

MEETING:	PLANNING COMMITTEE
DATE:	16 JULY 2014
TITLE OF REPORT:	P141155/F - PROPOSED SINGLE STOREY DWELLING WITH DETACHED DOUBLE GARAGE AT LAND ADJ STONE HOUSE, BROMYARD ROAD, RIDGEWAY CROSS, CRADLEY, WR13 5JN For: Mr & Mrs Cross per The PageSwinford Partnership, Bodkin Hall, Edwyn Ralph, Bromyard, Herefordshire, HR7 4LU
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=141155

Date Received: 10 April 2014

Ward: Hope End

Grid Ref: 371714,247650

Expiry Date: 9 July 2014

Local Members: Councillors CHN Attwood and AW Johnson

1. Site Description and Proposal

- 1.1 The site is located in an open countryside location approximately 1 km to the north-west of the adopted settlement boundary for Cradley as defined within Policy H4 of the Herefordshire Unitary Development Plan. The site comprises land associated with Stone House, Bromyard Road, Ridgeway Cross, Cradley. It can be accessed by that property or from its own dedicated existing access north of Stone House. The site currently features polytunnels and other ancillary non residential development.
- 1.2 The proposal is planning permission for a single storey dwelling with detached double garage.

2. Policies

2.1 National Planning Policy Framework:

The following sections are of particular relevance:

Introduction - Achieving Sustainable Development
 Section 4 – Promoting Sustainable Transport
 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

Further information on the subject of this report is available from Mr C Brace on 01432 261947

- S2 – Development requirements
- DR1 – Design
- DR2 – Land use and activity
- DR3 – Movement
- H6 – Housing in the smaller settlements
- H7 – Housing in the open countryside outside settlements
- LA2 – Landscape character and areas least resilient to change
- NC1 – Biodiversity and development
- NC6 – Biodiversity Action Plan priority habitats and species
- NC7 – Compensation for loss of biodiversity
- NC8 – Habitat creation, restoration and enhancement
- NC9 – Management of features of the landscape important for fauna and flora

2.3 Draft Core Strategy:

- SS1 – Presumption in Favour of Sustainable Development
- SS4 – Movement and Transportation
- RA3 – Herefordshire Countryside
- MT1 – Traffic Management, Highway Safety and Promoting Active Travel
- LD1 – Landscape and Townscape
- LD2 – Biodiversity and Geodiversity
- SD1 – Sustainable Design and Energy Efficiency
- SD2 – Renewable and Low Carbon Energy
- SD3 – Sustainable Water Management and Water Resources

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

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

None

4. Consultation Summary

Statutory Consultees

None

Internal Council Advice

4.1 Transportation Manager objects to the application. Visibility from the access is obstructed by hedges and is below standards. Because the road is well-used as a link between Bromyard and Malvern by commuters and others including HGVs, full-standard visibility splays are required. It is noted the road is narrow, with fast traffic, and unlikely to be an attractive route for pedestrians and cycles. This means that it will encourage private motor vehicles as the principal form of transport. This does not sit well with the need to encourage sustainable development. Accident records have been provided for the junction of the A4103 and B4220.

5. Representations

5.1 Cradley Parish Council comments awaited.

- 5.2 The Campaign to Protect Rural England objects to the proposal as 'the site is in open countryside, in an attractive rolling landscape. We consider it important to preserve this setting from development, and that giving planning permission would create an undesirable precedent'. In addition the CPRE note 'that pre-application advice has already been given pointing out that the site is outside any settlement area and unsustainable given that it is 1km from Cradley village, and is therefore contrary to Council policy'.
- 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

6. Officer's Appraisal

- 6.1 The Planning Statement submitted with the planning application takes a very narrow interpretation of the NPPF and local plan policies, failing to acknowledge the aims and objectives of each which are to be taken as a whole and therefore provides a restrictive assessment and consideration of material planning issues.
- 6.2 It is acknowledged that the Council is currently failing to provide a 5 year Housing Land Supply, plus a 5% buffer, which must be met by all local authorities in accordance with paragraph 47 of the NPPF. Indeed in Herefordshire case the buffer is 20%. Paragraph 49 of the NPPF goes on to state that 'relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'.
- 6.3 Where the existence of a five year land supply cannot be demonstrated, there is presumption in favour of granting planning permission for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need for new housing.
- 6.4 Paragraph 14 of the NPPF states that there "is a presumption in favour of sustainable development and for decision taking this means... where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole... or specific policies in this Framework indicate development should be restricted."
- 6.5 The NPPF is therefore emphasising the importance of the presumption in favour of sustainable development. In reaching a decision upon new housing the housing land supply position will need to be balanced against other factors in the development plan and/or NPPF which could result in the refusal of planning permission.
- 6.6 There have been some recent appeal decisions relating to residential proposals in Herefordshire. The inspectors dealing with these appeals have considered the county's housing land supply in reaching a decision.
- 6.7 *Home Farm, Hereford: APP/W1850/A/13/2192461*, Decision date 10 January 2014.
The Inspector's decision provides a clear indication that the Council currently cannot demonstrate a 5 year housing supply position. In the Inspector's consideration of the housing land supply position it was recognised that the housing land supply is a matter to be determined as part of the forthcoming Examination of the Core Strategy. Therefore, no weight can be given to Core Strategy proposals at this stage. The Inspector did not provide an indication of the level of supply that he considered currently exists. The appeal was dismissed

