

**10 DCCE2005/2124/O - SITE FOR TEN NEW DWELLINGS
NETHWAY, LOWER BULLINGHAM, HEREFORD,
HEREFORDSHIRE, HR2 6EE****For: Mr. C.F. Butt, Nethway, Lower Bullingham,
Hereford, HR2 6EE****Date Received: 24th June, 2005 Ward: St. Martins & Grid Ref: 51738, 38249
Hinton****Expiry Date: 19th August, 2005**

Local Members: Councillors Mrs. W.U. Attfield, A.C.R. Chappell and R. Preece

1. Site Description and Proposal

- 1.1 The site is located south of the B4399 (Holme Lacy Road) approximately half a mile west of Rotherwas Industrial Estate. Running along the western boundary of the site is Withy Brook which is designated as a Site of Important Nature Conservation (SINC) and the southern and eastern boundaries are enclosed by existing residential development forming part of St Clare's Court. Ground levels fall from south to north within the site and mature trees, principally Leylandi, enclose the western and northern boundaries. The applicants existing property is a large detached bungalow occupying a relatively central position within the plot with vehicular access via a driveway off Holme Lacy Road along the eastern boundary. The site also lies within a flood plain and is designated within the Flood Zone 2 category.
- 1.2 The applicants seek consent to demolish the existing bungalow and construct 10 residential units comprising 6 three bedroom and 4 two bedroom properties. The application is in outline form with the siting, design, external appearance, means of access and landscaping all reserved for future consideration.

2. Policies**2.1 PPG3 – Housing****2.2 South Herefordshire District Local Plan:**

- GD1 - General development criteria
- C13 - Protection of local nature conservation areas
- C14 - Ponds and wetlands
- C44 - Flooding
- SH15 - Criteria for new housing schemes
- SH22 - Public open space in residential areas
- R3B - Development and open space targets for 3 to 10 dwellings
- R3C - Calculation of open space
- R3D - Commuted payments
- T3 - Highway safety requirements
- T4 - Highway and car parking standards

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

- S1 - Sustainable development
- S2 - Development requirements
- S3 - Housing
- S6 - Transport
- DR2 - Land use and activity
- DR3 - Movement
- DR7 - Flood risk
- H1 - Hereford and the market towns: settlement boundaries and established residential areas
- H3 - Managing the release of housing land
- H13 - Sustainable residential design
- H14 - Re-using previously developed land and buildings
- H15 - Density
- H19 - Open space requirements
- NC1 - Biodiversity and developments
- NC4 - Sites of local importance
- T6 - Walking
- T7 - Cycling

3. Planning History

- 3.1 CE2005/1514/O – Site for new residential housing (14 dwellings). Application withdrawn 27th June, 2005.
- 3.2 CE2004/1645/F – New pitched roof and chimney on existing building. Planning permission refused 28th June 2004.
- 3.3 SH960689PO - Construction of 8 dwellings. Outline Planning Permission approved 1st August, 1996.
- 3.4 SH950523PF - Construction of residential development, associated garages, roads, drainage and landscaping. Planning Permission Refused 8th November, 1995.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: The site is located within Flood Zone 2 and is operational development of less than 1 hectare and therefore the Environment Agency does not object to the application. However, whilst a flood risk assessment may demonstrate that the site is located outside of any 1% flood risk, access to the proposal may be lost during such a flood event. It should be noted that access to the proposal abuts an area of high flood risk and due to a wider flood risk in the area, there may not be dry access to and from the proposed development. This would place additional burdens on the emergency services during flood events when existing commitments are stretch resources. The local planning authority need to be satisfied through a Flood Risk Assessment that safe evacuation of the property is achievable/acceptable.
- 4.2 Welsh Water: No objection subject to conditions concerning foul and surface water drainage.

Internal Council Advice

- 4.3 Traffic Manager: No objections subject to conditions concerning improved visibility for the access and internal road layout/parking requirements.
- 4.4 Conservation Manager: Further to a site inspection, no protected species surveys are required. However, the site is adjacent to Withy Brook Site of Interest for Nature Conservation and as such the proposals for development must accommodate the ecological interest which may be affected. It is important to the integrity of the SINC that protection and enhancement measures are documented and implemented. This can be controlled via a condition.

