

12 DCCW2008/1271/F - ERECTION OF SINGLE DWELLING, WITH ACCESS FROM CURRENT DEVELOPMENT ADJOINING NEW PRIMARY SCHOOL INCLUDING MINOR AMENDMENTS TO DCCW2008/0012/F AT LAND AT GREEN GABLES, SUTTON ST. NICHOLAS, HEREFORD, HEREFORDSHIRE, HR1 3AZ

For: Mr. S. Dyer, Bell Homes, Whimsey Industrial Estate, Steam Mills Road, Cinderford, Glos., GL14 3JA

Date Received: 13 May 2008

Ward: Sutton Walls

Grid Ref: 53416, 45644

Expiry Date: 8 July 2008

Local Member: Councillor KS Guthrie

1. Site Description and Proposal

- 1.1 The application site forms the eastern third of an existing domestic curtilage, which serves a detached dwelling known as Green Gables, located within an established residential area of Sutton St. Nicholas. The application site is bounded to the east, west and south by residential properties, whilst to the north lies a new residential estate of 15 dwellings which are currently being constructed by Bell Homes.
- 1.2 The site has been acquired by Bell Homes who through the present application seek permission to erect a detached two storey 5 bedroom dwelling with an integral double garage. The design of the dwelling is a slightly modified design to those presently being built on the land to the north.
- 1.3 To accommodate access into the proposed development, the application also seeks a minor modification to the layout approved by DCCW2008/0012/F, comprising the relocation of the double garage serving plot 8 south by its own length and transposing the position of the dwelling and garage on plot 7.

2. Policies

2.1 Planning Policy Guidance:

PPS3 - Housing

2.2 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy S8	-	Recreation, Sport and Tourism
Policy S11	-	Community Facilities and Services
Policy DR1	-	Design

Policy DR4	-	Environment
Policy DR5	-	Planning Obligations
Policy H4	-	Main Villages: Settlement Boundaries
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy H19	-	Open Space Requirements
Policy T1	-	Public Transport Facilities
Policy T6	-	Walking
Policy T7	-	Cycling
Policy T8	-	Road Hierarchy
Policy T11	-	Parking Provision
Policy T14	-	School Travel
Policy LA3	-	Setting of Settlements

3. Planning History

- 3.1 DCCW2004/1004/O Construction of a replacement primary school incorporating a village hall and the provision of 15 residential houses. Approved October 2004.
- 3.2 DCCW2006/0015/RM Construction of community facility and replacement primary school. Withdrawn January 2006.
- 3.3 DCCW2006/1247/RM Construction of community facility and replacement primary school. Approved June 2006.
- 3.4 DCCW2006/2116/RM Erection of 15 dwellings (10 open market and 5 affordable). Withdrawn September 2006.
- 3.5 DCCW2006/3725/RM Erection of 15 dwellings (10 open market and 5 affordable). Approved February 2007.
- 3.6 DCCW2008/0012/F Proposed erection of fifteen dwellings (minor amendments). Approved February 2008.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection, subject to standard conditions.

Internal Council Advice

- 4.2 Traffic Manager: No objection, subject to standard conditions.
- 4.3 Head of Economic and Community Services: No objection.

5. Representations

- 5.1 Sutton Parish Council: No objection, the Parish Council supports this application.
- 5.2 A total of six letters of objection have been received from Mr. Helyer, 1 St. Ethelbert Close; Mr. Barton, 2 St. Ethelbert Close; Mr. Morgan, 3 St. Ethelbert Close; Mr. Clarke,

4 St. Ethelbert Close; Mr. Mitchell, 24 St. Ethelbert Close and Mr. Lewis, 25 St. Ethelbert Close summarised as follows:

- Loss of privacy and overlooking.
- The new access would be a security risk to existing properties and traffic movements would result in disturbance.
- No more residential development should be allowed in this area, the 15 houses already being built is enough.
- This is a quiet residential area adding another house will spoil this peaceful location.
- This would set a precedent for further development.
- Existing property values would fall.

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. Officer's Appraisal

6.1 Having regard for the relevant policies, the primary issues in determining this application are considered to be:

- The Principle of Development
- Design and Layout of the Development
- Visual and Residential Amenity
- Access and Highways Issues
- Revised Layout

Principle of Development

6.2 The application site lies within a designated settlement boundary within which the Herefordshire Unitary Development Plan 2007 recognises that there is scope for appropriate residential development providing that the character and appearance of the wider locality is not adversely affected by the proposed development. Therefore, the proposal to erect a single dwelling is acceptable in principle, subject to other material considerations being satisfactorily resolved.

