

MEETING:	PLANNING COMMITTEE
DATE:	1 FEBRUARY 2012
TITLE OF REPORT:	<p>DMN/111770/F - ERECTION OF 14 NO. AFFORDABLE HOMES ON GREENFIELD SITE INCLUDING REQUIRED ACCESS AND SERVICES AT LAND ADJACENT TO 4 VALENTINE COURT, CANON PYON, HEREFORD, HR4 8NZ</p> <p>For: Two Rivers Housing per Mr Colm Coyle, Imperial Chambers, Longsmith Street, Gloucester, GL1 2HT</p>

Date Received: 4 July 2011

Ward: Wormsley Ridge

Grid Ref: 346337,248617

Expiry Date: 1 November 2011

Local Member: Councillor AJM Blackshaw

Introduction

This application was reported to Planning Committee on 11 January 2012 where Members resolved to undertake a site visit in order that they could consider the proposal in relation to its wider surroundings, and to take account of comments received from the Parish Council and local residents about the suitability of the site.

1. Site Description and Proposal

- 1.1 The application relates to an area of 0.314 hectares (0.77 acres) of grazing land, comprising the northern half of a larger field located towards the southern end of Canon Pyon. The land is flat and falls between two areas of residential development – the main village core to the north and a post-war residential estate, Meadow Drive, slightly divorced from the rest of the village, to the south. The site is bounded immediately to the east by a post and rail fence with a footpath and then hedgerow forming the roadside boundary. A mature hedge bounds to the west with open countryside beyond.
- 1.2 The village is very linear and older properties are arranged along the road frontage with outlooks across the countryside to the east and west. Meadow Drive is a cul-de-sac development, and a similarly sized development has also taken place at the northern end of the village and is known as Brookside.
- 1.3 Canon Pyon is identified as a main settlement by Policy H4 of the Unitary Development Plan. The settlement boundary excludes the application site, bounding it immediately to the north. The village facilities include a shop and post office, primary school, pub, playing fields and village hall.
- 1.4 The proposal seeks planning permission for the erection of 14 affordable dwellings to meet local housing needs and comprises eight 2 bed, four 3 bed and two 4 bed properties. It includes the creation of a new vehicular access and parking facilities for each dwelling.

Dwellings are arranged around a central hammer head. Properties front onto the A4110 to either side of the road junction, and a further eight dwellings are arranged in a staggered row behind.

- 1.5 The design of the dwellings has been amended since the original submission of the application and the plans show seven pairs of semi detached dwellings with dual pitched roofs. The materials to be used are a combination of brick, render and timber cladding with dark coloured roof tiles. It is also intended that every dwelling will be fitted with photovoltaic panels on its southern roof slope. This will help to achieve a minimum Code for Sustainable Homes Level 3, combined with construction methods to include high levels of insulation and possibly the installation of heat recovery ventilation systems to minimise fuel costs.
- 1.6 The details of the road layout have also been amended as a consequence of comments received through the consultation process. The proposal requires the removal of the roadside hedge in order to provide appropriate visibility in a southerly direction. The plans show that this will be reinstated behind the line of the splay. The plans also include the widening of the existing footpath to a minimum of 2 metres.
- 1.7 The application is supported by a Design and Access Statement and a Habitat Survey. The applicants have also provided details of the consultation process that has been undertaken with local people to determine the extent of housing required and provides information about the alternative sites that have been considered. Finally, the submission includes a Draft Heads of Terms Section 106 Agreement to include an off site contribution for the provision of sport and recreation facilities and to ensure the standards to which all housing will be constructed. A copy of the agreement is appended to this report.

2. Planning History

- 2.1 77/0627 – Erection of one bungalow – Refused.
- 2.2 75/0605 – Erection of one bungalow – Refused.
- 2.3 Two separate applications were also submitted and refused in 1966 for nine and five dwellings respectively. Both applications went to appeal and were both dismissed.
- 2.4 In the case of all of the applications referred to above the issues were the same;
 - That the application site was beyond the recognised settlement and that there were no circumstances to justify an exception to policy; and,
 - The site was within an Area of Special Landscape and development would detract from this.

