

MEETING:	PLANNING COMMITTEE
DATE:	9 OCTOBER 2013
TITLE OF REPORT:	<p>131885/F - PROPOSED ERECTION OF 30 NO. NEW DWELLINGS INCLUDING 10 AFFORDABLE UNITS AND ASSOCIATED WORKS TO PROVIDE A NEW ACCESS AND ROAD AT SITE ADJACENT TO 4 VALENTINE COURT, CANON PYON, HEREFORD, HR4 8NZ</p> <p>For: G P Thomas & Son per Mr David F Baume, 41 Widemarsh Street, Hereford, Herefordshire, HR4 9EA</p>
WEBSITE LINK:	http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=131885&NoSearch=True

Date Received: 9 July 2013

Ward: Wormsley Ridge

Grid Ref: 346348,248579

Expiry Date: 8 October 2013

Local Member: Councillor AJM Blackshaw

1. Site Description and Proposal

- 1.1 The application relates to an area of 0.89 hectares of grazing land, and is a 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, public house, playing fields and village hall.
- 1.4 The application is made in full and is for the erection of thirty dwellings and is a revision to that previously refused by Planning Committee on 15 May 2013 in that it seeks to address the concerns raised about surface water drainage issues through the completion of a Surface Water Management Plan. The main substance of the application is otherwise the same as previously considered. The dwellings are a mix of 20 open market properties - 10 two bed, 8 three bed and 2 four bed - and 10 affordable dwellings - 6 two bed, 3 three bed and 1 four bed. The houses are predominantly semi-detached, with only the two four bed open market properties in the south western corner of the plot being detached. Each dwelling has its own

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

parking provision and half of the open market properties also include garages. The dwellings are all of brick construction, with some having rendered elements, and tiled roofs.

- 1.5 Vehicular access into the site is directly from the A4110. The plans show the construction of a minor road with a turning head within the site, the access from the A4110 being positioned approximately centrally on the road frontage. The requirement to provide appropriate visibility splays necessitates the removal of the roadside hedgerow. The plans propose to reinstate a new hedgerow behind the visibility splays with a new 2 metre wide footpath behind the hedge and thus separated from the road, to recreate the existing situation.
- 1.6 The development is arranged with frontage development facing onto the A4110, with further development arranged around the new access road behind. Each of the properties has gardens to front and rear with the precise details of boundary treatments to be agreed should planning permission be forthcoming. The mature hedgerow that forms the western boundary of the site is to be retained.
- 1.7 The application relies on the ecological survey previously undertaken for the earlier proposal determined by committee in 2012. This concluded that there were no significant ecological issues which would be adversely affected by the development of the site. The application also includes a Draft Heads of Terms Agreement to set out contributions towards highway, education, open space and sports facilities improvements, a contribution towards library services and waste and recycling facilities, and also to agree the terms of the provision of affordable housing on the site. A copy is attached as an appendix to this report.

2. Policies

2.1 National Planning Policy Framework

The following sections are of particular relevance:

Introduction	-	Achieving sustainable development
Section 6	-	Delivering a wide choice of high quality homes
Section 7	-	Requiring good design
Section 8	-	Promoting healthy communities
Section 11	-	Conserving and enhancing the natural environment

2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
H4	-	Main villages: settlement boundaries
H7	-	Housing in the countryside outside settlements
H10	-	Rural exception housing
H13	-	Sustainable residential design
H15	-	Density
H19	-	Open space requirements
T8	-	Road hierarchy
NC1	-	Biodiversity and development
NC6	-	Biodiversity Action Plan priority habitats and species
NC7	-	Compensation for loss of biodiversity

2.3 Herefordshire Local Plan Core Strategy

- SS1 - Presumption in favour of sustainable development
- SS2 - Delivering new homes
- SS3 - Releasing land for residential development
- SS4 - Movement and transportation
- SS6 - Addressing climate change
- RA1 - Rural housing strategy
- RA2 - Herefordshire's villages
- H1 - Affordable housing – thresholds and targets
- H3 - Ensuring an appropriate range and mix of housing
- OS1 - Requirement for open space, sports and recreation facilities
- OS2 - Meeting open space, sports and recreation needs
- MT1 - Traffic management, highway safety and promoting active travel
- LD1 - Local distinctiveness
- LD2 - Landscape and townscape
- LD3 - Biodiversity and geodiversity
- SD1 - Sustainable design and energy efficiency
- SD3 - Sustainable water management and water resources
- ID1 - Infrastructure delivery

2.4 Neighbourhood Planning

Pyons Group Parish Council has successfully applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed on 26 July. The Parish Council will have the responsibility of preparing a Neighbourhood Development Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this early stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy.

