

**8 DCNC2005/2718/F - DEMOLITION OF EXISTING DERELICT HOUSE AND ERECTION OF 16 NO. DWELLINGS, GARAGES AND PARKING SPACES, PRIVATE DRIVEWAY AND ASSOCIATED DRAINAGE AT 77 OLD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4BQ**

**For: Hercules House Ltd per Development Design Partnership, Sandford House, 6 & 7 Lower High Street, Stourbridge, West Midlands, DY8 1TE**

**Date Received: 17th August 2005    Ward: Bromyard  
Expiry Date: 12th October 2005**

**Grid Ref: 65084, 54587  
AJ/MM**

Local Members: Councillors P J Dauncey and B. Hunt

**Target Date Best Value Performance Indicator: 16<sup>th</sup> November 2005**

**1. Site Description and Proposal**

- 1.1 77 Old Road comprises a steeply sloping (approximately nine (9) metre drop), 0.5 hectare site located in the western predominantly residential area of Bromyard.
- 1.2 The existing site is overgrown with shrubs with a few trees and contains one derelict house.
- 1.3 The scheme represents an alternative and thorough reappraisal to both the past planning enquires and application DCNC2005/0214/F.
- 1.4 The area is characterised by residential developments from many eras, being opposite the Listed Building, The Nodens on Old Road. Whilst from Clover Terrace existing dwellings are predominantly terraced with some closely knit detached houses.
- 1.5 Planning permission is sought for the demolition of the existing detached derelict house and the erection of 16 no. dwellings, garages and parking spaces, private driveways and associated drainage.
- 1.6 It is proposed that dwellings 10 and 11 have direct access to Clover Terrace, dwellings 12 to 16 have a private drive off Clover Terrace and dwellings 1 to 9 have a private drive access to Old Road.
- 1.7 The dwelling types described as "D" (3 bedroomed) and "C" (4 bedroomed) on the planning layout are two storey dwellings. Whilst dwelling types described as "B" are 4 bedroomed town houses with a third storey with gables and dormer and fan light fenestration details. Dwellings A1, 2 and 3 are 4 bed three storey town houses and dwellings E1, 2 and 3 are two storey dwellings.

## 2. Policies

### 2.1 National Policy:

Planning Policy Statement 1	-	Delivering Sustainable Development
Planning Policy Guidance 3	-	Housing
Planning Policy Guidance 15	-	Planning and The Historic Environment
Circular 1/97	-	Planning Obligations

### 2.2 Malvern Hills District Local Plan 1998:

Housing Policy 2	-	Development in Main Towns
Transport Policy 4	-	Traffic Calming
Transport Policy 7	-	Road Design in New Developments
Transport Policy 8	-	Car Parking
Bromyard Transport Policy 3		
Bromyard Housing Policy 1		
Conservation Policy 11	-	The Setting of Listed Buildings
Recreation Policy 23	-	Provision of new and improvement of existing sports pitches and playing fields
Recreation policy 24	-	Recreation Open Space Provision

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

Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy H16	-	Car Parking
Policy H19	-	Open Space Requirements
Policy NC1	-	Biodiversity and Development
Policy HBA4	-	Setting of Listed Buildings

## 3. Planning History

- 3.1 82/2085 Storage for agricultural milk tanks approximately 1½ acres at Clover Terrace, Bromyard. Approved 21st December 1982.
- 3.2 DCNC2005/0214/F Demolition of existing house, and erection of 16 dwellings, garages, parking spaces, private driveway and associated drainage. Application Withdrawn 18th February 2005.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Welsh Water raise no objections and request specific conditions be added to any permission that is granted.

- 4.2 Herefordshire Nature Trust report no objection but that the proposal would cause the loss of woodland and request the Council seek to identify more suitable locations.

Internal Council Advice

- 4.3 The Drainage Manager raises no objection to the proposal, requesting a condition be added to any permission regarding storm water.
- 4.4 The Traffic Manager requires the following concerns to be addressed:-
- i) driveway of gradient must be no more than 1 in 8
  - ii) single Old Road access to be adopted or two private drives added
  - iii) kerb radii on junction to Old Road too small
  - iv) footways required at Old Road access to site
  - v) protection required for vehicles and pedestrians on slope between proposed access road and Old Road (up to 2 metres level difference indicated here)
  - vi) Clover Terrace currently has a substandard footway and lighting columns blocking this, plus tight radius at entrance opposite proposed access.

