

11 DCNC2006/0380/F - DEMOLITION OF EXISTING VILLAGE HALL AND ERECTION OF BUNGALOW AT VILLAGE HALL, WILDEN BANK, ULLINGSWICK, HEREFORDSHIRE, HR1 3JG**For: Mr & Mrs A K Lewis per HCD Architecture, The Coach House, 12 College Road, Bromsgrove, Worcester, B60 2NE****Date Received:**
7th February 2006**Ward: Bromyard****Grid Ref:**
58549, 49298**Expiry Date:**
4th April 2006

Local Member: Councillor B Hunt and P Dauncey

1. Site Description and Proposal

- 1.1 The site at Ullingswick flanks the northern side of the C1118 road just to the west of the junction with the unclassified road which leads southwards to the A417. The site itself comprises the old village hall which is a single storey corrugated iron clad building. There are a number of small trees on the site with a large blue cedar tree at the western end which is the subject of a 'tree preservation order'. The site is in an elevated position from the road with a tree lined hedge and a grass bank on the road frontage. There is an existing vehicular access from the site onto the highway with a stone surface which appears to have been relatively recently cut into the bank. There are existing dwellings on the opposite side of the road and to the side (east) with a field to the rear.
- 1.2 The proposal is to demolish the existing village hall and erect a bungalow directly in its place. The proposed bungalow will be externally clad in handmade facing bricks and plain clay roofing tiles. The footprint of the bungalow will be slightly smaller than the existing village hall building however, the roofline will be slightly higher. The existing vehicular access will be utilized to serve the site and a parking/turning area within the site provided.

2. Policies**2.1 Planning Policy Guidance**PPS1 – Delivering Sustainable Development
PPG3 – Housing
PPG7 – Sustainable Development in Rural Areas**2.2 Hereford and Worcester County Structure Plan**Policy H16A – Development Criteria
Policy H20 – Residential Development in Open Countryside
Policy CTC9 – Development Criteria

2.3 Malvern 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

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S2 – Development Requirements
Policy DR1 – Design
Policy DR2 – Land Use and Activity
Policy H 7 – Housing in the Countryside Outside Settlements
Policy H10 – Rural Exemption Housing
Policy CF6 – Retention of Existing Facilities
Policy NC1 – Biodiversity and Development
Policy NC5 – European and Nationally Protected Sites
Policy NC6 – Bio-diversity Action Plan Priority Habitats and Species
Policy NC7 – Compensation for Loss of Biodiversity
Policy NC8 – Habitat Creation, Restoration and Enhancement
Policy H14 – Re-Using Previously Developed Land and Buildings

2.5 Council's Supplementary Planning Guidance

Biodiversity

3. Planning History

DCNC2005/2977/F - Demolition of existing village hall and erection of dwelling.
Refusal of planning permission - 2 November 2005.

DCNC2004/0696/F - Modification of existing vehicular access up to the Village Hall, Ullingswick. Planning permission granted 14 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 19 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 None required.

Internal Council Advice

4.2 The Conservation Manager has no objection but existing trees and boundary hedge should be retained therefore condition G04 be imposed.

4.3 The Traffic manager requested that further information be submitted to show driveway gradient and also space for parking and turning for two cars. However, in previous application on site for a dwelling ref. DCNC2005/2977/F he recommended conditions H9 and H13 relating to driveway gradient and turning area/parking be imposed on any permission.

5. Representations

5.1 The applicants agents states that amended application is for a much smaller bungalow contained within existing footprint of the derelict village hall.

5.2 The Parish Council state:

Ocle Pychard Group Parish Councillors believe that this site should not be redeveloped as it is outside the Ullingswick Village development envelope. In addition there is a newly created vehicular access which they regard as unsuitable as any vehicles leaving the site have severely restricted visibility of traffic approaching from the west.

The new plans do not show details of any site levels or elevations or a turning bay.

The level of the existing developed site is 5 metres above the adjoining metalled road.

The non-mains sewerage arrangement form is incomplete with no block plan of the plant site or soakaways shown, and no percolation test as requested on all applications.

Concerns have also been raised about dispersed water from this site. There is no suitable egress to ditches or streams from a site which, as already mentioned, is substantially higher than the adjoining road.

