

6 DCNW2006/1466/F - TO DEMOLISH EXISTING DWELLING AND ERECT FIVE NEW DWELLINGS AT YEW TREE, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9ND

For: Mr B Griffiths per Mr C Goldsworthy, 85 St Owens Street, Hereford. HR1 2JW

Date Received:

11th May 2006

Expiry Date:

6th July 2006

Local Member: Councillor R Phillips

Ward: Pembridge & Lyonshall with Titley

Grid Ref:

39885, 61868

This application was deferred at the last meeting for further negotiations.

1. Introduction

- 1.1 This application was deferred at the previous meeting of the Northern Area Planning Sub-Committee to enable further negotiation in relation to a highway safety contribution through a Section 106 legal agreement, and to address the issue of the character of the development and amenity of neighbours.
- 1.2 The applicant has agreed to enter into a S106 agreement to contribute a sum of £6000 towards highway safety improvements, on the basis that the application is determined at this meeting. This equates to £1500 per additional house.
- 1.3 In all other respects the application remains as previously reported.

2. Site Description and Proposal

- 2.1 The application site lies on the north side of the B4362 road through Shobdon, almost exactly opposite the school. The application site measures approximately 0.28 of a hectare with a frontage to that road of approximately 55 metres and a depth of just over 50 metres.
- 2.2 Part of the site is currently occupied by a dwelling which is to be demolished as part of the scheme, the remainder being a paddock area from which a stable building has recently been removed. The remaining 3 boundaries of the site are adjacent to other residential properties. There is a difference in levels across the site from the road frontage approximately 3.4 metres.
- 2.3 Plot 1 indicates a two-bedroom property with the bedrooms provided in the roof space. It has a single garage attached to the double garage of Plot 2, a four-bedroomed dwelling. The remaining 3 houses are also 2-storey four-bedroomed houses with

double garage attached. The design of Plots 3 and 4 are identical, with Plots 2 and 5 being very similar to one another.

- 2.4 A new access is proposed just to the west of the site of the existing dwelling to be demolished. A new single driveway will then serve all the 5 properties.
- 2.5 The ridge height of the 2-storey dwellings is approximately 8.4 metres.
- 2.6 The site lies within the settlement boundary, as indicated in the Inset Map for Shobdon within the Leominster District Local Plan and within the Revised Deposit Draft Unitary Development Plan.

3. Policies

3.1 Leominster District Local Plan

- A2(C) - Settlement hierarchy
- A54 - Protection of residential amenity
- A55 - Design and layout of housing development
- A70 - Accommodating traffic from development

3.2 Hereford & Worcester County Structure Plan

- H16A - Housing in rural areas
- H18 - Housing in rural areas outside the Green Belt

3.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- H4 - Main villages settlement boundaries
- H9 - Affordable housing
- H13 - Sustainable residential design
- H15 - Density
- H16 - Car parking

3.4 National Policies

- PPG3 - Housing
- PPS1 - Sustainable development

4. Planning History

- 4.1 None.

5. Consultation Summary

Statutory Consultations

- 5.1 Welsh Water has no objection subject to conditions.

Internal Council Advice

- 5.2 Conservation Manager: No objection in principle, but concern about formal entrance, with curved walls and pillars.
- 5.3 Traffic Manager: No objection.
- 5.4 Enabling Manager, Strategic Housing:

'Housing Needs Study for Shobdon November 2004 is showing a housing need of 7 and this is highlighted in the Herefordshire Housing Needs Assessment 2005. However the Housing Needs Study for Shobdon is a local housing needs study and is carried out on residents currently living in Shobdon, which is necessary in the case of an exception site in identifying local housing need.

I understand the site you are currently looking at is infill along with the UDP site. Therefore I have looked at Homepoint data and the bidding information which shows that for each house advertised there has been an average of 15 bids per property and based on this needs information Strategic Housing would be looking to seek 35% affordable housing on the current application opposite the school as well as the UDP site when it comes up.'

