

3 DCCE2003/3122/F - DEMOLITION OF EXISTING BUILDING (HATTERALL HALL) AND ERECTION OF FIVE DETACHED DWELLINGS WITH ASSOCIATED GARAGING, ACCESS ROAD AND DRAINAGE AT LAND AT HATTERALL HALL, FOLLY LANE, HEREFORD, HR1 1LS

**For: K.W. Bell & Son Ltd., Whimsey Industrial Estate,
Steam Mills Road, Cinderford**

Date Received: 15th October 2003

Ward: Aylestone

Grid Ref: 52166, 40508

Expiry Date: 10th December 2003

Local Member: Councillor D.B. Wilcox and A.L. Williams

1. Site Description and Proposal

- 1.1 The 0.3ha application site is located on the south-west side of Folly Lane within the Established Residential Area. It is surrounded on three sides by existing housing with the colleges opposite. The site presently supports Haterall Hall, a mid-nineteenth century former house last used for educational purposes by the Hereford College of Technology but presently vacant. The grounds support a car park for the college, gardens and a large brick constructed outbuilding, partly owned by the adjoining residential property. The trees on the road frontage and adjacent to No. 27 Belgravia Gardens are the subject of a Tree Preservation Order.
- 1.2 The proposal is to demolish the existing buildings on the site and erect five detached houses with garages and private access road. The houses would be four bedroom and two storey, although chalet style at the rear of the site. Two of the houses would front Folly Lane with the access road running between, utilising the existing access to the site. A number of trees would be removed within the site, including several from the Tree Preservation Order. Existing boundary walls with adjoining properties would be retained where appropriate or new walls / fences erected. The demolished outbuilding would be replaced with a new double garage for the adjoining property, No. 51 Folly Lane.

2. Policies

2.1 Hereford Local Plan:

| | | |
|-------|---|---|
| ENV14 | - | Design |
| ENV16 | - | Landscaping |
| H3 | - | Design of new residential development |
| H4 | - | Residential roads |
| H12 | - | Established residential areas - character and amenity |
| H13 | - | Established residential areas - loss of features |
| H14 | - | Established residential areas - site factors |
| SC9 | - | Retention of local facilities |

2.2 Herefordshire UDP (Deposit Draft)

| | | |
|-----|---|--|
| S1 | - | Sustainable development |
| S2 | - | Development requirements |
| S3 | - | Housing |
| DR1 | - | Design |
| H1 | - | Hereford and the market towns |
| H13 | - | Sustainable residential design |
| H14 | - | Re-using previously developed land and buildings |
| H15 | - | Density |
| H16 | - | Car parking |
| CF6 | - | Retention of existing facilities |

3. Planning History

3.1 There is no relevant planning history.

4. Consultation Summary

Statutory Consultations

4.1 Dwr Cymru Welsh Water : No objection subject to conditions.

Internal Council Advice

4.2 Head of Engineering and Transportation : Recommends conditions.

4.3 Chief Conservation Officer : No objection to tree removals or demolition of existing buildings.

5. Representations

5.1 Hereford City Council : No objection.

5.2 Representations have been received from Nos. 15, 22, 26 (x6) and 27 Belgravia Gardens, 13 Aylestone Drive and 49 Folly Lane summarised as follows:

- loss of trees;
- impact on wild life;
- loss of privacy, in particular in view of changes in levels between site and adjoining land;
- existing buildings should be retained and Listed;
- existing boundary walls should be retained and repaired, where necessary.

5.3 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 The main issues in this case are the principle of residential development on the site and, if this is established, the specific impact of the proposals on the character and amenities of the area and highway safety.

6.2 The application site lies within the Established Residential Area where residential development can be appropriate as a matter of principle. The site presently supports

an older former house which a number of third parties consider should be Listed. Consideration was given to its Listing by the Department for Culture, Media and Sport (the body responsible for the Listing of buildings), in July 2003 but not proceeded with, the Inspector concluding that the criteria for Listing was not fulfilled. Specifically, the Inspector stated that "while the building makes an important contribution to its area and retains a fine late C.19 conservatory, it does not have the special architectural interest for a house built in the 1860's to merit Listing". In view of this and in view of the current proposal's acceptable impact in terms of policies H12, H13 and H14 (see more below), demolition of the existing building is considered appropriate and not a justifiable reason for refusing planning permission.

