

DELEGATED DECISION REPORT



APPLICATION NUMBER

181600

42 Hinton Road, Hereford, HR2 6BN

CASE OFFICER: Ms Kelly Gibbons

DATE OF SITE VISITS

- 15th June,
- 5th July (Neighbours with Cllr Chappell)
- 23rd July (neighbour at no. 60 Hinton Rd)
- 12th October 2018

Relevant Development Plan Policies:

Herefordshire Local Plan – Core Strategy

The Herefordshire Local Plan:

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
HD1	-	Hereford
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sports and Recreation Facilities
OS2	-	Meeting Open Space, Sports and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality
ID1	-	Infrastructure Delivery

National Planning Policy Framework

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision Making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the natural environment

Relevant Site History: 170929: Proposed demolition of extensions. Erection of three dwellings. Construction of new vehicular access

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=170929&search=170929

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	X			X	
Transportation	X			X	X
Historic Buildings Officer	X		X		
Ecologist	X		X		
Landscape Officer			X		
Waste Management	X		X		
Minerals and Waste	X		X		
Welsh Water	X		X		
Natural England	X		X		
Neighbour letter/ Site Notices	X				X
Local Members					
• Saxon Gate:	X				
• Hinton (adj):	X				

Cllr McEvilly: Emailed draft report – agreed delegated approved (03/12/2018)

Site meeting with Cllr Chappell (Hinton) as objectors are in the Hinton ward. Discussed several times. Emailed draft report and agreed delegated approval.

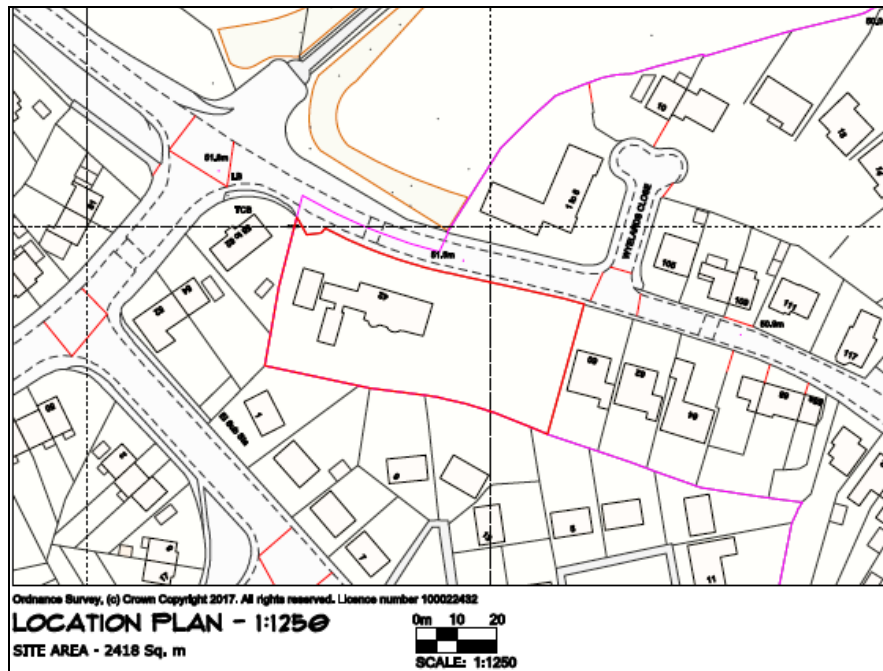
PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The site comprises a large detached post war dwelling (with rear enclosed pool) on a large rectangular elevated roadside plot with an access and footway in front of Hinton Road (unclassified).

The road is in a flood zone 2/3 and the southern edge of the conservation area which includes King George V park is on opposite side of road with 1-8 Wyelands Close (block) and 105-109 (odds) on

Hinton Road. The site features a natural hedge to frontage with an oak and sycamore being significant trees on the frontage, with other minor specimens in the curtilage.



To the rear of the lies the rear gardens of bungalows 9 and 11 Pine Grove and 1 and 3 Chestnut Drive. Post war 2 storey housing lies to the immediate west (52-62 Hinton Road). To the east is 60 Hinton Road, a detached bungalow that fronts Hinton Road.

The site lies outside of but adjacent to the Conservation Area that lies to the north of Hinton Road (shaded on the plan inserted below).



