

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>24 AUGUST 2016</b>
<b>TITLE OF REPORT:</b>	<b>161638 - PROPOSED ERECTION OF A DWELLING AT LAND AT 19 FERNDALE ROAD, HEREFORD.</b>  <b>For: Mr Knowles per Colin Goldsworthy, 85 St Owen Street, Hereford, Herefordshire, HR1 2JW</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=161638&amp;search=161638">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=161638&amp;search=161638</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 25 May 2016**

**Ward: Kings Acre**

**Grid Ref: 348981,241101**

**Expiry Date: 8 August 2016**

Local Member: Councillor MN Mansell.

## **1. Site Description and Proposal**

- 1.1 The site comprises the rear half of the garden at 19 Ferndale Road which backs onto the end of Tensing Way (a modern cul-de-sac) in the Kings Acre ward of Hereford city. This is bound by a high fence to perimeters.
- 1.2 To the south lies No 17 Ferndale Road (bungalow set back into plot), with No 21 to the north. Nos 21 and 18 Tensing Road are adjacent to the application site and are 2 storey red brick dwellings.
- 1.3 The proposal is an outline planning application for one dwelling with vehicular access off Tensing Road. All other matters are reserved for future consideration.
- 1.4 The applicant has served notice in the Herefordshire Times (under Certificate D) that ownership of part of the site is unidentified (grass strip on Tensing Road to the rear of the application site).

## **2. Policies**

### **2.1 Herefordshire Local Plan: Core Strategy Policies:**

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS6	-	Environmental Quality and Local Distinctiveness
HD1	-	Hereford
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Bio-diversity and Geo-diversity

Further information on the subject of this report is available from Mr Fernando Barber-Martinez on 01432 383674

- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Waste Water Treatment and River Water Quality
- ID1 - Infrastructure Delivery

## 2.2 Neighbourhood Plan

There is no Neighbourhood Development Plan for the area.

## 2.3 National Planning Policy Guidance:

- Chapter 6: Delivering a Wide Choice of High Quality Homes;
- Chapter 7: Requiring Good Design;
- Paragraph 14: Presumption in Favour of Sustainable Development;
- Paragraph 49: 5 Year Housing Land Supply;

## 2.4 National Planning Practice Guidance:

Use of Planning Conditions (ID21a);  
Planning Obligations (ID23b);  
Design (ID26): Form, Scale, Details, Materials.

## 2.5 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

## 3. Planning History

### 3.1 091377 2 Bungalows: Refused.

HC/920403/PO/W One bungalow: Refused - Appeal Dismissed 18/05/1993.

HC/920192/PO/W Private dwelling (Off Tensing Close): Refused 16/07/1992.

## 4. Consultation Summary

### 4.1 Statutory Consultations:

None.

### 4.2 Internal Council Consultations:

Transportation Manager: The proposed dwelling is to be accessed from the cul-de-sac off Tensing Close. I would comment that our records indicate that the limit of adopted highway is the back of footway, leaving an area between footway and the boundary of 19 Ferndale Road that is not highway nor in the applicant's ownership. It is noted from the letters of objection that other property owners have maintained this area, but that attempts by the agent to identify the owner have been unsuccessful.

A satisfactory access could be achieved from Tensing Close, subject to the above, and it is likely that satisfactory parking and turning could be provided in curtilage. Secure covered cycle parking should be provided, and if in a garage, the garage should be suitably sized (6mx3m) to accommodate a car and cycles. Therefore I would have no objections.

## 5. Representations

5.1 Hereford City Council: No objection.

5.2 To date 16 objection letters (including a petition with six accompanying signatures) have been received - raising the following points (summarised):-

- Building work concerns;
- Access should be off Ferndale Road;
- Previous applications have been refused;
- Tensing Close is a narrow overcrowded road- further use would be hazardous to the elderly occupiers here, and is a crossing place for children going to nearby schools);
- The turning area on Tensing Close is needed;
- Quiet nature of Tensing Close;
- Occupant of No21 Tensing Close is seeking adverse possession of the unknown ownership land;
- The 'ransom strip' is tended to by the immediate neighbours on Tensing Close;
- Removal of mature trees on site.

