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| MEETING: | PLANNING COMMITTEE |
| DATE: | 29 AUGUST 2012 |
| TITLE OF REPORT: | S121244/F - PROPOSED NEW DWELLING AT LAND ADJACENT TO, 304 KING ACRE ROAD, HEREFORD, HR4 0SD For: Mr & Mrs Berry per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Herefordshire, HR1 1LH |
| WEBSITE LINK: | http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121244&NoSearch=True |

Date Received: 24 April 2012

Ward: Three Elms

Grid Ref: 347345,241435

Expiry Date: 11 July 2012

Local Members: Councillors PA Andrews, EMK Chave and C Nicholls

1. Site Description and Proposal

- 1.1 The application site is currently comprised of a detached timber framed cottage, which has historically been subjected to several extensions and alterations. The cottage is set within a substantial curtilage situated on the northern side of the A438 close to its junction with the A480, and forms part of a sporadic linear pattern of residential development which characterises the wider locality. To the east lies a public right of way and agricultural land with a frontage of approx. 180m before the next dwelling.
- 1.2 The application site has planning permission for the replacement of this dwelling on the western side of the site. The proposed replacement dwelling takes the form of a two storey traditionally design bed dwelling fronting the highway (DMS111645/F). This has not yet been implemented.
- 1.3 This application seeks permission to erect a further dwelling (in addition to the replacement) to the eastern part of the garden. This would be a dwelling that mirrors that approved by application DMS111645/F and would be a four bed dwelling with attached garage. The dwelling would quite traditional in appearance being one and a half storey with dormer style windows and a front gable and would be constructed from a red brick, with slate roof. The plot size would be approximately 1,250 sq. m in size.
- 1.4 Access to this site would be via a new access onto the A480 and would provide a turning area with the site. The existing access would be retained for the 'replacement dwelling'.

2. Policies

2.1 National Policy

National Planning Policy Framework

2.2 Planning Policy

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

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|-----|---|--|
| S1 | - | Sustainable Development |
| S2 | - | Development Requirements |
| S3 | | Housing |
| DR1 | - | Design |
| DR2 | - | Land Use and Activity |
| DR3 | - | Movement |
| DR4 | - | Environment |
| DR5 | - | Planning Obligations |
| H6 | - | Housing in Smaller Settlements |
| H7 | - | Housing in the Countryside Outside Settlements |
| H13 | - | Sustainable Residential Design |
| H15 | - | Density |
| T11 | - | Parking Provision |
| CF2 | - | Foul Drainage |

2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Councils website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

- 3.1 CW2002/2055/O Proposed site for four bedroomed house with detached double garage. Refused 10th September, 2002.
- CW2002/3644/O Proposed site for four bedroomed house with detached double garage. Refused 24th January, 2003.
- CW2007/2037/F Proposed site for cottage style house with double garage. Refused 22nd August, 2007. Appeal dismissed 12th June 2008.
- CW2009/0119/F Replacement dwelling and garage building with some minor landscaping, including alteration to existing entrance to improve site access. – Approved 29th April 2010.
- 101411 Replacement dwelling and garage building – Approved 2/8/2011
- 111645 Replacement Dwelling and garage – Approved 1st Sept 2011
- 112879 Proposed new dwelling - Refused 8/12/2011 for the following reason:

The application site lies outside of any defined settlement boundary or smaller settlement and is therefore considered to be in open countryside. The proposed development does not accord with any of the limited exception criteria, which allow for residential development within open countryside. Therefore the proposal is contrary to Policy H7 of the Herefordshire Unitary Development Plan and advice contained within Planning Policy Statement 7 - Sustainable Development in Rural Areas and PPS3 - Housing.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water recommends that conditions and advisory notes are included if minded to grant Planning Consent.

Internal Council Advice

- 4.2 Traffic Manager: No objections subject to conditions
- 4.3 Public Rights of Way Manager advises that the development will not affect the Public Right of Way

5. Representations

- 5.1 Hereford City Council recommends that this application should be refused as it is outside the settlement boundary.
- 5.2 The consultation responses can be viewed on the Council's website by using the following link:-
www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

Internet access is available at the Council's Customer Service Centres:-

www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

Principle of Development

- 6.1 The application site lies outside the urban settlement boundary and as such may be considered as open countryside having regard to the requirements of policy H7 of the Unitary Development Plan. New residential development in areas outside of defined settlement boundaries must comply with one of the criteria set out in Policy H7 of the Herefordshire Unitary Development Plan. The proposed dwelling does not fall within any specified exception criteria.
- 6.2 Another consideration is whether the site falls within what could be considered as the smaller settlement of Swainshill and it is your officers opinion that the site could not be considered as part of the smaller settlement as historically it has always been part of Hereford City parish rather than Breinton or Credenhill. Historically Swainshill was also the area around Sugwas Pool and dwellings further to the west beyond Kings Acre Halt.

