

**11 DCCE2008/3069/O - PROPOSED RESIDENTIAL DEVELOPMENT AT LAND ON NORTH SIDE OF WITHIES ROAD ADJACENT TO TRACK TO WEST LYDIATT, WITHINGTON, HEREFORD, HEREFORDSHIRE, HR1 3PX**

**For: Withington Parish Council per Withington Parish Council, Clerk to the Parish, Ecknell Cottage, Westhide, Herefordshire, HR1 3RQ**

**Date Received: 19 December 2008      Ward: Hagley      Grid Ref: 56053, 42971**  
**Expiry Date: 13 February 2009**  
 Local Member: Councillor DW Greenow

**1. Site Description and Proposal**

- 1.1 The site forms part of a larger agricultural field located on the north western side and adjacent to Withies Road in Withington. The southern and eastern boundaries are enclosed by a mature hedgerow, beyond which are detached dwellings. An existing vehicular access immediately south presently provides access to the site and leading through to West Lydiatt, linking in with Veldo Lane to the northwest which is also a public right of way. Ground levels are generally flat within the site rising gradually north westwards beyond. A mature oak tree is located within the roadside hedgerow in the eastern corner of the site.
- 1.2 The site falls outside of Withington Settlement as identified in the Herefordshire Unitary Development Plan 2007 and therefore falls within the open countryside.
- 1.3 Outline planning permission is sought for the construction of four dwellings, two detached four bedroom and a pair of semi-detached three bedroom dwellings. The application is submitted by Withington Group Parish Council and seeks to establish the principle of the development on the land with all matters reserved for future consideration. The reasoning for the application is that the capital arising from the sale of the residential development would contribute to funding the delivery of public open space, play and sporting facilities proposed by the Parish Council on land adjoining the application site.

**2. Policies**

2.1 National Planning Policy:

Planning Policy Statement 7 – Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007:

Policy S1            -      Sustainable Development  
 Policy S2            -      Development Requirements  
 Policy S3            -      Housing

Policy S7	-	Natural and Historic Heritage
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR5	-	Planning Obligations
Policy H7	-	Housing in the Countryside Outside Settlements
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy RST5	-	New Open Space in/adjacent to settlements

### 2.3 Supplementary Planning Document - Planning Obligations

## 3. Planning History

- 3.1 DCCE2008/2539/F Change of use from agricultural land to public open space. Planning permission approved 8 December 2008.
- 3.2 DCCE2008/2542/O Proposed residential development. Planning Permission Refused 8 December 2008. The reason for refusal was as follows:-

“The proposed development would result in new residential development outside of a defined settlement and notwithstanding the information provided to support the application, none of the exceptions controlling new housing in the countryside identified in the Herefordshire Unitary Development Plan have been satisfied. As such the development is contrary to Policies H7 and H10 of the Herefordshire Unitary Development Plan.”

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Dwr Cymru Welsh Water: No objection subject to conditions controlling foul and surface water drainage.

### Internal Council Advice

- 4.2 Traffic Manager:

A footway should be provided for the full length of the frontage, with a dropped crossing to allow pedestrians to cross to the existing footway on the south of Withies Road opposite the east end of the development. Setting back the front boundary by 2.4 metres will achieve visibility and room for the footway which should be dedicated as highway. There is a ditch behind the existing hedge which will require piping as part of the development. No surface water discharge will be permitted to the existing highway drains.

A Section 106 contribution in line with the SPD should be sought. The proposed uses in the Heads of Terms are acceptable but should also include improvements to public and community transport facilities and park and ride infrastructure.

- 4.3 Children's and Young People's Directorate:

The educational facilities provided for this development are North Hereford City Early Years, Withington Primary School, Aylestone Business and Enterprise College and

Hereford City Youth Service. As at the Autumn census 2008, all year groups at both Withington Primary School and Aylestone Business and Enterprise College have spare capacity.

Section 106 contributions are therefore sought to North Hereford City Early Years and Hereford City Youth Service with an additional 1% contribution to special educational needs.

**4.4 Parks & Countryside Manager:**

We support the creation of new public open space adjacent to the village hall at Withington, and accept that if a small amount of the proposed land is developed it will help to finance the development of the remainder of the land for sport and recreation, and any additional works needed to utilise the land to its full potential.

**5. Representations**

**5.1 Withington Parish Council:**

The Parish Council have submitted the application and it therefore has its full support. The Parish Council also considers that this application should be referred to Councillors.

**5.2 River Lugg Internal Drainage Board:**

The site lies on land adjacent to the Boards boundary and may adversely affect the Boards operational interests. Further details on potential flood risk and surface water drainage are required as the area has high flood risk and has suffered as a result of elevated water levels in the past.

The Board issues a holding objection as based upon the available information, the development may pose an unacceptable increase to the risk of flooding occurring on lands and property within the catchment.

**5.3 One letter of representation has been received from Naomi Wilton of Fisher German Chartered Surveyors, acting on behalf of Apperley Settlement Trust who are the present landowners. The main point raised is**

- To secure additional funding to facilitate the proposed open space four new dwellings have been put forward. The open market housing in this case is an exceptional circumstance as proceeds from sale will pay for community facilities. It is considered that although the housing is a departure from policy, the fact that housing is enabling development should be treated as a material consideration. The Trust supports the application.