because of the adverse environmental impacts and the harm to the setting of heritage assets as this significantly and demonstrably outweighed the economic and social dimensions/benefits of the scheme therefore failing to contribute to the achievement of sustainable development.

- 6.8 Sustainable development and sustainability are more than a matter of location. The NPPF states that good design is a key aspect of sustainable development and indivisible from good planning. It is not just a matter of aesthetics. Amongst other things, it says that decisions should aim to ensure that developments function well and add to the overall quality of the area and optimise the potential of the site to accommodate development. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.9 UDP Policy S1 defines sustainable development by reference to level, location, form and design, and lists a number of criteria whereby it will be promoted. Policy DR1 sets out design policy principles. Development which does not adequately address these or is of poor design, including schemes which are out of scale or character with their surroundings will not be permitted. Further criteria relating to residential design, landscape character and the setting of settlements are found respectively within policies DR2, LA1, LA3 and HBA9.
- 6.10 The site is located approximately 1 km to the north-west of the adopted settlement boundary for Cradley as defined within Policy H4 of the Herefordshire Unitary Development Plan. Subsequently, any application for residential development on this site would, in the first instance, be considered in terms of policies relating to development within the open countryside, particularly 'saved' Unitary Development Plan Policy H7. Policy H7 states that, other than for certain exceptions, housing outside of settlements will not be permitted. The current proposal does not appear to satisfy any of the exceptional criteria associated with policy H7 and therefore conflicts with it.

Assessment

- 6.11 Similar applications have been refused and dismissed at appeal, including application reference 132448/O at land adjacent to 'Longlands', Lower Hardwick Lane, Bromyard, which was refused at Planning Committee on 11 December 2013. The Inspector at the appeal considered the main issue in such applications is whether having regard to the supply of housing land in Herefordshire, the proposal would give rise to any adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme. Particular regard was had to the character and appearance of the countryside, and impact upon it. An even more recent appeal decision against the refusal of 131049/F at Munstone, near Hereford, was dismissed on 16 June 2014.
- 6.12 Inspectors have found that proposals of, in particular one dwelling, would make a modest contribution to housing need and also a modest economic contribution, insofar as they would support shops and services. However, they have concluded that notwithstanding the acknowledged shortfall in the housing land supply, the harm to the character and appearance of the countryside and the unsustainable nature of a dispersed pattern of development in the countryside would significantly and demonstrably outweigh the benefits of a scheme when assessed against the policies in the NPPF taken as a whole.
- 6.13 The application site is located approximately 1 km from the edge of the defined settlement of Cradley and is not adjacent to the settlement as required by the interim approach agreed by Council. Of course this does not necessarily preclude the site from being considered a sustainable location for residential development if there are sustainable means of accessing local goods and services.

