

**7 CE2002/2405/O - SITE FOR DEMOLITION OF EXISTING LIGHT INDUSTRIAL PREMISES AND CONSTRUCTION OF RESIDENTIAL DWELLINGS AT THE OLD DAIRY, BULLINGAM LANE, HEREFORD**

**For: J.S. Bloor (Tewkesbury) Ltd. Per J.S. Bloor (Services) Ltd., Ashby Road, Measham, Swadlincote, Derbyshire, DE12 7JP**

**Date Received: 22nd August, 2002      Ward: St. Martins & Hinton      Grid Ref: 50880, 37637**

**Expiry Date: 17th October 2002**

Local Members: Councillor Mrs. W.U. Attfield, A.C.R. Chappell, R. Preece,

**1. Site Description and Proposal**

- 1.1 The 1.5 ha application site is located amongst a small scattering of houses on the west side of Bullingham Lane, to the south of the city boundary. It is partly an allocated site for housing development in the Hereford Local Plan, and is surrounded by countryside.
- 1.2 The site itself was historically a dairy with single dwellinghouse although in more recent times has been used for other, often unauthorised uses, including vehicle repairs, vehicle breaking, storage, and supply of LPG. The site has been subject to considerable enforcement investigation and action over the years, most recently in relation to the supply of LPG and general untidiness.
- 1.3 The site rises away from the carriageway of Bullingham Lane for the majority of its depth, although levels off at the eastern end at the top of the hill. It supports substantial former dairy buildings at its lower end (adjacent to the highway), and a scattering of smaller buildings towards the centre including a dwellinghouse. There are two existing vehicular accesses from Bullingham Lane.
- 1.4 The proposal is for outline planning permission to redevelop the site for residential purposes. Initially all matters with the exception of the access were reserved, although following the serving of an Article 3(2) Notice details of siting and layout, and drainage arrangements have been supplied. The siting/layout drawing shows a scheme of some 34 dwellings of mixed size, type and form, all positioned on the sloping part of the site. The eastern end, or top of the hill, which is not within the allocated housing site is indicated to be retained as public open space. A further children's play area would be provided and equipped towards the centre of the site.
- 1.5 Foul and surface water drainage of the site would be by means of a combined private treatment plant ('biosphere'), with waste water pumped to the top of the site and then discharged across adjacent fields owned by the applicant into an attenuation area/pond before outfall into the nearby brook.
- 1.6 A children's play area is proposed at the centre of the site, to be suitably equipped.

- 1.7 The main vehicular access would be at the existing access point to the dairy buildings. To ensure safe use, traffic calming measures are proposed in the vicinity of the site including contrasting surfacing materials; and a pavement would be provided between the access and the railway bridge (to pass under the bridge) with a resulting reduction in the width of the carriageway.

## 2. Policies

### 2.1 Hereford Local Plan:

ENV8	-	Contaminated land
ENV11	-	Infrastructure
ENV12	-	Private sewerage
ENV14	-	Design
H1	-	Sites for residential development
H3	-	Design for new residential development
H4	-	Residential roads
H6	-	Amenity open space provision in smaller schemes
H8	-	Affordable housing
CAL1	-	Residential development
CAL15	-	Long distance views
T13	-	Pedestrian and cycle routes
R4	-	Outdoor playing space standard
R8	-	Children's play areas

### 2.2 Herefordshire UDP (Deposit Draft):

S2	-	Development requirements
DR1	-	Design
DR5	-	Planning obligations
DR10	-	Contaminated land
H7	-	Housing in the countryside outside settlements
H13	-	Sustainable residential design
H19	-	Open space requirements

## 3. Planning History

- 3.1 The overall site has a history of piecemeal unauthorised use with a number of enforcement actions.
- 3.2 HC940440PF - Demolition of old dairy outbuildings and 130 and 138 Bullingham Lane and residential development of land to provide 20 dwellings with new access road - approved 7th June, 1996; not implemented.
- 3.3 CE2000/0716/F - Change of use to car sales - refused 1st August, 2000.
- 3.4 CE2001/2409/F - LPG tank - refused 15th January, 2002.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Environment Agency: No objection in principle to the development, but have concerns with regard to the foul drainage proposals at this time, with reservations to the proposal

of installing a private treatment plan, with discharge of treated sewage effluent from this proposed development to either ground or surface waters. Consider that connection to the mains sewerage system should be preferred option in line with Circular 3/99. Capacity issues would be addressed by means of storage tanks.