This road is unsuitable to construction traffic. A contribution is required towards the essential improvements required to make Old Road (traffic calming/pavements) and Clover Terrace (pavement and lighting columns) necessary to allow any such proposal to be feasible in Highways terms.

- 4.5 Head of Archaeology has no in principle objection, and requests the standard D01 condition is attached if permission be granted.
- 4.6 Forward Planning Manager states that the proposal does not conflict with Local Plan Housing policies. Affordable housing is requested, however, this proposal does not exceed the threshold for affordable housing in the current adopted Local plan of either 40 houses or 1.5 ha. Site area. Additionally there are objections to the affordable housing policy proposed in the UDP RDD, consequently it is not considered possible to justify affordable provision at this time.
- 4.7 Provision and detail are required for open space play area, landscaping, ecology and site levels. The principle of housing is supported but further information is requested.
- 4.8 Conservation Manager (Historic Buildings): no objection subject to conditions.

(Ecology): conditions requested, that no work on site is undertaken whatsoever until a full bat survey and proposals for mitigation are approved in writing by Herefordshire Council.

(Trees): Tree Survey is requested plotting the existing mature trees locations in relation to the proposal to include the two mature Sycamores, the five or six Ash trees and Hawthorns.

## **5. Representations**

- 5.1 Bromyard and Winslow Town Council: object to the development.

“Little has been done to take into account the observations, which the Town Council had put forward when application DCNC2005/0214/F for this development was considered in February 2005. The Town Council still considers:

- (a) That the additional traffic generated by the part of the development off Clover Terrace would not be in the interest of safety and free flow of traffic using this one way street.
- (b) They are also concerned about land slippage on the site fronting Old Road.
- (c) Concern is expressed as to there now being one entry/exit into Old Road rather than the two on the previous application.
- (d) The inconvenience to residents of both Old Road and Clover Terrace whilst works are being undertaken.
- (e) The inclusion of three storey houses on the site off Clover Terrace will be too dominant.”

5.2 Letters of objection have been received from:

L.M. & N.S. Box, 8 Clover Terrace, Bromyard  
Wing Commander E.J. Hammond, 12 Clover Terrace, Bromyard  
Mr. & Mrs. Lacey, The Nodens, 78-80 Old Road, Bromyard  
A. Sheldon, 84 Old Road, Bromyard  
Mrs. A. Gough, 26 Old Road, Bromyard  
Mrs. Busby, 24 Old Road, Bromyard  
Mr. & Mrs. N. Phillips, 29 Old Road, Bromyard  
Mr. & Mrs. D.J. Matthews, 37 Old Road, Bromyard  
Ms. Gill Munro, 82 Old Road, Bromyard

These objections are summarised below:-

- (a) On Site Matters
  - 1. Overdevelopment.
  - 2. Loss of natural wildlife habitat.
  - 3. Loss of old house.
  - 4. Extra burden on existing infrastructure and services.
  - 5. Inappropriate design.
  - 6. Possibility of land slippage on site to Old Road.
- (b) Old Road
  - 1. Three storey buildings involve loss of amenity to existing dwellings.
  - 2. Drainage problems exacerbated.
  - 3. Construction traffic disturbance.
  - 4. Increased road traffic once developed.
  - 5. Visibility inadequate.
  - 6. No footway provision from or to site.
  - 7. Potential damage from vibrations to Listed Building, The Nodens.
- (c) Clover Terrace
  - 1. This is a narrow, one way road.
  - 2. Shortage of parking space already.
  - 3. Disruption to residents during construction.

4. Existing poor road surface.
  5. Inappropriate access for Clover Terrace.
- 5.3 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 proposal is clearly acceptable in principle given that this is a brownfield site within the settlement boundary of the town and in an existing residential area. However, any development of the site would impact in many and diverse ways.
- 6.2 This proposal has received a number of responses and has gone through a variety of amendments prior to this current proposal. Where these responses are valid considerations these have resulted in inclusion within the draft 106 Agreement and/or conditions suggested. Likewise a few minor amendments have been made to this scheme. The Draft Heads of Terms can be found in Appendix 1.
- 6.3 These considerations include historic buildings, transportation and highways, drainage and water, ecology, landscaping and construction matters which are appraised below.