- 6.14 The application site is physically divorced from and has no such spatial, architectural or visible relationship with the defined settlement area comprising Cradley, rather it is one of a number of isolated dwellings in a sporadic pattern of development on the B4220. The submitted Planning Statement describes the location being 'within the settlement of Ridgeway Cross'. This both demonstrates it is not part of Cradley and furthermore it is considered Ridgeway Cross can not be described as a 'settlement' given it is a loose sporadic collection of isolated houses.
- 6.15 As a village, Cradley provides a range of local services and facilities including a butchers, shop, social club, primary school and doctors, along with a decent bus service to more extensive amenities at Ledbury, Worcester and Hereford. However, to access the village facilities by foot one would be required to walk over 1 km along the narrow, unlit and winding B4220 and to cross the busy A4103 and then furthermore walk in many places along the highway without the benefit of a footpath. Pedestrian access to the village would thus be unlikely – and in the officer's opinion, extremely dangerous. There is no conceivable way one would walk from the application site to the primary school due to distance and danger.
- 6.16 Personal Injury Collision data for the Ridgeway Cross junction and Cradley junction for the most recent period 01/05/2004 to 30/04/2014 shows there were 5 and 8 injuries respectfully, including 3 classified as 'serious'. These figures only include incidents where there was physical injury to individuals; scrapes, knocks and near misses with no actual physical harm are not recorded.
- 6.17 On this basis, the application site is considered to be unsustainably located away from facilities and services contrary to the NPPF and as such it is not suitable for residential development. In order to reach services and facilities necessary for most day to day living, there would therefore be a strong likelihood of a significant reliance on the use of the car.
- 6.18 NPPF Paragraph 55 permits dwellings in the open countryside where the proposal is of exceptional quality or innovative nature of the design of the dwelling. Such a design is required to:
- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - reflect the highest standards in architecture;
 - significantly enhance its immediate setting; and
 - be sensitive to the defining characteristics of the local area.
- 6.19 The proposal is described as a 'passivhaus' development. Passivhaus buildings provide a high level of occupant comfort while using very little energy for heating and cooling. They are built with meticulous attention to detail and rigorous design and construction according to principles developed by the Passivhaus Institute in Germany. The following is a functional definition of a Passivhaus –
- “A Passivhaus is a building, for which thermal comfort can be achieved solely by post-heating or post-cooling of the fresh air mass, which is required to achieve sufficient indoor air quality conditions – without the need for additional recirculation of air.”*
- 6.20 The new-build Passivhaus Standard requires:
- a maximum space heating and cooling demand of less than 15 kWh/m².year or a maximum heating and cooling load of 10W/m²
 - a maximum total primary energy demand of 120 kWh/m²/year
 - an air change rate of no more than 0.6 air changes per hour @ 50 Pa

- 6.21 The Passivhaus Trust recommends that the best way to achieve quality assurance for a Passivhaus project is through certification by a registered Passivhaus Certifier. The Passivhaus Institute has developed a series of certification processes to ensure the quality of any official Passivhaus buildings and practitioners:
- The Passivhaus Planning Package (PHPP), used to inform the design process and to assess or verify compliance with the Passivhaus Standard.
 - Certification for designers who have the expertise to deliver Passivhaus buildings.
 - A certification process for Passivhaus buildings, which applies both to the proposed design and the completed building.
- 6.22 The application provides no evidence that it can or will meet these requirements and be a true passivhaus house as defined above. Even if the proposal was a true Passivhaus, that on its own would not make it compliant with paragraph 55. Done once, by definition, it cannot be replicated, and given Passivhaus is well established, on its own, this would not make the proposal paragraph 55 compliant.
- 6.23 The proposal is square in plan with a porch formed from the north elevation and has a utilitarian appearance with a feature roof lantern. The dwelling is proposed to be constructed of red facing brick and artificial slate, triple glazed metal windows and galvanised metal rainwater goods. In assessing the design and construction of the proposal, it is considered unremarkable, and architecturally is clearly not outstanding, and is neither innovative nor ground breaking. No evidence of it being assessed or discussed with a design panel or CABE has been provided setting out it is architecturally worthy.
- 6.24 Inextricably linked into the concept of accounting for the locality, as required by paragraph 55, is the landscape design. This must not and cannot be landscaping as an afterthought, rather landscape design is a fundamental aspect of the whole scheme. It is considered such a proposal should be presented on the basis of the whole site and its context rather than just the house. Whilst the proposal is advanced as a 'paragraph 55 house' there is no full landscape assessment accompanying the application and more importantly, influencing the location and design of the proposal.
- 6.25 Accordingly the proposal is not compliant with paragraph 55. The Innovation requirement requires a constant raising of the bar, whether in respect of design, construction techniques, materials or functionality. Done once, by definition, it cannot be replicated. It is considered no single element of this proposal meets this criteria.

Summary

- 6.26 The application is recommended for refusal as it represents unjustified unsustainable development in the open countryside, failing to satisfy exception criteria in the local plan or in paragraph 55 of the NPPF and furthermore represents an unacceptable risk to highway safety.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The proposal represents unjustified unacceptable unsustainable residential development in an open countryside location contrary to Herefordshire Unitary Development Plan Policies S1 and H7 and the sustainable development aims and objectives of the National Planning Policy Framework.**
- 2. The proposal is not considered to be of sufficient outstanding merit to warrant a departure from Herefordshire Unitary Development Plan Policies S1 and H7 and fails to meet the criteria of paragraph 55 of the National Planning Policy Framework.**

Further information on the subject of this report is available from Mr C Brace on 01432 261947

3. The proposal represents an unacceptable risk to highway safety and the free flow of traffic through having substandard visibility at its access onto the B Class road, contrary to Herefordshire Unitary Development Plan Policies DR1, DR2, DR3 and T8 and the relevant aims and objectives of 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 and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reasons for the refusal, approval has not been possible.

