

6 DCNE2007/3286/F - ERECTION OF ONE DWELLING (REVISED PROPOSALS) ON SITE OF ROSE AND COMME COTTAGES, FLOYDS LANE, WELLINGTON HEATH, LEDBURY, HEREFORDSHIRE, HR8 1LR

For: Ms H Kent per Mr P H Tufnell, Tufnell Town & Country Planning, Waverley Studio, Gloucester Road, Hartpury, Gloucester. GL19 3BG

Date Received:
22nd October 2007

Ward: Hope End

Grid Ref:
71128, 40138

Expiry Date:
17th December 2007

Local Member: Councillor R Mills

1. Site Description and Proposal

- 1.1 The application site is an undeveloped plot, derelict in nature and overgrown with self planted vegetation, located within a residential frontage within the core of Wellington Heath, a designated smaller settlement in Policy H6.
- 1.2 The proposal is for a single detached dwelling, with associated parking and turning area. The dwelling is approximately 10 metres x 6 metres with a ridge height of 6.6 metres.

2. Policies

DR1 – Design
DR4 – Environment
DR7 – Flood risk
H6 – Housing in smaller settlements
H13 – Sustainable residential design

3. Planning History

- 3.1 NE98/0157/0 – Outline application for the erection of one dwelling – refused
- 3.2 NE02/2904/F – Outline application for the erection of one dwelling – approved with conditions.
- 3.3 NE05/3784/RM – Erection of one dwelling – refused. Planning Appeal against refusal of NE05/3784/RM – Decision pending.

4. Consultation Summary

Internal Council Advice

- 4.1 The Council's Principal Building Control Surveyor concludes that the proposals, as per the amended plans received 30th November 2007, are satisfactory and address the concerns regarding surface water storage and run off.
- 4.2 The Council's Highways Department has no objection to the proposal and recommends a number of conditions. These have been included in my recommendation.

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5. Representations

- 5.1 This application has been the subject of significant local interest, and has seen three separate rounds of formal consultation following amendments to the original application.
- 5.2 The Parish Council has no objection to the proposal (and has maintained this stance throughout all the consultations) but requests conditions restricting the size of construction vehicles and also the working hours for the construction of the dwelling, if approved.
- 5.3 Six local residents have objected individually:

Dr. J and Mr. I. Maclean, Jays House, Floyds Lane, Wellington Heath
Mr. D. F. Moore, Vine Cottage, Floyds Lane, Wellington Heath
Mr. and Mrs. Blundell, Woodfields, Floyds Lane, Wellington Heath
Mr. C. Smith, Hillside, Horse Road, Wellington Heath
Mr. P. Constantine, Orchard Lodge, Floyds Lane, Wellington Heath
Mrs. F. Bradley, Pear Tree Cottage, Floyds Lane, Wellington Heath

None of these objections have been withdrawn following the additional information and amended plans submitted, which sought to address the concerns and issues raised. The objections from residents are summarised as follows:

- The revised plan omits 3.5 metres of boundary hedge and stone wall between the application site and 'Jays House'. This boundary is not within the ownership of the applicant and the owners do not give consent for its removal.
 - Drainage, including potential for surface water/sewerage to impinge on other properties and land, including road flooding from excess surface water.
 - Potential risk of subsidence and damage to the foundations of neighbouring properties.
 - A bungalow of single storey cottage would be more appropriate for the site.
 - Impact on amenity and privacy of existing residents.
 - If permitted certain windows should be obscured glazing to prevent overlooking and protect privacy and amenity.
 - The proposed planting and landscaping scheme is inappropriate.
 - Concern about damage to Floyds Lane and traffic problems generated by construction vehicles, and any damage done must be made good.
 - The proposal is overdevelopment of the site.
 - The proposal is out of character with surrounding properties.
 - Floyds Lane is incapable of taking additional traffic.
- 5.4 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

