

**13 DCSW2004/0047/O - SITE FOR SIX DWELLINGS (AFFORDABLE/MARKET HOUSING), BIO-DISC TREATMENT SYSTEM, REMOVAL OF POULTRY BUILDINGS, ORCOP POULTRY, ORCOP HILL, MUCH DEWCHURCH, HR2 8EN**

**For: Mr. K. Jones per Mr. Griffin, ADAS, The Patch, Elton Newnham, Gloucester, GL14 1JN**

**Date Received: 7th January, 2004      Ward: Pontrilas      Grid Ref: 48120, 28138**

**Expiry Date: 3rd March, 2004**

Local Member:    Councillor G.W. Davis

## **1. Introduction**

1.1 This application was reported to the meeting on 14th April, 2004 when it was resolved as follows:

“1. The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to ensure that the benefits of low cost affordable housing will be enjoyed in perpetuity by initial owner occupiers and contribute to meeting local housing requirements and any additional matters and terms as she considers appropriate.

2. Upon completion of the aforementioned planning obligation, that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:”

1.2 A copy of the report to that meeting is attached as an Appendix.

## **2. Officers Appraisal**

2.1 This application was reported to the meeting on 14th April, 2004 when the resolution was that subject to the making of a S.106 Agreement that outline planning permission be granted. Since the meeting work has progressed on the preparation of a Draft S.106 but the applicant is disputing the terms that have been suggested.

2.2 The purpose of the application is to seek to provide affordable housing in Orcop in the form of two and three bed semi-detached dwellings each with a 90sq. m floor area. The application was submitted on the basis that the houses would be for open market sale but at a discount in order to make them affordable. The application proposed that the discount to be offered would be 25% below open market value. This was considered in paragraph 6.3 of the April report, although it was noted that where this method had been used elsewhere in the County the discount was set at 30%.

2.3 During the debate in April reference was made to an alternative approach in securing affordable open market housing, and which has been used at Weston-under-Penyard, which is to determine the selling price essentially on the basis of average local incomes.

- 2.4 The resolution of the Committee as quoted above is not specific to the exact method.
- 2.5 The Draft S106 was prepared on the basis of the income method as opposed to the discounted method. The applicant is disputing that the agreement is not in accordance with the wishes of the Committee and the discounted method should be used. The applicant states that the method proposed would result in the houses not being built unless they were accompanied by additional unrestricted open market houses.
- 2.6 The Housing Needs Study for Orcop identified a requirement for 7 affordable and 11 market houses, with the affordable to include social rented homes and low cost purchase up to £90,000. It is essential that any housing provided can actually meet the identified affordable housing need so as to comply with policy, as this site is an exception to policy. The most recent survey of incomes (ASHE Oct 2004) indicates that average single earnings in the County are some £22,088 per annum. The proposed S106 would provide that the houses are sold initially at three times the average income plus 10%. This would in principle give a price that could be afforded of some £73,627. In addition various calculations can be done on joint incomes and/or where the income multiplier is slightly increased.
- 2.7 The agent suggests that the current average price of two/three bedroom houses in Orcop is some £175000. It is not known whether this value is based on a floor area of 90sq m. Based on the discount of 25% as offered in the application this would give a market price of £131250. In addition he points out that in assessing the cost of the development other abnormal costs should be taken into account. In this case it is agreed that the cost of removal of the poultry houses and the alteration of the overhead electricity line are such costs. He suggests that only at a market price in this region would the development attract a builder and that the values produced by the income earned method are too low unless the scheme was accompanied by additional units.
- 2.8 This site is not within what can be considered to be the settlement boundary of Orcop. It is an exception site with the exception being the need to provide affordable housing. There could be no exception to provide additional open market housing. Unless the houses can be afforded by those in need then the policy exception will not be achieved. To use the percentage discount method as suggested by the applicant will result in the sale price of the houses, although being well below the open market price, being considerably in excess of what would be affordable to most households. The use of the income method would result in the house being at an affordable price to those households with a single earner on average incomes but this price would in the view of the agent result in the houses not being constructed. In either case the affordable housing need would not be met.
- 2.9 In conclusion whilst there is a clear need for affordable housing in Orcop, to actually deliver the necessary housing on the basis of the current scheme would not appear to be possible. In these circumstances it is necessary to reconsider the previous decision.

