

MEETING:	PLANNING COMMITTEE
DATE:	27 APRIL 2011
TITLE OF REPORT:	<p>DMS/110101/F - PROPOSED ERECTION OF BUNGALOW AND ACCESS DRIVE AT LAND REAR OF GREYTREE LODGE, SECOND AVENUE, ROSS ON WYE, HEREFORDSHIRE, HR9 7HT.</p> <p>For: Mr White per Mr Paul Smith, 12 Castle Street, Hereford, Herefordshire, HR1 2NL.</p>

Date Received: 17 January 2011 Ward: Ross-on-Wye West Grid Ref: 359888,225201

Expiry Date: 23 March 2011

Local Members: Councillors CM Bartrum and G Lucas

1. Site Description and Proposal

- 1.1 The site is part of the garden of existing residential development. The proposed bungalow would be sited between the original dwelling at Greytree Lodge and Sarnia, a dormer bungalow sited to the rear of the plot, which was allowed on appeal in 2008. It would be accessed by the drive along the side of Greytree Lodge, which serves the dormer bungalow. There is a 2metre high boundary hedge along the southern side of the access drive. There are several bungalows on the adjoining land the other side of the boundary to the drive. These have modest rear gardens and their rear elevations face towards the drive.
- 1.2 The site is located in an established residential area and the Wye Valley Area of Outstanding Natural Beauty.
- 1.3 This application proposes an "L-shaped" bungalow that will accommodate living room and kitchen, 2 bedrooms, wet room and a bathroom, under a hipped roof. A passing place is shown to be constructed alongside the southern side of the access drive which is to be surfaced with asphalt. An open sided car port for the parking of 2 cars is also proposed.

2. Policies

2.1 Planning Policy Statements

PPS1 - Delivering Sustainable Development
PPS3 - Housing

2.2 Herefordshire Unitary Development Plan

S1 - Sustainable development
S2 - Development requirements
S3 - Housing
DR1 - Design

Further information on the subject of this report is available from Mr D Thomas on 01432 261974

DR2	-	Land use and activity
DR3	-	Movement
H1	-	Hereford and the market towns: settlement boundaries and established residential area
H13	-	Sustainable residential design
H15	-	Density
H16	-	Car parking
LA1	-	Areas of Outstanding Natural Beauty

3. Planning History

SE2000/0444/F: Erection of dormer bungalow to rear of Greytrees Lodge: Deemed withdrawn.

SE2000/0446/F: Erection of bungalow to full disabled standards: Refused 2.8.2000.

SE01/0283/F: Erection of bungalow specifically designed to accommodate person with severe mobility restrictions: Refused 2.4.2001.

SE2002/1307/F: Erection of bungalow specifically designed to accommodate person with severe mobility restrictions. Refused 24.6.2002.

SE2003/0662/F: Erection of three bungalows for the disabled: Refused 29.4.2003.

DCSE2007/2822/F: Erection of one dormer bungalow: Refused 25.1.2008. Appeal allowed.

DCSE2009/0960/F: Erection of one bungalow and access drive: Refused 30.6.2009

DMSE/091700/F: Erection of bungalow and access drive. Refused 29.9.2009. Appeal dismissed 26.1.2010.

4. Consultation Summary

Statutory Consultations

Welsh Water has no objection subject to conditions.

Internal Consultees

Traffic Manager recommends refusal in that the access does not show the visibility splays required - on each side of a 2metre access set back with 45degree visibility splays.

Environmental Protection Manager has no objection.

5. Representations

5.1 Ross Rural Parish Council has no objection.

5.2 14 objections have been received. In summary it is said:

- A dwelling in this position will erode our privacy;
- Further strain on drains and sewerage;
- Additional traffic onto narrow avenue would detrimental to the area;
- There is not enough space for another dwelling especially if its similar to Mr White's existing bungalow;
- Previously refused; no room, no outlook and noise;

Further information on the subject of this report is available from Mr D Thomas on 01432 261974

- Intrusive noise nuisance is not only during day time but through night time period as well;
- Access to the site is also inadequate;
- Second Avenue is narrow and congested. This development would cause further congestion;
- This will lead to precedent for further development in Greytrees;
- The noise measurement instruments used by the Noise Consultant are out of calibration;

