

**7 DCNW2008/1344/F - PROPOSED ERECTION OF THREE DWELLINGS WITH ASSOCIATED ACCESS AND PARKING ON LAND ADJACENT TO ORCHARD CLOSE, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6NP**

**For: J.R. Homes per Mr Roberts, DLP Planning Ltd, 2A High Street, Thornbury, Bristol BS3 2AQ**

**Date Received: 15 May 2008**  
**Expiry Date: 10 July 2008**

**Ward: Castle**

**Grid Ref: 31360, 49227**

Local Member: Councillor JW Hope MBE

**1. Site Description and Proposal**

- 1.1 The application comprises a parcel of land 0.12ha in size and irregular in shape forming an area of land between number 3 Orchard Close and the timber yard. The site then widens to the north taking in an area of tarmac (used informally for parking) adjacent to numbers 4 - 8 Orchard Close. Within the site there is a line of conifer trees which are in excess of 4m in height and essentially split the site into two parts.
- 1.2 The proposal is for the erection of 3 detached dwellings. Unit 1 would be sited fronting the highway (Forest Road) that leads to Larchlap timber yard adjacent number 3 Orchard Close. The building would be in line with the adjacent bungalow with a parking and turning area to the front and garden area extending 7.8m to the rear of the proposed dwelling. The dwelling would have a plot size of approx 31m x 10m. The footprint of the proposed house would be of 9.5m by 8m (152 sq m over two floors) and would comprise four bedrooms, bathroom, en-suite, lounge/diner, kitchen, utility, wc and integral garage. The dwelling would have an eaves height of 4.4m and ridge height of 7.8m with dormer style windows to the front and rear elevations.
- 1.3 Units 2 and 3 would be detached dwellings located to the north of the eastern half of the site and are accessed via Orchard Close opposite the terrace of bungalows whose back gardens/yards face the site. Orchard Close is an existing cul-de-sac of 18 housing association bungalows that are used by the elderly and disabled.
- 1.4 The units are North/South Facing with the bungalows facing the gable ends of Unit 2. Each of these units has a detached single garage. Units 2 and 3 offer three-bed accommodation with a footprint of 7m by 8.8m (123.2 sq m floor area). The dwellings have an eaves height of 4.3m and ridge height of 7.6m. The dwellings have dormers to the south and north elevations.
- 1.5 Access to the units 2, 3 and 4 is via Orchard Close. The area to the west and north of the site removes some of the hard-surface area for landscaping and planting, retaining an existing pedestrian and vehicular access for the adjoining owners. The tarmac hard-surface would be partially replaced with block paving. Additional landscaping is also proposed.

## 2. Policies

### 2.1 Herefordshire Unitary Development Plan

S1 – Sustainable development  
S2 – Development requirements  
DR1 – Design  
DR3 – Movement  
DR5 – Planning obligations  
DR7 – Flood risk  
H4 – Main villages: settlement boundaries  
H13 – Sustainable residential design  
HBA6 – New development within conservation areas

## 3. Planning History

- 3.1 NW2007/2900/F - Proposed new four two-storey dwellings - refused on the 6th November 2007 for the following reason:

*The proposed development fails to respect the character and appearance of the locality in terms of the scale, mass, height and siting of the dwellings and the use of hard and soft landscaping and hard-surfaced areas. As such the development represents a cramped form of development that fails to preserve or enhance the Eardisley Conservation Area contrary to policies DR1, H13 and HBA6 of the Herefordshire Unitary Development Plan and guidance contained within PPG15 : Planning and the Historic Environment.*

- 3.2 NW2007/0379/F - Proposed new four two-storey dwellings - Refused 3/4/07 for the same reason as above.
- 3.3 DCNW2005/3843/F - Proposed agricultural implement store - approved 10/1/06 (on immediately adjacent site).
- 3.4 NW2004/2076/0 - Change of use from amenity land to site for residential - withdrawn.

## 4. Consultation Summary

### Statutory Consultations

#### 4.1 Environment Agency

The site is located within Flood Zone 3 ('high risk', 1% floodplain) based on our flood zone map.

On the basis that the previous FRA document has been formally submitted to form part of this planning application we would make the following comments.

With reference to the above FRA, we note that it is estimated that a 20% increase in peak flow would result in a 1% flood flow of approximately 0.81m<sup>3</sup>/sec. This gives a 1% flood plus climate change (20%) level of 72.98m AOD. As detailed within the FRA, we are therefore satisfied that there is a 0.59 metre freeboard, based on the cross section adjacent to the site, in a 1% plus climate change (20%) flood event, as required by PPS25 – Development and flood Risk (December 2006).