5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 Lower Bullingham Parish Council: The Parish Council opposes this application. A permission exists for 8 dwellings with the access down the original convent drive. If the original convent drive was used for access it would move the houses away from those already built and it is felt that this is the best layout that can be achieved on the site.
- 5.3 Eight letters of objection have been received from existing residencies bordering the application site. The main points raised are:
- There are 7 other junctions within close proximity to the application site and there have been a number of accidents and near misses along this part of Holme Lacy Road in recent years. Additional traffic using the access would pose a further danger to highway safety;
 - The flooding on Holme Lacy Road and Lower Bullingham has got worse and more frequent in recent years. The houses themselves may not be affected but the residents would be completely cut off as the deepest area of flood water is at this section of Holme Lacy Road;
 - The proposal for 10 houses is still excessive for the site;
 - Any development will lead to a loss of privacy and light for neighbouring properties;
 - Development would have an overbearing impact on neighbouring properties;
 - The previous planning approval had access to the site via St Clare's Court and not directly on to Holme Lacy Road. This would be a more acceptable option.
 - Planning permission was refused in 1995 for the same number of dwellings;
 - Withybrook is a site of nature conservation and provides habitat for a variety of birds. Their habitat would be destroyed by this development particularly if trees are removed;
 - Development would lead to increased noise levels in the locality;
 - We question whether there is the need for any further housing in the locality given the 500 plus houses being built on the nearby former SAS site.
- 5.3 In response to the letters of objection the applicant has commented as follows:
- Access - the layout plan is for illustration purposes only and the precise access arrangements will be subject for detailed approval at a later stage.
 - Flooding - this point of Holme Lacy Road is well known to flood but Lower Bullingham is a priority for flood alleviation work.

- Congestion - the main traffic congestion arises from the volume of traffic travelling to and from the Industrial Estate. The Rotherwas Relief Road will significantly reduce the traffic congestion problems in the area. The introduction of a 30mph speed restriction in the locality is also long overdue and would further ease highway safety concerns. The existing access is to be improved and the Traffic Manager raised no objection.
- Privacy and Light - neighbouring properties already overlook one another's gardens. The addition of one or two more properties overlooking the gardens will not significantly reduce the present levels of privacy. Light is already reduced by existing high trees on site, some of which would be removed if development were permitted which may increase the amount of light received by neighbouring properties.
- Wildlife - the existing tree line along side Withybrook would be retained in order to preserve the wildlife habitats and also the stability of the brooks banks.
- Density - Permission was approved in 1996 for 8 dwellings, since then the site area has been increased by 240 sq metres. Based on the illustrative plan, all of the 10 proposed plots are larger than the majority of the plots on the adjoining St Clare's Court.
- Noise - noise can be controlled by by-laws and statutory legislation.

In summary the proposal is to develop this brown field site which is within walking distance of all necessary amenities and is accessible to public transport, footpath and cycle ways in the area. The development will not impact on local infrastructure or the quality of life of neighbouring properties.

- 5.4 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 proposal is in outline form for the demolition of the existing bungalow and construction of 10 residential units. The application forms accompanying the proposal indicate that the mix of housing would be 6 three bedroom and 4 two bedroom units. The main issues for consideration in this report are as follows:

1. Principle of development
2. Impact upon amenity
3. Highway safety
4. Flooding
5. Other matters
6. Conclusion

Principle of Development

- 6.2 The site falls within the settlement boundary for this part of Hereford as is designated in the South Herefordshire District Local Plan. The site is also partially developed by way of the applicants existing bungalow, which would be demolished if the proposal were permitted. As such it is also classed as brown field land as defined in Annex C of PPG3. Although the existing bungalow is in good condition, it is of no architectural or historic merit and the site does not fall within a conservation area. There is therefore no planning policy protection to enable the existing bungalow to be retained. In view of the above, the principle of residentially developing the site including the demolition of the existing bungalow is acceptable. This has previously been

demonstrated by the approval in 1996 for the development of the site, albeit for 8 rather than 10 properties.

- 6.3 The site is also regarded as a windfall site i.e. not specifically allocated for residential development within the Local Plan or UDP. A number of objectors have commented on whether there is the need for additional housing in the area. The Herefordshire Unitary Development Plan identifies that 40% of all housing anticipated to be built between 2006 and 2011 in Hereford would emanate from windfall sites such as this. Therefore, based on these figures the need for additional housing is justified.

Residential Amenity

- 6.4 The construction of 10 dwellings on site equates to a density of 38 units per hectare. This falls within the mid range for the recommended densities of housing development outlined in PPG3 and also Policy H15 of the Unitary Development Plan. This, in itself, is therefore acceptable in planning policy terms. However, three out of the four boundaries are bordered by existing residential developments. The applicants have provided an illustrative layout, which demonstrates that 10 properties can be accommodated on the site. Although this is purely for illustration, this layout would not be acceptable principally due to its impact on neighbouring properties. Nevertheless, it is considered that an acceptable layout could be achieved. It is envisaged that the development would comprise principally terraced housing of a modest size developed more in line with the position of the properties east of the site within St Clare's Court. This would enable acceptable standards of amenity (light and privacy) to be achieved both for existing residents and occupiers of the new properties. It is therefore considered that 10 modestly sized properties predominantly of 2 bedroom in size could be accommodated on the site without compromising the amenity of neighbouring properties.