5.3 A Planning Statement has been submitted with the application. In summary it is said:

- Following refusal of the previous application, the Planning Inspector rejected the Council's case that the quantum of garden space to be dedicated to the new dwelling was inadequate;
- The Inspectors decision did acknowledge the addition of a second dwelling would increase the number of vehicles and related activity on the drive to the detriment of neighbours;
- A Noise Assessment has been commissioned to consider the impact of noise on the amenity of neighbours;
- The ambient noise climate around the site is dominated by continuous, distant road traffic noise from the A40 with other noise from vehicles along Greytrees;
- The assessment accepts that the noise of the passage of cars is likely to be audible in the gardens of adjoining bungalows, however it would be lower than existing noise such as passing aircraft and lawnmowers;
- The impact of the increased use of the drive is likely to be very low;
- Surfacing the track with tarmac and erection of a 6ft high fence would reduce car noise;
- The principle of development accords with adopted planning policy;
- It has been demonstrated that additional traffic and pedestrian movements would be within acceptable limits during the night time.

In response to comments made the noise consultant states:

- Night-time noise - The report states in paragraph 3.6 that road traffic noise is, on average, 8 dBA lower at night than in the day. However, I have assessed the impact of an intermittent noise at night by the sleep disturbance criterion of the WHO and their recommended internal maximum noise level (L_{maxF}) in a bedroom has been assessed and this does not depend on the background noise level which is why night time background noise levels are not needed.
- The report gives the serial numbers of the noise meters used but it does not say which meter was at which location. This information can be supplied but makes no difference to the assessment.
- The instruments used were not out of calibration. BS4142:1997 "Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas" requires that instrumentation be calibrated "at certain time intervals, e.g. every two years". The most exacting requirements for calibration come in the assessment of the Permitted Noise Level under the Noise Act 1996 (as amended). Exceedance of the Permitted Noise Level (at night) can constitute an offence. The Permitted Level of Noise (England) Directions 2008 require that noise instrumentation be calibrated at intervals of no longer than 24 months unless the instrument was first used after 28 February 2008 in which case the interval is not greater than 12 months.
- This is the most exacting standard because it is a legal requirement. The instruments were first used before 2008 in which case a 24 month interval would not be inappropriate. Notwithstanding this, my instruments are calibrated at roughly 12 month intervals as it is not possible to make the interval exactly 12 months.

5.4 The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

6. Officer's Appraisal

6.1 The site is located within an established residential area. Policy H1 permits, subject to compliance with other policies, the provision of new residential development within the market towns. This notwithstanding, several applications for the erection of single bungalows on land to the rear of Greytree Lodge have been refused owing in the main to the impact that development would have upon the amenity of existing dwellings located in close proximity to the north and south of the site, together with the impact that the increased number of vehicles would have upon on-street parking on a narrow and congested road system. Most recently, and of most direct relevance, application DCSE0009/1700/F was refused for the following reasons:

1. The erection of a dwelling in this location would result in an increase in vehicular and pedestrian movements in close proximity to the rear, private gardens of existing dwellings. In addition to the activity already associated with the existing flats at Greytree Lodge and the approved dormer bungalow, the resultant level of activity would be in excess of what could reasonably be associated with a typical residential curtilage. Although the Council acknowledges the presence of several examples of tandem development within the locality, the development is considered to harm the amenity of adjoining residents in a manner contrary to policies DR2 and H13 of the Herefordshire Unitary Development Plan 2007.
2. By virtue of a lack of useable outdoor amenity space, enclosure of the site and absence of an outlook, the proposal would not provide for acceptable levels of residential amenity within the scheme. The proposal is thus contrary to Policy H13 of the Herefordshire Unitary Development Plan 2007.

A subsequent appeal against this decision was dismissed when the Inspector concluded that a bungalow in this location would not have an adverse impact on the area which is characterised by a mix of dwelling types. However, traffic noise together with the slamming of car doors, raised voices and other associated noise could have an adverse impact on the amenity of neighbours.

