

5 DCCE0009/1417/O - PROPOSED ERECTION OF FOUR DWELLINGS. PATESHALL, HOLYWELL GUTTER LANE, HEREFORD, HEREFORDSHIRE, HR1 1XA

For: Mr. N. Nauth, Colin Goldsworthy MCIAT MaPS, 85 St Owens Street, Hereford, HR1 2JW

Date Received: 30 June 2009

Ward: Tupsley

Grid Ref: 53401, 39888

Expiry Date: 25 August 2009

Local Members: Councillors MD Lloyd-Hayes, AP Taylor and WJ Walling

1. Site Description and Proposal

- 1.1 The site is located on the eastern edge of Hereford City and lies immediately west of Holywell Gutter Lane which is designated a footpath HER47 and a bridle way. Bordering the south east boundary is public footpath HER62. Access is gained along Holywell Gutter Lane off Hampton Dene Road to the north. Immediately north west of the site is a detached property (1 Holywell Gutter Lane), east and beyond Holywell Gutter Lane is agricultural pasture land while south and south west of the site are school playing fields. Levels within the site are generally flat and the majority of the boundaries are enclosed by a mixture of mature trees and vegetation with several other orchard trees within the site. Located in the northern quarter of the site is the existing detached dwelling, Pateshall, which is two storey in height constructed from brick under a pitched hipped tiled roof.
- 1.2 Outline planning permission is sought for the construction of four detached dwellings, each with a detached double garage within the curtilage of Pateshall. The existing access is proposed to be used with a new adoptable turning head located within the site leading on to a private drive serving four properties beyond. The properties are orientated to front Holywell Gutter Lane with private gardens to the rear. The application is in outline form with layout and means of access to be considered under this application but the scale, appearance and landscaping of the site is to be considered at a future stage.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR5	-	Planning obligations
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
H2	-	Hereford and the market towns: housing and land allocation
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H15	-	Density

H16	-	Car parking
T6	-	Walking
NC1	-	Biodiversity and development
RST7	-	Promoted recreational routes
LA5	-	Protection of trees, woodlands and hedgerows

2.2 Planning Policy Statement 3 - Housing

2.3 Supplementary Planning Document - Planning obligations

3. Planning History

3.1 CE0009/1163/F - Two storey extension to dwelling. New garage and removal of outbuildings. Approved 16 July 2009.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water:

No objections subject to conditions on foul and surface water drainage.

4.2 Ramblers Association:

The development does not appear to have any impact upon the adjacent public right of way HER47.

4.3 Open Spaces Society:

It is unlawful to drive a motorised vehicle over any public footpath or bridleway unless the consent of the landowner(s) is obtained. The applicants should be satisfied that such consent exists. We further note that old hedging alongside the bridleway has already been removed and would question whether the intention is to achieve access from the site along the bridleway further to the south. The footpath along the southern boundary should also be retained.

Internal Council Advice

4.4 Traffic Manager:

As the proposals would represent a doubling of the number of properties served by the lane, a shared surface road 4.5m wide is required to accommodate the eight properties that would ultimately be served by Holywell Gutter Lane together with the bridleway users. The initial length of 10m needs to be wider to allow vehicles to turn in and clear Hampton Dene Road if a vehicle or bridleway user is waiting to exit.

The plan provided indicates that the widths required are only marginally achievable and would mean that the road would immediately abut boundary walls on the south side and trees on the north side, which will mean that the full width of 4.5m will not be usable.

I do not consider that the information and level of detail that has been provided confirms that an adequate access can be obtained within the available land to serve the development and that further work is required in this respect before I could recommend approval. It may well be that the means of access will require land acquisition from the property to the north to achieve a corridor of sufficient width to achieve a satisfactory access.

The access at present will be inadequate for the construction of the dwellings to be undertaken and therefore any widening would need to be undertaken before construction of the dwellings commenced. A condition would also be required to make up the lane upon completion of the construction of the dwellings, and for submission of proposals for accommodating users of the bridleway during construction.

If the access issue is overcome, the remainder of the proposals are acceptable and my recommendation would be for approval with conditions. Until such time as that issue is resolved, my recommendation would be for refusal on the grounds of inadequate access.

4.5 Public Rights of Way Manager:

Holywell Gutter Lane has bridleway status, is maintained to that standard and has a legal width of 5.5 metres. This should be taken into account when detailed plans are submitted. A site inspection as revealed that some hedgerow on the west side of the lane has already been removed and it is important there is no encroachment on to the right of way. No new vehicular access on to the bridleway will be supported other than what already exists. All drainage should also fall away from the bridleway.

4.6 Conservation Manager:

I visited the site on the 6 July 2009 and I have received the report by Clarke Webb Ecology Ltd dated May 2009. I note that in section 16 of the application form the applicant has identified trees as being a potential issue with regards to the development. A full tree survey does not appear to have been carried out.

