

5 DCCE2005/4167/F - ERECTION OF A DETACHED THREE BEDROOM BUNGALOW AT LAND TO REAR OF THE SQUIRRELS, FOWNHOPE, HEREFORD, HR1 4PB**For: Mr. & Mrs. J.K. Harrison per Mr. C. Goldsworthy,
85 St. Owens Street, Hereford, HR1 2JW****Date Received: 23rd December, 2005 Ward: Backbury Grid Ref: 57963, 34690
Expiry Date: 17th February, 2006**

Local Member: Councillor Mrs. J.E. Pemberton

Introduction

This application was deferred at the Central Area Planning Sub-Committee on 8th February, 2006 for a site visit. The report has also been updated following receipt of additional comments from the Environment Agency in respect of the drainage arrangements.

1. Site Description and Proposal

- 1.1 The site is accessed via an unmade track off the C1295 (Woolhope road) in Fownhope. The site is largely set out to lawn and forms part of the garden associated with The Squirrels. The southern and western boundaries are enclosed by a mature hedgerow and shrubs and a newly planted beech hedge exists along the northern boundary. Ground levels falls relatively steeply from east to west both within and surrounding the site.
- 1.2 The site lies within the identified settlement boundary and is also designated as a Conservation Area within the Development Plan. The site and surrounding landscape is also designated as an Area of Great Landscape Value and an Area of Outstanding Natural Beauty with land east of The Squirrels designated a Special Wildlife Site.
- 1.3 Planning permission is sought for the erection of a detached three bedroomed bungalow, new cesspool foul drainage system and provision of a new vehicle parking area to serve both the existing and proposed properties.

2. Policies**2.1 South Herefordshire District Local Plan:**

GD1	-	General Development Criteria
C4	-	AONB Landscape Provision
C5	-	Development within AONB
C6	-	Landscape and AONB
C8	-	Development with AGLV
C22	-	Maintain Character of Conservation Areas
C23	-	New Development Affecting Conservation Areas
C43	-	Foul Drainage
C43	-	Foul Sewerage

SH6	-	Housing Development in Larger Villages
SH8	-	New Housing Development Criteria in Larger Villages
SH14	-	Siting and Design of Buildings
SH15	-	Criteria for New Housing Schemes
T3	-	Highway Safety Requirements

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S7	-	Natural and Historic Heritage
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
H4	-	Main Villages: Settlement Boundaries
H13	-	Sustainable Residential Design
H16	-	Car Parking
HBA6	-	New Development Within Conservation Areas
LA1	-	Areas of Outstanding Natural Beauty
CF2	-	Foul Drainage

3. Planning History

- 3.1 SH931000PO Erection of single storey dwelling and garage. Planning permission refused 6th October, 1993.
- 3.2 SH941169PO Single storey dwelling and garage. Planning permission approved 20th March, 1995.
- 3.3 DCCE2005/0030/O Proposed site for detached 3 bedroom bungalow with detached garage. Application withdrawn 25th February, 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water – As the applicant intends utilizing private drainage facilities we have no comment to make on the application.
- 4.2 Environment Agency – The hierarchy of drainage options that must be considered and discounted are connection to a sewer, treatment plant, septic tank and if none of these are feasible, a cesspool. The cesspool is therefore the least preferred option in line with Circular 3/99.

Internal Council Advice

- 4.3 Traffic Manager - The unadopted lane serving The Squirrels already serves a total of fifteen properties. Although it is not to adoptable standards, it seems to satisfactorily serve the present number of dwellings and therefore the addition of a further dwelling is not envisaged to give problems. The access has below standard visibility where it joins the C1295 Woolhope road but there is no accident record over the last five years at this location.

- 4.4 Conservation Manager - From the conservation aspect and the proximity to Fownhope Court which is Grade II listed, I am of the opinion that the proposed design will not have any adverse effect on the setting of the listed building nor will it affect the Conservation Area. As such I would not wish to raise any objection to the proposal.
- 4.5 Building Control Manager: The cesspool arrangements, whilst being the least favoured option, would be acceptable based on the information provided and subject to confirmation that the connection to the existing drain is not possible.

5. Representations

5.1 Fownhope Parish Council make the following comments:

1. The suitability of car parking arrangements is questioned as well as access for emergency services.
2. Cesspool facilities will need careful consideration.
3. It is important to retain the corner boundary hedge so as to protect the privacy of Court Orchard residents.
4. Site visit is suggested.

