

5 DCCE2007/0163/F - ERECTION OF 2 NO. DETACHED HOUSES AND REPLACEMENT GARAGE FOR NO. 17 WALNEY LANE AND ASSOCIATED ACCESS WORKS. 17 WALNEY LANE, HEREFORD, HEREFORDSHIRE, HR1 1JD

For: Arena Estates Ltd, per Mr. S.R.B. Bell, Stephen R. Bell Design, 173 Lower High Street, Stourbridge, West Midlands, DY8 1TG

Date Received: 17th January, 2007 Ward: Aylestone Grid Ref: 52369, 41133

Expiry Date: 14th March, 2007

Local Members: Councillors N.L. Vaughan and D.B. Wilcox

This application was deferred at the Central Area Planning Sub-Committee Meeting on 25th April, 2007 to enable members to conduct a site visit. The report has also been updated.

1. Site Description and Proposal

- 1.1 The site is accessed off Walney Lane (unclassified road 80225) which enters onto the A465 (Aylestone Hill) opposite the junction with Overbury Road. 17 Walney Lane is a detached painted render villa style property under a hipped slate roof located relatively centrally within the site. Immediately to the north is a two storey coach house building used as garaging at ground floor with storage above. The majority of the western boundary of the site backs onto the rear gardens of properties fronting Aylestone Hill. Either side of the existing access off Walney Lane are two detached properties whilst the north western boundary borders agricultural land. A new detached dwelling is currently under construction immediately north of the site. With the exception of a lawn in front (east) of the existing property, the remainder of the site including the boundaries comprise mature trees, shrubs and hedges. Ground levels fall relatively steeply into the site from Walney Lane from south to north and to a lesser extent from west to east.
- 1.2 The site lies within an Established Settlement Boundary as identified in the Herefordshire Unitary Development Plan. The boundary of Aylestone Conservation Area falls 50 metres west of the site and the property near the entrance to the site on the southern side of Walney Lane is Grade II Listed. All the trees within the site are now also protected by a group Tree Preservation Order.
- 1.3 Planning permission is sought for the demolition of the existing detached garage/outbuilding and construction of one detached 5 bedroom and one detached 4-bedroom dwelling, each with a double garage along with a further replacement garage for the existing dwelling. Alterations to the junction between Walney Lane and Aylestone Hill are also proposed comprising the widening of the existing access to 5.5 metres for a distance of 22 metres and re-positioning of the existing access to the site to create a turning head/passing place. The application has been amended and a further consultation exercise undertaken. This report is based upon the amended plans.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S7	-	Natural and historic heritage
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H15	-	Density
H16	-	Car parking
T8	-	Road Hierarchy
T11	-	Parking provision
HBA6	-	New development within conservation areas
HBA8	-	Locally important buildings
HBA9	-	Protection of open areas and green spaces
LA5	-	Protection of trees, woodlands and hedgerows
LA6	-	Landscaping schemes
CF2	-	Foul drainage

3. Planning History

- 3.1 CE2006/2829/F – Erection of 3 detached houses and replacement garage for 17 Walney Lane, associated access works and proposed passing place. Application withdrawn 12th October, 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: As the applicant intends utilizing private drainage facilities Welsh Water have no comment to make on the application.

Welsh Water has served the Statutory Notices under the Water Industry Act 1991 to construct a new sewer. Subject to no objection from the landowners, work should commence on the new sewer in July/August 2007.

Internal Council Advice (Comments relate to the amended plans)

- 4.2 Traffic Manager: The amended proposal for 17 Walney Lane now reduces the number of additional properties to two, and therefore the additional traffic by a third. Therefore the overall impact on Walney Lane is lessened from the earlier scheme. Also improvements are proposed in the provision of the turning bay combined with the revised access to No 17 and the widening of the initial length of Walney Lane from Aylestone Hill for around 50m.

In view of the fact that the proposed passing bay (fronting Nos 5 and 9 Walney Lane and the access to 88 Aylestone Hill) is located only around 25m from the widening

which is now proposed along the full Walney Lane frontage of 84 Aylestone Hill, the passing bay would provide negligible benefit and I therefore do not consider it necessary.

Overall I consider that with the reduction in number of additional properties and the improvements proposed to Walney Lane the proposals (without the passing bay) would provide a satisfactory access for the two additional properties.

