

**6 DCCE2004/0535/F - PROPOSED 2 NO 1 BEDROOM FLATS AND PARKING AREAS. WORKSHOP ADJACENT TO STONELEIGH, BULLINGHAM, HEREFORD, HEREFORDSHIRE, HR2 6EG****For: Perfection Homes per Paul T. Sant, Broxash, Litmarsh, Marden, Hereford, HR1 3EZ****Date Received: 16th February, 2004    Ward: St. Martins & Hinton    Grid Ref: 52038, 38270****Expiry Date: 12th April 2004**

Local Member: Councillor Mrs. W.U. Attfield, Councillor A.C.R. Chappell, Councillor R. Preece

**1. Site Description and Proposal**

- 1.1 The site that is the subject of this application currently comprises a single storey furniture workshop unit adjacent to the residential property known as Stoneleigh and is accessed from the slip road that runs adjacent to Holme Lacy Road. Immediately to the west of the site lies the access to three new dwellings approved under application number CE2004/0207/RM.
- 1.2 To the south of the proposed access, between the slip road and Holme Lacy Road lies the Grade II Listed Manor Cottage. The Scheduled Ancient Monument of the medieval settlement of Lower Bullingham lies to the south of Holme Lacy Road.
- 1.3 The proposal is a full application for the erection of a two-storey building to accommodate two one-bed flats. There is a garden area and car parking for two dwellings to the front of the proposed building and small area of amenity space to the rear.
- 1.4 The initial submission raised some concerns relating to the impact on the property to the east and as such a revised siting has been submitted. It is this revised scheme that has been considered.

**2. Policies****2.1 Planning Policy Guidance:**

PPG1	-	General Policy and Principles
PPG3	-	Housing
PPG13	-	Transport
PPG25	-	Development and Flood Risk

**2.2 South Herefordshire District Local Plan:**

GD1	-	General Development Criteria
C20	-	Protection of Historic Heritage
C29	-	Setting of a Listed Building

SH4	-	Housing Land Adjacent to Hereford City
SH6	-	Housing Development in Larger Settlements
SH7	-	Residential Proposal Sites in Larger Villages
SH8	-	New Housing Development Criteria in Larger Villages
SH14	-	Siting and Design of Buildings
SH15	-	Criteria for New Housing Schemes
T3	-	Highway Safety Requirements

### 2.3 Unitary Development Plan (Deposit Draft):

HR1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H16	-	Car Parking
HBA4	-	Setting of a Listed Building
ARCH1	-	Archaeological Assessments and Field Excavations
ARCH3	-	Scheduled Ancient Monuments

## 3. Planning History

3.1 None relevant to this application.

## 4. Consultation Summary

### Statutory Consultations

4.1 Hyder Consulting: No objection but recommended conditions relating to sewerage and surface water drainage should be included in the consent to ensure no detriment to the residents and Dwr Cymru - Welsh Water assets.

4.2 Environment Agency: The Agency objects to the proposed development, as submitted, on the following grounds:

Flood Risk: The site is located in close proximity to the Agency's Indicative Floodplain which shows the 1% apf (annual probability flooding).

For this proposed residential development, the Agency would be looking for a 'minimum standard of defence' as outlined in PPG25 - Development and Flood Risk, which includes a safe dry pedestrian access. Whilst the buildings themselves would not be at risk of flooding, it has not been demonstrated that a dry pedestrian access is achievable.

It is accepted that the actual site does not flood during severe flood events. However, pedestrian and vehicular access to this proposal would be lost during severe flood events as the site would be cut off and isolated. If the development were permitted this would place additional burdens on the emergency services during flood events when existing commitments stretch resources. The Agency needs to be satisfied that safe evacuation of the property is achievable.

I refer you to PPG25 - Development and Flood Risk, which states in Appendix F that the Local Planning Authority should be satisfied in respect of the fact that it is ensured that "the site can be developed and occupied safely".

If you are minded to approve the application contrary to our objection, attention is drawn to paragraphs 65 of PPG25 Development and Flood Risk which advises that the Agency should be re-notified, for you to explain why material considerations outweigh the objection, and to give the Agency the opportunity to make further representations.

Where the Agency maintain their objection on flood risk grounds the case will be well founded and stand scrutiny. The Agency will give full support to your Authority in the conduct of an appeal.

Foul Drainage: The local planning authority should ensure that the existing public mains sewage system has adequate capacity to accommodate this proposal.

#### Internal Council Advice

- 4.3 The Head of Conservation has no comments to make in relation to archaeology.
- 4.4 The Head of Engineering and Transportation has no objection and recommends conditions that the local planning authority may wish to impose.