- 6.3 Policy H12 requires the environmental character and amenity of the established residential areas to be protected and, where appropriate, enhanced. Policies H13 and H14 set out specific criteria requiring, in particular, appropriate relationships between proposed and existing developments, adequate means of access and servicing, acceptable landscaping and an appropriate impact on the overall character of the area.
- 6.4 Having regard to the policy requirements, the proposal is considered to be acceptable within its particular context. Specifically, the proposed density and spatial standards are comparable with surrounding development and adequate privacy margins are provided to the boundaries of the site in the interests of residential amenity. In view of the drop in levels at the rear of the site down to the adjoining properties in Belgravia Gardens and Aylestone Drive, the rear houses are proposed to be chalet style with lower overall ridge lines. This would prevent an overbearing relationship. The houses at the front of the site follow the general building line established by the neighbouring houses ensuring uniformity in the street scene and safeguarding the majority of the frontage trees.
- 6.5 A number of trees would be removed including mature specimens at the rear of the site and a cedar within the TPO. The trees at the rear of the site are not considered to be of public amenity value and, consequently, their removal cannot readily be resisted. A landscaping condition is recommended to achieve appropriate new tree planting on the site. The cedar, although an attractive tree, is diseased and its removal has, therefore, been agreed for safety reasons. No objection is seen to careful thinning of other trees along the frontage in the interests of opening up the site; no other frontage in Folly Lane is as densely planted. The Tree Preservation Order would continue to protect the majority of the frontage trees indicated to be retained.
- 6.6 It is the intention of the applicant to retain existing boundary treatments where appropriate or erect new walls or fences in other areas. This includes a new 1.8 metre high wall on the repositioned boundary with No. 49 Folly Lane and a 1.8 metre high close boarded fence with Nos. 14 and 15 Belgravia Gardens. A condition is recommended to clarify this detail.
- 6.7 In conclusion, this proposal is considered to comprise an appropriate "in fill" within the Established Residential Area, compatible with surrounding development and in keeping with the general character of the area, in accordance with Development Plan policy.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2 The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. Folly 1C, Ashby.1, Hereford, Hertford, Gar.1), except where otherwise stipulated by conditions attached to this permission.

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

- 3 No development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings.

- 4 During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents.

- 5 Foul water and surface water discharges must be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

- 6 There shall be no, direct or indirect, discharge of surface water or land drainage run off to the public foul sewer.

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

- 7 The side elevation windows serving "Bedroom 2" and "Guest Bedroom" in Plots 2 and 3 shall be glazed with obscured glass and fixed shut.

Reason: To safeguard the amenities of adjoining properties.

- 8 No materials or substances shall be incinerated within the application site during the construction phase.

Reason: To safeguard residential amenity and prevent pollution.

- 9 No development shall commence on site or machinery or materials brought onto the site for the purpose of development until a landscape design has been

submitted to and approved by the local planning authority. The submitted design shall include drawings at a scale of 1:200 or 1:500 and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 10** The landscaping scheme approved under condition 9 above shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 11** This permission does not authorise any works to trees included in the Tree Preservation Order except that detailed on drawing no. Folly 1c. Any further work shall be the subject of an application for consent to the local planning authority, in accordance with the provisions of the Tree Preservation Order and the law on Tree Preservation Orders in force at the time of the application.

Reason: To ensure the proper care and maintenance of the trees.

- 12** In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the date of the occupation of the building for its permitted use.

- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
- (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered,

nor shall any excavation be made, without the written consent of the local planning authority.

Reason: In order to preserve the character and amenity of the area.

- 13 All existing boundary walls which define the boundaries of the site shall be permanently retained; the new boundary walls adjacent to No. 49 Folly Lane and adjacent to the highway shall be erected prior to the occupation of any of the dwellings hereby approved; the boundary wall adjacent to the highway shall not exceed 0.9m in height.

Reason: To clarify the terms of the permission and safeguard the amenities of the locality.

- 14 Prior to the occupation of any of the dwellings hereby approved, details of the treatment of the rear boundary of the site shall be submitted for approval in writing by the local planning authority and the approved details shall be implemented within 2 months thereafter.

Reason: The application contains insufficient detail for the satisfactory consideration of this detail at this stage.

- 15 Prior to occupation of any of the dwellings hereby approved, the double garage for No. 51 Folly Lane shall be completed to the satisfaction of the local planning authority in accordance with the agreed scheme.

Reason: To accord with the terms of the application.

- 16 Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4m x 90m metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 90 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

- 17 Notwithstanding the approved details, there shall be no gates across the access road to the development hereby approved.

Reason: To ensure the development is in keeping with the open character of existing housing in the locality.

- 18 Prior to the occupation of the development hereby approved the driveway and/or vehicular turning area shall be consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority at a gradient not steeper than 1 in 8.

Reason: In the interests of highway safety.

- 19 The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have

been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 20** Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

Reason: To prevent indiscriminate parking in the interests of highway safety.

Informatives:

- 1** This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Mr. A.G. Culley, Divisional Surveyor (South), Unit 3, Thorn Business Park, Rotherwas, Hereford Tel: 01432-261955, shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.
- 2** Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
- 3** This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
- 4** Your attention is drawn to Section 80 of the Building Act 1984 whereby no demolition may be carried out without proper notice to the local authority and a counter notice issued under Section 81.
- 5** Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

Work on an existing wall or structure shared with another property
Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property
Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DETR publication The Party Wall Act 1996 - explanatory booklet. Copies are available from the Planning Reception, Blueschool House, Blueschool Street, Hereford.

- 6 The decision to grant planning permission has been taken having regard to the policies and proposals in the Hereford Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Hereford Local Plan:

ENV14 - Design

ENV16 - Landscaping

H3 - Design of new residential development

H4 - Residential roads

H12 - Established residential areas - character and amenity

H13 Established residential areas - loss of features

H14 - Established residential areas - site factors

SC9 - Retention of local facilities

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.