### Historic Buildings

- 6.4 Considerations have been raised by an objector concerning the potential damage to this Listed Building at The Nodens. The Nodens is of considerable relevance locally and therefore the applicants have following historic buildings advice closely setting back any proposed dwellings from the perimeter of Old Road, and making sure only two storey dwellings are proposed opposite The Nodens. This objection is noted and all construction traffic will be routed in a one way system to the Old Road access only once the two access roads their have been completed. The two access roads will be separated permanently prior to occupation of the dwellings. This will be managed by developers as per the requested conditions and draft 106 Agreement.

### Transportation and Highways Matters

- 6.5 These are raised by both the Council's own department, a number of local residents and the Town Council and have been addressed as follows.
- i) Two accesses from Old Road are now included, with a pedestrian platform allowing safe waiting for pedestrians to cross from this site.
  - ii) An addition wall is proposed to prevent any risk of people or vehicles slipping on to Old Road.
  - iii) A clause is included in the draft S106 Agreement to enable contributions to be allocated from the developer for the specific traffic and highways improvements to Clover Terrace and Old Road.
  - iv) Conditions are to be inserted preventing construction traffic using Clover Terrace for access, and construction timetabling is strictly set out in two phases, minimising road traffic inconvenience or hazards which also mitigate Forward Planning's comments.

Ecology Matters

- 6.6 The Herefordshire Nature Trust's comments are noted and the Council's Ecologist has stated that a condition is sufficient for a full ecological survey and mitigation including the provision of any DEFRA licence if required. This mitigates the many local residents concerns as well as that of the Nature Trust and Forward Planning comments.

Drainage and Water

- 6.7 The objections concerning drainage problems from local residents are noted. The Council's Drainage Engineer recommends the inclusion of a condition to mitigate against these concerns. (There are no objections from the Water Authority but there are requests for conditions).

Landscaping

- 6.8 The Trees Officer has requested that the mature trees on site be mapped on to the proposal. The applicant has now included this within a landscaping scheme which will be conditioned within any approval that this Committee may chose to grant.

Construction Matters

- 6.9 The applicant has accepted, indeed proposed, that construction traffic be limited to access from Old Road only, and that all construction including of access roads, await the ecological findings and any subsequent mitigation proposals requirements. In addition the applicant proposes to phase the development, firstly with access roads and Clover Terrace dwellings all supplied from the Old Road access and latterly the Old Road houses within a stipulated set time scale.
- 6.10 The proposal with its minor amendments represents, in your officers' opinion, an acceptable and appropriate development in a sensitive Brownfield site. The application is therefore recommended for approval subject to the conditions set out below.

**RECOMMENDATION**

1. **The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 with regard to Education and Transport and any additional matters and terms as she considers appropriate.**
2. **Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission 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 **A07 (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). (walls, roofs and private drives)
- Reason: To ensure that the materials harmonise with the surroundings.
- 4 Prior to the commencement of development, the applicant shall, in conjunction with the Council's Historic Buildings Officer, agree a schedule of works to cover any necessary works of repair to the Old Road wall. Works of repair shall be carried out in accordance with the agreed details before first occupation of the dwellings hereby approved.
- Reason: In order to safeguard the character and appearance of this wall.
- 5 G04 (Landscaping scheme (general)).
- Reason: In order to protect the visual amenities of the area.
- 6 G05 (Implementation of landscaping scheme (general)).
- Reason: In order to protect the visual amenities of the area.
- 7 G06 (Scope of landscaping scheme)
- Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.
- 8 G13 (Landscape design proposals).
- Reason: In the interests of visual amenity.
- 9 G19 (Existing trees which are to be retained).
- Reason: In order to preserve the character and amenity of the area.
- 10 D01 (Site investigation – archaeology).
- Reason: To ensure the archaeological interest of the site is recorded.
- 11 F20 (Scheme of surface water drainage)
- Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface swater disposal.
- 12 F22 (No surface water to public sewer)
- Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.
- 13 Foul water and surface water discharges must be drained separately from the site.
- Reason: To protect the integrity of the public sewerage system.