- 4.3 Conservation Manager: The existing Victorian villa is a reasonable example of its type and worthy of retention. The landscaped setting to this house is particularly important although there has been some growth of self-seeded trees, which are not particularly beneficial. The proposals respect the setting of the villa and its grounds. This is an enhancement of the previous scheme and we recommend approval.
- 4.4 Landscape Officer/Arboriculturalist: There are trees to be removed that are the subject of a TPO and whilst their removal would be contrary to policy we would not raise an objection subject to appropriate replacement trees being planted. All the trees protected by the TPO meet the criteria for protection based on an assessment of their amenity value. We therefore have no objection to the amended proposal subject to conditions requiring a detailed landscaping scheme to be submitted addressing both hard and soft landscaping and protection of the trees to be retained.
- 4.5 Senior Building Control Surveyor: The additional information provided by Polypipe appears to represent a workable solution in principle should a non-mains drainage system be necessary.

5. Representations

- 5.1 Hereford City Council: While the City Council has no objections to the building they wish to insure that there is a condition that there is a connection from this building to the main sewer.
- 5.2 Conservation Advisory Panel: Trees are an important aspect of this development, sensitive density and there are drainage problems in the area to be resolved.
- 5.3 12 letters of objection were received in response to the original submission. A further 9 letters of objection have been received in response to the amended plans. The main points raised are:
1. Walney Lane is a pleasant country lane well used by walkers to access Lugg Meadows. Any alterations will completely change the character of the lane and increase the volume and speed of traffic to the detriment of highway and pedestrian safety.
 2. Walney Lane has no footpaths.
 3. Visibility on Walney Lane is severely restricted.
 4. Some of the proposed passing places are on private property.
 5. The increase in traffic generated by the proposal would be to the detriment of amenity of existing occupiers and safety of pedestrians.
 6. The proposals would represent an overdevelopment of the site.
 7. The design of the development is crass and will be unduly prominent in the landscape
 8. The Environment Agency because of poor results from percolation tests have issued a refusal to the right to discharge from septic tanks. Effluent and

- soakaways currently a ponds on the surface resulting in obnoxious smells both within and around the application site.
9. The development will result in a loss of amenity through overshadowing and overlooking of neighbouring properties
 10. All windows facing neighbouring properties should be obscured and plot 2 re-orientated.
 11. Discharges from existing septic tanks currently gravitate across the site of the proposed dwellings.
 12. All new properties must be required to connect to the proposed new public sewer.
 13. We are concerned with the likelihood of serious ground slippage between Nos. 15 and 17 as a result of the proposed works and tree removal. If permission is approved a new retaining wall along the boundary will be required.
 14. There will be considerable noise and disruption particularly during construction.
 15. There will be considerable environmental damage and subsequent loss of wildlife through the removal of a trees and hedgerow.
 16. Bats, badgers and barns owls have been sighted area
 17. The development is contrary to CTC6 of the Structure Plan which requires Aylestone Hill/Tupsley Ridge to be protected as a significant landscape feature.
 18. The development is contrary to policy DR4 of the UDP as it fails to protect biodiversity and significantly damages landscape character.
 19. If permission is approved all vehicles associated with the construction should be parked within the site.
 20. The widening of Walney Lane will impact upon an historic stone wall which is not identified on the plans
 21. The development will adversely affect the trees which are now protected by Tree Preservation Order.
 22. The existing house should remain as a single dwelling.
 23. The deletion of one dwelling is welcomed
 24. The widened section of Walney Lane should include measures to prevent indiscriminate parking.
- 5.4 The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The plans have been amended to address concerns expressed by consultees and objectors. The amendments are a reduction in the number of dwellings from three to two, re-design, re-siting and re-orientation of the proposed properties and garages and re-alignment of the access and access road into the site. Following further comments from the Traffic Manager, the proposed passing place is now also no longer required. This report assesses the development based upon the amended proposals.
- 6.2 The site falls within the settlement boundary as identified in the adopted Unitary Development Plan where the principle of new residential development is acceptable. The site is also relatively large and can accommodate a modest residential development without compromising the residential and landscape character of the area. The principles are therefore considered acceptable.
- 6.3 Sufficient space exists within the site to accommodate the two properties of the size now proposed with commensurate garden, vehicle parking and manoeuvring areas. The scale and mass of the dwellings are large but the general scale and character of existing properties within the locality including the existing property on site are large

and are set within relatively spacious plots and therefore the scale and density is not considered unacceptable. Two different designs are proposed incorporating gables and dormer features with different ridge heights, which assists in diluting the scale of the properties.