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

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=161638&search=161638>

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

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

## 6. Officer's Appraisal

### General Principles

6.1 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

*"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

6.2 Here, the Herefordshire Local Plan ('HLP') is the development plan. The Core Strategy(CS) is a fundamental part of the HLP and sets the overall strategic planning framework for the county, shaping future development.

6.3 The strategic Policy SS1 sets out a presumption in favour of sustainable development as required by the NPPF and directs that proposals which accord with the policies of the CS shall be approved, unless material considerations indicate otherwise. One such consideration is the NPPF which advises at paragraph 47 that Local Authorities maintain a robust five year supply of housing land. At present, the Council cannot demonstrate a 5-year supply of housing land and as such the policies of the CS cannot be inherently relied upon, although still retain weight.

6.4 The delivery of sustainable housing development to meet objectively assessed needs is a central CS theme, reflecting the objectives of the NPPF. Policy SS2 'Delivering new homes' directs that Hereford and the market towns shall be the main focus for new housing development.

6.5 This is following recent appeal decisions at Leintwardine and Ledbury. A recent Court of Appeal judgment amongst other points came to the view that 'out of date' policies because of the

housing land supply being under 5 years do not become irrelevant, it is simply that the weight is for the decision maker. The decision overall is one of planning judgment and balance, which includes the weight properly attributable to the NPPF and the shortfall and all other relevant policies and facts.

6.6 The National Planning Policy Framework- with its three dimensions to sustainable development (namely economic, social and environmental roles) in paragraph 6 states that the purpose of the planning system is to contribute to the achievement of sustainable development, as defined in paragraphs 18 to 219 of the NPPF.

6.7 This is in an urban residential location and is considered to be a sustainable location in principle for new housing.

#### Accessibility

6.8 The proposed access point is at the end of a long linear cul-de-sac. This is considered acceptable in terms of highway safety.

#### Amenity

6.9 There would be satisfactory amenity space for a new dwelling, and a single storey dwelling would not give rise to any adverse loss of amenity to the immediate dwellings (through loss of privacy or overshadowing) due to it being ground level development. The daily comings and goings would not be detrimental to the amenities of Tensing Road. A condition is recommended to ensure single storey development only.

#### Ecology

6.10 On a site visit the Case Officer did not see any ecological potential or natural habitats that would be affected by the proposal. There are no apparent adverse ecological implications from the siting and construction of a dwelling and access at this location.

#### Waste Water

6.11 It is intended to connect the new dwelling to the existing sewerage network. This is acceptable.

#### Conclusion

6.12 As the Council has been found unable to demonstrate an NPPF compliant housing land supply at appeal, paragraph 49 thereof requires that applications are considered for their ability to represent sustainable development rather than for their inherent conformity with the Local Plan. However, and for the reasons explained within the report, the CS is considered to accord with the aims and objectives of the NPPF in this instance and the housing supply policies of the CS, Policy SS2 and the housing supply dimensions of HD1 in particular here, are considered to retain significant weight.

6.13 In principle residential development is supported at this urban residential location with its attendant infrastructure, nearby goods and services and recreation.

6.14 In light of Paragraph 14 of the National Planning Policy Framework) there is no harm to any acknowledged interests that would be an overriding material consideration that would lead to an alternative recommendation.

## **RECOMMENDATION**

That planning permission be granted subject to the following conditions and any additional conditions considered necessary by officers:

1. C02 (A02 Time limit for submission of reserved matters (outline permission))
2. C03 (A03 Time limit for commencement (outline permission))
3. C04 (A04 Approval of reserved matters)
4. C05 (A05 Plans and particulars of reserved matters)
5. C06 (B01 Development in accordance with the approved plans - drawings received 25 May 2016)
6. C98 (G12 Hedgerow planting)
7. CBK (I16 Restriction of hours during construction)
8. CD6 (L04 Comprehensive & Integrated draining of site)
9. CE6 (M17 Water Efficiency – Residential)
10. CAD (H05 Access gates)
11. CAE (H06 Vehicular access construction)
12. CAH (H09 Driveway gradient)
13. CA2 (G15 Landscape maintenance arrangements)
14. CB2 (H29 Secure covered cycle parking provision)
15. C62 (F11 Restriction on height of dwelling: “1 storey in height”)

## **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. Consideration should be given to the provision of a small footprint single storey dwelling at this location- so as to avoid potential amenity impacts on neighbouring dwellings through overlooking or loss of privacy (see planning condition 17 above).
3. I05 (No drainage to discharge to highway).
4. I45 (Works within the highway).