## RECOMMENDATION

**That planning permission be refused for the following reason:**

- 1. The proposal in the opinion of the Local Planning Authority involves new housing development outside the settlement of Orcop and therefore in the countryside. Having regard to South Herefordshire District Local Plan Policy**

**SH13 the Local Planning Authority are not satisfied that the housing proposed and the method of its delivery will satisfy the identified affordable housing need in Orcop. The development is therefore contrary to Hereford and Worcester Structure Plan Policies H16A and H20 and South Herefordshire District Local Plan Policies C1 and SH11.**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

## APPENDIX

**3 DCSW2004/0047/O - SITE FOR SIX DWELLINGS (AFFORDABLE/MARKET HOUSING), BIO-DISC TREATMENT SYSTEM, REMOVAL OF POULTRY BUILDINGS, ORCOP POULTRY, ORCOP HILL, MUCH DEWCHURCH, HR2 8EN**

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**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. The southern boundary of the site fronts onto the hedgerow lined C1235 road that continues westward towards Saddlebow Hill onto Bagwyllydiart. The eastern boundary of the site comprises the western boundaries of Wenmai Cottage, which is on the corner of Lyston Lane and Etna to the north of Wenmai Cottage, which the applicant resides in. A new arbitrary boundary will be created on the north-western side of the 0.37 hectares plot at an angle to the more elevated turkey sheds that are still in use. These sheds will be demolished and the site cleared in the event of planning permission being granted.
- 1.2 Access will be off the western side of Lyston Lane utilising an existing bell-mouth access that serves Etna and the poultry units that are uphill from Lyston Lane.
- 1.3 Only the means of access, which is the existing means of access, is to be determined at this stage. All other matters are reserved for future consideration.

**2. Policies**

**2.1 Planning Policy Guidance**

- |       |   |   |
|-------|---|---|
| PPG.1 | - | General Policy & Principles   |
| PPG.3 | - | Housing   |
| PPG.7 | - | The Countryside – Environmental Quality and Economic and Social Development |

**2.2 Hereford and Worcester County Structure Plan**

- |              |   |   |
|--------------|---|---|
| Policy H.16A | - | Housing in Rural Areas                      |
| Policy H.20  | - | Residential Development in Open Countryside |
| Policy H.18  | - | Residential Development in Rural Areas      |
| Policy CTC.2 | - | Area of Great Landscape Value               |

Policy CTC.9 - Development Criteria

### 2.3 South Herefordshire District Local Plan

Policy GD.1 - General Development Criteria  
 Policy SH.10 - Housing in Smaller Settlements  
 Policy SH.11 - Housing in the Countryside  
 Policy SH.13 - Affordable Housing in/adjacent to Settlements  
 Policy C.1 - Development within Open Countryside  
 Policy C.2 - Criteria for Exceptional Development outside Settlement Boundaries  
 Policy C.8 - Development within Area of Great Landscape Value

### 2.4 Unitary Development Plan

There are no policies that are considered to raise issues different from the current Development Plan policies. Although, it should be noted that Orcop will no longer be identified as a settlement in the Unitary Development Plan.

## 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    |
|     | SW2003/2651/O | Site for 11 dwellings with bio-disc treatment system (affordable housing)                         | - | Withdrawn 28.11.03   |

## 4. Consultation Summary

### Statutory Consultations

- 4.1 The Environment Agency has no objections subject to the imposition of conditions.

### Internal Council Advice

- 4.2 The Head of Engineering and Transportation recommends that conditions be attached in the event of planning permission being granted.

- 4.3 The Environmental Health and Trading Standards Officer has received a number of complaints in the past relating to the existing units. The removal of the units will obviously resolve the issue once and for all.
- 4.4 The Head of Strategic Housing Services states that there is evidence of local housing need. A Housing Needs Survey has been undertaken and a local need identified. The amount of discount in order to make the properties affordable is crucial.

