

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>20 NOVEMBER 2013</b>
<b>TITLE OF REPORT:</b>	<p><b>131680/F - PROPOSED ERECTION OF 12 AFFORDABLE DWELLINGS, COMPRISING A MIXTURE OF 2 AND 3 BED HOUSES ON LAND OFF TUMP LANE AT TUMP LANE, MUCH BIRCH, HEREFORDSHIRE, HR2 8HW</b></p> <p><b>For: Markey Builders (Gloucester) Ltd per BM3 Architecture Ltd, 28 Pickford Street, Digbeth, Birmingham, West Midlands B5 5QH</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=131680">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=131680</a>

**Date Received: 19 June 2013**

**Ward: Pontrilas**

**Grid Ref: 349582,230469**

**Expiry Date: 18 September 2013**

Local Member: Councillor BA Durkin (pending by-election)

## **1. Site Description and Proposal**

- 1.1 The site comprises 0.39 hectares of agricultural land. It adjoins the western boundary of a development of red brick faced dwellings that incline eastwards from this boundary, along the northern side of Tump Lane. This classified road (C1264) links Wormelow and the A466 road to the west and the A49(T) up hill from the site. The application site inclines north eastwards from Tump Lane. The roughly rectangular site will step up the slope at a gradient of roughly 1 in 13. There is existing hedgerow on the eastern boundary adjoining existing properties. There is a line of trees and hedgerow between 30 to 40 metres north of the northern boundary of the site. The southern boundary of the site is defined by an existing ditch and culvert which is on the line of a hedgerow heading north westwards from Tump Lane. A public footpath follows the line of an existing hedgerow, but is wholly outside of the application site.
- 1.2 This is a fully detailed application for 12 affordable dwellings. These dwellings will be in 6 pairs of semi-detached dwellings in two house types, which have 2 (Type A) and 3 (Type B) bedrooms. Three pairs of the Type A dwellings (Plots 1-6) are sited close to the proposed access point onto Tump Lane. One pair is aligned north to south and the two other pairs are aligned east to west. There is a gap of 20 metres between the two dwellings facing Tump Lane (plots 5 and 6) and a pair of dwellings (plots 7 and 8) further up slope. The site on the opposite side of the spine road from these two plots (7 and 8) comprises parking bays for plot 7 and two spaces for plots 11 and 12 which are Type B, 3 bedroom properties and informal open space area. Plots 9,10,11 and 12 are the most elevated pairs of dwellings on the site. The 12 dwellings will be finished in a red brindle facing brick under grey coloured concrete tile roofs.
- 1.3 There will be 20 allocated spaces for the twelve semi-detached properties together with 6 visitor spaces. Each dwelling will have a dedicated cycle storage shed.

- 1.4 An existing foul sewer that crosses the site will be replaced by a new one that will follow the line of the spine road serving the cul-de-sac development before it leads westwards towards Wormelow.
- 1.5 The access point joining Tump Lane will have visibility splays of 2.4 metres by 39.5 metres onto this classified road.
- 1.6 The application was accompanied by an Extended Phase 1 Habitat Survey, a Statement of Community Involvement, a Flood Risk and Drainage Strategy, accident data and automatic classified count, a Design and Access Statement and draft Planning Obligation/Section 106 Agreement.

## 2. Policies

### 2.1 National Planning Policy Framework (NPPF)

The following sections are of particular reference:

- 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 (HUDP)

- S1 - Sustainable Development
- S2 - Development Requirements
- S3 - Housing
- S6 - Transport
- S7 - Natural and Historic Heritage
- S8 - Recreation, Sport and Tourism
- S11 - Community Facilities and Services
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR4 - Environment
- DR5 - Planning Obligations
- DR7 - Flood Risk
- H7 - Housing in the Countryside Outside Settlements
- H9 - Affordable Housing
- H10 - Rural Exception Housing
- H13 - Sustainable Residential Design
- H15 - Density
- H16 - Car Parking
- H19 - Open Space Requirements
- LA2 - Landscape Character
- LA3 - Setting of Settlements
- LA5 - Protection of trees, woodlands and hedgerows
- LA6 - Landscaping Schemes
- NC1 - Biodiversity and Development
- NC8 - Habitat Creation, Restoration and Enhancement
- T6 - Walking
- T7 - Cycling
- T8 - Road Hierarchy

