

MEETING:	PLANNING COMMITTEE
DATE:	3 APRIL 2013
TITLE OF REPORT:	N123569/O - SITE FOR PROPOSED DWELLING AT FLAGGONERS GREEN HOUSE, PANNIERS LANE, BROMYARD, HEREFORDSHIRE, HR7 4QR For: Dr Blair per Mr M Kelly, 24 Rumsam Gardens, Barnstaple, Devon, EX32 9EY
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=123569&NoSearch=True

Date Received: 21 December 2012 Ward: Bromyard Grid Ref: 364528,254328

Expiry Date: 14 March 2013

Local Members: Councillors A Seldon and JG Lester

1. Site Description and Proposal

- 1.1 The application is for outline planning permission for the erection of one dwelling on the north-east section of garden currently within the curtilage of Flaggoners Green House. All matters, with the exception of the principle of development and access, are reserved.
- 1.2 Flaggoners Green House is to the north of two semi-detached dwellings with large gardens located on an inlet of countryside which protrudes into the settlement of Bromyard as defined by policy H1 of the Herefordshire Unitary Development Plan (HUDP). It is located at the junction created by the meeting of the B4214 and the A44 being accessed off the B4214.
- 1.3 The semi-detached dwellings of Flaggoners Green House and Panniers House located to the south of the application site are of painted white brick construction. A particular characteristic of the building is the pronounced gables which face on to the B4214. The site boundaries are composed of hedgerows and trees and afford the site varying amounts of screening.

2. Policies

2.1 Herefordshire Unitary Development Plan

- S1 - Sustainable Development
- S2 - Development Requirements
- S3 - Housing
- DR2 - Land Use and Activity
- DR3 - Movement
- H1 - Hereford and the market towns: settlement settlement boundaries and established residential areas
- H7 - Housing in the countryside outside settlements
- T8 - Road Hierarchy
- LA2 - Landscape Character

2.2 National Planning Policy Framework

Achieving sustainable development

Chapter 6 – Delivering a wide choice of high quality homes

Chapter 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 Council's website by using the following link:-

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

3. Planning History

3.1 The following are previous applications considered relevant to this case:

Flaggoners Green:

DCNC2008/1320/F Proposed removal of condition 2 (ancillary accommodation) of planning permission DCNC2007/0180/F: *Approved 2 - July 2008*

DCNC2007/0180/F Change of use from veterinary surgery and residential to residential: *Approved - 22 February 2007*

NC1999/2369/F Single storey extension: *Approved - 19 October 1999*

Land to the South of Flaggoners Green:

DCNC2009/0562/O Proposed dwelling: *Refused (Appeal dismissed) - 6 May 2009*

Land to the North-East of Flaggoners Green:

NC2001/3043/O Site for a detached semi bungalow with garage: *Refused (Appeal dismissed) - 8 January 2002*

MH93/1146 Proposed dwelling: *Refused - 30 November 1993*

MH92/1337 Proposed dwelling: *Refused - 15 January 1993*

MH90/2247 Proposed dwelling: *Refused - 15 January 1991*

4. Consultation Summary

Statutory Consultees

4.1 **Welsh Water** has no objection to this application. However, they request that conditions are attached to any planning permission to ensure that the scheme would have no detrimental impact on existing resident or the environments. The conditions would relate to:

- Foul water and surface water discharges being drained separately from the site
- Prohibition of surface water and land drainage run-off being allowed to connect to the public sewerage system