- 2.5 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 130166/F - Proposed erection of 30 no. new dwellings including 10 affordable units and associated works to provide a new access and road - Refused 15 May 2013 for the following reasons:

1. The site is within the countryside outside of the settlement boundary for Canon Pyon as defined in the Herefordshire Unitary Development Plan. The development does not satisfy any of the exception criteria within Policy H7 and therefore the development is contrary to this policy. The development is also considered to adversely impact upon the visual character of the area and therefore, notwithstanding the current deficiency in the supply of housing land, the adverse landscape impact is considered to outweigh the benefits of the development. Consequently, the development is contrary to Policies DR1, H4, H7 and DR13 of the Herefordshire Unitary Development Plan and advice within the National Planning Policy Framework.
2. The proposal fails to reinforce the distinctive character or appearance of the locality due to its layout and density, creating a suburban road frontage in a rural village, contrary to Policies DR1, H13 and H15 of the Herefordshire Unitary Development Plan and advice within the National Planning Policy Framework.

3. The site is prone to waterlogging and surface water flooding and the applicant has failed to demonstrate how adequate provision can be made for the disposal of surface water contrary to Policies DR1 and DR4 of the Herefordshire Unitary Development Plan.
4. The scheme fails to make adequate provision of outdoor play space and is contrary to Policy H19 of the Herefordshire Unitary Development Plan.
5. The application is not accompanied by a completed Section 106 Agreement considered necessary to make the development acceptable and is therefore contrary to Policy DR5 of the Herefordshire Unitary Development Plan and the Council's Supplementary Planning Document on Planning Obligations.

3.2 N111770/F - Erection of 14 no. affordable homes on greenfield site including required access and services – Refused 1 February 2012.

3.3 77/0627 - Erection of one bungalow - Refused.

3.4 75/0605 - Erection of one bungalow - Refused.

3.5 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.

3.6 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.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water - No objection subject to the imposition of conditions.

Internal Council Consultations

4.2 Head of Strategic Planning & Regeneration - As Council cannot demonstrate a five year housing supply, an interim policy position was adopted by Council in July 2012 and allows some exemption to Policy H7 to enable housing development on suitable strategic and sustainable sites which have been assessed in the SHLAA as having none or minor constraints.

The subject site was assessed as part of a larger site in the Strategic Housing Land Availability Assessment (O/cp/001) and was assessed as having 'Minor Constraints.' The assessment detailed that the site was suitable, available and achievable for development during the plan period, and that although the site would result in linear development, this is not detrimental as a development would connect the satellite housing development further south. Taking this into account, the subject site is of suitable size and of a sustainable location to enable this site to be considered under the interim policy position.

The draft Core Strategy is currently at pre-submission stage, having been approved by Full Council on the 19 July 2013 as representing the preferred strategic planning document of Herefordshire for the next 20 years ending 2031. Although the Core Strategy has not proceeded to the final 'soundness stage' before examination, policies within the Core Strategy

can begin to be accorded weight dependent on contestation of the policies in the determination of planning applications. It should be noted that the Core Strategy continues to recognise Canon Pyon as a sustainable settlement which is capable of taking further residential growth.

- 4.3 Transportation Manager - No objection subject to the imposition of conditions.
- 4.4 Land Drainage Officer - It is proposed that SuDS is used for surface water drainage and there are no objections raised on the principle of flooding or drainage grounds, subject to the approval of the SuDS before development commences.
- 4.5 Parks & Countryside Manager - No objection to the proposal subject to the provision of financial contributions for the improvement of existing children's play facilities and sports provision within the village as specified in the accompanying Draft Heads of Terms Agreement.

