

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>1 November 2017</b>
<b>TITLE OF REPORT:</b>	<b>163948 - PROPOSED CONSTRUCTION OF A TWO BEDROOM DORMER BUNGALOW. AT LAND ADJACENT TO THE MEADOWS, ALMELEY ROAD, EARDISLEY, HEREFORD.</b>  <b>For: Mr Gregory Harwood, Little Meadows, Eardisley, Hereford, Herefordshire HR3 6PP</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163948&amp;search=163948">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163948&amp;search=163948</a>
<b>Reason Application submitted to Committee – Related to Member</b>	

**Date Received: 5 December 2016**

**Ward: Castle**

**Grid Ref: 331328,249602**

**Expiry Date: 8 March 2017**

Local Member: Councillor WC Skelton. (Councillor RJ Phillips is fulfilling the role of local ward member for this application.)

## **1. Site Description and Proposal**

- 1.1 The site is to the east of the main built up form of Eardisley, sitting to the south side of Almeley road between two detached residential properties. The plot is rectangular in shape measuring approx. 12.8m (W) x 29m (D) widening to a maximum of 17.8m at the rear (southeast) boundary.
- 1.2 Almeley Road, which is unclassified (U90418), is characterised by a linear residential form on both its north and south sides. The properties are generally detached and of individual design conforming to a pattern of development set back from the roadside.
- 1.3 Presently on the application site is what appears to be a small dis-used agricultural building of brick construction and native tree and hedge vegetation adjacent to the western side boundary.
- 1.4 This site has been subject to three earlier planning applications for a dwelling. The first (DCN090340/O) was withdrawn, the second (DCN090916/F) was refused and the third (NW091914/F) was refused. This refusal was appealed and the appeal was dismissed on the basis of the effect of the proposal on the character and appearance of the surrounding area.
- 1.5 This proposal relates to the construction of a two storey detached house measuring at its maximum 9.5m (L) x 7.5m (W) x 6m (H to ridge). The finish will be a horizontal timber boarding with render to side elevations and front around the single storey monopitch element and plain clay tiles over.
- 1.6 The dwelling would be situated to the rear of the plot and accessed from the existing access to the northeast. This provides access to the field to the south and southeast of the plot and it is proposed that it will continue to function for this purpose.

1.7 Parking and manoeuvring provision is provided to the northwest of the plot.

## 2. Policies

2.1 Herefordshire Local Plan Core Strategy:-

SS1	–	Presumption In Favour of Sustainable Development
SS6	–	Environmental Quality and Local Distinctiveness
RA2	–	Housing in settlements outside Hereford and the market towns
LD1	–	Landscape and townscape
SD1	–	Sustainable Design and Energy Efficiency
MT1	–	Traffic Management, Highway Safety and Promoting Active Travel

2.2 National Planning Policy Framework

Chapter 6:	Delivering a wide choice of High Quality Homes
Chapter 7:	Requiring Good Design
Chapter 11:	Conserving and Enhancing the Natural Environment
Para 14:	Presumption in favour of sustainable development

2.3 Neighbourhood Plans

Eardisley Neighbourhood Development Plan was adopted on 13<sup>th</sup> June 2016. It is a material consideration for the purposes of determining planning applications.

Policy H1:	Housing Numbers
Policy H4:	New Homes in Eardisley
Policy E2:	Heritage Assets and Village Character

[https://myaccount.herefordshire.gov.uk/media/4782126/eardisley\\_group\\_neighbourhood\\_development\\_plan.pdf](https://myaccount.herefordshire.gov.uk/media/4782126/eardisley_group_neighbourhood_development_plan.pdf)

2.4 The Core Strategy 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/info/200185/local\\_plan/137/adopted\\_core\\_strategy/2](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy/2)

## 3. Planning History

- 3.1 NW091914/F - Erection of a detached 2 bedroom 2 storey house – refused – appealed - appeal dismissed  
DCN090916/F - Erection of a three bed detached house – refused  
DCN090340/O - Proposed detached three bedroom two storey dwelling – withdrawn

## 4. Consultation Summary

Statutory Consultations

4.1 Welsh Water  
Qualified comments:

We would request that if you are minded to grant Planning Consent for the above development that the **Conditions and Advisory Notes** provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

## **SEWERAGE**

### **Conditions**

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption" - 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that 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. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Internal Council Consultations

#### **4.2 Transport Manager**

The Proposed Site Plan illustrates that the existing field gate is to be replaced by a set of 2 gates 1.8m in length. The installed gates are proposed to open inwards, which is acceptable. However, they also need to be sited 5m back from the highway boundary, in accordance with the authority's highway design standards. In addition the local highway authority recommends that a condition be attached to any permission granted specifying that the first 4m of the access should be constructed in a bound surfacing material.

