

12 DCCE2009/0062/O - ERECTION OF DETACHED HOUSE AND GARAGE. ORCHARD END, 9 BROADLANDS LANE, HEREFORD, HEREFORDSHIRE, HR1 1HZ**For: Mr Kelly, John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH****Date Received: 8 January 2009 Ward: Aylestone Grid Ref: 52366, 40946****Expiry Date: 5 March 2009**

Local Member: Councillor NL Vaughan and DB Wilcox

1. Site Description and Proposal

- 1.1 The application site is located within a residential area to the north of Broadlands Lane. It presently contains a two-storey red brick property known as 'Orchards End' and has a substantial garden with mature boundary hedges. The site is accessed via a shared private drive with no.7 Broadlands Lane. Broadlands Lane is an unclassified road, which serves a number of properties as well as Aylestone High School, which is accessed via a roundabout at the eastern end of the lane.
- 1.2 The application proposes a two storey detached dwelling with garage within the curtilage of 'Orchard End'. The planning application is in outline form with all matters reserved with the exception of the means of access. The proposed dwelling would sit adjacent to the existing dwelling with access to the provided via the existing access shared with no. 7 Broadlands Lane. A new access directly off Broadlands Lane is proposed to serve the existing 'Orchard End', but this does not form part of this application. The design and access statement submitted with the application has indicated that the proposed dwelling will provide 3 bedrooms.

2. Policies

S1	-	Sustainable Development
S3	-	Housing
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR5	-	Planning Obligations
DR7	-	Flood Risk
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H13	-	Sustainable residential design
H16	-	Car Parking
T11	-	Parking Provision

3. Planning History

- 3.1 None.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water raises no objection to the application.

Internal Council Advice

- 4.2 The Transportation Manager raises no objections to the application. A financial contribution is sought for improvements to pedestrian/cycle facilities in the area, park & ride and Safe Routes to Schools.
- 4.3 The Education Manager has requested a financial contribution to provide enhanced educational infrastructure at North Hereford City Early Years, Broadlands Primary School, Aylestone Business and Enterprise College and Hereford City Youth Service with 1% allocated for Special Education Needs.
- 4.4 The Libraries Officer has requested a financial contribution for the enhancement of existing community services in Hereford City.

5. Representations

- 5.1 The City Council has no objection to the proposal.
- 5.2 Three letters of objection have been received from local residents who raise the following issues:
- a) Increase in traffic would cause issues with privacy to the surrounding dwellings and be unacceptable given the large volume of traffic, which already use Broadlands Lane.
 - b) The proposed dwelling would overlook No. 7 Broadlands Lane.
 - c) The construction of the new dwelling would cause an excessive nuisance to surrounding properties.
- 5.3 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 The issues for consideration in the appraisal of this application are as follows:
- a) The principle of development
 - b) Access and Highway Safety
 - c) Impact on neighbouring properties
 - d) Section 106 contributions and Draft Heads of Terms

Principle of Development

- 6.2 The application site is located within a defined Established Residential Area in the Herefordshire Unitary Development Plan (2007). In such locations residential development is, in principle, accepted provided criteria such as safe access, impact on neighbours and flooding are considered.

Access and Highway Safety

- 6.3 Although the planning application is in outline form, access has not been reserved and is for consideration with this application. In this respect the plans identify that the existing access that serves 'Orchard End' is proposed to serve the new dwelling, whilst a new access will be created to serve 'Orchard End'. This new access is shown to be east of the existing close to the roundabout. It should be noted that this new access falls under permitted development, as Broadlands Lane is an unclassified road. Consequently vehicle movements from the occupiers of the new dwelling, along with associated delivery vehicles will be no greater than that which exists with 'Orchard End'. Therefore it is not considered that the proposed dwelling would have an adverse impact on the residential amenity of the dwelling, greater than that which exists.
- 6.4 Policy DR3 in the Herefordshire Unitary Development Plan relates to movement. The policy requires development to provide a safe, convenient and attractive pattern of movement into, out of and across the site and incorporate adequate provision for vehicular access from the highway network without detriment to highway safety. The Traffic Manager has raised no objection to the proposal. The traffic the new dwelling will generate is not considered to be greater than that of 'Orchard End'. The existing access does not give rise to any highway safety issues. The proposed development is also not considered to cause any infringement to the amenity of residents in the vicinity. Broadlands Lane has high volumes of traffic due to Aylestone High School, and therefore it is not considered that the extra traffic and vehicular movements created by the development will be of detriment to highway safety.