5.2 Five letters of objection have been received from Mr B. Prosser, Lavenda Court Gardens, Fownhope; Ian Quayle, Willow Lodge, Fownhope Court; D. Holmes, 6 Fownhope Court; A.J.G. and D. Hillyer, 5 Fownhope Court and G. Holmes, 4 Fownhope Court. The main points raised are:

1. The private access track serving the development is not capable of sustaining increased traffic associated with this development due to its alignment, width and surface.
2. There is inadequate vehicle turning area, particularly for larger vehicles or lorries such as a sludge tanker.
3. There would also be restricted access for emergency vehicles.
4. The plan identifies a footpath from the parking area to the dwelling. It is inevitable that this could be widened to be vehicular access which would impact upon our amenity and enjoyment of our garden.
5. The proposed cesspool foul drainage system does not appear to fully comply with British Standards Code of Practice for the Design of Small Sewage Treatment Works and accompanying Building Regulations document.
6. The cesspool is unacceptably close to our property, 15 metres being the required minimum distance. Notwithstanding what odour filters are installed we will be subject to offensive odours from time to time, particularly if the filters are not maintained properly.
7. The cesspool is contrary to UDP policy CF2 which states that developments dependent upon cesspool arrangements will not be permitted.
8. An existing foul drain which serves both The Squirrels and Willow Lodge exists within the application site. We query why this is not adequate to serve the proposed development. The proposed bungalow is also to be sited on the line of the existing foul drain.
9. The design is bland
10. Our property and the proposed bungalow would overlook one another.
11. The existing garage defines the boundary between The Squirrels and our property and provides some privacy. The removal of the garage would reduce our privacy within our property unless a permanent and equally adequate screen is provided.

12. We will be unable to plant screening trees and shrubs because of the proximity of the foul drain that runs close to the boundary fence.
 13. Development would seriously diminish the view from our property.
 14. The development will damage the special character and appearance of the Conservation Area, the setting of the listed Fownhope Court and Wye Valley AONB.
 15. No planning notice was placed at the main road to make other residents aware of the proposal.
 16. The site proposed for development was withdrawn by legal agreement with the then Council to obtain an alternative site now built. To even consider this application would make a mockery of the Council's legal and planning system and be an insult to local residents.
 17. The proposed site is overdeveloped and cramped.
- 5.3 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 site lies within the settlement boundary for Fownhope as identified in the South Herefordshire District Local Plan and Herefordshire Unitary Development Plan (Revised Deposit Draft). As such the principle of residential development is acceptable subject to amenity, highway and conservation considerations in particular.
- 6.2 The existing curtilage associated with The Squirrels is sufficiently large to be subdivided into two separate plots and the size of the existing and proposed curtilages that would be created would not be out of character with the general pattern of development or other plot sizes in the locality.
- 6.3 A modestly sized three bedroom bungalow is proposed which can satisfactorily be accommodated on the proposed site with the appropriate amenity space. The bungalow is also to have ground floor accommodation only and the design reflects the topography of the site and the characteristics and vernacular of other properties in the locality. Materials will be controlled by a condition.
- 6.4 The bungalow is to be sited at the western end of the curtilage and the floor level would be 3.5 metres below the floor level of the applicant's existing bungalow. This is achieved due to the difference in the natural levels and slight excavation of the proposed slab for the bungalow into the rising ground. The difference in levels along with the existing mature boundary hedgerows will mean that the development will have no impact on the landscape and minimal impact on the Conservation Area. This view is supported by the Conservation Manager who raises no objection both to the impact on the Conservation Area and on the setting of Fownhope Court which is Grade II listed.
- 6.5 The difference in levels also ensures that the outlook from the applicant's existing bungalow and objector's property is over the roof of the proposed bungalow. There is also a distance of 25 metres between the existing and proposed properties which is above the general planning standard for window-to-window relationships of 21 metres. Consequently, a satisfactory level of privacy will be maintained for both the existing and proposed properties.

- 6.6 The impact of the development on properties to the west and south can be minimised through requiring the existing boundary hedges to be retained. In terms of the impact on one of the objector's properties, Willow Lodge, there will be no increased overlooking as the garden associated with Willow Lodge is already overlooked by Fownhope Court and The Squirrels. Only pedestrian access is proposed to be provided and therefore there will be no increased disruption as a result of vehicle movements directly to and from the property. Furthermore, appropriate boundary treatments can ensure existing privacy is maintained as a result of the loss of the garage.
- 6.7 The Traffic Manager, whilst acknowledging that the existing access track could not be brought up to an adoptable standard is satisfied that the likely traffic associated with this proposed development can safely be accommodated on the existing access track and access itself without unacceptably compromising highway safety. Also, the proposed parking and manoeuvring space is adequate to serve the existing and proposed properties
- 6.8 Concerns have been expressed regarding the proposed cesspool foul drainage system to serve the development. A supporting letter from Alan Williams Drainage has been provided which identifies that the proposed system will operate satisfactorily on the site. The Building Control Manager confirms that whilst connection to the existing foul drain would be the best option, if this is not possible a cesspool system would satisfy Building Regulations. Similarly, the Environment Agency confirms that whilst a cesspool is the least preferable option, if all other options have been discounted it is acceptable. Nevertheless, it is recognised such systems are not ideal as if they are not maintained or emptied regularly, they can cause environmental, public health or amenity problems. This is confirmed in UDP policy CF2 which suggests that cesspool drainage arrangements should not be permitted. However, the adopted development plan does not impose such a restriction. Notwithstanding this, the applicants are currently seeking consent to utilise the existing foul drain which crosses the site or a deep pit soakaway. Therefore, as there is some uncertainty as to which drainage method is to be used, a condition is recommended requiring drainage details to be submitted and information on the options explored.
- 6.9 The development is considered acceptable in accordance with the relevant Development Plan policies subject to the conditions detailed below.

