

17 DMNC/092391/O - PROPOSED TWO DWELLINGS AT LAND AT WOODHOUSE LANE, BODENHAM, HEREFORDSHIRE, HR1 3LB**For: Mr Hunt per Lett & Sweetland Architects, 58 London Road, Worcester, WR5 2DS****Date Received: 23 September 2009 Ward: Hampton Court Grid Ref: 354302,251395****Expiry Date: 28 December 2009**

Local Member: Councillor KG Grumbley

1. Site Description and Proposal

- 1.1 The application site is located immediately adjacent to Woodhouse Lane, Bodenham and is a small part of a much larger agricultural field. It is a flat, rectangular piece of land amounting to 0.13 hectares set behind a mature roadside hedge. A group of 15 dwellings lies to the south west of the application site, the closest being a terrace of inter-war properties fronting onto Woodhouse Lane known as Caldervale.
- 1.2 Woodhouse Lane is separated from the main settlement of Bodenham Moor, lying on the northern side of the A417, with the village being on its southern side. It is here that the majority of its services are located, with the exception of the village hall which is to the north and accessed directly from the A417. The main part of the settlement boundary for the village is drawn around the main concentration of development to the south of the A417, but a second boundary is drawn around the cluster of dwellings on Woodhouse Lane. However, the application site falls just beyond this boundary.
- 1.3 The application is made in outline with all matters reserved for future consideration and is for the erection of two dwellings. Its basis is that the accommodation is required to provide independent living accommodation for the applicant's disabled son through the provision of a two bed bungalow. Within this provision will be made for a carer to reside permanently on site. The second property would be 3 bed dwelling and provide accommodation for the family. The design and access statement accompanying the application advises that this could either be one or two storey.
- 1.4 The design and access statement also advises that, due to his disability, the applicant will have access to a mortgage via the Support For Mortgage Interest (SMI) Scheme, and means that he will have shared ownership of the property with a housing association. A caveat of the scheme is that the accommodation should only be for the applicant and his personal assistants.

2. Policies**2.1 Herefordshire Unitary Development Plan**

S1	-	Sustainable development
DR3	-	Movement
H7	-	Housing in the countryside outside settlements
H10	-	Rural exception housing
T8	-	Road hierarchy

3. Planning History

Further information on the subject of this report is available from Mr A Banks on 01432 383085

3.1 None identified -

4. Consultation Summary

4.1 Transportation Manager – Acknowledges that visibility is poor at the junction of Woodhouse Lane and the A417. He also advises that there are no records of any accidents at the junction over the past five years. Given that the proposal represents a limited intensification of use over and above the dwellings currently using the junction, he is of the opinion that it would be unreasonable to recommend refusal on highway safety grounds.

4.2 Head of Adult Social Care – Supports the application

4.3 Housing Needs and Development Manager – It has not been demonstrated that the applicant has a local housing need or is registered with Home Point. They were not identified in the last Housing Needs survey for Bodenham which was completed in 2009 as they are not currently resident in the parish. A needs survey has not been completed for Pencombe where the applicant is currently resident and he has not contacted the department. Therefore we are not aware of the need for accommodation or the type of tenure of housing that is proposed. The information provided in the design and access statement in this respect is considered to be insufficient.

5. Representations

5.1 Bodenham Parish Council – Raise no objection to the proposal subject to the removal of permitted development rights and the completion of a Section 106 Agreement to ensure that the dwellings remain affordable in perpetuity.

5.2 Three letters of objection have been received from the following:

- RJ Symonds & B Kempson, 7 Caldervale, Woodhouse Lane, Bodenham
- Mrs U Heap, Coverdale, Woodhouse Lane, Bodenham
- Mr D Parry, Keithlee, Caldervale, Bodenham. This letter is also accompanied by a petition containing 23 signatures from local residents.

The points raised are as follows:

- Visibility at the junction of Woodhouse Lane and the A417 is severely restricted.
- The 40 mph speed limit along the A417 is not adhered to.
- The scheme will introduce additional traffic movements and this will further compromise highway safety.
- The site is outside the village settlement boundary and therefore contrary to the Council's policies.

5.3 The design and access statement gives details of the applicant's disability. He is confined to a wheelchair as a result of a brain abnormality and has never had independent mobility or the power of speech, and is dependent upon personal assistants to provide daily care.

The family presently reside at Sidnalls Farm, Pencombe, where both parents are employed by Lower Hope Farms, in a three bedroomed house and adjacent one bed flat that have been made available by his employer. The parents are coming up to retirement age and the statement advises that there is a need to resolve the applicant's long-term care provision, and the intention is to allow independent living with support.