Notwithstanding the above concerns, recommend conditions requiring details of foul water drainage, surface water drainage and decontamination to be submitted. More particularly require calculations of run-off routes from flood attenuation pond to establish acceptability in principle of indicted drainage proposals.

- 4.2 Dwr Cymru Welsh Water: If connected to the mains sewer the proposed development would overload the existing public sewerage system. Improvements are planned which would enable a connection to be made in 2006. Any development prior to this date would be premature and, as such, objection is raised.

No problems are envisaged with a private waste water treatment works for the treatment of domestic discharges from the site.

A water supply can be made available to serve the proposed development.

Conditions are recommended in the event of permission being given.

#### Internal Council Advice

- 4.3 Head of Engineering and Transportation: Recommends conditions.
- 4.4 Chief Conservation Officer: Recommends conditions.
- 4.5 Head of Strategic Housing Services: Affordable housing SPG seeks 36% of units to be 'affordable' unless evidence provided to support lower provision.
- 4.6 Chief Forward Planning Officer: The site in question is subject to Policy H1 of the Local Plan and has been specifically allocated for residential development. The Plan states that 20 dwellings is the maximum that can be accommodated due to access limitations; the fact that the proposal is for more than 20 leads to the assumption that access has, or will be, improved. That said, PPG3 states that developments which make inefficient use of land (less than 30 dwellings per hectare) should be avoided.

The amendments proposed by the developer attempt to take into account the other relevant housing policies within the Local Plan. However, Policy H6 requires that provision of open space should be well related to the form and layout of the development. Whether or not the retention of a paddock at one end of the scheme fulfills this requirements is questionable. PPG3 states that local planning authorities, in their determination of applications, should reject poor design.

Although the issue of housing provision for those with mobility problems and the elderly may have been addressed in line with Policies H9 and H10, the information submitted does not say so in explicit terms. PPG3 states that local authorities should formulate plans which encourage the provision of housing to meet the needs of special groups.

If the proposal has dealt with these possible areas of concern satisfactorily, there is no objection.

- 4.7 Leisure Services Manager: The area of open space would be suitable for public recreation. All trees should be retained and protected throughout the development period.

The area designated as Childrens Play Area would be most suitable as a small green, with a low single rail to prevent parking encroachment. A small, fenced area of open space should be provided with play equipment. This is because play equipment on the central open space would be too close to some of the properties.

- 4.8 Head of Policy and Resources - Education: A contribution should be made towards education provision in the area.
- 4.9 Head of Environmental Health and Trading Standards: There are a number of contamination issues resulting from historic uses of the site as a dairy, filter bed, scrap yard, vehicle repair garages, builders yard and waste transfer station. Therefore, condition required for contamination survey and remediation plan.

## 5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 Six letters of representation have been received from 122, 125, 134 (x 2) and 136 (x 2) Bullingham Lane summarised as follows:
- benefits from removing existing uses of site as a matter of principle;
  - detailed layout unsatisfactory;
  - building line in Bullingham Lane not followed;
  - undermines rural appearance of lane;
  - overdevelopment - PPG3 seeks quality development;
  - no nearby mains sewer;
  - traffic generation;
  - no account taken of septic tank on site serving nos 134/136 Bullingham Lane;
  - loss of access to nos. 134/136 Bullingham Lane.
- 5.3 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officers Appraisal

- 6.1 The main issues in this case are the principle of redevelopment of the site for residential purposes, and if this is established the impact of the specific scheme on visual and residential amenity and highway safety, and the acceptability of the private foul water treatment works.