3. Policies

Herefordshire Unitary Development Plan

- 3.1 S1 – Sustainable development
S2 – Development requirements
S3 – Housing
DR1 – Design
DR3 – Movement
H4 – Main villages: settlement boundaries
H7 – Housing in the countryside outside settlements
H10 – Rural exception housing
H13 – Sustainable residential design
H19 – Open space requirements

Further information on the subject of this report is available from Mr A Banks on 01432 383085

T8 – Road hierarchy
NC1 – Biodiversity and development

National Guidance

3.2 Planning Policy Statement 3 – Housing

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water – No objections subject to conditions

Internal Council Consultations

4.2 Transportation Manager – On the basis of the amended plans, no objections subject to the imposition of conditions.

4.3 Conservation Manager

4.4 Landscape – The proposed site is suitable in landscape terms as it does preserve the linear character of the original settlement of Canon Pyon. It retains the field hedgerow to the west, but the roadside hedge will be lost, which is a significant negative impact. However, the proposed terraced appearance fronting onto the road will have a positive streetscape impact.

The layout of the development is a little dense and further details are required about the nature of landscaping proposed within the site.

It is concluded that there is no overall landscape objection to the principle of housing on this site subject to the imposition of landscaping conditions and to ensure the protection of the retained hedgerow during construction.

4.5 Ecology – Unimproved pastures are becoming increasingly rare across the County; whilst this field does not appear to have rare species present, as semi-improved grassland it does have some ecological value. If this application were to be approved, an appropriate compensation scheme for loss of grassland would be to secure the retention of the southern half of the field as a wildflower meadow.

If you are minded to approve this application, further outline information regarding an appropriate mitigation and compensation scheme should be provided in order to comply with UDP Policy NC7. The finer details of this could be subject to a planning condition.

4.6 Minerals and Waste Officer – No objection subject to the completion of a site waste management plan.

4.7 Housing Officer – Is supportive of the application and comments as follows:

The Housing Team commissioned two Housing Need Studies within Canon Pyon, one in March 2006 with an identified need of 11 and the second in March 2011 with an identified need of 14. When the first need was identified Two Rivers Housing started the process of trying to source land to develop affordable housing. To aid with the process Herefordshire Council arranged a consultation event that was held in the Parish Hall, this was an opportunity for any land owners to put land forward that they wished to sell and for the parishioners to suggest locations for affordable housing. Following the event planners comments were requested and a sequential test of the sites was undertaken. Eventually the land adjacent to

the Plough Inn was offered by the land owner and negotiations began between him and Two Rivers Housing.

- 4.8 The Council has a statutory duty to assess housing needs under the Housing Act 1985. Housing Needs Surveys are carried out on a rolling programme and the Council seeks to update them approx. every 4/5 years. Every property within the chosen area receives a postal questionnaire which they are asked to complete if they consider themselves to be in Housing Need, on return of the questionnaire to the Research Team an analysis of the results are undertaken. The figures stated in the Housing Needs Study are extracted from the responses received from the postal questionnaires.
- 4.9 The first Housing Need study (March 2006) only took into account the need of people in the Pyons group parish. This group parish comprises the parishes of Canon Pyon and Kings Pyon. Within these 2 parishes are smaller settlements – Westhope, Bush Bank and Ledgemoor, as well as the villages of Canon Pyon and Kings Pyon. Unfortunately by only surveying villages in this manner an understanding of housing need for the whole county was not being established as many wider rural areas were not being surveyed. To address this, later studies not only identify the immediate area but that of any geographically linked with the most appropriate main village. The additional locations surveyed within the Housing Need Survey are Birley, Upper Hill, Dinmore and Kings Pyon, all of which are settlements not identified within the UDP for development, therefore they have been appropriately linked with Canon Pyon, a main development village within the UDP.
- 4.10 The reason for including a wider area than Canon Pyon itself is clearly stated in the Housing Needs Survey. As the main village, Canon Pyon would serve as the most sustainable delivery point for housing (open market and affordable) to meet the overall housing need. Therefore, development in Canon Pyon generally would meet the need not just of the immediate village, but could also meet need arising in the surrounding settlements.
- 4.11 Until the time of the consultation event held at the Parish Hall no comments on the additional areas attached to the Canon Pyon Study were raised.