We also note that a safe dry pedestrian access is available to and from the site in a 1% event plus climate changed based on the above. The letter dated 6 October 2006 from Hydro-Logic submitted as part of pre-application discussion outlined that dry access would be available from the crossroads at Church Street, in a northerly direction. We note that spot heights on Church Road vary from 75.5m AOD to 76.7m AOD, which satisfy the above.

On the basis of the above we have no objection in principle to the proposed development, but we would recommend that finished floor levels are set no lower than 600mm above the 1% plus climate change (20%) flood level of 72.98m AOD.

**CONDITION:**

Finished floor levels of all dwellings shall be set no lower than 73.58m AOD (600mm above the 1% plus climate change (20%) flood level of 72.98m AOD), unless otherwise agreed in writing by the LPA.

**REASON:**

To protect the properties from flood risk for the lifetime of the development.

**Surface Water:**

We would agree with the FRA recommendation to employ permeable pavements or gravel, as a form of sustainable drainage, to decrease surface water run-off from the site post development.

**Foul Drainage:**

In line with our amended Table 1 and in accordance with Article 10 – (1) (iii) of the GDPO (1995), the Environment Agency (Severn Area) has no comments to make with regard to foul drainage, in respect of this application. You might seek the completion of the 'foul drainage assessment form' for your consideration.

Internal Council Advice

4.2 The Council's Conservation Manager makes the following comments:

"The house designs are disappointing, but I consider the submission with three houses, rather than four, to be broadly acceptable in conservation terms, given the nature of the immediate surroundings.

The houses are generally taller than the adjacent, and there is a case for requiring a traditional roof material such as slate.

Recommendation: Approval recommended subject to a condition as to roof materials."

4.3 The Council's Planning and Transportation Manager makes the following comments:

Recommends refusal for the following reasons:

- Inadequate parking and turning space for House 1 (three spaces for a four bed dwelling)
- No cycle parking for House 1
- No Section 106 contribution provided
- Uncertain if access rights exist over private road
- Paths too narrow

- Rear access to bungalows is not maintained.

Section 106 request - 1 x 4 bed, 2 x 3-bed, with low accessibility requires £12,297.00 as per SPD justification plus local improvements to pedestrian facilities.

- 4.4 The Manager of Accommodation and Forward Planning (Children and Young Peoples directorate) make the following comments and requests:

The educational facilities provided for this development site are Kington Early Years, Eardisley CE Primary School, Lady Hawkins High School and Kington Youth Service.

The Childcare Sufficiency Assessment highlights that 22% of parents do not take up a better job due to childcare issues, whilst 8% are unable to return to work. There is an anecdotal need to childminders within Kington. Early morning, late evening and variable hours are needed, but significant need for weekend care also noted.

Eardisley CE Primary School has a planned admission number of 15. As at the Spring Census 2008 the school had 1 year group over capacity (Year 5 - 17).

Lady Hawkins High School which has a planned admission number of 90. As at the Spring Census 2008 the school had 1 year group at capacity (Year 9) and 1 year group over capacity (Year 8 - 91).

Kington is a very lively area in terms of young people, and requires considerable skill to ensure that those young people close to the margins of crime are engaged and supported to turn their attention to more positive activities. Kington would benefit from more youth work and especially more sporting activity for young people and a range of activity especially at weekends.

Approximately 1% of the population are affected by special educational needs and as such the Children and Young People's Directorate will allocate a proportion of the monies received for Primary, Secondary and Post 16 education to schools within the special educational needs sector.

Please note that the PAN of the above year groups is based on permanent and temporary accommodation, whereas section 3.5.6 of the SPD states that the capacity should be based on the permanent accommodation, therefore, additional children may also prevent us from being able to remove temporary classrooms at Eardisley Primary School and Lady Hawkins High School that we would otherwise be able to do.

The Children & Young People's Directorate would therefore be looking for a contribution to be made towards Children and Young People in this area that would go towards rectifying some of the issues identified above that would only be exacerbated by the inclusion of additional children. The Children and Young People contribution for this development would be as follows:

2 x three bed houses £4,900 each (total: 9,800)  
 1 x four+ bed houses £8,955 each  
 TOTAL: £18,755

- 4.5 The Cultural Services Manger (libraries) makes the following comments and requests:

On the basis of the figures in the SPD, the contribution would be £637.00 to be used to purchase stock for the mobile libraries.

## 5. Representations

### 5.1 Eardisley Parish Council makes the following comments:

Raises objections on the basis of increase in traffic and access problems and limited parking opportunities. Bungalows would be more in keeping with the area.