Internal Council Advice

4.2 Transportation Manager: This application has no highway implications

5. Representations

Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795

- 5.1 Bromyard Town Council: Resolved to support this application
- 5.2 Mr & Mrs Hambleton: Letter of representation received requesting that the local planning authority consider any potential view of the proposed dwelling from his property. The style of architecture should be similar to the existing complex of dwellings in terms of colour, materials, dropped roofs and gable windows at the end. Existing trees on site should be maintained. Wheelbins and garden paraphernalia should not be on view from his property and the A44 roadside hedge to grow to its earlier height.
- 5.3 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 is for the erection of a dwelling on land within the curtilage of Flaggoners Green House. The site is outside of, but directly adjacent to, the adopted settlement boundary for Bromyard as defined within Policy H1 of the UDP. Subsequently, this application falls to be considered in terms of policies relating to development within the open countryside, particularly policy H7.
- 6.2 Policy H7 of the UDP indicates that, other than for certain exceptions, housing outside of settlements will not be permitted. The application makes no attempt to satisfy any of the criteria of policy H7 which provide details of exceptional circumstances under which housing in the open countryside can be considered and therefore conflicts with it. It is therefore necessary to ascertain as to whether there are any other material planning considerations which indicate that the proposal is acceptable.
- 6.3 Previous applications for residential development on land directly to the east and south of Flaggoners Green House were refused and subsequently dismissed at appeal solely on the grounds of being outside of the adopted settlement boundary. However, it is pertinent to note that circumstances have since changed, particularly relating to the lack of a five-year housing land supply.
- 6.4 The local planning authority is currently failing to provide a 5 year Housing Land Supply, plus a 5% buffer, which shall be met by all local authorities in accordance with paragraph 47 of the NPPF. Paragraph 49 of the NPPF goes on to state that 'relevant policies for the supply of housing should not be considered upto-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'. Consequently there is an obligation to consider applications irrespective of their location in respect to adopted settlement boundaries.
- 6.5 A cabinet report, "Local Development Framework and Local Transport Plan Update (12th July 2012)" provides an interim protocol to be adopted to housing developments outside of adopted settlement boundaries, the content of which echoes that of the NPPF including a presumption in favour of sustainable development. The protocol was compiled in response to the lack of a five-year housing land supply and advises that an application for residential development which conforms with other national and local policies may be permitted where it is located adjacent to an existing settlement boundary.
- 6.6 The application site is located directly adjacent to the settlement boundary of Bromyard in accordance with the prescribed interim approach as outlined above. Furthermore, the site falls

within the curtilage of an existing building with an established residential use and is not considered of high environmental value. Subsequently, the land is considered to be previously developed, the maximum use of which is encouraged in policy S3 of the UDP and paragraph 111 of the NPPF.

- 6.7 The proposal would represent a natural extension to the residential built form of Bromyard making use of existing facilities located within the Town. Suitable, well-used pedestrian routes already exist between the application site and the town centre located less than ½ a mile away. A convenience store is located 100 metres from the proposed dwelling at the junction of the B4214 and the A44. In light of the above, it is considered that the proposed scheme would be well situated in a sustainable location with easy access to local amenities and facilities.

Amenity and privacy of neighbouring dwellings

- 6.8 Although the exact siting, design and layout of the proposed dwelling are reserved for later consideration, there is scope to provide a new dwelling on the application site without compromising the privacy or amenity of the occupiers of Flaggoners Green House. Furthermore, there would be no undue detrimental impact on other neighbouring dwellings.

Access

- 6.9 Access to the dwelling would be off the B4214 making use of an existing driveway which currently serves Panniers House and Flaggoners Green House. This is considered to be of a suitable standard and would not prejudice highway safety. Traffic is relatively slow moving at this point either slowing down for the junction or moving away from the junction. There are no objections from the Transportation Manager with regards to the use of the existing access.

Conclusion

- 6.10 The application for the erection of a dwelling within the curtilage of Flaggoners Green House is contrary to housing policies within the Herefordshire Unitary Development Plan being located outside of a settlement boundary. However, significant weight must be attributed to the lack of a five-year housing land supply within the county. The application is in line with the interim protocol prescribed in the, "Local Development Framework and Local Transport Plan Update (12th July 2012)" being located directly adjacent to the settlement boundary. The site is considered to be in a sustainable location and consequently, the principle of development is established and the site considered suitable for the erection of a dwelling.
- 6.11 The use of an existing access is suitable with all other matters reserved for later consideration. The application is considered to accord with it other relevant policies of the Herefordshire Unitary Development Plan and in line with direction provided within the National Planning Policy Framework. On that basis, it is recommended that outline planning permission be granted.

RECOMMENDATION

That outline 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. 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

Reason for Approval

- 1. The application is considered to be contrary to the requirements of housing policies within the Herefordshire Unitary Development Plan in so much as it would provide a new dwelling outside of the adopted settlement boundary. However, Herefordshire Council has a shortfall in its five-year housing land supply, and the site is sustainable being located directly adjacent to the settlement of Bromyard. With the proposal raising no further planning concerns, outline planning permission is therefore granted on the basis that the proposal is in line with the National Planning Policy Framework which prescribes a presumption in favour of sustainable development.