5. Representations

5.1 Pyons Group Parish Council comment as follows:

- The site has been rejected for development twice recently, and on repeated occasions in previous years. It fails to fit in with the objectives of the Group Parish Council in developing the village from the centre near all the facilities.
- This scheme is identical in all its main elements to that refused in May 2013. However, we are pleased that the developers have now accepted there is indeed a serious problem with flooding, contrary to the position they have previously maintained. The Group Council remains concerned, and fears that the new system may produce no benefit, since the water is retained on a proven impermeable site. We would ask for, and expect an independent analysis of this new system to be conducted.
- The development is against Draft Core Strategy policy RA2.1 "reflecting the size of the village."
- The scheme is site led, and not in response to housing need, contrary to the Draft Core Strategy (page 144).
- It is a form of unacceptable ribbon development, when the Group Council is working to develop from the hub outwards. This application would compromise all the work done, and its future planning.
- The design with a street frontage of 16 houses is urban and cramped and does not reflect the rural setting, and is against Draft Core Strategy policy RA2.3 "Character of the village" and policy H2.3 "Respecting characteristics of the surroundings".
- It fails to meet Draft Core Strategy policy H3.3 "Elderly housing"; housing surveys and frequent contacts with the Parish Council show a continuing demand for bungalows.
- The Parish Plan has been analysed by Herefordshire Council and Pyons Group Parish Council is in the process of producing a Neighbourhood Plan. It has a clear view of the future for the village, embracing localism and frequent consultations, neither of which have featured at any stage with the proposed scheme.
- This is the third time we have placed the same argument before the Planning Committee and twice the application has been rejected. Nothing has changed; this new proposal scarcely differs from those turned down. An approval at this stage would therefore undermine the democratic process and the endeavours of the Group Parish Council to represent all of its residents

- 5.2 CPRE - Except for the addition of a Hydrologist's report, the present application appears to be identical to the previous one refused by Planning Committee on 15th May. Attention is drawn to the fact that the report confirms that the ground conditions are not conducive to the use of

traditional soakaway systems. Their correspondence then suggests that the suggested product solution should be independently evaluated if it is to be considered.

CPRE submit that it is impossible to argue that development on this site is necessary. Therefore it should not be allowed because of the known and demonstrable risk of flooding and an objection is maintained.

5.3 Letters of objection have been received from ten local residents. In addition a petition objecting to the application with 83 signatures has also been received. In summary the points raised are as follows:

- Canon Pyon is a traditional rural village. The addition of 30 houses on the proposed site is too much for such a small village to absorb without compromising the integrity of the village.
- The site layout and density may be appropriate for urban areas but is not in keeping with a rural village such as Canon Pyon. This is further exacerbated by the poor quality of design.
- The current proposal does not reflect the rural nature of the surroundings.
- The site is not within the village boundary.
- There are no prospects of employment within the village
- The public transport network will not support the additional residents for getting to and from work. Residents will be dependent upon private modes of transport, therefore increasing the traffic volumes through the village.
- Removal of the existing footpath and hedge to make way for the development would severely impede villagers from the south end of the village in walking to the shop.
- The site is distant from the existing play area in the village and the failure to make an on site provision is contrary to Policy H19 of the Herefordshire Unitary Development Plan.
- The mix of affordable housing does not reflect the need identified by the Housing Needs Survey.
- The land is prone to flooding during periods of heavy rainfall and its development will exacerbate existing surface water runoff issues.

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 Many of the points raised in objection to this application are matters that were previously considered by Planning Committee when it refused application reference 130166/F. That application is now the subject of an appeal by informal hearing and is due to be heard on 20 November 2013. This report concentrates on the five reasons for refusal and considers whether they have either been addressed, or if there are other material considerations that are likely to lead to a different outcome.

