

MEETING:	PLANNING COMMITTEE
DATE:	5 JUNE 2013
TITLE OF REPORT:	N123065/F - PROPOSED ERECTION OF 8 NO. AFFORDABLE HOUSES WITH ASSOCIATED ACCESS AT LAND ADJOINING PEPPER PLOCK, WEOBLEY, HEREFORDSHIRE For: Markey Builders (Gloucester) Ltd per Quattro Design Architects Ltd, Imperial Chambers, Longsmith Street, Gloucester, Gloucestershire, GL1 2HT
WEBSITE LINK:	http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=123065&NoSearch=True

Date Received: 29 October 2012 Ward: Golden Cross with Weobley Grid Ref: 340812,251293
Expiry Date: 11 February 2013
 Local Member: Cllr MJK Cooper

1. Site Description and Proposal

- 1.1 The site is located outside, but adjacent to the recognised settlement boundary for Weobley, a main village in accordance with Policy H4 of the Herefordshire Unitary Development Plan. The site is located within the Weobley Conservation Area but is not subject to any other landscape designations.
- 1.2 The site is situated on an approach road to Weobley, within close proximity to the village's Primary and Secondary schools and alongside the C1094, from which it is separated by a native species hedgerow. The site is laid down to grass and is mainly grazed by sheep. It forms part of a range of small fields which are surrounded by historic hedgerows which have generally been poorly maintained. Adjoining the western side of the site is a residential area and a detached dwelling is also located adjacent to the site's eastern boundary.
- 1.3 The application proposes the construction of 8 affordable houses and an associated access to provide car parking provision to the rear of the dwellings on site. Five of the proposed dwellings would be for social rent and three for shared ownership. The dwellings would be of brick construction with white painted timber windows under a slate roof.
- 1.4 A Draft Heads of Terms drawn up in accordance with Section 106 of the Town and Country Planning Act 1990 has been submitted in support of the application in order to ensure that the dwellings remain affordable in perpetuity. This is attached as an appendix to the report.

2. Policies

- 2.1 The National Planning Policy Framework (NPPF)

It is considered that the following sections are of particular relevance to the proposal:

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

Achieving sustainable development

- Chapter 6 - Delivering a wide choice of high quality homes
- Chapter 7 - Requiring good design
- Chapter 11 - Conserving and enhancing the natural environment
- Chapter 12 - Conserving and enhancing the historic environment

2.2 Herefordshire Unitary Development Plan.

- S1 - Sustainable development
- S2 - Development requirements
- S3 - Housing
- S7 - Natural and historic heritage
- DR1 - Design
- DR2 - Land use and activity
- DR3 - Movement
- DR4 - Environment
- H4 - Main villages
- H7 - Housing in the countryside outside settlements
- H9 - Affordable housing
- H10 - Rural exception housing
- H13 - Sustainable residential design
- H15 - Density
- H16 - Car parking
- T6 - Walking
- T8 - Road hierarchy
- T11 - Parking provision
- LA2 - Landscape character and areas least resilient to change
- LA3 - Setting of settlements
- LA5 - Protection of trees, woodlands and hedgerows
- LA6 - Landscaping schemes
- NC1 - Biodiversity and development
- NC6 - Biodiversity Action Plan priority habitats and species
- NC7 - Compensation for loss of biodiversity
- NC8 - Habitat creation, restoration and enhancement
- NC9 - Management of features of the landscape important for fauna and flora
- HBA6 - New development in Conservation Areas

2.3 Supplementary Planning Guidance

Weobley Parish Plan

Provision of affordable housing, (updated November 2004) and subsequent technical updates

Planning Obligations

2.4 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:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

3.1 None identified on site.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water raise no objections subject to conditions being attached with regards to foul and surface water drainage being discharged separately from the site.