Lower Hope Farms have offered to provide some land free of charge and various sites within the Lower Hope estate have been assessed for their suitability for development for two dwellings. The application site is considered to be most appropriate.

The applicant's parents are considered to be an integral part of his care team and need to be close to ensure the continuation of an appropriate level of care. Living nearby will enable them to continue this with a future gradual phased withdrawal of their input.

The statement concludes that the granting of approval for two dwellings is fundamental to the long term solution of care provision for the applicant. It acknowledges that the scheme does not comply with the Council's planning policies, but considers that it does accord with the spirit of national and local policies in terms of their desire to ensure social inclusion and equality, and it is for this reason that it considers that the application should be dealt with as an exception.

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

6. Officer's Appraisal

6.1 The potential for success of this application is weighted very heavily on the applicant's personal circumstances. The commentary in the design and access statement acknowledges that the proposal does not accord with policies contained within the Unitary Development Plan, but this must be the starting point for the consideration of the application.

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. Policy H10 advises that affordable housing may be permitted on land, within or adjoining main villages or smaller settlements, which would not normally be released for development. It sets out a number of criteria against which applications are to be assessed. The following points are those which are considered to be most relevant to this application:

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;

It is appropriate to consider each of these criteria in turn.

Need

6.3 An affordable housing need will be taken to exist when an individual is unable to compete on the open housing market and can fulfil one or more of the following aspects of need within a parish:

- Existing residents needing separate accommodation in the parish, such as those leaving tied accommodation or newly emergent households.
- People whose work provides important services to the parish and need to live closer to the local community.
- People who are not necessarily resident, but have long-standing links with the local community.

- People with the offer of a job in the locality who cannot take it up due to the lack of affordable housing in the County.

6.4 The advice from the Housing Needs and Development Manager is that neither the applicant or his parents have previously identified themselves as being in housing need. It appears that they are resident and employed in the adjacent parish of Ullingswick and, other than the fact that the site is considered to be the most appropriate of those assessed, have no particular connection with Bodenham. They do not appear to be in any immediate housing need and no information has been given about the unsuitability of their current accommodation. The proposal does not accord with this part of the policy.

Scale and Character

6.5 The site is immediately adjacent to a cluster of dwellings. The addition of a further two would not be inappropriate in terms of both scale or character and the site represents an obvious extension of the built development that currently exists.

Retention of Affordable Housing in Perpetuity

6.6 Whilst the design and access statement does make mention of the fact that the mortgage requirements placed upon the applicant will mean that he will have shared ownership with a housing association, no detail is given as to how the two properties might be managed in the future to provide affordable accommodation within the parish.

6.7 The properties do not seek to provide affordable housing to let through a Registered Social Landlord and could only be considered as discounted open market housing. If this were to be the case then an appropriate mechanism for setting the discounted value of each property, ensuring that it is first made available to a local person in housing need would have to be provided through a Section 106 Agreement. This approach has been taken elsewhere in the County, although the success of these schemes has yet to be fully recognised as none of the properties have been through second or third phases of occupancy.

Sustainability

6.8 All of the services associated with the village, with the exception of the village hall, are located on the opposite side of the A417. From the application site, an individual wishing to access them would have to cross the road to use the footpath opposite to walk into the village.

6.9 In terms of providing accommodation for an individual with specific needs and a high dependency on service provision due to disability, the site is considered to be less than ideal.

Other Issues

6.10 The letters received from local residents focus on the issue of highway safety, and particularly poor visibility at the junction of Woodhouse Lane and the A417.

6.11 Notwithstanding the advice from the Transportation Manager who considers that the intensification in use of the access is negligible and does not warrant refusal, it is considered that the severely sub-standard visibility at the junction in a north-westerly direction is a significant issue. Whilst there can be no control of the frequency of use of existing dwellings, or use by agricultural traffic, the applicant is entirely dependent upon private means of transport and any intensification in use will increase the potential for highway safety to be compromised. The hedgerow and immediately adjacent to the north-west is beyond the control of the applicant and there is no opportunity for visibility to be improved. As such the

proposal is also considered to be contrary to Policy S1 and T8 of the Unitary Development Plan.

