

11 DCSW2006/2992/O - SITE FOR 5 DWELLINGS, COMPRISING 3 NO. 4 BEDROOM TWO STOREY DWELLINGS AND 2 NO. SEMI-DETACHED 3 BEDROOM, FIELD NO. 9825 OPPOSITE LOWER HOUSE, PONTRILAS ROAD, EWYAS HAROLD, HEREFORDSHIRE, HR2 0ES

For: Mr & Mrs PT Wright per Mark Ponting Consultancy, Caemain, Ewyas Harold, Herefordshire, HR2 0ES

Date Received: 14th September 2006 Ward: Golden Valley Grid Ref: 38985, 28247 South

Expiry Date: 9th November 2006

Local Member: Councillor JB Williams

1. Site Description and Proposal

- 1.1 This site comprises a paddock between the Dulas Brook immediately adjoining the tree-lined western boundary and the B4347 on the eastern boundary from which access is gained. The B4347 is the main thoroughfare in Ewyas Harold.
- 1.2 The site has public footpaths leading north-eastward from the roadside to a crossing point over the Dulas Brook. There is also a footpath that followed the western side of the Dulas Brook which unfortunately has disappeared over the years following erosion of the western bank of the Dulas Brook, and is impeded further to the south-east.
- 1.3 This planning application is in outline form with all matters reserved for future consideration. This is notwithstanding that the description for the application is very specific and that an indicative block plan accompanies the proposal.
- 1.4 The site is 0.36 hectares in area.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

Policy S.1	-	Sustainable Development
Policy S.2	-	Development Requirements
Policy S.3	-	Housing
Policy H.4	-	Main Villages: Settlement Boundaries
Policy H.9	-	Affordable Housing
Policy H.13	-	Sustainable Residential Design
Policy H.15	-	Density
Policy H.16	-	Car Parking

3. Planning History

3.1 None identified.

4. Consultation Summary

Statutory Consultations

4.1 The Environment Agency has no objections in principle subject to conditions being attached relating to finished floor levels, controlling development adjacent to the Dulas Brook, i.e. buffer zone, and approval of a surface water regulation system.

4.2 Welsh Water has no objection subject to conditions controlling foul and surface water discharges being drained separately from the site.

Internal Council Advice

4.3 The Traffic Manager recommends that conditions be attached to any grant of planning permission. These conditions would include for improved visibility and a single access only.

4.4 The Public Rights of Way Manager comments:

“No development should take place until such time as relevant public path orders to divert both public rights of way have been through the formal public consultation process and legally confirmed. The use of estate roads for public rights of ways should be avoided as per DoE circular 2/1993 (Annex D). Works to footbridge would also be encouraged; there are barriers at either end of it.”

4.5 The Conservation Manager initially stated that “the site is adjacent to Dulas Brook Special Wildlife Site (SO33/018B). Need to commission ecological survey. Need 5 metres buffer along Dulas Brook.”

Following receipt of Ecological Appraisal the Conservation Manager observes:

- no development within 10 metres
- wide buffer zone, from river bank top
- insufficient area for 5 houses
- habitat strategy required for buffer zone
- updated protected species survey be undertaken

5. Representations

5.1 In a letter that accompanied the application the applicant's agent states:

- application for small field (0.368 hectares) opposite their house
- site is in village envelope, bounds the B4347 road and is traversed by footpath
- M/S W S Atkins & Partners, Swansea have recently completed a Flood Risk Assessment for Ewyas Harold and Pontrilas
- field and neighbouring properties above the Q100 and Q200 hydraulic modelling area, highway lower than field, freely drains towards Pontrilas
- clients now wish to offer children opportunity to build homes on the farm as well as plots for low cost dwellings for young people or for retirement.

5.2 In the Design and Access Statement that also accompanied the application, the following main points are made:

- small field bounded by Dulas Brook (maintained by Environment Agency) and B4347 and dwellings to north and south
- mixed form of dwellings in ribbon configuration along Pontrilas road
- site too small for farming purposes
- good access to facilities, i.e. shops, churches, buses and village hall
- opportunity for mixed development for different ages
- five dwellings to be served by access in optimum position for visibility
- proposed that 3 dwellings will be 4 bedroom ones of brick construction as well as for pair of 3 bedroom semi-detached properties
- density consistent with Old Shoppelands and Orchard Close
- retention of most of roadside hedgerow and riverside trees, provides a well balanced attractive development
- access without stiles or gates will improve access to the river and fields adjacent
- one street light for security and for benefit of footpath users.

