

MEETING:	PLANNING COMMITTEE
DATE:	11 DECEMBER 2013
TITLE OF REPORT:	132446/O - SITE FOR CONSTRUCTION OF 2 NO. DWELLINGS. AT LAND AT JUNCTION OF A44 AND, PANNIERS LANE, BROMYARD, HEREFORDSHIRE, HR7 4QR For: Mr And Mrs Berry per Bodkin Hall, Edwyn Ralph, Bromyard, Herefordshire HR7 4LU
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132446

Date Received: 5 September 2013 Ward: Bromyard Grid Ref: 364548,254332

Expiry Date: 15 November 2013

Local Members: Councillors JG Lester A Seldon

1. Site Description and Proposal

- 1.1 The application site is located to the west of Bromyard outside of the settlement boundary as defined under UDP Policy H1 at the point where Panniers Lane meets the A44. The site is abutted by the settlement boundary to the north and south-east.
- 1.2 The triangular plot is bound by the A44 to the north, Panniers Lane to the south-east and the curtilage of Flaggoners Green House to the West. A public footpath runs along the short-eastern boundary. A wooden post and rail fence flanks the eastern edge of the site and a close boarded fence marks the western boundary. The south-east and north edge remain open. The site is currently composed of dense undergrowth, vegetation and trees.
- 1.3 Maps dating from 1843 – 1949 indicate that historically two buildings were located on the site, a toll house in the north-eastern corner and a dwelling in the south-west corner. These buildings have been removed in the intervening period and the site has returned to its afore-described greenfield appearance.
- 1.4 The site is prominently located atop a small rise at one of the major exits from and entrances to Bromyard. The west bound A44 provides access to and from Leominster and Panniers Lane provides secondary access to and from Hereford and Ledbury. Old road is located opposite the site to the north-east and provides access to and from Bromyard town centre and Tenbury.
- 1.5 Development of the site would predominantly relate to two distinct areas of residential development; that along the south-eastern flank of Panniers Lane and that along the northern flank of the A44.
- 1.6 Residential development along Panniers Lane is of a varied vernacular. Development appears organic with plot and dwelling sizes and building materials varying from one to the next. Bungalows, dormer bungalows and full height two-storey dwellings are all provided. Stone,

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

yellow brick and red brick are the predominant cladding materials. This residential area on the outskirts of the town is of a semi-rural character.

- 1.7 Development along the north of the A44 is of a more utilitarian, urban appearance. The dwellings are of a similar design to each other all being constructed of red brick with timber cladding and uPVC fittings under tiled roof. The dwellings front on to Broxash Close off Windsor Road with rear gardens of approximately 12 metres in length separate the dwellings from the A44. As such built form is set well back from the edge of the A44 and does not directly address it.

2. Policies

2.1 National Planning Policy Framework

Chapters 1, 6, 7, and 11 are referred to throughout this report with the following paragraphs of particular relevance:

Paragraph 47: To boost significantly the supply of housing, local planning authorities should ... identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land ...

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.

Paragraph 61: ... Planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

2.2 Herefordshire Unitary Development Plan

S1	- Sustainable development
S2	- Development requirements
S3	- Housing
DR1	- Design
DR2	- Land use and activity
DR3	- Movement
H1	- Hereford and the market towns: Settlement boundaries
H7	- Housing in the countryside and outside settlements
H13	- Sustainable residential design
LA2	- Landscape character and areas least resilient to change
LA3	- Setting of settlements

- 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.aspp>

2.4 Herefordshire Local Plan Core Strategy

SS1	Presumption in favour of sustainable development
SS6	Environmental quality and local distinctiveness
SD1	Sustainable design and energy efficiency

RA3	Herefordshire's countryside
BY1	Development in Bromyard
H3	Ensuring an appropriate range and mix of housing
MT1	Traffic management highway safety and promoting travel
LD1	Landscape and townscape
LD2	Biodiversity and geo-diversity

2.5 The Core Strategy has recently passed through Council and a number of objections have been lodged against the emerging housing policies. As such only minimal weight can be attributed to policies of the emerging Core Strategy in accordance with paragraph 216 of the NPPF.

