

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	14 MARCH 2018
TITLE OF REPORT:	<p>172019 - VARIATION OF CONDITION 19 (P140285/0 76 DWELLINGS AND A BUSINESS CENTRE) AMEND TO: THE B1 COMMERCIAL UNIT AND ITS ASSOCIATED INFRASTRUCTURE AS SHOWN ON APPROVED PLAN 0609- 11/D/3.01 SHALL BE CONSTRUCTED AND CAPABLE OF OCCUPATION FOR EMPLOYMENT PURPOSES PRIOR TO THE FINAL OCCUPATION OF 35 NO. DWELLINGS AT LAND AT PORTHOUSE FARM, TENBURY ROAD, BROMYARD, HEREFORDSHIRE.</p> <p>For: Mr Jones per Miss Hawa Patel, 28 Pickford Street, Digbeth, Birmingham, B5 5QH</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=172019&search=172019
Reason Application submitted to Committee - Council Interest (Development Partner)	

Date Received: 2 June 2017

Ward: Bromyard
Bringsty

Grid Ref: 365195,255414

Expiry Date: 21 December 2017

Local Member: Councillor N.E. Shaw

1. Site Description and Proposal

- 1.1 Outline planning permission and approval of reserved matters has been granted for the erection of 76 dwellings and six B1 business units, subject to conditions. Work has commenced on the site and the first dwellings are complete and are ready to be occupied.
- 1.2 Condition 19 of the original outline planning permission; which provided detailed plans of the first business unit, required that unit to be constructed and capable of occupation prior to the occupation of any of the dwellings.
- 1.3 This application is made under S73 of the Town & Country Planning Act 1990 and seeks to vary condition 19 of the outline permission. For the avoidance of any doubt, the condition reads as follows:

The B1 commercial unit and its associated infrastructure as shown on approved plan 0609_11/d/3.01 shall be constructed and capable of occupation for employment purposes prior to the first occupation of any of the dwellings hereby approved.

Reason: To ensure that the employment use hereby permitted is brought into use and to secure a mixed form of sustainable development in accordance with Policy S1 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

- 1.4 The proposal seeks to vary the wording of condition 19 to allow 35 dwellings to be occupied before the commercial building is complete and capable of occupation.

2. Policies

2.1 Herefordshire Local Plan - Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
SD1	-	Sustainable Design and Energy Efficiency

2.2 Bromyard Neighbourhood Development Plan

Bromyard and Winslow Town Council designated a neighbourhood area on 23 November 2015, however a decision was taken in their March 2017 meeting that they wish to withdraw from the neighbourhood planning process.

2.3 National Planning Policy Framework

Paragraph 206 of the NPPF advises that:

“Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.”

- 2.4 The Core Strategy 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/info/200185/local_plan/137/adopted_core_strategy

3. Planning History

- 3.1 140285/0 - Hybrid application - part Outline for 76 dwellings (35% affordable) and a business centre for B1 uses, with all matters except access to be reserved. Part Full, for the development of a single B1 business unit and the means of access thereto – Approved
- 3.2 161188/RM - Application for approval of reserved matters following outline approval. (P140285/O) for 76 dwellings and associated works – Approved

4. Representations

4.1 Bromyard & Winslow Town Council:

The Town Council resolved to strongly object to this application on the basis that the construction of the business units was always intimately linked to the construction and occupation of the allied housing. The Council considers it imperative that the first business unit is constructed and available prior to the occupation of the first dwelling on the Porthouse site.

4.2 One letter of objection has been received from a local resident, Mr Hancocks, which reads as follows:

“Having an interest in an adjacent commercial property to this development my opinion is that Bromyard is in need of business premises to offer employment to the occupiers of these houses and others yet to be built, which is why the condition was there in the first place. It is obvious there is more profit in houses than Business units which I suggest is the reason for the application.”

4.3 The consultation responses can be viewed on the Council’s website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=172019&search=172019

5. Officer’s Appraisal

5.1 Development has commenced on the residential part of the site and the first dwellings are close to completion and will soon be capable of occupation. Condition 19 requires that the first commercial unit approved in detail as part of the ‘hybrid’ outline planning permission should be completed and capable of occupation prior to the occupation of any of the dwellings. However, the two elements of the site are now separately controlled. The original applicant has retained the area of land upon which the B1 commercial premises are to be constructed, whilst the residential part is being developed separately.

5.2 The applicant is requesting some flexibility with respect to condition 19 given that they have progressed more immediately with the residential part of the scheme. They acknowledge that the delivery of employment units in Bromyard is important for the town. This is particularly so given that to date, neither Bromyard Town Council or Herefordshire Council have been unable to identify land to meet the Core Strategy requirement for 5 hectares of employment land over the plan period.

5.3 The condition was originally imposed to ensure the delivery of a mixed form of sustainable development. The suggested amendment is that the approved commercial unit should be provided prior to the occupation of the 35th dwelling. There is no intention on behalf of the applicant to absolve themselves of the requirement of the condition entirely, simply that it should allow some housing to be occupied before the commercial unit is complete.

5.4 The delivery of housing is an important objective for the Council, especially given the continued shortfall of housing land. The site is sustainable and in my view the amendment of the condition as proposed will continue to ensure that the delivery of the commercial element of the scheme is provided. The outcome will remain the delivery of a mixed form of sustainable development and the scheme will remain compliant with Policy SS1 of the Core Strategy. Furthermore, other conditions imposed when granting outline planning permission have ensured that the means of access to the employment land has been constructed, therefore delivering a significant infrastructure element for this part of the site.

5.5 The application requires the completion of a Deed of Variation to the Section 106 Agreement signed as part of the original permission. Subject to its completion, the application is recommended for approval.

RECOMMENDATION

That subject to the completion of a Deed of Variation to the Section 106 Town & Country Planning Act 1990 obligation agreement, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

- 1. The permission hereby granted is an amendment to planning permission 140285/O dated 18 August 2014 and, otherwise than is altered by this permission, the development shall be carried out in accordance with that planning permission and the conditions attached thereto.

Reason: For the avoidance of doubt and to comply with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 2. The B1 commercial unit and its associated infrastructure as shown on approved plan 0609_11/d/3.01 shall be constructed and capable of occupation for employment purposes prior to the occupation of 35no.dwellings.

Reason: To ensure that the employment use hereby permitted is brought into use and to secure a mixed form of sustainable development in accordance with Policy SS1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

- 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, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Decision:
Notes:
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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 172019

SITE ADDRESS : LAND AT PORTHOUSE FARM, TENBURY ROAD, BROMYARD, HEREFORDSHIRE

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