

MEETING:	PLANNING COMMITTEE
DATE:	17 JULY 2013
TITLE OF REPORT:	130541/O - OUTLINE APPLICATION FOR 17 NO. AFFORDABLE DWELLINGS AT THE PADDOCK OFF PERRYSTONE LANE, TUPSLEY, HEREFORD For: Mr Hooper, 9 Winchester Avenue, Hereford, HR1 1QJ
WEBSITE LINK:	http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=130541&NoSearch=True

Date Received: 25 February 2013

Ward: Backbury

Grid Ref: 353384,240353

Expiry Date: 27 May 2013

Local Members: Councillors J Hardwick, AJ Hempton-Smith, JLV Kenyon and MD Lloyd-Hayes

1. Site Description and Proposal

- 1.1 Outline planning permission with all matters reserved is sought for the erection of 17 affordable dwellings on land to the east of Perrystone Lane, Hereford. The site lies within the parish of Hampton Bishop, but is adjacent the Hereford City settlement boundary. The site was formerly an orchard but is now grazed; the majority of trees within the site having been removed. Mature hedgerows bound the majority of the site boundary.
- 1.2 Two-storey semi-detached dwellings on Perrystone Lane lie to the west on the opposite side of the adopted highway. Tupsley House and the adjoining Stable House are detached period properties to the immediate south fronting Ledbury Road. To the north and east the land descends to the River Lugg meadows.
- 1.3 Occupying lower-lying land to the east are Netherwood, Lawnswood and Lower House Farm; the headquarters of the Hereford Nature Trust. Land to the south-east of the site is also in the applicant's control. It is intended that this area be actively managed as a local nature area, although future management arrangements have not been finalised.
- 1.4 The indicative layout indicates that vehicular access would be taken from Perrystone Lane at the northern end of the site opposite No.22 Perrystone Lane with the northern portion of the site left undeveloped. The dwellings would be aligned on either side of the access road, which would terminate in a turning head towards the southern end of the site.
- 1.5 The application form confirms that the housing mix would comprise one, two, three and four-bed properties, and this mix has been informed by the current housing needs data for Tupsley Ward.
- 1.6 As the application is made in outline with all matters reserved there is comparatively little information as regards the scale, design, layout and external appearance of the dwellings. The application is, however, accompanied by a Landscape and Visual Impact Assessment, which concludes that the retention and enhancement of existing hedgerows on all boundaries will minimise the impact upon the landscape and views of the area.

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

1.7 As the application is for affordable housing there are no financial contributions via a Section106 Agreement. In the event of planning permission is granted such an Agreement would be necessary to ensure that the houses remain affordable in perpetuity and that the wildlife area, put forward as compensation for the loss of biodiversity on site, is secured.

2. Policies

2.1 National Planning Policy Framework

Chapter 6 – Delivering a wide choice of high quality homes

Chapter 7 – Requiring good design

Chapter 8 – Promoting healthy communities

Chapter 11 – Conserving and enhancing the natural environment

2.2 Herefordshire Unitary Development Plan 2007

S1	-	Sustainable Developments
S2	-	Development Requirements
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
H1	-	Hereford and the Market owns: Settlement Boundaries and Established Residential Areas
H7	-	Housing in the Countryside Outside Settlements
H9	-	Affordable Housing
H10	-	Rural Exception Housing
H13	-	Sustainable Residential Design
H15	-	Density
H16	-	Car Parking
T11	-	Parking provision
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement

2.3 Supplementary Planning Guidance

Landscape Character Assessment 2004 (Updated 2009)

Biodiversity SPD

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 S120242/O: 17 affordable dwellings: Withdrawn 8 August 2012.

3.2 There were a series of applications for single dwellings on land adjacent Tupsley House during the 1980s and early 1990s. All were refused and several were subsequently dismissed at appeal.

4. Consultation Summary

- 4.1 Welsh Water: No objection subject to conditions to ensure that foul and surface water/land drainage is dealt with separately and that surface water is not allowed to connect to the public sewerage system.