A track is proposed along the eastern edge of the application site, providing vehicular access to the proposed dwellinghouse and providing the sole access route to and from the proposed storage barn (ref: 163946) in the field to its south. If this access route were unavailable, then the storage barn appears to be landlocked. Therefore, the proposed access should be of sufficient dimensions to be negotiated by vehicles of a type and size likely to serve the storage barn. The applicant should show on a plan that such vehicles can make the necessary manoeuvres turning into and out of the application site.

The submitted plan shows the access track to the field and proposed barn would be bordered by the proposed dwelling and the site boundary. The proximity of the dwelling to this track, and the potential nuisance to future residents emanating from passing vehicles is of concern. Details should therefore also be submitted as to whether arrangements are to be made to prevent the paddock from being sold separately from the house.

### **Internal Site Layout**

No dimensions are given for this access but it appears from the scaled drawing to be approximately 3.6m wide.

No information is provided in terms of the number or composition of vehicles that will be required to access the highway from the neighbouring store barn. The applicant will need to provide information as to the likely number and type of vehicles that will be required to use the track.

There is concern that insufficient space may be proposed to enable large or long vehicles to accomplish turning movements on-site, and the applicant will need to submit information to demonstrate that reasonably convenient turning manoeuvres can be accomplished without the need for vehicles enter the public highway in a reverse gear.

### **Traffic Generation**

**Traffic generation from a single two-bedroom property is not considered to be significant. Vehicle Parking Provision**

*The applicant's details indicate that one parking space is to be provided to serve the proposed dwellinghouse. This is within the maximum quantity of parking spaces prescribed by Herefordshire's parking standards, and can be considered acceptable for a two-bedroom dwelling. The site plan provided by the applicant does not appear to provide the dimensions of the proposed parking bay. The applicant will be required to provide a parking space of at least 2.4m width by 4.8m length, in accordance with guidance from Herefordshire's Design Guide for New Developments 2006.*

### **Cycle Parking Provision**

The application form indicates that 2 cycle spaces will be provided. This is in line with the authority's standards, and is therefore considered acceptable. The applicant will need to provide safe and secure cycle parking.

### **Summary**

The transportation department raises no objection to this application, subject to the following conditions being attached to any permission granted:

#### **CAD - Access gates**

Any new access gates/doors shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards only. This must not impinge on the manoeuvring of vehicles to the parking spaces.

Reason: In the interests of highway safety and to conform with the requirements of Herefordshire's Design Guide for New Developments 2006.

#### **CAK - Parking and turning - single house**

Prior to the first occupation of the dwelling hereby approved space shall be laid out within the application site for 1 car to be parked and for a vehicle to turn so that it may enter and leave the application site in a forward gear. The parking area shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of domestic vehicles.

Reason: In the interests of highway safety and to conform with the requirements of Herefordshire's Design Guide for New Developments 2006.

#### **CB2 - Secure covered cycle parking provision**

Before the development is commenced a scheme for the provision of covered and secure cycle parking on site shall be 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 there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Herefordshire's Design Guide for New Developments 2006.

We would like to invite the applicant to be reminded of the following informatives:

**111 - Mud on highway**

It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

**151 - Works adjoining highway**

Any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway should be carried out in accordance with details to be submitted to and approved in writing by the Highway Authority or their agent. Please contact Balfour Beatty Living Places Herefordshire (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT, (Tel. 01432 845900).

**105 - No drainage to discharge to highway**

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.

**135 - Highways Design Guide and Specification**

The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.

## **5. Representations**

**5.1 Eardisley Group Parish Council**

It is considered this dwelling still falls within the Settlement Boundary; the parking area has been improved and in overall terms, the application still conforms to the NDP. Based on these factors, EGPC supports this application.

**5.2 One comment was received through the public consultation process. This remarked on the modest site and the scale of the dwelling being suitable and the safeguarding of residential amenity to the side elevations.**

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=163948&search=163948](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163948&search=163948)

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

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

## **6. Officer's Appraisal**

**6.1 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:**

*"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

**6.2 Here, the Herefordshire Local Plan ('HLP') is the development plan and is comprised of the Core Strategy (CS) and the Eardisley Neighbourhood Development Plan (the NDP). The CS**

sets the overall strategic planning framework for the county, shaping future development, whilst the NDP provides more detailed local policies for the neighbourhood area.