- 6.4 The siting has largely been dictated by the position and canopy spread of the protected trees to be retained. This however, achieves a more interesting layout and form whilst respecting the open setting of the existing dwellings to the east. The deletion of the dwelling proposed nearer the entrance to the site is also welcomed and ensures that the undeveloped tree lined approach to the site is retained. Elsewhere, all existing mature trees worthy of retention, which are now protected by Tree Preservation Order, are to be retained and the amended plans reflect this. The layout, scale and design of the proposed properties and associated garaging are therefore considered acceptable and will safeguard the landscape character of the site.
- 6.5 The immediate neighbours have objected on the grounds of a loss of privacy through overlooking and overshadowing. The properties are relatively close to the northern and western boundaries and there will be the opportunity for some additional overlooking of gardens. However, the length of gardens and distances between existing and proposed properties to the east is considered acceptable to safeguard a satisfactory level of amenity and to the west, and the juxtaposition of the existing and proposed dwellings and existing trees to be retained will again, not result in any unacceptable loss of amenity. The only windows in the northern elevation of plot 2 serve non-habitable rooms and will be obscure glazed.
- 6.6 The existing access off Walney Lane is to be widened with the provision of new timber access gates leading to a new gravelled access road running to the rear (west) of the existing dwelling. The amended plans re-position the access to safeguard the mature Sycamore tree on the boundary of the site. The first seven metres of the access will also form part of the highway and be available for use as a turning head.
- 6.7 Walney Lane itself is a single width unclassified road with no existing passing places serving approximately 15 properties. The mouth of the junction is to be widened to 5.5 metres to enable vehicles to enter and exit Walney Lane simultaneously, which is not currently possible. The Traffic Manager no longer considers the passing place is necessary and this has therefore been deleted from the proposals.
- 6.8 There will inevitably be some disruption if permission is approved both during the construction phase and also through increased vehicle movements to and from the site after occupation. However, it is not considered that the character of the lane as a 'green lane' will be materially changed even with the works proposed as it will still remain predominantly single width with mature hedges and stone walling forming the highway boundary. Furthermore, the alterations are also considered acceptable given the improvement to highway safety that will result.
- 6.9 The applicants propose a treatment plant foul drainage system with final discharge via a raised soakaway within the confines of the site. The Building Control Surveyor has confirmed, following receipt of technical data that this system will work on site. Welsh Water are also scheduled to commence the installation of a new foul drain in July/August this year which will have capacity to accommodate the proposed development. In light of this, a condition is recommended that prevents the dwellings from being occupied until an appropriate drainage connection is made supported by

evidence in the form of a Building Control Notice to demonstrate the system is operational and acceptable.

6.10 Therefore, subject to minor changes detailed above, the development is considered acceptable.

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

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

3. **The works relating to the widened access off the junction between Aylestone Hill and Walney Lane shall be completed in accordance with the approved plans to be submitted under condition 15 prior to any other work commencing on the site for the proposed dwellings hereby permitted.**

Reason: In the interests of highway and pedestrian safety.

4. **E19 (Obscure glazing to windows).**

Reason: In order to protect the residential amenity of adjacent properties.

5. **F16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents.

6. **G01 (Details of boundary treatments including retaining walls).**

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

7. **G04 (Landscaping scheme (general)).**

Reason: In order to protect to visual amenities of the area.

8. **G05 (Implementation of landscaping scheme (general)).**

Reason: In order to protect the visual amenities of the area.

9. **G18 (Protection of trees).**

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenity of the area.

10. **G21 (Excavations beneath tree canopy).**

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

11. 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.

12. H27 (Parking for site operatives).

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

13. The dwellings hereby permitted shall not be occupied until evidence documenting the foul drainage connection to the mains sewer has been submitted and approved in writing by the local planning authority OR details of the proposed private drainage system have been submitted and approved by the local planning authority and certified as operational by the Council.

Reason: To ensure satisfactory drainage arrangements are provided.

14. H5 (Access gates).

Reason: In the interests of highway safety.

15. H17 (Junction improvements/off site works to include signage to prevent indiscriminate parking).

Reason: To ensure the safe and free flow of traffic on the highway.

16. H6 (Vehicular access construction).

Reason: In the interests of highway safety.