Internal Council Advice

- 4.2 Traffic Manager: Although it is a concern that the proposed access to the existing highway is not in the applicant's control and that access is a reserved matter, Perrystone Lane is acceptable to serve the additional houses. A footway will be required on the north east side of Perrystone Lane to link the development with the existing footway outside No 27, and to the south of the access to join to the footpath link to Ledbury Road. These lengths will fall outside the red line of the application site and the applicant's ownership.

The principle of development is, however, acceptable subject to conditions. The location of the indicative access point will provide sufficient visibility in both directions, although the indicative layout does not demonstrate sufficient parking. A service strip or footway will be required around the turning head within the development.

- 4.3 Housing Needs and Development: No objection. Housing Needs and Development support the provision of affordable housing on this site and can confirm there is a significant requirement for affordable housing within the city. There are currently 4831 households registered for affordable housing within the County of Herefordshire and of that number the need for Tupsley/Hampton Bishop area is 52. Any planning permission will need to be subject to a S106 agreement to ensure that the houses are affordable in perpetuity with priority given to those with a connection to the Tupsley and Hampton Bishop areas.

- 4.4 Strategic Planning Manager: The current policy framework for consideration of this application is the Herefordshire Unitary Development Plan (UDP) and National Planning Policy Framework (NPPF). The site is located outside, but adjacent to the settlement boundary of Hereford city and therefore within open countryside in planning policy terms. As the requirements of policies H1 and H7 are not satisfied, the development is therefore contrary to UDP policies in respect of its location.

This position must, however, be considered in light of the NPPF and whether the affordable housing delivery target identified in the UDP has been fulfilled. Needs data suggests an ongoing need for affordable housing locally and within Tupsley. If the number of affordable housing units that have been delivered fall below the UDP target the development should be viewed in the context of the NPPF and the absence of a deliverable 5 year supply of housing land including a 5% buffer as required by paragraph 47 of the NPPF.

Owing to the lack of housing land supply paragraph 49 of the NPPF confirms that relevant housing supply policies of the UDP must be considered out of date. To resist sustainable housing development proposals on the basis of being contrary to policy H7 would not be defensible at appeal.

Conclusion

In the light of the Council's interim policy statement on housing land supply, the site may be considered appropriate for residential development depending on the requirement for affordable housing. The technical issues and any adverse impacts resulting from a proposal in this specific location need to be weighed against this.

- 4.5 Conservation Manager (Landscapes): The officer agrees with the conclusion of the submitted Landscape and Visual Impact Assessment that the site could accommodate some residential development without a significant negative impact. The officer is not, however, convinced that it is possible to fit the proposed 17 dwellings on the site in a high quality scheme that will

meet the NPPF requirements to add to the overall quality of the area, establish a strong sense of place, respond to local character and be visually attractive as a result of good architecture and appropriate landscaping. A balance should be struck between innovation, originality and initiative, while also promoting local distinctiveness.

- 4.6 Conservation Manager (Ecology): Objection: An application of this nature should be accompanied by an appropriate strategy to avoid harm to the nature conservation interests or provide adequate mitigation and compensation where harm is unavoidable. Some of the wildlife interest at the site has been damaged and I would expect an appropriate mitigation and compensation strategy to acknowledge the former as well as the current wildlife interest at the site.

It is not clear how the proposed wildlife area is to be enhanced or managed. In my opinion, this would not provide sufficient mitigation or compensation for the loss of the orchard habitat. If there is a need for an affordable housing scheme in this area of the city, I would have hoped that an alternative site could have been found. However, if alternative sites are not available and if this application is ultimately to be approved, I would expect to see a scheme that accommodated the retention of the remaining fruit trees – some of the remaining trees may be rare varieties. Also, a biodiversity off-setting scheme secured through a S106 agreement might go some way towards compensating for the loss of orchard habitat and would potentially comply with UDP Policies NC7, NC8 and NC9 as well as the NPPF.

