

**10 DCCE2005/2132/O - ERECTION OF 3 DWELLINGS 40  
NEWTOWN ROAD, HEREFORD, HEREFORDSHIRE,  
HR4 9LL****For: Mr. Boyal per John Phipps, Bank Lodge,  
Coldwells Road, Holmer, Hereford, HR1 1LH****Date Received: 28th June, 2005    Ward: Central    Grid Ref: 51037, 40906****Expiry Date: 23rd August, 2005**

Local Member: Councillor D.J. Fleet

**1. Site Description and Proposal**

- 1.1 This application seeks permission for the erection of three, three storey dwellings to the rear of 40 Newtown Road, Hereford. The application seeks outline permission but with only landscaping reserved for future consideration.
- 1.2 The application site consists of No. 40 Newtown Road, previously the Newtown Road Post Office but since converted into residential use, together with the associated rear garden area. A number of outbuildings are currently found to the rear of the frontage property. The site is not specifically designated in either the adopted Hereford Local Plan or the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft) and as such is 'white land' for the purposes of planning policy. The application site is, however, located immediately to the south of the canal corridor. To the west of the application site is found Pizza Hut, and to the east, the dwellings running along Newtown Road.
- 1.3 The proposal involves the demolition of the existing outbuildings to the rear of the frontage property, the widening of the existing cart way to form a vehicular access, and the erection of a terrace of three dwellings with associated parking. The dwellings are three storey and arranged in a stepped manner. The second floor is formed in the roof space of the proposed dwellings with the accommodation created served by front and rear dormer openings. The finish is brick for two dwellings and render for the third (eastern most property). Six parking spaces (two per unit) are provided to the south of the dwellings and garden area created to the north. The properties are intended to face the south but with a 'face' on the northern elevation to allow the dwellings to also relate to the canal route to the north.

**2. Policies****2.1 Hereford Local Plan:**

ENV1	-	Land liable to flood
ENV14	-	Design
H3	-	Design of new residential development
T5	-	Car parking – designated areas
R15	-	The Herefordshire and Gloucestershire Canal

## 2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S6	-	Transport
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR7	-	Flood risk
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
H2	-	Hereford and the market towns: housing land allocations
H16	-	Car parking
T11	-	Parking provision
RST9	-	Herefordshire and Gloucestershire Canal

## 3. Planning History

- 3.1 DCCE2004/3383/O - Site for erection of 18 one bedroom flats. Withdrawn 21st February, 2005.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Welsh Water: No objection subject to conditions.
- 4.2 Environment Agency: No response received.

### Internal Council Advice

- 4.3 Traffic Manager: No objection subject to conditions.
- 4.4 Economic Development Manager: Raises no objection but supports the Canal Trust's position on the application and the negotiation of a Section 106 Obligation towards the reinstatement of the canal.
- 4.5 Forward Planning Manager: No response received.

## 5. Representations

- 5.1 Canal Trust: Object unless a Section 106 Agreement can be secured towards the reinstatement and maintenance of the canal.
- 5.2 Hereford City Parish Council: Objection on the grounds that this development is backland development and has inadequate access from the adjacent highway.
- 5.3 Local Residents: Three letters of objection have been received raising the following points:
1. Inadequate access arrangements;
  2. Lack of contribution for canal redevelopment;

3. Loss of privacy/overlooking.

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 It is considered that the three principal areas for debate in relation to this application are the principle of development, the impact of the proposal on the restoration of the canal, design and amenity issues, and highway matters.

### Principle of Development

6.2 The application site has no specific policy designation, however, the existing property on site is residential and the rear site area is residential curtilage. It is of further note that this site is part of a row of residential properties. A new residential development in this location is appropriate and acceptable at a basic policy level. The acceptability or otherwise of this scheme therefore rests with the details of the proposed development.

### The Canal

6.3 The application site is located adjacent to the safeguarded route of the canal which is afforded protection under Policy RST9 of the Herefordshire Unitary Development Plan (Revised Deposit Draft), as well as, by policy R15 of the adopted Hereford Local Plan. Policy RST9 requires the canal route, together with associated infrastructure, buildings, towpath and features to be safeguarded. Development which would prevent or prejudice the restoration of a continuous route, will not be permitted. Policy R15 seeks to encourage the improvement and restoration of the canal.

