

DELEGATED DECISION REPORT

APPLICATION NUMBER S121013/F

Land off Church Way, Holmer, Hereford, Herefordshire

CASE OFFICER: Ms Kelly Gibbons

DATE OF SITE VISIT: 11th May 2012

Relevant Development Plan Policies: Herefordshire Unitary Development Plan
S1, S2, S6, S7,
DR1, DR2, DR3, DR4, DR5,
H7, H9, H19
LA2, LA3, LA5, LA6
NC1, NC6, NC7,
HBA4

SPD - Planning Obligations

National Planning Policy Framework

Relevant Site History: CW02/0306/G – removal of section 52 agreement
restricting new dwelling or mobile home – approved

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	X			X	X
Transportation	X		X		
Historic Buildings Officer	X				X
Ecologist	X				X
Landscape Officer	X				X
Highways Agency	X		X	X	
Forward Planning	X				X
PROW					
Neighbour letter/ Site Notice	X				X
Welsh Water	X		X	X	
Local Member	X				

Confirmed with Cllr Robertson that it would be ok to delegate refusal of this application.

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The application site comprises a parcel of agricultural land just over 0.5 hectares in size, located to the north of Churchway, to the northern fringe of the city. To the western boundary of the site lies the A49 Trunk Road. Mature hedgerows form the boundaries of the site.

This is a full application for the residential development of the site for 9 dwellings. This would comprise 9 detached 2 bed properties.

Plots 1, 2 and 3 would be sited to the south of the site, and would be L-shaped, accommodating a kitchen diner / living room, hall, utility, bathroom and one bedroom at ground floor, with bedroom, bathroom and storeroom at first floor. The eaves height of these dwellings would be 2.4m with a ridge height of 5.9m. Plots 1 and 2 would share a garage, which is a simple squared form (footprint 7m by 6.9m with an eaves height of 2.4m and ridge height of 4.9m.

Plots 4 to 8 would be single level buildings, with a footprint of 12.7m by 8.7m, an eaves height of 2.4m and ridge height of 5.6m. The dwellings would have a hipped roof. Internally these would accommodate 2 bedrooms, kitchen, living room, wet room, bathroom, utility and hall.

Plot 9 is a unit with a footprint of 15m by 9m, and eaves height of 2.4m and ridge height of 5.8m with a hipped roof. Internally the accommodation is on one level, with 2 x bedrooms, kitchen / diner, living room, hallway, wetroom, bathroom, AC and utility. A detached double garage is also proposed with this unit that would be sited behind Wytz End.

The dwellings would be constructed using Ibstock Arden Farmhouse Bricks, with slate and concrete tile roofs, UPVC windows. The access would be tarmac and concrete pavers.

Access to the site would be via a single point (amended by drawing number 1100-04 rev A) and providing a 2.4 by 60m visibility splay in each direction. The highway would provide a turning head, with private driveways serving each dwelling.

The application has been accompanied with a Draft Heads of Terms, Design and Access Statement and the following plans:

- 1109-01- Plot 9
- 1109-02 – Plots 1, 2 and 3 (Plot 3 handed)
- 1109-03 – Plot 4 to 8
- 1109-04 A – Proposed Development (Layout)
- 1109-05 – Section / street scene
- 1109-07 – Garage to plots 1 – 8 and floor plan plot 7
- 1109-08 – Elevations Plot 9

An ecological report was also received on the 7th August undertaken by James Johnston Ecology.

Representations:

Letters of objection have been received from:

- Mr Norris, Wytz End
- Wayne Hiden, Carduelis Cottage, Churchway cottages
- Kay Preece, Coldwells Cottage
- Kevin Artus, 4 Churchway Cottages (x2)
- Jenny Mallon / K Perry and R Gore – Foregate House (X2)
- Marc Mohan, Copelands
- Martyn Dytor, Innisfree, Holmer
- Paul Stevens, 1 Churchway Cottages
- May Thornton, 2 Churchway cottages
- G A Morris, 5 Churchway Cottages (x2)

These letters raise issue in respect of the following matters:

- Siting / Capacity of the Sewerage system (under plot 9)
- Loss of flora and fauna
- Impact of hedge removal (ecological loss).
- Highway safety / use of lane as rat run / increase of traffic
- Often single width due to parked vehicles
- Width of road – inadequate infrastructure
- Poor road and pavement surfaces
- Already a lack of parking for houses on Churchway
- Potential flooding on the A49
- Inadequate parking
- Pedestrian safety
- Need for sheltered housing not proven
- All the bungalows have staircases?
- Overlooking and privacy due to levels of site
- Other more suitable sites within the settlement and other housing being built nearby
- Sewerage capacity issues
- Visual impact of development
- Overlooking from existing dwellings to bungalows

Letters of Support have been received from:

From applicant

Mr and Mrs Ball, 6 Churchway

Mr and Mrs Edwards, Feline friendly, Church Way

H E Meredith, The Crossways, Roman Road

Mr and Mrs Ball, Rose Lofts, Churchway

These reference the need for sheltered housing / for those with disabilities in the area.

Pre-application discussion:

None, except for the provision of the Draft Heads of Terms to accompany the application

Constraints:

Open Countryside
Near to LB / SAM

Appraisal:

The application falls to be determined having regard to the requirements of policies of the Herefordshire Unitary Development Plan and the guidance contained within the NPPF.

Principle of development

The application site is immediately adjacent to the settlement boundary and thus Saved Policy H7 of the Unitary Development Plan (UDP) is relevant. This policy provides a clear presumption against development in open countryside, unless the proposal would meet an essential economic requirement, which does not happen to be the case here. As such the prospective application would be contrary to this policy.

As part of the evidence base for the emerging Local Plan (Core Strategy) a Strategic Housing Land Review (SHLAA) has been undertaken, updated in March 2012 and published on the Council's website. The SHLAA is an assessment of the potential availability of land for housing across Herefordshire up to the end of the plan period and in the original assessment, published in October 2009, the application site was identified under reference number HLAA/053/001. Here, the site was considered to be a potential site for housing albeit with significant constraints; development would impact heavily on the landscape sensitivity of the area. Therefore the SHLAA recommends that other sites with lesser constraints should be considered for allocation in detailed planning documents before this one.

With regard to decision taking, coupled with the latest Annual Monitoring Report, published in June 2012, the SHLAA alludes to the fact that Herefordshire Council does not have a 5 year supply of deliverable housing sites. This means that the Council's policies on the supply of housing are in conflict with the National Planning Policy Framework (NPPF), which is a material consideration in the determination of applications - para 49 of the NPPF is clear that housing supply policies will be usurped by the framework where they are in conflict with national policy.

Where the relevant UDP housing supply policies are out-of-date permission should be granted in accordance with the presumption in favour of sustainable development, unless any adverse impact of doing so would significantly and demonstrably outweigh benefits, when assessed against the policies in the NPPF taken as a whole, or if specific policies in the framework indicate that development should be restricted

However, housing land supply is only one factor in the determination of applications and if there are other sound reasons for refusal then there is no cause to permit an unacceptable form of development. In this instance previous evidence would suggest that the housing supply issue needs to be set against the potential landscape impact.

Landscape Impact

Land off Church Way was identified in the Council's Urban Fringe Sensitivity Analysis, published in January 2010, as being of high to medium sensitivity. This means that the site has high value as a

landscape resource and key characteristics of the landscape in which it is located are vulnerable to change. Accordingly, the application should be assessed against Saved Policy LA2 of the UDP.

Saved Policy LA3 of the UDP is also relevant given that Church Way is a prominent site on the edge of Hereford. This policy seeks to protect and enhance important visual approaches into settlements, views of key buildings, open areas into development and green corridors – effectively protecting the setting of settlements.

Landscape Character

This site is located on the northern edge of Hereford. The landscape character type is principle settled farmlands. The area is a transition zone between the residential suburbs and the surrounding agricultural land. The A49, forming the west boundary, is a busy approach road into Hereford. Church Way, along the southern boundary, is a narrow turning off the main road and has a distinctly rural character with no footpath on the northern side, no street lights and limited signs. The existing properties on Church Way are a small, brick terrace and a brick lodge building, some of which are shown on early maps (approx. 1880). Historic maps also mark the site as orchard although this is not the case now. The site boundaries are hedgerows. Rose Lofts bungalow is an isolated dwelling on the north side of Church Way, which the proposed site wraps around.

The council's Urban Fringe Sensitivity Analysis (2009) classifies this site as being of high to medium sensitivity. This means that key characteristics of the landscape are vulnerable to change and have high value as a landscape resource. The document was used to evaluate potential housing sites around Hereford and the high to medium classifications means that the site is considered to have significant constraints to development. The site also falls on the edge of the Hereford Enhancement Zone of the Green Infrastructure Strategy (ref. HerLEZ3).