3. Planning History

3.1 **MH90/2247, MH92/1337, MH93/1146** – Permission sought for the erection of a single dwelling. All applications refused on grounds of being located outside of the adopted settlement boundary.

3.2 **DCN013081/O** – Permission sought for a single dwelling. Refused and subsequently dismissed at appeal on the grounds of being located outside of the adopted settlement boundary and having an undue impact on the landscape character of the countryside.

3.3 Members attention is also drawn the granting of outline permission (**N123569/O**) for the provision of a single dwelling within the grounds of Flaggoners Green House directly to the west of the application site.

4. Consultation Summary

4.1 The Council's Transportation Manager did not object to the proposal but recommended that a condition be attached to any permission given ensuring that:

a) requisite visibility splays are retained in perpetuity

4.2 Welsh Water did not object to the proposal but recommended that conditions be attached to any permission given to ensure that:

a) foul and surface water is discharged separately from the site;

b) surface water does not connect with the public sewerage system; and

c) land drainage run-off is not permitted to discharge to the public sewerage system.

5. Representations

5.1 Bromyard Town Council resolved to support the application.

5.2 No letters of representation were received from third parties.

5.3 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

- 6.1 The application is for residential development and as such falls to be considered against the housing policies of the UDP. The site falls outside of the identified settlement boundary of Bromyard and thus falls to be considered against UDP Policy H7 which makes provisions for dwellings in open countryside.
- 6.2 Policy H7 of the UDP indicates that, other than in exceptional circumstances, housing outside of settlements will not be permitted. The proposal does not meet any of the exempting criteria of policy H7 under which housing in the open countryside can be considered and therefore conflicts with it. It is therefore necessary to ascertain whether there are any other material planning considerations which indicate that the proposal is acceptable.
- 6.3 Previous applications for residential development on this site were refused and subsequently dismissed at appeal on the grounds of being outside of the adopted settlement boundary and encroaching in to the countryside. Within the appeal report relating to application DCN013081/O the inspector notes the landscape value of the prominent green site. However, circumstances have changed in the intervening period particularly in relation to the Council's published lack of a five-year housing land supply.
- 6.4 Paragraph 47 of the NPPF prescribes that all local authorities shall have a 5 year Housing Land Supply, plus a 5% buffer. Paragraph 49 of the NPPF goes on to state that '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'. As the county has a published under provision of housing land, there is an obligation to consider applications irrespective of their location in respect to adopted settlement boundaries.
- 6.5 A cabinet report titled 'Local Development Framework and Local Transport Plan Update (12th July 2012)' was published addressing this issue. The report suggested an interim protocol to be applied 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 advises that an application for residential development of less than 5 dwellings which conforms with other national and local policies may be permitted where it is located adjacent to an existing settlement boundary. The application site is abutted on two of its three sides by the settlement boundary of Bromyard and is subsequently in accordance with the interim approach.
- 6.6 The site is in close proximity to local amenities and facilities. A newsagents and hairdressers are 100 metres to the east of the site, the local secondary school is 120 metres to the south and Bromyard Cricket Club is 50 metres to the east. Bromyard Town Centre is approximately 800 metres from the site and easily and safely accessible on foot via lit public footpaths. A frequent bus service runs along the A44 providing sustainable methods of travel to many destinations including the extensive amenities and facilities located in the cities of Hereford and Worcester.
- 6.7 The proposal represents a natural extension to the built form of Bromyard providing opportunity to make 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. In light of the above, it is considered that the proposed scheme would be within easy access of local amenities and facilities in line with the aims and objectives of the NPPF and policy S1 of the UDP. Furthermore the scheme relates well to the character and layout of the locality in accordance with paragraph 61 of the NPPF and UDP policies S1 and DR1.
- 6.8 Access to the dwellings would be off the Panniers Lane (B4214), preferable to any access off the A44 due to reduced speeds on Panniers Lane. The access would meet Panniers Lane at

90° with suitable visibility splays provided. Traffic is relatively slow moving at this point either slowing down for the junction or moving away from the junction. Drivers approaching the site would have ample time to slow for cars egressing from the proposed access and vice versa. The proposal would not impact on highways safety in accordance with UDP Policy DR3. There are no objections from the Transportation Manager.

