

9 DCNC2006/3893/F - DEMOLITION OF REDUNDANT RACING STABLES AND ERECTION OF 4 NO. 3 BED HOUSES (LOW COST MARKET) TOGETHER WITH 8 PARKING SPACES AT RISBURY RACING STABLES, RISBURY, LEOMINSTER, HEREFORDSHIRE, HR6 0NQ

For: Mr P Kelsall per Linton Design, 27 High Street, Bromyard, Herefordshire. HR7 4AA

Date Received:
11th December 2006

Ward: Hampton Court **Grid Ref:**
55289, 54941

Expiry Date:
5th February 2007

Local Member: Councillor KG Grumbley

1. Site Description and Proposal

- 1.1 The application site is located on the eastern fringe of the village of Risbury. It is currently occupied by a large vacant agricultural building that has previously been used in connection with a racing stables. The village has a linear form with little depth to development on either side of the road. Residential dwellings lie to either side of the site.
- 1.2 The site is flat but at a significantly lower level to the road and the open countryside to the north continues to fall away, giving extensive views across the wider landscape.
- 1.3 The existing building sits quite close to the road, behind a mature native species hedgerow. A separate building is located on the roadside boundary further to the east.
- 1.4 The application is made in full and seeks to erect fair low cost open market dwellings with associated vehicular access and parking. It is accompanied by a draft Section 106 Agreement that is intended to ensure that the dwellings remain as Discounted Low Cost Housing and that they are made available for Herefordshire residents to purchase.
- 1.5 The dwellings are arranged as two pairs of three bed semi detached properties, with a shared parking and turning area to the front. The access remains in the same position as exists at present, with the existing hedge removed and a new one replanted further back behind the visibility splay. The building on the road frontage will be removed to the boundary of the applicant's land to maximise visibility in an easterly direction.
- 1.6 The plans indicate that the dwellings would be simply designed, finished in red brick with tiled roofs and a lean-to porch to the front. Drainage is shown to be via a bio-disc discharging to a series of soakaways located on an adjoining field that is also owned by the applicant.

2. Policies

Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 - Sustainable Development
S2 - Development requirements
DR1 - Design
DR5 - Planning obligations
H6 - Housing in smaller settlements
H9 - Affordable housing
H10 - Rural exceptions housing
H13 - Sustainable residential design.

Leominster District Local Plan

A2 - Settlement hierarchy
A24 - Scale and character of development
D48 - Affordable housing for local needs in rural areas.

3. Planning History

NC00/2791/0 - Proposed erection of three detached dwellings - dismissed on appeal 11th July 2001.

The Inspector upheld the Council's reasons relating to a lack of exceptional justification for redevelopment of the site for residential development in the open countryside, but attached little weight to the loss of an employment generating site.

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Consultations

4.2 Transportation Manager -

"Whilst the visibility "y" distances are around 35m, the speeds are lowish, and it is debateable if four dwellings would generate more traffic than the racing stables, so intensification is difficult to argue. The proposal actually improves the visibility by resiting the hedge, and further improves the access by regrading the driveway adjacent to the carriageway to no more than 1 in 12. On balance, we consider that, whilst the "y" distances do not meet standards fully, the proposal is a significant improvement over the existing acces, and doubt if a refusal would be robust enough to succeed if appealed. It is, therefore, recommended that conditions are imposed if planning permission is forthcoming."

4.3 Strategic Housing -

Strategic Housing supports the application for four affordable houses in the form of Low Cost Market provided it is discounted in line with the SPG Provision of Affordable

Housing 2001 (updated 2004) in perpetuity. Alternatively, Strategic Housing would support Shared Ownership managed by a Registered Social Landlord, provided it remains affordable.

5. Representations

5.1 Humber Parish Council - Recommends refusal

Whilst recognising the need for affordable housing in the area, the Council does not consider that it is the correct place for such housing, because of the lack of facilities and the minimal public transport.

5.2 Letters of objection have been received from the following:-

M. J. White, Pentwyn, Risbury
Mr. and Mrs. White, New Pentwyn, Turning Ways, Risbury
Mr. D. Shelley, The Birches Farm, Pencombe
Ms. C. Davies, The Birches Farm, Pencombe
Mr. M. Warlock, The Birches Farm, Pencombe
Mr. S. Thompson, Kia-Ora, Risbury

In summary the points raised are as follows:-

1. The proposal is contrary to policy.
2. The vacancy of other dwellings built by the applicant demonstrates that there is not a need for further property in the area.
3. Concerns about highway safety and access out of the site.