Visual and Residential Amenity

6.3 Having regard for the pattern and density of residential development in the wider locality, the design, scale, massing is considered to be appropriate, whilst the siting and orientation has taken appropriate account of the position and orientation of the adjoining properties.

6.4 With regard to the concerns raised in the letters of representation about overlooking and loss of privacy, it is not considered that the proposed dwelling will materially alter the level of residential amenity presently enjoyed, to a degree, which would give rise to any sustainable ground for refusal.

- 6.5 More specifically the design of the rear elevation has omitted windows at first floor level, protecting the amenity of 4 St. Ethelbert Close from direct overlooking, whilst a landscaped buffer along the boundary between the application site and 25 St. Ethelbert Close will minimise the impact of the proposed development by screening views between the existing and proposed dwellings.
- 6.6 However, notwithstanding the submitted plans, in order to maintain the amenity of the adjoining dwellings it is considered expedient to recommend conditions requiring the submission of a detailed schedule of planting for approval as well as protecting the existing hedgerows and trees from being removed or wilfully damaged. Conditions are also recommended removing permitted development rights to extend or alter the property, and/or insert any new windows into the roof or at first floor level. Finally a condition to control the hours of operation, is considered expedient, to safeguard the amenity of the residential area during the construction phase

Access and Highways Issues

- 6.7 Both pedestrian and vehicular access into the development will be achieved through the residential development to the north and the details of the intersection of the new cul-de-sac with the public highway have been approved as part of the earlier planning permission for the replacement school. Therefore there are no highway safety issues associated with the present application.
- 6.8 However to ensure that the new section private drive is constructed to a satisfactory standard the Traffic Manager has suggested the imposition of standard conditions, which are duly recommended.

Revised Layout

- 6.9 The proposed revisions to the layout of plots 7 and 8 are considered to be very modest in scale, and will not give rise to any harm to the visual or residential amenity of the wider locality. More specifically the resultant development is considered to be indistinguishable in terms of impact from the extant planning permission approved by the Central Area Planning Sub-Committee in February 2007.

Planning Obligation

- 6.10 The applicant has agreed to a range of Section 106 contributions, in accordance with the adopted Planning Obligations SPD.
- 6.11 In summary the contributions are £3440 to provide sustainable transport infrastructure, £5002 towards enhanced educational infrastructure, £4844 to provide enhanced formal or informal recreational or public open space and £270 for the services of a Council Planning Obligation Monitoring Officer.

Conclusion

- 6.12 Overall the proposal, together with the proposed Section 106 contributions, complies with the relevant development plan policies and as such, approval is recommended.

RECOMMENDATION

The Legal Practice Manger be authorised to complete a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) covering the matters detailed in the Heads of Terms appended to this report and any additional matters that he considers necessary and appropriate.

Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission 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. **B04 (Amendment to existing permission) (DCCW2008/0012/F) (26 February 2008).**

Reason: For the avoidance of doubt and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

3. **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.

4. **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.

5. **F16 (No new windows in specified elevation).**

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

6. **G02 (Retention of trees and hedgerows).**

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.

7. **G03 (Retention of existing trees/hedgerows).**

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

8. **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.

9. 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.

10. 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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

11. 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.

12. L01 (Foul/surface water drainage).

Reason: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.

13. L02 (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 so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

Informatives:

- 1. N01 - Access for all.
- 2. N02 - Section 106 Obligation.
- 3. N11C – General.
- 4. N19 - Avoidance of doubt - Approved Plans.
- 5. N15 - Reason(s) for the Grant of PP/LBC/CAC.