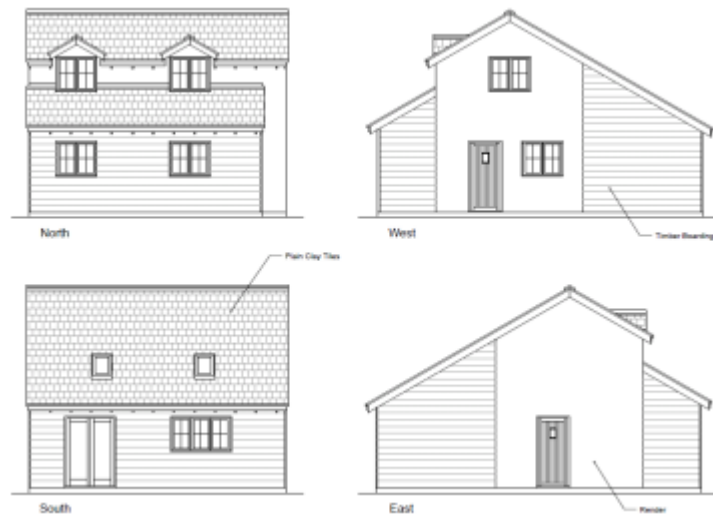
- 6.3 CS strategic Policy SS1 sets out a presumption in favour of sustainable development as required by the NPPF and directs that proposals which accord with the policies of the CS shall be approved, unless material considerations indicate otherwise. One such consideration is the NPPF which advises at paragraph 47 that Local Authorities maintain a robust five year supply of housing land. At present, the Council cannot demonstrate a 5-year supply of housing land and as such the policies of the CS cannot be inherently relied upon, although still retain weight dependent upon their consistency with the NPPF.
- 6.4 The delivery of sustainable housing development to meet objectively assessed needs is a central CS theme, reflecting the objectives of the NPPF. Policy SS2 'Delivering new homes' directs that Hereford and the market towns shall be the main focus for new housing development with proportionate growth of sustainable rural settlements, which are listed at figures 4.14 and 4.15, also supported. Eardisley is one of those settlements and Policy H4 of the NDP provides a defined settlement boundary. The site lies within the settlement boundary.
- 6.5 Policy H4 of the NDP is a criteria based policy. It says that sites falling within the settlement boundary may be developed where:
- They do not adversely affect the amenity of adjacent properties;
  - Appropriate access arrangements can be provided;
  - They preserve or enhance Eardisley Conservation Area;
  - Development density respects the density and context of the Eardisley Conservation Area;
  - The size of dwellings reflects the scale and character of surrounding properties and provides for the accommodation needs of families seeking 2-4 bedroom properties;
- 6.6 Provided that the application demonstrates that the proposal addresses these points there is a presumption in favour of development. The report will consider each in turn.

#### Potential impacts on residential amenity

- 6.7 The plans have been amended since their original submission. The site falls between two existing dwellings – The Meadows to the north east and Langtoft to the south west. As the plan below shows the two dwellings are set in different positions in relation to the roadside, The Meadows being the closest and Langtoft further back.
- 6.8 The Meadows and Langtoft are both orientated towards the road with their principal elevations facing roughly north and south with gable end elevations facing onto the site. While the opposing elevation of Langtoft is blank that of The Meadows contains two first floor windows and a verandah atop a flat roofed garage. This property is owned by the applicants. The proposed dwelling is set further back from the road and any overlooking from The Meadows will be across the parking and turning area to the front. It is unlikely to give rise to such a significant impact on residential amenity to warrant the refusal of the application. As such it is considered to accord with Policy H4 of the NDP.

#### Potential impact on character of the area and appropriateness

- 6.9 The proposal sits outwith Eardisley Conservation Area, however it is a modest dwelling for a modest plot as can be seen from the plans below, reflecting the character of the surrounding built form in this locality of the settlement and complying with E2 of the NDP in terms of preserving the character of the locality through design and material finish.



- 6.10 The dwelling is set back from the roadside, echoing neighbouring properties and the general form of the neighbouring houses coupled with the scale and size of the dwelling is appropriate for its plot and situation between The Meadows and Langtoft.
- 6.11 The plans reflect Policy H4 of the NDP in terms of the size of properties needed in the area, being two bedroomed.

#### Highways Safety

- 6.12 Policy MT1 of the Core Strategy and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 30 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 32 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development are severe.'(NPPF para. 32).
- 6.13 In this case, the application for a modest two bedroomed dwelling within the settlement of Eardisley is considered to have a negligible impact on highways. The dwelling will utilise an existing access, which is one of a number of private access points serving dwellings to the west and east of the site.

#### Conclusion

- 7.1 The proposal has been considered in light of all other material considerations and the Officer is satisfied that there are no issues raised by this application or comments received on this proposal which would result in any other recommendation than the recommendation to approve with conditions.
- 7.2 Accordingly, the proposal complies with all relevant planning policies particularly Policy H4 and E2 of the NDP and policies SD1, LD1 and MT1 and is recommended for approval with conditions.

## RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. A01 Time limit for commencement (full permission)
2. B02 Development in accordance with approved plans and materials
3. C01 Samples of external materials
4. H05 Access gates
5. F14 Removal of permitted development rights
6. CBK Restriction of hours during construction
7. H14 Sealed access
8. L02 No surface water to connect to public system
9. H29 Secure covered cycle parking provision
10. H12 Parking and turning - single house

## INFORMATIVES:

1. HN01 Mud on highway
2. 151 - Works adjoining highway
3. 105 - No drainage to discharge to highway
4. 135 - Highways Design Guide and Specification

Decision: .....

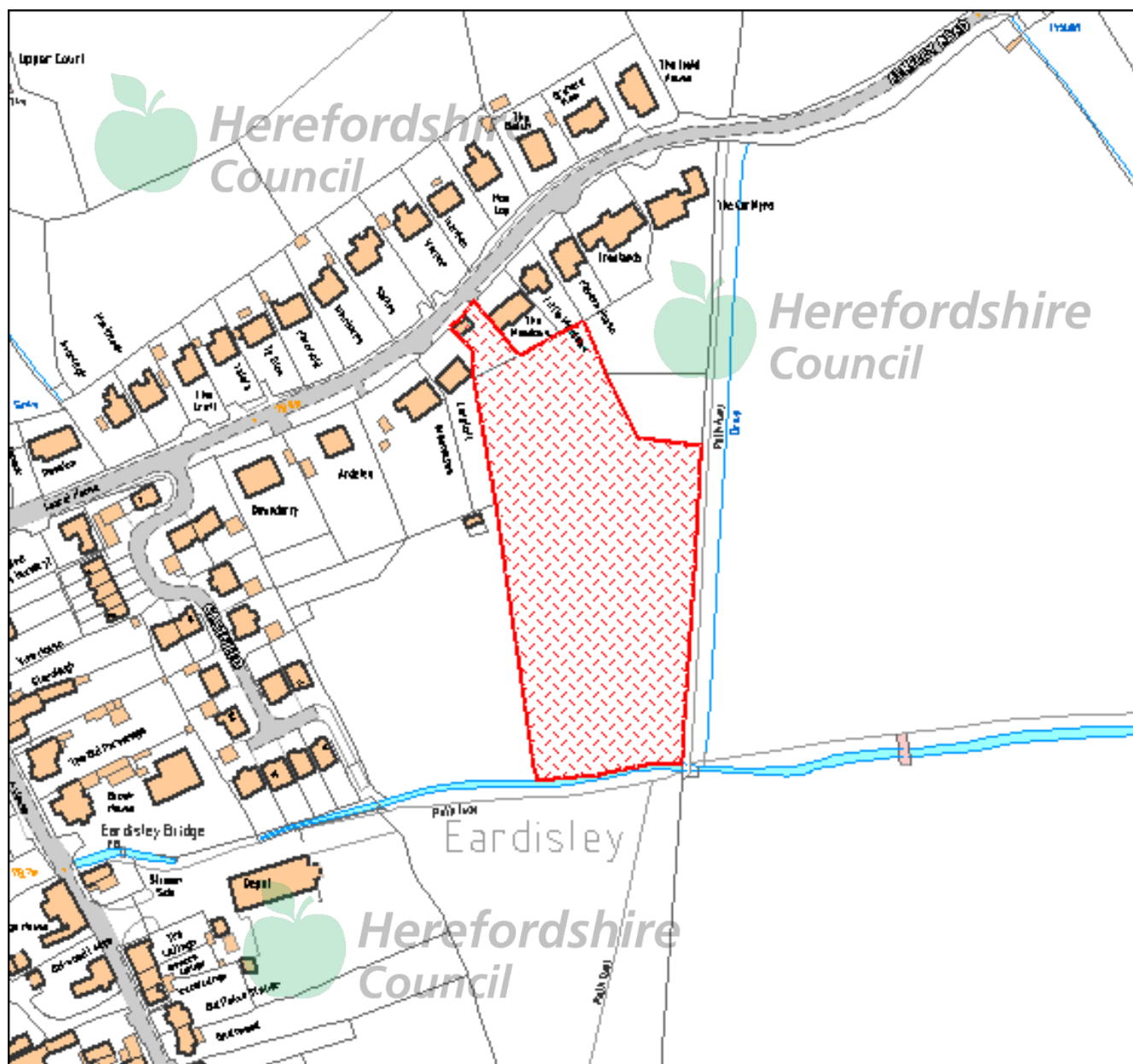
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## Background Papers

Internal departmental consultation replies.





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**APPLICATION NO:** 163948

**SITE ADDRESS :** LAND ADJACENT TO THE MEADOWS, ALMELEY ROAD, EARDISLEY, HEREFORD, HEREFORDSHIRE

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