Internal Council Advice

- 4.2 The Public Rights of Way Manager raises no objections subject to a condition being attached with regards to no development being permitted until an Order has been made to allow the existing public right of way crossing part of the site to be diverted.
- 4.3 The Transportation Manager raises no objections subject to a condition with regards to on site access turning area and parking being attached.
- 4.4 The Land Drainage Manager raises no objections.
- 4.5 The Housing Manager raises no objections stating that there is an identified need in Weobley in accordance with the Housing Need Survey of 2012 for development as proposed. The response indicating a Section 106 agreement will be necessary to ensure that the units remain affordable in perpetuity for local people.
- 4.6 The Head of Strategic Planning and Regeneration indicates that the proposed development appears to be in accordance with policies of the Herefordshire Unitary Development Plan.
- 4.7 The Conservation Manager (Historic Buildings) raises no objections indicating that the amended plans do improve the front elevations by the addition of small windows adjacent to doors. The response further states that it would be difficult to sustain a building conservation objection on the basis of the setting of the Conservation Area when the setting is essentially a landscape question.
- 4.8 The Conservation Manager (Landscapes) objects to the application indicating the proposed housing cuts across the field pattern which is part of the historic setting of the village, whilst acknowledging that the site, although located within the Weobley Conservation Area, is some distance from the historic centre of the village. The response indicates that the supply of new homes can sometimes be best achieved through planning for larger scale development and that this proposal is an example of where the loss of the historic fields and hedgerows will be for a very limited gain in housing numbers and that information submitted in support of the application does not include information on landscape impact assessment or reference to the historic landscape.
- 4.9 The Conservation Manager (Ecology) recommends a planning condition with regards to submission and implementation of a full working method statement. This being in relation to potential impacts on habitat that could be used by great crested newts and with regards to planting of a replacement hedgerow, which is a possible route for great crested newts to a pond on the opposite side of the public highway.

5. Representations

- 5.1 Weobley Parish Council has responded to the application indicating:

The Parish Council acknowledges the need for affordable housing as evidenced by Herefordshire Council's Housing Needs Surveys and also recognises the change in the proposed provision of accommodation to suit the requirements of the most recent Survey in 2010 as well as recent Government changes to benefits and occupancy rules regarding social housing. However, following a public meeting held in January it is evident that this proposed development is causing concern amongst the majority in our local community.

The key reasons are:

Extent of Affordable Housing

The Council considers that the parish already has a sufficiently high percentage of affordable housing at approximately 24% against the county's average of 15%. This already significant gap would be widened should the current proposals be approved.

Affordable Housing allocation

With reference to the allocation policy for occupancy as detailed in the Draft Heads of Terms document enclosed with the application, the Parish Council finds these tenuous and is not reassured that priority will be given to local persons. (Some in the community have expressed concerns that this has been promised but not delivered during previous allocations on new developments in the village).

The Parish Council has previously expressed its views on tenure of any affordable housing proposals in the parish in earlier consultations and its preference for shared ownership options. This view remains unchanged. It notes that just three of the proposed units are for intermediate tenure occupation.

Traffic and Parking

The layout of the proposed development includes an access road which leads to parking facilities at the rear of the properties. The existing public footpath can also be accessed via this road. However, inclusion of the access to the rear of the development raises concerns with regard to further development of the remaining land. Also, although acknowledging the provision for off-road parking, there is no assurance that this will be utilised. The proposed development is situated at a point close to pedestrian access to the Primary School and its dropping off point for pupils arriving by car and bus. The Parish Council has previously expressed its concerns over the existing congestion and safety issues in the area of the schools with regard to school related traffic and insufficient traffic control or enforcement.

Local opposition

The Parish Council also recognises the high level of local opposition to the development. It would question the reference to 'general support for the proposed scheme' as stated in the application's Design and Access Statement (5.2 Public Consultation) which would appear to contradict a response to the question 'Would you support a development for affordable housing at Pepperplock?' included in the consultation's own questionnaire, where 75% of those responding answered 'No'. In addition, the Parish Council has received representation from the Weobley Action Group who in seeking to assess the views of village residents on the proposed development of this piece of land has obtained signatures to a petition which would indicate that of 433 Weobley village households surveyed, over 90% of the 392 households who responded are in opposition to any housing built on the conservation area adjacent to Pepperplock. Importantly, it also notes the group's concerns about further development on the land to the rear of the proposed development should this application be approved.

