

6 DCCE2004/2174/F - THREE STOREY DEVELOPMENT OF 16 NO. 2 BED AND 1 NO. 1 BED FLATS AT 36 FOLLY LANE, HEREFORD, HR1 1LX**For: Richard Harper Estate Development per Planning Solutions, 96 Rock Hill, Bromsgrove, Worcester, B61 7HX****Date Received: 21st June, 2004****Ward: Tupsley****Grid Ref: 52385, 40404****Expiry Date: 16th August, 2004**

Local Members: Councillors G.V. Hyde, Mrs. M.D. Lloyd-Hayes and W.J. Walling

1. Site Description and Proposal

- 1.1 The 0.19ha application site lies on the north east side of Folly Lane within an Established Residential Area. It presently supports a large detached three storey period house divided into six flats, although presently vacant. The house is positioned to one side of the site with derelict outbuildings to the rear and a lawned area and driveway to the side. The lawned area supports a cedar tree which is subject to a Tree Preservation Order. The boundary with Folly Lane is defined by a retaining wall and initial steep bank, the house standing at a higher level than Folly Lane.
- 1.2 To the north west of the site and attached to the existing house is a contemporary parade of shops, some with flats over. To the rear, south east side and opposite the site, are residential properties.
- 1.3 The proposal is to demolish the existing buildings on the site and erect a three storey block of 16 two-bed flats. The new building would be partly on the footprint of the existing house although with an additional wing projecting to the rear, approximately 1 metre from the rear boundary of the site. The existing access and driveway would be widened, this requiring partial removal of the bank, and 18 parking spaces laid out at the rear. A detached bin store would be provided on the side lawn. The cedar tree would be retained.
- 1.4 This application is a revised submission following the refusal of the previous application on design grounds.

2. Policies**2.1 Hereford Local Plan:**

ENV14	-	Design
H3	-	Design of new residential development
H12	-	Established residential areas – character and amenity
H13	-	Established residential areas – loss of features
H14	-	Established residential areas – site factors
CON21	-	Protection of Trees

2.2 Herefordshire UDP (Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
DR1	-	Design
H1	-	Hereford and the market towns
H13	-	Sustainable residential development
H14	-	Re-using previously developed land and buildings
H15	-	Density
H16	-	Car parking

3. Planning History

- 3.1 CE2001/2621/F - New driveway off Folly Lane. Refused 28th November, 2001.
- 3.2 CE2003/0110/F - Conversion and extension of house into 10 self-contained flats and a new development to provide 6 self-contained flats including associated landscaping and parking. Withdrawn 4th March, 2003.
- 3.3 DCCE2004/0190/F - Three storey development of 16 no. 2 bed flats and 1 no. 1 bed flat. Refused on 7th April, 2004.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No objection.
- 4.2 Dwr Cymru Welsh Water: No objection subject to conditions.

Internal Council Advice

- 4.3 Head of Engineering and Transportation: Recommends conditions.
- 4.4 Head of Conservation: No objection subject to tree protection during construction stage.

5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 Three objection letters have been received from 10 Whittern Way, 24 Folly Lane and 31 Folly Lane, summarised as follows:

- existing boundary wall with Whittern Way properties should be retained;
- further bat surveys should be carried out in late spring/early summer;
- loss of trees/bird habitats;
- overcrowded development
- loss of light/overshadowing;
- detrimental to preserved cedar;
- noise and disturbance from vehicles;

- additional traffic would cause danger and inconvenience to other users of the highway;
- inadequate parking facilities;
- adequacy of sewer needs to be confirmed
- adequacy of surface water drainage arrangements needs to be confirmed;
- overlooking;
- nuisance from misuse of bin store;
- form of development and number of storeys out of keeping with surroundings.

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 this form of residential development and, if this is accepted, the impact of the specific scheme on the character of the area, residential amenity, the protected tree, wildlife and highway safety. It should be noted that Members previously raised concern relating to design only and as such the reason for refusal dealt explicitly with the design of the proposed block of flats. This application has been revised to address those design concerns. For clarification purposes the other issues are also addressed in this report.

