

MEETING:	PLANNING COMMITTEE
DATE:	7 NOVEMBER 2012
TITLE OF REPORT:	<p>N121940/O - SITE FOR DEMOLITION OF EXISTING WORKSHOP/STORAGE UNITS AND ERECTION OF ELEVEN HOUSES (SEVEN MARKET HOUSES AND FOUR AFFORDABLE HOUSES) WITH ASSOCIATED LANDSCAPING AND INFRASTRUCTURE AT LAND ADJ TO BLISS HOUSE, STAUNTON ON WYE, HEREFORDSHIRE, HR4 7NA</p> <p>For: Mr Jenkins per Mr Nicholas Rawlings, Embassy House, Queens Avenue, Bristol, BS8 15B</p>
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121940&NoSearch=True

Date Received: 5 July 2012

Ward: Castle

Grid Ref: 336303,245317

Expiry Date: 23 October 2012

Local Member: Councillor JW Hope MBE

1. Site Description and Proposal

- 1.1 The application relates to a site of 0.6 hectares on the north western edge of the village of Staunton on Wye. The site occupies a raised position above the public highway, an unclassified road, by approximately one metre, and then continues to rise gently from west to east across the paddock before levelling. The highway forms the western boundary and is typical of a rural road, being single carriageway with verges to either side. It is a no through road and serves approximately 16 dwellings beyond.
- 1.2 The main centre of Staunton on Wye lies to the south and south east and is identified as a main settlement by Policy H4 of the Herefordshire Unitary Development Plan. The village contains a number of services including a doctor's surgery, public house and recently completed replacement primary school. A number of rural businesses are also located within and around the immediate environs of the village.
- 1.3 The application site is currently split evenly between two uses and is crossed diagonally by an overhead power line. The eastern part is presently used as an industrial depot and storage yard with a series of typical profile sheeted industrial buildings and an area of hard standing. This is bounded by cul-de-sac of 10 detached dwellings to the south. The depot and cul-de-sac share an access road. This is over 4 metres wide and is able to accommodate vehicles passing in opposing directions with a splayed junction onto the unclassified road. The yard is laid with a hard standing and has open post and rail fence boundaries to the north and east. The southern boundary of this area is shared with a residential dwelling known as Birtley House and is defined by a 3 metre high Lleylandii hedge.
- 1.4 The area to the west, and bounding the road, is an open paddock. This is bounded to the south by the applicant's own property, Bliss House, and an unrelated bungalow to the north

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

known as Tarron. The boundaries to both are currently open and defined by post and wire fences.

1.5 The application is made in outline with all matters except access reserved for future consideration, and is for the erection of 11 dwellings, four of which are to be affordable. The application includes a number of documents and these are listed as follows:

- Planning Statement
- Design & Access Statement
- Ecological Survey
- Transport Statement
- Drainage & Utilities Statement
- Preliminary Environmental Risk Assessment
- Statement of Community Involvement
- Copy of S106 Agreement submitted as part of a previous appeal

1.6 The existing access, currently used in connection with the industrial use immediately to the south of Bliss House and the cul-de-sac referred to above, is to be used to serve this proposal. The four affordable units are shown as two pairs of semi-detached dwellings located on the south eastern boundary, with the remaining seven open market dwellings all being detached and arranged around the access road. An agricultural access is to be maintained to a field to the east and a 'permissive' pedestrian route across the site and land to the north is also proposed.

2. Policies

Herefordshire Unitary Development Plan

- 2.1
- S1 – Sustainable development
 - S2 – Development requirements
 - S3 – Housing
 - DR1 – Design
 - DR2 – Land use and activity
 - DR3 – Movement
 - DR4 – Environment
 - DR5 – Planning obligations
 - DR10 – Contaminated land
 - H4 – Main villages: settlement boundaries
 - H7 – Housing in the countryside outside settlements
 - H9 – Affordable housing
 - H13 – Sustainable residential design
 - H14 – Re-using previously developed land and buildings
 - E5 – Safeguarding employment land and premises
 - T8 – Road hierarchy
 - NC1 – Biodiversity and development

