

MEETING:	PLANNING COMMITTEE
DATE:	15 APRIL 2015
TITLE OF REPORT:	<p>150455 - PROPOSED SUPPORTED LIVING DWELLING HOUSE AND ALTERATION OF AN EXISTING VEHICLE CROSSOVER AT LAND ADJOINING IVY COTTAGE, ASHTON, LEOMINSTER, HEREFORDSHIRE, HR6 0DN</p> <p>For: Mr & Mrs King per BMD Architects, 5 Maidstone Buildings Mews, 72-76 Borough High Street, London, SE1 1GN</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150455&search=150455
Reason Application Submitted to Committee – Re-directed	

Date Received: 13 February 2015

Ward: Upton

Grid Ref: 351357,264363

Expiry Date: 10 April 2015

Local Member: Councillor J Stone

1. Site Description and Proposal

- 1.1 The proposal site is 110 metres west of the junction of Eye Lane (C1048) from which it gains access, and the A49 Trunk Road. It is also 490 metres east of the northern entrance to Berrington Hall. The site comprises the garden area on the eastern side of the applicants' two-storey property (Ivy Cottage). Access is proposed by widening an existing access located to the east of the site on Eye Lane which is a rural road with no pedestrian footway.
- 1.2 The proposal seeks planning permission for a new two storey dwelling with an 'L' shape configuration and integral garage. The accommodation will predominantly be provided on the ground floor and comprises kitchen/dining area, lounge, toilet, master bedroom with en-suite and a further bedroom/study. On the first floor is a further bedroom with en-suite. An internal lift is proposed to aid access to the first floor. A further substantial loft area is also created with external access proposed.
- 1.3 External materials comprise fully glazed gables, local stone, vertical timber cladding and brick plinth under a mixture of slate and zinc roofing. The dwelling will be 9.5m tall and comprises useable floor space excluding the integral garage of approximately 310 square metres (ground floor 172sqm, first floor 83sqm and loft area 55sqm).
- 1.4 An access point will be created on Eye Lane by widening the existing access point to 16.6 metres wide, with electric gates 7.1 metres from the edge of the surfaced road. The remaining road and parking area will be finished in a semi-permeable finish. The plans submitted also detail a rain-water harvesting tank, bio-disc tank and reed beds.

- 1.5 The applicants' stone faced and red brick dwelling together with another self-contained dwelling to the rear of it are proposed to be sold to finance this project. The dwelling has been designed to meet the current and future needs of both applicants of whom it is stated both have debilitating and progressive conditions that will necessitate a live-in carer residing in the upstairs bedroom.

2. Policies

National Planning Policy Framework

- 2.1 The following sections are of particular relevance:

Introduction	-	Achieving Sustainable Development
Section 6	-	Delivering a Wide Choice of High Quality Homes
Section 7	-	Requiring Good Design
Section 8	-	Promoting Healthy Communities
Section 11	-	Conserving and Enhancing the Natural Environment

- 2.2 Herefordshire Unitary Development Plan 2007 (UDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S6	-	Transport
S7	-	Natural and Historic Heritage
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
H6	-	Housing in Smaller Settlements
H7	-	Housing in the Countryside Outside Settlements
H13	-	Sustainable Residential Design
T8	-	Road Hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity

- 2.3 Herefordshire Local Plan – Draft Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geo-Diversity
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources

2.4 Neighbourhood Plan

It is understood that a neighbourhood plan is only at the draft stage. There is no timescale for proposing/agreeing the content of the plan at this early stage, but it must be in general conformity with the strategic content of the emerging Core Strategy. In view of this no material weight can be given to this emerging plan.

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

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

3. Planning History

- 3.1 141229/F – Proposed supported living dwelling house and alteration of an existing vehicle crossover. Refused 27 June 2014.
- 3.2 NE2005/0801 – Erection of a garden room. Approved 3 May 2005.
- 3.3 88/0548 – Conversion of garage to living accommodation. Approved 14 September 1988.
(Condition preventing accommodation being sold off separately from Ivy Cottage)

4. Consultation Summary

Statutory Consultees

- 4.1 None.