Other Material Considerations

- 6.3 The extent to which the UDP is up-to-date and relevant needs to be considered. Both the Annual Monitoring Report (June 2012) and Strategic Housing Land Review (March 2012) allude to the fact that Herefordshire Council does not have a 5 year supply of deliverable housing sites. This means that the Council's policies on the supply of housing are in conflict with the National Planning Policy Framework (NPPF), which is a material consideration in the determination of applications - Paragraph 49 of the NPPF is clear that housing supply policies will be usurped by the framework where they are in conflict with national policy.
- 6.4 Where the relevant UDP housing supply policies are out-of-date permission should be granted in accordance with the presumption in favour of sustainable development, unless any adverse impact of doing so would significantly and demonstrably outweigh benefits, when assessed against the policies in the NPPF taken as a whole, or if specific policies in the framework indicate that development should be restricted.
- 6.5 The site lies on the A438, in an area that is closely related to the city, on a main bus route and with good walking and cycling facilities. Officers consider that this site is one that is

sustainable in its location and can be supported in principle where there are no other conflicts with policies contained within the Unitary Development Plan or NPPF.

- 6.6 The Council previously refused an identical planning application on this site on the principle of development only, and given the above stance this matter has now been overcome and the principle of development is considered to be acceptable.

Design and Character of the Area

- 6.7 The proposed development is of a design and scale that would sit comfortably within the locality without detriment to the character of the area. Its design would not adversely impact upon the amenities of the neighbouring property, in either its current form or proposed form. There will be some overlooking between the proposed dwellings, but this is not unusual and would not warrant, in this case, a reason for refusal. As such the proposal would comply with the requirements of policy H13 of the UDP.

Landscape

- 6.8 Landscaping will utilise existing boundaries and trees, and a condition is recommended to ensure that the planting and landscaping shown on the submitted plans is retained and protected during construction and for a minimum period of 5 years to ensure compliance with policies H13 and LA2 of the UDP.

Highways and Parking

- 6.9 The proposal includes a new access to the east of the site. The highways officer has raised no objection subject to the provision of the parking and turning area shown on the approved plans. The proposal complies with policy DR3 of the UDP.

Section 106

- 6.10 The development would have been subject to a planning obligation as per the Council's Supplementary Planning Document on Planning Obligations. However, in response to the current economic climate, the Council has introduced a temporary suspension of the payment of planning obligations provided that the development is commenced within 12 months. This decision was ratified by Cabinet on 4 March 2009. The applicant has requested a 12 months commencement date to be attached to any approval notice as part of the planning application and as such this proposal would comply with the requirements of policy DR5 of the UDP.

Habitat Regulation Assessment and Water Quality

- 6.13 The Council has recently identified an issue regarding phosphate levels in the River Wye and this has significant implications due to its designation as a Special Area of Conservation (SAC). This designation gives the river European protection and the Council has a legal requirement as a competent authority under the Habitats Regulations to take into account the effects of development on it. This is different from the normal planning position of balancing competing issues or demands and assessing cases whereby impacts can be traded off against each other. The Regulations effectively superimpose on the normal process a structured, precautionary process which must be followed in order that a lawful decision can be reached. Because the cumulative 'in combination' effects of individual small scale schemes need to be assessed as part of that process, the Council must be convinced that the scheme in question will not adversely affect the integrity of the watercourse. If it cannot satisfy itself on that point, the scheme cannot proceed.
- 6.14 A formal screening is currently being undertaken and a consultation with Natural England will be required. As this must be done before a planning permission is issued, this application is

recommended for approval, subject to the completion of the formal screening and subsequent consultation with Natural England confirming no likely significant effects on the River Wye SAC. This would then ensure compliance with the Habitat Regulations and policy DR4 of the Herefordshire Unitary Development Plan.

Conclusions

- 6.15 The proposal fails to comply, in principle, with policy H7 of the UDP, however weight must be given to the National Planning Policy Framework that clearly identifies that where sites are considered to be sustainably located, and where they comply with other relevant policies, there should be a presumption in favour of development. The sites development clearly accords with policies in relation to design, character of the area, landscape impact and highway safety, namely policies DR1, DR2, DR3, LA2 and H13 of the UDP. In conclusion, whilst the prospective application would be contrary to Saved Policies of the UDP, the absence of a 5-year supply of housing land means that there are grounds to support this application and it is recommended for approval subject to conditions.