- T11 - Parking Provision
- RST4 - Standards for Outdoor Playing and Public Open Space
- W11 - Development and Waste Implications
- CF2 - Foul Drainage

## 2.3 Supplementary Planning Documents

Landscape Character assessment  
 Planning Obligations  
 Design  
 Biodiversity and Development

## 2.4 Herefordshire Local Plan – Core Strategy 2011-2031 (draft)

- SS1 - Presumption in favour of sustainable development
- SS2 - Delivering new homes
- SS4 - Movement and transportation
- H1 - Affordable housing- thresholds and targets
- H2 - Rural exception sites
- RA2 - Herefordshire’s villages
- MT1 - Traffic management, highway safety and promoting active travel
- LD1 - Landscape and townscape
- LD2 - Biodiversity and geodiversity
- SD1 - Sustainable design and carbon efficiency

## 2.5 Other Guidance

Strategic Housing Land Availability Assessment  
 Annual Monitoring Report

## 2.6 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council’s website by using the following link:-

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

## 3. Planning History

3.1 None identified

## 4. Consultation Summary

4.1 Welsh Water

Welsh Water state that conditions should be attached requiring the separation of foul and surface water discharges. Welsh Water states further that the developer needs to engage with the statutory body at an early stage. No problems are envisaged for the treatment of domestic discharges from the site.

Welsh Water also states that a water main crosses the site and that it may be possible to divert this water main, the cost of which would be borne by the developer

### Internal Council Advice

4.2 Transportation Manager: I recommend refusal - This is as regards highway safety. The proposal is not sustainable given the lack of sustainable transport links. There is also a lack of a pedestrian/cycle link. Tump Lane is also too narrow to provide a footpath. An all weather

footpath of a lower standard maintained by the housing association on the applicant's land, could be acceptable. However, there is a lack of sustainable linkages that would result, with the increase in traffic, in a conflict between pedestrians and traffic that is not acceptable.

- 4.3 Conservation Manager (Landscapes): No visual impact assessment has been carried out. Proposal constitutes an extension of built development into open countryside. No existing field boundary to contain this impact or assist in integrating it into wider landscape. Although development viewed against existing development, it will not appear as a natural extension. Also landscape proposals will not overcome this negative impact. Landscape has not informed proposals and therefore not supported and mitigation proposed is not appropriate.
- 4.4 Conservation Manager (Ecology): No objections as regards the mitigation for biodiversity and enhancement. Should application be approved, recommend further hedgerow planting and conditions relating to the production of a habitat and enhancement scheme.
- 4.5 Housing Manager: Supports application. There is an identified need in Much Birch and in surrounding parishes.
- 4.6 Public Rights of Way Manager has no objections

## **5. Representations**

- 5.1 Much Birch Parish Council state:

The Much Birch Parish Council does not object, in principle, to this application but would be seeking conditions to be applied as described below.

If the Planning Department are minded to approve the application then the Much Birch Parish Council would be seeking the imposition of four specific conditions to safeguard residents and road users :-

- 1) The reduction in speed limit for the entire length of the road known as Tump Lane from 40 mph to 30 mph
- 2) The imposition of a vehicular maximum weight of 17.5 tonnes
- 3) The installation of a pavement to enable safe pedestrian use for its entire length, paying particular note to information that the applicant/owner also controls land on the opposite side of Tump Lane
- 4) That there be a restriction on any future proposed additional development that may seek to use the access point of this development

- 5.2 7 letters of objection have been received together with 2 letters from Herefordshire CPRE. In summary the points raised are as follows:

- Additional traffic on Tump Lane passing residents walking to school
- Access to left restricted by bank and parked cars
- Traffic count carried out during Easter holidays and counter down slope from site thereby missing a lot of A49(T) bound traffic
- Campaigned for 20 years for footpath for benefit of elderly residents and school children
- Without footpath along length of Tump Lane intolerable, residents isolated now.
- Schools, pubs, doctors surgery, churches shop, recreational ground and bus-stops are all within walking distance
- Tump Lane used as a short cut by heavy traffic (e.g Pontrilas Timber and Allensmore Feed Mill) –conflict now with pedestrians using road with limited footpaths
- Additional traffic from Pilgrim Hotel joins Tump Lane, as traffic cannot directly access A49(T)
- A49 junction a death trap. Son knocked down
- Not infill as required by legislation