### **5. Representations**

- 5.1 Lower Bullingham Parish Council: No objections.
- 5.2 At the time of writing this report there have been no letters of objection received. The consultation period expires on the 31st August, 2004.
- 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 for consideration in the assessment of this application are:
  - The use of the land for residential purposes
  - The design and potential impact of the proposed building on the neighbouring properties and street scene
  - Provision of safe vehicular access to the site
  - Drainage
  - Impact on the setting of the Listed Building
  - Archaeological implications due to the close proximity of the Schedule Ancient Monument
  - Flooding.
- 6.2 The site itself lies within a dense residential area to the south of the city. The land is surrounded by existing residential properties, including large detached dwellings, terraced and semi-detached properties. Penglaise Court faces onto Holme Lacy Road and consists of 14 no. flats. The siting of three dwellings on land to the rear of this site has also been approved. There is no objection in principle to the introduction of two further units of residential accommodation within this primarily residential area.
- 6.3 Although the design of the proposed building is considered acceptable, the siting of the proposed building did initially raise some concerns regarding the impact on the property immediately to the east of the site. The scheme has subsequently been

revised by moving the footprint of the building forward therefore reducing the two-storey projection to the rear. This revision is considered to have substantially reduced any overbearing impact on the neighbouring property and is acceptable.

- 6.4 At present vehicles visiting the retail unit/workshop park to the front of the building and as such the access and parking will be as existing. It is likely that the use of the site for residential purposes instead of a furniture workshop/retail unit would actually reduce traffic movements. The site can easily accommodate the two parking spaces shown on the submitted plans. The conditions that have been recommended by the Head of Engineering and Transportation have been considered and those relevant and reasonable have been included in the recommendation. There is however no objection to the development relating to highway safety.
- 6.5 In response to our consultation, Hyder brought to our attention the drainage capabilities in and around the site. Conditions have been recommended to ensure that the local sewerage system is not overloaded.
- 6.6 The application site also lies to the north of a Grade II Listed Building. This building would only be affected by the access to the site given the nature of the area and the distance between the dwelling and site access it is unlikely to harm the setting of the Listed Building. In addition to this the Scheduled Ancient Monument site lies to the north of Holme Lacy Road. There is no objection in terms of the setting on the Listed Building nor to the Scheduled Ancient Monument.
- 6.7 The road and area to the front of the application site are at risk of flooding and as such the Environment Agency have raised an objection to this scheme although the Environment Agency has accepted that the main body of the building itself will not flood.
- 6.8 An assessment of the proposal must balance the merits of the site against the possible threat of flooding to the access. Whilst the safety of the occupiers will be of obvious importance, it should be remembered that the building itself will not flood and that the proposal is for the replacement of an existing building that is already used by members of the public. The introduction of two one-bedroom flats is likely to attract the same or less people to the site. The probability of the occurrence of the flood to the road, at the same time as the occupiers would require the assistance of the emergency services, is minimal. It is questionable whether the safety of the residents of the proposed dwellings would be any different to that of the occupiers of the many other dwellings in the immediate vicinity. The Environment Agency actively promotes flood safety issues and procedures for those affected and as with the adjoining site the occupiers could register with the Flood Warnings System.
- 6.9 In conclusion, the proposal itself would not cause or add to flooding problems in the area and the risks associated with localised flooding are no more than to other local residents. There are no policy objections to the scheme, and there are no longer concerns relating to the impact on the neighbouring properties. The proposed access can adequately serve the two new flats. On this basis it is recommended that the application be approved subject to conditions and informative notes.

## RECOMMENDATION

**That the Environment Agency be notified and re-consulted on the decision to approve the application and;**

Subject to no objections raising additional material considerations by the end of the consultation period, the Officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers.

**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 B01 (Samples of external materials)**

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

**3 H05 (Access gates)**

**Reason: In the interests of highway safety.**

**4 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.**

**5 H27 (Parking for site operatives)**

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

**6 Foul water and surface water discharges must be drained separately from the site.**

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

**7 No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.**

**Reason: To prevent hydraulic overload of the Public Sewerage System and pollution of the environment.**

**8 No land drainage run-off will be permitted to discharge to the Public Sewerage System.**

**Reason: To prevent hydraulic overload of the Public Sewerage System and pollution of the environment.**

**9 Prior to the first occupation of the dwellings residents shall be advised in writing to place themselves on the Environment Agency's flood warning system. Written confirmation that this advice has been issued shall be submitted to and approved in writing by the local planning authority.**

**Reason: To ensure that residents are made aware of the potential flooding to the highway.**

**Informatives:**

- 1 The Environment Agency Flood Defence team can be contacted in Monmouth on 01600 771145 with regard to the flood warning system.**
- 2 If a connection is required to the public sewerage system, the developer is advised to contact the Network Development Consultants (DVWW Sewerage Agents) on tel: 01443 331155.**
- 3 HN04 - Private apparatus within highway**
- 4 HN05 - Works within the highway**
- 5 Your attention is drawn to the concerns of the Environment Agency who maintain that the access to the site could be affected by flooding at a rate of 1% apf (annual probability flooding). The Council can take no legal responsibility whatsoever in the event of a flood.**
- 6 N15 – Reasons for the Grant of PP/LBC/CAC**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.