6.4 To the east of the application site is a new development of 14 dwellings granted permission by virtue of application DCCE2003/1090/F. This application has, associated with it, a Section 106 Agreement which required the transfer of an area of land to the Canal Trust, as well as, an obligation for each property to contribute £200 per annum (inflated annually to the retail price index) in perpetuity for restoration and maintenance. This application does not propose such an agreement and the Canal Trust have objected on the basis of this. However, in the case of this application, the canal route runs adjacent to, and not through, the application site. Consequently, it is unreasonable to insist upon a contribution where the land in question is not directly involved in the canal restoration. Furthermore the proposed development would not prejudice redevelopment of the canal and therefore complies with the relevant policies of the adopted and emerging Development Plans.

### Design and Scale

6.5 The design and scale of the development is considered appropriate having regard to the wider area and future evolution of this area. The dwellings are traditional in appearance and are designed to face to the north and south, enabling their effective integration into the redevelopment of the canal. The proposal is principally reflective of the new development found to the east of the application sites (DCCE2003/1090/F). The scale is appropriate in the context of the existing built form on Newtown Road. The design and scale are therefore acceptable.

- 6.6 This proposal reflects acceptably the character of the existing area and furthermore will effectively integrate with the restored canal and wider development of this area. No objection is raised in relation to the impact of this proposal upon the visual amenities of the locality.

#### Residential Amenities

- 6.7 One of the most significant issues associated with this proposal is that of its impact upon the residential amenities of the neighbouring properties. The dwellings are located to the rear of the existing garden area of No. 40 and have a principal elevation facing south. The proposed dwellings will therefore be facing the rear elevations of the properties on Newtown Road, as well as, having aspects over the rear garden areas of the aforementioned dwellings. From the perspective of the dwellings themselves the new dwellings are, at their closest point, approximately 35 metres away from the rear elevation of the closest dwelling on Newtown Road. This is within acceptable limits. The key impact is therefore the overlooking of the rear garden areas. To minimise this impact no side openings on the east facing elevation are proposed and the second floor dormers serve bathrooms and would be conditioned with obscure glazing. Notwithstanding this it cannot be argued that no overlooking will result. The degree of overlooking will not be significantly dissimilar to that found on modern high-density residential developments and as such this issue is considered to be insufficient to refuse this application.

#### Highway Matters

- 6.8 The Traffic Manager supports the proposed access arrangements subject to conditions. Parking provision is in accordance with policy requirements and he therefore has no objections to the proposal.

#### Conclusion

- 6.9 Concerns have been expressed in relation to this proposal, not least in relation to the amenity impact and the implications for the canal restoration. On balance, however, it is considered that the impact of this development will be within acceptable limits and the insistence upon a Section 106 contribution would be unreasonable in this instance. This development is in accordance with planning policy and would not prejudice the future realisation of the canal restoration.

### **RECOMMENDATION**

**Subject to there being no objection from the Environment Agency, 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. 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. A09 (Amended plans)**

**Reason: To ensure the development is carried out in accordance with the amended plans.**

**5. B01 (Samples of external materials)**

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

**6. C16 (Detailed scheme of demolition operations)**

**Reason: To minimise the risk of damage to the existing building.**

**7. E16 (Removal of permitted development rights)**

**Reason: To ensure that the local planning authority retains effective control of the development of this site in the interests of the visual and residential amenities of the locality.**

**8. E17 (No windows in side elevation of extension)**

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

**9. E19 (Obscure glazing to windows)**

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

**10. F16 (Restriction of hours during construction)**

**Reason: To protect the amenity of local residents.**

**11. W01 (Foul/surface water drainage)**

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

**12. W02 (No surface water to connect to public system)**

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

**13. W03 (No drainage run-off to public system)**

**Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.**

- 14. The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto.

- 15. H05 (Access gates)

Reason: In the interests of highway safety.

- 16. H06 (Vehicular access construction)

Reason: In the interests of highway safety.

- 17. 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.

