

12 DCSE2003/2649/O - RENEWAL OF PLANNING PERMISSION SE2001/0906/O SITE FOR SINGLE STOREY DWELLING AT LAND AT UPTON CREWS, NEAR ROSS-ON-WYE, HEREFORDSHIRE

For: Mr & Mrs J.A. Watkins, Ellbrook House, Linton, Ross on Wye, Herefordshire HR9 7SR

Date Received: 1st September 2003 Ward: Old Gore Grid Ref: 64558, 27187

Expiry Date: 27th October 2003

Local Member: Councillor J W Edwards

1. Site Description and Proposal

- 1.1 This site at Upton Crews flanks the north eastern side of the unclassified road No. 70003 which leads out from the centre of this small settlement in a north westerly direction. The site itself is a small strip of land fronting onto the road with two existing dwellings on either side. The site forms part of a large field which extends out to the rear and slopes down in towards the north east. There is an existing hedgerow on the roadside boundary.
- 1.2 The proposal is an outline application to renew a previous/existing outline planning permission ref. no. SE2001/0906/O granted on 27th June 2001. The details/matters relating to the siting of the dwelling on the site have been submitted for consideration at this stage.

2. Policies

2.1 Planning Policy Guidance

PPG1	General Policy and Principles
PPG3	Housing
PPG.7	The Countryside: Environmental Quality and Economic & Social Development

2.2 Hereford and Worcester County Structure Plan

Policy H16A	Development Criteria
Policy H18	Residential Development in Rural Settlements
Policy H20	Residential Development in Open Countryside
Policy CTC9	Development Criteria

2.3 South Herefordshire District Local Plan

Policy GD1	General Development Criteria
Policy C1	Development Within Open Countryside
Policy C43	Foul Sewerage
Policy SH10	Housing in Smaller Settlements
Policy T3	Highway Safety Requirements
Policy T4	Highway and Car Parking Standards

2.4 Herefordshire UDP (Deposit Draft)

Policy S2	Development Requirements
Policy S3	Housing
Policy H6	Housing in Smaller Settlements
Policy H16	Car Parking

3. Planning History

- 3.1 SS980964PO Site for 4-bedroomed detached house - Refused 22.12.98
- SE2001/0906/O Site for erection of single storey dwelling - Outline Permission 27.06.01

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency has no comment to make.
- 4.2 Dwr Cymru - Welsh Water advise that certain conditions and notes relating to drainage be included in any permission. Also there are no foul/surface water sewers in the immediate vicinity and it is therefore likely that off-site sewers will be required to connect to the public sewerage system.

Internal Council Advice

- 4.3 The Head of Engineering and Transportation (Divisional Engineer) recommends that any permission includes certain conditions.

5. Representations

- 5.1 Two letters of support have been submitted by the applicants. The main points being:

- ask that planning application be considered against those same policies which allowed for a dwelling to be approved over two years ago
- the submitted evidence showed that there was a local housing requirement for a house and there is no reason to believe that this conclusion should be changed
- over last two years energies had to be diverted to restructuring of applicants' farms activities. The resubmission of the application is to allow for more time to submit a detailed application
- enclose three letters from local people expressing an interest in the plot. Three letters from persons in Gorsley and Linton were attached with the latest letter.

- 5.2 An agent acting on behalf of the applicants has submitted two letters of support. The main points being:

- substantial evidence was provided in previous application for local housing requirement for this dwelling. This requirement has continued and two letters from local estate agents are attached supporting this fact

- reaction from Planning Inspectors in appeals to Policy SH10 is that the Policy could not be practically and realistically disaggregated from the District-wide housing land availability findings. No explanation as to what constitutes 'local housing requirements'
 - Counsel has advised the Council that the need to define local housing needs in Policy SH10 is not a strong one
 - there exists a local housing requirement for this dwelling
 - the applicants merely wish to extend life of the outline permission
 - the applicants own all the land to which the original outline planning permission relates, but have no objections to the site being amended to omit small wedge of land on the south western corner
 - enclose a list of potential purchasers of the building plot, held by Jonathon Preece Estate Agent, most of which live in or adjacent to Upton Bishop Parish
 - paragraph 60 of Circular 11/95 which states that applications for the renewal of planning permission should be refused only where there has been a change in the material consideration, the continued non-implementation of a permission leads to unacceptable uncertainty and the application is premature, unless the Council can demonstrate that one of these three scenarios applies to this application then the onus is upon it to justify any refusal reasons
- Two letters from estate agents stating that there is a strong demand for houses in the Upton Bishop area and also a list of 38 names of potential purchasers for dwellings (held by an estate agent) ere enclosed with these letters.

5.3 The Parish Council observe:

This Council continue to strongly oppose this development for the reasons stated in the minutes of May 2001 and submitted to CHDC at the time of the original application. The Council are not satisfied that the conditions made on the original permit address the problems of developing this site.

