

**5 DCCW2003/3856/F - PROPOSED DETACHED BUNGALOW AT SHELWICK FARM, SHELWICK, HEREFORD, HR1 3AL****For: Mr. J. Stewart of the same address****Date Received: 23rd December 2003**    **Ward: Burghill, Holmer & Lyde****Grid Ref: 52275, 43015****Expiry Date: 17th February 2004**

Local Member: Councillor Mrs. S.J. Robertson

**1. Site Description and Proposal**

- 1.1 The application site falls within Shelwick, a mainly linear settlement situated approximately 1.5 kilometres to the north east of Hereford. The site, which is towards the centre of the village, is an area of land between the original farmhouse to the former Shelwick Farm and the detached property known as 'Kedleston House' to the east.
- 1.2 The proposal is for the erection of a two bedroom detached bungalow and involves the formation of parking and turning area to the front of the site with private amenity space to the rear.
- 1.3 It is proposed that two mature conifers adjacent to the roadside be removed, along with a small single storey outbuilding set slightly further back into the site.

**2. Policies****2.1 South Herefordshire District Local Plan:**

Policy GD1	-	General Development Criteria
Policy C30	-	Open Lane in Settlements
Policy SH10	-	Housing in Smaller Settlements

**2.2 Herefordshire Unitary Development Plan (Deposit Draft):**

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing

**3. Planning History**

- 3.1 SH940616/PO                      Outline permission for dwelling house with vehicular access. Allowed at Appeal 22nd March 1995.

**4. Consultation Summary**Statutory Consultations

- 4.1 Environment Agency initially submitted a "holding objection" due to concerns over the proposed treatment of foul drainage. Porosity tests revealed a value considerably in excess of the upper limit normally permitted for soakaways. Following negotiations with the applicant, the Agency has indicated that they are willing to withdraw the objection. However they recommend that any permission be subject to a condition requiring the submission of a scheme of foul drainage to be approved in writing by the local planning authority prior to the development being brought into use.

#### Internal Council Advice

- 4.2 Head of Engineering and Transportation recommends a condition relating to access, turning area and parking.
- 4.3 Chief Forward Planning Officer: "The applicant should be required to prove local need prior to the determination of this application. Otherwise, there are no policy objections to the principle of development."

### **5. Representations**

- 5.1 Holmer & Shelwick Parish Council: The Parish Council has no objection to the principle of development but feel that a two storey cottage would be more appropriate than the bungalow proposed.
- 5.2 Five letters of objection have been received from local residents. The main issues are summarised as follows:
- The proposal is out of keeping with the wider area and contrary to Policies GD1, S1A and SH10 of the South Herefordshire District Local Plan.
  - The proposal will exacerbate flooding which has been common at this point.
  - The proposed access and egress arrangements would be dangerous.
  - The scheme is not substantially dissimilar to other proposals in the area that have been refused.
- 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. Officers Appraisal**

- 6.1 The main issues in this case are the principle of new residential development, its impact on the character and appearance of the area, residential amenity and highway safety.
- 6.2 Regarding the principle of residential development, the site falls within the defined Shelwick settlement where Policy SH10 of the South Herefordshire District Local Plan permits small-scale housing development provided that a number of criteria can be satisfied.
- 6.3 An Inspector clarified the principle of development on this site in 1995 (Local Planning Authority reference: SH940616PO), when allowing an outline application at appeal for the erection of a single dwelling with vehicular access. The Inspector considered that

the main issue in the determination of that appeal was the effect that the proposal would have upon the character and appearance of the area.

- 6.4 The Inspector concluded that although the plot (which is identical to that being considered now) is narrower than others in the vicinity a satisfactory spatial arrangement between dwellings could be obtained. Further, the Inspector was satisfied that the additional level of traffic would not prejudice highway safety and that the removal of the conifer trees and outbuilding would not be detrimental to the character and appearance of the area.
- 6.5 Although narrower than most building plots in the locality, Officers are satisfied that the margins afforded between dwellings would lead to an acceptable form of development and the dimensions of the plot are such that the proposal will incorporate an adequate provision of private amenity space.
- 6.6 This issue of access and egress to and from Shelwick Farm has been raised in letters of representation. However, this issue does not form one of the material issues against which this application is assessed. The road from which access is sought is unclassified and Members are reminded that the creation of a new vehicular access and the formation of a parking area within the domestic curtilage of a dwelling fronting an unclassified road would not require the benefit of planning permission.
- 6.7 The Environment Agency have indicated that the revised foul drainage system proposed by the applicant would mitigate concerns regarding the high percolation test readings referred to in paragraph 4.1 and have confirmed a wish to withdraw a "holding objection" by letter dated 20th February 2004. Notwithstanding this, the agency would recommend the imposition of a condition relating to a scheme of foul drainage. Local residents have expressed concern over localised flooding, although the Agency has made no comment on this issue.
- 6.8 Policy SH10 will only permit development where it can clearly be demonstrated that there is a local need and that the development would be sustainable in terms of reducing the need to travel. This policy arose specifically as a result of an over provision of housing identified within the South Herefordshire district in the plan period 1996-2001. Although the plan is time expired, the policy is still applicable, and to demonstrate local need the applicant has submitted correspondence from local estate agents confirming that there is a demand for new build dwellings in this area. This information has been considered adequate by Inspectors to demonstrate local need in recent appeal hearings.
- 6.9 In view of the material issues raised in the report it is considered that the application accords with the relevant Local Plan policy in that the character and appearance of the area will not be harmed unduly and that a local need has been demonstrated to the satisfaction of Officers. Due regard must be had to the Inspector's appeal decision in allowing an outline application in 1995, and it is considered that the key issues in determination of the application are applicable today.

## **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. A06 (Development in accordance with approved plans).**

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

- 3. B01 (Samples of external materials).**

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

- 4. F18 (Scheme of foul drainage disposal).**

**Reason: In order to ensure that satisfactory drainage arrangements are provided.**

- 5. G01 (Details of boundary treatments).**

**Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.**

- 6. G02 (Landscaping scheme (housing development)).**

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

- 7. G03 (Landscaping scheme (housing development) - implementation).**

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

- 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.**

**Informatives:**

- 1. N14 - Party Wall Act 1996.**

- 2. N15 - Reason(s) for the Grant of Planning Permission.**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.