- Extension of built development into open countryside, on land farmed for many years
- Loss of hedgerow
- Understand newts cross road from site, ecological survey not comprehensive
- No garages irresponsible given incidents of theft in the locality
- Poor drainage and no capacity for mains drainage

5.3 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](http://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 considerations in the determination of this application are as follows:

- 1) The Principle of the development, the NPPF and housing land supply
- 2) Highway safety and pedestrian access
- 3) Landscape Impact
- 4) Drainage
- 5) Biodiversity
- 6) Conclusion

### The Principle of Development, the NPPF and housing land supply

- 6.2 There is a general presumption in favour of sustainable development at the heart of the NPPF and applications for housing should be considered in this context. The proposal would serve to boost the supply of housing available in Herefordshire and whilst this proposal also meets a quantifiable and established need for affordable housing in Much Birch and adjoining parishes. The Herefordshire Unitary Development Plan (HUDP) encourages the provision of affordable housing within or adjoining established rural settlements, in this instance Much Birch. Policy H10 also requires that sites are within reasonable access to facilities and where possible public transport. This is also a requirement in Policy H13 of HUDP. New residential development will also need to respect the landscape context of the site, not give rise to problems relating to foul and surface water drainage and not have an adverse impact on biodiversity.
- 6.3 This proposal will satisfy an identified local housing need as required by Policy H10, and is considered to be appropriate in scale and character having regard to the established residential context of Much Birch. It is considered that the erection of pairs of red brick semi-detached dwellings reflects the layout of existing terraces of red brick dwellings up slope from the site. Therefore, given that a quantifiable need for affordable housing has been demonstrated for a site adjacent to a smaller settlement this proposal can be reasonably considered as a rural exception site.
- 6.4 The key issue and area of conflict is considered to be whether or not the location of the dwellings allows for reasonable access to services and facilities such as the school and surgery along the A49(T) and the public house, shop and post office to the west on the A466 road, in Wormelow. More detailed consideration of this issue is set out below.

## Highways safety and Pedestrian Access

- 6.5 This is the issue that has generated most of the representations and is the focus of Much Birch Parish Council's response. It is evident that the development will generate traffic that will use Tump Lane and whilst it is considered that the C1264 is capable of taking additional traffic via a new access point onto the road, the additional use of Tump Lane, will as the Traffic Manager confirms have consequences for existing pedestrians using the road to use the bus-stop, school and GP surgery close to the A49(T) or the bus-stop on the A466, the village shop and post-office in Wormelow. The issue of concern is not one of walking distance to these services, but the lack of a safe walkable route along Tump Lane. There is a narrow footpath adjoining the road in front of the post war housing and towards the top of Tump Lane as it bends before joining the A49(T). However, aside from this provision which would appear to have been provided in conjunction with the associated residential development, there is little refuge for pedestrians and cyclists from vehicles using this narrow road which is also characterised by limited forward visibility in places given the alignment of the road. The lack of a safe pedestrian link has been raised by both local residents and the Parish Council. Notwithstanding that the Traffic Manager has highlighted a possible means of providing an informal footpath link, this does not form part of the submitted application and as such only the merits of the scheme submitted can be reasonably considered. The requirement that residential development is sustainable in this respect is reflected in the NPPF, Paragraph 17 requires proposals to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are, or can be made sustainable.
- 6.6 The matters raised by the Parish Council in relation to the introduction of a speed limit and weight restriction on Tump Lane are not matters that fall within the remit of this planning application, as they could not be made the subject of a planning condition. However, the recommendation that a footpath be provided, is considered appropriate and is echoed by the Traffic Manager. The lack of a footpath link is considered to render this proposal unsustainable and detrimental to highway safety. Accordingly whilst it is a matter of judgement as to whether the identified need for affordable housing in the Parish would outweigh this deficiency, officers do not consider this to be the case, judging the proposal to be contrary to Policies S1, DR1, DR3, H10 and H13 of the HUDP.

