop connection and then on a cascade basis. Houses not for benefit of other areas, i.e. Hereford City.

Point 1: 6 houses were sold in accordance with the approved discounted rate and the legal agreement. The petition is factually wrong on this point. 3 of the houses sold for more because they were of a different specification. The specification of the current 6 affordable houses has to meet the Council's standard for affordable homes.

Point 2: The issue of amenities was discussed at the last planning meeting. The Southern area and full Planning Committees concluded that Orcop has a sufficient range of services for a rural settlement. There are no objections from the Herefordshire Council with regard to the capacity of road network given that the poultry unit vehicles (mainly HGVs) no longer exist.

Point 3: The proposed site will form a grouping with existing dwellings. The site is not that visible in the wider landscape and some minor landscaping is proposed.

Point 4: The asbestos cement sheets on the former poultry sheds are buried within the wider field, a method of disposal that was advised by and approved by the Environment Agency and the Council. It was permissible to bury the material because the asbestos cement sheets did not pose a hazard to the environment. The works were undertaken in conjunction with the Environment Agency and their procedures. Therefore, there is no actual hazard to anyone.

Point 5: The housing need study identified a need from a range of local people, some retired, some working. The petition does not represent the mainstream view as Orcop Parish Council has been very supportive. Orcop is a beautiful village and a great place to live but only for those people who can afford the expensive housing. There is a massive shortfall in the supply of affordable rural housing and this scheme will allow the next generation and those not earning high incomes to live and work in their home area.

5.6 Much Dewchurch Parish Council make the following observations:

"Much Dewchurch Parish Council reiterates the comments put forward at the first application, particularly as to whether the site should be allowed further development in the countryside where there are no services and there appears to be no definite proof of demand. There also appears to be a problem with land drainage around the existing first six dwellings whereby the gardens are constantly waterlogged."

5.7 Orcop Parish Council make the following observations:

"Orcop Parish Council fully supports the planning application on the former poultry house site for six affordable dwellings."

5.8 Llanwarne Parish Council make the following observations:

“This site is not in Llanwarne, and cannot be seen from the majority of this Parish. No objections.”

5.9 Nine letters of representation have been received from:

Mrs V Harcombe, Wenmai Cottage, Orcop Hill, HR2 8SD (2)
 Mr & Mrs Manns, 2 Birch View, Orcop, HR2 8SH
 DG Baly, Lodge Farm, Orcop, HR2 8SA
 EA Baly, Lodge Farm, Orcop, HR2 8SA
 Mr I Peill, Quarry Farm, Orcop, HR2 8SF
 Mrs C Peill, Quarry Farm, Orcop, HR2 8SF
 Mr & Mrs J Ward, 6 Birch View, Orcop, HR2 8SH
 Mr P Darby, c/o Birch View Community

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
- out of keeping, predominance of stone dwellings in Orcop
- high on skyline, visible from Harewood End and large area to east
- site is mostly in Much Dewchurch whose inhabitants are unaffected by this eyesore
- no changes in circumstances from previous refusal
- difficulty selling previously, what is the demand?
- not a dormitory for commuters additional traffic on narrow lane, wear and tear by farm traffic now made worse by more traffic
- Orcop has no school, shop, new residents would need to travel by car to Hereford, Ross or Monmouth
- site near to site of shallow buried asbestos material from former poultry units
- road belongs to Birch View Management Company. Applicant not connected in any way to that company only has right of way to his field for agricultural use
- houses get boggy already, not possible to use garden. New drainage could overpower existing land drainage.

5.10 A petition has been received with 52 signatures, the following main points are raised:

- as residents of Orcop Hill register our strong objections. Believe only 3 of the existing 6 new houses were sold as affordable
- Orcop Hill has no amenities, no shop, no school and a very poor bus service. Lanes to village are very narrow, often impassable in winter
- top of hill location visible for miles around. Also in parish of Much Dewchurch whose inhabitants cannot see them so do not object
- large amount of asbestos from two large poultry house roofs is buried in a shallow trench. Surely a hazard
- Orcop Hill is a small hamlet, in beautiful countryside and wants to remain so. House building will make it a dormitory for commuters, making lanes more dangerous.