- 6.2 Notwithstanding the planning history of the site, policies S1, S2 and S3 are strategic policies referring to sustainable development, development requirements and housing. They lay the foundations and set the guiding principles for the detailed policies within the UDP.
- 6.3 Policy H1 states that residential development within the market towns will be permitted within these areas where compatible with the housing design and other policies of the Plan. Policy H13 sets out the 11 criteria that residential development will be expected to meet, and several of these are reinforced by policies DR1, DR2 and DR3.
- 6.4 Policy H15 refers to the densities that new residential proposals will be expected to provide. H16 seeks to ensure that adequate provision is made for car parking, with due consideration given to the site location, type of housing to be provided, types of household likely to occupy the development and the availability of public transport.
- 6.5 LA1 deals with development proposals within the AONB. In this case, the AONB washes over the whole of the built up area of Ross-on-Wye. In this context, the scale of development proposed is not considered to be prejudicial to the wider objectives of the policy and little weight is attached to the presence of the designation in this case.
- 6.6. The application proposes a modest bungalow with limited garden space. However, the submitted plans show a patio area outside the living room, screened by hedging. This is considered to be a reasonable provision for amenity space. The outlook from windows would largely be towards hedges but these are sufficiently distant from windows to provide

reasonable daylight. As such it is not considered the sense of enclosure would be so oppressive to recommend refusal of the application. Accordingly, it is considered the proposal would provide reasonable living conditions for future occupiers. The proposal provides an acceptable level of residential amenity so as to comply with Policy H13.

- 6.7 In the Inspectors decision letter that dismissed the appeal for a bungalow on this site, the Inspector said a bungalow here would substantially increase the number of vehicles and related activity; slamming of doors, raised voices and other noise associated with manoeuvring of vehicles would be particularly intrusive and disturbing especially late at night. This application has been submitted with an Environmental Noise Assessment that gives consideration to noise nuisance and disturbance to neighbours. The Assessment acknowledges ambient noise climate of the area around the proposed site is dominated by continuous distant road traffic from the A40 dual carriageway. However noise is affected by wind speed and direction and will differ from day to day depending on the weather.
- 6.8 The Assessment concludes there will be some noise attenuation afforded by the existing boundary hedge. The Assessment also comments, notwithstanding the erection of a boundary timber fence along the southern side of the access drive, noise from the passage of cars is still likely to be audible in the gardens of adjoining bungalows. Noise during the night, noise levels inside bedrooms is of primary concern. However, the Assessment comments that overall impact of noise from vehicles movements will be low. The Environmental Protection Manager has been consulted on the proposal and given consideration to the Noise Assessment and has raised no objection. Consequently, it is considered a dwelling in this location and associated vehicle movements will not give rise to the loss of residential amenity.
- 6.9 Insofar as parking and access is concerned, the sub-division of Greytrees Lodge into 3 individual self-contained flats has been granted by two planning permissions. The former bungalow and this site is served by the same access. While, the Traffic Manager is concerned the access drive does not show the required visibility splays, the submitted plan does show a 2metre set back entrance with 45degree visibility splays that cross over the pavement either side of the entrance. As such it is considered adequate visibility is available. Insofar as additional vehicles likely to be generated by the proposal is concerned it is considered these would not be prejudicial to users of the adjoining road network so as not to be in the interests of highway safety. In this regard that the scheme incorporates a passing place and this could be required, by the imposition of an appropriate planning condition, to be constructed prior to the occupation of the dwelling and thereafter retained.
- 6.10 In conclusion, it is considered the application resolves the primary concern of the Inspector; impact of traffic noise on the amenity of neighbours.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of one year from the date of this permission.**

Reason: To comply with the provisions of Section 91(1) (b) of the Town and Country Planning Act 1990 (as amended) and to reflect the decision of the local planning authority on 4th March, 2009 to suspend (effective from 1 April, 2009) the requirements of the Authority's Planning Obligations Supplementary Planning Document (February 2008) in relation to all employment developments falling within Classes B1, B2 and B8 of the Town and Country Planning Use Classes Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment)

(England) Order 2005, the employment element of any mixed use development and residential developments of five dwellings or less.

2. **B01 Development in accordance with the approved plans**
3. **C01 Samples of external materials**
4. **H12 Parking and turning - single house**
5. **Prior to the occupation of the dwelling hereby permitted the driveway shall be surfaced in accordance with details to be submitted and approved in writing by the local planning authority and thereafter maintained**
6. **Prior to the occupation of the dwelling hereby permitted the passing place as shown on drawing number 5104:03A shall be constructed in accordance with details to be submitted and approved in writing by the local planning authority and shall remain available for this purpose.**
7. **F14 Removal of permitted development rights**
8. **G02 Retention of trees and hedgerows**
9. **L01 Foul/surface water drainage**
10. **L02 No surface water to connect to public system**
11. **L03 No drainage run-off to public system**
12. **G09 Details of Boundary treatments**