Internal Council Advice

- 4.2 Transportation Manager has no objections subject to a condition being attached relating to on-site parking and turning facilities.
- 4.3 Conservation Manager (Ecology) has not responded, but had no objections to the scheme submitted last year.
- 4.4 Public Rights of Way Manager has no objections.

5. Representations

- 5.1 Luston Group Parish Council recommends approval of this application.

Luston Group Parish Council ask that this application is reviewed by Committee and not the case officer.

This is a unique, purpose built dwelling as stated by the Case Officer, A Prior which is extremely sustainable run on a carbon neutral basis.

Luston Group Parish Council considers the sustainability of the building far outweighs the reliance of a vehicle and the use of delivery services negates the need for a car. The bus stops outside the door.

- 5.2 Twenty three letters of support have been received raising the following main points:-

- Applicants heavily involved in local community clubs, councils for over 40 years.
- Health has deteriorated over last 10 years.
- Existing dwelling has varying levels, steps and is on a sloping site.

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

- Could have re-located north to family, wanted to stay in community.
- Foresight in planning for future; future care costs prohibitive.
- Less burden on state.
- Weekly bus service access via internet shopping.
- Sustainable and ecologically appropriate design.
- Not overlooked.
- Not overlooking.

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:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

- 6.1 The application site is located to the east approximately 3.6km to the east Luston and to the west of Ashton in an open countryside location divorced from any settlement. Therefore, this proposal needs to be determined on the basis of the impact of development in this location and secondly having regard to sustainability policies.
- 6.2 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and became the sole planning policy document at national level, replacing the series of PPS and PPG documents which were in place when the previous applications were made on the site. Paragraph 215 of the NPPF states that 12 months from the publication of the NPPF, "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework". This 12-month period expired on 27 March 2013. Consequently the weight which can be attributed to individual policies of the UDP must therefore be assessed through their level of conformity with the NPPF. The closer the UDP policies are to the policies of the NPPF, the greater the weight that may be given.
- 6.3 Paragraph 47 of NPPF requires all local authorities to provide a 5 year supply of land for housing plus a 5% or 20% "buffer", dependent on each local planning authority's record for housing delivery. The appeal decision at Home Farm, Belmont (APP/W1850/A/13/2192461) considered Herefordshire Council an authority requiring a 20% buffer to their 5 year Housing Land Supply.
- 6.4 Herefordshire Council is currently failing to meet this requirement and consequently 'relevant policies for the supply of housing should not be considered up to date' as stated in Paragraph 49 of the NPPF. On this basis, the council's housing policies (H4 in this instance) which define the geographical limits of residential development can be attributed little weight in the determination of an application for residential development.
- 6.5 The intent of UDP Policy H7 accords with the aims and objectives of the NPPF with paragraph 55 being of particular relevance in this instance and indicates that unless exceptional circumstances can be demonstrated, housing outside of defined settlements will not be permitted. This proposal does not satisfy any of the exceptional criteria under which housing in the open countryside could be considered acceptable as listed under Policy H7. Considerable emphasis has been placed on the innovation of the design and the goal of providing a sustainable dwelling that has a reduced carbon footprint than a conventional dwelling. Paragraph 55 of the NPPF requires that isolated new homes are avoided unless such development satisfies certain criteria, in this instance the premise of the proposal in part is that it is innovative. Whilst, the dwelling has elements of innovation it does not attain the benchmark of outstanding innovation required by Paragraph 55 of the NPPF and accordingly it does not satisfy the exceptions that allow for residential development in the open countryside.