**5.4 A supporting statement has been provided by the applicants. The main points raised are:**

- The Parish Council aims to obtain an area of land on which facilities for play, sport and recreation can be undertaken within the village within the next 18 months. Discussions have been held with the landowner's agent and rather than trying to fitting all the requirements within the land allocated within the Unitary Development Plan, the decision has been taken to acquire the entire parcel of land north of this application site (2.7 hectares). Planning permission has now being approved for the change of use of this land to public open space. The estimated cost of acquisition of the land and development of the public open space including

provision of changing facilities and the car park extension at the existing village hall is estimated to be around half a million pounds.

- Two sums of money have been obtained from existing residential developments and a further small levy on the Council Tax has been applied. The total sum currently available is 80,000. It has become apparent that additional funding is required. As occurred with the development of the existing village hall where the landowner was given permission to build five houses and in exchange provided the land along with a contribution towards building costs. A similar situation is now proposed for this application.

The proposal could incorporate affordable housing but this would result in a negative return on the affordable units and is likely to generate an objection from the Housing Officer due to adequate existing supply.

Four general market dwellings are proposed along with a Section 106 Agreement to prevent implementation of the permission until land for the open space has been transferred to the Parish Council. Other sources of funding could come from the Football Development Fund.

Alternatives that could be pursued are the promotion of the site through the LDF but this is likely to lead to significant delay and could result in the loss of the existing planning gain funds obtained. Development of the site around the village hall has also been explored. This would screen the village hall from public view and lead to poor integration of the open space with the village. Therefore this is considered the only option.

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

- 5.5 The consultation period had not expired at the time of writing this report and therefore an update with any further representations received will be provided at Committee.

## **6. Officer's Appraisal**

- 6.1 As identified in the Herefordshire Unitary Development Plan, the site lies adjoining but outside of the defined settlement boundary for Withington. As such the site lies within the open countryside for the purposes of planning policy. Policy H7 sets the criteria where new housing may be permitted in the open countryside. However, none of the criteria are satisfied and therefore the proposal is contrary to Policy H7 of the Unitary Development Plan. Furthermore, the development would result in a clear residential encroachment in landscape terms beyond the existing settlement boundary defined by a mature roadside hedgerow to the detriment of the landscape and character of the area.
- 6.2 The site also falls within land designated within the Unitary Development Plan as public open space. Policy RST5 requires that any development that were to prevent or prejudice the future use of land allocated as public open space for recreational amenity or open space purposes should not be permitted. Therefore, the development is also contrary to policy RST5 as it would result in the loss of allocated open space. However, given that a larger area of land now has the benefit of planning permission for public open space, it is not considered that this current proposal would prejudice or prevent the remainder of the land from being developed as public open space.

- 6.3 The development has been submitted by the Parish Council to enable funds to be achieved to facilitate the proposed public open space, play and sporting facilities on land north of this application site. Planning permission was approved in December 2008 for the change of use of the entire area of land to public open space (excluding this application site area). Some preliminary financial information has been provided identifying the possible costs associated with the delivery of the public open space and facilities. The figures have not been audited. The likely costs would include land acquisition, fencing, paths, site levelling and seeding, drainage, landscaping and delivery of facilities including an all weather pitch, changing rooms and car parking. The likely shortfall in funds to deliver all these facilities is not disputed. However, there is no mechanism under current planning legislation or within the adopted Development Plan that enables support for the application. Therefore, whilst the delivery of the public open space and associated facilities is a material consideration in the assessment of the application, given the clear conflict of the adopted Development Plan policy, it is not considered that this consideration is sufficient to enable support for the development.
- 6.4 It is considered, however, that there are other options that could be pursued to achieve the desired objective and are likely to fall within the current or future planning policy framework.
- The site could be promoted through the Local Development Framework process as a residential allocation although it is acknowledged that this will take some time.
  - A 100% affordable housing development subject to a housing needs survey proposed this year identifying a need. Estimated current build costs and affordability ratings would mean that an affordable housing development would be profitable although it is acknowledged that the profit margins would be considerably less than with a general market development.
  - The Parish Council also own land around the village hall which could accommodate the four dwellings proposed under this application and this land falls within the settlement boundary for Withington. Whilst construction of dwellings along the frontage would obscure views of the village hall, it would still clearly be visible from the existing access point. Furthermore, the highway infrastructure is already in place and therefore the development costs will be lower and profit margins higher. This option is considered to be a realistic alternative if this application is refused and would also accord with adopted planning policy.
- 6.5 An illustrative plan has been provided identifying the possible layout of the development. The proposal would represent a very low-density development. Adequate space exists to achieve an acceptable access and layout of dwellings without adversely impacting upon the amenity of neighbouring dwellings or highway safety. Other matters such as drainage could be dealt with by condition if the principle of the development were acceptable. A draft Section 106 Heads of Terms broadly in line with the adopted Supplementary Planning Document on Planning Obligations has also been provided to mitigate the impact of the development. However, the Heads of Terms does not identify a requirement that all the funds from the sale of the development should be solely utilised for the development of the public open space.
- 6.6 Notwithstanding the above paragraph and the principal reasoning for the development, it is not considered that the current policy framework at a local or national level provides the mechanism by which this application could be supported in its own right

and furthermore, it is not considered that this is the only practical option to achieve the Parish Council's objectives. The proposal is therefore contrary to Policies H7, DR1 and H13 of the Unitary Development Plan and cannot be supported.