Informatives:

1. **N15 Reason(s) for the Grant of PP/LBC/CAC**
2. **W02 Welsh Water rights of access**

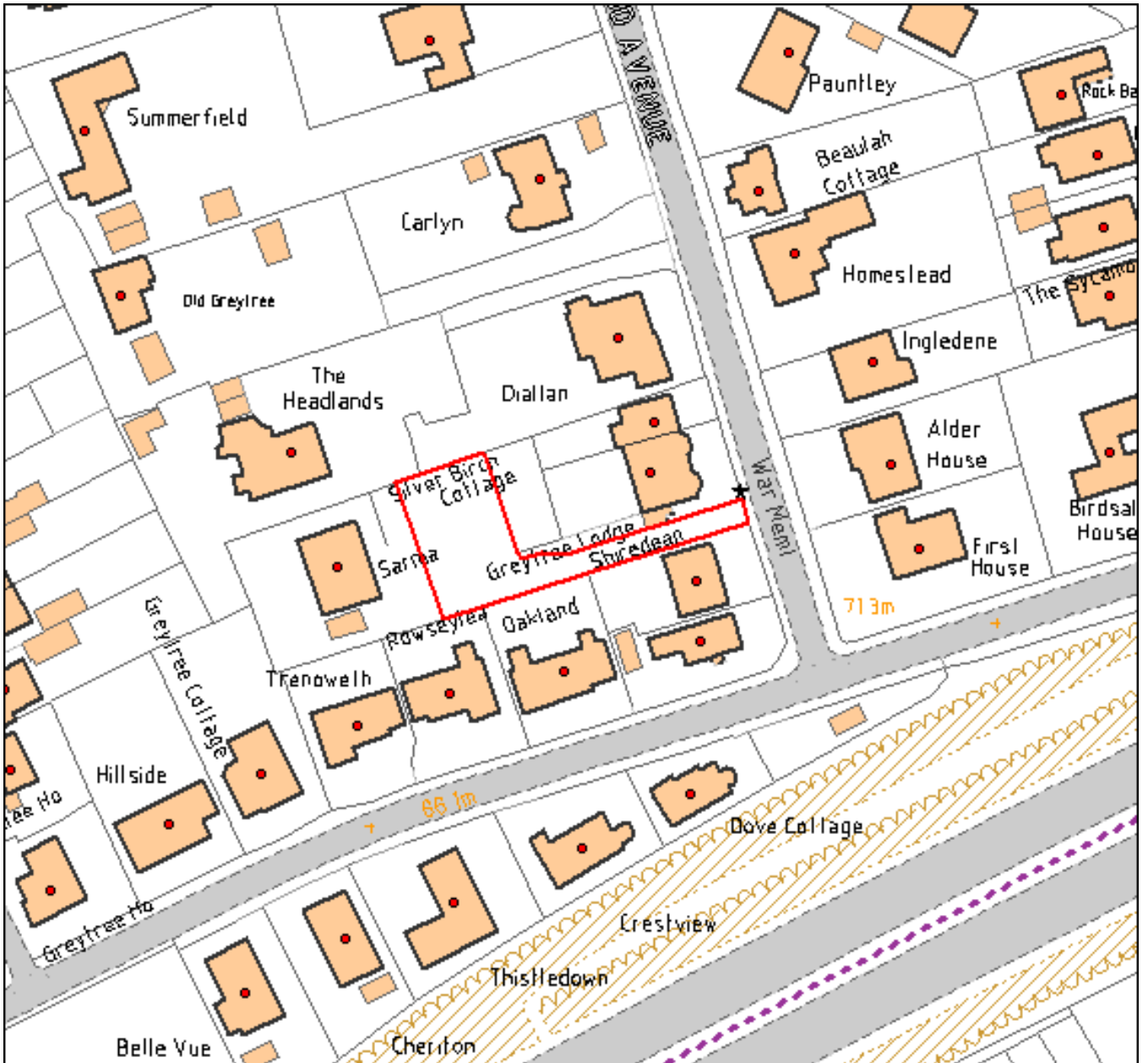
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DMS/110101/F

SITE ADDRESS : LAND REAR OF GREYTREE LODGE, SECOND AVENUE, ROSS ON WYE, HEREFORDSHIRE

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from Mr D Thomas on 01432 261974