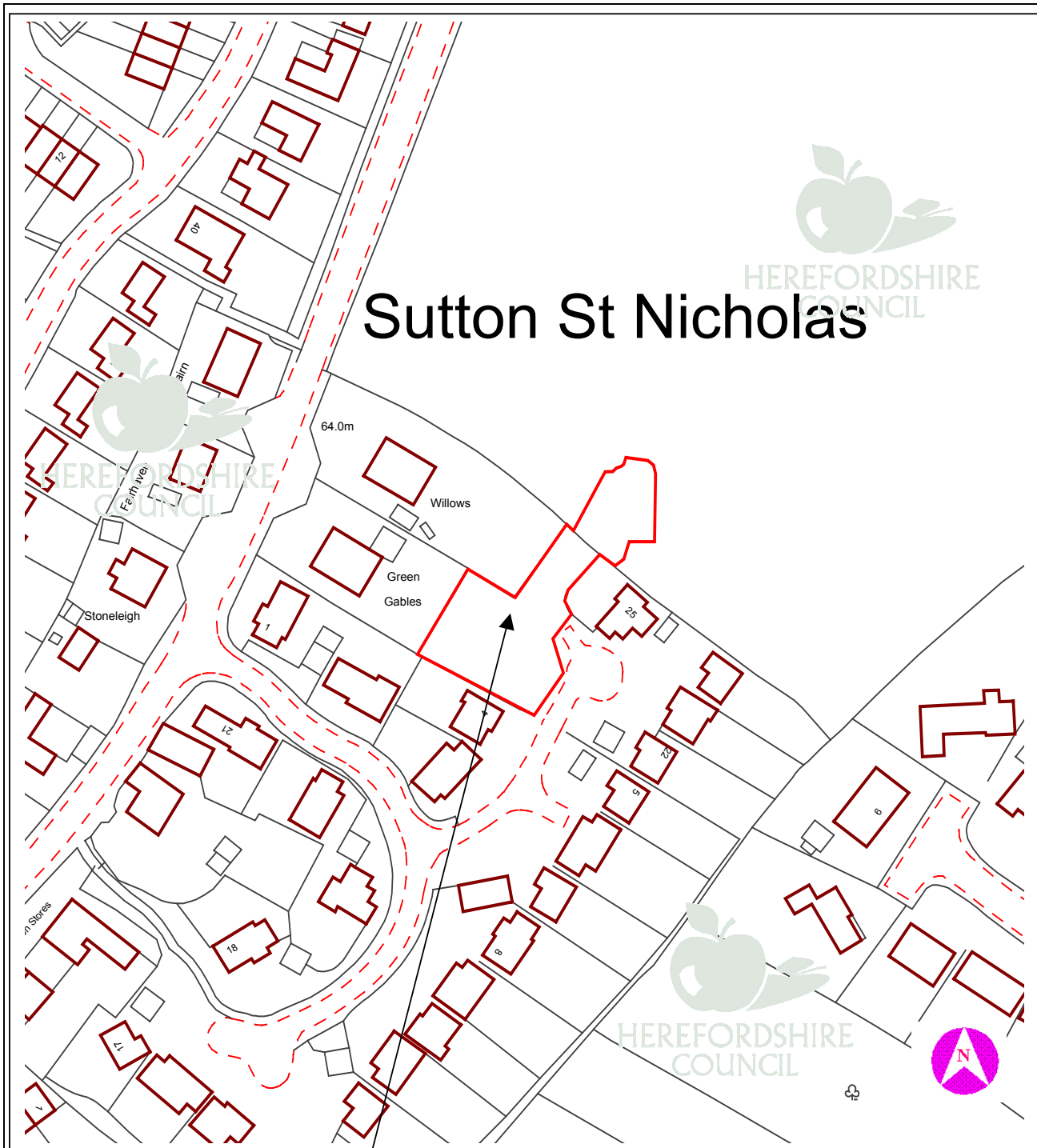
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2008/1271/F

SCALE : 1 : 1250

SITE ADDRESS : Land at Green Gables, Sutton St. Nicholas, Hereford, Herefordshire, HR1 3AZ

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

Planning Application DCCW2008/1271/F
Erection of a detached house on land at Green Gables,
Sutton St Nicholas, Herefordshire, HR1 3AZ

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £3440 to provide sustainable transport infrastructure. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a. Pedestrian improvements
 - b. Improvements to bus provision/passenger waiting facilities.
 - c. Contribution to safe routes to schools.
 - d. Safer/improved cycling routes
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £5002 to provide enhanced educational infrastructure. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £4844 to provide enhanced formal or informal recreational or public open space. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £241 towards the provision of enhanced Library facilities. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £270 as a 2% surcharge fee for the services of a Council Planning Obligation Monitoring Officer. The sum shall be paid on or before the commencement of the development.
6. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3 and 4 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
7. The sums referred to in paragraphs 1, 2, 3 and 4 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
8. 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.
9. The developer shall complete the Agreement by (a date to be agreed) otherwise the application will be registered as deemed refused.

PETER CLASBY
SENIOR PLANNING OFFICER
17 July 2008