6. Representations

6.1 Shobdon Parish Council:

'We do not agree with the present application for 4 houses and one bungalow. Surrounding the property are bungalows and four large houses on elevated ground are going to look out of place, as well as causing a possible overlooking problem for the adjacent bungalow properties. We might look favourably on a suitably modified application.

Sewerage. In 1995 the Welsh Water Authority wrote to the Parish Council and stated until adequate work was carried out on the sewerage pipes no more properties should be connected to the mains sewerage. Since this date some 15 properties (including small developments) have been allowed to connect. Shobdon village experiences disgusting overspill of raw sewerage from the manholes during any heavy rainstorm. This especially affects Canterbury Road residents. WWA have made no effort to remedy the pipe situation during these years and we are very concerned about adding more properties.

Foul drainage. Although the application states soakaway we doubt whether a soakaway will cope with drainage from a sloping area during heavy rain which means the grids will overflow onto the road where it will eventually enter the main sewerage system adding to the above problems.

Stone walls are a feature of Shobdon Village and we would appreciate the stone wall fronting the property to be retained, even if it is moved back by a metre.

Traffic. The application allows for at least 10 vehicles to enter the busy main road at one of its narrowest points opposite to the school grounds. There is already great concern about the danger to children, especially at delivering and collection times of the children, when this section of the road is full of vehicles. The Parish Council and school are trying to remedy this situation by a proposal to construct a new turning area, collection/delivery adjacent to the village stores. This will cost several thousand pounds to construct and if planning consent is sought on the present application we would be looking for some planning gain to help towards the construction of this new area to alleviate the problem.'

6.2 Letters of objection have been received from:

Longreach, Blessings, Summer Lea, Pendle and Spring, Shobdon.

The objections are summarised as follows:

1. Overlooking kitchen of Longreach.
2. Suggest bungalows would blend better with the bungalows on adjoining sites.
3. Overlooking of Blessings by two of the houses.
4. Two storey dwellings would be incongruous.
5. Drainage/sewage facilities overstretched.
6. Highway safety.

6.3 In support of the application, and in relation to questions of overlooking, the agent has submitted additional cross-sectional details and a letter, summarised as follows:

6.3.1 "Yew Tree Cottage and the remainder of the land were owned by Mr Gwyn Dyke and he is having a replacement dwelling built as part of his settlement for releasing the remaining development land. He has lived in yew Tree Cottage all his life and has no desire to move from Shobdon.

6.3.2 Two applications could have been submitted, one for a replacement dwelling and one for the remaining four dwellings. Both of which I believe are covered by the current and emerging policies without the need to provide affordable housing.

6.3.3 It was necessary to demolish Yew Tree cottage because the existing vehicular access was so poor. The dwelling itself is of poor construction and it was also considered to be better value to build new.

6.3.4 Mr Dyke will be retaining the freehold of not only dwelling land but also the access land. The land that is left for development would be a lot less than 0.2 hectares.

6.3.5 Had it been appreciated that the emerging UDP document would have been the dominant policy and not the current planning policy we would have split the applications. Our first consultation with your authority was August 2005 and affordable housing provisions of the current planning policy did not apply to this site and for this reason we dealt with the site as a single application."

6.4 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.

7. Officers Appraisal

7.1 The main issues here are considered to be:

1. Overlooking
2. Scale of development
3. Highway safety
4. Affordable housing
5. Drainage

7.2 Overlooking

7.2.1 Concern regarding overlooking has been particularly expressed by the occupiers of Longreach, and Blessings. Longreach, a bungalow, lies 23m from

the common boundary with plot 4. This plot lies approximately 1.8m lower than the garden of Longreach. There is an existing hedge which further protects the privacy of Longreach, to the extent that overlooking of the garden is confined to 2 bedroom windows and a staircase. Given the distance of the proposed dwelling of approximately 2.7m to the common boundary, the distance from the boundary of Longreach, the difference in levels and its extensive garden, it is not considered that the loss of privacy due to overlooking is so harmful as to warrant refusal.