National Planning Policy Framework

2.2 The following sections are of particular relevance:

- Introduction – Achieving sustainable development
- Section 6 – Delivering a wide choice of high quality homes
- Section 7 – Requiring Good Design
- Section 8 - Promoting healthy communities
- Section 11 - Conserving and enhancing the natural environment

- 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 The inclusion of land to which this application relates within the settlement boundary of Staunton on Wye was a matter that was discussed during the Unitary Development Plan Inquiry and is the subject of specific comment and recommendation within the Inspector's Report. He concluded that the plot could be viewed as a typical gap site within the village envelope but did not modify the boundary due to the potential for further delay in adoption. He recommended that the settlement boundary in the vicinity of Bliss House should be reviewed in an early development plan document and that his comments would be material considerations in the determination of any planning application.

- 3.2 The landowner decided to submit a planning application, the details of which are as follows:

N102975/O - Demolition of existing workshop / storage units and erection of eleven houses (seven open market and four affordable) with associated landscaping and infrastructure – Dismissed on appeal 2nd August 2011. The application was refused and dismissed on appeal for the following reason:

The proposal represents development beyond the settlement boundary for Staunton on Wye and includes a mix of open market and affordable housing. As such it does not satisfy the criteria of Policy H7 as an exceptions site. The local planning authority has considered the weight to be afforded to the Inspectors Recommendations resulting from the Examination in Public of the Unitary Development Plan. It is able to demonstrate that its five year housing land supply is currently met and on this basis it is the view of the local planning authority that the Inspector's Recommendations do not represent a material consideration of such significance to outweigh adopted policies. Consequently the proposal is contrary to Policies H4, H7 and H10 of the Herefordshire Unitary Development Plan

- 3.3 N99/0171/N – Erection of a three bed dwelling and detached garage – Refused 12/04/99.

- 3.4 The following applications relate to a property known as Lower House, Staunton on Wye which lies 400 metres to the east of the application site. The applicant's have achieved permissions to allow the re-location of their business to these premises and these are detailed as follows:

DCNW/2007/2348/F – Change of use of poultry site to B1 and B8 use and improvements to the existing access to the site from highway – Approved 14/09/07.

- 3.5 DCNW2008/1012/F – Conversion of building to office and re-cladding existing buildings – Approved 28/05/08.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water – No objection subject to the imposition of conditions

Internal Council Consultations

- 4.2 Transportation Manager – Raises some concerns about the detailed layout shown, but does not object to the use of the existing point of access to serve this proposal.

4.3 Conservation Manager

Landscape

- 4.4 No objection to the re-development of the brownfield part of the site, but considers that the development of the small paddock is not acceptable. It is an open space that forms an important transition between the settlement and open countryside moving north out of the village. If the application is to be approved, then a detailed landscaping scheme should be submitted as part of a reserved matters application. A conditions should also be added to ensure protection of trees and hedges during construction.

Ecology

- 4.5 No objection subject to condition
- 4.6 Strategic Housing - supports the application in principle for 4 x 2 bed houses. All units are to be built to the Joseph Rowntree Foundation Lifetime Homes, the Housing Corporation's Design & Quality Standards 2007 and a minimum Code for Sustainable Homes Level 3 without grant input. All units are to be allocated via Homepoint, Herefordshire Council's choice based lettings agency, to people with a local connection to Staunton on Wye in the first instance and then cascading out to adjoining parishes if an applicant from Staunton on Wye cannot be found.
- 4.7 Young People and Education Services – No objection subject to contributions through a Section 106 Agreement for the improvement of education facilities.

5. Representations

- 5.1 Staunton on Wye Parish Council – Comments are summarised as follows:

- The site is outside of the settlement boundary. Planning permission was refused in 1999 to build a house on the greenfield part of the site and the same approach has been taken on other sites. It would be unfair if an exception is made here.
- The Parish Council is proceeding with a Neighbourhood Plan which will include a review of the settlement boundary. The brownfield site vacated by the applicants is a site that would be one to be considered for re-development.
- Concern that the extra traffic generated by the development would add to problems at the road junction opposite the school.
- The Parish Council and members of the public believe that the 2 bedroom affordable dwellings are not big enough.

