

MEETING:	PLANNING COMMITTEE
DATE:	11 DECEMBER 2013
TITLE OF REPORT:	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 For: Markey Builders (Gloucester) Ltd per BM3 Architecture Ltd, 28 Pickford Street, Digbeth, Birmingham, West Midlands B5 5QH
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=131680

Date Received: 19 June 2013

Ward: Pontrilas

Grid Ref: 349582,230469

Expiry Date: 18 September 2013

Local Member: Councillor J Norris

Introduction

This application was originally presented to Planning Committee on 20 November 2013.

That report was amended by an updated report contained in the Schedule of Committee Updates that altered the recommendation to one of planning approval subject to the applicants entering into a Section 106 Planning Obligation.

Members resolved at the above mentioned Planning Committee to defer determination given that the Parish Council and local residents were in the process of being re-consulted in respect of revised plans providing improved footpath linkages to Wormelow.

The updated report below includes responses received to date, including the revised recommendation of the Traffic Manager.

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 (draft appended). This was supplemented before the November Planning Committee with revised plans providing details for footpaths within highway verge and on the landowner's property improving links to Wormelow and a revised layout plan detailing more tree and hedgerow planting, than originally proposed on the western boundary of the site

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: The revised submitted plan from the applicant showing the provision of a footpath linking the site to the west and Wormelow, makes the development acceptable in transportation terms. The footpath is not a standard width but is the minimum acceptable; the width is restricted by the highway land available. The footpath does not impede on the width of the carriageway which is less than 4.8 metres in sections.

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 Much Birch Parish Council response, in respect of revised plans is awaited

5.3 8 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

5.4 3 letters of objection have been received in response to the revised plans . In summary the points raised are as follows :

- Whilst a FULL footpath, not one stopping short as proposed, to Wormelow would make it easier to walk to the shop, pub and bus routes. The major need is for a FULL footpath link to the A49 for more frequent buses (hourly), the school, church and surgery
- Still dangerous stretch at bottom of Tump Lane ; landowner should provide more land
- Hardly anyone walks to Wormelow
- Footpath as proposed will not reduce conflict between heavy traffic and pedestrians
- Were proposal in Hereford boundary a full pathway in both directions would be needed , why not in the countryside?

5.5 The applicant's agent has responded to issues raised in representations previously . These are summarised as follows :

- Address objections as follows
- The company objective is the identification and construction of affordable housing for Housing Associations
- Search centred on Much Birch, in villages south of Hereford, given unwilling landowners and comments from officers
- Working with Council's Housing Development Officer (HDO) focus on Tump Lane given to low land value attributable to such schemes ; Tump Lane offered an opportunity
- Positive response from planning department

- Funding available from a HCA grant
- Met officers and discussed with Ward Member, at time. The Ward Member identified issues relating to use of Tump Lane by HGVs. This was a matter he sought to improve with traffic calming measures
- Have proposed a significant length of footpath for the betterment of the village. Our highway consultants confirm that without footpath are safe. Members urged to read transport statement.
- Validity of traffic survey questioned. It was not carried out in Easter holiday as confirmed in addendum to Committee report
- Our ecologist surveyed site and nearby ponds for newts. Given intensively farmed land is of little ecological value
- Land part of Grade 2 agricultural land in response to statement that it constitutes part of highly productive land
- Access to sewer crossing land. It has adequate capacity to serve proposal. Also storm water attenuation proposed assists in reducing possibility of flooding
- Understand 30 pupil shortfall at school, our development will assist in continuity of school.
- This is an exceptions site. Therefore issue of infill or not relevant
- Issue of not providing garages; grant funding does not stretch to such provision.
- Short length of hedgerow needs to be removed to improve visibility. More than offset by increase of 600 per cent of hedging elsewhere.
- Additional landscaping proposed to reduce impact of development. The open space area will also soften impact of development. Landscape impact was not previously highlighted as an issue.
- Landscape Officer states contrary to Policies LA2 and LA6 (of HUDP), however the fact it is a rural exceptions site sets this aside.
- This scheme will satisfy local housing need. There is little profit for developer and housing association, and therefore main beneficiaries are local residents in housing need.

5.6 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 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. The Traffic Manager has highlighted a possible means of providing an informal footpath link, information on which was provided shortly before the Planning Committee in November. The lack of any improvements along Tump Lane was a factor that officers considered weighed against the merits of providing much needed affordable housing. This has been addressed with the improvements to footpath linkage to wormelow. Notwithstanding, the representations received to date in respect of the footpath proposal, it is considered that the benefits of providing improvements to access to Wormelow particularly for residents using the shop/post office and public house are factors that with the provision of affordable housing make the proposal more sustainable as required by the NPPF, Paragraph 17.
- 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, notwithstanding it does not extend along the length of Tump Lane is addressed by this revised proposal. This improvement will with the identified need for affordable housing in the Parish outweigh the shortfall in footpath provision to the A49. The lack of a footpath link was considered to render this proposal

unsustainable and detrimental to highway safety. Accordingly, the revised proposal is considered to accord with 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 has though been addressed by submission of a revised layout plan providing additional tree and hedgerow planting particularly along the western boundary. This will assist in providing mitigation for the development, notwithstanding the principle benefit of providing much needed affordable housing within the parish. Therefore, the proposal 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 providing additional housing and in particular twelve affordable units, that is broadly supported by Policy H10 of HUDP. This will, with the improvements to footpath linkage to Wormelow, address the objections to the originally submitted scheme. Therefore, the goal of providing affordable housing will be achieved sustainably by providing improvements for existing and future residents walking to Wormelow. It is not considered that the development will have an adverse impact in the wider landscape given the landscaping 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, this provision will also have improved access to services and facilities that would be used by future residents and as such the proposal is sustainable in terms of the provisions of the Herefordshire Unitary Development Plan and the NPPF.