### 5.2 18 Letters of objection have been received from local residents who raise issues in relation to:

- Additional traffic movements
- Parking and Congestion problems along Orchard Close - an existing problem that will increase. Current road users often have restricted mobility (and use wheelchairs, sticks, walking frames or need kerb-side assistance)
- Overlooking and loss of privacy from the first floor windows
- Over-development - bungalows would be more suitable
- Drainage - always been a problem with sewerage, drainage and flooding in this close. Additional properties will add to this.
- Rights of way
- Additional noise and disturbance from traffic, families, children

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. Officer's Appraisal

### 6.1 The main issues for consideration of this application are:

- The principle of development
- Impact on the conservation area - Character and design/appearance
- Impact on the neighbouring properties (privacy and amenity)
- Highway safety
- Flooding
- Section 106 contributions

#### Principle of development

### 6.2 The application site lies within the settlement boundary of the village of Eardisley and as such the principle of residential development is acceptable subject to the meeting the criteria of other relevant policies with the Herefordshire Unitary Development Plan (2007).

#### Impact on the character and appearance of the conservation area and locality

### 6.3 The site lies within the Conservation Area and as such the development should seek to either preserve or enhance the area in accordance with policy HBA6 and guidance contained within PPG15. The application site is constrained by way of its size, shape and context in the locality. The surrounding residential area is characterised by the development of bungalows to the west with the large-scale industrial site (Larchlap/Forest Gardens) to the east.

### 6.4 The introduction of two storey dwellings in such close proximity to the single-storey development would represent a change and this is acknowledged. The proposal has

been altered to reduce the height of the dwellings and to use dormer windows that would provide a transition between the two.

- 6.5 Previously the introduction of a total of four dwellings on this site was considered to be one of the main concerns. In particular the cumulative effect of these, in the context of its surroundings, would have represented a cramped form of development. This was having regard to the two-storey nature of the development and its proximity to the neighbouring properties and agricultural building. The scheme has now been reduced to three dwellings, allowing for the space between the bungalows and new dwellings to provide a buffer and transition as well as allowing the dwellings to sit in reasonable size plots with good private amenity spaces.
- 6.6 The vast hard surfaced areas (albeit the majority of these are existing) are also undesirable within the Conservation Area. This application has interspersed 'planting' and landscaping, which with the reduced number of dwellings will enhance the quality of the area and allow the development to be softened. Having regard to the above, the proposal is now considered to preserve the character and appearance of the Conservation Area in accordance with policies DR1, H13 and HBA6 and of the UDP and respect the character of the locality.

Impact on the neighbouring properties (privacy and amenity)

- 6.7 The impact on the neighbouring properties has also been improved. The bungalows have small rear gardens that are divided from the existing site through a mixture of wire fences and low hedges. The rear aspect of the bungalow would face the gable wall of dwelling 2. The only window in this elevation is a stair window that can be obscure glazed and fixed shut ensuring no overlooking of these bungalows from the dwellings. The distance between the existing bungalow and side elevation of dwelling 2 would be approximately 12m, which would ensure that this is not over-bearing and would not cause loss of light. The existing situation is also that these bungalows are facing a tall and mature conifer hedge which is fairly imposing. The bungalow's gardens do not currently enjoy a high level of privacy due to the nature of the boundary and the new development would not increase this to a level that is unacceptable.
- 6.8 Between the proposed dwelling and the rear boundary of the bungalow, a single storey garage is also proposed. This would be 2.5m to the eaves and 3.7m to the ridge and would be 4.2m from the boundary. This is not considered to be over-bearing and would be of a suitable scale and design.
- 6.9 Dwelling 1, which fronts Forest Road, occupies the same building line as no. 3 Orchard Close. The gable ends of both these dwellings face each other. The potential issue may arise from a loss of privacy to the rear from the first floor windows. The site boundary does benefit from substantial mature hedge which could be retained. On this basis, and having regard to the siting of the dwellings, the proposal is unlikely to cause such loss of amenity to lead to a reason for refusal.

Highway Safety

- 6.10 The proposed dwellings each provide off road parking and garaging sufficient for the size of dwelling, therefore meeting the minimum standards. The over-riding local concern appears to be the fear that these dwellings will create further congestion and parking problems on Orchard Close. In the past the application site was previously owned by Herefordshire Council and was used informally by residents and visitors for parking. This was then sold and the current owner has not fenced the site off and this informal situation has continued. The loss of the land for over-spill parking is therefore

not one that is in the control of the residents and the owner could, at present prevent this if they wished. On this basis, the application cannot be refused on the basis that the parking would be made worse as this is an existing situation that perhaps should be pursued by the Housing Association. Notwithstanding this, the intensification of use of Orchard Close is of more relevance. The Council's Transportation Manager has made no objection on this matter and it is your officers opinion that the additional traffic generated by two dwellings would not be of a level that would be to the detriment of highway safety or would be so significant as to substantiate a reason for refusal.

