

23 DCNC2005/2977/F - DEMOLITION OF EXISTING VILLAGE HALL AND ERECTION OF DWELLING VILLAGE HALL, ULLINGSWICK, HEREFORD HR1 3JG**For: Mr & Mrs AK Lewis per HCD Architects 55-57 High Street Bromsgrove Herefordshire B61 8AJ****Date Received:**
15th September 2005**Ward: Bromyard****Grid Ref:**
58549, 49298**Expiry Date:**
10th November 2005**MT/CR**

Local Member: Councillors B Hunt and P Dauncey

1. Site Description and Proposal

- 1.1 The application site comprises the old Village Hall at Ullingswick situated on the north side of the C1118 road just west of the T-Junction with the unclassified road. The proposal is for the demolition of the old Village Hall and erection of a four bedroomed dwelling and detached double garage. The proposed dwelling measures approximately 13.55m x 7.5m with a ridge height of just under 8 metres. The design incorporates dormer windows which break the eaves line. The garage, which adjoins the eastern boundary of the site is square in plan with a dimension of 5.545m and a ridge height of 5m. It is proposed to construct the dwelling using brick and plain tile and incorporate wooden boarding on the garage.
- 1.2 There is an existing access to the site which was recently constructed under an earlier permission. There is currently a badger set under the old Village Hall but following determination of the application for the access a new badger set has been reconstructed in the western corner of the site. There is also a blue Cedar tree in this portion of the site which is subject to a tree preservation order.

2. PoliciesMalvern Hills District Local Plan:

Housing Policy 4: Development in the Countryside
Landscape Policy 1: Development Outside Settlement Boundaries
Nature Conservation Policy 1: Habitats
Nature Conservation Policy 2: Species
Recreation Policy 31: Retention of Existing Community Facilities

Herefordshire Unitary Development Plan (Revised Deposit Draft):

H7: Housing in the Countryside Outside Settlements
NC1: Biodiversity and Development
NC5: European and Nationally Protected Sites
NC6: Biodiversity Action Plan Priority Habitats and Species
NC7: Compensation for Loss of Biodiversity
CF6: Retention of Existing Facilities

3. Planning History

DCNC2004/0696/F - Modification of existing vehicular access up to the Village Hall, Ullingswick. Planning Permission granted 14th July 2004, this permission included a condition for mitigation measures in relation to the badger set.

DCNC2003/1983/F - Construction of a new vehicular access to Village Hall refused 19th August 2003

MH96/0660 - Erection of single storey dwelling on site of former Village Hall refused contrary to policy July 1997

MH91/0064 - Creation of new access and driveway to Village Hall refused March 1991

MH90/227 - 4 bedroom dormer bungalow refused and subsequently dismissed on appeal. Appeal decision date October 1990.

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency: No objection

4.2 Welsh Water: No response

Internal Council Advice

4.3 Transportation Manager: I understand that the details of the access and turning facilities have been conditioned under separate application (including visibility). Notwithstanding this, gradient will be a problem from looking on site. Conditions H9, H13 and Notes 5 & 10 apply.

4.4 Conservation Manager: No response at time of preparing report.

5. Representations

5.1 Ullingswick Parish Council:

'This former Village Hall site has been the subject of various planning applications and appeals over the last 25 years as it lay outside the Village development envelope and has had disputed access in the past. The site still lies outside the Village envelope. It should be pointed out that, if planning permission were to be granted, this might set a precedent for other sites in the village which have either had permission refused or where permission has lapsed.

The Planning department has previously ignored comments from this Parish Council and granted permission for a new site access earlier this year. This access has since been built, and gives extremely limited visibility to the west for those leaving the site, and for other traffic approaching the entrance on the uphill convex bend when travelling east.

The current application does not show any site levels, and yet in the 1990 Bungalow appeal the applicant proposed dropping the existing site level by 1 metre so that the roof of the new building would be no higher than that of the existing Hall. Even so, the Inspector (Mrs Edwards) still considered that "the proposed bungalow with its steeply pitched roof would be unduly prominent in this elevated position so that it would appear seriously out of scale and character with its surroundings".

It is proposed that the site would be served by a septic tank, the details of which are incomplete. No percolation values are available, no tests have been carried out and there are no drawings to show the position and siting of the tanks and soakaways.

The western end of the site is the lowest, and this is where any soak away or storm water would naturally flow, yet it contains a newly dug artificial badger set, installed by the applicant to encourage badgers to move out from an established set under the Village Hall's suspended floor. Between the new badger set and the house there is a magnificent Blue Cedar Tree, subject to a Tree Preservation Order, that was planted in 1953 to commemorate Her Majesty's Coronation.