RECOMMENDATION

- 1. A01 Time limit for commencement (full permission)**
 - 2 B01 Development in accordance with the approved plans**
 - 3 C01 Samples of materials**
 - 4 G10 Landscaping scheme**
 - 5 G11 Landscaping scheme – implementation**
 - 6 H03 Visibility splays**
 - 7 H11 Parking – estate development (more than one house)**
 - 8 Prior to first occupation of any dwelling hereby approved, the footpath as shown on approved drawing b/MGPCMuch Birch.1/03 or a suitable alternative shall be completed, surfaced and drained in accordance with a scheme of works that shall be approved by the local planning authority.**
- Reason: To ensure the provision of improved pedestrian access to facilities in Wormelow and to comply with the requirements of Policies S1 and H13 of Herefordshire Unitary Development Plan**
- 9 H29 Covered and secure cycle parking provision**
 - 10 I16 Restriction of hours during construction**
 - 11 I19 Drainage in accordance with approved plans**
 - 12 K4 Nature Conservation – Implementation**

13 L01 Foul/surface water drainage

14 L02 No surface water to connect to public system

15 L03 No drainage run-off to public system

INFORMATIVES

- 1 The Local Planning Authority has acted positively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of the matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework**

- 2 N02 Section 106 Obligation**

- 3 The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times . No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.**

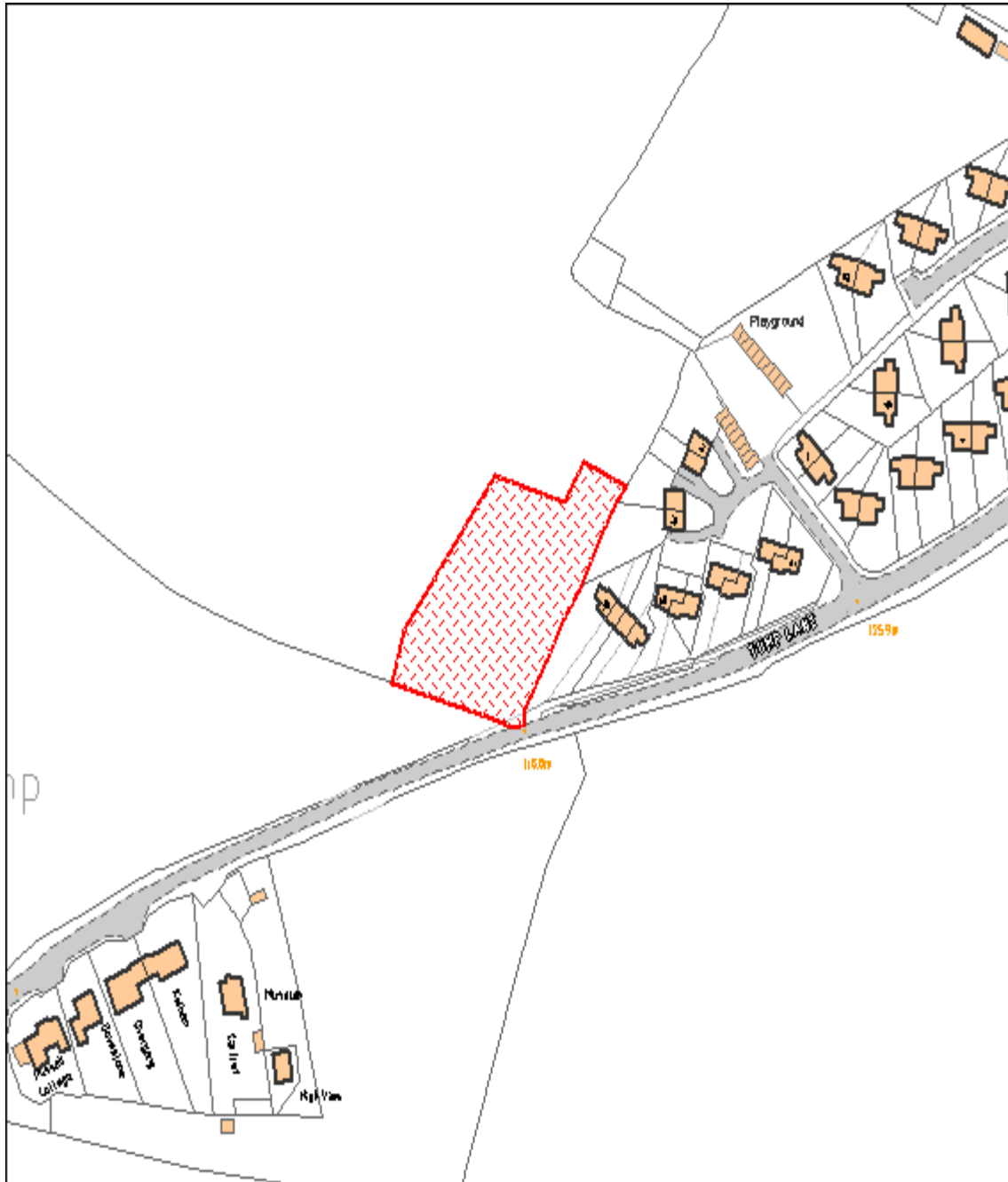
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 131680/F

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

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

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