5.3 The Parish Council have no objections.

5.4 Two letters of objection have been received from:

Mr JN Jones, The Birches, Ewyas Harold, HR2 0ES
Mr A Lee-Jones, Kymin, Ewyas Harold, HR2 0ES

The following main points are raised:

- overlooking of properties, loss of privacy
- accept principle and infill needs to be strip development
- possibly 4 frontage dwellings
- care needed with re-routed footpath
- not allocated in UDP as is the case for land adjacent to Lower House Farm.

The full text of these letters can be inspected at Southern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 The main issues are considered to be the principle of development, highways issues, flooding, layout, ecology, density and privacy of local residents and impact on footpaths.

6.2 This site is wholly within the village envelope for Ewyas Harold. It is one of the few remaining sites available for residential development. Therefore the principle of developing the site, notwithstanding other issues relating to the site is in accordance with the Unitary Development Plan: 2007.

6.3 It is possible for a single access to be created with the requisite visibility splays for development on the site. This is given the reported recommendation of the Traffic Manager. The means of access is one of the matters to be reserved for future consideration. This is notwithstanding that the applicant's agent has provided an indicative plan detailing a new access point, as well as indicative layout of 3 detached dwellings and a pair of semi-detached dwellings.

- 6.4 The Environment Agency has been one of the principal consultations for this site adjoining the Dulas Brook. The applicant has referred to a recently commissioned Flood Risk Assessment covering Ewyas Harold and Pontrilas. The Environment Agency has recommended that a condition relating to finished floor levels be imposed upon any dwellings erected on the site. The Environment Agency also recommend that there are no structures including buildings and gates and fences within 7 metres of the top of any bank of the Dulas Brook. Surface water will also need to be regulated by planning condition. The Environment Agency also recommend that the local planning authority ascertains whether or not there is sufficient capacity for mains drainage. This has been carried out, Welsh Water confirming that subject to conditions relating to disposal of foul and surface water separation the body does not object. Therefore, there are no outstanding matters relating to flooding of the site nor the capacity of mains drainage facility in the village.
- 6.5 The site adjoins the Dulas Brook which is rich in fauna, whereas away from the watercourse the site is of poorer ecological value. The importance of the Dulas Brook is such that a buffer zone of 10 metres measured from the top of the bank is recommended by the Council's Ecologist. An ecological appraisal was undertaken in December, this provided a good basis of survey, however a further survey would be required, this would cross-reference the need for a habitat strategy for the buffer zone. These outstanding matters can be made the subject of planning conditions, the details for which could be provided before work commences on site, given that the buffer zone provided protects fauna.
- 6.6 Representations received state that development on the eastern side of the Pontrilas road (B4347) is wholly ribbon or strip development, whereas the indicative scheme submitted provides for a cul-de-sac form of development which as the applicant's agent states is focused on the western side of the Pontrilas road. The scheme submitted does specify the number of dwellings proposed, i.e. 5 dwellings, and on the application form it is broken down further. However, siting is not a matter to be considered at this stage and therefore the configuration of development on the site cannot be determined. This matter is also related to issues of overlooking highlighted by residents adjoining the site. However, it is considered that given the Council's Ecologist requires a 10 metres buffer zone and the Environment Agency coincidentally a 7 metres wide buffer zone, it will not be feasible to erect 5 dwellings on the site. This would mean that the description for the proposal, i.e. for 5 dwellings, should be revised such that the development is for residential development alone. This is also given that frontage development is the predominant characteristic of residential development on the eastern side of the Pontrilas road.
- 6.7 The final issue relates to the two public footpaths that traverse the site. The indicative block plan implicitly re-routes one footpath (EH2) along the spine of an access road before re-routing back to the narrow pedestrian bridge over the Dulas Brook. This re-routing would need to be the subject of a separate agreement with the Council. However, the Public Rights of Way Manager states that routing footpaths along estate roads is not good practice and could not be supported. This matter is not one though that is the subject of determination at this stage given the status of the application and that the public footpath has yet to be re-routed. This paddock is one though that will need to be crossed in order that the Dulas Brook and fields further to the east are linked with the Pontrilas road. This is a matter that can be resolved at a later stage. The second footpath (EH4) is not complete given that it is obstructed to the south east by residents' properties. This route could be partly protected by the buffer zone. The applicant's agent has offered on behalf of his clients a 5 metres strip of land for this footpath. Better access can be provided from the Pontrilas road, i.e. by replacing the