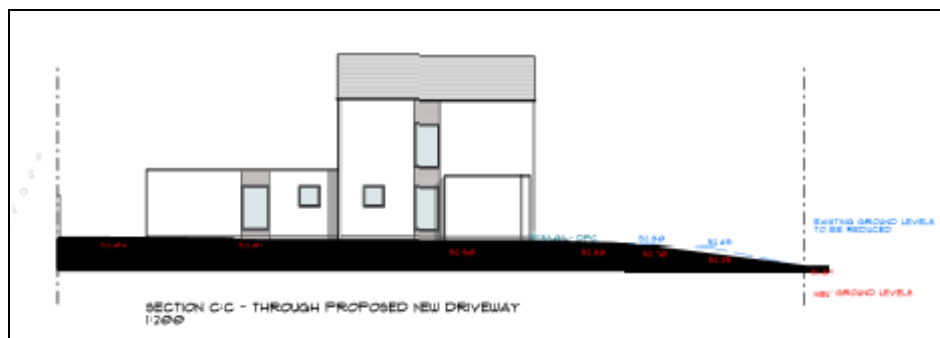
The application seeks planning permission (full) for the demolition of the existing building and the construction of two apartment blocks that would provide 12 x 2 bedroom apartments. Vehicular access to the site is proposed in a central position, with a pedestrian access also being retained to the west. A new footway is proposed along the frontage of the site, with the existing hedge removed and retaining wall / hedge replaced behind the visibility splays.

The proposed site plan is inserted below for ease of reference:

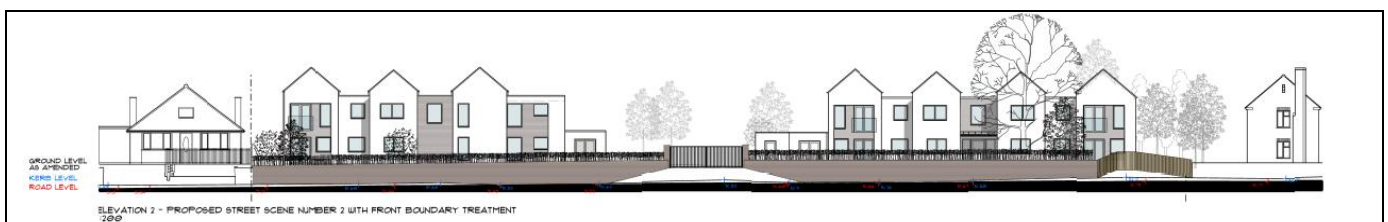


The two apartment blocks are sited to either side of the site, with the central area being utilised for parking and areas to the front for pedestrian access and some additional parking. Each of the ground floor flats would have their own garden area. Cycle parking and bin stores are identified within the building with access into the shared parking area.

The site is in an elevated position and the plan extract below details a section through the proposed driveway. The change in levels is approximately 1.3m.



The buildings have a contemporary design, utilising materials seen in the surrounding buildings, namely brick and render with flat and mono-pitched roofs. The height of the proposed buildings has taken into account the scale of the adjoining properties and the streets scene inserted below also details no. 60 Hinton Road (bungalow to the left) and the apartment block to the right 56 – 62 Hinton Crescent).



The application submission has been supported by:

- Design and Access Statement
- Flood Risk Assessment

During the course of the application, the submission has been amended to address the objections received: amended plans increased the car parking, altered the fenestration detail to Block 2 (adj no. 60 Hinton Road). Provided clarification on boundary treatment. A further period of consultation was undertaken at this point.

A further amendment altered the cycle / bin store areas to provide a pedestrian route along the front of the site buildings to address a highway objection.

Representations:

Hereford City Council

Hereford City Council Planning Committee objected to Planning Application 181600, on the basis that the works are classed as over-development for the area, would negatively impact the amenity value of other properties, and is on too large a scale for the area. Property no.6 has also written an objection which outlines that the proposed buildings will be too close to their property.

There is also a cause for concern over parking, as few spaces are provided for the number of properties. Councillors would like to see improvements to these issues before they can approve of the application

Hereford City Council (amended plans)

Hereford City Council Planning Committee approve of Planning Application 181600, as Councillors believe the amendments made to the plans address their previous concerns. Councillors suggested that to lessen the impact on the neighbouring property (No.6), that a hedge or foliage row be in place along the border.

