

DELEGATED DECISION REPORT

APPLICATION NUMBER

180735

Land Adjacent to The Willows, Munderfield, Bromyard, Herefordshire,

CASE OFFICER: Mrs G Webster

DATE OF SITE VISIT: 26/03/2018

Relevant Development NPPF

Plan Policies: Herefordshire Core Strategy policies SS1, SS2, SS6, RA2, LD1, SD1, SD3, SD4, MT1
No NDP for Munderfield

Relevant Site History: None

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	X				X
Transportation	X		X		
Site Notice	X				X- 8
Welsh Water	X		X		
Local Member	X			X	

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The application site forms part of an agricultural field within the heart of the village of Munderfield, which is approximately 2 miles south of Bromyard. It is considered that the site is within the settlement boundary of Munderfield and is consistent with the linear layout of housing along the roadside. There are residential properties directly to the north, south, and west of the application site. The site is on the eastern side of the B4214 which runs through the village with development on either side and is broadly within the centre of the built form of the village.

This is an outline planning application for the proposed erection of five dwelling houses with garages and access. Apart from the access to the site all other matters are to be reserved.

The indicative plan shows the dwellings running in a linear form adjacent to the roadside.

Representations:

Avenbury PC - NOT SUPPORT Planning application P180678. The council feels that the development is not in keeping with the area according the policy RA2 of Herefordshire's Core Strategy as well as the type and mix of housing not complying with H3 housing policy. The council also have concerns with regard to the access and egress onto the B4214 and the visibility of traffic, along with concerns about lack of infrastructure.

Waste - Each property will be provided, as standard, with 1 x 180 litre black general rubbish bin and 1 x 240 litre green recycling bin.

This area is currently accessed by an 18 tonne refuse collection vehicle (RCV). Any road where the RCV is expected to travel would need to be suitable for a vehicle of this size and weight with sufficient turning areas, and would need to meet the specification for adoptable roads as specified in "Highways Design Guide for New Developments" and "Highways Specification for New Developments". A risk assessment would also need to be passed. The maximum distance between the collection point of the bins and where the vehicle can safely access is 25 metres. If the road is not suitable for the RCV to travel then collection points, e.g. and area of hardstanding where bins can be placed on collection day, need to be provided and located within 25metres from where the RCV can safely access. Please refer to "Guidance Notes for storage and collection of domestic refuse and recycling"

Transport Manager - Based on the amended visibility splays and the distances contained within of 82m in each direction we find the proposals acceptable.

Welsh Water - As long as details can be provided to demonstrate how they can draw from the network overnight and have enough storage to use throughout the day with no need to draw more between 6am and 8pm we have no objection.

8 letters of objection received, the main points raised include:

- Will be out of keeping with the character of the area
- Bromyard and Stoke Lacy are nearby with better facilities, growth should go there
- Concerns over water supply and drainage
- Concerns over road access and traffic safety
- Unsustainable location
- No affordable housing
- Poor public transport

Local Member – many ongoing discussions, no redirection requested. The Local Member acknowledges that Munderfield is a RA2 settlement and therefore will be expected for some growth to take place, but would like to ensure that the water supply does not get any worse for the current residents.

Pre-application discussion:

N/A

Constraints:

SSSI impact Zone

Appraisal:

Principle of development

Section 38 (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."

In this instance the Development Plan for the area is the Herefordshire Local Plan - Core Strategy (CS). The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms proposals that accord with the policies of the Core Strategy (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

As per the NPPF, the delivery of sustainable housing development to meet objectively assessed needs is a central Core Strategy theme. Policy SS2 'Delivering new homes' confirms that Hereford, with the market towns in the tier below, is the main focus for new housing development. In the rural areas new housing development will be acceptable "where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community." Equally it is clear that failure to maintain a robust NPPF compliant supply of housing land will render the housing supply policies of the Core Strategy out-of-date. Policy SS3 'Ensuring sufficient housing land delivery' thus imposes requirements on the Council in the event that completions fall below the trajectory set out in Core Strategy Appendix 4.