### 6.2 The Principle of Residential Development

The larger part of the site is defined as a Site for Residential Development in the Hereford Local Plan. As a matter of principle redevelopment for residential purposes is, therefore, acceptable. The site is not defined as a housing site in the Herefordshire UDP Deposit Draft. However, as the UDP is at the earliest stage of the Development Plan process little weight can be attached to it at this time.

### 6.3 General layout (including public open space provision)

The layout drawing shows 35 houses of mixed size and form, including detached, semi-detached and terraced units. All but one would be accessed from the new access road through the site (the exception being a single detached unit with direct access from Bullingham Lane shared with the existing driveway serving 134 and 136 Bullingham Lane). A children's play area would be located centrally on the site, and a further larger public open space at the rear at the top of the hill (on that part of the application site defined as open countryside).

6.4 Policy H1 of the Local Plan gives an indicative figure of 20 units for the site which is exceeded by the proposal. Notwithstanding the additional units, the layout is considered satisfactory (with the exception of units 31-35) having a higher density in accordance with PPG3 yet retaining a natural form appropriate for the rural situation. The layout has been amended and reduced since the original submission to address amenity concerns, including those raised by third parties. As a consequence privacy relationships between the site and neighbouring properties are considered satisfactory, and an appropriate transition has been achieved with adjoining open land.

6.5 The siting of units 31-34 and 35 require further amendment and/or reduction in view of their cramped arrangement and unsatisfactory relationship with adjoining existing houses. There is also third party concern that some of these units may be proposed to be erected on the septic tank/spreaders or nos. 134/136 Bullingham Lane. For these reasons it is considered that the siting of these units must be reserved for further negotiations and a condition is recommended accordingly.

6.6 In accordance with Policy H6 of the Local Plan the proposals incorporate a children's play area and a larger area of public open space. In the event of planning permission being given a Section 106 agreement would be required covering matters of future use and/or maintenance of these areas. The large open space is located in open countryside at the top of the hill where distant views are possible, and the commitment to retain it as open land would, therefore, protect the overall amenity of the wider locality in accordance with Policy CAL15.

### 6.7 Highway Safety

To enable the immediate road infrastructure to accommodate the number of units proposed the applicant through negotiation proposes traffic calming measures and pavements alongside Bullingham Lane. This is satisfactory and would significantly improve highway safety in the area.

### 6.8 Drainage requirements

The applicant proposes a private water treatment plant which would be located at the back of the site on raised land with discharge across an adjacent field to an attenuation area. Both foul and storm water would be pumped via rising mains from the Bullingham Lane end of the site to the water treatment plant before discharge to the attenuation area.

6.9 Circular 10/99 advises that there is a first presumption to discharge foul water into public sewers. If this is not feasible then alternatives can be considered. In this case the nearest public sewer is in Hoarwithy Road which is distant from the application site over an area of level ground which would require at least one pump. The sewer itself is also unable to cope with further discharges, resulting in an objection to its use by

Welsh Water. Under these circumstances a private water treatment plant is considered appropriate.

6.10 The Environment Agency raises no objection to the proposed water treatment plan in principle subject to acceptable flow rates at the point of discharge. At this stage the flow rate information is not available. As this information is fundamental to the acceptability of the proposed treatment plan (and consequently the whole development) it is not considered appropriate to grant planning permission until the information is available. The recommendation is worded accordingly.

#### 6.11 Affordable Housing

The Affordable Housing SPG requires sites such as this to normally contribute a maximum of 36% of the units as affordable. Circular 06/98 provides specific guidance on circumstances when, or when not, affordable housing should be required with relevant factors being the proximity to local services and facilities and access to public transport, whether there are particular costs associated with development of the site, and whether the provision of affordable housing would prejudice the realisation of other planning objectives that need to be given priority in the development of the site.

6.12 In this case there are a number of circumstances which are considered to outweigh the need for full provision of affordable housing. Specifically, there are particular extraordinary costs associated with the development of this site stemming from, in particular, its extensive contamination from past uses. Furthermore, the priority in this case is to enable redevelopment of the site to remove the non-conforming and visually intrusive existing and former uses in the interests of local amenity. The site is also isolated from local services and amenities. For these reasons it is not considered that the site is suitable to contribute to the stock of affordable housing. Instead a reasonable financial contribution towards off-site provision is recommended to be assured through a Section 106 Agreement. A mix of open market houses would be provided which is considered appropriate in this case.