I also note that an area of orchard planting on the site will need to be removed to accommodate plots 4 and 5. Orchards are an important resource for wildlife, they are both a local and UK BAP Priority habitat.

I am not satisfied that an adequate assessment of the site was undertaken regarding the proposed development, particularly with regards to the presence of reptiles on site and that further surveys at an appropriate time of year are required. There is also a lack of appropriate wildlife mitigation and enhancement identified in the proposal.

I am therefore unable to support this application at present. However if the application is to be pursued, potentially with houses at a lower density to avoid the loss of BAP Habitat these issues will need to be addressed.

5. Representations

5.1 Hereford City Council: No objection.

5.2 Hampton Bishop Parish Council: Comments awaited.

5.3 Five letters and e-mails of objection have been received. The main points raised are:

1. The development could give rise to another 16 cars on Holywell Gutter Lane which is a single track unadopted lane and bridleway.
2. Access onto Hampton Dene Road is at best difficult with school children and many parked cars in the locality and the development would exacerbate the situation.
3. The site is green belt and of environmental significance and the dwellings would effect the natural balance of the local environment.
4. The lane is heavily used by pedestrians, cyclists, dog walkers, school children and horse riders and any increased use of the lane would be hazardous.

5. The development will encroach on to Tupsley Ridge.
 6. Hampton Dene Road has previously been highlighted by the Council as a dangerous Road.
- 5.4 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 site falls within the settlement boundary for Hereford City where the principle of new residential development is acceptable. The site falling within the curtilage of the existing dwelling is also classified as brownfield land. Both the Unitary Development Plan policies and Government Guidance within Planning Policy Statement 3 support the principle of residential development within identified settlements particularly on brownfield land. As such, the principle of new residential development on the site is acceptable.
- 6.2 The site is level and relatively well screened from all directions by existing trees and vegetation. As such the increased development will have minimal visual impact within the wider area particularly with the retention of some of the existing trees as identified on the layout plan. The density of the development is very low by modern development standards but given the context of the site on the edge of the city and the general character of the immediate area, the density is considered appropriate for the site.
- 6.3 The Design and Access Statement indicates the dwellings to be four bedroom in size and two storey in height which will be compatible with the surrounding built development and the existing dwelling, which is to be retained on site. Each property would have adequate parking, garage and a generous garden. The layout with the properties primarily fronting Holywell Gutter Lane is also considered acceptable and will continue the general pattern of development in the area whilst also providing natural surveillance on Holywell Gutter Lane thereby increasing the safety and usability of the lane as a footpath and bridleway.
- 6.4 The objectors concerns are primarily centred around the increased vehicular traffic on Holywell Gutter Lane and the safety of the access on Hampton Dene Road. The applicants have provided a provisional plan identifying the widening of the access off Holywell Gutter Lane on to Hampton Dene Road to 5.5 metres for the first 10 metres. This will allow vehicles to enter and leave the site simultaneously. Holywell Gutter Lane is then proposed to be widened to between 4 and 4.5 metres up to the application site with a new adoptable turning head created within the existing entrance to the site. The Traffic Manager currently objects to the application but subject to the provision of a fully scaled plan demonstrating that these alterations can be achieved, this objection will be overcome.
- 6.5 The development will inevitably increase traffic on the section of Holywell Gutter Lane between Hampton Dene Road and the application site. However, it is considered the character and context of this section of Holywell Gutter Lane has already been changed by virtue of other development in the area, which now utilises the lane for vehicular access. Therefore, subject to the proposed changes detailed above being achievable, the increased usage of the access and Lane would not result in highway, pedestrian or equestrian safety being unacceptably compromised.
- 6.6 An ecological survey of the site has been carried out which did not reveal the presence of any protected species. However, the Conservation Manager has requested reptile surveys to be carried out which the applicant is currently facilitating. Part of the curtilage is also set out to informal orchard, which would be lost with the development. Orchards are a protected habitat under the Herefordshire and UK Biodiversity Action Plans and therefore the loss of

any orchard trees is unfortunate. The orchard could however be removed at any time and given its modest scale and location within private garden, it is not considered the loss of the fruit trees warrants refusal of the application. Notwithstanding this, the applicants are exploring opportunities for compensatory planting on land within the applicant's ownership.

- 6.7 The applicants have confirmed they propose to secure Reserved Matters planning permission and implement development within 12 months and therefore in line with the current relaxation of Section 106 policy, no Section 106 Agreement is required.
- 6.8 The principle of development along with the density and layout are considered acceptable and the proposed increased vehicular traffic will not pose an unacceptable danger to highway, pedestrian or equestrian safety subject to the improvements being achievable. Delegated authority is therefore sought to enable the Traffic Manager and Conservation Managers concerns to be addressed.