If this application is ultimately to be approved I recommend the imposition of conditions to secure an appropriate mitigation and compensation strategy; this could be delivered off-site if it cannot be achieved on-site. I also recommend a condition to secure appropriate habitat protection and enhancement measures are accommodated on the site as well as a habitat management scheme for the proposed wildlife area; this should include protection of the hedgerows and remaining orchard trees as well as installation of bat and bird boxes on buildings and trees.

5. Representations

- 5.1 Hampton Bishop Parish Council: No response.
- 5.2 Hereford City Council (adjoining Parish): No objection.
- 5.3 Twenty-four letters and a one hundred and twenty-three signature petition of objection have been received from local residents. The content is summarised as follows:
- The site is a sensitive edge of city location. Development will blur the well-defined edge to the urban area;
 - Perrystone Lane is a narrow cul-de-sac not suited to the additional volume of traffic. Parked cars already present a danger to other road users and pedestrians and the proposal will exacerbate the problem;
 - The development will result in inconvenience and noise disturbance over a prolonged period;
 - The development will adversely affect privacy, amenity and outlook for the existing residents, many of whom have paid a premium to secure a tranquil setting overlooking open countryside;
 - The existing sewage infrastructure is already at capacity;
 - There must be alternative brownfield sites available?
 - The site has a history of planning refusals relating to its open countryside location;
 - The loss of ecological interest arising from the loss of orchard is not compensated for;
 - Overspill parking from Perrystone Lane already presents a problem on Ledbury Road near the brow of the hill. If adequate parking is not achieved on this site, the problem will worsen;

- The development is too dense for the site and is not needed in Tupsley;
- If there is a need for affordable housing it should not be at the expense of local residents and should be integrated more fully into existing communities for the sake of prospective and existing residents alike; not situated at the end of a cul-de-sac.

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 the determination of this application are:

- The principle of the development with regard to housing land supply and the NPPF;
- The impact of the proposal upon the local landscape;
- The impact of the proposal upon the safe use of the public highway;
- The impact upon biodiversity interest.

Principle

6.2 The scheme promotes 17 affordable dwellings on land outside but adjacent the Hereford City settlement boundary. As discussed at 4.4 the proposal is contrary to the provisions of the Unitary Development Plan in that it is not consistent with policies H7 or H10. No provision was made within the UDP for the release of sites adjacent to Hereford city as 'exceptions' sites on the basis that the demand for affordable homes would be met via the allocation of sites for housing within the settlement. However, the Council cannot currently demonstrate a 5-year supply of deliverable housing land and housing needs data provides clear evidence of an unmet and growing demand for both market and affordable homes within the county. The 4,831 households that are registered for affordable housing are those on the Homepoint waiting list.

6.3 Paragraph 47 of the NPPF refers to the need to 'boost significantly' the supply of housing by ensuring that Local Plans meet the objectively assessed need for market and affordable housing in the housing market area. Paragraph 49 states that housing application should be considered "in the context of the presumption in favour of sustainable development" and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot, as it the case in Herefordshire, demonstrate a five-year supply of deliverable housing sites.

6.4 Although under adopted UDP policies the site is located in the open countryside it is, in the context of a lack of housing land supply, considered sustainable in locational terms. It is immediately adjacent the settlement boundary and within short walking distance of a variety of local amenities. Given the overall lack of available housing land and objectively assessed need for affordable housing locally, officers attach significant weight to this matter and consider the principle of development acceptable.

6.5 The second main issue is the assessment of the proposed development on the local landscape and visual amenity. Within the Council's Urban Fringe Sensitivity Analysis the site forms part of the larger area between Aylestone Hill and Hampton Bishop, comprising the steep slope between the edge of the city and the Lugg meadows. This area is defined as having high landscape sensitivity.

- 6.6 This acknowledged sensitivity notwithstanding, the Conservation Manager (Landscapes) concludes that the site is capable of accommodating some development without significant negative impacts. Whilst the lack of detail with the application presents concerns as regards the precise nature, scale and quality of the development, officers conclude that 17 dwellings, the majority of which will be two and three-bedroom, could be accommodated at a density of 34 dwellings per hectare. With the mitigation measures described in the submitted LVIA, which include retention and enhancement of boundary hedgerows and the omission of development from the northern part of the site (which is most prominent in middle distance views), officers conclude that the site can be developed without significant adverse impact to the landscape.

