

5 DCNC2008/2213/F - PROPOSED ERECTION OF THREE BUNGALOWS AND ASSOCIATED PARKING SPACES. LAND AT JUNCTION OF WINSLOW ROAD AND DAMSON TREE CLOSE, BROMYARD, HEREFORDSHIRE, HR7 4UQ.

For: Wall, James & Davies, 15-23 Hagley Road, Stourbridge, West Midlands, DY8 1QW.

Date Received: 26 August 2008

Ward: Bromyard

Grid Ref: 64509, 54632

Expiry Date: 21 October 2008

Local Member: Councillors B Hunt and A Seldon

1. Site Description and Proposal

- 1.1 The application site lies within an established residential housing estate, situated west of the town centre of Bromyard and is located within the settlement boundary as defined within policy H1 of the Herefordshire Unitary Development Plan.
- 1.2 The site comprises of a vacant area of land, sited on the corner of Winslow Road and Damson Tree Close, and has previously had the benefit of planning permission for a large detached bungalow (Planning reference DCNC2002/3128/F), although this has now lapsed.
- 1.3 The proposal is a resubmission of a similar withdrawn proposal (DCNC2007/2994/F) and seeks planning permission to construct a terrace of three bungalows, with parking to the front and private rear gardens. These comprise of two one-bedroom dwellings and one two-bed dwelling, and would be constructed using bricks and will have a tiled roof.
- 1.4 The application includes a design and access statement and a draft Heads of Terms Agreement in accordance with the Council's Supplementary Planning Guidance on Planning Obligations.
- 1.5 In addition, a drainage study including a soil infiltration survey has been carried out by 'Sutton Surveys' and submitted to show how a sustainable urban drainage system, combined with adequate compensation to foul water flows can be achieved on the site. This has been carried out following previous concerns in respect of comments from Welsh Water.

2. Policies

Herefordshire Unitary Development Plan

DR1	-	Design
DR3	-	Movement
DR6	-	Water resources
H1	-	Hereford and the market towns: settlement boundaries and established residential areas

H13 - Sustainable residential design

3. Planning History

DCNC2007/2994/F - 2 No. one bedroom, and 1 No. two bed dwelling: Withdrawn
DCNC2002/3128/F - Proposed bungalow: Approved
MH94/1668 - Erection of detached bungalow & garage: approved
MH93/1053 - Erection of 13 dwellings: Approved

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water - Objection to the development as it would overload the existing public sewerage system. No improvements are planned within Dwr Cymru Welsh Water's Capital Investment Programme and therefore any development prior to the improvements being undertaken would be premature.

Internal Council Advice

- 4.2 Transportation - No objection subject to conditions
- 4.3 Building Control - Sustainable drainage system and compensation measures are appropriate and not considered to pose any real impact upon existing sewerage system.

5. Representations

- 5.1 Bromyard and Winslow - Objection to the development on the basis that:
- It would constitute over-development of the site
 - It is not in keeping with the surrounding development
 - The soak-away does not support the development
 - There will be additional strain on the already over-stretched sewerage system in Bromyard
- 5.2 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 Principle of development

The site lies within an established residential estate and is located within the settlement boundary of Bromyard, (As defined within Policy H1 of the Herefordshire Unitary Development Plan) where there is a presumption in favour of residential development.

The site has also benefited from previous planning permissions from 1993 to as recent as 2002, and as such, there appears to be no objection in principle to the proposal and therefore it falls to be considered against other policies in respect of scale and design, and the impact on the locality.

6.2 Design

Whilst this site occupies a very small parcel of land within a very large housing estate, where there is much variety in the scale and design of properties; within this immediate locality, the surrounding properties are predominantly single storey dwellings. In addition it is noted that immediately north of the site, there is an existing terrace of three bungalows, which are of similar proportions to those proposed and which appear to share a similar sized plot.

Although the dwellings are compact, they provide for a reasonable standard of living accommodation with all rooms being independent, and each having access to a private rear garden. On site car parking for two cars is provided for each dwelling with secure cycle storage, which the transportation officer is satisfied with in respect of satisfying the relevant highway design and safety standards.

The development proposes to use brick with a tiled roof, and a condition will be recommended to ensure that prior approval be given for materials and landscaping on site. As such, it is my opinion that the development provides for sustainable residential design and will in time harmonise with the locality. The proposal is therefore considered to comply with the relevant policies both in terms of its design and its impact and relationship with the local area.

