

12 DCNC2008/2286/F - PROPOSED NEW DWELLING AT THE OLD FORGE, PENCOMBE, BROMYARD, HEREFORDSHIRE, HR7 4SH.**For: Mr C. Probert, Plough Farm, Ford Street, Wigmore, Leominster, Herefordshire, HR6 9UW.****Date Received: 2 September 2008****Ward: Bromyard****Grid Ref: 60016, 52739****Expiry Date: 28 October 2008**

Local Members: Councillors B Hunt and A Seldon

1. Site Description and Proposal

- 1.1 The application site lies within the centre of the village of Pencombe, which is classified as a smaller settlement under Policy H6 of the Herefordshire Unitary Development Plan 2007. It lies opposite the church which occupies a prominent raised position at the centre of the village. Dwellings are arranged in an arc on the opposite side of the road and The Old Forge is one of the older properties in the locality, those immediately adjacent being modern bungalows.
- 1.2 The Old Forge and is a detached 17th century cottage that has been extensively altered over a period of many years. Originally a timber framed cottage it has been re-fronted with red brick and as such, the timber frame is only visible on one gable end (west) and to the rear of the house. Planning permission has recently been granted for the removal of a flat roofed extension attached to the side elevation to be replaced by a two storey addition to the rear.
- 1.3 The property benefits from a large garden to the side and rear, and access and parking to the north west of the house. This area slopes very steeply down by over 8 metres to a stream that forms the southern boundary of the site. On the opposite bank is a public footpath that emerges onto the road to the east of The Old Forge. Immediately beyond the footpath is a dense band of mature trees and vegetation with dwellings beyond.
- 1.4 The garden has been terraced to take account of the slope and the land is currently retained by a series of low stone walls.
- 1.5 The application is for the erection of a single dwelling and associated access and parking area on the area of land immediately to the west of The Old Forge.
- 1.6 The plans show a split-level dwelling, single storey at the front (roadside) and two storey to the rear. They indicate the use of a combination of brick, render and timber boarding with a slate roof.
- 1.7 From the front the dwelling has a very simple appearance. An open fronted car port is included and, with a door and two small windows only, combined with its height of 4.5 metres, it has the appearance of an outbuilding associated with The Old Forge.

- 1.8 The application includes a design and access statement and a Heads of Terms Agreement in accordance with the Council's Planning Obligations Supplementary Planning Guidance.
- 1.9 In addition information has been submitted in relation to the soil profile of the site and an assessment made of whether landslip is likely to occur as a result of this proposal being approved and constructed. It concludes that there can be very little possibility of landslip occurring due to the geology of the local area.

2. Policies

2.1 Herefordshire Unitary Development Plan

DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
H6	-	Housing in smaller settlements
H13	-	Sustainable residential design
T6	-	Walking
T8	-	Road hierarchy
HBA4	-	Setting of listed buildings

3. Planning History

- 3.1 DCNC2008/1494/F - Erection of a new dwelling - Withdrawn
- 3.2 DCNC2008/1495/F - Refurbishment of house and two storey extension - Approved

4. Consultation Summary

Statutory Consultations

- 4.1 None required

Internal Council Advice

- 4.2 Transportation Manager - No objection subject to the imposition of conditions and contributions as per Planning Obligations Supplementary Planning Document.
- 4.3 Public Rights of Way Manager - The proposed erection of a new dwelling would not appear to affect public footpath PG2, which passes along the outside of the south boundary of the site. The path from opposite the church leading down to the footbridge is an Unclassified County Road (U66019), and the comments of my colleagues in Highways & Transportation should be sought with regard to any impact on the unclassified road.

I understand that concern has been expressed locally about the possibility of landslip arising from the additional weight of the development on the slope above the unclassified road and footpath.

The planning authority will need to satisfy itself that there is no danger of landslip onto the PROW below as a consequence of the development. A suitable engineer's report is probably the best solution, and this should perhaps be passed to Martin Jackson, Construction Projects Team Leader, Highways for assessment.

There will be an impact on the visual amenity of the view from the footbridge towards the church from this path, that may bring it into conflict with UDP Policy T6.

I would also be grateful for any condition that protects the existing location and integrity of the boundaries on the south and east boundaries of this site so that the width of the footpath, and the UCR used as a footpath are not compromised in any way.

- 4.4 Constructions Projects Team Leader – Highways - I agree with the conclusion of the engineers report. There is very little possibility of a land slip from the retaining walls. In addition, from inspection of the height of the wall, design calculations will not be required.
- 4.5 Conservation Manager - The revised design is more responsive to the topography of the site, and although the building is of two storeys, the single storey street elevation is more deferential to The Old Forge and compatible with the scale of the 20th Century bungalows to the west. The dominance of the vehicular parking and circulation area is less than ideal but it is accepted that highway safety issues require all manoeuvring space to be within the site, and the introduction of a low boundary wall will screen this to some extent.