Landscape Impact

- 6.7 On the second main issue officers accept that development of the site will result in a change of character to the landscape, but that this change is acceptable in terms of its magnitude and the mitigation measures proposed. This slight adverse impact is not considered sufficient to justify refusal of the development against the backdrop of strong and consistent advice in the NPPF to ensure the supply of housing to meet objectively assessed need.

Highway Safety/Access

- 6.8 The third main issue relates to vehicular access and highway safety. The vehicular access is proposed at a point opposite No.22 Perrystone Lane, which is itself accessed via Whittern Way. The grass verge over which access would be taken is in Council ownership. The applicant has served the requisite notice on the Council as landowner but has not yet secured a right of access over the land. This would need to be addressed by the applicant, but officers conclude that planning permission could reasonably be granted subject to a negatively worded condition preventing commencement of development until such time that the access has been constructed.
- 6.9 The Traffic Manager is content that the highway is wide enough to accommodate the additional traffic generated and that visibility from the intended point of access is sufficient. Officers do not consider the formation of a pavement from the north-side of the vehicular access to be necessary having regard to the lightly trafficked nature of the locality and the ready access to existing footways on the opposite side of Perrystone Lane. Subject to conditions, officers consider that the proposal can be safely accessed without undue detriment to existing road conditions. The proposal is considered to accord with saved UDP policy DR3. Concern in relation to the lack of parking provision can be addressed via planning condition and/or at the reserved matters stage.
- 6.10 The site was formerly an orchard. Orchard still exists to the north and further to the east, where it is managed by the Hereford Nature Trust. The Council's Ecologist has expressed concern at the loss of biodiversity habitat in the form of orchard tree removal, but accepts that some compensation can be made by planting within the northern part of the site. In addition the applicant has indicated the creation of a wildlife habitat on land immediately south-east of the application site. Although formal arrangements are yet to be made for future maintenance of this land, officers consider this can be secured through a S106 Agreement.
- 6.11 UDP Policy NC6 acts to protect priority habitats and species, but does make provision for instances where the reasons for the development clearly outweigh the need to safeguard the habitat. Likewise the NPPF seeks to enhance and conserve biodiversity, but does allow for the loss of habitat where the need for the development clearly outweighs the harm. In this instance, the removal of orchard trees from the site several years ago has reduced the biodiversity interest of the site and although this interest cannot easily be replaced, there are means by which compensation can be provided. In the context of the need for affordable housing the loss of the orchard is not considered to constitute a reason for refusal.

Other Matters

- 6.12 In the context of a history of planning refusals on the site, the concerns of long-time and recent neighbours to the site are acknowledged. Residents must have felt a reasonable degree of certainty that development on this site would be unlikely given the location in open countryside and the constant approach of the predecessor local planning authority during the 1980's and 90's. However, it is increasingly clear that housing targets will not be met without the release of land within sensitive parts of the urban fringe. The need for affordable housing has to be afforded significant weight in the determination process, particularly in the context of a shortfall in supply and that this site is available and deliverable in the immediate term.
- 6.13 Officers are satisfied that the impact upon the living conditions at neighbouring properties is acceptable. Although the loss of view is acknowledged, the impact upon the outlook from dwellings on Perrystone Lane will be mitigated by retention of the existing roadside hedge. There is also adequate room within the site to ensure that the distance between windows serving habitable rooms. Although officers acknowledge neighbours' concerns relating to living opposite a construction site, this is not a material planning consideration. It is however recommended that a planning condition be imposed restricting the hours during which construction work can take place.
- 6.14 Concerns have also been raised in relation to the capacity of the public sewer. Welsh Water recommends conditions to separate foul from surface water run-off but do not object to the development on the basis of public sewer capacity.
- 6.15 Concerns have been expressed in relation to water-logging of the site. The site is in Flood Zone 1, which is the classification least prone to fluvial flooding. A refusal on this basis could not be sustained.
- 6.16 Taking all material planning considerations into account, officers consider that the overriding consideration is the provision of affordable housing on a sustainable site in the context of an acknowledged shortfall in the supply of housing land for market and affordable housing. The application is therefore recommended for approval.