Letters of objection have been received in response to the initial consultation from:

- Mr Craig, 24 Foley Street, Hereford
- M K, Hinton Avenue
- Mr Davies, 60 Hinton Avenue
- Mr S Alexander, 40 Kingsway, Hereford
- Ms S Holder
- Mrs Y Hopson,
- Ms T Harley
- Mr David Roberts, Walton Close, Hereford

These letters raise the following matters:

Parking / Highways Safety

- The number of parking spaces currently proposed is inadequate. There should be a minimum of 2 spaces per flat. Inadequate parking facilities will lead to cars being parked on Hinton Road itself causing visual blocks and hazards around the junction of Hinton Road and Hinton Avenue /Crescent.
- Support provision cycle facilities but not convinced they will be used.

- Not enough parking for 2 car families putting more pressure on local area on street parking that is already a problem especially when congestion or being serviced (bin lorries).

Scale / Character

- The original draft development (retain existing house and build 3 properties) would have received no objection from us, as that development was of a lower height and set away from our property.

Amenity

- We object to this proposed development as it is of a considerably higher building very close to our boundary and will directly impede the outlook view from our property and our property would be overseen by the development.
- The construction so close to our boundary may have an affect on our property due to ground works and will definitely affect us re noise, dust etc for some considerable time
- The long term affect to us would be increased noise levels close to us from future residents, increased traffic in the area and the probable de-valuation of our property due to such a close development.
- I am very concerned about the planned one storey of this property being close to my boundary ,and also the car parking and cycle stores will also come right up to my fence , my concern with that is security I feel will be very vulnerable to people being close to my fence
- I do have a view through to the meadows and trees putting up another two storey apartments that will be blocking that for me , the area around 42 Hinton road is very distasteful at times my fear is the way the above planning is set out would encourage more of the same
- The proposed plans are of a large scale and overlooking current houses neighbouring and opposite the development.

Lack of Affordable housing

- There is no inclusion of social housing in this application, which is precisely the kind of housing desperately needing in the county and nationwide
- This plan provides no social rented or key worker accommodation and the application should be rejected unless modified to include such properties as one third of the development in line with current Government standards.
- Like other cities Hereford faces a current shortage of social and affordable housing and, significantly a shortage of available plots on which these can be built without extending into green belt land. Therefore, any housing development proposed on sites within the city boundaries must take this issue into account and an opportunity like this should not be wasted.

Two additional letters have been received following the submission of the amended plans

- Mr Davies, 60 Hinton Road
- Occupier (no address given)

These raise the following matters:

- Large scale not fitting with the area and will overshadow the properties to the side and rear
- Overdevelopment of the site intended to maximise profit
- The previously approved application 170929 was more sympathetic with the area and neighbouring properties.

- The block 2 development on the eastern boundary adjacent to our house has the tallest and widest elevations on the development and is too close to our boundary, the elevations should either be lowered or moved further back from the boundary.
- The development will have a very negative impact on us when completed and directly affect our outlooks, privacy and the value of our property and saleability.
- The construction works so close to the boundary will have a direct impact on us re heavy groundworks, noise, vibration, scaffolding encroaching closer to the boundary looking into our property.
- The additional parking allocations are welcome but have been squeezed in and still may not be sufficient for a development of this size.
- Amendment to increase parking by four spaces no enough and will result in cars being parked on the road and streets in the vicinity.
- Additional congestion and bottlenecks

Consultation responses

Statutory Consultees

Welsh Water

We have reviewed the information submitted as part of this application with particular focus on the Flood Risk Assessment and Surface Water Management Plan Reference K0851 Rev 0. We note that the intention is to drain surface water to a soakaway and foul water to the public sewer. We have no objection to this proposal, however, if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent.

Conditions

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

Advisory Notes

Any existing foul water drainage connection shall be retained and reused.

Natural England

SUMMARY OF NATURAL ENGLAND'S ADVICE
NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.
Natural England's advice on other natural environment issues is set out below (see website)

Internal Consultations

Historic Buildings Officer Comments

Recommendations:

We would have no objections to the proposals as they would not harm the setting of the adjacent Conservation Area. We would recommend that conditions are imposed on any

application with regards landscaping, external materials, roof details joinery details and colour scheme. This is to ensure that the proposals would not harm the character and appearance of the adjacent conservation area.

Background to recommendations:

The site is situated on the southern boundary of the Hereford Conservation Area. It is not within the Conservation Area itself. Whilst there is not statutory protection for the setting of CA's, case law dictates that this can be a material planning consideration.