- 5.2 Five letters of objection have been received from local residents. In summary the points raised are as follows:

- An application for the same proposal has previously been refused. How can the Council come to a different decision when the situation has not changed?
- The road junction opposite the school will not cope with the additional traffic generated by the development and highway safety will be compromised.
- The development encroaches onto greenfield land outside of the settlement boundary.
- There are currently five permissions for housing in the village that have yet to be built.
- There is a lack of capacity in the sewerage system.

- Concerns about overlooking from the affordable dwellings.
- The development may require pavements and street lighting which will have a detrimental impact on the local area.

5.3 Three letters of support from local residents have also been received. In summary the points raised are as follows:

- The development will offer the opportunity for self-builds and for people to remain in the village where current property prices are preventing this.
- The sites with the benefit of planning permissions referred to elsewhere are not currently for sale.
- There is no clear timetable for the completion of the Neighbourhood Plan.
- A growing village is beneficial to the local school.
- The development would have a positive effect on the local area both through the removal of an unattractive industrial area and by encouraging more families to move to the village.

5.4 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

6.1 The site falls outside of the settlement boundary for Staunton on Wye as defined by the Herefordshire Unitary Development Plan (UDP) and therefore falls within open countryside. The proposal does not satisfy any of the exception criteria outlined by Policy H7 of the UDP and therefore is contrary to it. However, it is necessary to consider whether there are any other planning policy or material planning considerations to support the principle of development. In this case there are four critical matters that will influence the determination of this application. They are as follows:

- The Inquiry for the UDP
- The Inspector's appeal decision of August 2011
- The Council's Annual Monitoring Report into housing land availability and the lack of a five year housing land supply
- The emergence of the National Planning Policy Framework

6.2 The report will consider each of these in turn as cumulatively, they will determine whether the principle of development is acceptable.

Inspector's Comments in the UDP Inquiry

6.3 The inclusion of the site within the settlement boundary of Staunton on Wye was a matter that was discussed during the Unitary Development Plan Inquiry and is the subject of specific comment and recommendation within the Inspector's Report. He concluded that the site could be viewed as a typical gap site within the village envelope but did not modify the boundary due to the potential for further delay in adoption. He recommended that the settlement boundary in the vicinity of Bliss House should be reviewed in an early development plan document and that his comments would be material considerations in the determination of any planning application.

6.4 It is quite clear from his comments that the Inspector considered the site to be an acceptable extension to the settlement boundary and that there were not such significant constraints that could not be addressed either through the design of a scheme, or through the imposition of conditions.

Inspector's Appeal Decision – N102975/O

6.5 In reaching his decision to uphold the Council's refusal of planning permission the Inspector acknowledged that there was some doubt at that time about the Council's five year housing land supply. However, he concluded that it did not necessarily follow that any shortfall should be met in Staunton on Wye, that the village had not been identified as a Rural Service Centre or a Hub in the work that had been completed on the Local Development Framework (LDF), and consequently that this should not be compromised by ad-hoc developments.

6.6 The formulation of the LDF has not moved forward significantly since August 2011 and it is understood that a different approach is being taken towards the identification of settlements that might be appropriate for development. Although the site lies just beyond the current settlement boundary, the village is considered to be one that is sustainable with a good range of services that include a primary school and doctors surgery.

6.7 As part of their appeal submission, the applicant's submitted a signed Section 106 Agreement. This has been submitted again as part of this application. The consultation responses received indicate that the level of contributions are generally the same. A copy is appended to this report but for ease of reference the figures are as follows:

- Education - £10,705
- Libraries - £1,601
- Open space and play area - £18,235
- Recycling - £840
- Sports and recreation - £5,434
- Transport - £31,964

Annual Monitoring Report, five year housing land supply and the emergence of the National Planning Policy Framework

6.8 In this case the lack of a five year housing land supply is a key material planning consideration and is a critical difference in the circumstances of this application in relation to the appeal decision of August 2011 referred to above and in the planning history section of this report.

6.9 The Core Strategy is not sufficiently advanced to be given due weight in the consideration of the application and in any event, there are no specific policies or proposals that relate to this particular site. The National Planning Policy Framework (NPPF) came into force in March this year. Paragraph 215 of the NPPF clarifies that due weight can still be given to the relevant UDP policies for a period of 12 months from the date of adoption of the NPPF providing those policies are largely consistent with the NPPF. The consistency of the UDP housing policies within the UDP is therefore key to whether the principle of development can be supported.