Landscape character – Development of this site would represent a loss of mixed farming land use and hedgerow, both of which are key characteristics of the landscape character type. Loss of the hedgerow along Church Way, with associated new vehicle access and footways will completely alter the character of the rural lane, to be far wider and suburban. Erection of nine bungalows is a dense use of the site, with no space for habitat creation or communal open space.

Visual impact and setting of Hereford – This is a prominent site on the edge of Hereford. Current public view points include the A49, Church Way and public footpath HO3. The site contributes a small scale pastoral field, retaining the historic field pattern with a rural character despite the proximity to the city. This is an important visual approach to the settlement where the view of fronts of terrace dwellings is appropriate. The proposed development would see this view changed to the backs of bungalows, garages and strips of close board fence. This suburban appearance is not locally distinctive or appropriate to the transition zone and will have a negative change in view on the setting of Hereford. A street scene for Church Way has been provided, but not for the important view that will be the new gateway to Hereford.

No reference has been made to these changes in landscape character in the application information. This is contrary to UDP Policy LA2, which requires that proposals should demonstrate that landscape character has influenced their design, scale, nature and site selection. It is considered that the landscape change would have an adverse effect upon the landscape setting of the settlement of Hereford and is therefore contrary to UDP Policy LA3.

Hedgerow – The hedgerow along Church Way is important to the landscape character and green infrastructure at this location. A large section of this will be removed to provide visibility splays for

vehicle access. This is contrary to UDP Policy LA5 which seeks to resist proposals that would cause loss of hedgerows that are worthy of retention. Although a suitable native mix has been specified as a replacement, this will be set on a new alignment so altering the character of Church Way. No landscape management or maintenance information has been provided. It is assumed that the boundary hedgerows will be conveyed to individual plots, however this means that there would not be consistent management and the framework and screening potential will be degraded if individual sections follow different maintenance regimes.

Landscape scheme – The proposed site layout drawing (dwg. no. 1109-04), provides a suitable specification for the new southern boundary hedge, and indicates areas of lawns, new planting and pathways, with close board fences between properties. It is not considered that this fully complies with UDP Policy LA6, as no information has been provided on assessing the existing features or clearly indicating tree and hedgerow removal / protection. The landscape proposals, being of domestic amenity, do not represent an enhancement to green infrastructure. At this sensitive site on the approach to Hereford it is considered that these details should be an integral part of any development proposals.

The proposal therefore fails to comply with the requirements of Policies LA2, LA3, LA5 and LA6. In addition to this, it is considered that the proposal does not meet with the NPPF requirements that new housing development should 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.

Design

The Historic Buildings Officer has also raised ~~an~~ objection, drawing attention to the relevant policies of the NPPF and raising concern about the appropriateness of bungalows in this location and the overall appearance of the proposed development in this context.

Having regard to these comments, and to the requirements of policies DR1 and H13 that seek to protect the character of the localities in which development is proposed, and that strive to ensure that development is appropriate to its context.

Ecology

Historic maps and aerial photographs from c.2000 of the site indicate that it was formerly an orchard; two fruit trees remain. The grassland appeared to be semi-improved but had been recently cut making species identification difficult. We would recommend that a botanical assessment of the site is undertaken.

We are also concerned about the proposed loss of roadside hedgerow along Church Way; it is in good condition with a number of native species present, dominated by elm. There is potential for reptile and amphibian species to be present which also needs to be assessed.

The application was submitted without any ecological reports and we advised that we would be unable to support this application because there was insufficient information regarding the habitats and species that may be present; and because of the loss of hedgerow, a UK and Herefordshire Biodiversity Action Plan Priority Habitat.

Subsequently an ecological report was undertaken and submitted in August 2012. The Council's ecologist notes that the grassland has been left un-managed for a few weeks and is assessed as

semi-improved grassland. A number of herb and grass species were identified – there is no indication of abundance in the species list (this may be a reflection of the short period of time since the last time the grassland was mown), but the presence of species such as red clover, yarrow and bird's foot trefoil make it of interest. The site was previously a traditional orchard, with only a few trees now remaining. Lowland Meadows and Orchards are UK and Herefordshire Biodiversity Action Plan Priority Habitats.