#### 6.13 Other implications of development

The proposal will have various impacts on infrastructure and local facilities. Conditions are recommended dealing with the necessary highways works and drainage arrangements. Regarding local facilities, it is considered reasonable for the developer to contribute to the cost of education provision in the locality, and a clause is recommended in the Section 106 agreement accordingly. It is also considered reasonable for the developer to contribute towards the first 10 years maintenance of the open spaces assuming they are to be offered for adoption, and again, a clause is recommended in the Section 106 agreement.

#### 6.14 Conclusion

The proposal is for the residential development of an unattractive site which is allocated in the Local Plan for the purpose. The scheme itself is for a relatively high density development which has, in the main, been designed to respect its semi-rural situation. Improvements to the immediate road system would increase road safety for the benefit of both the proposed and existing residents. For these reasons approval is recommended subject to the Environment Agency's requirements being met and a Section 106 agreement covering open space, affordable housing and education contributions.

**RECOMMENDATION**

That subject to the submission of drainage run-off details to the satisfaction of the Environment Agency:

- 1 The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 requiring the applicant to provide:
  - (i) a financial contribution towards the provision of additional education facilities at local schools;
  - (ii) a financial contribution towards off site affordable housing provision;
  - (iii) the provision of open space to include a LAP together with a financial contribution towards maintenance costs for the next ten years

and deal with any other appropriate and incidental terms, matters or issues.

- 2 Upon completion of the aforementioned planning obligation the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered necessary by Officers:

- 1 Approval of the details of the design and external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

- 2 Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 4 (a) Plans and particulars of the reserved matters referred to above relating to the design and external appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

(b) The means of access to the site and the siting of the units shall be in accordance with the approved site layout plan no. TE010 - 21/A except where otherwise stipulated by condition attached to this permission.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990, and to ensure adherence to the approved plans.

- 5 The reserved matters shall include details of a revised layout and/or a reduction in units on plots 31-34 and 35.

Reason: To ensure a satisfactory layout in the interests of visual and residential amenity.

- 6 No development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings.

- 7 No development shall take place until the applicants or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeology Service.

Reason: To ensure the archaeological interest of the site is recorded.

- 8 During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents.

- 9 Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of the buildings hereby permitted.

Reason: In order to ensure that satisfactory drainage arrangements are provided.

- 10 No development approved by this permission shall be commenced until:

(a) The application site has been subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved by the Local Planning Authority.

(b) Detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved by the local planning authority.

(c) For each part of the development contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such developments appropriate.

(d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then revised 'Contamination Proposals' shall be submitted to the local planning authority.

(e) If during development work site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out inline with the agreed 'Contamination Proposals'.

Reason: To prevent pollution of the water environment.

- 11 There shall be no, direct or indirect, discharge of surface water or land drainage run-off to the public foul sewer.

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

- 12 No materials or substances shall be incinerated within the application site during the construction phase.

Reason: To safeguard residential amenity and prevent pollution.

- 13 Prior to the commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwellings approved and a datum point outside of the site, shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

- 14 No development shall commence on site or machinery or materials brought onto the site for the purpose of development until a landscape design has been submitted to and approved by the local planning authority. The submitted design shall include drawings at a scale of 1:200 or 1:500 and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 15 The landscaping scheme approved under condition 14 above shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously

retarded shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

**Reason:** To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 16** No more than 25 dwellings shall be occupied until the areas shown on drawing no. TE010-21/A as 'children's play area' and 'paddock to be retained as public open space' have been laid out in accordance with details to be submitted and approved as a requirement of condition nos. 17 and 18 and those areas shall not thereafter be used for any purpose other than as a public open space.