## 5. Representations

- 5.1 In a statement that accompanied the application, the following main points are made:
- 164 properties in Orcop, proposal constitutes 3.6% increase
  - Orcop Housing Needs Survey identifies need for 18 dwellings, 7 of which are affordable and 11 market housing
  - Policy SH.13 (in the South Herefordshire District Local Plan) provides the exception for providing a site, as the Council considers the site is outside the settlement
  - proposal for 6, small affordable dwellings (90m squared floor area at 25% discount of open market value of a semi-detached dwelling)
  - development would allow for removal of 2 active intensive/broiler sheds, and offer considerable environmental gains for Orcop
  - Council's Supplementary Planning Guidance on Affordable Housing states (page 2) that the Council is strongly committed to the delivery of affordable housing. The Unitary Development Plan recognises the difficulty of achieving this aim, proposal offers chance to provide below market cost housing
  - site is 2.6 ha (6.5 acres) holding owned and occupied by Mr. K. Jones, as an intensive broiler enterprise. Each building is 1,338m squared plus ancillary buildings, poultry buildings cover 3,000 m squared of the holding
  - existing bell mouth access to east serves restricted dwelling and holding. Site comprises pasture and belts of trees (leylandii and poplar)
  - approval in 1993, later renewed to expand the poultry unit by provision of extra sheds. Services to site (i.e. mains water, electricity and telephone)
  - in Area of Great Landscape Value. Orcop Hill is a loose arrangement of mainly two storey dwellings, constructed out of stone, or brick, and a few rendered properties with large gardens
  - Orcop Hill has a public house, telephone box and small Chapel. Other facilities in Orcop, are an impressive Church, and wider still, Parish Hall.
  - four bus stops serve Orcop Hill
  - the site is 0.37 ha. In addition to the applicant's own dwelling, five other dwellings adjoin or affront the application site
  - on southern and western boundaries are mature hedgerows with clumps of native trees, group of over mature poplars in south-east of site felled recently as they posed a safety risk
  - production would cease in poultry buildings and they would be demolished. Overhead services would be placed underground
  - proposed to arrange 6 dwellings in three pairs around a central access road and turning area, single garaging is proposed for each dwelling of 90m squared
  - a hedgerow would be planted on the new north-western boundary
  - a bio-disc treatment system would be used
  - Housing Needs Survey was carried out in Orcop in January 2003, higher than normal response (i.e. 67% of 379 represented in responses). Covers period of next 5 years
  - Housing Needs Survey identified greater need than the average parish for additional affordable market housing

- survey identified need for 11 new dwellings from emergent households, seven of which should be affordable and 4 market housing. The existing households showed a need for 7 new dwellings, comprising no affordable dwellings and 7 market housing. Therefore, 18 houses identified 11 market houses and 7 affordable houses
- application is for 6 discounted market houses to make them affordable
- proposal meets requirements of Policy SH.13 in South Herefordshire District Local Plan as given size and planning condition would sell at 25% below their normal market value
- no ecological nor historical interests on site. Not prominent in landscape
- adjoining properties not overlooked
- dwellings would be block rendered with some stone detailing to reflect the local vernacular
- existing access is proposed
- short length of minor road, before joining the Class I (A) road. Less heavy traffic with demise of poultry units
- Orcop Hill is served by bus route 412
- new north-western boundary hedgerow, three other sides constrained by existing physical barriers
- no sound trees are lost
- proposal will meet identified local need. Transport in rural areas is car based, however site is served by regular bus services
- nine properties are within 100 metres of poultry units, complaints have been made. ADAS appraisal of odour accompanied previous application and forms part of this proposal
- planning permission would not be granted today for units on site with current environmental awareness
- Environmental Health and Trading Standards Officer supports application, see accompanying letter.

Also attached to the statement were specifications and cost of sewage treatment plant and cost of demolition and associated matters, i.e. site clearance.

5.2 Orcop Parish Council make the following observations:

"The Council are pleased that the existing access is being utilised but feels that six dwellings under utilises the site.