6.10 At the heart of the NPPF is a general presumption in favour of sustainable development and applications for housing should be considered in this context. The NPPF now requires that local planning authorities should identify a rolling five year supply of deliverable housing land to ensure choice and competition in the market. Additionally, the NPPF requires an additional buffer of 5% (increased to 20% if a planning authority has persistently under delivered housing land). On the basis of the evidence available to date, it is considered the requirement for a 5% buffer is applicable to Herefordshire.

- 6.11 Earlier this year, the Council published its Annual Monitoring Report (AMR) which monitors housing land availability. Based on the AMR figures, the Council currently has a shortfall of 216 units which equates to a 4.6 year supply. This shortfall does not account for the requirement to maintain the additional 5% buffer which would amount to a further 140 units and therefore a total of 356 units. The data collection for the 2011/2012 period has commenced and this will provide a more up to date land supply position but it is not anticipated that the shortfall will have decreased a great deal, if at all.
- 6.12 Paragraph 49 of the NPPF stipulates that relevant policies concerning the supply of housing land should not be regarded as up to date if a five year land supply cannot be demonstrated. In view of this, there is a requirement to release further land for housing that is deliverable within the next five years and is sustainable. There remains a requirement for the development to accord with other relevant UDP policies and NPPF guidance but in terms of the principle, if the development is acceptable in all other respects, the conflict with UDP policy H7 is not a reason for refusal of the application that could be sustained.

Conclusion

- 6.13 It has been established that the UDP housing supply figures are not up to date due to the deficit in housing land supply, and therefore a reason for refusal based on the fact that the proposal conflicts with policy H7 could not be sustained. Staunton on Wye is considered to be sustainable in terms of the local services that would be available if the development were to be permitted, and the notion that the site otherwise represents an appropriate extension to the village has been accepted by two Inspectors.
- 6.14 The application has been made in outline and the concerns raised by the Council's Highway Engineer in respect of the detailed layout of a scheme can be appropriately addressed through a reserved matters submission. The basic premise of using the existing access is accepted, and the local highway network is considered to be capable of accommodating traffic movements without compromising highway safety, particularly when the existing use of part of the site is taken into account.
- 6.15 All other matters have been considered. Concerns about the capacity of the sewerage system can be addressed through the imposition of conditions to preclude surface water discharge. Concerns about potential overlooking are most appropriately addressed through a reserved matters application and will be given careful consideration should this application be approved.
- 6.16 It has been demonstrated that the circumstances of this application are materially different to those under which the appeal was dismissed and accordingly the application is recommended for approval.

RECOMMENDATION

Subject to completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, in accordance with the terms in the agreement annexed to this report, Officers named in the Scheme of Delegation to Officers, be authorised to issue planning permission subject to the conditions below and any additional conditions considered necessary by Officers:

- 1. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**
- 3. A04 Approval of reserved matters**
- 4. A05 Plans and particulars of reserved matters**

5. L01 Foul/surface water drainage
6. L02 No surface water to connect to public system
7. L03 No drainage run-off to public system
8. G11 Landscaping scheme – implementation
9. K4 Nature conservation - implementation

Informative

1. I33 – General ecology

Reasons for Approval

It has been established that Policy H7 of the Unitary Development Plan (UDP) is not up to date due to the deficit in housing land supply, and therefore the provision of the National Planning Policy Framework (NPPF) take precedent. Accordingly there is a requirement for the local planning authority to release further land for housing and grant planning permission, provided that it accords with the UDP in all other respects.

It has been demonstrated that the proposal is sustainable in terms of its location and through the fact that part of the site is previously developed land, and therefore the proposal accords with Policy S1 of the UDP and the NPPF.

The local planning authority is satisfied that there is sufficient capacity within the local road network to accommodate the traffic likely to be generated by this proposal, particularly as this will be offset by existing traffic movements associated with the existing use of the site. The proposal accords with Policies DR3 and T8 of the UDP.

In light of the fact that the application is made in outline, other matters relating to the detailed layout, drainage arrangements and impact on residential amenity can all be dealt with through the submission of an application for reserved matters.