Previous comments referred to are as follows:

Strongly object to application, commenting

- 1) location in open country, contrary to planning policy
- 2) prominent position on ridge
- 3) highways concerns: busy road junction in close proximity
: site too narrow for visibility splay
- 4) details incorrect
 - (i) "part of residential curtilage" - this land has always been a paddock
 - (ii) para 12B: foul water cannot be routed into mains sewer - there isn't one.

5.4 Two letters of objection have been received from PD Holland, Church Cottage, Upton Bishop, Herefordshire HR9 7UL and Mr P F Fray, Keepers Cottage, Upton Bishop, Herefordshire HR9 7UE (the latter included previous letters of objection). The main points being:

- if permission to renew is granted then all the conditions attached to the original application must hold good especially in the interests of highway safety
- various inaccuracies in application
- a new access to site was made but never been used regularly
- no mains sewer in Upton Bishop
- the area was formerly designated as a pony paddock to 'Courtfields' and should not have been curtilage

- the proposal is for a single storey dwelling and not a 4-bedroom house
- a previous permission was granted despite local objections
- the inaccurate site plan meant that position of the property left room for a possible 'infill' development
- Mr Watkins lived in house for 3-4 years before selling it
- the house at Upton Bishop was sold on open market but without pony paddock
- the property is situated on skyline
- will result in three drives within 25 metres of turning to Mulhampton Lane
- visibility from site very bad
- privacy of other householders will be affected
- flagrant attempt to circumvent planning principles. The previously built house was sold and the section of land (site of current application) was retained to form an 'infill' site. This shows complete disregard and disrespect for the planning authority.

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

6. Officers Appraisal

- 6.1 The main issues with respect to this outline application relates to the fact that this is a renewal of outline planning permission previously approved (ref. No. SE2001/0906/O) and whether there are any changes to the material planning considerations of the case. The site is within the smaller settlement of Upton Crews where Policy SH10 of the SHDLP directly relates. This policy essentially requires that any new housing development is small scale, within the existing boundary of the settlement, in keeping with the scale and character of the area and has a safe access. In addition the proposal will only be permitted where it can be clearly demonstrated that the development would help satisfy local housing requirements.
- 6.2 The application is almost identical to the previous outline application which was approved on 27th June 2001. The only difference being the omission of a small triangular section on the southern corner to reflect the shape of the site.
- 6.3 The proposed siting of a single storey dwelling on this site will constitute an acceptable infill plot within the settlement. It should be possible to design such a dwelling in the position proposed so as not to be out of keeping with the visual amenities and character of the settlement and the surrounding landscape and so as not to adversely affect the residential amenities of the neighbouring dwellings.
- 6.4 The applicants and their agent have submitted letters and details from estate agents i.e. list of names and addresses, showing that there are a number of people in the area who are looking for dwellings in the locality. It is considered that these details are sufficient to show that there is a current local housing requirement in the area and that the proposal complies with this aspect of Policy SH10 in the SHDLP.
- 6.5 The objectors refer to the fact that an infill site was artificially created when the adjacent dwelling immediately to the north west was built and part of the site was retained when the property was sold. However it does not appear that any planning matters were infringed by this action.
- 6.6 There have been objections relating to the means of access. However planning permission was granted for a new vehicular access in the previous outline planning

permission subject to certain conditions. In this current application the Head of Engineering and Transportation has recommended that any permission includes certain conditions. However the details relating to means of access have not been submitted in this application and as such it is not considered appropriate at this stage to impose highway conditions on any new outline planning permission.

- 6.7 The proposal is for foul water to be disposed of by mains sewer. Dwr Cymru – Welsh Water have advised that there are no foul/surface water sewers in the immediate vicinity and therefore it is likely that off site sewers will be required to connect to the public sewerage system. As such it is considered that any permission granted should include a condition requiring details of the proposed foul and surface water drainage arrangements to be submitted for approval.
- 6.8 In conclusion it is considered that a sufficient case has been made by the applicant to show that there is a local housing requirement in the local area. The proposed development is considered to be acceptable and in accordance with the planning policies for the area, in particular Policy SH10 of the SHDLP. The objections of the neighbours have been noted but are not considered to be sufficient to refuse the renewal of this outline planning permission.

RECOMMENDATION

That outline planning permission be granted subject to the following conditions:

- 1 A02 (Time limit for submission of reserved matters (outline permission))**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 2 A03 (Time limit for commencement (outline permission))**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 3 A04 (Approval of reserved matters)**
Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
- 4 A05 (Plans and particulars of reserved matters)**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 5 F18 (Scheme of foul drainage disposal)**
Reason: In order to ensure that satisfactory drainage arrangements are provided.

Informative(s):

- 1 Dwr Cymru - Welsh Water advises:**

There are no foul/surface water sewers in the immediate vicinity. It is therefore likely that off-site sewers will be required to connect to the public sewerage system.

If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru - Welsh Water's Network Development Consultants on Tel: 01443 331155.

2 N15 - Reason(s) for the Grant of Planning Permission.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.