The Council would prefer to see 11 dwellings in the northern section of the site, much like the u shape development at Much Dewchurch, thus leaving the south side of the site as an open green site and not enclosing existing local residents.

This they feel would be supporting the findings of the Orcop Housing Needs Study carried out in January 2003."

5.3 Much Dewchurch Parish Council "fully support this application."

5.4 Llanwarne Parish Council have no objections.

5.5 Fourteen letters of representation have been received in which the following main points are raised:

- contrary to Development Plan
- reducing number to six makes it less objectionable

- need a sensitive scheme, not ugly rendered boxes
- self-build on larger plots that are also energy efficient would assist
- £100,000 ceiling unviable given cost of sewage treatment plant and road to serve development
- lack of detail amazing
- small houses with relatively small gardens give a suburban feel
- facilities outside the area, further need for 2 cars
- if low income how can they afford 2 cars?
- potential buyers are not country orientated, happier on an urban brown field site
- need good mix of dwellings
- devaluation of our properties, by poor quality low cost housing and related social problems
- site will be rubbish strewn, and there will be broken down cars also
- moved away due to lack of affordable housing
- dwellings could be bought by landlord types exploiting low income groups
- Orcop Hill is renowned for landscape views, six counties are visible on a clear day. It is therefore a potential blot on the landscape
- no facilities, i.e. shop, post office, school nor facilities for young children
- need 30mph speed limit
- access road (Lyston Lane) takes high volumes of traffic (school run and commuting) recently impassable due to snow and ice
- agricultural field to north drains onto site, during periods of wet weather it lies on the site, therefore pollution risk given existence of sewage treatment plant
- road to Saddlebow floods, southern boundary of site lies on natural line of springs, floods properties nearby and further down hill
- springs opens up in my garden and has lifted neighbours paving stones
- even if permeable surfaces used, still problems
- run-off should be channelled north-east or east of plot not to south or west. should be on north side of plot, cannot pump water up hill
- need larger plots for drainage/run-off
- what is the west of the site to be used for? Need Section 106 if approved
- residents mostly retired elderly people, please leave our beautiful quiet village alone.

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

## **6. Officers Appraisal**

- 6.1 There are five main issues relating to the proposal. They are the principle of developing the site, the road network, drainage issues, impact in landscape and availability of facilities.
- 6.2 Orcop is listed a smaller settlement in Policy SH.10 contained in the Local Plan, although strictly speaking the area of Orcop parish clustered around the Fountain Inn is Orcop Hill. Nevertheless, it is considered that the site is outside the reasonable physical limits of Orcop given there is only Wenmai Cottage and the applicant's property known as Etna on the north-western side of the C1235 road that borders the eastern and southern sides of the Etna, Wenmai Cottage and the field to the south-east of the existing poultry units on which it is proposed to erect six affordable market dwellings. However, there is provision in Policy SH.13 contained in the Local Plan for affordable housing on sites adjacent to or within settlements. It is considered that in locational terms the proposal site falls into this category, given the existence of



development on the southern side of the Class III (C1235) road opposite the site. This site does not constitute an incursion into open countryside.