Informatives:

- 1. N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 2. N19 - Avoidance of doubt.**
- 3. HN1 – Mud on highway.**
- 4. HN5 – Works within the highway.**
- 5. HN7 – Section 278 Agreement.**
- 6. HN8 – Section 38 Agreement details.**
- 7. HN21 – Extraordinary maintenance.**

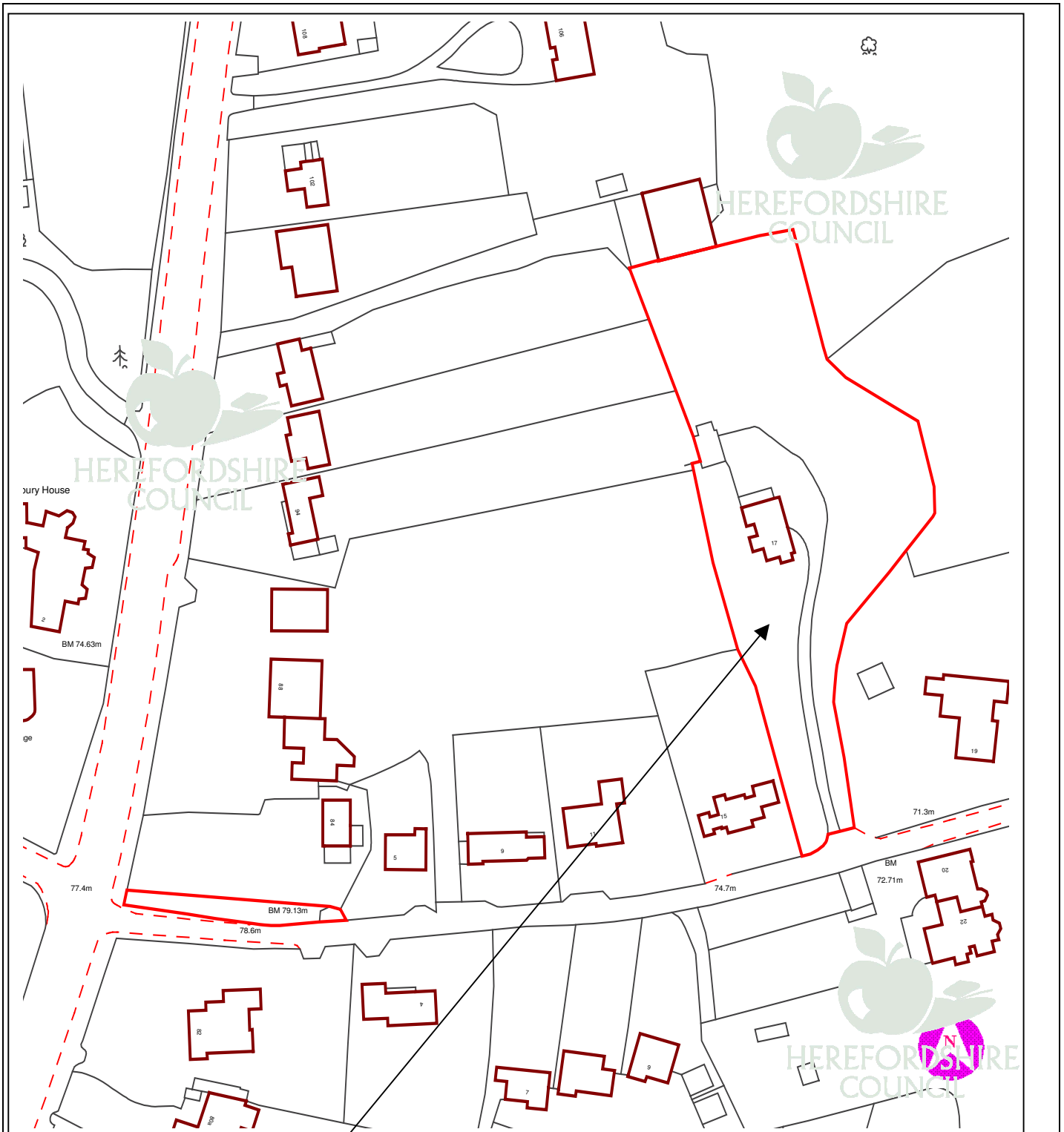
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCCE2007/0163/F

SCALE : 1 : 1250

SITE ADDRESS : 17 Walney Lane, Hereford, Herefordshire, HR1 1JD

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005