5. Representations

- 5.1 Canon Pyon Parish Council – Comment as follows:

The need for new affordable housing development in Canon Pyon was raised with Herefordshire Council in 2005. The process used by Herefordshire Council to take this requirement forward included surveys, which were received positively by residents. The choice of site and plan, however, was not inclusive, resulting in a proposal that does not meet the needs of either the PC or residents.

- 5.2 The aspiration of the parish council for the development was to meet the following imperatives:

1. It **must** improve the character of the village, facilitate community integration between the Post Office, the village hall and playing field and improve communications by reinforcing the village centre.
2. It **must** take into account other plans under consideration to ensure the overall impact on the village is positive and proportional.
3. The housing content **must** serve the needs of the community, whilst maintaining the ecological assets valued by residents.

- 5.3 This application does not meet the parish council imperatives, nor does it consider the planning history of the site. The parish council's case includes a recent 'house to house'

survey, confirming the strong views of residents and a critique of the defining surveys of housing need.

5.4 ***The Parish Council strongly opposes the approval of this Planning Application; however the PC and residents are in favour of meeting the affordable housing requirements.*** The PC, therefore, wishes to pursue an alternative course of action and to this end discussions have taken place with the owner of the preferred site. This has revealed a clear interest in developing a proportion of this site to meet the aspirations of the village community.

5.5 13 letters of objection have been received from local residents, and also a petition containing 95 signatures. In summary the points raised in the representations are as follows:

- The extent of the 2011 Housing Needs Survey is questioned, particularly as it includes, Upper Hill, Birley and Dinmore.
- The survey is considered to be misleading and biased.
- The housing to be built will not cater for the needs identified.
- It is unnecessary development with more suitable sites available in the middle of the village.
- The applicant's have chosen the wrong site and should have looked to develop the site next to the playing fields.
- A substantial amount of housing has been erected in the village and there is ample to meet local requirements.
- It would amount to ribbon development and contradict previous planning decisions.
- Play space for under 12's should be provided on site.
- The design of the dwellings is considered to be inappropriate.
- The development will be detrimental to the residential amenities of the residents of Valentine Court.
- It would result in the loss of an old hay meadow to the detriment of the local ecology of the area.
- The loss of the road side hedge would be to the detriment of the village and would remove a useful buffer between the road and footpath.
- The development would give rise to issues of highway and pedestrian safety
- The proposal will ultimately lead to the development of the rest of the land.

5.6 CPRE objects to the application on the following grounds:

- The application relates to a Greenfield site beyond the village settlement boundary.
- The need for affordable housing has not been demonstrated.
- Residents would need to walk a considerable distance to facilities within the village.
- A brownfield site within the settlement boundary is identified in the UDP
- Old, uncultivated pasture is a rare commodity within Herefordshire. A brief botanical survey provides evidence of its quality.
- Hedges on both east and west boundaries have a good mix of species and should be retained.
- The eastern boundary hedge should be retained as a buffer rather than removed.
- The proposal will be visually intrusive and detrimental to the local landscape.

5.7 The full text of these letters can be inspected at Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB and prior to the Committee meeting.