Therefore no objection is raised subject to conditions relating to external materials and joinery details.

- 4.6 Manager of Accommodation and Forward Planning - The educational facilities provided for this development site are Bromyard Early Years, Pencombe CE Primary School, Queen Elizabeth Humanities College and Bromyard Youth Service.

The Childcare Sufficiency Assessment highlights that 6% of parents are unable to seek work and 19% unable to take a better job due to childcare issues. Early mornings and evening were highlighted as gaps in childcare as is shift pattern timing.

Pencombe CE Primary School has a planned admission number of 8. As at the Summer Census 2008 the school had 3 Year groups over capacity (Year R - 9, Year 1 - 9 and Year 2 - 9).

Queen Elizabeth Humanities College has a planned admission number of 100. As at the Summer Census 2008 the school had spare capacity in all year groups.

Within Bromyard the library/info centre is used as a 'youth centre', however, this only provides a basic service. Bromyard Youth Service would like to expand its youth facilities to encourage more youth to attend.

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 Pencombe CE Primary 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 that would go towards the inclusion of all additional children generated by this development. The Children and Young People contribution for this development would be as follows:

1 x three bed houses	£4,900
MINUS Secondary element	£1,968
PLUS 1% SEN	£ 19
TOTAL:	£2,951

Although there is currently surplus capacity with the catchment secondary school and therefore we are unable to ask for a full contribution as indicated in the SPD towards this element please note that 1% of this contribution will go towards Special Educational Needs provision within the Local Authority maintained Special Schools and therefore we would still be seeking this 1% contribution.

5. Representations

- 5.1 Pencombe Parish Council - It is not clear from the plans where the proposed low wall is to be constructed in relationship to the existing footpath. Residents are anxious that this footpath does not disappear into the proposed construction, and might in fact, provide an opportunity to improve the footpath facility.
- 5.2 Welsh Water - Raise no objection subject to the imposition of conditions requiring foul and surface water be drained separately from the site and that surface water should not be allowed to connect to the public sewerage system.
- 5.3 Four letters of objection have been received from the following:

Mr & Mrs Jeffrey, Folly Bank, Pencombe
 Mr & Mrs Rushgrove, Shilo, Pencombe
 Mr & Mrs Haner, Causeway Cottage, Pencombe
 Wall, James & Davies Solicitors on behalf of Mr GA Roxburgh (no address given)

In summary the points raised are as follows:

- Large expanse of vehicle parking and turning area and the location of the dustbin store are detrimental to the character and appearance of the area.
 - Insufficient detail about the height of the dwelling in relation to The Old Forge and Curlews Rise.
 - The proposal will be detrimental to the setting of the church.
 - Concern about the position of the low wall adjacent to the road and the loss of the footway that results.
 - Potential that the land will subside and block the watercourse and footpath to the south if the development is approved.
 - Flooding problems elsewhere in the village will be exacerbated by the development.
 - The proposal will result in overlooking of properties to the south.
- 5.4 A 102 signature petition has also been received. It supports the suggestion that the footpath to the east of The Old Forge should be continued, across both its frontage and that of the application site, otherwise the development will make the road more dangerous for pedestrians, the disabled and cyclists.

5.5 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 In order to establish whether the proposal is acceptable as a matter of principle it is first necessary to assess it against Policy H6 of the Unitary Development Plan. It applies three tests that:

- Limit the habitable living space to 90 square metres
- Require the plot size to be a maximum of 350 square metres.
- The infill gap is no more than 30 metres frontage.

6.2 The proposal is actually for a two bed dwelling, but the 90 square metres applies and is complied with as the habitable living area amounts to approximately 80 square metres.

6.3 Excluding part of the parking area and access, which also provides for The Old Forge, the plot size amounts to 340 square metres.

6.4 The distance between the flank walls of The Old Forge and Curlews Rise is 19 metres.

6.5 The proposal therefore complies with Policy H6 and therefore it falls to be considered against other policies relating to design, impact on the surrounding area and highway safety, and any other material planning considerations that are deemed to be relevant.

6.6 Design

It is accepted in some of the objection letters that the proposal represents an improvement over the previously submitted scheme in terms of its appearance and provision of vehicular access and parking. This is endorsed in the comments from both the Transportation and Conservation Managers respectively. The simple design is subservient to The Old Forge and is considered to be of a higher quality than much of the surrounding development, most notably the modern bungalows to both the east and west of the application site that do very little to enhance the setting of the Grade II listed church or The Old Forge itself. Nevertheless, the former occupies a prominent elevated position and is very much the dominant building in the village, being clearly visible from approaches to the south and west.

The proposal is therefore considered to comply with the relevant policies both in terms of its impact and relationship with the local area and in respect of its impact on the setting of the church.