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. **E01 (Restriction on hours of working).**

Reason: To safeguard the amenities of the locality.

- 5. **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.

- 6. **There shall be no vehicular access from the proposed parking as identified on drawing no. 05/442/01A to serve the bungalow.**

Reason: In order to safeguard the residential amenity of neighbouring properties.

- 7. **G04 (Landscaping scheme (general)).**

Reason: In order to protect the visual amenities of the area.

- 8. **G05 (Implementation of landscaping scheme (general)).**

Reason: In order to protect the visual amenities of the area.

- 9. **G09 (Retention of trees/hedgerows).**

Reason: To safeguard the amenity of the area.

- 10. **F18 (Scheme of foul drainage disposal).**

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

Informatives:

- 1. **N15 - Reason(s) for the Grant of Planning Permission.**
- 2. **The applicant is advised that with regard to Condition 10 above, the local planning authority would only consider a cess pool acceptable subject to being satisfied that a full investigation of the connection to the existing drain has been undertaken and that other private drainage arrangements have been discounted.**

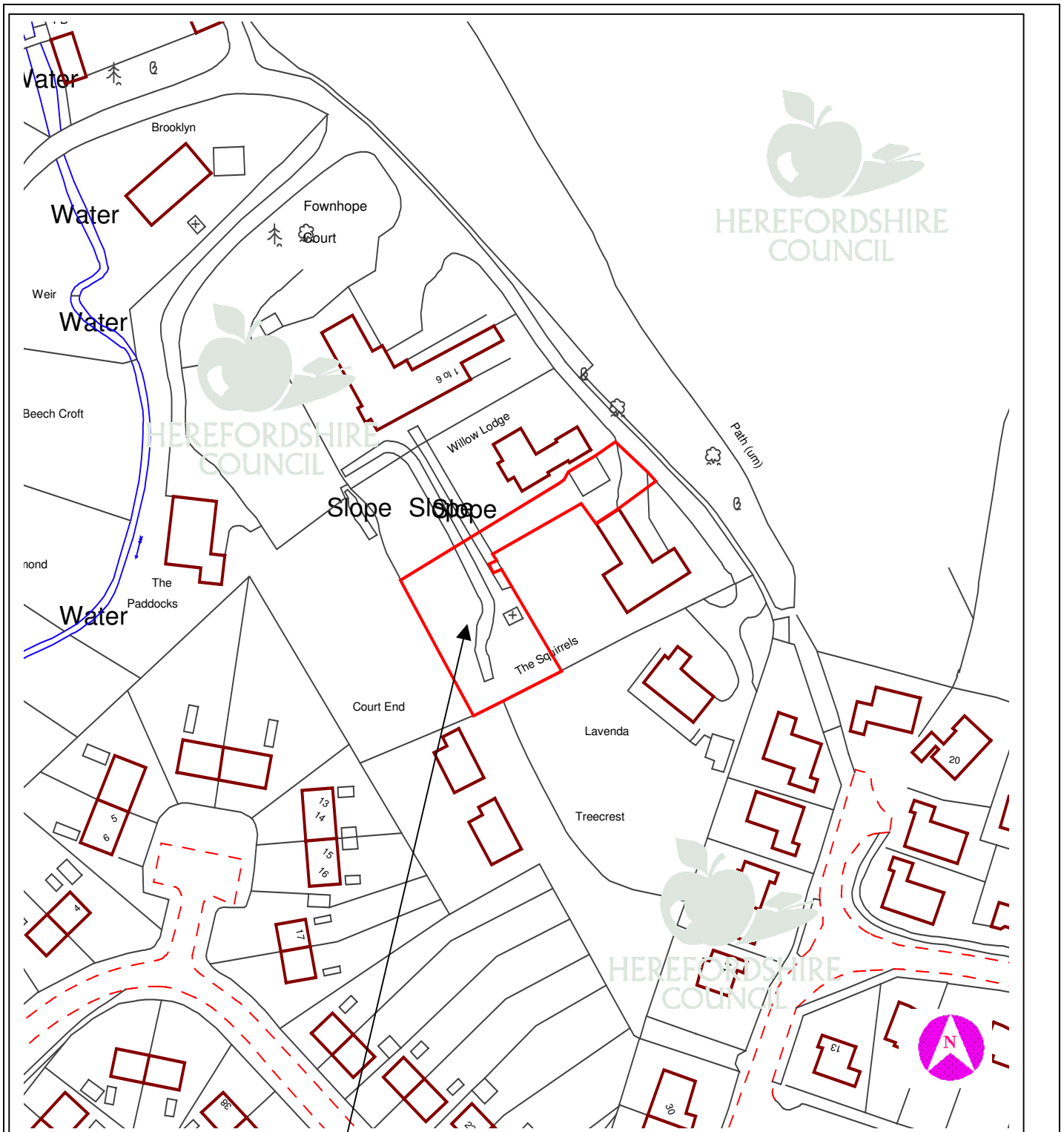
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2005/4167/F

SCALE : 1 : 1250

SITE ADDRESS : Land to rear of The Squirrels, Fownhope, Hereford, HR1 4PB

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