**RECOMMENDATION**

**That planning permission be refused for the following reason:**

- 1. The proposed development would result in new residential development outside of a defined settlement and notwithstanding the information provided to support the application, none of the exceptions controlling new housing in the countryside identified in the Herefordshire Unitary Development Plan have been satisfied. As such the development is contrary to Policies H7, DR1 and H13 of the Herefordshire Unitary Development Plan.**

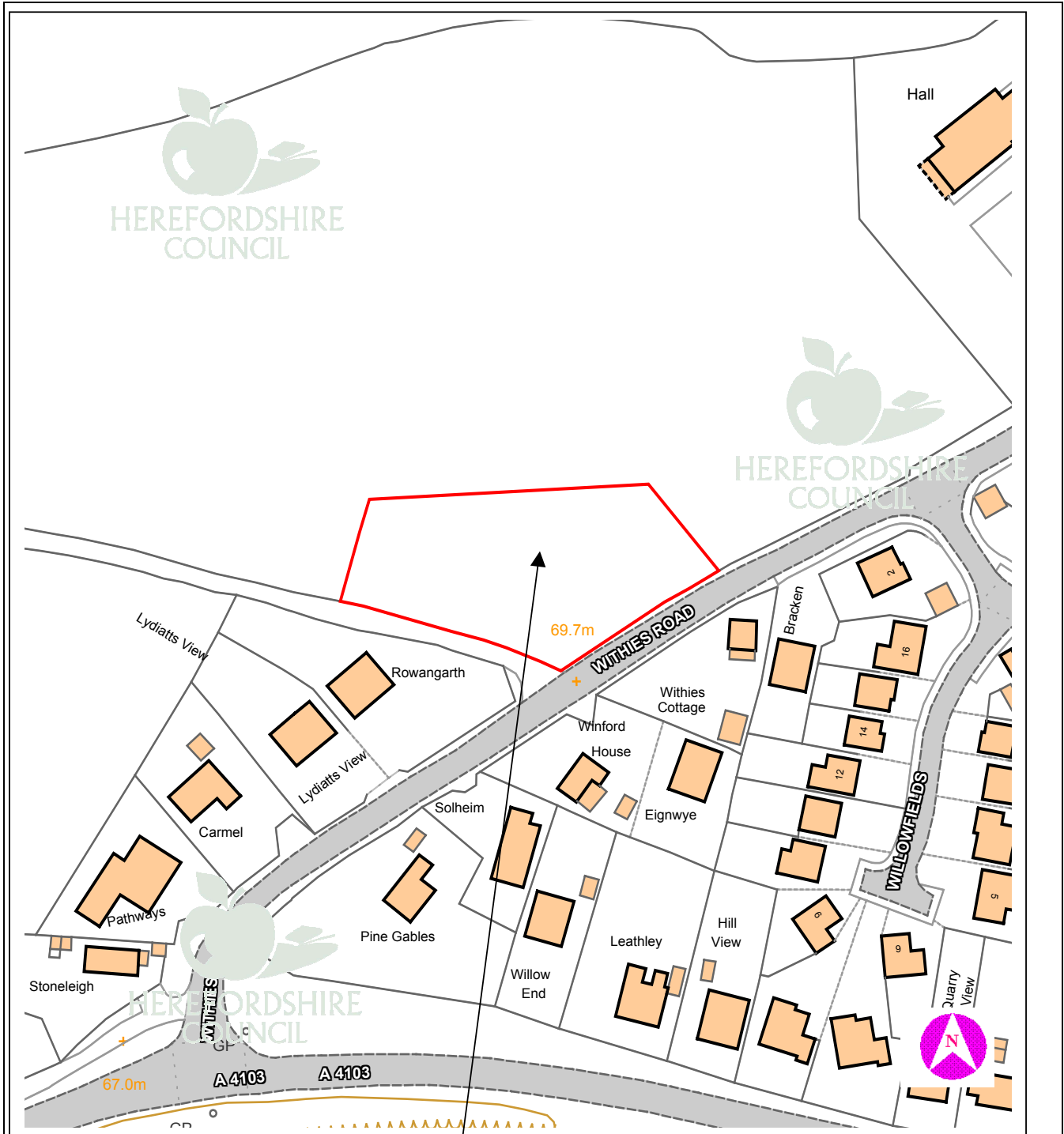
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2008/3069/O

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land on North side of Withies Road adjacent to track to West Lydiatt, Withington, Hereford, Herefordshire HR1 3PX.

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