6.3 Drainage/Sewerage

One of the main issues to be satisfied is in respect of the impact that the development will have on the public sewerage system. It is clear from the response received from Welsh Water in respect of this application and others before it that the existing public sewerage system is under strain; a situation that is also acknowledged within the Parish Council's response.

The applicant in an attempt to overcome this issue, has undertaken a drainage assessment of the site which includes recommendations for a soak-away to be constructed, allowing all impermeable surfaces proposed for the development to be surface water drained to a soak-away, which will be constructed across the rear gardens of the bungalows. A recommendation is also made to include 'compensation' measures to be taken in respect of a bungalow to the north of the site, (also within the applicants ownership) whereby part of an existing paved area will be disconnected from the foul sewer and diverted to this soak-away, thus reducing the impact upon the public sewerage system.

The only indirect/direct connection to be made to the public sewerage system therefore will be in respect of the foul-water flow from the development. Given that this is a development of three small bungalows with a total of four bedrooms, the foul-water flow arising from these properties will be relatively low level. Welsh Water's objection the developer has a right to request a connection to the Sewage Treatment Works, there may be a cost involved but that is a matter between the development and Welsh Water. It is my opinion therefore that provided that an adequate planning condition is recommended to ensure that the proposed drainage arrangements are carried out as detailed in the application, that the development would not present such a significant impact upon the public sewerage system such as to warrant a refusal.

6.4 Amenity Issues

The Council have received no objections against this proposal on these grounds, and it is my opinion, given the location of the site and orientation of the properties that the development would not pose any risk to neighbouring residential amenity. The properties are sufficiently distanced from the surrounding dwellings and there will be no risk of overlooking or loss of privacy caused by the development.

In conclusion, the proposal fully accords with the criteria of the relevant policies and whilst the main consideration has been given to the concerns raised in respect of the impact upon the public sewerage system, it does not appear to represent such a significant harm, such as to withhold a planning permission. As such, a conditional approval is recommended.

A draft Heads of Terms agreement has been submitted as part of this application and is appended to this report.

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 B01 (Development in accordance with the approved plans)

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with 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 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.

6 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.

7 H11 (Parking - estate development (more than one 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.

8 H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

9 None of the dwellings shall be occupied until works for the disposal of sewage and surface water have been provided on the site to serve the development hereby permitted, in accordance with the approved drainage details and plans date stamped 26th August 2008.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

10. No development shall commence until the developer has secured the necessary right/ permission to connect the foul water system from the development to the mains connection of the Sewage Treatment Works. Written confirmation of this shall be provided to the local planning authority in advance of commencement of works on site.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy DR4 of the Herefordshire Unitary Development Plan 2007

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 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.

13 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.

14 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 Planning Permission**
- 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 HN10 - No drainage to discharge to highway**
- 7 HN28 - Highways Design Guide and Specification**

