

**5 DCNW0009/1365/F - PROPOSED NEW DWELLING AT 15 BURTON WOOD, WEOBLEY, HEREFORD, HEREFORDSHIRE, HR4 8SU.**

**For: Trustees of Estate of Agnes Morley per Nick La Barre RIBA, Easters Court, Leominster, Herefordshire, HR6 0DE.**

**Date Received: 26 June 2009      Ward: Golden Cross with Weobley      Grid Ref: 40568,51229**

**Expiry Date: 21 August 2009**

Local Member:    Councillor JHR Goodwin

### **1. Site Description and Proposal**

- 1.1 The site forms part of a large domestic curtilage of a detached two storey dwelling of external painted brick construction under a tiled roof, this is located on the entrance to a residential housing estate of similarly constructed properties, to the east of the site.
- 1.2 The application site is adjoined alongside its southern boundary by the C1094 public highway; it is onto this highway that direct vehicular access is proposed. On opposite site of this public highway is Weobley High School. Alongside the site's western boundary is a terrace of 5 dwellings.
- 1.3 The application proposes construction of a detached three bedroomed dwelling.
- 1.4 The applicants have indicated as part of their application submission a willingness to enter into a section 106 agreement in-line with the criteria of the council supplementary planning document on planning obligations. A draft Heads of Terms is attached.

### **2. Policies**

#### **2.1 Herefordshire Unitary Development Plan**

Policy S1	-	Sustainable development
Policy S2	-	Development requirements
Policy DR1	-	Design
Policy DR2	-	Land use & activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy H4	-	Main village settlement boundaries
Policy H13	-	Sustainable residential design
Policy LA2	-	Landscape character and areas least resilient to change
Policy HBA6	-	New development within conservation areas

#### **2.2 Supplementary Planning Document – Planning Obligations**

#### **2.3 Weobley Parish Plan – Supplementary Planning Guidance**

### **3. Planning History**

- 3.1 None identified

#### **4. Consultation Summary**

##### Statutory Consultations

4.1 None required

##### Internal Council Advice

4.2 The Transportation Manager raises no objections recommending conditions with regards to any proposed access gates, access, turning area and parking area construction and cycle storage provision.

4.3 The Conservation Manager raises no objections.

4.4 The Children's and Young Peoples Directorate Manager raised no objections.

#### **5. Representations**

5.1 Weobley Parish Council has responded to the application with no objections to the proposed new dwelling, however, their response states that they do object to the proposed access onto the adjoining road, stating there is already considerable congestion on this stretch of road due to the traffic generated by the neighbouring High and Primary schools – concerns relating to this have been raised with the Highways Department over a number of years. The proposed access will be at the road's narrowest point and also at its apex. We might suggest that an alternative access is considered.

5.2 Three letters of objection/comment have been received from members of the public, These are from:

Miss J Hill, 13 Burtonwood, Weobley

Mr C Maurice, 86 Burtonwood, Weobley

Mr D Williams, Headteacher, Weobley High School

(The latter states he does not formally object to the proposed development)

The letters can be summarised as follows:

- Impact on public highway safety
- Concerns about congestion on adjacent public highway as a result of school drop off's and pickup.
- Impact on residential privacy and amenity

5.3 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 The key issues in respect of this application refer to:

- Public highway impact of the proposed development
- Impact on residential privacy and amenity

##### Public highway impact of the proposed development

6.2 The application proposes one detached three bedroomed dwelling, in accordance with Transportation specifications provision has to be made for 2 cars. The Councils Transportation Manager raises no objections, and as such it is considered that the issues of concern as raised

by Weobley Parish Council and the members of the public on highway concerns cannot be sustained in the event of an appeal.