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- 6.6 As the Council's housing policies can no longer be relied upon to determine the principle of residential development, applications shall be considered 'in the context of the presumption in favour of sustainable development', as prescribed by paragraph 49 of the NPPF. Sustainable development is defined in paragraph 7 of the NPPF as a three pronged notion encompassing its economic, social and environmental roles.
- 6.7 Although based on expired government policy, similar aims to those of the NPPF are manifested in UDP Policies S1 and DR2 which require, amongst other things, that development proposals should be directed to locations which reduce the need to travel, securing safe and convenient accessibility between land uses by modes other than personal motor transport. Given their level of consistency with the NPPF, UDP Policies S1 and DR1 continue to attract considerable weight in this regard.
- 6.8 In determining the application site's ability to represent a 'sustainable location' within the context of the above two paragraphs, the following are relevant considerations:
- The level of amenities within a walking distance of the site;
 - The nature of the route and its ability to provide safe and convenient access to those amenities; and
 - The availability of truly usable public transport.
- It should however be noted that the NPPF concedes that some use of the private motor vehicle is likely to be necessary in rural localities.
- 6.9 The application site is located in open countryside with services and facilities being primarily accessed to the west and north. The following facilities and services are detailed, with the distance to the facilities from the site in brackets, measured approximately and as one would walk rather than as the crow flies:
- Cawley Hall (Community Hall, Eye) (2.6 km);
 - Primary School (Luston) (3.6 km);
 - Public House (Luston) (3.8km);
 - Shop (Brimfield) (3.6 km).
- 6.10 The nearest bus-stop provides a weekly service on Fridays to Leominster from Wooferton (Salwey Arms) to Leominster and upon request to Morrisons.
- 6.11 It is considered that the above demonstrates that the site does not provide a choice of means of transport to facilities particularly within walking distance. This is a car dependent location. Notwithstanding that Paragraph 29 of the NPPF acknowledges that sustainable transport solutions vary from urban to rural areas, future occupants could not reasonably enjoy a genuine choice in their means of travel.
- 6.12 The 'social role' of development places particular emphasis on the location of development with respect to local services and facilities. The proposal site is remotely located and will be car dependant and as such not only falls short of what constitutes sustainable development in the HUDP in Policies S1, S2, DR1, DR2, H13 and T8 but also in Paragraphs 7, 17, 34, 55 and 109 of the National Planning Policy Framework.
- 6.13 The 'economic' dimension of development encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic development. Whilst, this proposal will deliver a dwelling this will only entail temporary benefits at the construction stage, which are limited to a single dwelling.

- 6.14 The contribution that the dwelling makes to the 'economic role', in respect of the limited support to the vitality of services, council taxes and the new homes bonus is undermined by the proposal not assisting in moving towards a low carbon economy as it would not concentrate development close to infrastructure and services and it would not protect or enhance the natural environment.
- 6.15 These 'roles' that are set out in Paragraph 7 of the National Planning Policy Framework and provide the focus for sustainable development have been the subject of a recently dismissed appeal at Wharton (P141757/O-APP/W1850/A/14/2224336). This appeal related to the provision of six dwellings which would have had a greater economic benefit than the provision of one dwelling, on a bus-route to Leominster. Therefore, there is little economic and social benefit in providing this dwelling and any benefits are outweighed in any case by the adverse environmental implications of siting a dwelling in this location. Therefore, this does not constitute sustainable development as set out in the NPPF.
- 6.16 The Conservation Manager had previously concurred with the view that there were not bio-diversity issues as a result of developing this landscaped garden area and whilst a formal response has not been received with the current proposal it is contended that the proposal is in accordance with UDP Policies NC1, NC6 and NC7.
- 6.17 The altered access serving the new dwelling can provide the necessary visibility in both directions along Eye lane and as confirmed by the Transportation Manager this proposal will not have an adverse impact on highway safety and is therefore in accordance with UDP policies DR3, T8 and H13 and chapter 4 of the NPPF.

Conclusion

- 6.18 In light of the above, the principle of development is not considered acceptable having particular regard for the location of the site in relation to local services and facilities, including the limited local transport infrastructure and the reliance on the use of private transport. The need for sustainable development is a fundamental principle in the NPPF, and therefore notwithstanding the recognised shortfall in the housing land supply, this proposal only has limited economic and social benefits that are greatly outweighed by the adverse environmental implications of developing this particular site. Indeed, Paragraph 8 requires that gains in all three dimensions of development should not be considered in isolation but jointly sought, meaning a scheme which robustly fulfils two dimensions may be unacceptable for its failure to fulfil the outstanding dimension. Therefore, the proposal does not accord with Paragraphs 7 and 14 of the National Planning Policy Framework, which is the *presumption in favour of sustainable development*. This principle is not satisfied given that the benefits of providing the development are outweighed significantly in this instance and as such the application is recommended for refusal.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. The proposal represents unsustainable development within the open countryside with poor pedestrian access to local facilities and services. Therefore, the proposal is contrary to the provisions of Policies S1, S2, DR1, DR2, H13, and T8 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework, particularly paragraphs 7, 17, 34, 35, 55 and 109.**

