

MEETING:	PLANNING COMMITTEE
DATE:	3 APRIL 2013
TITLE OF REPORT:	S123110/O - SITE FOR ERECTION OF FOUR DWELLINGS AND CONSTRUCTION OF PUBLIC FOOTPATH AT LAND AT WILLOW CROFT, SUTTON ST NICHOLAS, HEREFORD, HR1 3AZ For: Mr Chambers per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, Herefordshire HR1 1LH
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=123110&NoSearch=True

Date Received: 5 November 2012 Ward: Sutton Walls Grid Ref: 353453,245951
Expiry Date: 10 January 2013
 Local Members: Councillor KS Guthrie

1. Site Description and Proposal

- 1.1 The application site lies on the eastern side of the C1125 immediately north of the defined settlement boundary of Sutton St. Nicholas. To the south of the application site lies Willow Croft, a detached two-storey dwelling whose principal elevation faces south. To the immediate east of Willow Croft is a terrace of three two-bedroom cottages erected under planning permission CW100542/F. These properties lie within the settlement boundary though the approved vehicular access from the north which cuts across open countryside. There is an existing single-storey timber boarded barn on site.
- 1.2 Outline planning permission is sought for the erection of a terrace of four dwellings to the north of Willow Croft, utilising an upgraded version of the vehicular access presently serving the existing cottages. Whilst made in outline, the application is effectively a fully detailed application as only landscaping has been 'reserved' for consideration at the Reserved Matters stage.
- 1.3 The dwellings would be constructed to front the highway, the earlier refused application S121667/O having shown the dwellings constructed gable end onto the road. In recognition of the significant rise across the site from south to north, the northern most dwelling in the terrace takes the form of a bungalow with bedrooms in the roof space. The ridge height then steps up and is continuous over the two central units before stepping down over the final southern unit, which is a short distance to the north of the domestic curtilage associated with Willow Croft.
- 1.4 All of the dwellings are two-bedroomed and constructed predominantly in brick and render under a natural slate roof. A total of eight parking spaces are proposed including a three bay car barn, sited to the east of the buildings. This car barn would be an open sided timber framed structure with an eaves height of 2.2m and ridge height of 4.5m.

2. Policies

2.1 National Planning Policy Framework

Paragraph 14 – Presumption in favour of sustainable development. In cases where the development plan is absent, silent or out of date, permission should be granted unless; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole.

Paragraph 49: Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

2.2 Herefordshire Unitary Development Plan 2007 (saved policies)

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S6	-	Transport
S7	-	Natural and historic heritage
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
H4	-	Main villages: Settlement boundaries
H7	-	Housing in the countryside outside settlements
H10	-	Rural exception housing
H13	-	Sustainable residential design
T8	-	Road hierarchy
T11	-	Parking provision
LA2	-	Landscape character and areas least resilient to change
LA5	-	Protection of trees, woodlands and hedgerows
LA6	-	Landscaping
NC1	-	Biodiversity and development

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 S12667/O: Erection of five dwellings and construction of public footpath: Refused 1st August 2012 for reasons of design, appearance within the landscape and impact upon the amenity associated with Willow Croft.
- 3.2 CW100542/F: Erection of three, two-bedroomed terrace cottages: Approved 21st May 2010
- 3.3 SH97/0359/PO: Erection of a single dwelling: Refused and dismissed on appeal

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: Recommend standard conditions regarding the separate disposal of foul and surface water.

Internal Council Advice

- 4.2 Traffic Manager: The access will have to be upgraded to adoptable standards which will require a Section 38/278 agreement. In the absence of speed data visibility splays in each direction should be 3.0m x 90m.
- 4.3 Public Rights of Way Manager: No objection
- 4.4 Strategic Planning Manager: The site has been assessed under the Strategic Housing Land Availability Assessment as having minor constraints. Given the absence of a five-year housing land supply, the principle of residential development is consistent with the Council's interim policy statement and the National Planning Policy Framework.
- 4.5 Strategic Housing Manager: Ordinarily development on the site should be affordable. The strategic housing team is mindful, however, of the five-year housing land supply issue.

5. Representations

- 5.1 Sutton St. Nicholas Parish Council: Although the committee felt it was an improved design when compared to the previous application (S121667/O) it objects, as the site is outside the village envelope [settlement boundary] and contrary to the Village Plan.
- 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

- 6.1 The key issues in the determination of the application are as follows:

- The principle of development
- The siting and pattern of development
- Scale and appearance
- Access

Principle of development

- 6.2 The site lies outside the defined settlement boundary of Sutton St. Nicholas and lies within the open countryside under the terms of Policy H7 of the Unitary Development Plan. The issue, therefore, is whether there are any other material considerations that may warrant the setting aside of adopted policy. The local planning authority has, at present, a shortfall in its five-year housing land supply. As such consideration has to be given to the release of land adjoining existing settlement boundaries as a means of addressing the shortfall. Officers consider that the application site would be suitable for residential development against this background for the following reasons:

a) The site adjoins a main village as defined by Policy H4 of the UDP. Sutton St. Nicholas is a sustainable village within reasonable proximity to Hereford. Development would thus accord with the Council's interim policy statement;

b) The site has been subject to appraisal under the Strategic Housing Land Availability Assessment as having low or minor constraints; and

c) The landscape character of the field of which the application site forms part has already been eroded by the decision to allow a driveway through it to service the three dwellings approved under S100542/F. This decision also, for reasons of visibility, requires the removal

of the entirety of the roadside hedge to. This has not, hitherto, been undertaken but remains a requirement of a planning condition attached to that permission.