Impact on residential privacy and amenity

- 6.3 The application proposes one detached two storey dwelling with a ground floor space of approx 54 square metres (measured externally) with an overall height of 7 metres, on a site covering approx 326 square metres. The dwelling proposed is similar in scale and design to the existing dwelling to the east.
- 6.4 Although part of the existing dwelling's curtilage is to be used for the proposed development, the existing dwelling will still retain a larger domestic curtilage than the proposed new dwelling.
- 6.5 The gable elevation faces towards the rear of a terrace of 5 dwelling's alongside the western side of the site. No windows are proposed for this elevation and the proposed dwelling is situated 15 metres from those houses.
- 6.6 The proposed dwelling and the existing dwelling within whose curtilage the proposed development is to be situated are 6 metres apart from one another, whilst the new house lies 15 metres from the garden of Number 87 Burtonwood.
- 6.7 It is considered that the proposed development will sit comfortably within the site, the scale and the design and layout of the existing Burton Wood residential area. The dwelling within whose curtilage the development is proposed has a larger than average domestic curtilage, in consideration of all surrounding dwellings.
- 6.8 Subject to the conditions set out below, in respect of boundary fencing and no windows in the western gable elevation, the proposed development will have no unreasonably detrimental impact on the amenity and privacy of surrounding dwellings.

## 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 B07 (Section 106 Agreement)**

**Reason: In order to provide enhanced sustainable transport infrastructure, enhanced educational facilities, recreational space/sports provision to comply with Policy DR3 of Herefordshire Unitary Development Plan 2007.**

**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 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.**

**5 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.

**6 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.

**7 H05 (Access gates)**

**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.

**9 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.

**INFORMATIVES:**

- 1 N15 - Reason(s) for the Grant of Planning Permission**
- 2 HN01 - Mud on highway**
- 3 HN04 - Private apparatus within highway**
- 4 HN05 - Works within the highway**
- 5 HN10 - No drainage to discharge to highway**
- 6 HN28 - Highways Design Guide and Specification**
- 7 N19 - Avoidance of doubt - Approved Plans**

Decision:

Notes: .....  
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**Background Papers**

Internal departmental consultation replies.

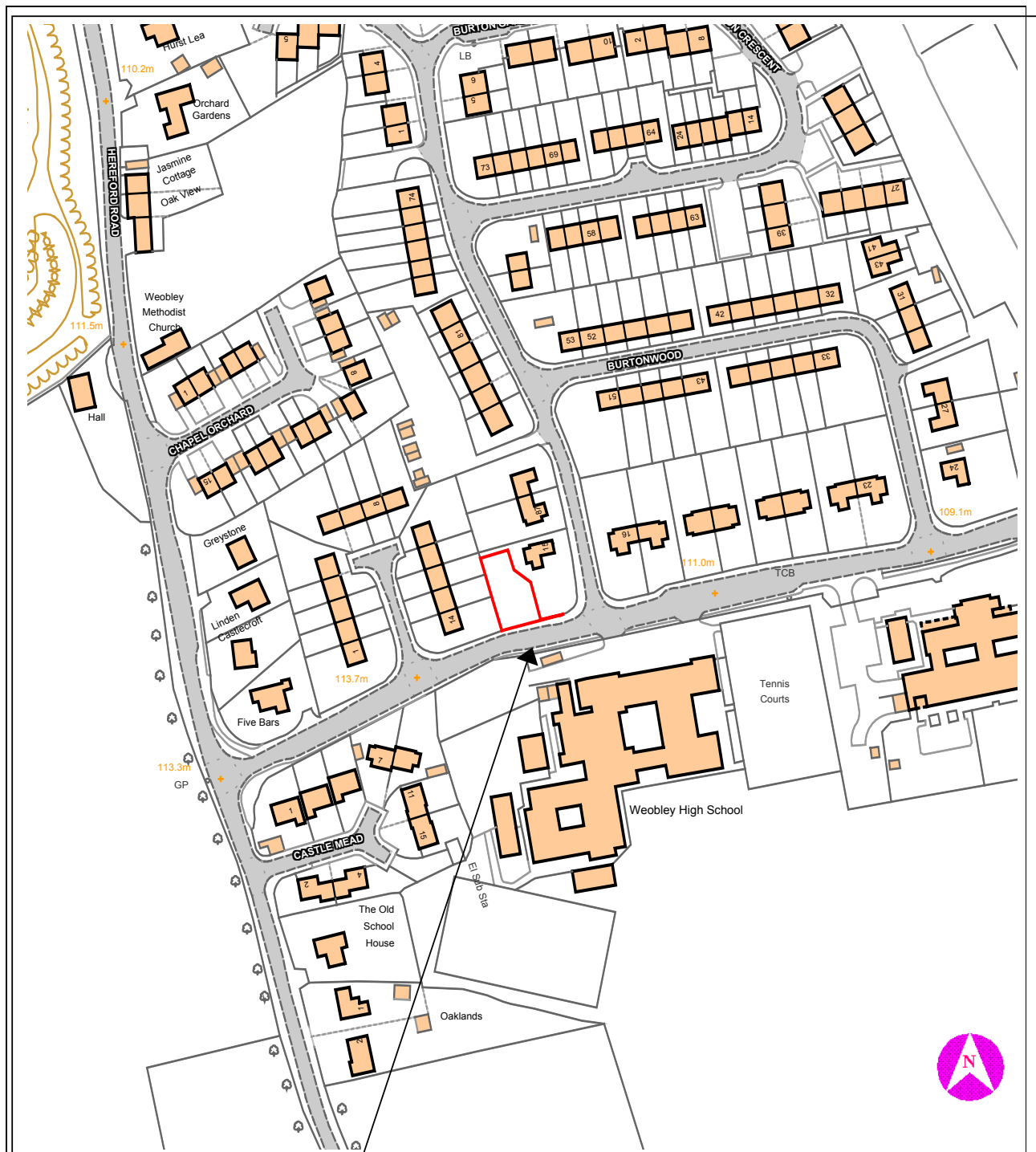
**DRAFT HEADS OF TERMS**  
Proposed Planning Obligation Agreement  
**Section 106 Town and Country Planning Act 1990**