6.7 Highway Safety

The main focus of the comments in relation to this aspect of the proposal have been made with regard to a narrow strip of land across the frontage of both The Old Forge and the application site itself. It measures 0.5 metres at its widest point and is curtailed at the western boundary of the site where there is no footpath at all. However, it is not considered to be a public footpath and does not form part of the public highway. Beyond The Old Forge to the east is a footpath and this does form part of the public highway.

There is no potential for the footpath to be widened in front of The Old Forge either with or without the agreement of the applicant as there is insufficient space to achieve it. Whilst the narrow strip of land might provide a very limited degree of refuge for pedestrians it is not land that falls within the public highway and it is considered that a request to seek its retention is entirely unreasonable given this fact and that it would not be to any adoptable standard. Traffic movements are very slow through this part of the village and there is no evidence to suggest that this strip of land is essential to ensure the continued safety of pedestrians.

6.8 Potential for Land Subsidence

This matter has been investigated and addressed through a report from a Civil Engineer. It concludes that there is very little likelihood of subsidence due to the local geological conditions. Its findings have been confirmed as acceptable by one of the Council's Construction Engineers.

6.9 Increased Flood Risk

The proposal will introduce some new hard surfaces to the area that may increase discharge to the watercourse to the south of the application site. However this can be minimised by ensuring that the vehicle parking and turning area to the front of the proposed dwelling is constructed with a permeable material in order that rainwater can percolate through into the ground as it does at present. This could be reasonably required by condition. Therefore the only new hard surface would be the roof of the dwelling and this is not considered to be so significant in terms of the additional volumes of rainwater that it would generate. Nevertheless, a condition requiring details of a surface water attenuation scheme to be submitted is recommended should planning permission be forthcoming.

6.10 Amenity Issues

One letter of objection raises the issue of overlooking. The property in question lies over 40 metres to the south of proposed dwelling, behind the watercourse and a band of mature trees and vegetation. The distance between the two, allied with the trees means that there will be no demonstrable loss of privacy to the property. Similarly, due to the position of the proposed dwelling in relation to The Old Forge and Curlews Rise, there will be no demonstrable harm to the residential amenity of either dwelling.

It is therefore concluded that the proposal fully accords with the relevant policies. It meets the criteria for dwellings in smaller settlements outlined by Policy H6 and its design is appropriate within the locality. The concerns raised about land subsidence, highway safety, flood risk and amenity issues have been considered but do not represent such significant material planning considerations to withhold permission. The applicant has submitted a Draft heads of Terms Agreement as part of the application and this is appended to the report. It is therefore recommended that the application be approved.

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 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

3 D05 (Details of external joinery finishes)

Reason 1: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 [and HBA3] of Herefordshire Unitary Development Plan.

Reason 2: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the architectural or historic interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan

4 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.

5 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.

6 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

7 H29 (Secure covered cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

8 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.

9 I21 (Scheme of surface water regulation)

Reason: To prevent the increased risk of flooding and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

10 I43 (No burning of material/substances)

Reason: To safeguard residential amenity and prevent pollution and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

11 F14 (Removal of permitted development rights)

Reason: For new houses - 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.

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.

14 L03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

15 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.

16 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.

INFORMATIVES:

1 N15 - Reason(s) for the Grant of PP/LBC/CAC

2 N19 - Avoidance of doubt - Approved Plans

3 HN01 - Mud on highway

4 HN04 - Private apparatus within highway

- 5 HN05 - Works within the highway
- 6 HN22 - Works adjoining highway
- 7 HN28 - Highways Design Guide and Specification

Decision:

Notes:

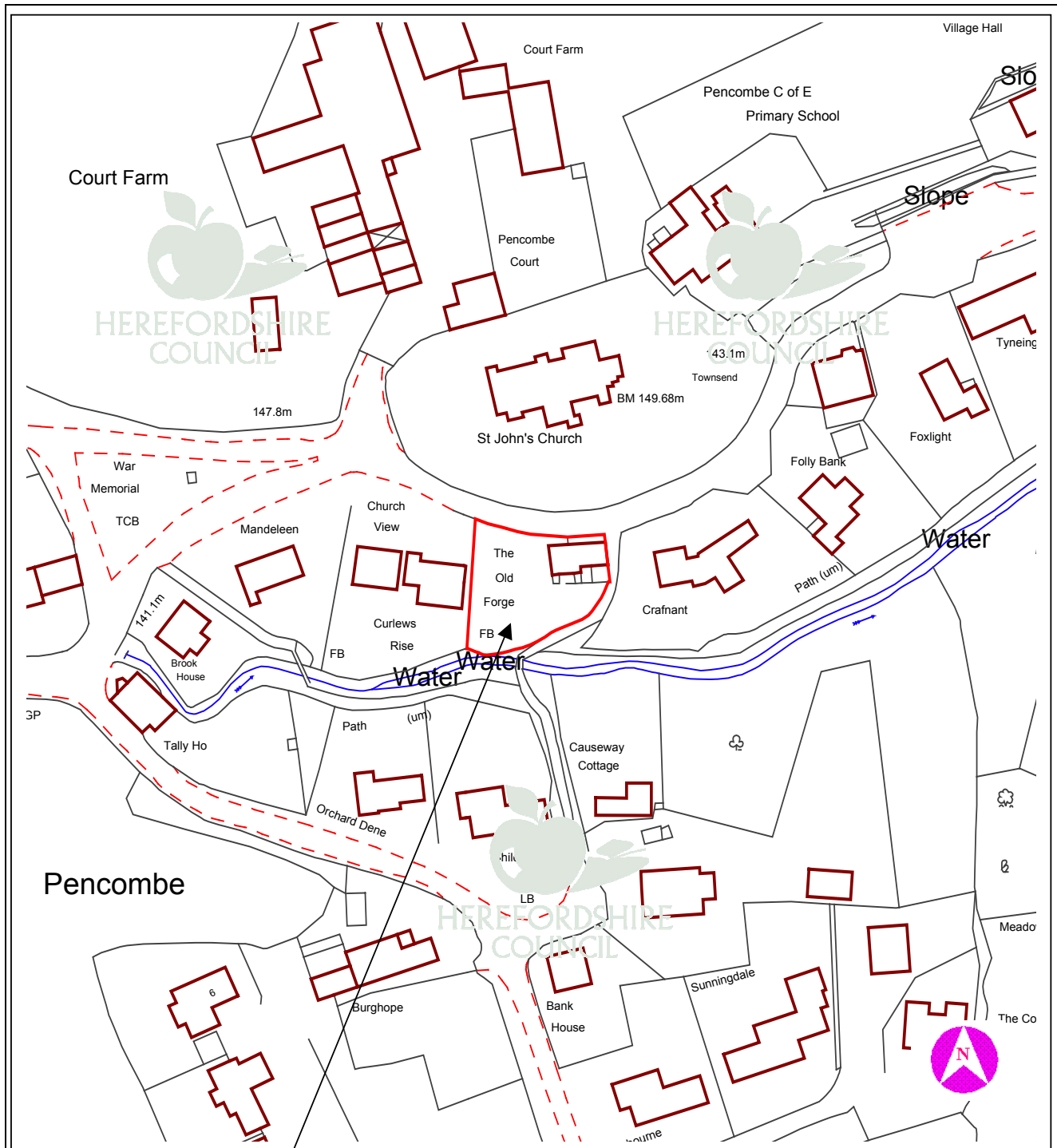
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Background Papers

Internal departmental consultation replies.

Heads of Terms Agreement**Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990
Planning Application DCNC/2008/2286/F
Proposed two bed dwelling at The Old Forge, Pencombe**

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £2458 for off site highway works and improved public and sustainable transport infrastructure to serve the development (which are not Section 278 works i.e. essential to facilitate development).
2. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes: (This list is not in any order of priority)
 - a) Traffic calming measures in the area
 - b) Improved bus shelters/ stops in the locality of the application site
 - c) Safe Routes for Schools
 - d) Improve lighting and signage to existing highway/ pedestrian and cycle routes leading to the site
 - e) Improved pedestrian and cyclist crossing facilities in the area
 - f) Improvements to public transport services
 - g) Any other purpose falling within the criteria defined in 2 above
3. The developer covenants with Herefordshire Council, in lieu of the provision of open space on the land to serve the development, to pay Herefordshire Council the sum of £235.
4. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) To improve the quality and accessibility of the more natural and semi natural green space and recreational rights of way in the vicinity of the site.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £496 (In accordance with the Sport England Sport Facility Calculator) for improvements to local facilities within the catchment area of the site.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £2951 to provide enhanced educational infrastructure/ facilities for the nursery, primary, secondary, post 16, youth service and schools within the special educational needs sector lying within the catchment area of the site.
7. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £146 to provide additional library books for the library facilities within the catchment area of the site.
8. The developer covenants with Herefordshire council to pay Herefordshire council the sum of £126 as a 2% surcharge fee for monitoring of the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
9. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 3, 5, 6, 7 and 8 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.
10. All of the financial contributions shall be linked and paid on or before commencement of the residential development unless otherwise agreed in writing with Herefordshire Council.
11. 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 administrative completion of the Agreement.
12. The developer shall complete the agreement by (three months after the date of determination) otherwise the application will be registered and deemed refused.



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APPLICATION NO: DCNC2008/2286/F

SCALE : 1 : 1250

SITE ADDRESS : The Old Forge, -, Pencombe, Bromyard, Herefordshire, HR7 4SH

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