

MEETING:	PLANNING COMMITTEE
DATE:	2 FEBRUARY 2011
TITLE OF REPORT:	<p>DMS/102337/O - SITE FOR PROPOSED RESIDENTIAL DEVELOPMENT AT LAND OFF WITHIES ROAD, WITHINGTON, HEREFORDSHIRE, HR1 3PX.</p> <p>For: Withington Parish Council, per Mr Geoff Studerus, Ecknell Cottage, Westhide, Herefordshire, HR1 3RQ.</p>

Date Received: 10 September 2010 Ward: Hagley

Grid Ref: 356054,242969

Expiry Date: 29 November 2010

Local Member: Councillor DW Greenow

1. Site Description and Proposal

- 1.1 Outline planning permission (with all matters reserved) is sought for the erection of two open market dwellings on land on the north side and adjacent to Withies Road, Withington. The site forms part of a larger parcel of land comprising public open space currently being laid out as a football pitch and adventure playground. The applicant considers the dwellings to represent 'enabling development' in that finance from their sale would be used to complete the public open space with the addition of an all weather pitch and changing facilities.
- 1.2 The southern and eastern site boundaries are enclosed by a mature hedgerow beyond which lie detached dwellings. The land to the north east is occupied by the village hall and associated car park. A temporary access has been formed to allow access for contractor's vehicles to undertake the groundwork necessary for the formation of the football pitch and adventure playground and it is from this that vehicular access to the dwellings would be provided, the route also enabling an agricultural access through to the fields to the north.
- 1.3 The application is the third such application on site. At the time the application was made, a previously secured £40,000 'playbuilder' grant had been withdrawn. Subsequently 93% of this funding (i.e. £37,200) has been reinstated. Two earlier applications for residential development on this land were refused on the basis that the site is outside the defined settlement for Withington, with none of the relevant exceptions that might allow for the grant of planning permission being met.
- 1.4 The applicants are willing to enter into a Section 106 Agreement in line with currently adopted policy, but request that the level of contributions be the subject of further negotiation in order that the basic premise of the proposal (i.e. to finance the delivery of the public open space) is not undermined.

2. Policies

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

2.1 National Planning Policy:

PPS7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007:

S1 - Sustainable Development
S2 - Development Requirements
S3 - Housing
S7 - Natural and Historic Heritage
DR1 - Design
DR2 - Land Use and Activity
DR3 - Movement
DR5 - Planning Obligations
H7 - Housing in the Countryside Outside Settlements
H10 - Rural Exception Housing
H13 - Sustainable Residential Design
H15 - Density
RST5 - New Open Space in/adjacent to Settlements

2.3 Supplementary Planning Document – Planning Obligations

3. Planning History

- 3.1 DCCE2005/2539/F - Change of use from agricultural land to public open space. Approved 8 December 2008.
- 3.2 DCCE2008/2542/O - Proposed residential development. Refused 8 December 2008.
- 3.3 DCCE2008/3069/O - Proposed residential development. Refused 4 February 2009. 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, DR1 and H13 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: Recommends a standard condition requiring the submission of details relating to the consolidation, surfacing and drainage of the access and respective parking and turning areas.
- 4.3 Forward Planning Manager: Objection. The proposal is contrary to Unitary Development Plan policy and whilst the Local Development Framework is likely to recognise Withington as a village for potential growth, it has yet to reach the point where it is a material consideration.

- 4.4 Strategic Housing Manager: Objection. The site is adjacent to the settlement boundary where Policy H10 states that affordable housing may be permitted on land which would not normally be released. The proposal is for open market housing without discount and cannot, therefore, be supported.
- 4.5 Parks Development Manager: In principle we support the provision of enhanced sport and recreation facilities in Withington. However, the ring-fenced 'playbuilder' funding has recently been reinstated with the effect that it should now be possible to construct the play facilities without additional monies. Whilst it is understood that the Parish Council has further objectives (e.g. a full-size football pitch and all-weather surface), we are not currently convinced that every attempt has been made to access alternative funding streams and are not persuaded that the release of an area of POS (purchased largely through Section 106 monies) for residential development, albeit aimed at securing additional funding, is necessary in this instance. I am also concerned that if the land is not retained for recreational purposes the original developers providing Section 106 funding could require the return of a proportion of their monies.

Alternative funding sources would be the Football Foundation, when the village has a team or can show need of a pitch and changing facilities, and Reaching Communities which can provide up to £50,000, as they would meet Outcomes 3 – Improved Rural and Urban Environment and Outcome 4 – Healthier and more Active People and Communities.