Highway Safety

- 6.5 The precise details of the access, internal road layout and parking standards are reserved for future consideration. However, the Traffic Manager raises no objection to the modification of the existing access providing that visibility splays are improved. This can be achieved subject to the removal of Leylandii trees along the roadside boundary. Furthermore, the Traffic Manager considers that Holme Lacy Road has sufficient capacity to accommodate the additional traffic associated with this development. As such there are no highway safety issues associated with the proposal.

Flooding

- 6.6 The site falls under the threshold whereby the Environment Agency would require a Flood Risk Assessment to be undertaken and therefore they do not object to the proposal. However, Holme Lacy Road in the locality of the site falls within the higher flood risk area (1% annual probability) and the Environment Agency highlighted that access to the site may be restricted or even prevented due to flooding. Both objectors and the applicant acknowledge that this has occurred previously. The site for the housing is at a higher level than Holme Lacy Road and is therefore unlikely to flood. As such, it is not considered that a full Flood Risk Assessment is necessary in this instance nor is it considered to be a reason for withholding permission. Nevertheless, if permission is approved, any future developer should be made aware of the potential

flooding of the access road in the locality and this could be achieved via a note on any permission.

Other Matters

- 6.7 Withy Brook bordering the western boundary is designated as a Site of Importance to Nature Conservation. (SINC) Comments are awaited from the Conservation Manager but it is considered that subject to the retention of the existing boundary trees and vegetation along the western boundary, the development of the site should not adversely affect the SINC. The retention of the existing trees will also have the added benefit of safeguarding privacy for the properties on the western side of the application site.
- 6.8 The number of dwellings proposed in this application falls below the threshold for the provision of affordable housing in both the South Herefordshire District Local Plan and the UDP although it is envisaged that the identified need to provide smaller units to produce an acceptable layout will result in more modest accommodation at the lower end of the property market.
- 6.9 Section 3 of this report identifies that planning permission was refused in 1995 for the construction of 11 units on site with access being gained from St Clare's Court. A further application was submitted in 1996 for 8 residential units with access via Holme Lacy Road and this was approved. The 1995 permission was refused on the grounds that the development would represent an over development of the site in terms of its density and would not be in keeping with the scale and character of other development in the locality nor offer sufficient protection for existing hedgerows and ornamental trees on site. Planning policy both at a local and national level has changed considerably over the last 10 years. In particular, local authorities are now required to ensure that any development makes efficient use of the land and this is particularly the case with Brownfield land. It has already been demonstrated that the proposed density would be acceptable subject to the properties being of a terraced form and modest size. Since the refusal in 1995, St Clare's Court has also been developed at a similar density to that which is proposed under this application. As such, development of 10 units would not be out of keeping with the character and density of other development in the area.

Conclusion

- 6.10 The principle of development is acceptable and the construction of 10 residential units can be accommodated on site without compromising the residential amenity of neighbouring properties, highway safety and the biodiversity of Withy Brook. The development is therefore considered acceptable in accordance with the relevant development plan policies and guidance within PPG3.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 A02 (Time limit for submission of reserved matters (outline permission))**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

2 A03 (Time limit for commencement (outline permission))

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3 A04 (Approval of reserved matters)

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

4 A05 (Plans and particulars of reserved matters)

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

5 B01 (Samples of external materials)

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

6 E18 (No new windows in specified elevation)

Reason: In order to protect the residential amenity of adjacent properties.

7 F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

8 F18 (Scheme of foul drainage disposal)

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

9 G01 (Details of boundary treatments)

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

10 G08 (Retention of trees/hedgerows (outline applications))

Reason: To safeguard the amenity of the area.

11 H03 (Visibility splays)

Reason: In the interests of highway safety.

12 H18 (On site roads - submission of details)

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

13 H27 (Parking for site operatives)

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

- 14 To ensure the Withy Brook Site of Interest for Nature Conservation adjacent to the proposed development site is protected and its nature conservation potential enhanced, an Ecological Method Statement shall be submitted to, and agreed by, Herefordshire Council’s Ecologist prior to any development. Details of this statement should include measures to safeguard the broadleaved bank-side vegetation and the aquatic life of the Brook during and after development operations together with a plan for ecological management and enhancement. The method statement shall be agreed with Herefordshire Council’s Ecologist prior to development.**

Reason: To comply with Herefordshire Council’s UDP Policy NC1, NC4, NC6, NC7, NC8 and NC9 and HBA9.8 in relation to Nature Conservation and Biodiversity.