6. Officer's Appraisal

- 6.1 The application site lies beyond the settlement boundary of the village and therefore, if the proposal is to be considered to be acceptable, it must demonstrate that it meets one of the exceptions outlined by Policy H7 of the Unitary Development Plan. In this case it relies on the final criteria in that it seeks to provide rural exception housing in accordance with Policy H10.
- 6.2 Policy H10 says that affordable housing may be permitted on land within or adjoining an established rural settlement which would not normally be permitted for housing provided that the scheme would contribute to meet a proven genuine and quantifiable local need through an up-to-date needs survey, and that it is evident that local housing conditions would not otherwise satisfy the need.
- 6.3 Canon Pyon is identified as a main village by Policy H4 of the UDP and the site is immediately adjacent to the settlement boundary. Setting aside all other material planning considerations in the first instance, the site meets the first requirement of Policy H10.
- 6.4 Questions have been raised by the objectors about the validity of the most recent needs survey completed in March 2011 in that only 18 out of 508 households responded and that it included parishes that a remote from Canon Pyon, particularly Dinmore and Upper Hill.
- 6.5 The methodology used to assess local need is considered to be transparent. It is very clearly set out in the report and includes a copy of the questionnaire used. The fact that only 18 households replied is not in itself evidence of a lack of need as is suggested by the objectors. Residents were asked to complete the survey only if their household foresees a need for affordable housing in the survey area. 18 replied and of these 14 were considered to represent genuine need cases.
- 6.6 It is accepted that it casts a wide net in that it includes parishes that are some distance away from Canon Pyon. However, if the Council's stated aim of promoting sustainable communities is to be met, it should look to target development to those villages capable of accommodating it. In comparison to many other villages in North Herefordshire, Canon Pyon benefits from a range of facilities and lies on a bus route, unlike the other smaller settlements that have been included with it for the purposes of the needs survey. If there is a fundamental question about the sustainable credentials of developments like this, the other alternative is that affordable housing is simply provided within the market towns. Whilst this might serve a purpose in terms of reducing people's needs to travel, it would not serve to create inclusive and diverse rural communities, but would rather be counter-productive and see rural communities stagnate and the need for local service provision reduce yet further. The approach that has been taken is therefore considered to be appropriate and the requirements of Policy H10 are met.

Site selection

- 6.7 Before submitting the application, the applicant's embarked upon a series of pre-application discussions with Council Officers. It seems that two alternative sites were put forward as realistic options, the site to which this application relates and one slightly further to the north, adjacent to the playing fields and opposite the Nags Head public house.
- 6.8 The Parish Council has clearly stated its preference for the latter, suggesting that it is more centrally located within the village and better placed in relation to local services. Some objectors have also suggested that the site opposite the Nags Head public house is much closer to the school.
- 6.9 The application site is 70 metres away from the shop and post office and is located at the southern end of the village. The site preferred by the Parish Council is 135 metres away. It is accepted that the Parish Council's preferred site is perhaps more central in terms of its

relationship to other built development, although it should be noted that there is no other residential development of note on this side of the A4110 to the north, and is better placed in terms of its proximity to the playing fields. The suggestion that parents would be more inclined to walk their children to school from a site that is 200 metres closer is questionable and does not carry any significant weight in terms of identifying preference for one site over the other. However, these points are marginal and it is not considered that this application should be refused on the basis that there is a preference for one site over another, particularly since the need exists and this site is currently available and has been progressed as a viable scheme and to this detailed level by the applicant.

- 6.10 Both sites offer a natural and logical extension to the village and have both been identified as having minor constraints in the Council's Strategic Housing Land Availability Assessment. It is your Officer's opinion that they both offer opportunities for residential use in the longer term should Canon Pyon continue to be identified as a settlement where development is accepted. This application should be considered on its merits and it is considered to provide an acceptable location for an exceptions site in accordance with Policy H10 of the UDP.