5. Representations

- 5.1 Withington Parish Council: The application is made by the Parish Council, which fully supports the application.
- 5.2 Seven letters of objection have been received from local residents. The content is summarised as follows:
- The proposal is a knee-jerk reaction to the loss of the 'playbuilder' scheme funding and alternative sources of funding should be explored;
 - Two previous applications have been refused and it would appear that nothing other than the number of dwellings proposed has changed;
 - The land is outside the village settlement and development would result in the loss of the last rural piece of land to the north of Withies Road;
 - An overall majority of respondents to the place shaping questionnaire objected to further housing within the parish. The parish sponsored application is inconsistent with these findings;
 - The land was purchased using Section 106 monies as public open space and not as an opportunity to erect dwellings with the potential for more;
 - The development would set a precedent for future proposals should the parish run short of funds in the future.
- 5.3 The application is supported by a covering letter and later submission from the Parish Council, which explain the rationale for the proposal in the context that although supporting one of the largest parish populations, there was until recently no provision of public open space to satisfy the recreational needs of all residents, but in particular children.

Through the Unitary Development Plan process the field adjoining the village hall was allocated as new open space, protected by Policy RST5. Consultation events confirmed the demand for areas for active play, space for informal sport, access to footpaths and open space and a facility for organised football and tennis. The submission also explains that at the time of the application the 'Playbuilder' grant of £40,000 had been frozen with it being "most unlikely to be reinstated". The Parish Council therefore feels it necessary to obtain further funding through limited residential development of part of the allocated public open space.

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

Although the Parish Council understands the proposal is contrary to the policies of the Unitary Development Plan, the following points are made:

- It is likely that Withington will be recognised as a tier-two local centre in the Local Development Framework. The proposal meets all the criteria of draft policy RA.3 (other settlements outside of the RSCs and Hubs);
- The land is adjacent the settlement boundary and surrounded by allocated public open space. Residential development would relate well to the village;
- The application has widespread community support;
- At no cost to the tax payer the application provides a mechanism through which withdrawn funding can be replaced;
- Concerns that the proposal will set a precedent are unfounded. The adjoining land is protected as public open space;
- The proposed development is preferable to the alternative of building houses adjoining the village hall, which would obscure it from view and prejudice the use of the hall;
- The Parish Council has looked at alternative funding schemes;
- The Parish Council has waited too long for these facilities and the current proposal is considered the best means through which the play equipment and longer term ambitions can be delivered.

5.4 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 application proposes the erection of two detached dwellings on land allocated as public open space to the north of Withies Road, Withington.

6.2 As identified in the Herefordshire Unitary Development Plan, the site lies adjoining but outside the defined settlement boundary for Withington. As such the site lies within the open countryside. Policy H7 sets the criteria where new housing may be permitted in the open countryside so far as the interpretation of planning policy is concerned. However, none of the criteria are satisfied and the proposal is thus contrary to policy H7. Moreover the site also lies upon 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 be refused. At face value, therefore, the development is also contrary to Policy RST5 as it would result in the loss of allocated public open space.

6.3 The application is submitted by the Parish Council on the premise that funds released through the sale of the two dwellings will be held over by the Parish Council to complete the proposed play and sporting facilities on the remainder of the allocated site. However, whilst some initial costs were provided with the historic applications there is no detailed breakdown of the costs involved in completing the proposed phases of the work and thus no empirical evidence to identify the magnitude of the funding shortfall. Moreover, the draft Heads of Terms does not explain the mechanism by which the funds released from the sale will be held and used solely for the development of the public open space. In any event, £37,200 of the 'Playbuilder' funding has recently been reinstated provided that it can be spent by June 2011, which should be possible given the groundworks that have already been undertaken. The reinstatement of the 'Playbuilder' grant is material to the consideration of this application. The applicant's supporting statement references the withdrawal of this funding historically and the reinstatement would appear to go some way to bridging the funding gap. In the absence of a fully-costed scheme officers cannot be sure of the size of any continued funding shortfall and no determination has been made in relation to the provision of features within the adopted Public Open Space.

- 6.4 Consultation responses also suggest that other potential funding streams have not been identified or examined to the fullest extent, whereas other grants will only be applicable where a business case can be made. Moreover, the Unitary Development Plan is the Development Plan for the purposes of making decisions on planning applications and reference to emerging Local Development Framework policy is at present premature.
- 6.5 Officers also consider that other viable, policy compliant alternative exist.
- It is anticipated that the Local Development Framework will recognise Withington as a potential for future, limited growth. A review of the settlement boundaries in the LDF is likely in the second half of 2011 as is a fundamental change to planning law via the Localism Bill. Given the reinstatement of the Playbuilder funding it may be advisable to defer an application for residential development on this land until the implications of the above are fully understood;
 - An affordable housing scheme would be capable of complying with Policies H7 and H10. No appraisal has been submitted to demonstrate that affordable housing would not return a profit;
 - Although discounted by the applicant, officers are not persuaded that development of housing around the village hall is not an acceptable alternative. The land is within the settlement boundary and the highway infrastructure is already largely in place. Development costs could be expected to be lower and profit margins higher. The land is also unconstrained by the RST5 allocation.
- 6.6 Given the context provided by the two previous refusals it is my view that there have been no material changes to either planning policy or other material considerations that would warrant anything other than a recommendation for refusal. This is reinforced by the recent reinstatement of £37,200 of 'Playbuilder' funding, a development that the Parish Council has not acknowledged in its submissions.
- 6.7 Whilst it is recognised that the development would be served by an appropriate access and would have little impact upon existing, neighbouring properties, currently adopted planning policy does not offer any mechanism through which the proposal can be supported. Furthermore, officers do not consider that the proposal is the only practical option to achieve the objectives. The proposal is considered contrary to Policies H7, DR1 and H13 of the Unitary Development Plan and is recommended for refusal accordingly.