In conclusion, with particular reference to the existing level of affordable housing within the parish and our recognition of the high level of local opposition to housing on the proposed site, the Parish Council objects to the application.

- 5.2 Seven letters of objection/comment have been received. Key issues raised can be summarised as follows:

- Site should be retained as open space.
- Weobley already has a high proportion of affordable housing in comparison to the rest of Herefordshire.
- There will be potential for further housing development to the rear of the site.
- Drainage issues.

5.3 Also received is a petition opposing housing development on the application site and this contains 443 signatories.

The petition clearly states that signatories to the petition are resolutely opposed to and do not want any new housing development built within the boundaries of the Conservation Land adjacent to Pepperplock and outside the permitted village building line as proposed by Herefordshire Council. We state that this said pasture land is a much valued intrinsic unspoilt and extensively used amenity to all the Weobley Village residents as signed below.

5.4 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:-

www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

6.1 The key issues in relationship to this application are :

- Principle of the development.
- Need for affordable housing at Weobley.
- Highway safety/parking issues.
- Landscape and biodiversity issues.
- Drainage issues.

Principle of the development.

6.2 The site is located immediately adjacent to, but outside of the recognised development boundary for Weobley, which is classed as a 'Main Village' in accordance with the Herefordshire Unitary Development Plan (HUDP). Policy H7 of the HUDP sets out a number of exceptions that can be made in relation to housing development outside established settlement boundaries. One such exception relates to the delivery of affordable housing in accordance with Policy H10 where such a scheme contributes to meeting a proven genuine and quantifiable local need for affordable housing as ascertained from an up-to-date local affordable housing needs survey. The policy further states that it must be evident that local housing conditions could not otherwise satisfy the need, that the scheme respects both the character and size of the settlement concerned, arrangements are made to ensure that the benefits of affordable housing will be enjoyed in perpetuity and that the site's location affords reasonable access to facilities and where possible public transport.

Need for affordable housing in Weobley.

6.3 The application proposes 8 local needs affordable dwellings. 5 for social rental and 3 for shared ownership.

The breakdown in bedroom numbers per dwelling is as follows:

- 2 no. 1 bedroomed dwellings

- 4 no. 2 bedroomed dwellings
- 1 no. 3 bedroom dwelling
- 1 no. 4 bedroom dwelling

- 6.4 In accordance with comments from the Housing Manager, there are currently 15 residents of Weobley registered with Home Point as requiring affordable housing. The need relates to a full range of dwelling sizes such as are proposed by this application. This need is further substantiated by the 2012 Housing Needs Survey for Weobley. Accordingly whilst the views of the Parish Council and those local residents who have objected are acknowledged, the evidence provided by the Housing Manager indicates an unmet need that this proposal would in part meet. It is also advised that the provision of small scale affordable housing schemes is consistent with the Weobley Parish Plan. This however needs to be balanced against another key objective of the Parish Plan which seeks to ensure that development accords with the local character, which is addressed in the landscape and biodiversity section below.
- 6.5 Accordingly, officers are satisfied that there is a demonstrated need for affordable housing in Weobley and the development subject to this application will contribute towards easing the shortage of affordable housing in Weobley and the surrounding parishes.

Highway safety/parking issues

- 6.6 Concerns have been raised by the Parish Council and members of the public with regards to on site parking provision and the additional traffic that the proposed development will generate.
- 6.7 The site is situated within close proximity to both Weobley Primary and Secondary schools, (these are located on the opposite side of the C1094) and is also within a reasonable walking distance of the services and facilities available in Weobley, as such the site is considered to be in a sustainable location for housing development. The proposal is for a total of 14 vehicle parking to the rear of the site. This forms part of the overall layout and design and has been designed in order to safeguard the adjacent public highway from the risk of residents parking their vehicles at the front of the site where that might potentially contribute towards causing obstructions. The applicants are conscious of the fact that the site is within close proximity to both the village's schools and have provided for a parking layout that is appropriate for the mix of house sizes proposed. In this respect whilst local concerns are noted, it is not considered that this local concern would warrant the refusal of planning permission. In recognition of this, it should be noted that the Transportation Manager raises no objections to the proposed development.