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Proposed erection of three-bedroomed detached house and formation of new vehicular access within cartilage of 15 Burton Wood, Weobley, Herefordshire, HR4 8SU.

1. The developer covenants with Herefordshire Council to pay £317.00 towards the cost of new or enhancement of existing open space, and recreation facilities in lieu of such facilities being provided on site to be used in the locality of the development or other location as may be agreed in writing with Herefordshire Council.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £2951.00 towards educational needs at Weobley Primary School and providing enhanced youth services and child care provision within the Weobley area.
3. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £3690.00 for off site highway works and improved public and sustainable transport infrastructure to serve the development (other than Section 278 works essential to facilitate the development). The monies shall be used by Herefordshire Council at its option for any or all of the following purposes: (The list is not in any order of priority)
  - a) a) Improvement to pedestrian, cycle and public transport facilities in Weobley and environs.
  - b) b) Support for Safe Routes to Schools
  - c) c) Support for sustainable transport Officers.
  - d) d) Contribution to park and ride in Hereford.
  - e) e) Support for community transport.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council £672.00 to provide towards improving community sports facilities in and around Weobley.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council £198.00 to provide towards Library facilities within the surrounding locality
6. In the event that Herefordshire Council does not for any reason use the said contributions in paragraphs 1, 2, 3, 4 & 5 above for the purposes specified in the agreement within 10 years of the date of each payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
7. All of the financial contributions shall be Index linked and paid on or before commencement of the residential development unless otherwise agreed with Herefordshire 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 and an administration charge of 2% of the total contributions detailed in the Heads of Terms to be used towards the cost of monitoring and enforcing the Section 106 agreement, as required by the Supplementary Planning Document, "Planning Obligations", adopted by Herefordshire Council in April 2008.

Philip Mullineux May 15 2009



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** DCNW0009/1365/F

**SCALE :** 1 : 2000

**SITE ADDRESS :** 15 Burton Wood, Webley, Hereford, Herefordshire, HR4 8SU

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