6.2 The previous report to Planning Committee detailed the shortfall in the Council's five year housing land supply. Although the Core Strategy continues to move forward, the position remains that a five year supply is lacking. Recent appeal decisions across the country make the Government's position clear on this matter that greater weight will be given to Paragraph 49 of the NPPF which stipulates that relevant policies concerning the supply of housing land

should not be regarded as up to date if a five year land supply cannot be demonstrated. In view of this, there is a requirement to release further land for housing that is deliverable within the next five years and is sustainable. This has also been confirmed by the recent appeal decision for 35 dwellings at Kingstone where the Inspector made clear that there need be no objection to the principle of development outside the defined development boundary.

- 6.3 There remains a requirement for the development to accord with other relevant UDP policies and NPPF guidance but in terms of the principle, if the development is acceptable in all other respects, the conflict with UDP policy H7 is not a reason for refusal of the application that could be sustained and therefore the substantive part of the first reason for refusal under application reference 130166/F fails.
- 6.4 The application is largely the same as that previously refused with the layout, housing types and numbers all unchanged. The main difference is that the applicant has commissioned a report to investigate the issues raised about surface water flooding. Three test pits were dug at regular intervals across the site and were surveyed in accordance with an accepted methodology produced by the Building Research Establishment. The report concludes that the rate of water infiltration is too slow for the use of a traditional soakaway. It acknowledges that the existence of a high water table could limit the efficiency of such a system in periods of heavy rainfall. However, the report identifies a technical solution to address the issue; a series of box conduit soakaways which retain large volumes of water during periods of heavy rainfall, releasing it over a prolonged period. The report concludes that the product can be fitted at shallow depths, close to dwellings and immediately beneath patios and other areas of hard standing. They are also capable of being installed at relatively shallow depths, above the water table in more permeable ground layers. It also recognises that the majority of hard surfaces across the development are to be formed with permeable materials and considers that, if the recommendations of the report are followed, then surface water runoff from the site will not be increased, and potentially reduced.
- 6.5 The contents of the report have been considered by the Council's Land Drainage Engineer who has concluded that, subject to the implementation of a sustainable drainage system such as that identified in the report, the proposal is acceptable. These findings offer the independent assessment of the report that the parish council and others request, and it is concluded that, subject to the submission of a detailed scheme, this technical matter identified in the third reason for refusal can be satisfactorily be addressed in accordance with policy DR4 of the UDP.
- 6.6 The Council's Parks and Countryside Officer has confirmed that a financial contribution towards the upgrading and improvement of the existing play equipment within the village is their preferred option, rather than to seek the provision of on-site facilities. The continued improvement of a single facility for the whole of the village allows for more effective management, provides a more meaningful play area for all ages and is more accessible to the community as a whole, rather than making a series of smaller on-site provisions for infants and small children. The applicant has confirmed their acceptance of the contribution in the Heads of Terms Agreement. In light of the advice from the Parks and Countryside Officer it is not considered that the fourth reason for refusal can be sustained and, subject to the contribution outlined in the Heads of Terms Agreement, the proposal is compliant with policy H19 of the UDP.
- 6.7 The application includes a Draft Heads of Terms Agreement to set out contributions towards highway, education, open space and sports facilities improvements, a contribution towards library services and waste and recycling facilities, and also to agree the terms of the provision of affordable housing on the site. Contributions will be spent locally in consultation with the parish council. As part of the appeal process the applicant is required to submit a draft Section 106 Agreement prior to the hearing. If planning permission were to be forthcoming

through this permission it is recommended that the Section 106 Agreement is completed, thus satisfying the fifth reason for refusal.