The matter of housing land supply has been the subject of particular scrutiny in a number of recent appeal inquiries and it has been consistently concluded that the Council is not able to demonstrate a 5 year supply of housing land. Therefore, policies relevant to the supply of housing are, in accordance with the NPPF, out-of-date. However, this does not render such policies an irrelevance and they may still be afforded some weight. For the avoidance of doubt, Inspectors have determined that CS policies SS2, SS3, RA1 and RA2 are all relevant to the supply of housing in the rural context.

Irrespective of the weight to be ascribed to the Core Strategy housing supply policies, it is useful to review the application in context. Munderfield is identified as one of the rural settlements within the Bromyard Housing Market Area (HMA). These settlements are to be the main focus of proportionate housing development in the rural areas. The strategy set out at Core Strategy Policy RA1 is to ascribe an indicative housing growth target for the settlements listed within each rural HMA. Within the Bromyard rural HMA the indicative minimum housing growth is 15%. This amounts to 15 dwellings for Munderfield.

The growth target should not be seen as a ceiling to development and proposals should be considered in terms of paragraph 11 of the NPPF which states that the presumption in favour of sustainable development requires the granting of planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The preamble to RA2 – Housing in settlements outside Hereford and the market towns states: "*Within these settlements carefully considered development which is proportionate to the size of the community and its needs will be permitted.*" The proactive approach to neighbourhood planning in Herefordshire is also noted and that when adopted, Neighbourhood Development Plans (NDPs) will be the principal mechanism by which new rural housing will be identified, allocated and managed. In this case however, Munderfield has not sought to progress a Neighbourhood Plan.

In the absence of a NDP, the CS confirms that housing schemes should be assessed against their relationship to the main built up part of the settlement; the intention being to avoid unsustainable patterns of development that give rise to isolated residential development that are inaccessible and give rise to attendant landscape harm.

The core principles upon which RA2 is founded can be summarised as an expectation that development proposals should reflect the size, role and function of the village concerned; make best use of brownfield land where possible; result in high-quality, sustainable development which enhances local character where possible and does not result in unsustainable patterns of development. It is my view, therefore, that although out-of-date, RA2 may continue to attract weight in the determination of this application. This is because it is positively worded and does not seek to impose a cap on development. It does, however, require development to be built within or adjacent the main built up part of the settlement concerned, and that locational aspect of the policy cannot carry weight in the current context.

Notwithstanding, the site is located within the village of Munderfield. It is acknowledged that there are limited facilities but the village is identified within Figure 4.15 of the Core Strategy, where proportionate housing development is appropriate. The site does have a clear relationship to the built form of the settlement and it cannot be concluded that the proposal would result in an isolated or unsustainable pattern of development.

In this instance I find that there is no overriding harm in the context of Policy RA2. The proposal is therefore representative of sustainable development when held against both the Core Strategy and paragraph 14 of the NPPF.

Transport

Policy MT1 of the Core Strategy and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 108 requires local planning authorities to facilitate the use of sustainable modes of transport. It also refers to the need to ensure that developments are provided with safe and suitable access and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development would be severe.'(NPPF para 109).

The Transport Officer has stated that the visibility splays are sufficient and in accordance with the surveys undertaken, therefore this application is in accordance with Policy MT1.

Potable Water Supply

Welsh Water have stated that there is a lack of supply for potable water within the settlement. The Planning Practice Guidance (Paragraph: 016 Reference ID: 34-016-20140306) states that:

Planning for the necessary water supply would normally be addressed through the Local Plan. Water supply is therefore unlikely to be a consideration for most planning applications. Exceptions might include:

- ☐ *large developments not identified in Local Plans that are likely to require a large amount of water; and/or*
- ☐ *where a Local Plan requires enhanced water efficiency in new developments as part of a strategy to manage water demand locally and help deliver new development.*

With regard to the two criteria above, the site is not a large development which requires a large amount of water (criterion 1) whilst criterion 2 doesn't relate to the principle of development.