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- 6.1 The application site is located within the core of Wellington Heath, a designated smaller settlement (H6) where the infilling of suitable plots for small scale residential development is permitted.
- 6.2 The application plot meets the policy criteria regarding frontage, with a frontage length of approximately 25 meters. The policy also restricts the size of the dwelling permitted in regards to the habitable living space to 100 sq metres for a 4-bedroom dwelling. The proposed 4-bedroom dwelling has a footprint of approximately 120m². The habitable living space enjoyed by the dwelling is approximately 70 sq. metres.
- 6.3 As the principle of residential development on the site is acceptable and the proposal does not create any harm by virtue of its size and scale, the main focus turns to site-specific issues.
- 6.4 Wellington Heath is acknowledged, informally, to have a significant drainage and surface water problem, created through a mixture of factors, including topography and soil types. New development in this area can and has exacerbated this issue. All objectors point to this issue regarding this application, and consequently, discussions and amendments to the scheme have been made.
- 6.5 Given the localised issue of drainage and surface water run off it is considered that conditions regarding drainage would be inappropriate and that this issue should be fully addressed within the application.
- 6.6 This proposal includes two water storage tanks, 1x 2000 litres, with a 1 x 2000 litres overflow. In addition, captured roof water is treated by a Rainwater Utilisation System (RUS), bespoke design for the proposal and designed to over capacity. The RUS and proposed water butts will ensure that the site does not result in increased surface water. The 50mm upstand kerb and catch drain is designed to prevent surface water run off from the Orchard Lodge development and general run off from Floyds Lane itself.
- 6.7 In light of the amendments, the Council's Principal Building Control Surveyor is happy with the proposed drainage and surface water proposals. Given this expert opinion, it is considered, notwithstanding the concerns and objections expressed by objectors, that this issue has now been adequately addressed within the scheme. Accordingly, policies DR4 and DR7 are satisfied.
- 6.8 It should also be noted that the applicant engaged in significant discussions with the Council's Building Control officers to create an appropriate scheme. A condition to ensure its full implementation of the drainage and surface water mitigation scheme, either on completion of the development or prior to the occupation of the dwelling, whichever is the sooner, has been recommended.
- 6.9 Turning to the design and associated issues:
- 6.10 The siting of the proposed dwelling has regard to the existing frontages and the development pattern of Floyds Lane – that is dwellings positioned within their plots so they are close to the lane itself. Whilst maintaining the development pattern of Floyds Lane, the proposal also affords adequate parking, turning and manoeuvring areas within the frontage.
- 6.11 The design and scale of the proposed dwelling is considered acceptable and appropriate to its location and the context of the site.
- 6.12 The ridge height follows the existing pattern of development, which is lower than the neighbouring dwelling as development follows the topography down the slope of the lane/land. The proposal has a ridge height of 6.6 metres, which is 1.4 metres lower than Woodfields to the north, and 1.1 metres higher to ridge height than Jays House to the south.

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- 6.13 In terms of scale, the footprint of the proposed dwelling is significantly smaller than Woodfields, Hillside, and Jays House. This is a result of the criteria of policy H6 (outlined above) and the constraints and issues associated with this site.
- 6.14 In regards to the amenity and privacy of both the existing dwellings and the proposed dwelling, it is noted the north and south elevations have no windows in them, save for the window lights in the porch. These elevations face Woodfields to the north and Jays House to the south respectively. In regards to Hillside, east and behind the proposal, the siting of the existing Woodfields, is closer to Hillside than the proposed dwelling. It is not considered, given the design, boundary treatments, and existing situation, that there would be a worsening or the exacerbating of any detrimental impact on the amenity enjoyed by Hillside. It is also noted that the principle aspect of Hillside does not face onto the proposal.
- 6.15 In light of all of the above, the proposal accords with policies DR1, DR4, DR7, H6 and H13.

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 - Prior to the commencement of the hereby permitted development full written details and plans detailing the landscaping, boundary treatments and planting scheme, shall be submitted to the Local Planning Authority for written approval.**

Reason: To ensure the integration of the development within the landscape and locality, in accordance with Herefordshire Unitary Development Plan (adopted 2007) policies DR1 and H13.

- 3 - All planting, seeding and turfing in the approved details of landscaping, boundary treatment, and planting schedule, as approved in respect of Condition 2, shall be carried out in the first planting and seeding season following the occupation of the dwelling or the completion of the dwelling (whichever is the sooner). Any trees or plants which within a 5 year period from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with a replacement of the same species and size, unless the Local Planning Authority gives written consent to any variation.**

Reason: To ensure the integration of the development within the landscape and locality, in accordance with Herefordshire Unitary Development Plan (adopted 2007) policies DR1 and H13.

- 4 - H01 (Single access - not footway)**

Reason: In the interests of highway safety.

- 5 - 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.

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- 6. The drainage and surface water scheme detailed in the hereby approved development shall be implemented prior to the completion of the development or the occupation of the building, whichever is the sooner

Reason: To Ensure surface water issues are addressed in accordance with Herefordshire UDP (adopted 2007) policies DR2, DR4, DR7 and H13

- 7. Removal of development rights.