Design

- 6.11 Canon Pyon does not have a strong architectural identity. Its original core of buildings would have centred on the Nags Head public house and it is clear that the buildings that surround it are of some age. It is likely that the village evolved from here, predominantly along the eastern side of the A4110 where the majority of older buildings lie. These are a combination of timber frame, brick and stone construction and the majority are either rendered or painted, giving their appearance a degree of uniformity. The western side is dominated by post war developments of red brick bungalows and two storey dwellings arranged in a linear fashion along the road frontage, with later cul-de-sac developments at the northern and southern ends of the village as described earlier in this report.
- 6.12 The application as originally submitted proposed dwellings with mono-pitched roofs. The applicants are keen to ensure that the dwellings are as sustainable as possible and the original design was intended to maximise the south facing roof slope for the installation of photovoltaic panels. However, following the submission of objections from local residents and discussions with the case officer, the design of the dwellings has now been amended for a more typical dual pitch roof. The compromise in terms of sustainability is that there is a lesser roof slope to face in a southerly direction and consequently the area available for the installation of photovoltaic panels is reduced. The plans indicate that the dwellings will be faced with a combination of brick and render with tiled roofs, the details of which are to be agreed by condition should planning permission be granted.
- 6.13 The layout follows the linear pattern of the village. Dwellings are set back from the roadside edge and fronted onto the A4110. The existing roadside hedge will have to be removed in order to provide adequate visibility splays, but the plans indicate the creation of a new hedge boundary behind the edge of the widened footpath. A second staggered row of dwellings are set behind.
- 6.14 The design, layout and orientation of the dwellings is borne out of the desire to maximise the opportunity to employ sustainable energy measures and there is a degree of compromise between this and what might be considered as a more traditional approach towards residential development. However, your officers consider this to be acceptable in this particular case and the proposal is considered to accord with Policies S1, DR1 and DR13 of the UDP.

Highway Issues

- 6.15 The plans have been amended since their original submission in order to secure compliance with the Council's Highway Design Guide. This has resulted in a requirement for an additional

length of the hedgerow to be removed and re-planted in order to achieve adequate visibility in a southerly direction. It also requires the footpath to be widened to a minimum of 2 metres.

- 6.16 The site lies within the 30 mph speed limit that applies through the village and the road is straight. It is accepted that some highway users may exceed the speed limit, but this does not render this part of the road network as inherently unsafe and visibility is good in both directions. Some objectors have suggested that the existing hedge offers a buffer between the footpath and the road and that its removal will compromise the safety of pedestrians. The situation with the position of the hedge and footpath is very unusual and there is no doubt that it provides a buffer. Its removal to accommodate this development however, will not cause the safety of the footpath to be compromised. The footpath will not be significantly closer to the road and its widening is considered to be beneficial as it is currently rather narrow. The proposal is considered to accord with Policies DR3 and T8 of the UDP.

Ecology

- 6.17 A number of representations, including one from CPRE have referred to the application site as forming part of an ancient hay meadow that has been uncultivated for many years. They also refer to the significance of the roadside hedge and that forming the western boundary to the site.
- 6.18 The site is not afforded any particular protective designation and the habitat survey that accompanies the application does not conclude that the site should not be developed. It recommends a series of mitigation and enhancement measures to be undertaken should planning permission be granted. The scheme does include a vegetated buffer between the proposed dwellings and Valentine Court to the north and this area would certainly contribute towards this. The hedgerow along the western boundary is to be retained. Not only will this maintain an important habitat feature, it will also give the dwellings along this boundary a sense of openness as they look out across open countryside.
- 6.19 The Council's Ecologist has suggested that the remaining undeveloped part of the meadow should be retained and enhanced through the imposition of a condition. The southern part of the meadow does not form part of the application site and is not within the applicant's control. As such it would be unreasonable to impose a condition to require its retention as a semi-improved meadow. The recommendation does include a landscaping condition and some habitat compensation may be achieved through this mechanism.
- 6.20 It is considered that matters of mitigation can be addressed through the imposition of appropriately worded conditions and the proposal is considered to accord with Policies NC1 and NC7 of the UDP.

Residential amenity

- 6.21 Two properties within Valentine Court do look out across the application site and, at their closest point, lie within 15 metres of the dwelling proposed for plot 14. The flank wall of this property is blank, as is the same opposing wall of the dwelling on plot 1.
- 6.22 The relationship between the properties is considered to be appropriate. There will inevitably be a change in the outlook that is currently enjoyed by the properties in Valentine Court, but in terms of a typical residential context, this is considered to be acceptable and in accordance with Policies DR1 and H13 of the UDP.