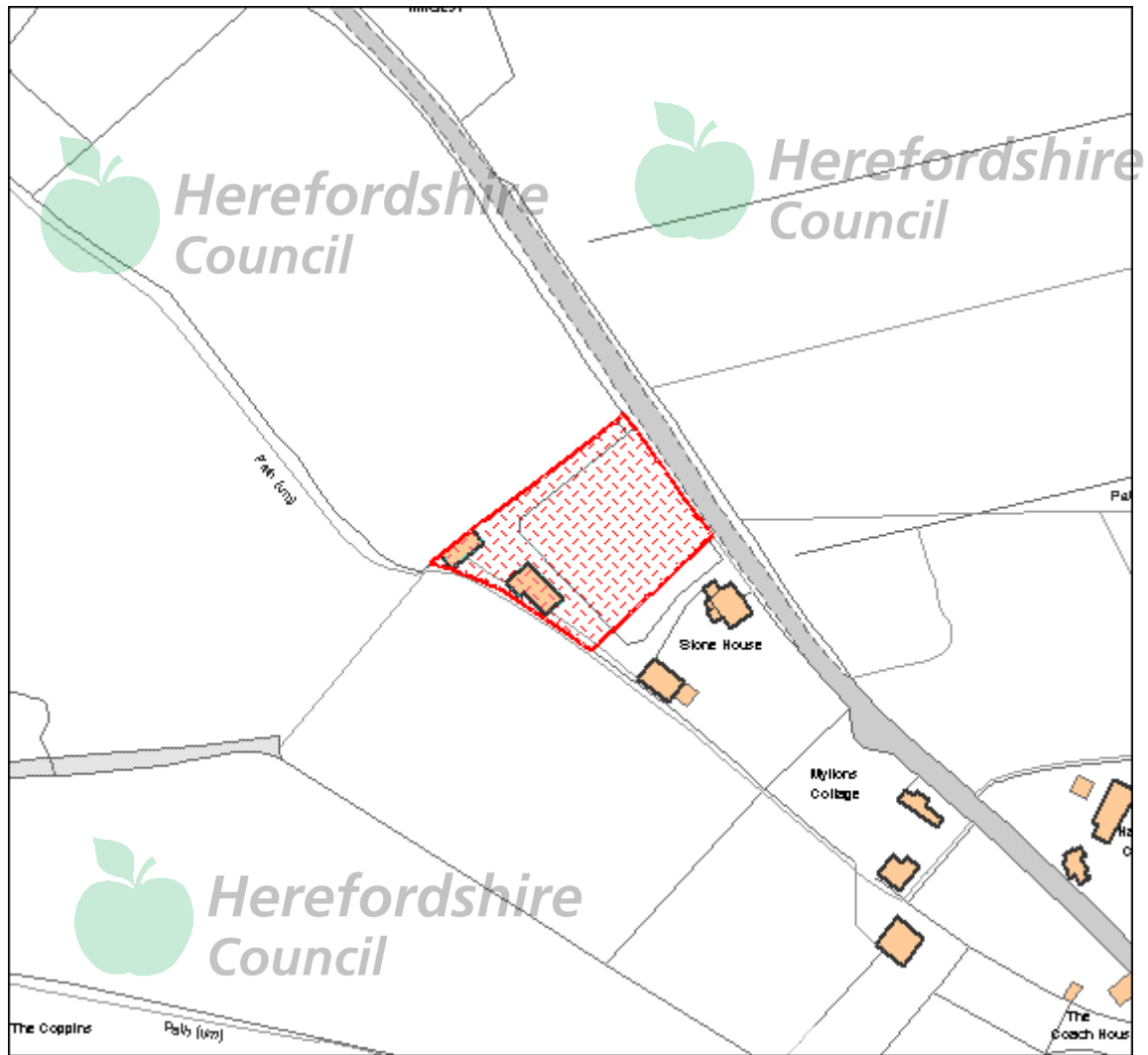
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 141155/F

SITE ADDRESS : LAND ADJ STONE HOUSE, BROMYARD ROAD, RIDGEWAY CROSS, CRADLEY, NR MALVERN, WR13 5JN

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