

MEETING:	PLANNING COMMITTEE
DATE:	4 JUNE 2014
TITLE OF REPORT:	P140495/F - DEVELOPMENT OF 1 DWELLING WITH OFF STREET PARKING AND GARDEN. AT LAND ADJACENT TO, 7 MILVERN CLOSE, BROMYARD, HEREFORDSHIRE, HR7 4UH For: Mr Davis per Bodkin Hall, Edwyn Ralph, Bromyard, Herefordshire HR7 4LU
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=140495

Date Received: 13 February 2014 Ward: Bromyard Grid Ref: 365233,254814

Expiry Date: 28 April 2014

Local Members: Councillors J. G Lester and A Seldon

1. Site Description and Proposal

- 1.1 Planning permission is sought for a detached 3 bedroom dwelling in Milvern Close, Bromyard
The site adjoins a pair of semi-detached dwellings.
- 1.2 The application site falls inside the settlement boundary for Bromyard as defined under Policy H4 of the Unitary Development Plan. The application site area is irregular in shape. The western boundary is defined by a high retaining wall faced in stone. A lower wall defines the northern boundary, which adjoins a public footpath that inclines steeply from Milvern Close to Wye Avenue to the north-west. The detailed plans submitted are for a single detached dwelling set back from the roadside elevation of 7 Milvern Close. The eaves height is consistent between the existing and proposed dwellings, however, the ridge height is 400mm lower on the proposed dwelling. Two parking spaces are proposed to the front of the new property. The existing dwelling will have no off road parking facilities. The new dwelling is on the site of a single width garage and side garden to the property.
- 1.3 The proposed three bedroom dwelling will be faced in brickwork under a tiled roof, which reflects the local vernacular of housing development dating from the latter half of the twentieth century.

2. Policies

- 2.1 The National Planning Policy Framework 2012:

Paragraph 7 - Sustainable development
 Chapter 6 - Delivering a wide choice of high quality homes
 Chapter 7 - Requiring good design
 Chapter 8 - Promoting healthy design
 Paragraph 215

2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable Development
S2	-	Development Requirements
S7	-	Natural and Historic Heritage
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR5	-	Planning Obligations
H4	-	Main Villages: Settlement Boundaries
H13	-	Sustainable Residential Design
H16	-	Car Parking

2.3 Draft Core Strategy: The following policies are relevant, however have limited weight due to the status of the Core Strategy and representations received.

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
HD2	-	Hereford Movement
ID1	-	Infrastructure Delivery
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
H3	-	Ensuring an Appropriate Range and Mix of Housing
SD1	-	Sustainable Design and Energy Efficiency
SD2	-	Renewable and Low Carbon Energy

2.4 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

3.1 None.

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water: No objection subject to the imposition of conditions requiring the separation of foul and surface water drainage.

Internal Council Advice

4.2 Traffic Manager: Has reconsidered the proposal and objects as the proposal removes parking and cycle storage for the existing dwelling.

5. Representations

5.1 Bromyard Town Council resolves to support application

5.2 Four letters of objection have been received from local residents. The content is summarised as follows:-

- Already cars park both sides of cul-de-sac. Will get worse with loss of parking to No.7

Further information on the subject of this report is available from Mr A Prior on 01432 261932

- Emergency vehicles will have difficulty accessing
- Loss of view of Bromyard Downs. Will see only tiled roof
- 80-100 tonnes of soil and rubble already removed from site at foot of retaining wall. Total collapse of wall possible , no drainage holes in wall
- Retaining wall on Wye Avenue, above proposal site, cracking and moving
- Undersized site should build elsewhere
- Precedent

5.3 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

- 6.1 The Development Plan is the Herefordshire Unitary Development Plan 2007 (HUDP). This site is wholly within the town boundary and is within reasonable walking distance of a number of facilities in the locality. Therefore, there is a presumption in favour of such development. The issues relating to this proposal are the siting, the form of development, parking facilities and the structural integrity of a boundary wall.
- 6.2 Paragraph 14 of the NPPF confirms that where the development plan is absent, silent or relevant policies are out of date, there is a presumption in favour of granting planning permission for sustainable development unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted
- 6.3 It is considered that it is possible to erect a detached dwelling on the plot available. This is given that the existing property and proposed dwelling will still have rear garden area and the new dwelling will not materially overlook or overshadow dwellings in its vicinity. There is a need for good design in the HUDP which is reflected in the NPPF and this can be achieved . It is not considered that this is a cramped site as has been stated in representations received given the area of land remaining to the side and rear of the proposed dwelling.
- 6.4 The next issue relates to car parking in the cul-de-sac which has been raised as issue by the Council's Traffic Manager and in representations received. The proposed dwelling will have two on-site parking spaces together with a garden shed that can provide secure cycle storage. The existing dwelling will lose a garage and on-site parking facility. However, there is scope to provide one on-site parking space on the northern side of the property by removal of a low boundary wall. This provision is consistent with other properties on the western side of Milvern Close and given the location of the site in relation to local facilities, this site is evidently a sustainable one that is not wholly car dependent and is reasonably accessible to facilities both by foot and cycle.
- 6.5 Works have been undertaken to a rear boundary retaining wall of the proposal site, that would not have required planning permission and according to local residents several tonnes of soil and rubble has been removed. This is though a matter that falls outside the remit of this planning application notwithstanding that any works for the new dwelling will need to satisfy the requirements of the Building Regulations as regards ground stability and the stability of boundary walling. However, given the need to cut the dwelling into the site it is considered that a condition requiring the approval of slab levels would address these concerns.