However, the ninth criteria of policy SD3 of the Core Strategy does seek to ensure that development should not cause an unacceptable risk to the availability or quality of water resources. In order to address this, a condition is proposed to require a storage tank to be located in the roof space of the dwelling to draw from the system overnight when the pressure on the system is reduced. On this basis I am of the view that the proposal would be compliant with policies SD1 and SD3 of the Core Strategy.

Planning balance & conclusion

The LPA cannot demonstrate a 5 year supply of housing land with requisite buffer. Accordingly paragraph 11 of the NPPF applies. However, and as explained above, the LPA in this instance considers that policies relevant to the supply of housing within the CS retain significant weight. In reaching a decision upon new housing the housing land supply position will need to be balanced against other factors in the development plan and/or NPPF which could result in the refusal of planning permission. This site is therefore assessed and considered on its suitability as being sustainable in regards its location and material constraints and considerations.

In this particular case the principle of development is accepted in that the site is located adjacent to the built up form of Munderfield. An appropriate means of access can be provided to the site subject to the imposition of conditions, while all other matters are reserved for future consideration. I am satisfied that concerns raised by local residents about drainage can be addressed through the imposition of conditions and do not prevent development taking place as a matter of principle.

Some of the objections received also raise the point that the proposal does not provide any affordable housing. Policy H1 of the Core Strategy sets out the thresholds for the delivery of affordable housing – the expectation being that schemes for more than 10 dwellings will be expected to make such provision. The proposed development falls well short of this and therefore the lack of affordable housing does not give rise to any policy conflict. Policy H3 is concerned with the range and mix of housing and; given that this is an outline application that is not required to provide such detail, I am satisfied that this can be dealt with through the imposition of a suitably worded condition.

On the basis of the above I am of the view that there are no matters of such significance to outweigh the presumption in favour of sustainable development. Accordingly the application is recommended for approval.

RECOMMENDATION: **PERMIT** ☒ **REFUSE** ☐

CONDITION(S) & REASON(S):

(please note any variations to standard conditions)

C02

C03

C04 – layout, scale, appearance, landscaping

C05 - layout, scale, appearance, landscaping

C06 - V1, Scheme A Block Plan, V2, Amended visibility splay plan received 25/07/2018, V4

No development shall take place until a potable water scheme to demonstrate that the existing water supply network can suitably accommodate the proposed development site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a water storage facility in each property, details of how and when potable water will be drawn from the public water main and demonstrate that sufficient capacity can be provided for use throughout the day without the need to draw again. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity prior to the occupation of any building.

Reason: To ensure the site is served by a suitable potable water supply to comply with Policy SD3 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

CA9 - Single access - no footway

Before any other works hereby approved on the application site are commenced, the new entrance shall be set back 2.4 metres from the nearside edge of the adjoining carriageway. On each side of the set back entrance, splays shall be formed at an angle of 45 degrees with the highway boundary and the whole of the splayed areas shall be graded and cleared so that no part thereof exceeds a height of 0.6 metres above the relative level of the adjoining carriageway.

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

CAB - Visibility splays

Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 82 metres in southbound direction along the nearside edge and 82 metres in northbound direction along 1 metre off the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

CAF - Single access - outline consent

Provision shall be made for a single vehicular access onto the highway, B4214.

Reason: To ensure the safe and free flow of traffic using the adjoining highway and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

With the exception of any site clearance or the provision of access to the site, no other development shall commence until a drainage scheme for the site has been submitted

to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy.

Prior to the commencement of development the developer shall agree in writing with the local planning authority a scheme for the delivery of the open market housing hereby approved. This scheme shall comprise a schedule outlining the number of 2, 3 and 4 (+) bed dwellings proposed at the Reserved Matters stage; the overall mix being in general accord with the Council's Local Housing Market Assessment (or any successor document, adopted for these purposes by the local planning authority).

Reason: To define the terms of the permission and to comply with Policy H3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Informatives

IP2

Signed: Gemma Webster..... Dated: 11/10/2018

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT

☒

REFUSE

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Signed:

AB

..... Dated: 22/10/18