5.3 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 The Herefordshire Unitary Development Plan has reached an advanced state, having been recommended by Cabinet on 18th January 2007 for adoption by the Council. The policies thereby are now effectively the policies of the Council, subject to the remaining procedures, which will lead to adoption in March. Consequently the relevant policies in the UDP carry significant weight in assessing planning applications.

6.2 In this case the key policy is H10 which sets out the criteria for "rural exception housing" outside the Market Towns and other identified settlements.

6.3 Policy H10 advises that affordable housing may be permitted on land, with or adjoining the main villages or smaller settlements, which would not normally be released for development, subject to the following criteria :-

1. the scheme contributes to meeting a proven genuine and quantifiable local need for affordable housing, ascertained from an up to date needs survey;
2. the scheme reflects the scale and character of the settlement concerned;

3. arrangements are made to ensure that the benefits of affordable housing will be enjoyed in perpetuity;
4. the site's location affords reasonable access to facilities and public transport;
5. in settlements, other than the main villages and smaller settlements, the proposal is limited to the construction of a single affordable dwelling that does not exceed the constraints set by policy H6.

The report will look at each of these points in turn.

1. Local Need

Although the application is broadly supported by Strategic Housing, it is not accompanied by an up to date housing needs survey. This may be because the scheme does not seek to provide affordable housing in its usual sense, that being, accommodation whose occupancy is controlled by a Registered Social Landlord, but rather, low cost open market housing. However, if relying on this policy for support, the application should provide evidence to demonstrate that a need exists.

2. Scale and character

The proposal reflects the linear form of the village and is generally considered to be of an acceptable scale and character. It is noted that no objections have been raised to the scheme in respect of its design.

3. Retention of affordable housing in perpetuity

The application is accompanied by a draft Section 106 Agreement. In light of the fact that it is for open market housing, this seeks to ensure that the value of the dwellings is discounted. The terms for this are set by a requirement for two separate valuations to be completed and the mean taken as the sale price.

Occupancy is also limited, through a requirement for the owner at the time of any sale to notify the Council of an intention to sell. The Council is then to notify a potential purchaser who meets the terms of being a local person as defined by the Agreement.

The draft Section 106 Agreement would appear to provide an appropriate mechanism to control the value and occupancy of the dwellings.

4. Sustainability

Risbury has not been identified as a smaller settlement for a reason. It has no facilities and poor public transport links. Hence, it is not considered to be a sustainable location for further residential development. The framework for the provision of affordable housing is set by other policies in the UDP and settlements where it will be accepted, due to the existence of services and facilities, are identified. Risbury is not a sustainable location and, therefore, the application fails this policy test.

5. Mixed development

Policy H10 expects developments to be affordable in the sense that they are applications made for rented or shared ownership dwellings. The proposal does not accord with this part of the policy, as it is entirely for open market housing.

7. Single affordable dwellings

This part of the policy allows for developments of single dwellings outside of the main villages and smaller settlements. In effect, this will be for local needs housing on a case by case basis. The application is for four dwellings and does not comply with this part of the policy.

To summarise, the site is in an unsustainable location, where there is a presumption against further residential development, both open market and affordable. No definitive need for further housing in this location has been demonstrated and, whilst the scale and character of the development and the mechanism to control value and occupancy may be acceptable, the proposal fails on policy grounds. In any event the new policy would only permit a single such dwelling, not four as is proposed.

6.5 Other material planning considerations

6.5.1 It may be argued that the proposal allows the re-use of previously developed land and that the site does not have an alternative use. Therefore, it is appropriate to consider its redevelopment.

6.5.2 The site is occupied by an agricultural building and falls within a predominantly rural area. The circumstances of such a building adjacent to residential dwellings is not uncommon across Herefordshire. It does not cause undue harm to the amenity of dwellings within the vicinity. It is your officer’s opinion that this does not offer sufficient justification to override the Policy H10.