Landscape and biodiversity issues

- 6.8 The Conservation Manager (Landscapes) has raised objections to the proposed development advising that the proposed housing would adversely affect the historic field pattern which forms part of the setting of Weobley and that the development subject to this application only offers a limited gain in housing compared to the landscape impact.
- 6.9 The landscape objections are noted, however the provision of affordable housing together with limited impact on the village's built environment is considered to outweigh the harm on landscape impact. This has been given careful consideration which resulted in the submission of a scheme using up less road frontage, therefore having less impact on the overall field pattern when viewed from the adjacent public highway.
- 6.10 The balanced conclusion reached is that any development scheme for affordable housing must not only contribute towards meeting the needs of affordable housing within a locality, but also be of a scale and size that is reflective of the settlement and location concerned. It is considered that 8 dwellings in a linear form along the road frontage is the most appropriate

response in this location. One of the special qualities of Weobley is its landscape setting, and this refers to the whole of the village and not just the location subject to this proposal. Whilst it is accepted that the site is located within the Weobley Conservation Area, this covers a large expanse of land that abuts the settlement and both the Conservation Manager (Landscapes) and the Conservation Manager (Historic Buildings) acknowledge that the site is some distance from the historic centre of the village. The latter advises that it would be extremely difficult to sustain an objection on the basis of the setting of the Conservation Area from a built environment point of view.

- 6.11 Whilst the proposal will result in the loss of hedgerows, these are considered overall to be of low quality and the application does propose mitigation to replace some hedgerow lost as a result of the proposal.
- 6.12 The site is within close proximity to a pond, (located within the nearby school grounds), which is known to be used by Great Crested Newts. The applicants have undertaken Great Crested Newt surveys and the Planning Ecologist agrees with their conclusions, recommending a condition is attached in order to secure the submission and implementation of a full working method statement. This should include details of replacement hedgerow planting.
- 6.13 In conclusion with regard to landscape and biodiversity issues, it is considered that the proposed development represents an acceptable compromise. Whilst it is disappointing that the proposal will result in loss of hedgerow, it is considered that the identified and unmet need for the provision of affordable housing in Weobley outweighs the harm to the surrounding historic field pattern at this specific location. Whilst forming part of the Weobley Conservation Area, the site is not subject to any specific landscape designation and whilst there will be some erosion of the character of the roadside frontage, the remainder of the historic field pattern behind the site remaining intact.

Drainage issues

- 6.14 Letters of objection received have also raised concerns about drainage issues. It is noted that neither the Land Drainage Manager or Welsh Water raise any objections with regards to drainage issues, the latter recommending the attachment of conditions with regards to foul and surface water drainage being discharged separately from the site. In this context it is not considered that there is a basis to object to the application.

Other matters

- 6.15 Weobley Parish Council have raised concerns about the high percentage of affordable housing in Weobley compared to the County's average.
- 6.16 Whilst it is acknowledged that Weobley does have a larger than average percentage of affordable housing compared to the County as a whole (24% compared to 16%), there has been no breakdown of these figures with regards to a comparison between affordable housing in rural areas to built up areas. Weobley is a Main Village and provides a range of services and facilities in an area where there are few other such settlements within the immediate vicinity. Compared with other main villages that provide a similar range of services and more urban areas, the percentage of affordable housing is of a similar percentage. Furthermore the housing needs survey for Weobley demonstrates that there is a current unmet need for affordable housing as proposed.
- 6.17 The application is accompanied by a Draft Heads of Terms, (annexed to this report), this clearly sets out the terms for the drawing up of a Section 106 agreement under the Town and Country Planning Act 1990 with regards to criteria for the eligibility for affordable housing provision.