6.6 The local concerns and those of the Traffic Manager have been given due consideration. Overall, in the context of the above mentioned planning policies and other material considerations it is considered that the application site location is sustainable with regard to the NPPF in particular paragraphs 14 and 49 and therefore planning permission is recommended.

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 1st 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 H10 Parking for proposed and existing house
5. I 16 Restriction of hours during construction
6. I 43 No burning of material/substances
7. I 51 Details of slab levels
8. L 01 Foul/surface water drainage
9. L02 No surface water to connect (either directly or indirectly) to the public sewerage system
10. L 03 No drainage run-off to public system

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Further information on the subject of this report is available from Mr A Prior on 01432 261932

2. Welsh Water Advice:

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.

Welsh Government introduced the Welsh Ministers Standards on 1 October 2012 and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with use at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on our Development Services Section of our website - www.dwrcymru.com

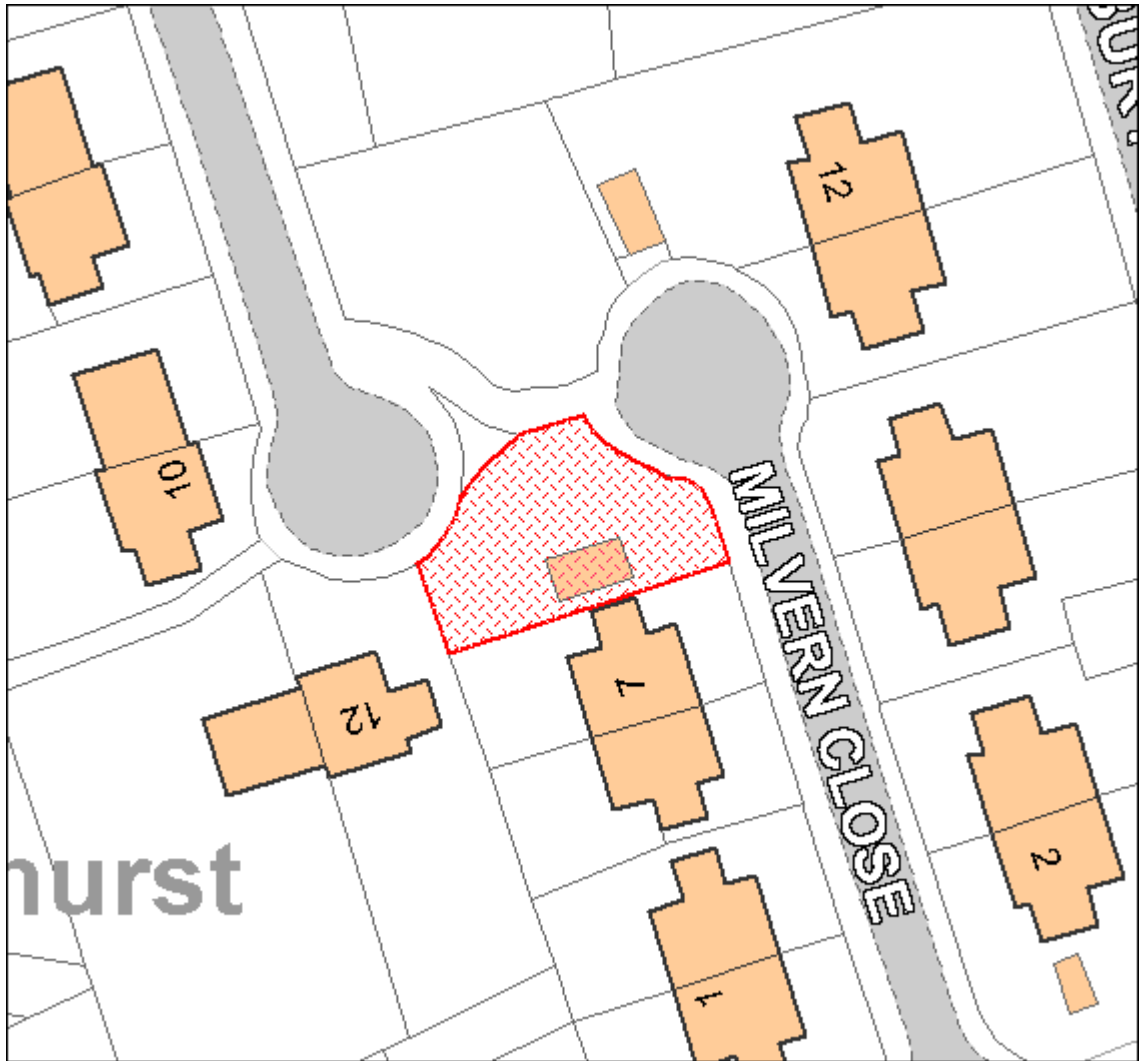
Further information on the Welsh Ministers Standards can be found on the Welsh Government website - www.wales.gov.uk

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 140495/F

SITE ADDRESS : LAND ADJACENT TO, 7 MILVERN CLOSE, BROMYARD, HEREFORDSHIRE, HR7 4UH

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