The roadside hedgerow along Church Way, whilst not qualifying as species-rich under the Hedgerow Regulations 1997, does provide a valuable wildlife corridor; it is evident on the 1st edition map and is likely to be of historical importance under the Regulations. Hedgerows are also a UK and Herefordshire BAP Priority Habitat. The potential for reptiles to be present in the hedgerow should also be further clarified.

There has been a significant decline in Lowland Meadow habitat and these proposals will result in the total loss of this grassland, the former orchard habitat. The loss of hedgerow will have a negative impact on the local ecological network.

On the basis of this advice, the proposed development, which would require the loss of the hedgerow in order to facilitate the access would remain unacceptable as this would adversely impact upon the local ecological network contrary to the requirements of policy NC6 and the NPPF

Affordable Housing

Policy H9 of the UDP relates to the provision of affordable housing on both allocated and windfall sites. Should this site be developed then we would seek to secure 35% of the housing as affordable. This is because the site is over 0.5 ha in size. I note the agents comment that part of the site is undevelopable because of a 10m exclusion zone but this would not exclude using this land for open space provision / highway works etc and as such should not be discounted.

The information provided is insufficient to demonstrate that there would be no requirement for affordable housing provision on the site and as such, the failure to make this provision means that the proposal does not comply with the requirements of policy H9 of the UDP.

Highways

Local residents key concern relates to the impact of the propose development on Attwood Lane. They note the existing parking problems and use of the road as a rat run.

The amended layout plan has been considered by the Highways Officer who concludes that the proposal now complies with his requirements. However, after consulting on these plans, some neighbours continue to raise concerns. These issues are not considered to be sufficient for a reason for refusal, although the problems on this stretch of road are well known locally.

Planning Obligations

The application has been submitted with a draft heads of terms, supplied by the Council. This Draft includes queries about how the 'sheltered housing' would be operated, but this query has not been addressed as part of this application. On the basis of the information provided, this scheme would appear to be an open market scheme (albeit with an over 55's restriction).

As this application is recommended for refusal, a reason for refusal is also attached, as a Section 106 agreement has not been submitted / agreed as part of this application. There remains issues outstanding on this basis.

Conclusion

In conclusion, in spite of the absence of a 5-year supply of housing land, the NPPF requirements should not be given significant weight in making a decision on this application given the conflicts with Saved Policies LA2 and LA3 of the UDP in respect of Landscape impact. In addition to this the proposed development would fail to comply with the design and character based requirements of policies DR1 and H13 of the UDP. The loss of hedgerow and lack of detailed landscape plans are in direct conflict with the requirements of policies LA5, LA6 and NC6 of the UDP. The proposed development also fails to provide for the delivery of affordable housing contrary to the requirements of policy H9 of the UDP and does not include a completed section 106 agreement as required by policy DR5 of the UDP and the Councils SPD – Planning Obligations. The proposal would significantly the impact on the character of the area and locality and is recommended for refusal.

RECOMMENDATION: PERMIT REFUSE

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REASON(S) FOR REFUSAL:

(please note any variations to standard conditions)

1. The site is within the countryside outside of the settlement boundary for Hereford 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 this policy. The development is also considered to adversely impact upon the visual and landscape character of the area and landscape setting of the settlement 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 Herefordshire Unitary Development Plan Policies H1, H7, LA2 and LA3 and advice within the National Planning Policy Framework (NPPF)
2. The application site is an important and prominent site on the edge of Hereford. The proposal would, by virtue of its lack of detailed information, location, siting, scale, design and mass represents a form of development that would fail to respect the character of the locality ^{and} is an important transitional zone between the city and open rural area. It fails to establish a strong sense of place, respond to local character and be visually attractive as a result of good architecture and appropriate landscaping as required by guidance within the NPPF and also conflicts with policies DR1, H13, LA2, LA3, LA5 and LA6 of the UDP.
3. The loss of hedgerow required in order to provide a suitable and safe access to the site ~~would represent~~ would adversely impact upon the local ecological network contrary to the requirements of policy NC6 and guidance contained within the NPPF.

4. The proposed development fails to make provision for affordable housing in accordance with the requirements of policy H9 of the UDP
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

Signed:  Dated: 12/10/2012

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT ☐

REFUSE ☒

Signed:  Dated: 12/10/12

REASON FOR DELAY (if over 8 weeks)

Negotiations ☐

Consultees ☐

Other ☐

(please specify)