Conclusion

- 6.18 The provision of affordable housing in order to contribute towards the identified and genuine long term need for affordable housing is supported by policies of the Herefordshire Unitary Development Plan. The proposal on this account is entirely in accordance with the NPPF and the relevant local policies relating to the provision of affordable housing. It is also considered that the location on the edge of Weobley will represent a sustainable form of development providing occupants with a choice of transport modes and walkable access to the services and facilities available in the village.
- 6.19 Whilst it is acknowledged that the proposed development will have an adverse impact on the rural landscape setting within the recognised Conservation Area of Weobley, it is also recognised that the impact will be localised and that the site does not have any specific landscape designation. As such it is considered that the need for affordable housing outweighs the localised adverse impact on landscape character and the proposal is therefore recommended for approval.

RECOMMENDATION

That subject to the completion of a S106 Agreement being completed in accordance with the attached Draft Heads of Terms, planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. B07 Section 106 Agreement**
- 4. C01 Samples of external materials**
- 5. L01 Foul/surface water drainage**
- 6. L02 No surface water to connect to public system**
- 7. L03 No drainage run-off to public system**
- 8. H13 Access, turning area and parking**
- 9. G09 Details of Boundary treatments**
- 10. G12 Hedgerow planting**
- 11. Prior to commencement of the development, a full working method statement should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.**

Prior to commencement of the development, a habitat enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.

To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

12. I16 Restriction of hours during construction
13. H28 Public rights of way

Reason for Approval

Having regard to the principle of delivering affordable housing on the edge of a designated Main Village, the development is considered to be in accordance with the requirements of the Herefordshire Unitary Development Plan, Supplementary Planning Guidance, the Weobley Parish Plan and the National Planning Policy Framework.

There is an identified need for the provision of affordable housing in Weobley, and this development, subject to the completion of a Section 106 Agreement will contribute towards meeting the need and secure its availability in perpetuity.

It is considered that the acknowledged localised adverse impact upon the historic field pattern of the landscape in this particular location is outweighed by the needs for affordable housing and in reaching this decision, it was noted that the site, whilst located within the Weobley Conservation Area, does not have the benefit of any other landscape designation.

The development is considered acceptable having regard to the residential amenity of neighbouring residents, foul and surface water drainage arrangements, the impact upon the identified biodiversity value of the site and the mitigation proposals that would be secured by condition.

The access and parking arrangements are such that there would be no adverse impact upon the local road network.

On balance the development is considered to be in accordance with Policies S1, S7, DR1, DR2, DR3, DR4, H4, H7, H9, H10, HBA6, LA2, LA3, LA5, LA6, NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan, the National Planning Policy Framework and other adopted Supplementary Planning Guidance and Documentation.

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. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2 HN04 Private apparatus within highway

- 3 **HN01 Mud on highway**
- 4 **HN28 Highways Design Guide and Specification**
- 5 **HN05 Works within the highway**
- 6 **An appropriately qualified and experienced ecological clerk of works must be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation and enhancement work.**