Section 106 Agreement

- 6.23 Affordable housing is largely exempt from the requirements for Section 106 contributions, an indication of the high priority afforded to the delivery of such schemes. This exemption does

not extend to the appropriate provision of recreational open space. The applicant has submitted a Draft Heads of Terms Agreement as part of the application. Within this is contained a financial contribution towards the provision of off-site play equipment. Whilst Policy H19 of the UDP does suggest that a small infants play area should be provided on sites of 10-30 family dwellings the Council's preference is now that larger sites are provided. The reason being that small areas within residential developments are costly to maintain. The off-site contribution included in the Heads of Terms is supported by the Parks and Countryside team who were consulted before the application was submitted.

7. Conclusion

- 7.1 The application has raised significant local interest and there is a clear preference within the village for an alternative site to be developed. However, this application should be treated on its own merits and it is your officer's opinion that it does accord with the relevant policies of the UDP. An up-to-date housing needs survey has been completed and the need for 14 dwellings has been demonstrated. The design and layout of the development has been determined both by the linear pattern of development within the village and the desire to create a scheme that maximises sustainable energy methods. It has been shown that a safe means of access and an improvement to the existing footpath can be achieved and that the relationship between existing and proposed dwellings is acceptable. Although the loss of the meadow is regrettable, a balanced view must be taken against the benefits of providing an affordable housing scheme and it is as a consequence of this that the application is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B03 Amended plans**
- 3. B07 Section 106 Agreement**
- 4. C01 Samples of external materials**
- 5. F14 Removal of permitted development rights**
- 6. F15 No windows in side elevation of extension**
- 7. G04 Protection of trees/hedgerows that are to be retained**
- 8. G10 Landscaping scheme**
- 9. G11 Landscaping scheme - implementation**
- 10. G14 Landscape management plan**
- 11. H03 Visibility splays**
- 12. H09 Driveway gradient**
- 13. H11 Parking - estate development (more than one house)**
- 14. I16 Restriction of hours during construction**

- 15. I55 Site Waste Management
- 16. I56 Sustainable Homes Condition
- 17. K4 Nature Conservation - Implementation
- 18. L01 Foul/surface water drainage
- 19. L02 No surface water to connect to public system
- 20. L03 No drainage run-off to public system

INFORMATIVES:

- 1. N15 Reason(s) for the Grant of Planning Permission
- 2. N02 Section 106 Obligation
- 3. HN01 Mud on highway
- 4. HN04 Private apparatus within highway
- 5. HN05 Works within the highway
- 6. HN10 No drainage to discharge to highway
- 7. N11C General

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMN/111770/F

SITE ADDRESS : LAND ADJACENT TO 4 VALENTINE COURT, CANON PYON, HERFORD, HR4 8NZ

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Further information on the subject of this report is available from Mr A Banks on 01432 383085

DRAFT HEADS OF TERMS
Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

Erection of 14 affordable housing units on land adjacent to Valentine Court, Canon Pyon, Herefordshire, HR4 8NZ

1. The developer covenants with Herefordshire Council, in lieu of a deficit in the provision of play, sport and recreation facilities to serve the development to pay Herefordshire Council the sum of £20,692 for off-site play provision at the existing play facility in Canon Pyon.
2. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purposes specified in the agreement within 10 years of the date of this agreement, and unless otherwise agreed in writing with the Council, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
3. All of the financial contributions shall be Index linked from the date of the permission and paid on or before commencement of the development or in accordance with the phasing of the development as agreed in writing with Herefordshire Council.
4. The residential units shall be "Affordable Housing" which meets the criteria set out in policy H10 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations. All affordable housing shall be constructed to Housing Corporation Design and Quality Standards and Joseph Rowntree Lifetime Homes. None of the Affordable Housing shall be occupied unless Herefordshire Council has given its written agreement to the means of securing the status and use of these units as Affordable Housing.
5. The development shall be designed and constructed to meet a 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.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council an additional administration charge of 2% of the total contributions detailed in this Heads of Terms to be used toward the cost of monitoring and enforcing the Section 106 Agreement.

7. 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.

Andrew Banks
2nd August 2011