

5 DCCE2003/3431/O - SITE FOR ERECTION OF TWO NO. DETACHED HOUSES WITH GARAGES AT LAND TO NORTH SIDE OF BARNEBY AVENUE, BARTESTREE, HEREFORD, HR1 4DH

For: Mr. E.F. Hunt per Flint & Cook, 4 King Street, Hereford, HR4 9BW

Date Received: 14th November 2003

Ward: Hagley

Grid Ref: 55889, 41327

Expiry Date: 9th January 2004

Local Member: Councillor R.M. Wilson

1. Site Description and Proposal

- 1.1 The application site comprises a 0.08 ha. area of open land positioned on the north side of Barneby Avenue within the Bartestree Settlement. To its east and west sides is established residential development, and to the south (on the opposite side of Barneby Avenue), Lugwardine Primary School. A public footpath runs alongside the east boundary of the site.
- 1.2 The proposal is for outline planning permission to erect two detached houses with garages. All matters are reserved.

2. Policies

2.1 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy C2	-	Settlement Boundaries
Policy C30	-	Open Land in Settlements
Policy SH6	-	Housing Land in Larger Villages
Policy SH8	-	New Housing Development Criteria in Larger Villages

2.2 Herefordshire Unitary Development Plan (Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy H4	-	Main Villages – Settlement Boundaries

3. Planning History

- 3.1 No relevant planning history.

4. Consultation Summary

Statutory Consultations

- 4.1 Dwr Cymru Welsh Water: objection: the proposal would overload the existing public sewerage system. No improvements are planned within Dwr Cymru Welsh Water's Capital Investment Programme. Development is, therefore, premature. It may be possible for the developer to fund the accelerated provision of replacement infrastructure or to requisition a new sewer under Section 98-101 of the Water Industry Act 1991.
- 4.2 Open Spaces Society: development must not obstruct public footpath.
- 4.3 The Ramblers' Association: Public Right of Way LU18 runs along the eastern boundary of the application site. At present the path from its junction with Barneby Avenue, and then to the north where it enters a field, has a tarmac surface. For the last 10 metres or so there is a hedge separating the application site from the public right of way. Should permission be given then a suitable boundary structure should be erected to give a demarcation line between the application site and the public right of way as a first step of the development.
- 4.4 Aquila: requires safeguarding of overhead and underground electric cables which pass across or alongside the site, including access for maintenance vehicles.

Internal Council Advice

- 4.5 Head of Engineering and Transportation: recommends conditions. The public right of way should remain open at all times throughout the development.

5. Representations

- 5.1 Lugwardine Parish Council: no objection.
- 5.2 One letter of objection has been received from Lugwardine Primary School summarised as follows:
 - site is opposite main school entrance and yellow "zig-zag" zone which becomes single carriageway at school drop-off and collection times;
 - resulting problems for emergency vehicles;
 - owners of new houses could potentially complain about congestion;
 - site has been used as an unofficial car park, the loss of which would add to congestion;
 - existing footpath should remain.

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 new residential development, and if this is established, its impact on the character and appearance of the area, residential amenity, the public footpath, and highway safety in general.
- 6.2 Regarding the principle of new residential development, the site lies within the defined Bartestree Settlement where Policy SH6 of the Local Plan allows new residential development. The site itself is sufficient in size and shape to accommodate two dwellings, in keeping with the character of established surrounding residential

development. As a matter of principle the proposal is, therefore, considered to be acceptable.

- 6.3 The application is for outline planning permission only. Notwithstanding this, it is considered that there is sufficient space and width on the site to accommodate two dwellings without harm being caused to the character of the area or residential amenity. In fact, the site reads as a natural "infill" plot within the otherwise complete street frontage, and consequently its development in the manner proposed should enhance the street scene. The actual details of the house units would be the subject of a further reserved matters application in the event of permission being given.
- 6.4 Overhead and underground electric cables pass across part of the west side of the site which Aquila require to be safeguarded. Notwithstanding this, in pure land use terms two houses can still be accommodated without interfering with the line of the cables. Any covenants or restrictions limiting development under or close to electric cables is a private matter for the applicant to resolve with the electricity company. An informative note drawing the applicant's attention to Aquila's requirements is, however, recommended.
- 6.5 The site is located opposite Lugwardine Primary School. During pupil drop-off and collection times considerable traffic is generated around the school with some short term congestion. This situation exists and will persist, whether or not the site is developed, and consequently it is not considered that the proposal would add to the perceived problems. Any use of the site at the present time as a car park is unofficial and unauthorised, and, as such, can be given little, if any, weight in the planning process. Purchasers of the new houses would be aware of the proximity of the school.
- 6.6 The site could be developed without interference with the public footpath, and conditions and informatives are recommended to safeguard the line. Welsh Water raises objection in view of capacity issues with the local foul water drainage system. Permission is recommended but subject to satisfactory resolution of this objection.

RECOMMENDATION

That subject to satisfactory resolution of the objection from Welsh Water, outline planning permission be granted subject to the following conditions:

- 1. A04 (Approval of reserved matters).**

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

- 2. A03 (Time limit for commencement (outline permission)).**

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

- 3. A02 (Time limit for submission of reserved matters (outline permission)).**

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

- 4. A05 (Plans and particulars of reserved matters).**

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

- 5. B01 (Samples of external materials).**

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

- 6. F16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents.

- 7. F18 (Scheme of foul drainage disposal).**

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

- 8. F41 (No burning of materials/substances during construction phase).**

Reason: To safeguard residential amenity and prevent pollution.

- 9. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The plan shall include a 2 metre high close-boarded fence to be erected along the west boundary of the site with the public footpath. The boundary treatment shall be completed before either of the buildings are occupied in accordance with a timetable to be agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

- 10. G02 (Landscaping scheme (housing development)).**

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

- 11. G03 (Landscaping scheme (housing development) - implementation).**

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

- 12. The reserved matters shall include details of the means of access to the dwellings, to include visibility splays with 'x' distance of 2 metres and 'y' distance of 40 metres in each direction. The means of access shall be provided as approved and the visibility splays shall be kept permanently clear of obstruction to visibility over 0.6 metres in height.**

Reason: In the interests of highway safety.

- 13. H10 (Parking - single house) (2 cars).**

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

14. H05 (Access gates) (2.5 metres).

Reason: In the interests of highway safety.

15. H27 (Parking for site operatives).

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

16. G01 (Details of boundary treatments).

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

Informatives:

1. HN01 - Mud on highway.

2. HN05 - Works within the highway (South).

3. The applicant's attention is drawn to Public Footpath no. LU8 which runs alongside the west boundary of the site. The footpath must remain open at all times throughout the development. If development works are perceived to be likely to endanger members of the public then a temporary closure order should be applied for from the Council's Head of Engineering and Transportation, preferably six weeks in advance of work starting. The footpath must be maintained at its historic width and suffer no encroachment during the works or at any time after completion.

4. The applicant's attention is drawn to the overhead and underground electric cables which cross part of the site. This planning permission gives no authority to carry out works in, over or under these cables in breach of any covenant or other restriction imposed by the electricity supplier in relation to these cables. The applicant is advised to contact the electricity supplier for their requirements before commencing works on site. Attached with this decision notice is a copy letter from the electricity supplier setting out their requirements which should be incorporated into any reserved matters application.

5. N15 – Reason(s) for the Grant of PP/LBC/CAC.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.