The character of the conservation area is an area of green space. The housing in the immediate location is suburban in scale. The proposals respond to the scale and massing of nearby housing. Care would be required in terms of materials, detailing and landscaping however it is not felt that the proposals would harm those aspects of the Conservation Area which contribute to its importance, as such they would accord with heritage policies in the revised (July 2018) NPPF and adopted HCS.

Landscape Comments

I have visited the site and have no objection to the proposed layout of the apartments upon the site. I note that the development is two storey but that the Design and Access statement states the height of the proposal is line with the existing built form upon the site.

My only comment is in relation to the existing vegetation upon the site; it appears the hedgerow along the northern boundary is to be removed and I would recommend this is replaced with a new boundary hedgerow, this can be with a species that is more ornamental in form.

I would recommend the tree officer be consulted in respect of the existing trees on site as there are proposed works which may detrimentally affect the health of the tree.

Landscape Comments (amended plans – revised landscape plan)

I have seen the amended plans in conjunction with the elevations and street scenes, I am satisfied that the height of the proposal relates to the adjacent built form.

I note the proposed hedgerow to the forefront of the scheme as per my recommendations.

I therefore consider the proposal compliant with policy LD1 of the Core Strategy.

Ecology Comments

The site is within 150m of the River Wye SAC and would have the potential to impact the SAC through the demolition/construction process and the increased Foul water and Surface water created. Subject to the following being implemented an HRA concludes that the these 'Likely Significant Effects' can be considered mitigated.

Foul Water – connection to mains sewer system has been proposed and indicated as practicable by Welsh water – this mains sewer connection should be either subject to implementation as 'part of approved plans' or a relevant specific Condition included on any planning consent granted.

Surface water – no direct discharge of any surface water or water that could contain pollutants should be released directly in to any watercourse or culvert that discharges untreated in to the

River Wye SAC and this onsite management should be required through a relevant Condition associated to an approved drainage strategy.

Demolition/Construction – eg dust, noise, light, spills and discharges – these should be managed through the required implementation of a Construction Environmental Management Plan (CEMP). This CEMP should be secured and implemented through inclusion of a relevant standard Condition.

In line with NPPF Guidance, NERC Act and Core Strategy LD1-3 all developments should show how they are going to enhance the biodiversity potential of a locality. To secure these enhancements the inclusion of a relevant Condition is suggested;

Prior to commencement of the development, a detailed habitat enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved. The scheme shall include significant provision for enhanced bat roosting and bird nesting (including Swifts). No external lighting should illuminate any of the enhancements or biodiversity features and all lighting on the development should support the Dark Skies initiative. The enhancement scheme once implemented shall hereafter be maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

Transportation Manager

Site Location and Access

The application site is the land adjacent to Hinton Road, accessed from the minor public highway. Access to the proposed properties is from a newly proposed access at the centre of the site. New or altered pedestrian and vehicle accesses to or from the public highway are proposed as part of this application. Works to the pedestrian footway are highlighted outside of the site boundary. This means that the developer should comply with a Section 278 agreement.

Traffic Generation

TRICS analysis should be undertaken to demonstrate the level of attraction associated with the traffic at the proposed development with the current parking proposals set out. If more vehicles are attracted than can be accommodated by the site, other vehicles may use the road adjacent to the site for parking which may induce bottlenecks and congestion.

Vehicle Parking Provision

The development proposals include the provision for a total of 12 parking spaces and 24 cycle spaces, all to be provided in a tarmac drive to the front of the property. Detailed plans of the access and parking area should be provided. There are concerns with the provision of only 12 spaces for the development. There is a large area opposite car park space 7 which may feasibly accommodate several additional parking spaces. A revised site plan showing an option for parking and turning in this area should be provided along with a revised design / removal of access gates.

The National Travel Survey 2014 / 2015 shows that the average car ownership in the south west of England per household is 1.31 vehicles. Using this as a factor against the number of proposed apartments, a minimum of four additional parking bays should be provided.

A revised design for the location of the bike storage should also be made, with these in a new location, additional spaces could be provided. This cycle storage facility must be secure.

Recycling & Waste Collection Strategy

The application documents do not set out the proposed collection point for wheelie bins and this should be confirmed by the applicant.