INFORMATIVES:

- 1. 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, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

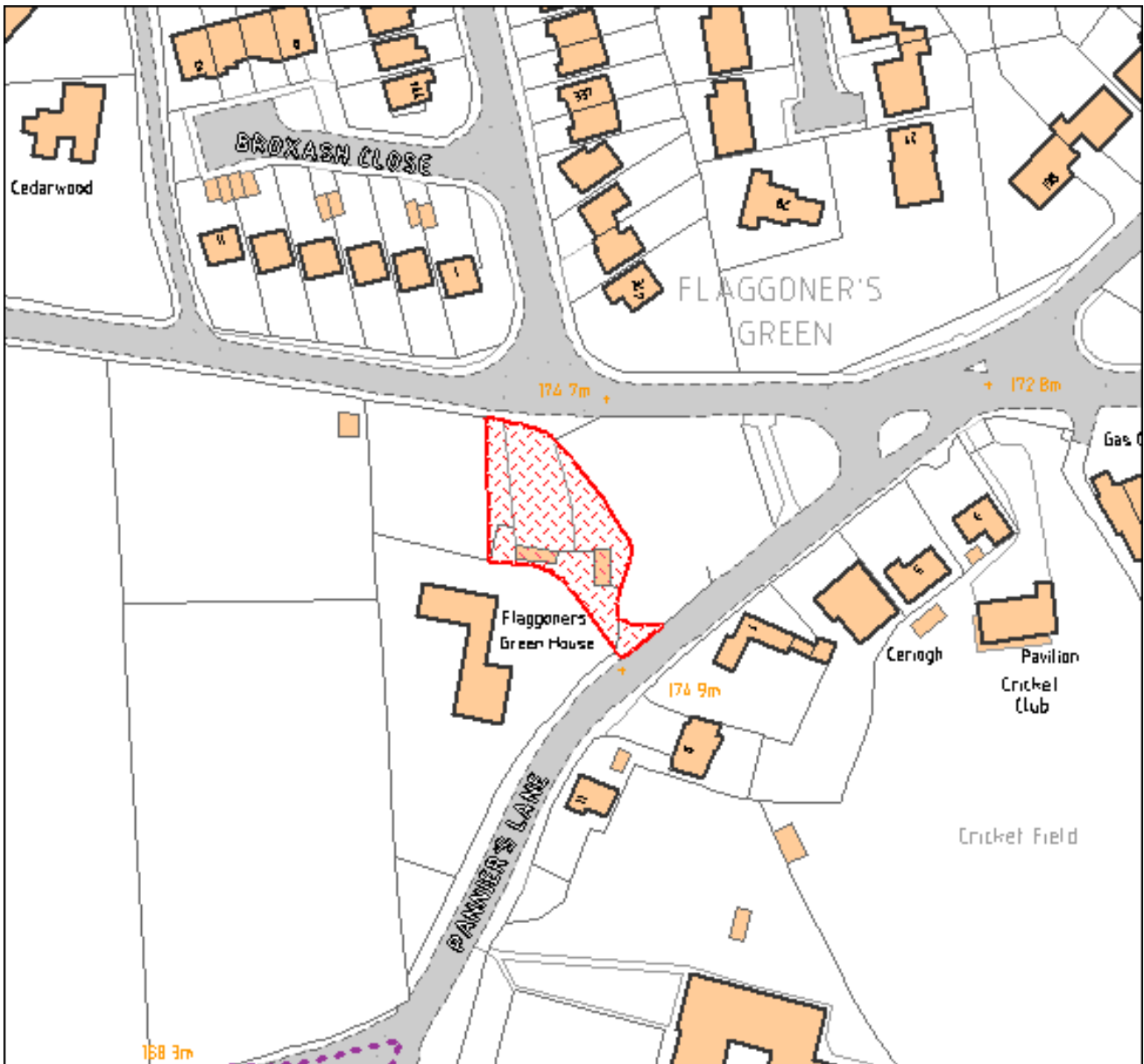
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: N/123569/O

SITE ADDRESS : FLAGGONERS GREEN HOUSE, PANNIERS LANE, BROMYARD,
HEREFORDSHIRE, HR7 4QR

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Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795