**Informatives:**

- 1. N01 - Access for all
- 2. N03 - Adjoining property rights
- 3. HN01 - Mud on highway
- 4. HN04 - Private apparatus within highway
- 5. HN05 - Works within the highway
- 6. HN10 - No drainage to discharge to highway
- 7. N16 - Welsh Water Informative
- 8. N15 - Reason(s) for the Grant of PP/LBC/CAC

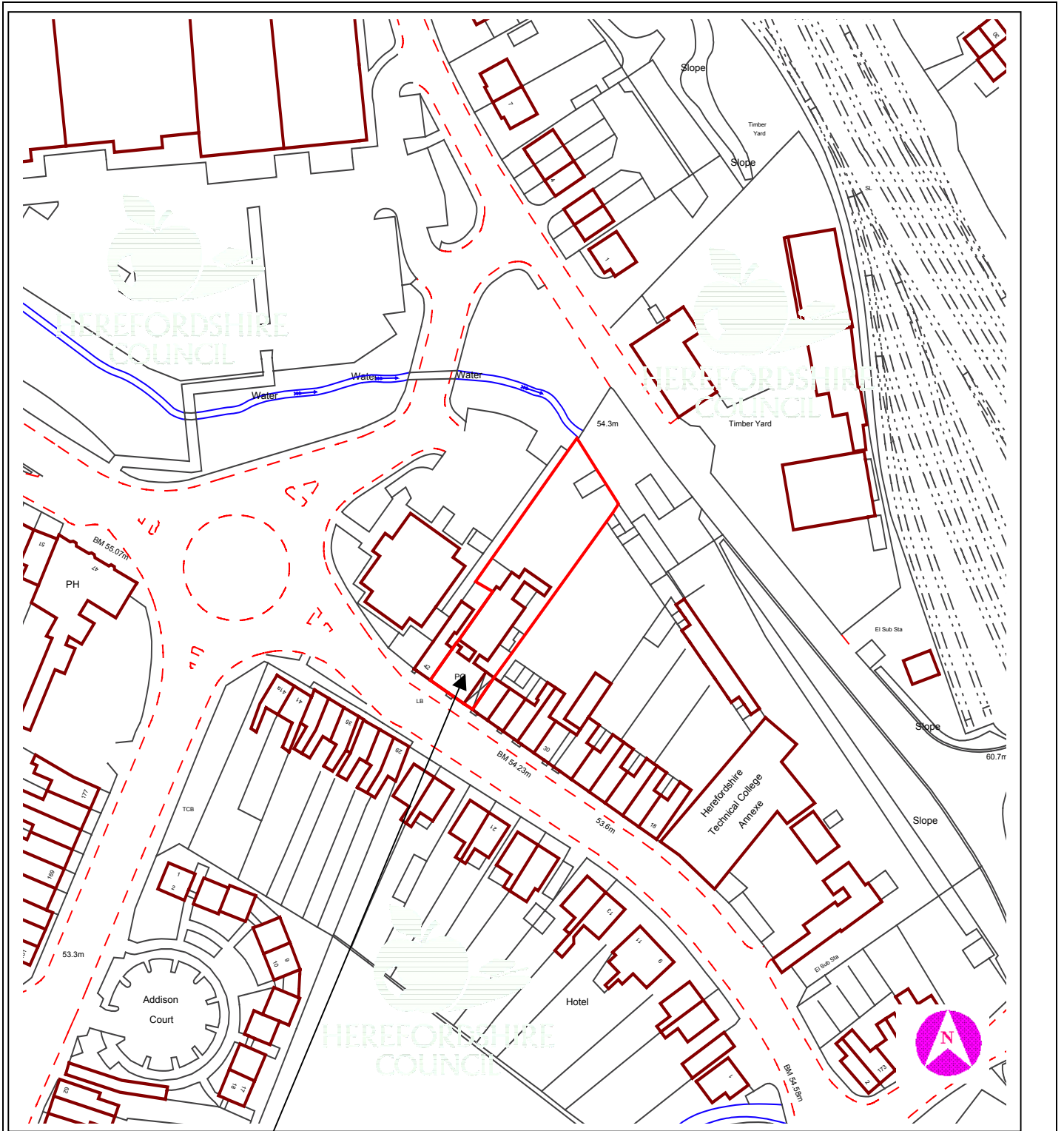
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2005/2132/O

**SCALE :** 1 : 1250

**SITE ADDRESS :** 40 Newtown Road, Hereford, Herefordshire, HR4 9LL

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