RECOMMENDATION

That planning permission be refused for the following reasons:

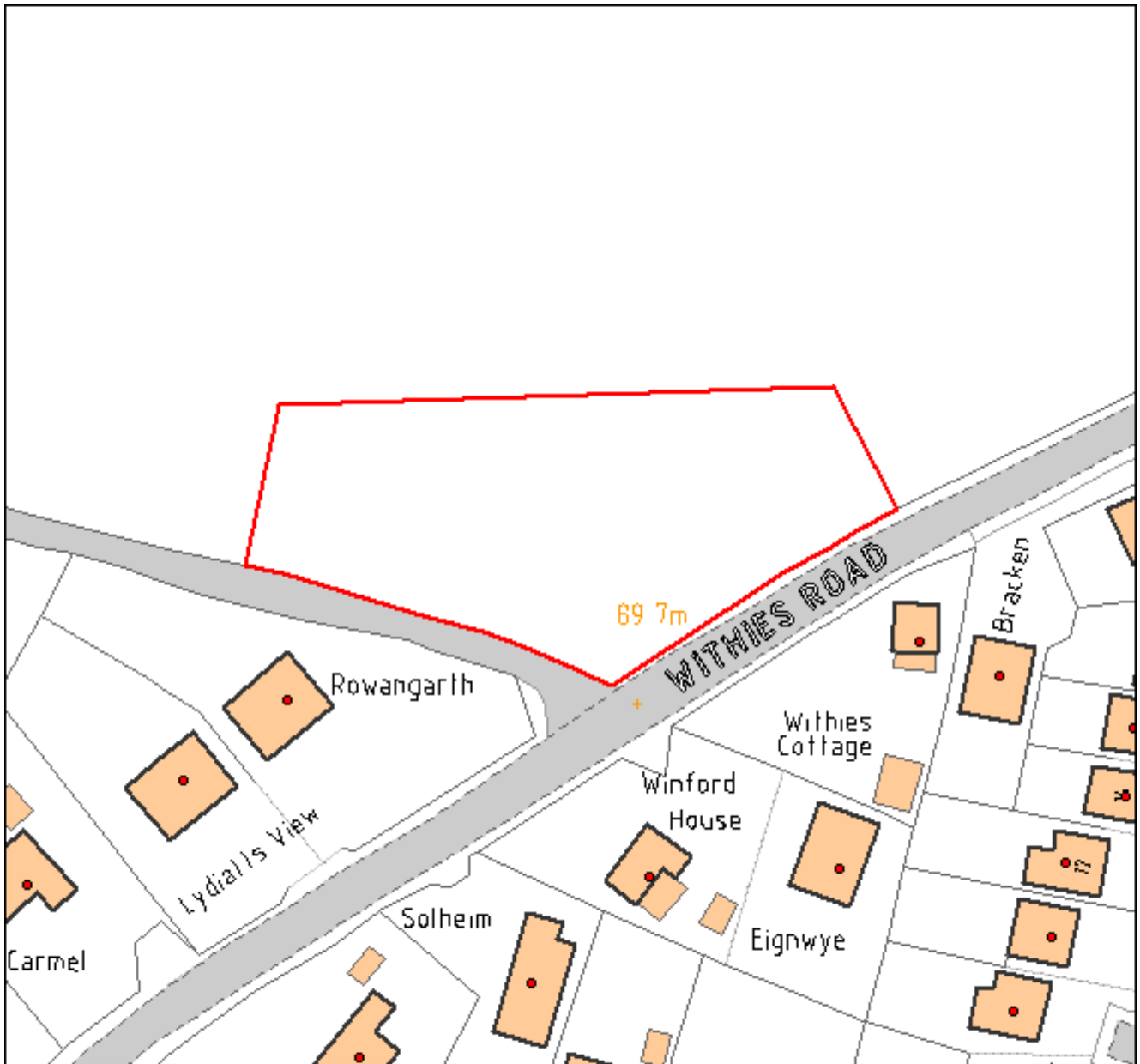
1. **The proposed development would result in new residential development outside the defined settlement boundary for Withington. Notwithstanding the information submitted in support of the application, none of the exceptions controlling new housing in the open countryside identified in the Herefordshire Unitary Development Plan 2007 are satisfied. As such the development is contrary to Policies H7, H10, DR1 and H13 of the Herefordshire Unitary Development Plan 2007.**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DMS/102337/O

SITE ADDRESS : LAND OFF WITHIES ROAD, WITHINGTON, HEREFORDSHIRE, HR1 3PX

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005