5.3 To date (i.e. at the time of drafting the report as the site notice expires on 17 March 2006) there have been two letters of representation received (one objecting to the proposal and one supporting the proposal but raising certain concerns) from:-

- Colin Gray, Chairman of Herefordshire Badger Group, 54 Purland, Ross-on-Wye, Herefordshire, HR9 5QA
- Mrs L E Duthy-James, Thornfield, Ullingswick, Herefordshire, HR1 3JG

The mains points being:-

- there is an active and long established badger sett under the old village hall. A recent survey shows that the sett is active and the badgers have not used the artificial sett nearby.
- bungalow is being built to generate money for owners and is not a sufficient reason for disturbing the sett.
- current legal dispute regarding entrance to the site.
- in order to comply with The Protection of Badgers Act 1992, English Nature will need to be consulted regarding welfare of sett.

an environmental impact assessment will need to be carried out.

- the location plan does not show correct position of lanes and hall building and also boundaries incorrect.
- half of vehicular access to east includes land shown inside location plan and which is subject to court proceedings to determine boundaries and existing user rights
- the roof height is excessively high for such a small bungalow and would be intrusive on such a prominent site.

5.4 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 main issues relate to:

- i) the principle of erecting a dwelling on this site
- ii) the size and design of the dwelling and its effect on the visual amenities and character of the area
- iii) the effect of the dwelling on the residential amenities of the occupants of neighbouring dwellings
- iv) vehicular access and highway safety
- v) the ecological and wildlife issues relating to the site.

The most relevant policies with respect to these issues are Housing 4 and 14, Landscape 1 and Nature Conservation 1 and 2 of the Malvern Hills District Local Plan.

6.2 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 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 a number of new bungalows have been erected opposite the site in more recent times.

6.3 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 bungalow 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.

- 6.4 The previous application for a new dwelling on this site ref no. DCNC2005/2977/F was refused on 2 November 2005. This application was for a two-storey dwelling house and it was refused for the reason that the development constituted over-development of the site and of a scale which would be detrimental to the visual amenity of the area and as such contrary to Landscape Policy 1 (development outside settlement boundaries) of the Local Plan and Policy H14 (re-using previously developed land and buildings) of the Unitary Development Plan. The bungalow proposed in the current application is significantly smaller, both in terms of height and footprint, than the house previously refused. The roof line of the proposed bungalow will be two metres lower than the roof line of the house. As such it is considered that the size and design of the proposed bungalow is now acceptable and appropriate for this site and its setting and overcomes the refusal reason set out in the previous refusal of planning permission. The proposal will not result in the over development of the site and will now be in accordance with planning policies.
- 6.5 The proposed new bungalow will be a visual improvement to the old metal village hall building and it will not adversely affect the residential amenities of any of the neighbouring dwellings.
- 6.6 There is a planning permission for a vehicular access to the site in the eastern corner onto the highway. However, there appears to be an ongoing legal dispute regarding the ownership of the land in question. However there is an existing vehicular access serving the site which is in a slightly different position from that previously approved i.e. the constructed access is now further to the west and within the submitted application site. Any unresolved issues relating to the ownership of the land by the access are civil matters, which are of no concern for the Planning Authority which can only address the planning merits of the application. The Traffic Manager has previously recommended the imposition of conditions on any planning permission for the access in this position to ensure that the access, parking/turning arrangements are satisfactory.
- 6.7 An alternative badgers sett has been created at the western end of the site which will provide alternative accommodation for the badgers at the appropriate time i.e. when development of the new bungalow commences. As such it is considered that the issues relating to the badgers has been adequately addressed. Any relocation work would need to be carried out under a DEFRA licence.
- 6.8 In conclusion it is considered that the proposed bungalow will provide a suitable development on this site which is likely in the future to become an eyesore and detrimental to the visual amenities and character of the area. The proposed development is now in accordance with planning policies.

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 - 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)

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

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

8 - 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.

9 - F18 (Scheme of foul drainage disposal)

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

10 - H09 (Driveway gradient)

Reason: In the interests of highway safety.

11 - H10 (Parking - single house) (2 cars)

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

12 - The whole of the splayed entrance shall have a sealed surface and it shall remain unobstructed at all times.

Reason: In the interests of highway safety.

13 - The whole of the works relating to means of access, including drainage, shall be completed before the development is brought into use.

Reason: In the interests of highway safety.