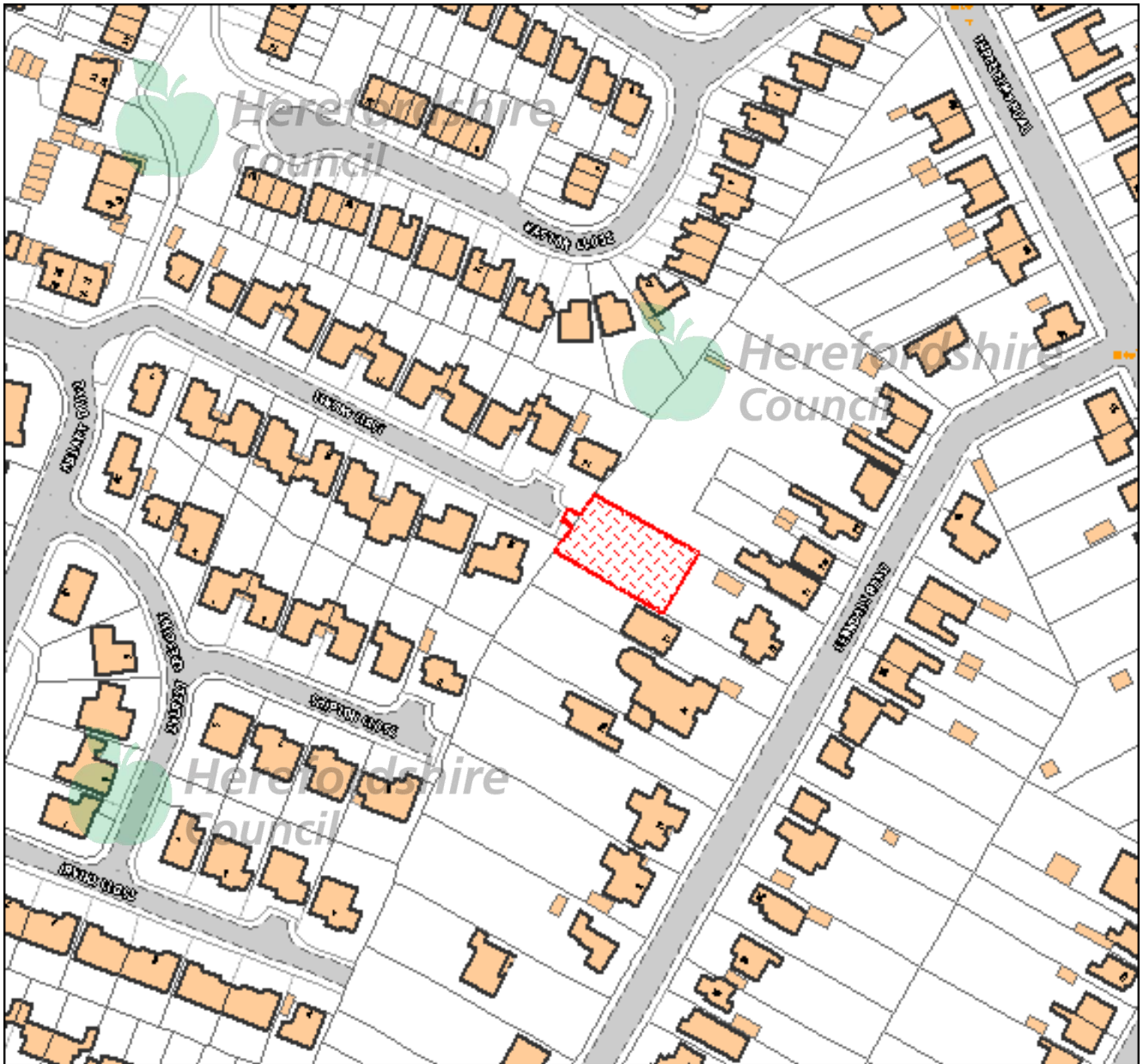
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 161638

**SITE ADDRESS :** LAND AT 19 FERNDALE ROAD, HEREFORD

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