- 6.3 Officers are also mindful of the advice contained within the National Planning Policy Framework. Paragraph 49 confirms that the failure to demonstrate a five-year housing land supply will render the relevant policies of the UDP out-of-date and the presumption in favour of approval of sustainable development, will take precedent. This view is supported by the Strategic Planning Manager in his comments at 4.4.

Siting/Pattern of Development

- 6.4 One of the key differences between the current proposal and the refused scheme S121667/O is the orientation of the dwellings. Following officer advice the dwellings are now orientated on a north-south axis to present the principal elevation to the roadside. With some exceptions, including Willow Croft, this form of development is predominant in the village. The benefit is that the more interesting elevation in architectural terms will take on greater presence from public vantage points. The refused scheme presented a blank gable end onto the road at a distance of only three metres. As a consequence, first-floor rear facing windows over-looked Willow Croft, forming the second reason for refusal. As such the rotation of the dwellings through ninety degrees has resolved two of the previously fundamental issues and officers now consider the development to accord with the objectives of Policies DR1 and H13.

Scale and Appearance

- 6.5 The site rises appreciably from south to north with the effect that the dwellings will be significantly higher than Willow Croft. By way of comparison, the ridge height of Willowcroft would be 1.95m lower than the eaves height of the dwelling to the south of this development, which is representative of the difference in ground levels. The design approach taken ensures, however, that the ridge height over the end terrace property to the north is actually slightly lower than that of the southern-most unit down the slope. The scale of the properties is thus reduced as one approaches the brow of the hill slightly further to the north. This approach to scale is more appropriate at an edge of village location, and combined with the reorientation of the dwellings will lead to a more satisfactory form of development than the refused scheme. The appearance of the development will also be enhanced, relative to the refusal, by the enclosure of garden spaces between the rear of the dwellings and the access road. Likewise the parking areas are now located behind the dwellings rather than in prominent locations as proposed formerly. In summary the dwellings now take a more dominant position on site with gardens and service areas relegated to less prominent locations at the rear of the site. Not only does this enhance the appearance of the development as a contribution to the built environment but it also provides the garden areas with a greater sense of privacy and usability.

Access

- 6.6 As identified above, the provision of a driveway across an open field to serve the three cottages approved under S100542/F has resulted in an erosion of the rural landscape character. That permission also necessitated the removal of the roadside hedge for reasons of visibility. As such, the impact of the current scheme over and above that already consented will be limited to an increase in the width of the driveway and radii at the junction. Visibility of 3.0m x 90m in each direction is necessary and achievable, the submitted layout plan indicating the planting of a replacement hedgerow behind the visibility splay. This can be secured by condition. Officers are satisfied that the resultant vehicular access will afford safe means of access and egress from the development.
- 6.7 A footpath has also been detailed in a position behind the hedgerow that would link through the site to the access road to the rear. The decision to site this behind the hedge is one

based on visual amenity to protect that transitional relationship from the village to the rural area.

Section 106 Agreement

- 6.8 The development would be 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 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 Council also received an appeal decision in which the inspector considered a revised timescale (effectively 2 years to commence) for the submission of reserved matters following an outline permission to be reasonable. This is a material consideration and the recommended conditions applied would address this.

Other Matters

- 6.9 As a consequence of the reorientation it is now possible to retain a silver birch that would have had to be removed under the refused scheme.
- 6.10 The application proposes a mains connection and Welsh Water have raised no objection to this, subject to conditions. The Environment Agency and Natural England have issued a Statement of Intent to confirm their intention to complete a nutrient management plan to address the long term problem of phosphate levels within the River Wye SAC which addresses the on-going concerns in respect of the Habitat Regulation Assessments. Welsh Water do not raise an objection to the scheme and it is concluded that there is capacity within the local sewage treatment works, and as such the Council, as the competent authority would be able to screen this as having no likely significant effect in this instance.

Conclusion

- 6.11 The proposal fails to comply, in principle, with policies H4, H7 and H10 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 sustainable development. The sites development accords with policies in relation to character of the area, highway safety, relationship with neighbouring properties, landscape impact and drainage, namely policies DR1, DR2, DR3, DR4, H13, LA2, LA5, LA6, NC1, T8 and T11 of the UDP. In conclusion, whilst the 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 planning permission be granted subject to the following conditions:

- 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. B01 Development in accordance with the approved plans**
- 5. C01 Samples of external materials**
- 6. G11 Landscaping scheme - implementation**
- 7. H18 On site roads - submission of details**

8. Prior to the commencement of any other works, a detailed timetable of works the access shall be submitted to and approved in writing. This shall include details of any temporary surfaces during the construction period.