- 6.11 The Planning and Transportation Manager has raised a number of queries that are being addressed by the applicants agent in the form of amended plans. They are also trying to formally establish that the applicant has a legal right of way along Forest Road (unadopted highway) to their sites to ensure that additional parking burden is not placed on the adopted road networks nearby. A highway contribution has been sought and can be secured through the section 106 agreement to improve local facilities (including pedestrian links). On this basis, the proposal meets the criteria of policy DR3 of the Herefordshire Unitary Development Plan (2007) and the requirements of the Council's Supplementary Planning Document – Planning Obligations.

#### Flooding / Drainage

- 6.12 The application was accompanied by a Flood Risk Assessment and has been the subject of on-going correspondence with the Environment Agency. Whilst local residents concerns regarding the flooding of the site last summer are noted, the EA has raised no objection as they are satisfied that there is a safe dry pedestrian access and subject to the relevant conditions as above.

#### Section 106 contributions

- 6.13 The applicant has agreed to pay the financial contributions sought from the varying directorates. This is summarised in the draft Heads of Terms Attached to this document. On this basis the development accords with the requirements of the Council's Supplementary Planning Document – Planning Obligations.

#### Conclusion

- 6.14 The proposed development of three dwellings has effectively addressed the previous concerns relating to the over-development of the site and their impact on the locality. The dwellings are now considered to be acceptable in their siting and appearance and I am satisfied that these will now have minimum impact on the living conditions currently enjoyed by the surrounding residential dwellings. As such the proposal is now considered to comply with policies DR1, H13 and HBA6 of the Herefordshire Unitary Development Plan (2007).
- 6.15 Local residents raise concern that these dwellings will add to the existing parking and congestion problems in Orchard Close. The dwellings have sufficient parking within their curtilages and the additional traffic movements would not be of such a level that would justify a reason to refuse this application. As such the proposal complies with policy DR3 of the Herefordshire Unitary Development Plan (2007).

**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. **B02 (Development in accordance with approved plans and materials)**

**Reason:** To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

3. **B07 (Section 106 Agreement)**

**Reason:** In order to provide [enhanced sustainable transport infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing] in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

4. **C01 (Samples of external materials)**

**Reason:** To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

5. **D04 (Details of window sections, eaves, verges and barge boards)**

**Reason:** To ensure that the work is carried out in accordance with the details that are appropriate to the safeguarding of the Conservation Area and to comply with the requirements of Policies DR1 and HBA6 of Herefordshire Unitary Development Plan.

6. **F08 (No conversion of garage to habitable accommodation)**

**Reason:** To ensure adequate off street parking arrangements remain available at all times and to comply with Policy H18 of Herefordshire Unitary Development Plan.

7. **F14 (Removal of permitted development rights)**

**Reason:** In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.

8. **F17 (Obscure glazing to windows)**

**Reason:** In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

9. G10 (Landscaping scheme)

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

10. G11 (Landscaping scheme - implementation)

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

11. H10 (Parking - single house)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

12. I16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

13. Finished floor levels of all dwellings shall be set no lower than 73.58m AOD (600mm above the 1% plus climate change (20%) flood level of 72.98m AOD), unless otherwise agreed in writing by the LPA.

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

Informative(s):

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

2. N19 - Avoidance of doubt

Decision: .....

Notes: .....

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Background Papers

Internal departmental consultation replies.