- 7.2.2 In respect of Blessings, this has a common boundary with plots 1-3 inclusive. There is no overlooking from plot 1. The property on plot 2 lies approximately 8.4m from the boundary, with Blessings approximately 2m away and on plot 3 just 10m. There is a difference of levels between the sites of between 0.5-1m, Blessings being higher. There is also a hedge with small trees on this common boundary. It is considered that the distance of the proposed dwellings from that boundary, is, given current density requirements such that privacy and amenity is not so compromised as to sustain a reason for refusal.

7.3 Scale of Development

- 7.3.1 Whilst there are bungalows on adjoining sites, Shobdon exhibits a varied scale of development. The relative positions of the existing and proposed dwellings is such that the scale and development would not look out of place.

7.4 Highway safety

- 7.4.1 The existing access to the site has limited visibility. The Highways Manager has no objection to the proposed new arrangement.

7.5 Affordable housing

- 7.5.1 Under the current adopted Leominster District Local Plan there is no requirement for affordable housing on a site of this size. The relevant section of the deposit draft UDP however requires 35% on sites over 0.2 hectares. This is not yet the adopted plan and whilst some weight can be given to the policy, it is considered that given the local circumstances, including the availability of affordable housing elsewhere in Shobdon, it would be unreasonable to insist on an affordable element on this occasion.

7.6 Drainage

- 7.6.1 Welsh Water has no objection subject to the inclusion of conditions. Consequently it is not considered to constitute a reason for refusal.

- 7.7 Whilst the density of development proposed, at approximately 20 per hectare, is below the government guideline of 30-50 per hectare it is considered to be an appropriate density for the location. Additional dwellings would stretch the ability of the site to keep levels of privacy and amenity to acceptable proportions. Consequently, given the findings of the preceding paragraphs the proposal is considered to be acceptable.

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 to (set out heads of agreement) and deal with any other appropriate and incidental terms, matters or issues.

2 - Upon completion of the aforementioned planning obligation officers named in the scheme of delegation 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 - 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 - F48 (Details of slab levels)

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

5 - E16 (Removal of permitted development rights)

Reason: In order that the local planning authority can have control over the form of development in this sensitive location.

6 - E18 (No new windows in specified elevation)

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

7 - G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

8 - G04 (Landscaping scheme (general))

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

9 - G05 (Implementation of landscaping scheme (general))

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

10 – G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

11 – 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.

12 – H27 (Parking for site operatives)

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

13 – F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

14 - F18 (Scheme of foul drainage disposal)

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

15 - There shall be no, direct or indirect, discharge of surface water to the public foul sewer.

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

16 – Foul water and surface water discharges must be drained separately from the site.

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

17 - 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.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - HN01 - Mud on highway
- 3 - HN05 - Works within the highway
- 4 - HN10 - No drainage to discharge to highway

Note to Applicant:

The named 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.

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

Planning Application – DCNW2006/1466/F
Demolition of existing dwelling and erection of five new dwellings at Yew Tree, Shobdon, Leominster,
HR6 9ND

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £6000 which sum shall be paid on or before the commencement of the development.
2. The monies shall be used by Herefordshire Council for contribution to highway safety improvements in Shobdon, such as, but not limited to:-
 - (i) Dropped kerbs at the school and/or shop
 - (ii) 20 mph zone outside school
 - (iii) Public widening of footway rear of shop towards C1032
3. In the event that Herefordshire Council does not for any reason use the said sum of clause 6 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.
4. The sums referred to in paragraph 1 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
5. 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.
6. The developer shall complete the Agreement by 6th January 2007 otherwise the application will be registered as deemed refusal.

M Tansley

8th November 2006



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APPLICATION NO: DCNW2006/1466/F

SCALE : 1 : 1250

SITE ADDRESS : Yew Tree, Shobdon, Leominster, Herefordshire, HR6 9ND

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