existing with a gate. The route of the public footpath could have implications for the final layout of the site in the event that Members supported the application.

RECOMMENDATION

That subject to the description being revised omitting mention of 5 dwellings, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

1. 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.

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. A04 (Approval of reserved matters)

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

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. Finished floor levels shall be set no lower than 72.37m AOD unless otherwise agreed in writing by the local planning authority.

Reason: To protect the development from flood risk for the lifetime of the development.

6. There shall be no new buildings, structures (including gates, walls and fences) or raised ground levels within

a) 7 metres of the top of any bank of the watercourse (Dulas Brook), inside or along the boundary of the site, unless agreed otherwise in writing by the local planning authority.

Reason: To maintain access to the watercourse for maintenance or improvements and provide for any overland flood flows.

7. The proposals outlined in the ecologist's report should be followed unless otherwise agreed in writing with Herefordshire Council.

Reason: To comply with Herefordshire Council's Policy NC.8 and NC.9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS.9 Biodiversity and Geological Conservation and the NERC Act 2006.

To conserve and enhance protected habitat and to maintain the foraging area for protected species in compliance with Unitary Development Plan Policies NC.6, NC.7, NC.8 and NC.9 and PPS.9.

8. A work programme should be devised for the site to ensure that the birds are not disturbed during nesting from March to August inclusive.

Reason: To ensure the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 and Policies NC.1, NC.5, NC.6 and NC.7 within the Unitary Development Plan.

9. A habitat enhancement scheme based upon the recommendations of the ecologist's report accompanied by a management strategy should be produced and specified in a method statement for submission to Herefordshire Council in order to enhance the habitat on the site for wildlife. This should include a 10 metre wide buffer zone unless otherwise agreed with Herefordshire Council.

Reason: To comply with Herefordshire Council's Policy NC.8 and NC.9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS.9 Biodiversity and Geological Conservation and the NERC Act 2006.

To conserve and enhance protected habitat and to maintain the foraging area for protected species in compliance with Unitary Development Plan Policies NC.6, NC.7, NC.8 and NC.9 and PPS.9.

10. Details of the location and type of fencing to be erected during development works should be submitted prior to development.

Reason: To conserve and enhance protected habitat and to maintain the foraging area for protected species in compliance with Unitary Development Plan Policies NC.6, NC.7, NC.8 and NC.9 and PPS.9.

11. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee ecological mitigation and enhancement work.

Reason: To comply with Herefordshire Council's Policy NC.8 and NC.9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS.9 Biodiversity and Geological Conservation and the NERC Act 2006.

To conserve and enhance protected habitat and to maintain the foraging area for protected species in compliance with Unitary Development Plan Policies NC.6, NC.7, NC.8 and NC.9 and PPS.9.

12. H03 (Visibility splays)

Reason: In the interests of highway safety.

13. H07 (Single access - outline consent)

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

14. H12 (Parking and turning - single house)

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

15. W01 (Foul/surface water drainage)

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

16. W02 (No surface water to connect to public system)

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

17. W03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

18. H28 (Public rights of way)

Reason: To ensure the public right of way is not obstructed.

Informative(s):

1. Note to condition 6:

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of The Agency is required for any proposed works or structures in, under, over or within 7 metres of the top of the bank of the main river (Dulas Brook).