14 - 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 - N03 - Adjoining property rights
- 2 - The applicants should be aware that this planning permission does no over-ride any civil/legal rights enjoyed by adjacent property owners and that any development which physically affects or encroaches onto any adjoining property may well affect these rights. If in doubt the applicants are advised to seek legal advice on the matter prior to undertaking any further work.
- 3 - N14 - Party Wall Act 1996
- 4 - N11A - Wildlife and Countryside Act 1981 (as amended) - Birds
- 5 - The applicant's must ensure that they comply with the provisions of The Protection of Badgers Act 1992 with respect to this development.
- 6 - HN01 - Mud on highway
- 7 - HN05 - Works within the highway
- 8 - HN10 - No drainage to discharge to highway
- 9 - N15 - Reason(s) for the Grant of PP/LBC/CAC

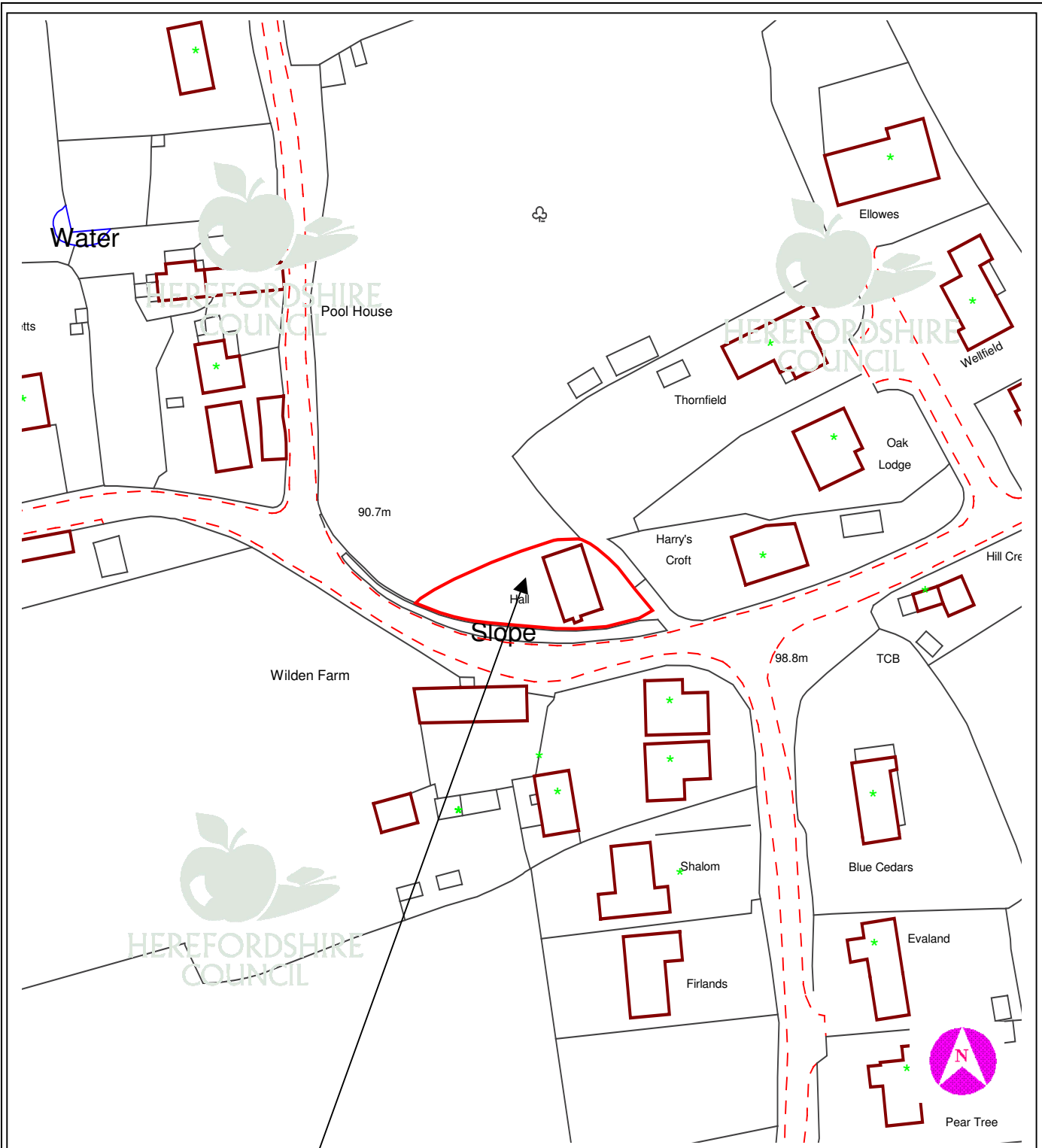
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/0380/F

SCALE : 1 : 1250

SITE ADDRESS : Village Hall, Wilden Bank, Ullingswick, Herefordshire, HR1 3JG

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