Impact on neighbouring properties.

- 6.5 The indicated layout of the new dwelling shows that it is to be located approximately 2.5 metres from the boundary of the neighbouring property '7 Broadlands Lane'. However '7 Broadlands Lane' is situated 11 metres away from this boundary. The new dwelling will also be located 13 metres from '2 Home Cottages'. At these distances, it is considered that the impact of the proposed dwelling on the two neighbouring properties will not be of such significance as to warrant a refusal on amenity grounds.
- 6.6 The indicated layout of the new dwelling shows that the proposed dwelling will be approximately 2.5 meters from the existing dwelling on the site 'Orchard End'. The layout shows the proposed dwelling to be in line with 'Orchard End'. The west elevation of 'Orchard End' has no openings. It is not considered that unacceptable overlooking to any of the neighbouring properties would occur from the new dwelling given that windows in walls facing adjoining properties can be controlled. Both the new dwelling and 'Orchard End' will have substantial size gardens and parking in the resultant scheme.

Section 106 contributions and Draft Heads of Terms

- 6.7 A section 106 Heads of Terms is appended to this report in accordance with the adopted Supplementary Planning Document on Planning Obligations. The applicants are yet to agree to the heads of terms. This proposes financial contributions for off site community infrastructure to mitigate the direct impact of the development including contributions towards transportation, education, and public open space, sport and recreational facilities.

Conclusion

6.8 The site is located within an established residential area as identified within the Herefordshire Unitary Development Plan. The indicative plan indicates that an acceptable development can be undertaken without detrimental impact on the highway nor the residential amenity of neighbouring properties, therefore the proposal is considered to be acceptable and accord with the Development Plan.

RECOMMENDATION

That subject to the applicant's agreement to the Heads of Terms planning permission be granted subject to the following conditions:

1. **A02 (Time limit for submission of reserved matters (outline permission)).**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

2. **A03 (Time limit for commencement (outline permission)).**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. **A04 (Approval of reserved matters).**

Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with policy DR1 of the Herefordshire Unitary Development Plan.

4. **A05 (Plans and particulars of reserved matters).**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

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

Reason: In order to provide enhanced sustainable transport infrastructure, educational facilities and improved play space in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

6. **H06 (Vehicular access construction).**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

7. **H09 (Driveway gradient).**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

8. **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.

Informatives:

- 1. N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 2. N19 - Avoidance of doubt - Approved Plans.**