Drainage

The application documents do not set out the proposed drainage of the site. The application should highlight the drainage strategy to ensure that run off does not pool at the bottom of the proposed pedestrian access.

Conclusion

The transportation department has objections to this application, subject to the following reasons:

Traffic Generation - Traffic generation analysis should be undertaken to demonstrate the level of attraction and impact on the highway of the proposed development. An idea of the number of vehicles attracted to the site would also give clarity on the issue of parking. If the trip generation associated with this site is relatively large there may be an adverse impact on the public highway due to greater vehicle movements and bottlenecking if cars are parked on the street.

Parking - Alternative designs for additional parking bays to the front of the property should be provided as a feasibility assessment. The addition of at least four parking bays should be provided, in addition to this the cycling parking should be revised to an alternative location and this cycle parking provision must be secure. The reason for this is that ownership of 1 vehicle per household is unlikely and several more vehicles than the number of apartments will be attracted to the site. These vehicles are likely to be parked on the main road adjacent to the site. This is without considering the attraction of trips for visitors.

Transportation Manager Comments (amended Plans)

Further to the amended site layout being received it is pleasing to see the additional car parking.

However, concerns still remain regarding the gates. Should the gates be in the open position they would block the pedestrian entrance and prevent access for pedestrians to the eastern block. This is detrimental to pedestrian safety. As such the local highway authority still object to the planning application.

Waste management Comments:

Communal bin storage area is within 25m of where the refuse vehicle can safely access, however storage areas should also be easily accessible for the collection crews avoiding steps, kerbs, steep slopes/ramps. The maximum gradient over which bins should be moved is 1:10. The site plans show a gradient of 1:8. A collection point(s) should be provided for residents to place their own bin outside the gates for collection.

Land Drainage comments

Foul Water Drainage

Welsh water have stated that they do not object to the connection onto the public foul sewer.

Overall Comment

In principle we do not object to the proposals, however we request that the following information is provided within suitably worded planning conditions:

- The Applicant must confirm that the proposed road will remain private (as it cannot be adopted by Herefordshire Council due to the soakaway being located beneath the road) and must confirm that a private management company will be responsible for the adoption and maintenance of the road and drainage system.

Minerals and Waste Planning Officer Comments:

Firstly I can confirm that there are no known minerals on the site and therefore no conflict with policy M5 of the HUDP.

The proposal involves the demolition of an existing detached dwelling and the construction of two separate building to accommodate 12 apartments. It is recommended that if an application is approved the following informative are attached to any approval to ensure that any wastes leaving the site is disposed of at a suitably permitted site.

Informatives for Waste

Any waste leaving the site shall be disposed of or recovered at a suitably permitted site in accordance with the Environmental Permit Regulations (England and Wales) 2010.

Use of waste on site will need suitable authorisation issued by the Environmental Agency in accordance with the Environmental Permit Regulations (England and Wales 2010)

Pre-application discussion:

174226 – Scheme significantly different from that proposed at pre-app stages.

Constraints:

- Adj Conservation Area
- SSSI Impact Zone (SAC)

Appraisal:

Policy context and Principle of Development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF (2018)) is also a significant material consideration.

SS1 confirms that proposals that accord with the policies of the CS (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

The NPPF

Paragraph 11 sets out the presumption in favour of sustainable development for both plan making and decision taking. Paragraph 11d states 'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date this means granting permission' unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Not being able to demonstrate the requisite supply of housing land renders policies relevant for the supply of housing out of date. This is clarified by Footnote 7 of the NPPF; 'where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years' then planning permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits

When assessed against the Core Strategy, the current (April 2018) five year housing supply is **4.55 years**. However, although the Council cannot demonstrate a 5-year supply at this time it is clear that there is a continuing increase in the number of dwellings granted planning permission which has resulted in a year on year increase in the level of commitments in the County since 2011. Housing completions have increased with the highest level since the start of the Core Strategy Plan period since 2011.

The NPPF is therefore emphasising the importance of the presumption in favour of sustainable development if the housing shortfall is to be addressed. In reaching a decision upon new housing, the housing land supply position will need to be balanced against other factors in the development plan and/or NPPF which could result in the refusal of planning permission or restriction in development. Footnote 6 associated with paragraph 11 It stipulates those areas that the NPPF has in mind where development should be restricted. Such areas include:

- habitats sites (and those sites listed in paragraph 1762) and/or designated as Sites of Special Scientific Interest
- irreplaceable habitats
- land designated as Local Green Space
- land designated as an Area of Outstanding Natural Beauty
- land affected by designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 633
- land at risk of flooding

Principle of development

The site lies within an established residential area of Hereford City. Policy HD1 of the Herefordshire Local Plan – Core Strategy identifies that Hereford will accommodate a minimum of 6500 new homes over the plan period. The proposed dwellings will contribute to the growth.