## Landscape Impact

- 6.7 The Conservation Manager (Landscapes) has raised specific concerns about the limited supporting information demonstrating that the proposal has been informed by consideration of the landscape and the inherent difficulties of effectively integrating it given the lack of existing landscape features along the site boundaries. The issue is also raised in representations from local residents and the CPRE which is focused on the relationship of the new development to the mix of modern housing up slope from the site and later twentieth century housing set further back from Tump Lane. As referred to above this is particularly problematic given that the new houses are not contained within established hedgerow boundaries with the only hedgerow boundaries relating to the site being on the eastern side, distantly to the north and partially along the southern boundary. Notwithstanding this, the new dwellings will be viewed from the west and south west against the existing dwellings located immediately up the slope from the site towards the A49(T). This factor together with the ability to secure more hedgerow/tree planting through conditions is such that it is considered that satisfactory mitigation can be provided for the site, with any residual landscape impact being outweighed by the significant benefits associated with delivering much needed affordable housing within the parish. Therefore, the proposal subject to further landscaping in the form of hedgerow/tree planting is considered to have appropriate regard to Policies DR1, LA2, LA5 and LA6 of the HUDP.

## Drainage

6.8 Drainage has been identified as a local concern. However, as confirmed by Welsh Water there are not considered to be grounds for resisting development given the ground conditions and the means of disposal available. It is evident that the applicants are aware of existing drainage across the site and this has informed the approach which has been adopted. An approach that is supported by Welsh Water. Therefore, subject to conditions controlling foul and surface water arrangements, the development in this respect would be capable of according with Policy DR4 of HUDP.

## Biodiversity

6.9 The matters of concern raised relate to the loss of hedgerow, the survey undertaken and the possible use of the site by newts. The loss of roadside hedgerow would be unfortunate but inevitable with the creation of a new access and the need to provide sufficient visibility in the westerly direction towards Wormelow. This factor is not considered sufficient to outweigh the benefits of providing much needed affordable housing. This loss of hedgerow would need to be compensated for by the planting of additional hedgerow which would not only provide opportunities for enhancing biodiversity through the provision of wildlife corridors, as recommended by the Conservation Manager (Ecology), but would also provide some landscape mitigation for the new development. It is considered that the survey work undertaken and submitted in support of the application is satisfactory and the suggestion that newts may or may not frequent the site has been addressed by the habitat survey submitted which concludes that the site is of low ecological value.

## Conclusion

6.10 Paragraph 14 of the NPPF states that:

- a presumption in favour of sustainable development should be seen as a golden thread running through both plan making and decision-taking. In terms of the latter, this means
- approving development proposals that accord with the development plan without delay; and
- where a development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or - Specific policies in the NPPF indicate development should be restricted."

6.11 The development offers a primary benefit in terms of the delivery of additional housing and in particular twelve affordable units, that is broadly supported by Policy H10 of HUDP. Whilst, it is evident that the development will have a significant benefit in providing affordable housing, this needs to be balanced against the need for development to be sustainable in respect of non car based transport modes. This is not achieved given the lack of a continuous footpath link available to pedestrians heading to services and facilities along both the A49(T) and in Wormelow, that necessitates negotiating a road with minimal footpath coverage and limited refuge from existing and future traffic generated by this proposal. It is not considered that the development will have an adverse impact in the wider landscape given the mitigation that can be provided and given the close relationship of the proposed dwellings to the adjoining dwellings to the east. There will be a loss of agricultural land as stated in representations received. However this needs to be weighed against the benefit of providing much needed affordable housing.

6.12 The proposal will provide much needed affordable housing and its environmental impacts can be satisfactorily mitigated, however this provision is outweighed by the poor pedestrian access to services and facilities that would be used by future residents and as such the proposal is not sustainable in terms of the provisions of the Herefordshire Unitary Development Plan and the NPPF.

**RECOMMENDATION**

That planning permission be refused for the following reason:

- 1. The proposed development whilst being visually well-related to existing residential development does not promote or adequately provide for safe and secure pedestrian access to services and facilities at either end of Tump Lane. The lack of a continuous footpath combined with the narrowness of the road, its frequent vehicular use and the speed of traffic is such that the increased use associated with the proposed development would render it unsustainable and detrimental to pedestrian safety contrary to policies S1, DR1, H10 and H13 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework

**INFORMATIVE**

- 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 by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal – which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Decision: .....