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 at that time 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. 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%. A further application was submitted at the end of last year which sought permission for six affordable dwellings at a valuation which discounted their open market valuation by 40%. This earlier proposal was ultimately refused by the main Planning Committee in January this year. The current scheme proposes an increase the discount to 45% of market valuation and by reducing the site area slightly. The issue is still though the principle of developing a site.
- 6.3 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. Notwithstanding the enhanced discount on the market value currently proposed, Policy H10 only allows for one dwelling in exceptional circumstances in locations such as Orcop Hill, which are not designated settlements.
- 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. In response to these 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 Hill were no longer considered to be appropriate locations where new residential development should be identified.
- 6.5 It is considered that the site layout as indicated is environmentally acceptable and will have less of an impact in the landscape than the previously refused scheme. Therefore, it is not considered that a reason for refusal relating to this issue could be sustained.

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 proposal. There is a fundamental policy objection to this proposal in terms of its isolated rural location making it an unsuitable site for housing development.

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 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.**

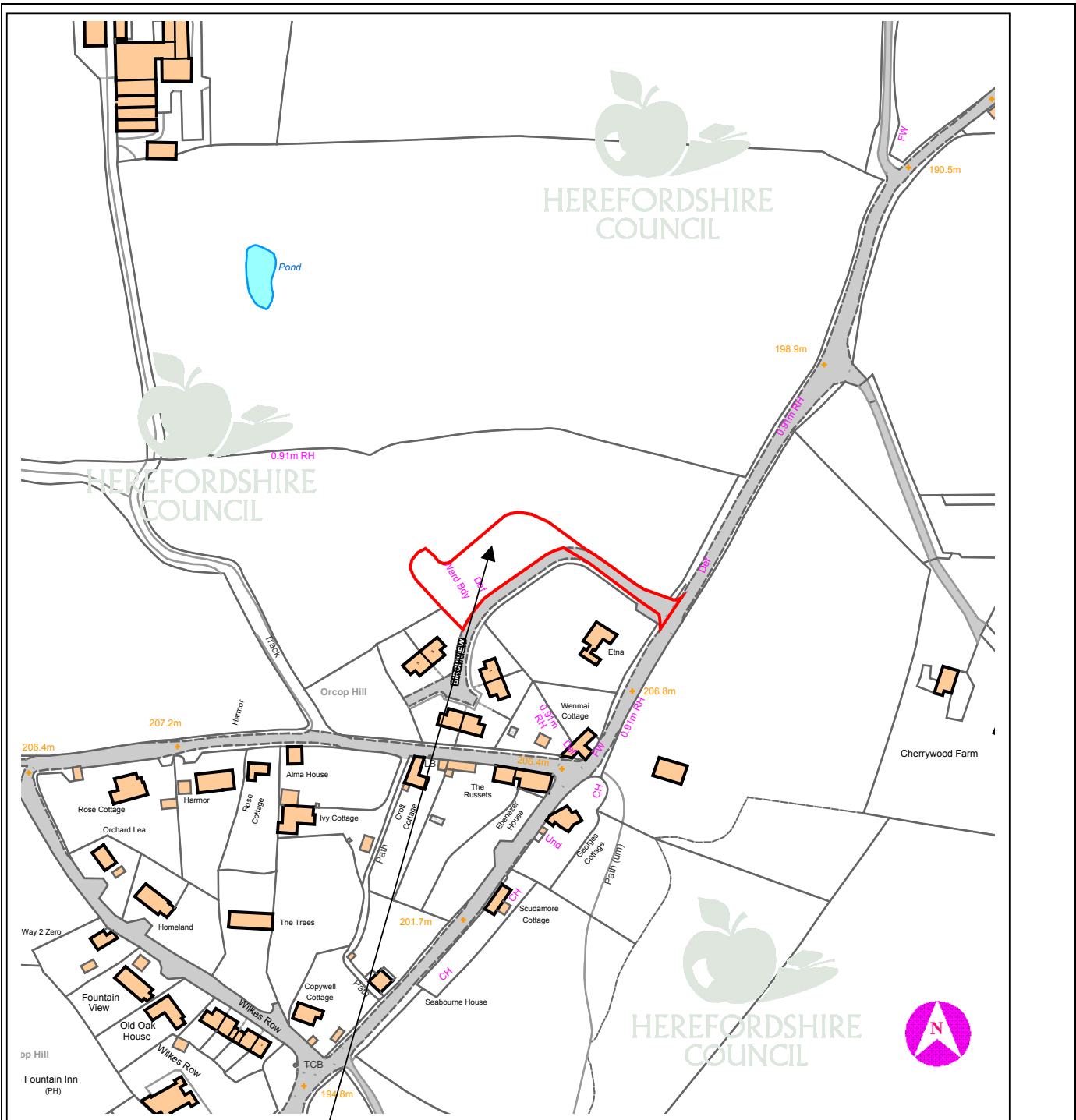
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2009/0298/O

SCALE : 1 : 2500

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

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