RECOMMENDATION

That subject to the completion of a Section 106 Agreement in accordance with the attached Heads of Terms, planning permission be granted subject to the following conditions:

- 1. The development shall not commence until approval of the 'reserved matters' has been obtained from the Local Planning Authority.**

Reason: To enable the local planning authority to exercise proper control over these aspects of the development in order to secure compliance with policies DR1 and H13 of the Herefordshire Unitary Development Plan.

- 2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**

Reason: Required to be imposed in accordance with Section 92 of the Town and Country Planning act 1990.

- 3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.**

Reason: Required to be imposed in accordance with Section 92 of the Town and Country Planning act 1990.

4. H03 Visibility splays
5. H06 Vehicular access construction
6. H18 On site roads - submission of details
7. H20 Road completion in 2 years
8. H21 Wheel washing
9. H26 Access location
10. H27 Parking for site operatives
11. G04 Protection of trees/hedgerows that are to be retained
12. G10 Landscaping scheme
13. G11 Landscaping scheme - implementation
14. I16 Restriction of hours during construction
15. I51 Details of slab levels

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, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. HN08 Section 38 Agreement & Drainage details
3. HN10 No drainage to discharge to highway
4. HN04 Private apparatus within highway
5. HN01 Mud on highway
6. HN15 Affected street lighting or illuminated signs
7. HN28 Highways Design Guide and Specification
8. HN05 Works within the highway

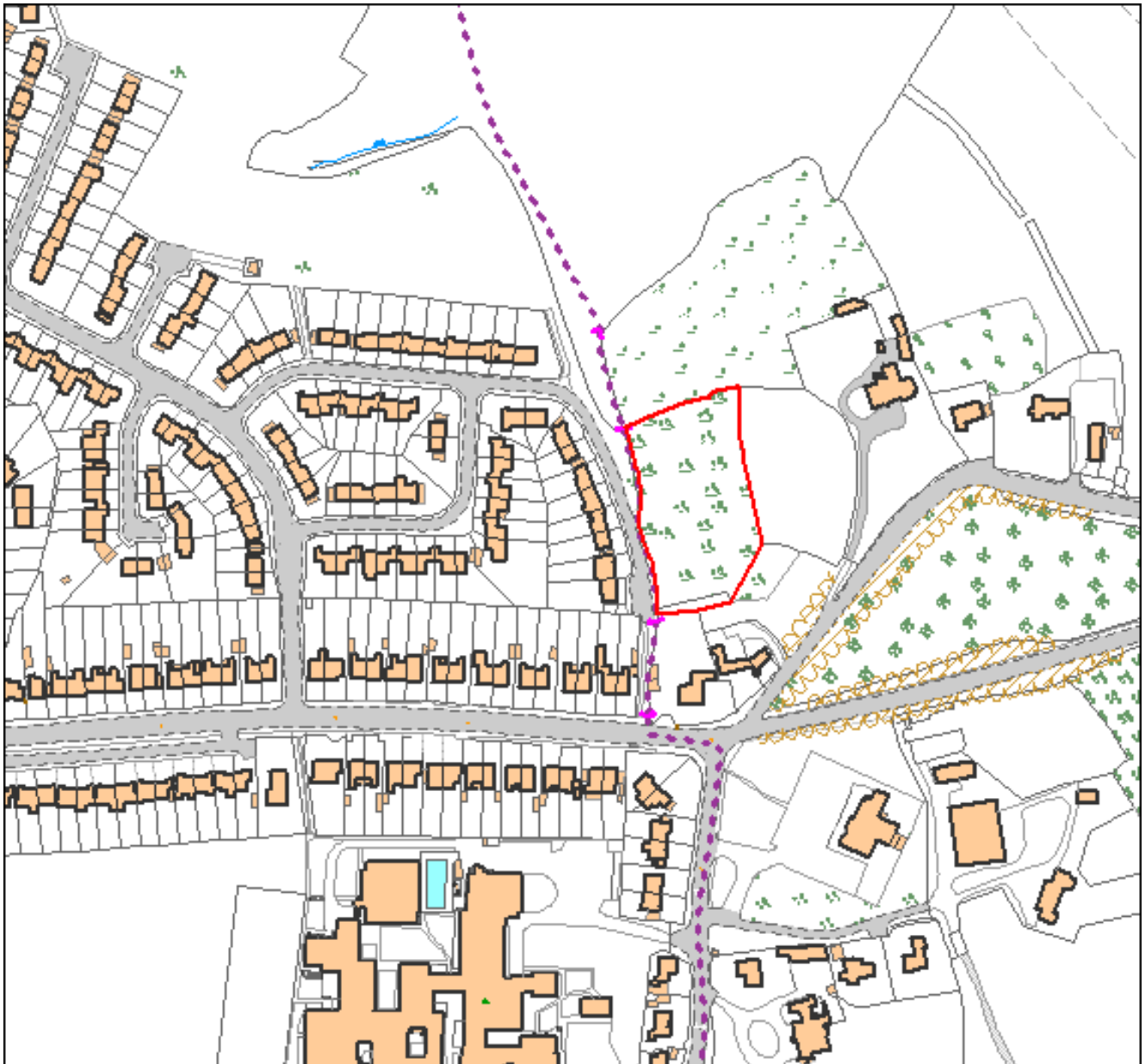
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 130541/O