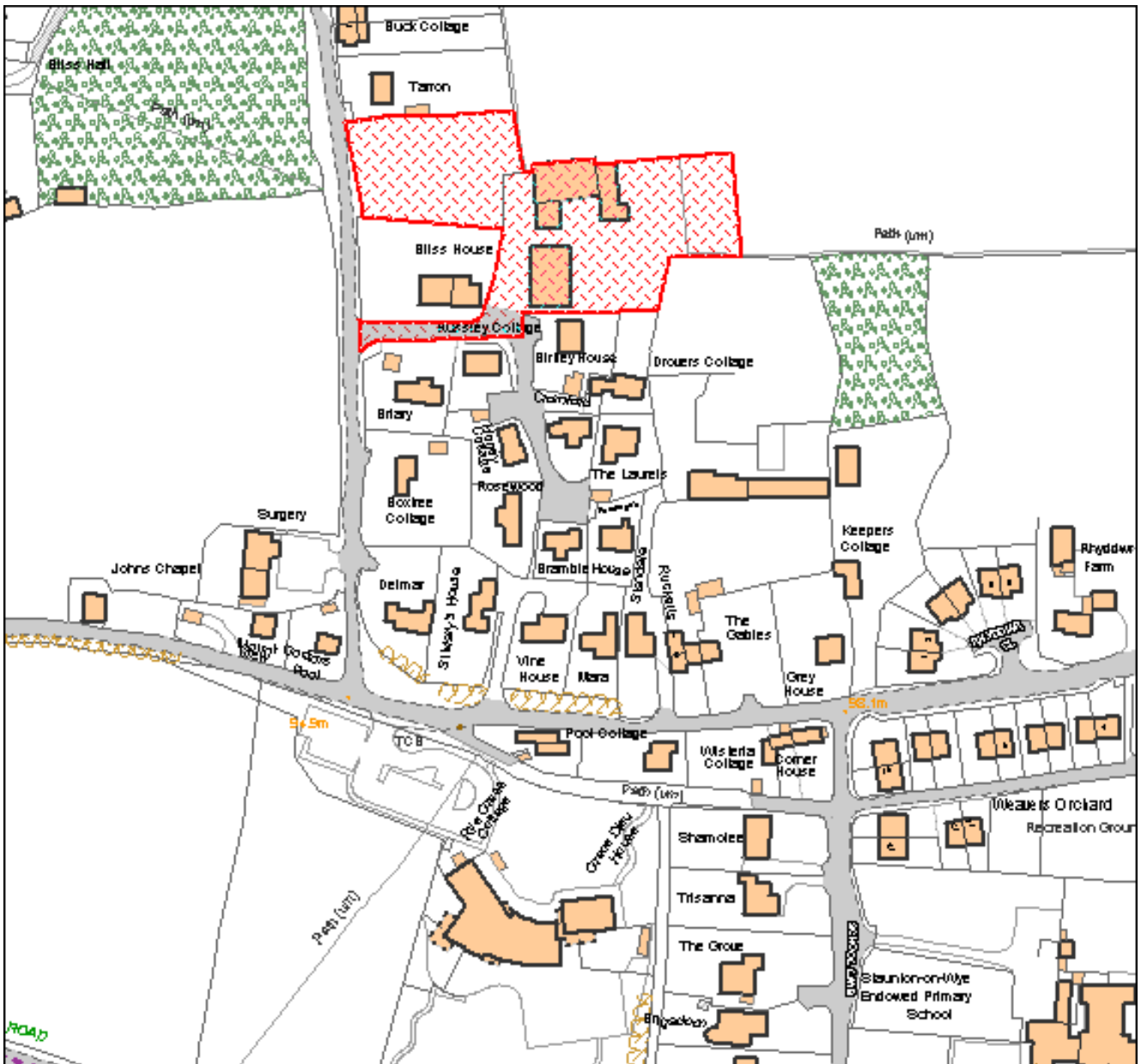
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: N/121940/O

SITE ADDRESS : LAND ADJ TO BLISS HOUSE, STAUNTON ON WYE, HEREFORDSHIRE, HR4 7NA

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