- 6.8 It is therefore your officer's view that the only outstanding issue relates to the design and layout of the proposal and its impact upon the character and appearance of the village as outlined in the second reason for refusal.
- 6.9 Canon Pyon is an established village that has experienced steady growth over the past 50 years, with Meadow Drive and Valentine Court to either side being clear examples of this. Whilst the site is an area of open pasture land, it is well related to the present developed area of the village, falling between the two developments referred to above and it is therefore considered that the proposed development would not be unduly conspicuous or obtrusive in the landscape.
- 6.10 Some of the objectors have expressed the view that a development of 30 houses would be disproportionate and too big a scheme seen in the context of surrounding development. The housing policies of the UDP do not seek to control the scale of new development against an historic rate of development averaged out over time; what is more relevant is what is seen to be the present character of the site and its surroundings.
- 6.11 The village does not have a strong architectural identity other than its linear form. The site has a long road frontage and limited depth. In order to make the best use of the land available it is logical for any development to be influenced by these characteristics. The proposed development is not of a high density with 30 dwellings on 0.9 hectares, equating to 33 dwellings per hectare. Each property has its own parking provision and good sized gardens, the majority having a length of at least 10 metres. All of the facilities required can be provided and, moreover, the retention of hedgerow along the western boundary with open countryside beyond, will serve to give a sense of space and enclosure. The proposal is compliant with Policy H15 of the UDP.
- 6.12 It remains your officer's view that in order for any development to be properly integrated with the village it should address the main road and contribute to the street scene rather than creating a cul-de-sac that is inward looking. The concerns that the proposal will have a suburban appearance will be mitigated by the retention of a hedgerow immediately behind the visibility splay, and variations in the appearance of the dwellings could be extended further through a variation in brick types and could be agreed through the imposition of an appropriately worded condition.
- 6.13 Although the detailed design of the proposal has not been amended since the previous refusal, your officer's remain of the view that they originally expressed that the proposal is appropriate in respect of the character and appearance of its surroundings, and thus is compliant with policies DR1 and H13 of the UDP, and Chapter 7 of the NPPF in requiring good design.
- 6.14 No objections have been raised by the Council's Highway Engineer. The A4110 is perfectly straight at this location and visibility is potentially very good, subject to the removal of the hedgerow. The plans now proposed have taken account of the concerns of local residents and the hedge is to be re-planted between the road and a new 2 metre wide footpath. The footpath will be positioned further away from the road as a consequence and its widening is considered to be of significant benefit as it is currently rather narrow. The proposal is considered to accord with Policies DR3 and T8 of the UDP.
- 6.15 In conclusion, the proposal is considered to be acceptable. It has been demonstrated that the previous reasons for refusal relating to drainage, on site play provision and lack of a Section 106 Agreement have been addressed. Appeal decisions elsewhere have confirmed the view that has been consistently held that policy H7 of the UDP is out of date and that the lack of a

five year housing land supply means that there can be no objection to the proposal as a matter of principle. Canon Pyon is a sustainable settlement and has a good range of local services and access to public transport facilities. The scheme is considered to accord with policies S1, DR1 and H13 of the UDP and the guiding principles of the NPPF in this regard. The proposal demonstrates that a safe means of access with appropriate visibility splays in either direction can be provided and is compliant with policies DR3 and T8 of the UDP.

- 6.16 Your officer's remain of the opinion that the design has been influenced by the characteristics of the site and that the strong road frontage development is reflective of and complementary to the character and appearance of the village. The proposal accords with policies DR1 and H13 in this regard and consequently the application is recommended for approval.

RECOMMENDATION

That officers named in the scheme of delegation be authorised to issue planning permission subject to:

- 1. The completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report.**
- 2. The conditions set out in this report and any varied or additional conditions considered necessary by officers:**
 - 1. A01 Time limit for commencement (full permission)**
 - 2. B01 Amended plans**
 - 3. C01 Samples of external materials**
 - 4. F16 No new windows in specified elevation**
 - 5. G04 Protection of trees/hedgerows that are to be retained**
 - 6. G10 Landscaping scheme**
 - 7. G11 Landscaping scheme - implementation**
 - 8. H03 Visibility splays**
 - 9. H09 Driveway gradient**
 - 10. H11 Parking - estate development (more than one house)**
 - 11. H13 Sustainable Residential Design**
 - 12. H18 On site roads - submission of details**
 - 13. H21 Wheel washing**
 - 14. H27 Parking for site operatives**
 - 15. I16 Restriction of hours during construction**
- 16. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works in accordance with the Surface Water Management Report dated June 2013 has been submitted to and approved in writing by**

the Local Planning Authority. The approved scheme shall be implemented before the first occupation of the development hereby approved.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and other material considerations, including 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. I05
3. I07
4. I09
5. I11
6. I45