SITE ADDRESS : THE PADDOCK OFF PERRYSTONE LANE, TUPSLEY, HEREFORD

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Further information on the subject of this report is available from Mr E Thomas on 01432 260479

HEADS OF TERMS PROPOSED PLANNING OBLIGATION AGREEMENT

Section 106 Town and Country Planning Act 1990

Planning Application – DMS130541/O

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1 April 2008

Construction of 17 affordable dwellings land at Perrystone Lane, Tupsley, Hereford

1. The developer covenants with Herefordshire Council to maintain and enhance the biodiversity interest of the site through the management of the undeveloped land edged in blue on the submitted layout plan the interests of nature conservation. The nature conservation plan shall ensure the land is managed in the interests of nature conservation and not used as garden or informal recreation space.
2. The developer covenants with Herefordshire Council that no dwelling erected on the Land will from the date hereof be occupied by anyone otherwise then strictly in accordance with the provision set out below:-
 - All dwellings erected or to be erected on the Land shall at all times be let and managed by a Registered Housing Association in accordance with guidance issued from time to time by the Homes and Communities Agency (or any other successor agency) with the intention that the affordable housing units shall not be used for any other purpose other than the provision of affordable rent and shared ownership.
 - Each dwelling shall be allocated to a person who is considered by the Registered Housing Association to be in need of such accommodation, registered with Home Point (or any successor agency) and has a strong local connection with

Firstly: The parish of Hampton Bishop or the Hereford City Ward of Tupsley
Secondly: The surrounding parishes of Hereford City, Lugwardine, Mordiford or Holme Lacy
Thirdly: Anywhere else in Herefordshire

- References in this schedule to a person having a strong local connection with the said parishes and areas are having a connection with the parish because:
 - a) the individual is, or in the past was, normally resident in that parish and that residence is or was of his own choice;
 - b) because the individual is employed in that parish;
 - c) because of family association; or
 - d) because of special circumstances
3. The developer shall pay the Council on the completion of the Agreement, the reasonable legal cost incurred by Herefordshire Council in connection with preparation and completion of the Agreement.
 4. 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.

Ed Thomas – Principal Planning Officer
July 2013

Further information on the subject of this report is available from Mr E Thomas on 01432 260479