- 6.9 The layout of the site will be covered by the reserved matters application though indicative plans have been submitted. The application site accommodates a number of locally important trees and the indicative layout has been largely driven by the retention of these trees as informed by a tree survey undertaken in accordance with BS5837:2012. The plan shows the site is able to accommodate 2 dwellings with ample amenity space and parking whilst future occupiers of the dwellings would be afforded sufficient privacy. The Council's Landscape Officer concurred with the content of the tree survey at the pre-application stage.
- 6.10 There is scope to provide two new dwellings on the application site without compromising the privacy or amenity of the occupiers of neighbouring dwellings. Adequate screening exists in relation to Flaggoners Green House whilst other properties are a sufficient distance from the site so as to not be impacted upon. Indicative plans submitted suggest a 'L' shaped layout with one dwelling along the northern boundary of the site and one along the western boundary of the site. The orientation of the dwellings in conjunction with the distance between the two dwellings would ensure that neither dwelling compromises the privacy or amenity of the other.
- 6.11 The ecology report which accompanies this application states that there is little likelihood of the development impacting upon protected species. This is a view shared by the Council's Ecologists. However, it is noted that there is potential for ecological enhancement and the timing of works must not affect nesting birds. As such, conditions will be attached to any permission given ensuring the aforementioned.
- 6.12 As mains sewer connections are proposed there are no implications for the River Wye SAC or other SAC sites and an HRA report for submission to Natural England is not required.
- 6.13 The application site is very much a 'gateway' to the open countryside to the west of Bromyard and its dense vegetation is prominent when approaching from the east along the A44. Although appearance and design is reserved for later consideration, given the prominence of the site and its importance in relation to its context the detailed design of the dwellings should be truly outstanding and must respect the character of its immediate surroundings. The dwellings must also be designed as to maximise energy conservation as required by UDP Policy H13 and the NPPF (paragraph 96).
- 6.14 A comprehensive landscaping scheme will also be required at the reserved matters stage in accordance with UDP Policies LA2 and LA6 to mitigate for the residential development of this sensitive site. Boundary treatments should be composed of dense native hedgerow and as five trees are to be removed from the site their loss should be mitigated through the provision of new native trees appropriate for the setting.
- 6.15 To conclude, the application is contrary to housing policies within the Herefordshire Unitary Development Plan being located outside of a defined settlement boundary without meeting the criteria listed under UDP Policy H7 or paragraph 55 of the NPPF. However, the weight attached to the county's underprovision of land for housing is considered to outweigh the immediate policy concerns of the UDPs housing policies which are acknowledged as out of date. Furthermore, the moderate landscape impact of the scheme is outweighed by the under provision of housing land. 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. The site is located sustainably in close proximity and with safe access to the amenities and facilities of Bromyard. The proposed access is not

considered to be of detriment to the safety of the local highways network. All other matters are reserved for later consideration.

- 6.16 In line with the presumption in favour of sustainable development as prescribed by the NPPF, the principle of development is established and the site considered suitable for the erection of two dwellings. On that basis, it is recommended that outline planning permission be granted.
- 6.17 On 4 March 2009, the local planning authority temporarily suspended the requirement for residential development of five dwellings or less to accord with the Authority's 'Planning Obligations' Supplementary Planning Document (February 2008) where development would commence within a year of the date of permission. In this instance, the submission states a preference for a one year permission and as such the requirement of Section 106 contribution is waived.