The sites lies in a location that is sustainable and accessible by mean other than private car, in accordance with policy SS4. The principle of residential development in this location is considered to

be acceptable. However, it is necessary to consider the acceptability of the development when considered against the Local Plan as a whole and these matters are detailed below:

Flood Risk and Drainage

Policies SD3 and SD4 of the Core Strategy seek to ensure that matters of flood risk and drainage are considered.

Welsh water, as the statutory consultee have been consulted and subject to conditions to ensure that surface and land drainage does not discharge to the main sewerage system. A condition is recommended to ensure compliance with policy SD4.

The Councils land drainage consultants have also considered the proposals having regard to the proximity of the flood zones to the north. They have advised that within part of planning permission 170929 they requested that the Applicant should establish that the finished floor levels are a minimum of 600mm above the level of the road (which is the same as the 1 in 100 year flood level). This information has been provided within the Flood Risk Assessment along with the need for safe access and egress. This has been demonstrated to be achievable for this site.

Matters of flood risk and surface water drainage have also been carefully considered in the detailed response from the Land Drainage and the Consultant has not raised an objection. A condition and informative notes are recommended but I would conclude that the management of surface and land drainage can be satisfactorily accommodated on the site and as such the requirements of policy SD3 can be met

Policy SD3 deals, among other things, with water consumption and a condition is recommended to address this requirement.

Transportation

CS policy MT1 of the Herefordshire Local Plan – Core Strategy, requires development proposals to demonstrate that the strategic and local highway networks can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce or mitigate any adverse impact from the development. Developments should also ensure that developments are designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space.

One of the key objections relates to the existing pressures on parking in the area and the potential for the development to add to the localised pressures for parking. In response to the concerns raised by both local residents and the transportation manager the site plan and development was adjusted to increase the number of car parking spaces. This was welcomed by the transportation manager and provides a policy compliant amount of parking, plus some visitor spaces. The inclusion of secure cycle parking (within a building) is also welcomed as it has excellent access to the local cycle network.

The plans have also been amended again slightly to avoid the conflict with the open gate, and a pedestrian access path is now provided that won't conflict with this.

Whilst the concerns of local residents are noted, the development is considered to be compliant in terms of parking provision and a refusal on this basis would be hard to substantiate, especially given the sustainable location.

The transportation manager has raised no concerns in respect of network capacity or highway safety. The proposed access is set back sufficiently to provide adequate splays and also increase the width of the footway, improving accessibility. At present the hedge does, at times, overhang the footway and make it somewhat inaccessible for this section. A pedestrian access is also retained in the position of the existing vehicular access (see photo below) and this will also provide an off road collection point for the bins.



The proposal would comply with the requirements of policy MT1 of the Core Strategy and with the requirements of the NPPF. This states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

Conditions are recommended as below.

Design and impact on the Conservation Area (Designated Heritage Asset)

Core Strategy policy SD1 (Sustainable Design and Energy Efficiency) seeks to secure high quality design and well planned development, that contributes positively to the character of the area and that development successfully integrates into the existing built, natural and historic environment. This policy also seeks the inclusion of physical sustainability measures, including orientation of buildings, provision of water conservation measures, storage for bicycles and waste, including provision for recycling and enabling renewable energy and energy conservation infrastructure.

The proposed development has evolved significantly from pre-app to this stage to address concerns about the impact on the character of the area.

The site is situated on the southern boundary of the Hereford Conservation Area. It is not within the Conservation Area itself. Whilst there is not statutory protection for the setting of CA's, case law dictates that this can be a material planning consideration and policy LD4 would also apply.