The newly exposed elevation site, including the dilapidated Tin Hall, is currently an eyesore and probably has Health & Safety issues for its owners.

The Parish Council believes that the planned 4-bedroomed house with separate double garage is the largest proposal yet made by the applicant in the last 15 years and that it will be a gross over-development of the site. This is a limited site with poor access, but Councillors would not oppose a modest single-storey development with the proviso that satisfactory arrangements are made for water disposal and site run-offs'.

5.2 Herefordshire Badger Group formally object to the application. The proposed development would destroy the family of badgers currently living under the village hall. The planning itself is, in any case premature, so far as we know, the necessary preliminary reports have not been made. These are required to inform the planning committee as to the current badger population on site and the effects of any development work on their habitat.

5.3 Representations have been received from:

Julia Hawkes-Moore, 2 Wilden Court Gardens, Ullingswick
Mrs Duthy-James, Thornfield, Ullingswick
Mr & Mrs O'Dell, Harry's Croft, Ullingswick
Miss P Mess, Pennway, Ullingswick
M & E Mess, Stonehouse Farm, Ullingswick
Wg Cdr Whittingham OBE & Mrs Whittingham, Blue Cedars, Ullingswick

The objections can be summarised as follows:

- a) The house should face west not south;
- b) It should be no higher than existing Village Hall;
- c) Disturbance to the tree with Preservation Order;
- d) The hedge should be left high enough to conceal properties to the south;
- e) The house is too large, out of keeping with surrounding bungalows;
- f) It will overlook existing dwelling;
- g) Are there adequate soakaways;
- h) There are previous refusals and these reasons remain valid;

- i) Access is dangerous;
- j) Presence of badger sett;
- k) Contrary to Open Countryside Policies;
- l) The site is very prominent;
- m) The ownership is not as indicated on the plan;
- n) Access approved under code 04/0696 is subject to court proceedings;
- o) No objection to house or scale;
- p) The village plan is out of date, 4 more bungalows have been built between The Steppes and the Village Hall all of which are six years old or more and
- q) The village has recently benefited from Border Oak and Huf House designs but this house design is very disappointing.
- r) Development of site long overdue, and glad to see badgers moving out.

5.4 In support of the proposal the applicant has submitted details of attempts to market the property for alternative uses. The property is being marketed by agents as well as in the Council's own property digest to date two sets of details have been sent out but no follow up to these.

5.5 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford, and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 The site lies, for policy purposes in open countryside and new residential development is strictly controlled. In this instance the proposal is not based on an agricultural or similar need nor conversion of redundant building. The site however is Brownfield land and the proposal for redevelopment of an already developed site. Previous refusals for the erection of a dwelling, of which there are three additional decisions to those listed dating back to 1980, were on the basis of the Open Countryside Policy and the prominence of any dwelling. Since those earlier decisions, as referred to by one of the local residents, a number of new bungalows have been erected opposite the site in more recent times.

6.2 It is considered that in light of these later permissions and an unsuccessful attempt to find an alternative use for the building which appears to have been disused for at least 25 years, the redevelopment of the site for residential purposes is considered to be acceptable in principle. Furthermore it is not considered that the erection of a two storey dwelling on this site would be significantly more visible than the bungalow on the opposite side of the road itself in an elevated position, such that a refusal of planning permission on this basis would be justified.

6.3 The dwelling is situated close to the rear boundary of the site but it is not considered that the proposal amounts to overdevelopment to the extent that permission could reasonably be refused. Furthermore it is not considered that the design justifies refusal.

6.4 It is considered that the valid concerns regarding the position of the badger's sett have been adequately addressed through the creation of an alternative sett. Relocation work would be carried out under DEFRA licence.

6.5 Foul drainage is to be dealt with by way of a sealed tank hence there is no need for a system of soakaways which may otherwise affect neighbouring land.

- 6.6 There is an existing access to the site despite the apparently unresolved civil issues. This is not a matter of concern for the Planning Authority. The Transportation Manager advises the imposition of conditions to ensure that the arrangements are satisfactory.
- 6.7 Despite the catalogue of refusals on site it is considered that circumstances have significantly changed since the appeal decision in 1990 and that with the imposition of suitable conditions the proposal is acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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 - A06 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 - B01 (Samples of external materials)

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

4 - E16 (Removal of permitted development rights)

Reason: In order to prevent overdevelopment of the site

5 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

6 - G16 (Protection of trees covered by a Tree Preservation Order)

Reason: To ensure the proper care and maintenance of the trees.