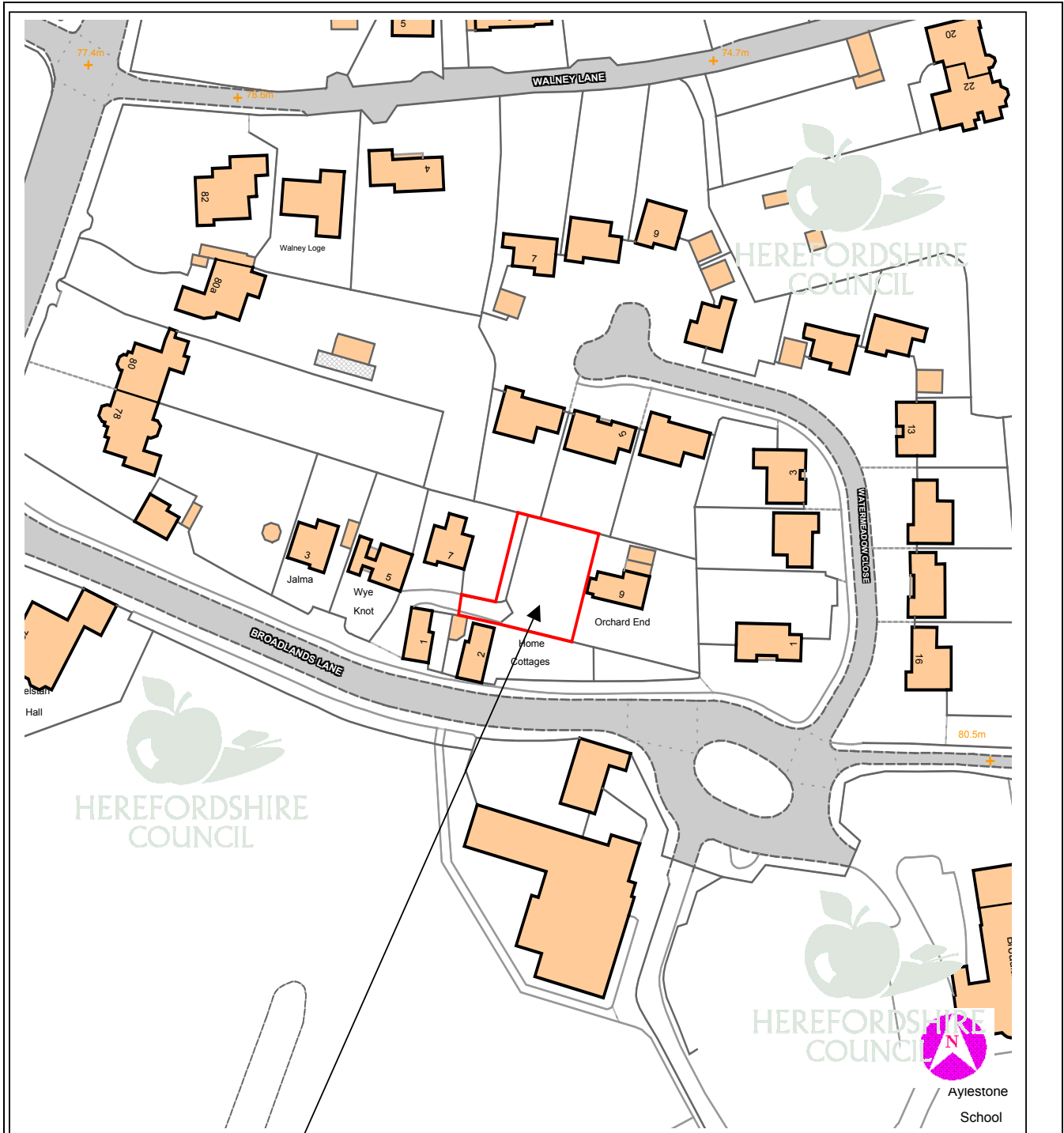
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2009/0062/O

SCALE : 1 : 1250

SITE ADDRESS : Orchard End, 9 Broadlands Lane, Hereford, Herefordshire, HR1 1HZ

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

Planning Application – DCCE2009/0062/O

Erection of detached house and garage

At – Orchards End, Broadlands Lane, Hereford, HR1 1HZ

1. The developer covenants with Herefordshire Council, in lieu of a deficit in the provision of play, sport and recreation facilities on site to serve the development to pay Herefordshire Council the sum of £672 (contributions based around the requirements of policy H19 of the UDP and Sports England's facilities calculator). Herefordshire Council shall use the contribution in consultation with local clubs and key stakeholders towards improving key facilities in Hereford.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £1,052, to provide enhanced educational infrastructure at North Hereford City Early Years, Broadlands Primary School, Aylestone Business and Enterprise College and Hereford City Youth Service with 1% allocated for Special Education Needs.
3. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £2,580 for off site highway works and improved sustainable transport infrastructure (excluding that required to facilitate the development i.e. new access arrangements). The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) North Hereford Park and Ride
 - b) Contribution to Safe Routes for Schools
 - c) Improved pedestrian and cyclist connectivity in the area
 - d) Improved pedestrian and cyclist crossing facilities.
4. 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 £317. The monies shall be used by Herefordshire Council to improve the quality and accessibility of the more formal green spaces in the vicinity of the development.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £198 towards the enhancement of existing community services in Hereford City.
6. In the event that Herefordshire Council does not for any reason use the said sum of clauses 1, 2, 3, 4 and 5 for the purposes specified in the agreement within 10 years of the date of this agreement, and unless otherwise agreed in writing with the Council, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
7. The developer converts with Herefordshire Council to pay Herefordshire Council an additional administration charge of 2% of the total contribution detailed in this Heads of Terms to be used towards the cost of monitoring and enforcing the Section 106 Agreement.

8. All of the financial contributions shall be Index linked from the date of the planning permission and paid on or before commencement of the residential development unless otherwise agreed with Herefordshire 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.

Rebecca Jenman
18 February 2009