Conclusion

6.12 In conclusion the applicant's personal circumstances are not considered such that the proposal for two dwellings accords with the Council's adopted policies. It has not been demonstrated that either he or his parents are in housing need or why a location on the periphery of Bodenham is necessary other than the availability of land. Therefore the proposal is contrary to Policies H7 and H10 of the Unitary Development Plan. The visibility at the junction of Woodhouse Lane and the A417 is so severely restricted, and incapable of being improved that a proposal that would result in any intensification of use would compromise the highway safety of road users, contrary to Policies DR3 and T8. The application is therefore recommended for refusal.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 The proposal represents development in the open countryside, beyond any recognised settlement boundary. 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.**
- 2 The proposal would result in the intensification in use of the junction of Woodhouse Lane and the A417. Visibility at this junction in a north-westerly direction is significantly less than the requirements made of new development within a 40 mph zone. The land to the north-west is not controlled by the applicant and visibility cannot be improved. Any intensification of use will compromise the safety of highway users, contrary to Policies DR3 and T8 of the Herefordshire Unitary Development Plan.**

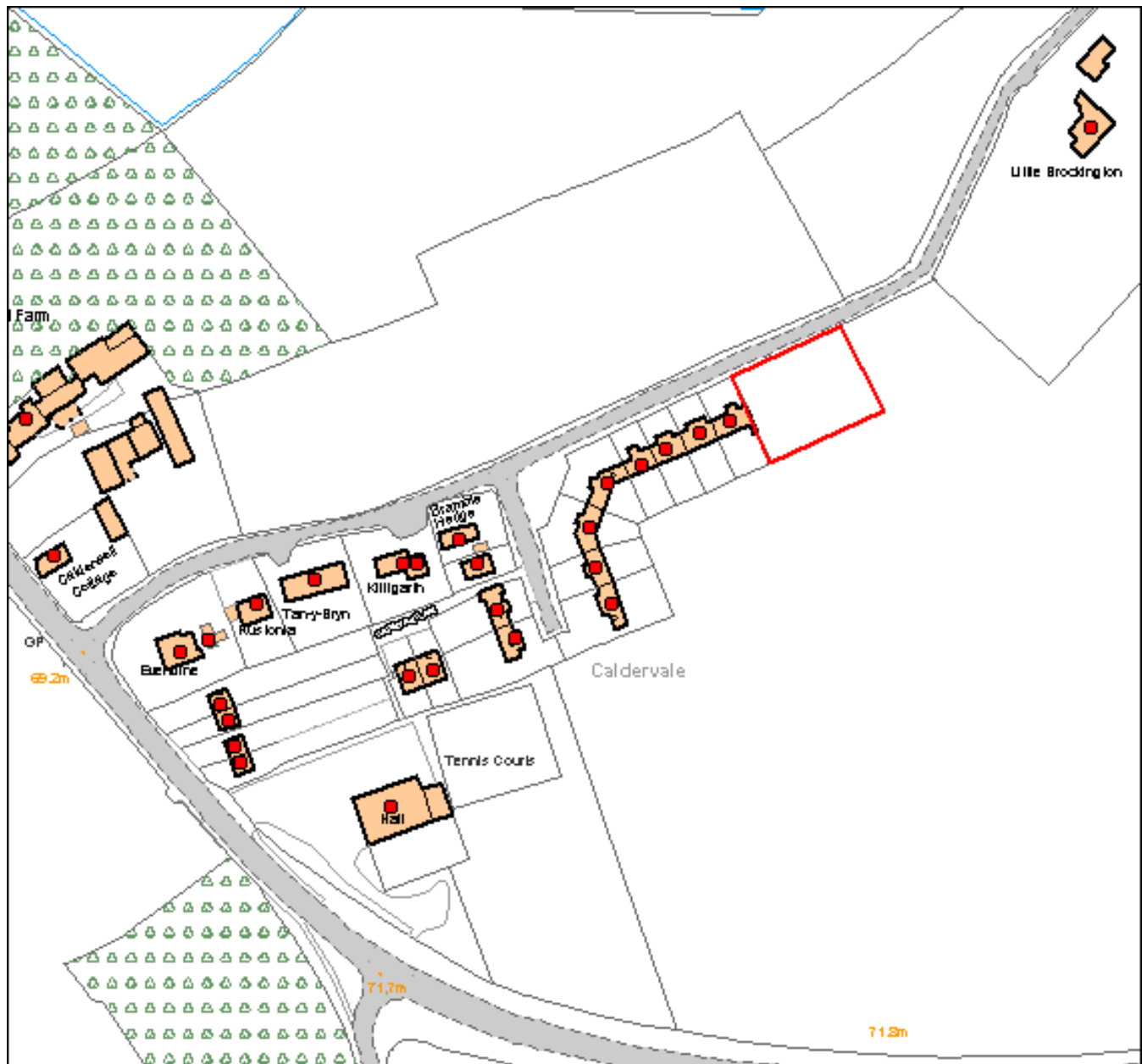
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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SITE ADDRESS : LAND AT WOODHOUSE LANE, BODENHAM, HEREFORDSHIRE, HR1 3LB

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