- 14 No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage 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.**

- 15 No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.**

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

- 16 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.**

- 17 F16 (Restriction of hours during construction).**

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

- 18 No development shall commence on site of any sort, or materials or machinery brought to the site for the purpose of development until a full bat survey in accordance and in agreement with the Council's Ecologist has been submitted to and approved in writing by the local planning authority and any mitigating measures including DEFRA licensing if required for the agreed scheme may be implemented on site. These measures shall be maintained in good condition on site until and throughout the construction works and during removal of materials and machinery at the end of development. Any disturbance during construction works shall be made good by completion.**

**Reason: To ensure that the nature conservation of the rest of the site is protected.**

- 19 H09 (Driveway gradient).**

**Reason: In the interests of highway safety.**

- 20 The development hereby permitted shall not be commenced until the Old Road areas for the manoeuvring, parking, loading and unloading of construction traffic has been laid out, consolidated, surfaced and drained in accordance with a scheme to be submitted to and approved by the local authority.**

**Reason: In the interests of highway safety and neighbourhood amenity.**



21. All construction traffic and deliveries for the development hereby permitted shall access the site from Old Road only, and shall use these access roads in a one-way manner only. The use of these access roads shall not be implemented until details of the one-way system have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of neighbourhood amenity and of highway safety.

- 22 H03 (Visibility splays) (for Old Road)(2.4mx 90m)

Reason: In the interest of highway safety.

- 23 The two private drives from Old Road hereby permitted, shall be permanently separated from one another to serve a maximum of 5 dwellings each, prior to the first occupation of any of the dwellings hereby approved.

Reason: In the interest of highway safety.

- 24 H19 (On site roads – phasing)

Reason: To ensure an adequate and acceptable means of access is available before the dwellings are occupied.

- 25 H20 (Road completion in 2 years or 75% of development)

Reason: In the interests of highway safety and convenience and a well co-ordinated development.

- 26 H21 (Wheel washing)

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

- 27 H26 (Access location) (from Old Road only)

Reason: In the interests of highway safety.

- 28 H27 (Parking for site operatives) (for Old Road only)

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

- 29 H29 ((Secure cycle parking provision)

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.

- 30 H06 (Vehicular access construction)

Reason: In the interests of highway safety.

**31 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.**

**32 H11 ((Parking – estate development (more than one house))**

**Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.**

**Informatives:**

- 1. N15 - Reason(s) for the Grant of PP.**
- 2. HN1 – Mud on highway**
- 3. HN4 – Private apparatus within highway**
- 4. HN5 – Works within the highway**
- 5. HN7 – Section 278 Agreement**
- 6. HN10 – No drainage to discharge to highway**
- 7. HN13 – Protection of visibility slays on private land**
- 8. HN22 – Works adjoining highway**
- 9. This permission is granted ursuant to an agreement under Section 106 of the Town and Country Planning Act 1990.**

- 3) That the officers named in the Scheme of Delegation to Officers be authorised to amend the above conditions as necessary to reflect the terms of the planning obligation.**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.

**APPENDIX 1:**

DRAFT HEADS OF TERMS  
Proposed Planning Obligation Agreement  
Section 106 Town and Country Planning Act 1990