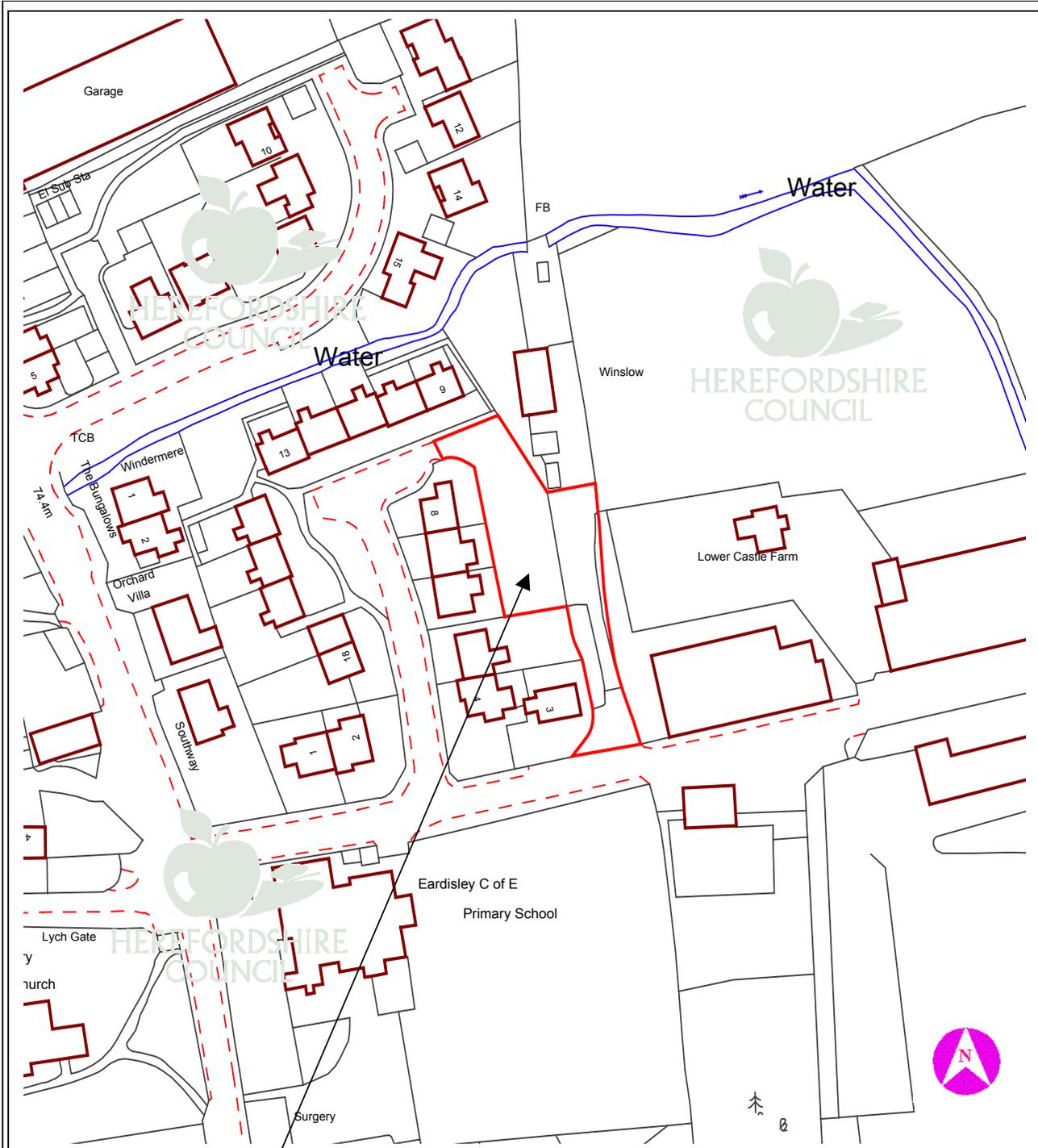
**HEADS OF TERMS**  
**Proposed Planning Obligation Agreement**  
**Section 106 Town and Country Planning Act 1990**

Planning Application – DCNW2008/1344/F

Erection of 3 dwellings with associated access and parking  
Orchard Close, Eardisley, Herefordshire

1. The developer covenants with Herefordshire Council to pay **£3180.00** towards the cost of new or enhancement of existing open space, play, sport and recreation facilities in lieu of such facilities being provided on site to be used in the Eardisley and Kington or other location as may be agreed in writing with Herefordshire Council.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£18,755.00** to provide enhanced educational infrastructure at Eardisley CE Primary School and Lady Hawkins High School.
3. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of **£12,297.00** for off site highway works and improved public and sustainable transport infrastructure to serve the development (other than Section 278 works essential to facilitate the development). The monies shall be used by Herefordshire Council at its option for works and described and justified in the Supplementary Planning Document – Planning Obligations and for local improvements to pedestrian facilities.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£637.00** to provide enhanced library facilities (including mobile library service)
5. In the event that Herefordshire Council does not for any reason use the said contributions in paragraphs 1, 2, 3, 4, and 5 referenced above for the purposes specified in the agreement within 10 years of the date of each payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
6. All of the financial contributions shall be Index linked and paid on or before commencement of the residential development unless otherwise agreed with Herefordshire Council
7. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement and the administration charge as required by the Supplementary Planning Document, “Planning Obligations”, adopted by Herefordshire Council in April 2008.

Kelly Gibbons – 18 June 2008.



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**APPLICATION NO:** DCNW2008/1344/F

**SCALE:** 1: 1250

**SITE ADDRESS:** Land adjacent to Orchard Close, Eardisley, Hereford, Herefordshire, HR3 6NP

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