Reason: In accordance with herefordshire Unitary Development Plan (adopted 2007) Policy H6.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - N19 - Avoidance of doubt
- 3 - HN01 - Mud on highway
- 4 - HN04 - Private apparatus within highway
- 5 - HN05 - Works within the highway
- 6 - HN22 - Works adjoining highway

Decision:

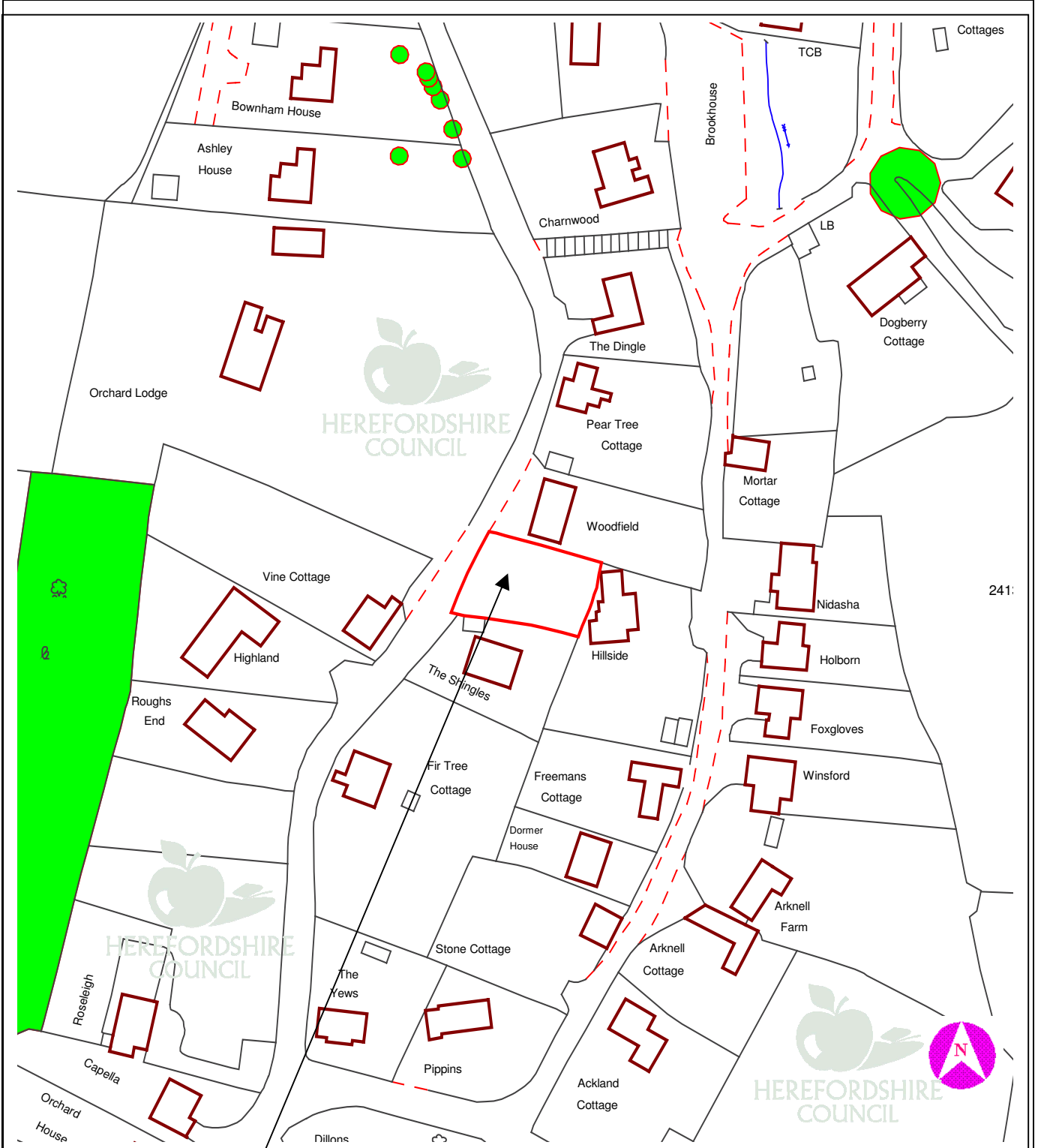
Notes:

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Background Papers

Internal departmental consultation replies.

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APPLICATION NO: DCNE2007/3286/F

SCALE : 1 : 1250

SITE ADDRESS : Site of Rose and Comme Cottages, Floyds Lane, Wellington Heath, Ledbury, Herefordshire, HR8 1LR

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