- 6.3 The development also needs to be small scale and demonstrate that there is a clearly demonstrated and genuine local need, that cannot be accommodated elsewhere. The Herefordshire Needs Survey for Orcop carried out in 2003 identified a need for affordable housing in the settlement, this is borne out by the stance of the Orcop Parish Council who state that six dwellings should be increased to 11 dwellings. It is considered that a site for affordable housing in Orcop can be justified and that the numbers proposed are also acceptable. In addition, the number of houses would not be out of scale with the size of the settlement. A crucial element of Policy SH.13 is the requirement that the affordable element will be enjoyed by successive as well as by initial occupiers of the properties. This would need to be controlled by way of a Section 106 Agreement. It is a little more complicated in that the applicant is not a Registered Social Landlord (RSL), usually a Housing Association, nevertheless it is possible given the experience of the Council elsewhere. The houses proposed are to be discounted open market rather than for rent. The applicants are proposing this at 25% below open market value. The most recent similar agreement elsewhere in the county has been on the basis of a 30% discount.
- 6.4 The site has poultry units that have been on this elevated site for over 40 years and have been the subject of complaints to the Council's Environmental Health and Trading Standards Department. This is verified by consultation reply. Also, there are no trees on the proposal site and with the removal of the more elevated poultry units the amenity of this site in the Area of Great Landscape Value can only be enhanced. This would though be subject to the design and layout of the dwellings at the time that they are submitted.
- 6.5 The road network is considered to be capable of managing the traffic generated by the development site such that there will be an adverse impact on highway safety. The previously submitted proposal for 11 dwellings proposed taking the access onto the southern side of the site onto a narrower stretch of the C1235 road, that also had poorer visibility than the existing bell mouthed access point serving the poultry units site that is currently proposed. It is true that living in this rural location will necessitate the use of a motor vehicle, however this needs to be weighed against the continuing requirement of affordable housing across Herefordshire and particularly in the parish of Orcop.
- 6.6 The Environment Agency have not raised any objection in principle to the development of the site. The Environment Agency have focused on the potential for pollution with the demolition of the existing poultry units, boiler unit and ancillary buildings. There is considered to be sufficient land in the applicant's ownership on which to drain onto. Should there be water run-off from Orcop Hill through the site, then that will be a matter for the applicant to address at the time.
- 6.7 There will be an impact in developing the site, the development is lower in the landscape than the existing poultry units and will relate more to existing development to the south-east and south than the poultry units do at present. Further landscaping on the site will help ameliorate the development.
- 6.8 Orcop is designated as a smaller settlement in the South Herefordshire District Local Plan, not only for reasons of its population and size, but also given that it is limited in facilities. However, the requirement to provide affordable housing as set out in Government advice contained in PPG.3 – Housing, which has not been possible in or

adjacent to many of the smaller settlements identified in Policy SH.10, to a degree outweighs the requirements of providing development that is sustainable which is a requirement of Policies GD.1 and SH.10 contained in the South Herefordshire District Local Plan.

- 6.9 Subject to the applicant entering into a Section 106 Agreement, the principle of development of this site for six dwellings can be supported

## **RECOMMENDATION**

**That: 1. The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to ensure that the benefits of low cost affordable housing will be enjoyed in perpetuity by initial owner occupiers and contribute to meeting local housing requirements and any additional matters and terms as she considers appropriate.**

**2. Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:**

- 1. A02 (Time limit for submission of reserved matters (outline permission))**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

- 2. A03 (Time limit for commencement (outline permission))**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

- 3. A04 (Approval of reserved matters)**

**Reason: To enable the local planning authority to exercise proper control over these aspects of the development.**

- 4. A05 (Plans and particulars of reserved matters)**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

- 5. F17 (Scheme of foul drainage disposal)**

**Reason: In order to ensure that satisfactory drainage arrangements are provided.**

- 6. F20 (Scheme of surface water drainage)**

**Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.**

- 7. F44 (Investigation of contaminated land)**

**Reason: To ensure that potential contamination of the site is satisfactorily assessed.**

**8. F45 (Contents of scheme to deal with contaminated land)**

**Reason: To ensure that potential contamination is removed or contained to the satisfaction of the local planning authority.**

**9. F46 (Implementation of measures to deal with contaminated land)**

**Reason: To ensure contamination of the site is removed or contained.**

**10. Before development commences on site all poultry units and ancillary buildings and structures shall be demolished and cleared from the site to the satisfaction of the local planning authority in accordance with conditions 7, 8 and 9 above.**

**Reason: In order to define the terms to which the application relates and in the interests of the residential amenity of future residents.**

**11. H03 (Visibility splays)**

**Reason: In the interests of highway safety.**

**12. H05 (Access gates)**

**Reason: In the interests of highway safety.**

**13. H06 (Vehicular access construction)**

**Reason: In the interests of highway safety.**

**Informative(s)**

**1. N15 - Reason(s) for the Grant of planning permission**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.