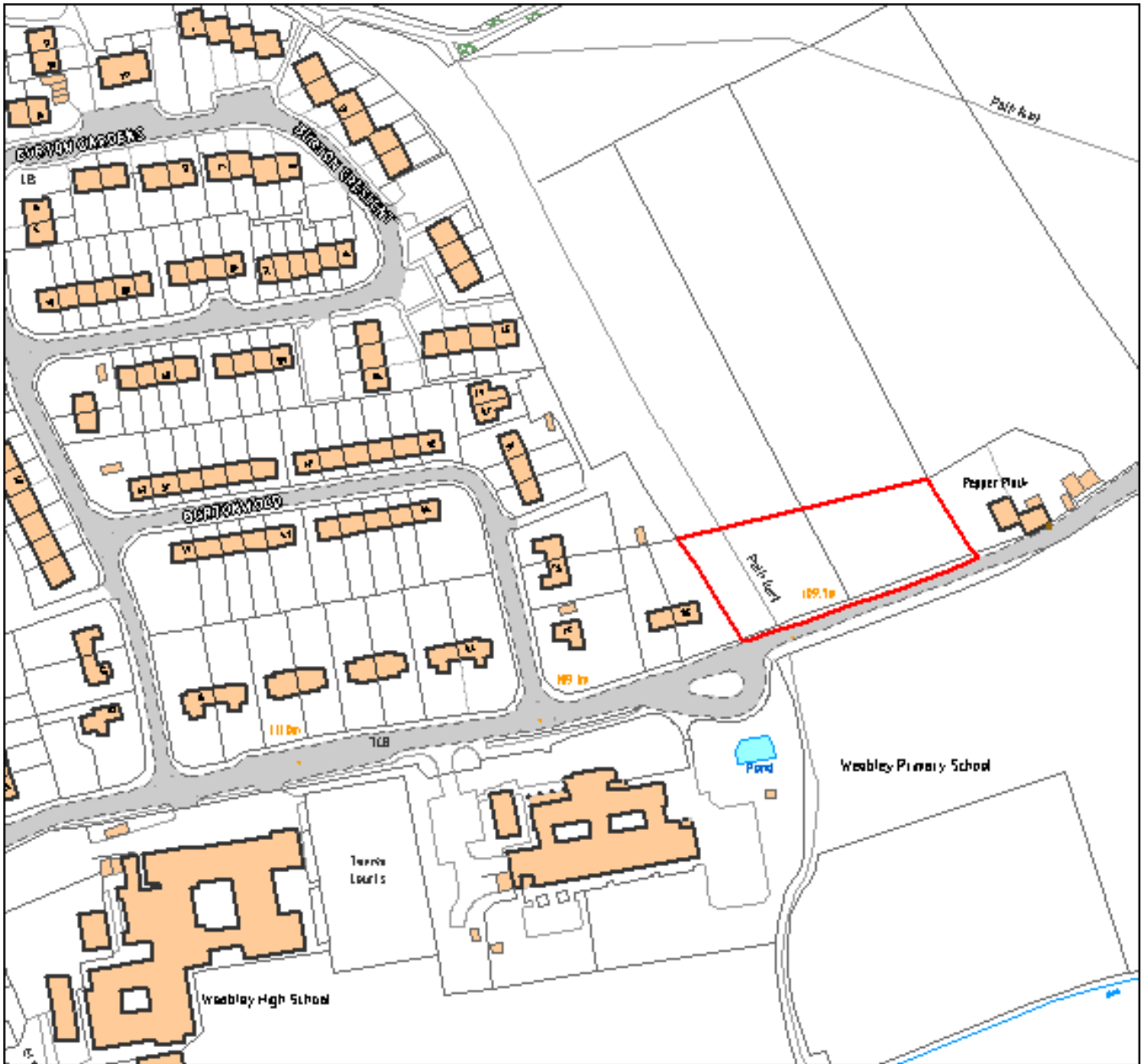
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: N/123065/F

SITE ADDRESS : LAND ADJOINING PEPPER PLOCK, WEOBLEY, HEREFORDSHIRE

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DRAFT HEADS OF TERMS

Weobley

Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008. All contributions in respect of the residential development are assessed against general market units only.

Erection of 8 affordable dwellings comprising 1, 2, 3 and 4 bedroom dwellings on land adjoining Pepper Flock, Weobley.

1. The developer covenants with Herefordshire Council that the eight (8) residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
2. Of those Affordable Housing units, five (5), shall be made available for rent with the remaining three (3), being available for intermediate tenure occupation.
3. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-:
 - 3.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 3.2 satisfy the requirements of paragraphs 4 & 5 of this schedule
4. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
 - 4.1 a local connection with the parish of Weobley; or
 - 4.2 in the event of there being no person having a local connection to the parish of Weobley a person with a local connection to one of the following parishes: Sarnesfiled, Norton Canon, Yazor, Kings Pyon, Pembridge and Dilwyn.
 - 4.3 in the event of there being no person with a local connection to any of the above parishes any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under subparagraph 4.1 or 4.2 above.
5. For the purposes of sub-paragraph 4.1 or 4.2 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
 - 5.1. is or in the past was normally resident there; or
 - 5.2 is employed there; or
 - 5.3 has a family association there; or

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- 5.4 a proven need to give support to or receive support from family members; or
- 5.5 because of special circumstances;
6. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to such subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
7. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 3 of the 'Code for Sustainable Homes - Setting the Standard in Sustainability for New Homes' or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
8. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.