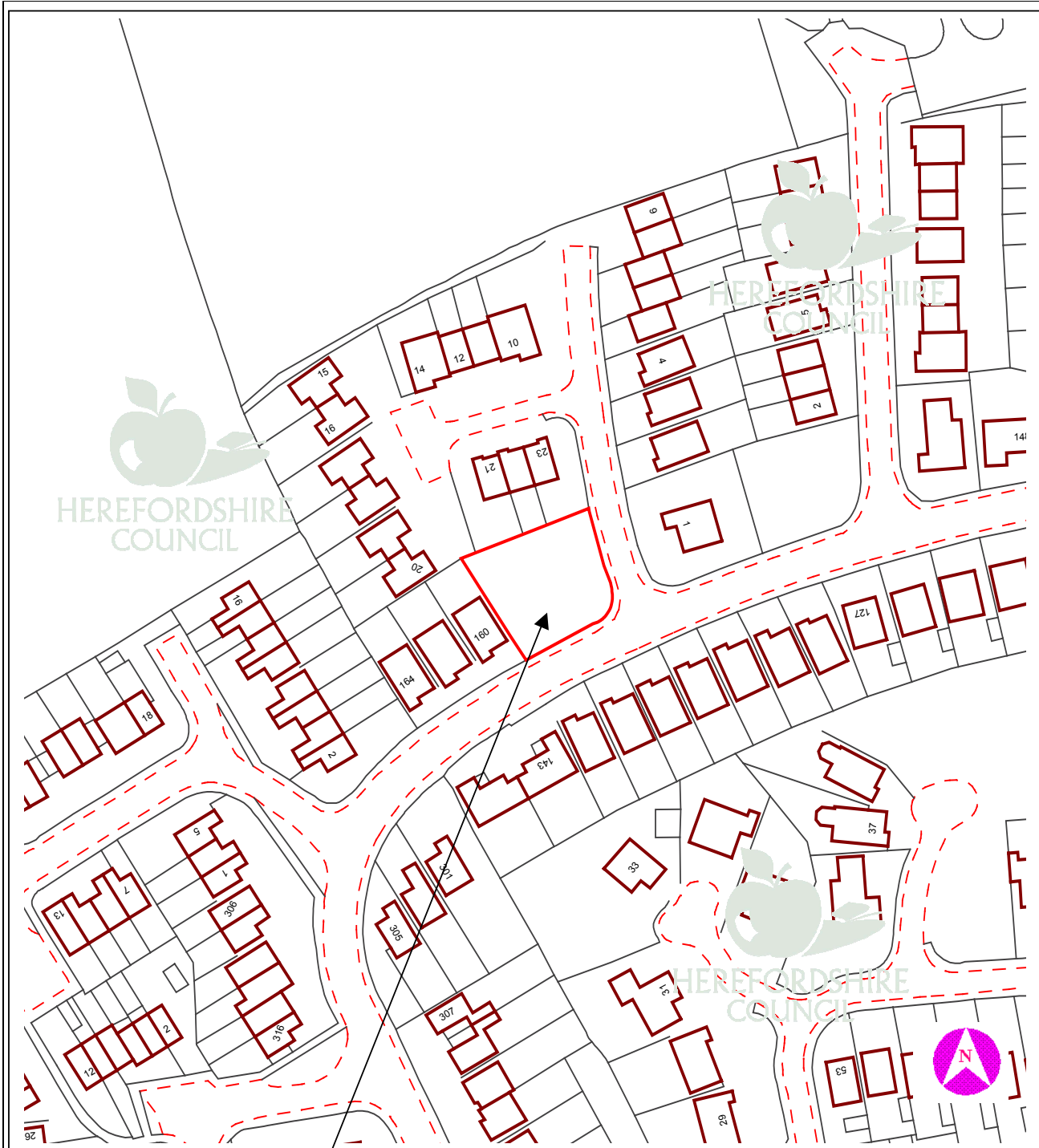
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2008/2213/F

SCALE : 1 : 1250

SITE ADDRESS : Land at junction of Winslow Road and Damson Tree Close, Bromyard, Herefordshire, HR7 4UQ.

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DRAFT HEADS OF TERMS**Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990****Planning Application DCNC2008/ 2213/F
Proposed 3 No. Bungalows and parking spaces**

1. 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 £621 which sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for improvements to the quality/ accessibility of the more formal green space in Bromyard. Priorities to spend will be identified through local consultation. The monies may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £1314 (in accordance with the Sport England Sport Facility calculator) for improvements to be paid on or before the commencement of the residential 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 £2951 to provide education improvements to Bromyard Early Years, St Peters Primary School and Bromyard Youth Service. This sum shall be paid on or before the commencement of development.
4. The development covenants with Herefordshire Council, to pay Herefordshire Council the sum of £5325 to provide sustainable transport measures in Bromyard. The sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Pedestrian access improvements near the development and within Bromyard
 - b) Improvements to bus provision/ passenger waiting facilities
 - c) Improvements to safe routes to local schools etc.
 - d) Contributions to safe routes to schools
 - e) Funding for Sustainable Transport Officers
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £386 to provide improved library facilities in Bromyard. The sum shall be paid on or before the commencement of development.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £210 as a 2% surcharge fee for the monitoring of the planning obligation. The sum shall be paid on or before the commencement of development.
7. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3, 4, 5, and 6 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.
8. The sums referred to in paragraphs 1, 2, 3, 4, 5, and 6 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.
9. 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.
10. The developer shall complete the agreement by 17th March 2009 otherwise the application will be registered as deemed refused.