RECOMMENDATION

1. **Subject to the submission of a scaled plan demonstrating that the required alterations to the access and Holywell Gutter Lane can be achieved;**
2. **Subject to the Conservation Manager's requirements being satisfied with regard to additional ecological surveys,**

The officers named in the Scheme of Delegation to Officers be authorised to issue the planning permission subject to the following conditions and any additional conditions considered necessary by officers:

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. **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.

6. F15 (No windows in side elevation of extension).

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

7. 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.

8. G04 (Protection of trees/hedgerows that are to be retained).

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

9. G09 (Details of Boundary treatments).

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. I56 (Sustainable Homes Condition).

Reason: To promote the sustainability of the development hereby approved in accordance with Policies S1 and H13 of the Herefordshire Unitary Development Plan and PPS1 Supplement 'Planning and Climate Change'.

16. 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.

17. 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.

18. 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.

Informatives:

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

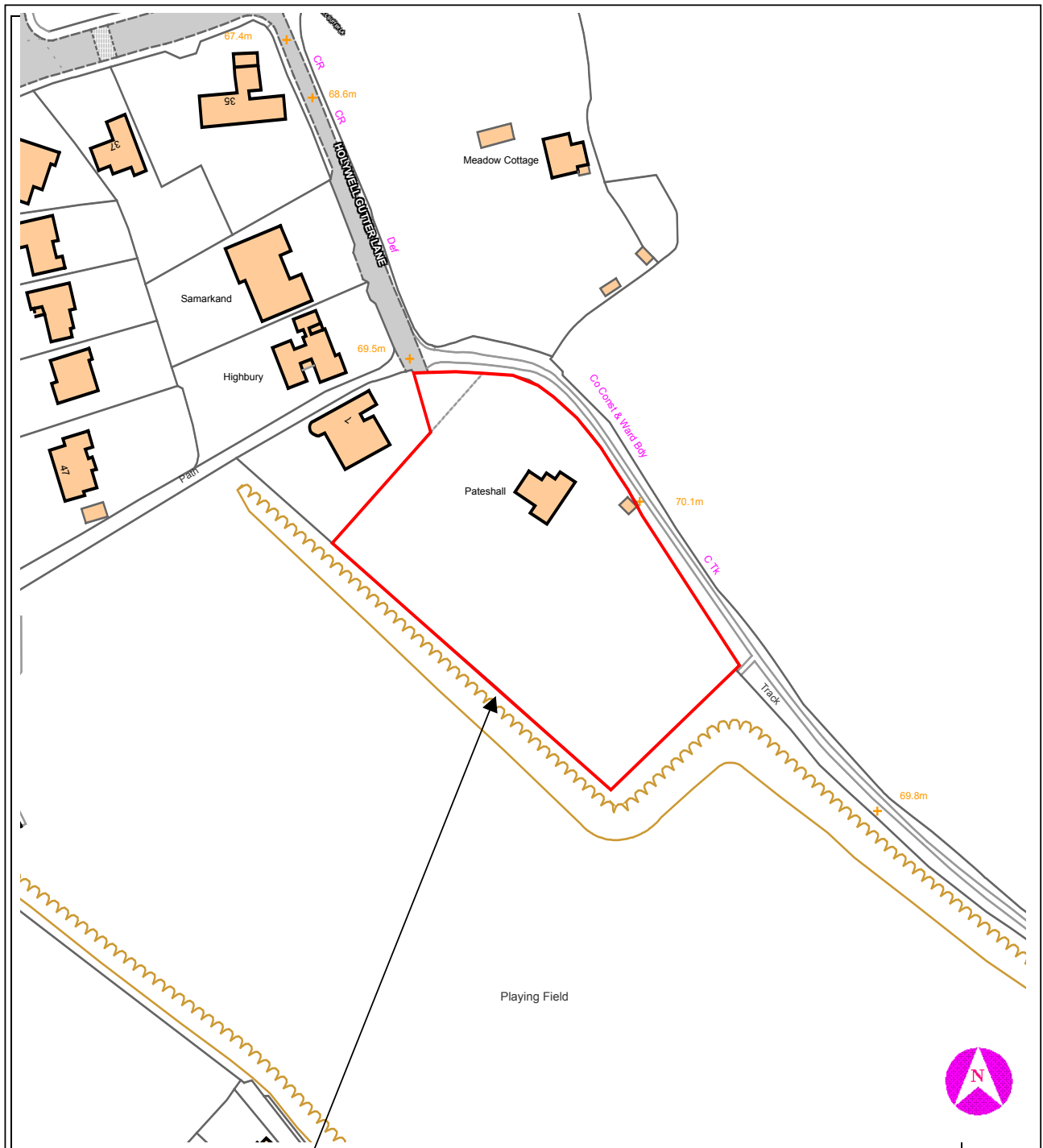
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE0009/1417/O

SCALE : 1 : 1250

SITE ADDRESS : Pateshall, Holywell Gutter Lane, Hereford, Herefordshire, HR1 1XA

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