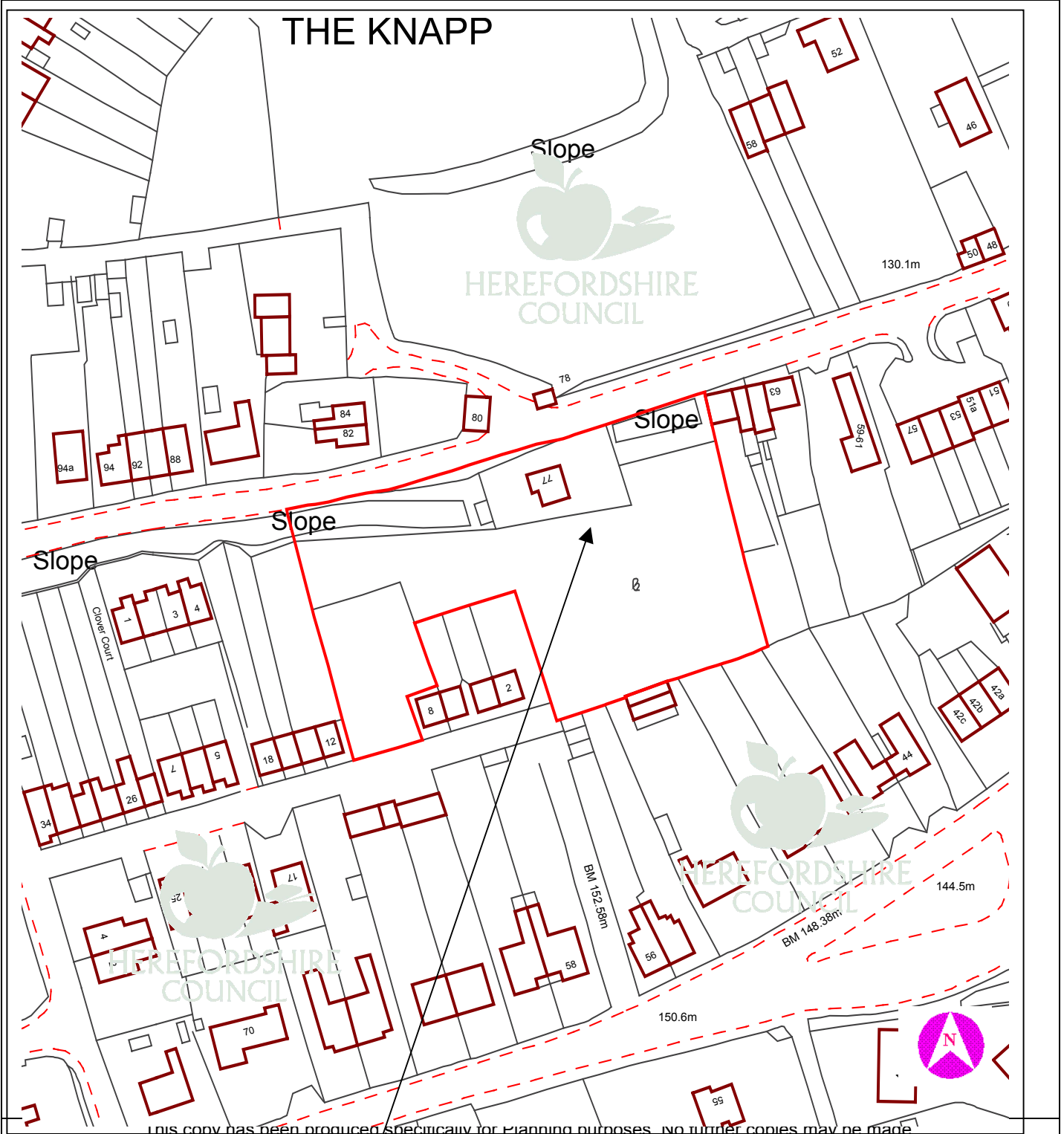
Planning Application – DCNC2005/2718/F

Demolition of existing house and erection of 16 dwellings, garages, parking spaces, private driveway and associated drainage

At 77 Old Road, Bromyard, Herefordshire

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £16,000.00 to provide education facilities and improvements to be shared equally by St Peters Primary School and Queen Elizabeth High School, Bromyard which sum shall be paid on or before the commencement of development.
2. In the event that Herefordshire Council does not for any reason use the said sum of clause 1 for the purposes specified in the agreement in 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof which has not been used by Herefordshire Council.
3. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of **£24,000.00** to provide transportation facilities to serve the developments access from Clover Terrace which sum shall be paid on or before the commencement of development.
4. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
  - a. (i) Street scene improvements
  - b. (ii) Maintenance and improvement of existing highways serving the site
  - c. (iii) Integrated transport
5. In the event that Herefordshire Council does not for any reason use the said sum of Clause 3 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
6. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of **£10,000.00** to provide recreation and open space facilities to serve the local community which sum shall be paid on or before the commencement of development.
7. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
  - (i) (i) provision of children and community recreation and open space facilities in Bromyard
  - (ii) (ii) Maintenance and improvement of existing open space and recreation facilities for Bromyard
8. In the event that Herefordshire Council does not for any reason use the said sum of Clause 3 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof which has not been used by Herefordshire Council.
9. The developer shall pay to the Council on or before the completion of the agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the agreement.

A Jahn, per KG & PY  
2<sup>nd</sup> November 2005



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**APPLICATION NO:** DCNC2005/2718/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 77 Old Road, Bromyard, Herefordshire, HR7 4BQ

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