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. 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.**

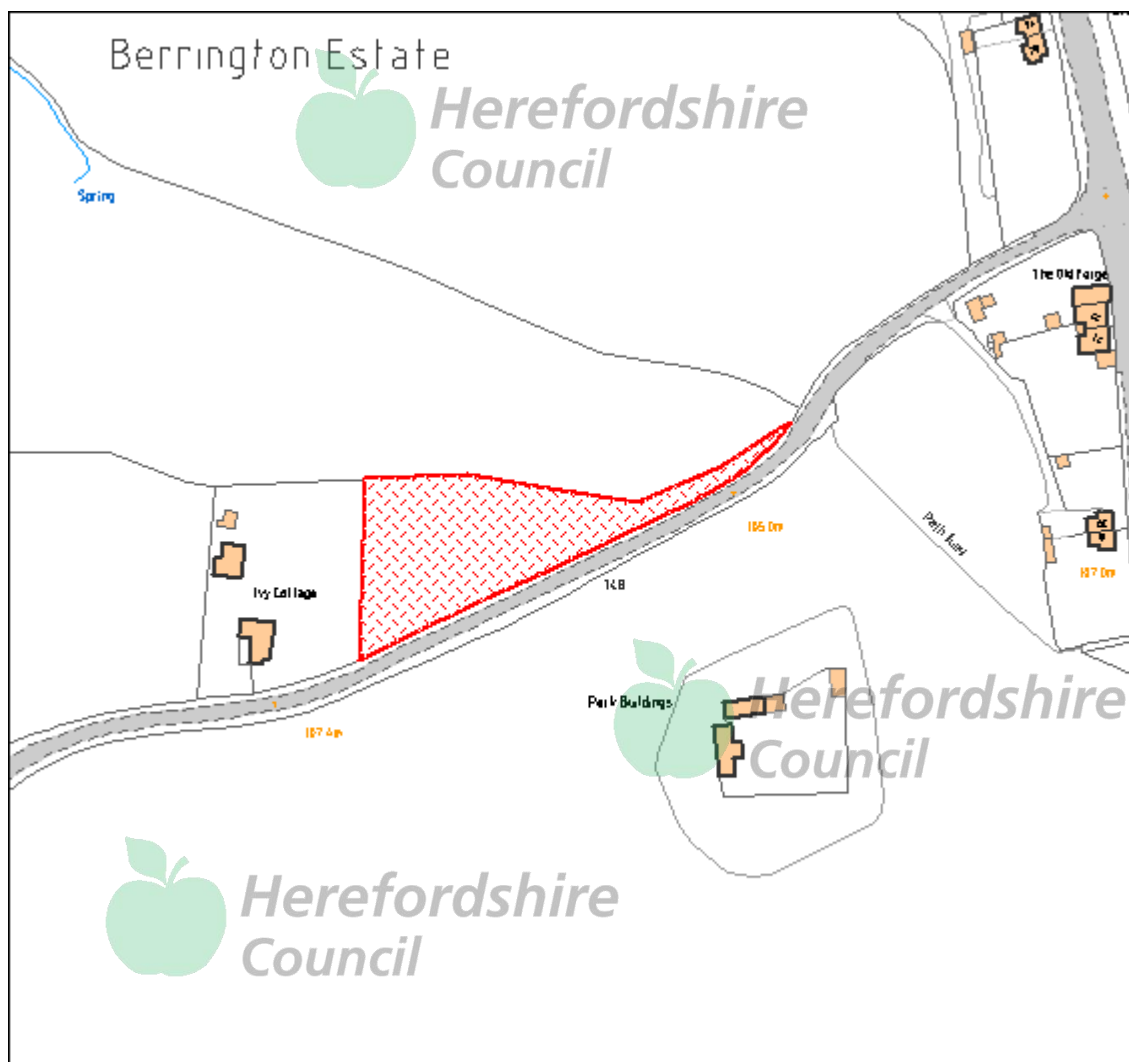
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 150455

SITE ADDRESS : LAND ADJOINING IVY COTTAGE, ASHTON, LEOMINSTER, HEREFORDSHIRE, HR6 0DN

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