7 - G18 (Protection of trees)

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

8 - H09 (Driveway gradient)

Reason: In the interests of highway safety.

9 - 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.

10 - No work shall commence until the badger sett relocation has been completed in accordance with the necessary DEFRA licence.

Reason: In order to ensure proper consideration is given to the protected species.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - HN05 - Works within the highway
- 3 - HN10 - No drainage to discharge to highway

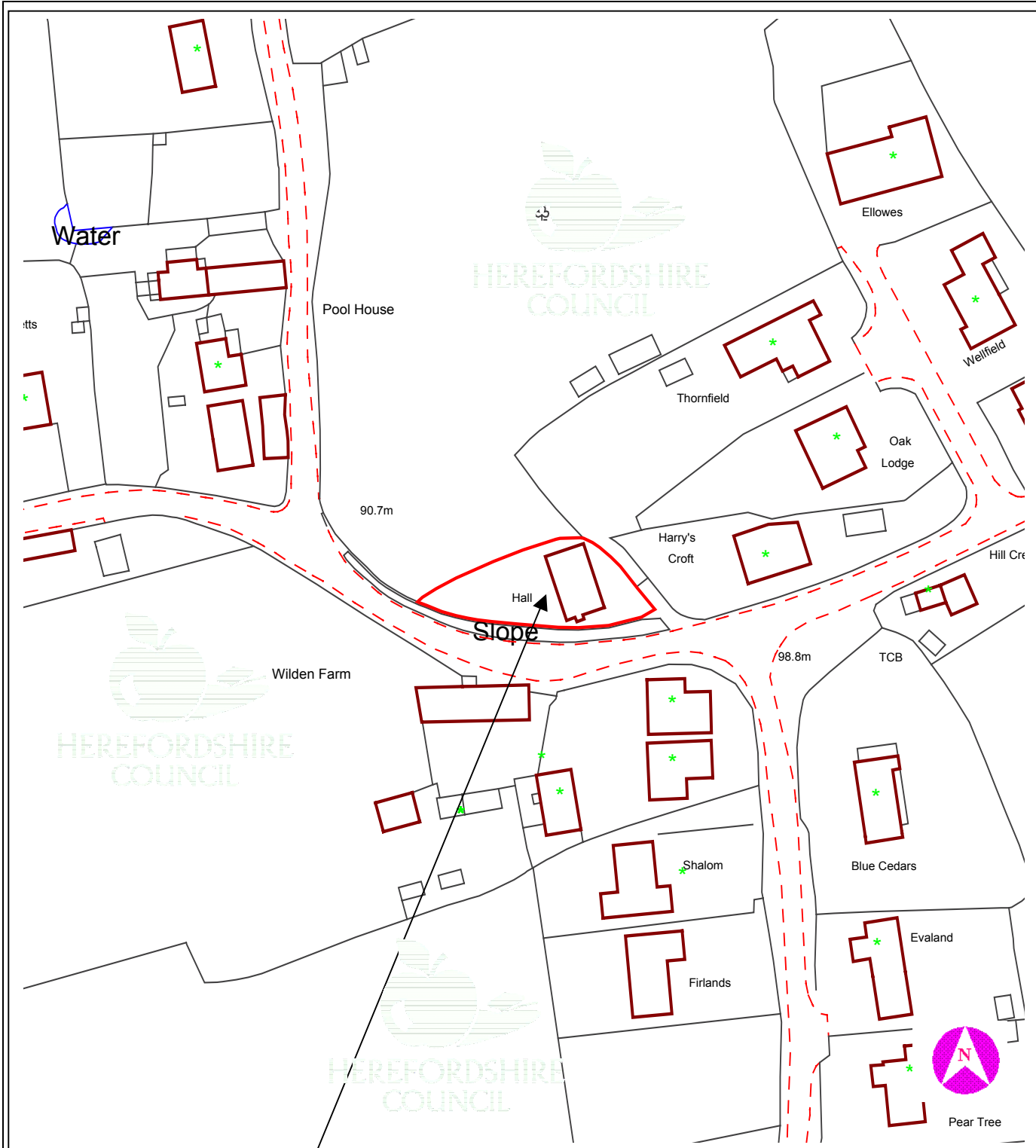
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2005/2977/F

SCALE : 1 : 1250

SITE ADDRESS : Village Hall, Ullingswick, Hereford HR1 3JG

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