6.5.3 It is, therefore, concluded that the proposal represents development in the open countryside. Without any exceptional justification, it is contrary to policy H10 of the Herefordshire UDP and is, therefore, recommended for refusal.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. **The proposal represents development in the open countryside, beyond any recognised settlement boundary, and in an unsustainable location. The applicant has failed to demonstrate that there are exceptional circumstances to warrant a departure from the policy considerations and, therefore, the application is contrary to Policy H10 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).**

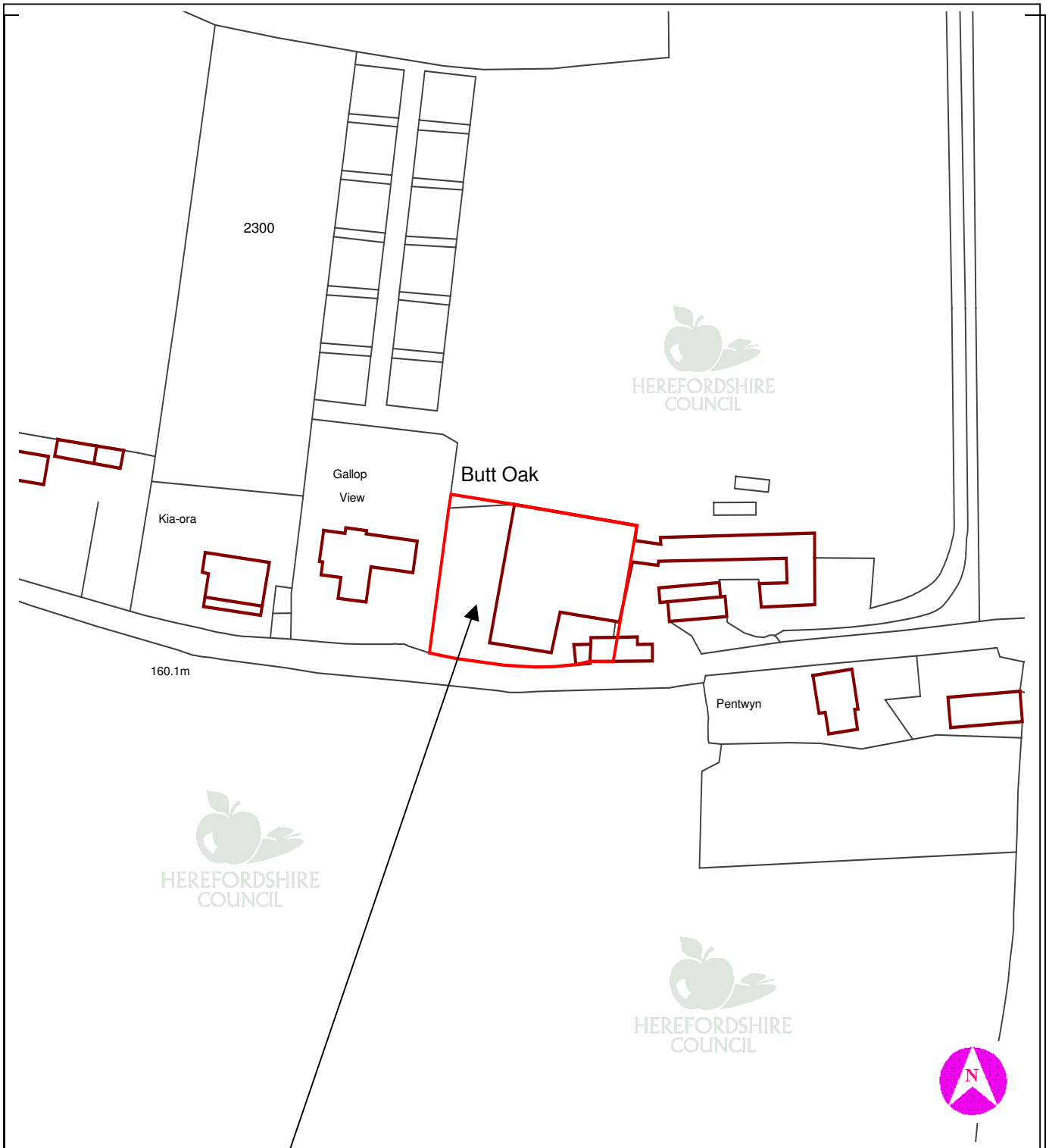
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/3893/F

SCALE : 1 : 1250

SITE ADDRESS : Risbury Racing Stables, Risbury, Leominster, Herefordshire, HR6 0NQ

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