2. N19 - Avoidance of doubt

3. N15 - Reason(s) for the Grant of Planning Permission

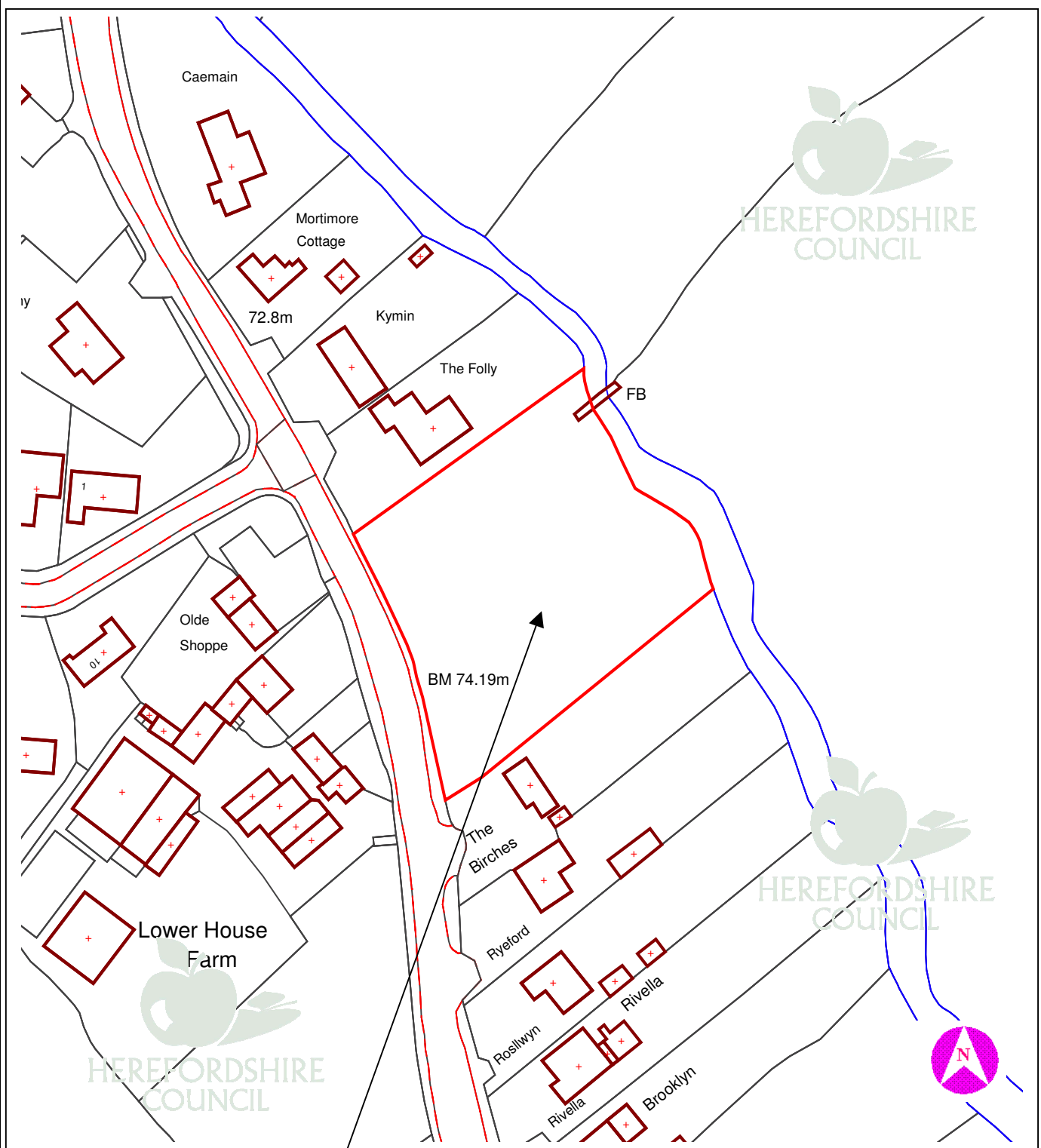
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2006/2992/O

SCALE : 1 : 1250

SITE ADDRESS : Field No. 9825 opposite Lower House, Pontrilas Road, Ewyas Harold, Herefordshire, HR2 0ES

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