**Reason:** To ensure a reasonable standard of amenity for future occupants of the development.

- 17** Prior to development commencing details of the 'children's play area' including equipment, surfacing, landscaping, means of enclosure and provision of seating and litter bins shall be submitted to and approved in writing by the local planning authority. The play area shall be constructed in accordance with the approved details and thereafter retained.

**Reason:** To ensure the play area is suitably equipped.

- 18** The details of the landscaping of the site required to be submitted shall include details of a scheme for the preservation or laying out of that part of the submitted plans indicated as being 'paddock to be retained as public open space'.

**Reason:** To ensure a reasonable standard of amenity for future occupants of the development.

- 19** Details of any walls, railings or fences to be erected on the site, including location, height, materials and a timetable for their erection, shall be submitted to and approved in writing by the local planning authority before the development commences. The walls, railings or fences shall be constructed in accordance with the details and timetable agreed with the local planning authority.

**Reason:** In the interests of residential and visual amenity.

- 20** Before any other operation commences the proposed highways works shown on Halcrow drawing no. KW/HBHH/505A (comprising a new access to Bullingham Lane, new pavements alongside Bullingham Lane, traffic calming and visibility plays) shall be constructed in accordance with the drawing and a specification to be submitted to and approved in writing by the local planning authority, and the visibility plays shall be kept permanently clear of any obstruction.

**Reason:** In the interests of highway safety.

- 21** Prior to the occupation of any dwelling hereby approved the existing vehicular accesses onto the adjoining highway shall be permanently closed. Details of the means of closure and reinstatement of this existing access shall be submitted to

and approved in writing by the local planning authority prior to the commencement of work on the development hereby approved.

**Reason:** To ensure the safe and free flow of traffic using the adjoining County highway.

- 22** Prior to the first occupation of any dwelling to which this permission relates an area for car parking shall be laid out within the curtilage of that property, in accordance with the approved plans which shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the local planning authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.

**Reason:** In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 23** The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

**Reason:** In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 24** Development shall not begin until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

- 25** Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

**Reason:** To prevent indiscriminate parking in the interests of highway safety.

**Notes to Applicant:**

- 1** The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- 2** This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Mr. A.G. Culley, Divisional Surveyor (South), Unit 3, Thorn Business Park, Rotherwas, Hereford Tel: 01432-261955, shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.

- 3 No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact Mr. R.J. Ball, Lead Planner (Transportation), PO Box 236, Hereford, HR4 9ZH to progress the agreement.
- 4 The developer is required to submit details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations to Mr. A. Byng, Section 38 Manager, Engineering Services, PO Box 236, Hereford, HR1 2ZA. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into.
- 5 It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Unless adequate storm water disposal arrangements can be provided, Herefordshire Council, as Highway Authority, will be unable to adopt the proposed roadworks as public highways.

The applicant is, therefore, advised to submit the engineering details referred to in this conditional approval to Mr. A. Byng, Section 38 Manager, Engineering Services, PO Box 236, Hereford, HR1 2ZA at an early date to enable surface water disposal arrangements to be assessed.

- 6 The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.
- 7 The attention of the applicant is drawn to Section 175A(3) of the Highways Act 1980 within which the Highway Authority shall have regard to the needs of disabled persons when considering the desirability of providing ramps at appropriate places between carriageways and footways.
- 8 This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
- 9 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
- 10 This permission does not extinguish any rights of way which may exist over the site nor does it imply that such rights of way may be diverted or otherwise altered.
- 11 Your attention is drawn to Section 80 of the Building Act 1984 whereby no demolition may be carried out without proper notice to the local authority and a counter notice issued under Section 81.
- 12 Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

Work on an existing wall or structure shared with another property

**Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property  
Excavating near a neighbouring building.**

**The legal requirements of this Act lies with the building/site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DETR publication The Party Wall Act 1996 - explanatory booklet. Copies are available from the Planning Reception, Blueschool House, Blueschool Street, Hereford.**

- 13 If you have any queries regarding the archaeological interest of the site or the requirements of the conditions relating to archaeological work, please contact Herefordshire Archaeology, Planning Services, Town Hall, St. Owen Street, Hereford (Tel: 01432-383351).**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.