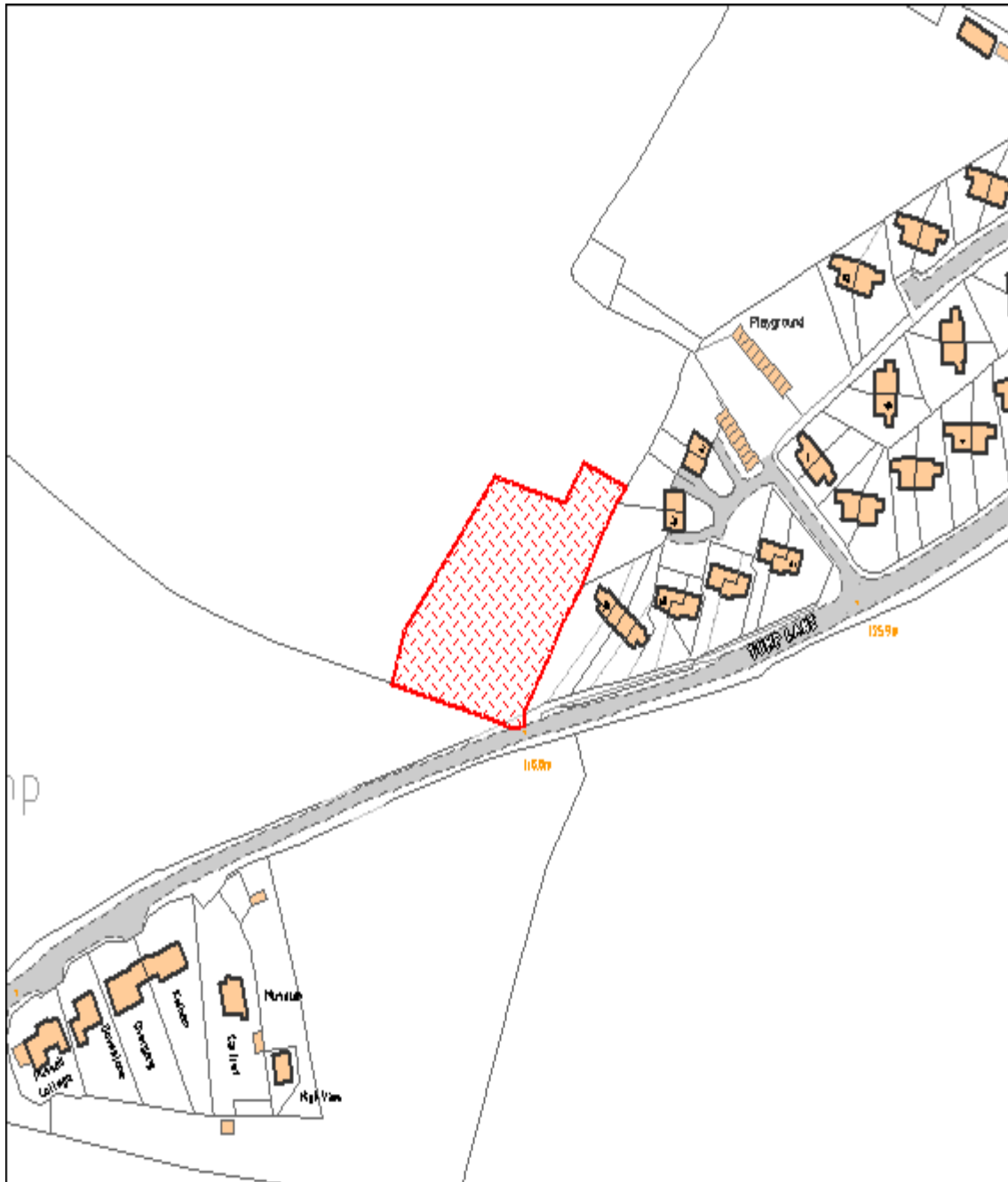
Notes: .....

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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** 131680/F

**SITE ADDRESS :** TUMP LANE, MUCH BIRCH, HEREFORDSHIRE, HR2 8HW

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Further information on the subject of this report is available from Mr A Prior on 01432 261932