Reason: In the interests of amenity of the locality and highway safety having regard to policies DR2 and DR3 of the UDP.

9. I16 Restriction of hours during construction
10. I20 Scheme of surface water drainage
11. L01 Foul/surface water drainage
12. L02 No surface water to connect to public system
13. L03 No drainage run-off to public system

Reason for Approval

1. The proposal fails to comply, in principle, with policies H4, H7 and H10 of the Herefordshire Unitary Development Plan, however greater weight has been 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 sustainable development. The sites development accords with policies in relation to design, character of the area, highway safety, relationship with neighbouring properties, landscape impact, drainage and protecting biodiversity, namely policies DR1, DR2, DR3, DR4, LA2, LA5, LA6, H13, T8 and T11 of the Herefordshire Unitary Development Plan. In conclusion, whilst the application would be contrary to Saved Policies of the Plan, the absence of a 5-year supply of housing land was afforded greater weight.

INFORMATIVES:

1. HN08 Section 38 Agreement & Drainage details
2. HN07 Section 278 Agreement
3. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

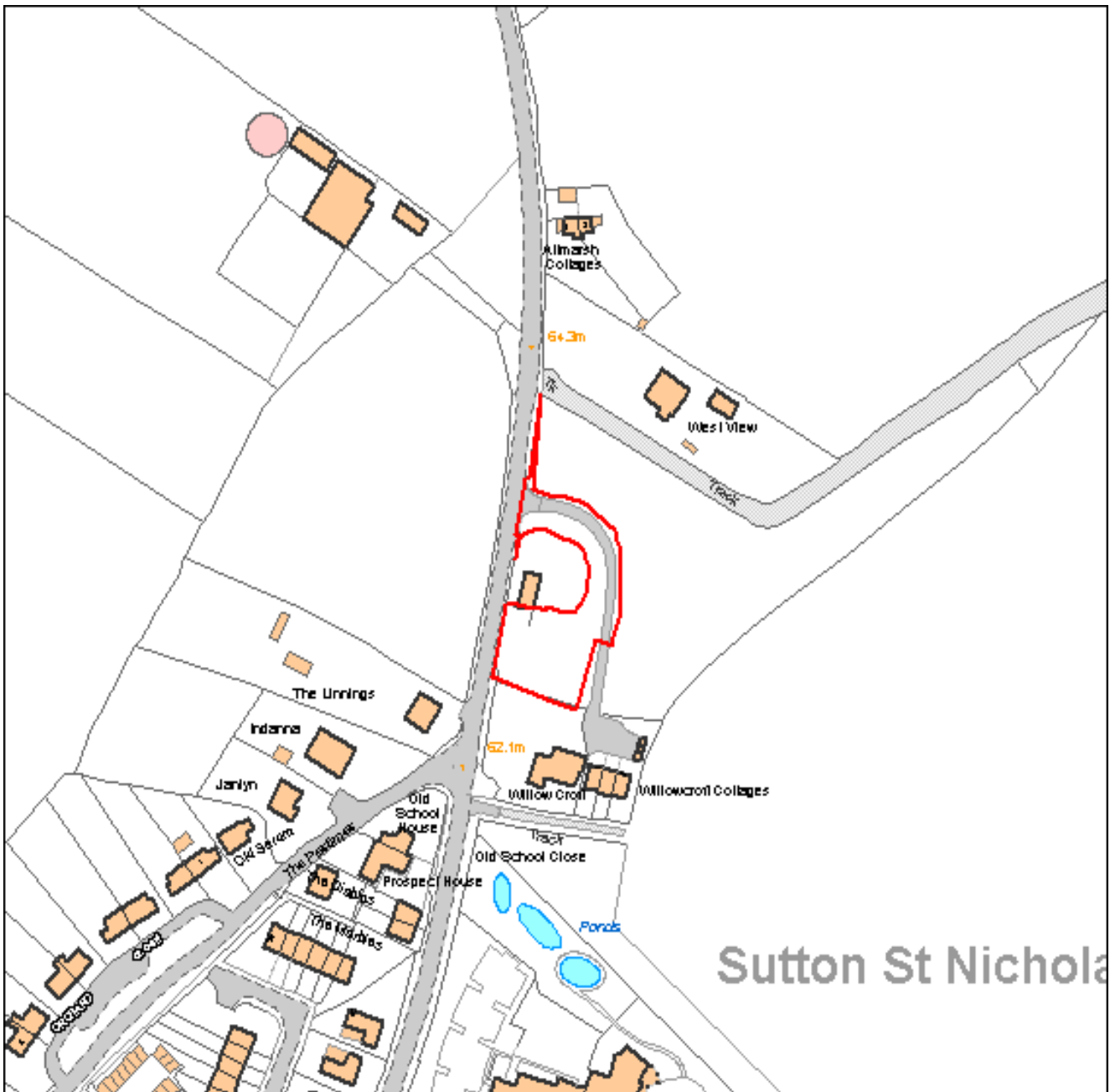
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: S/123110/O

SITE ADDRESS : LAND AT WILLOW CROFT, SUTTON ST NICHOLAS, HEREFORD, HR1 3AZ

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