Informatives:

- 1 HN05 - Works within the highway**
- 2 HN08 - Section 38 Agreement details**
- 3 The applicant/developer is advised that the proposed detailed layout should include predominantly terraced houses of two and three bedroom in size. The two bedroom houses should be around 70 sq metres of habitable living space and the three bedroom properties should be around 90 sq metres of habitable living space.**
- 4 The applicant/developer is advised that the site lies within a floodplain and Holme Lacy Road providing access to the site is particularly prone to flooding.**
- 5 N15 - Reason(s) for the Grant of PP/LBC/CAC**

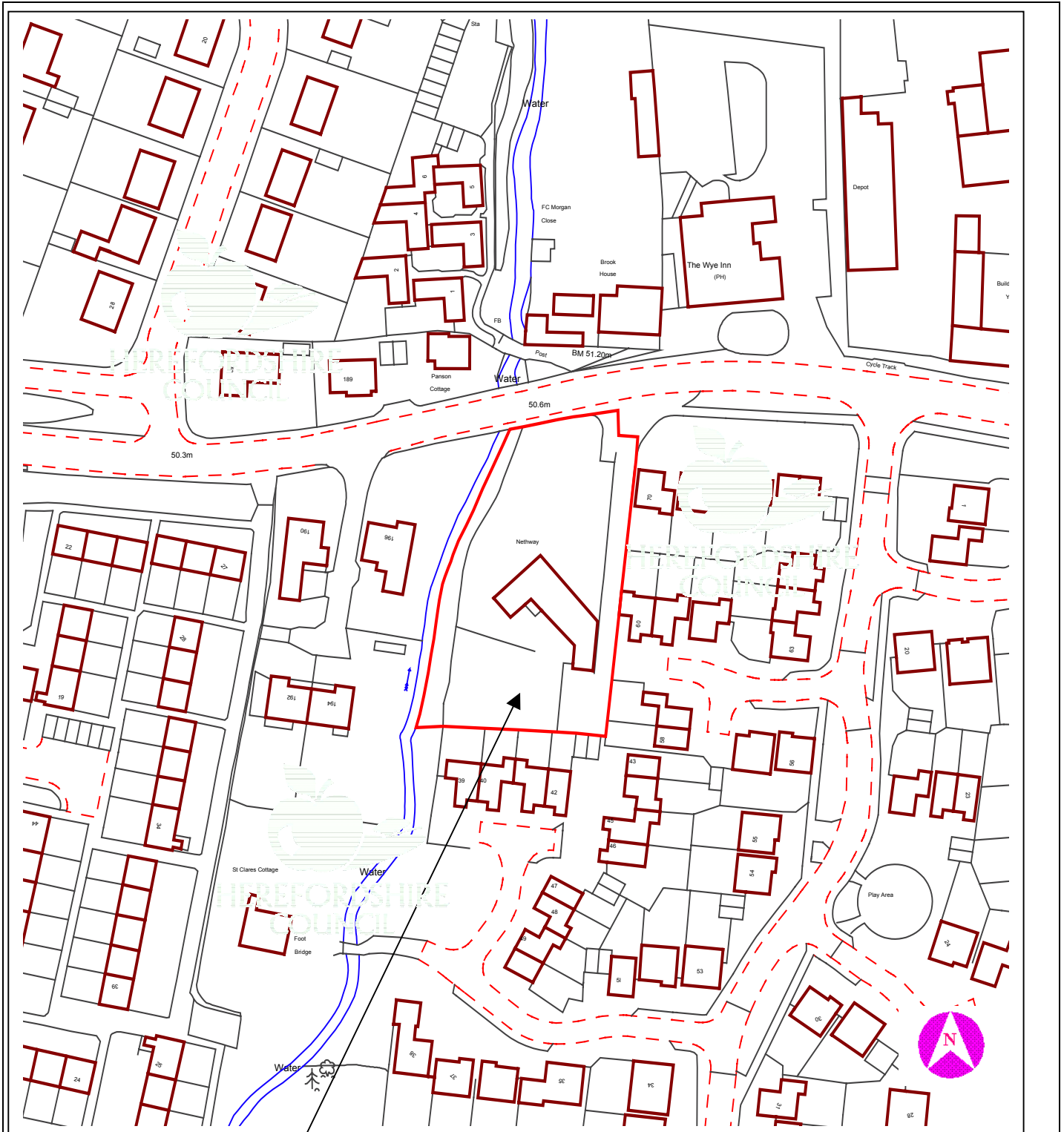
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2005/2124/O

SCALE : 1 : 1250

SITE ADDRESS : Nethway, -, Lower Bullingham, Hereford, Herefordshire, HR2 6EE

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