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. 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**

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.**
- 2. HN01 Mud on highway**
- 3. HN04 Private apparatus within highway**
- 4. N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
- 5. N11C General**
- 6. HN05 Works within the highway**

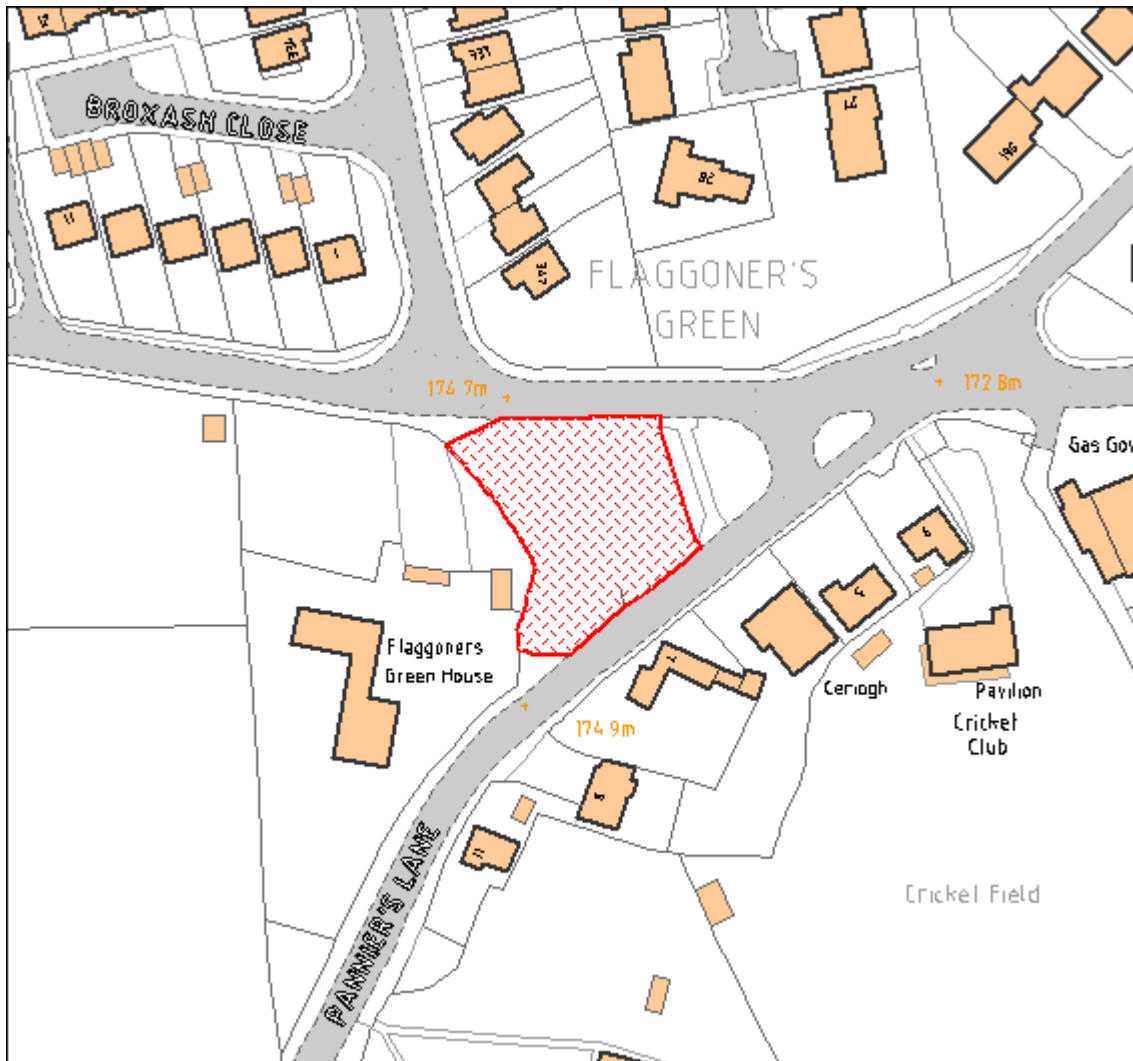
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 132446/O

SITE ADDRESS : LAND AT JUNCTION A44 AND, PANNIERS LANE, BROMYARD, HEREFORDSHIRE, HR7 4QR

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