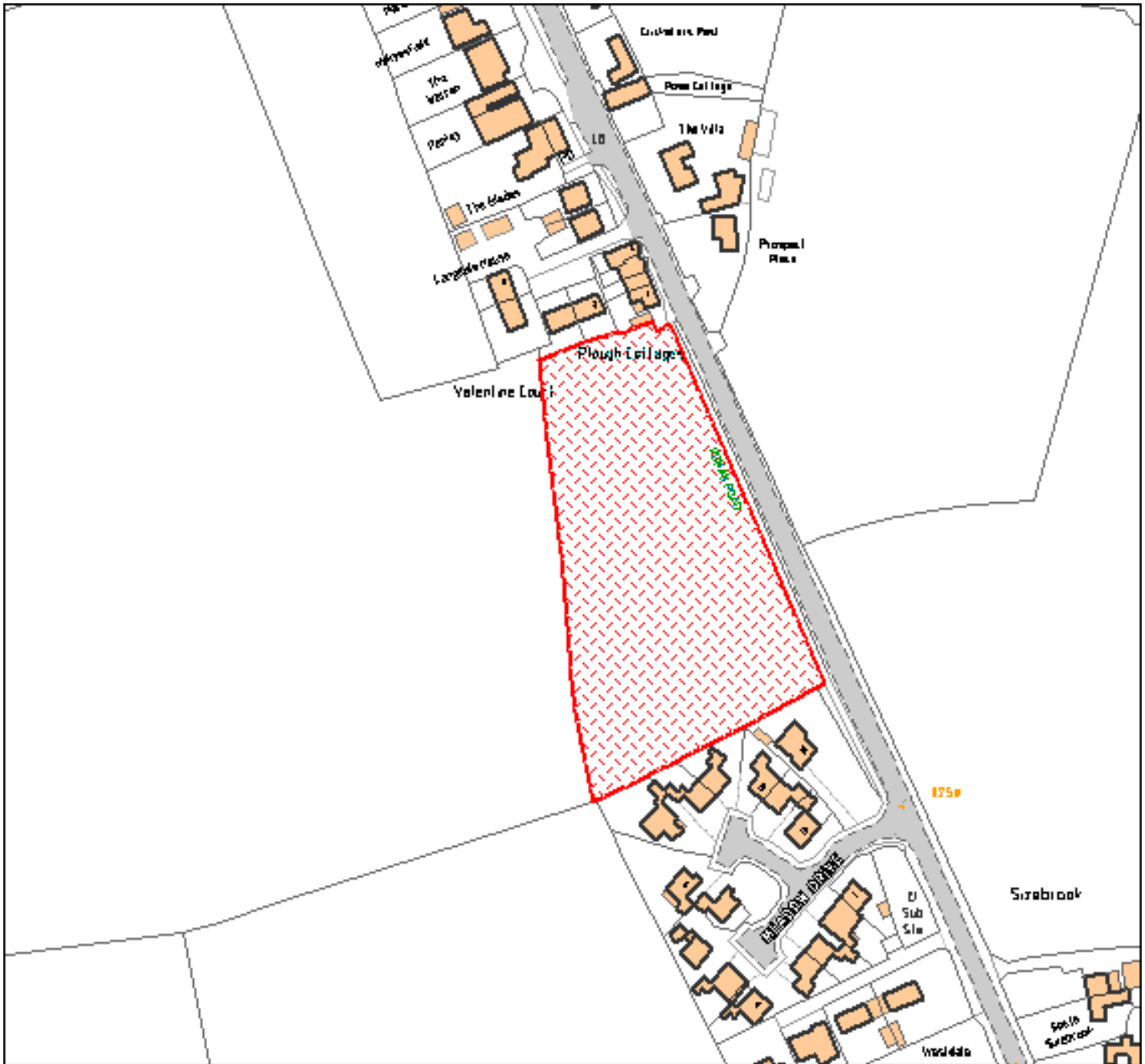
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 131885/F

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