6.2 Regarding the principle, the site lies within an Established Residential Area where residential development is appropriate in accordance with Local Plan policy. The site is presently occupied by flats, albeit in a converted house, and further flats are located over the shops to the side. Redevelopment of this site to provide flats is, therefore, considered appropriate in this particular location and would not be out of keeping with existing development.

6.3 Regarding amenity, Policy H12 of the Local Plan requires the environmental character and amenity of the established residential areas to be protected and, where appropriate, enhanced. Policies H13 and H14 set out specific criteria requiring, in particular, appropriate relationships between proposed and existing developments, adequate means of access and servicing and an appropriate impact on the overall character of the area.

6.4 Having regard to the policy requirements, the proposal is considered to be acceptable within its particular context. The number of proposed flats represents a significant increase over that existing. However, the specific proposal demonstrates that this number can be accommodated, making the best use of the land without detriment to the character of the area or amenity. Specifically, the proposed building is positioned on the site with adequate margins to the boundaries to ensure no adverse overlooking of adjoining properties (approx 22 metre gap with No. 32 Folly Lane and 16 metre gap with the parade of shops). A 13 metre back to flank distance would be achieved with the properties in Whittern Way.

6.5 The design of the proposed building has been re-addressed to take account of the massing, proportions and traditional character of the existing building. The building remains of the same footprint as the previous application and would be constructed from a mix of brick and render with a slate roof and reconstructed stone cills. Interest has also been added with the inclusion of metal railings, the use of a mix of materials, introduction of hipped roofs and dormer style windows. The new building reduces to two storeys at its closest point to the boundary to avoid an overbearing relationship.

The overall height would be slightly greater than the existing building although this would be neither overbearing or discordant within the street scene. Overall the building has been given a much more traditional character and appearance.

- 6.6 The principal front portion of the building would be positioned largely on the footprint of the existing house, thus avoiding any adverse encroachment under the canopy of the protected tree.
- 6.7 Adequate parking is provided in accordance with sustainable 'city-living' principles amounting to one space per unit and one visitor space. Margins to the side of the parking area and driveway would ensure no adverse impact on the amenities of No. 32 Folly Lane. Likewise, the existing boundary wall with adjoining properties in Whittern Way would be retained to safeguard the privacy of these properties. The access drive itself would be widened and generally improved to ensure safety is maximised.
- 6.8 Regarding wildlife, the application is supported by a protected species survey which concludes that no protected species would be adversely affected.
- 6.9 Planning conditions are recommended to ensure that the boundary wall with Whittern Way is retained and that the preserved tree is protected during site works. Conditions are also recommended to reserve the location and details of the bin store and to require a further bat survey to address third party concerns. With these additional safeguards, approval is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 A06 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 B01 (Samples of external materials)

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

4 E05 (Restriction on hours of use (industrial))

Reason: In order to protect the amenity of occupiers of nearby properties.

5 Foul water and surface water discharges must be drained separately from the site. No surface water and/or land drainage run off shall be allowed to connect, either directly or indirectly, to the public sewerage system.

Reason: To protect the integrity of the public sewerage system.

- 6 Notwithstanding the approved drawings, prior to the commencement of development a scheme for the provision of storage, prior to disposal, of refuse and all other waste materials shall be submitted for the approval of the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted.

Reason: In the interests of amenity.

- 7 F48 (Details of slab levels)

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

- 8 G02 (Landscaping scheme (housing development))

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

- 9 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.

- 10 The boundary wall between the site and properties in Whittern Way shall be permanently retained and repaired/made good where required.

Reason: To accord with the terms of the application and safeguard residential amenity.

- 11 G17 (Protection of trees in a Conservation Area)

Reason: To ensure the proper care and maintenance of the trees.

- 12 G19 (Existing trees which are to be retained)

Reason: In order to preserve the character and amenity of the area.

- 13 G21 (Excavations beneath tree canopy)

Reason: To prevent the unnecessary damage to or loss of trees.

- 14 Prior to demolition of the buildings on the site, hereby approved, a further survey for bats shall be carried out during late spring/early summer and the results submitted for approval, in writing by the Council. No demolition works shall commence until such written approval is given.

Reason: To safeguard the wildlife interests of the site.

- 15 H13 (Access, turning area and parking)

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

Informative:

1 N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.