RECOMMENDATION

That subject to the completion of a formal HRA screening and consultation with Natural England that officers be delegated to grant planning permission subject to the following conditions:

1. **A01 Time limit for commencement (full permission)**
2. **I51 Details of slab levels**
3. **B01 Development in accordance with the approved plans**
4. **C01 Samples of external materials**
5. **F08 No conversion of garage to habitable accommodation**
6. **G02 Retention of trees and hedgerows**
7. **H05 Access gates**
8. **H13 Access, turning area and parking**
9. **H27 Parking for site operatives**
10. **I16 Restriction of hours during construction**
11. **L01 Foul/surface water drainage**
12. **L02 No surface water to connect to public system**

Reason for Approval

1. **The proposal fails to comply, in principle, with policy H7 of the UDP, however weight must be given to the National Planning Policy Framework that clearly identifies that where sites are considered to be sustainably located, and where they comply with other relevant policies, there should be a presumption in favour of development. The sites development clearly accords with policies in relation to design, character of the area, landscape impact and highway safety, namely policies DR1, DR2, DR3, LA2 and H13 of the UDP. In conclusion, whilst the prospective**

application would be contrary to Saved Policies of the UDP, the absence of a 5-year supply of housing land means that there are grounds to approve this application.

Informative:

1. **HN05 Works within the highway**

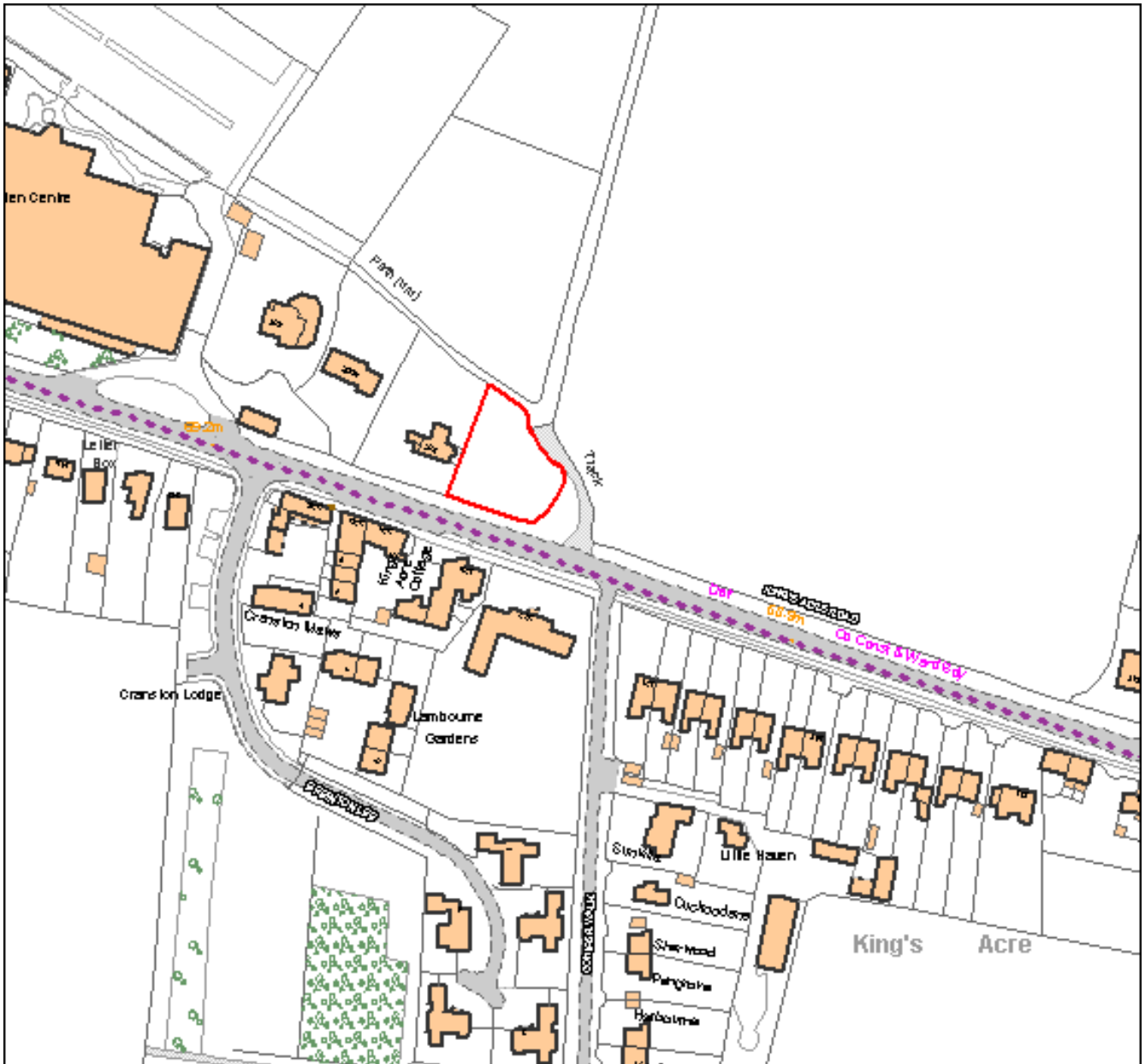
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: S/121244/F

SITE ADDRESS : LAND ADJACENT TO, 304 KING ACRE ROAD, HEREFORD, HR4 0SD

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