The character of the conservation area is an area of green space. The housing in the immediate location is suburban in scale. The proposals respond to the scale and massing of nearby housing. Care would be required in terms of materials, detailing and landscaping however it is not felt that the proposals would harm those aspects of the Conservation Area which contribute to its importance, as

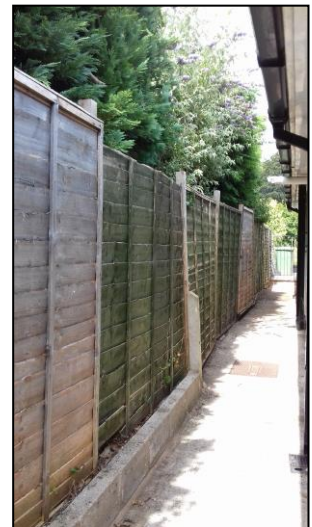
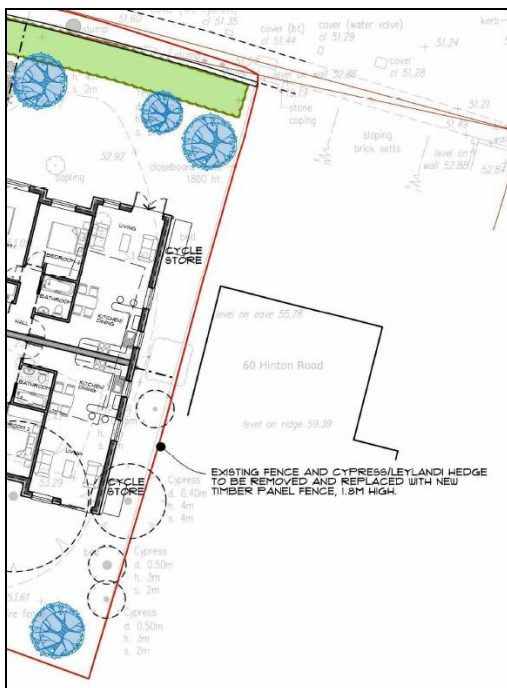
such they would accord with heritage policies in the revised (July 2018) NPPF and adopted Core Strategy – Policy LD4.

Officers are satisfied that the overall design approach is one that is acceptable, but note the concerns about impacts of the proposed development on the amenities and living conditions that are considered below.

Amenity

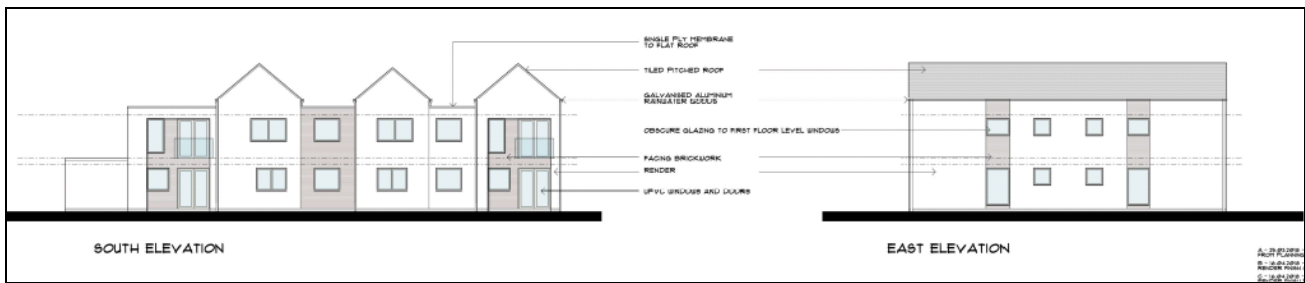
Objections have been raised by the occupant / owner of no 60 that lies to the west of the site. A site visit was undertaken to consider the concerns raised and as a result of this further discussions were had with the applicant to clarify the boundary treatment, reconsideration of the window position and type to the side elevation.

The plans now identify the removal of the trees and the erection of a new close board fence along the boundary (as proposed plan and as existing from no. 60 inserted below) also showing the trees to be removed that currently form the boundary with the site.



As the photos demonstrate, there is also a significant level difference towards the front of the site and a replacement boundary fence is proposed.

One of the key concerns is also the potential loss of privacy from the proposed development with first floor windows in the side elevation overlooking the private amenity space and into the rooflights of the bungalow. The plans have been amended to reduce the size of these windows and for these to be obscure glazed. A condition is recommended to ensure that this is the case before occupation and in perpetuity, along with a requirement that these are non-opening or top hung.



Whilst there may still be a perception of overlooking officers would conclude that with this condition in place this is considered to be acceptable.

There is also concern about the building being overbearing. The building would be a minimum of 2m off the boundary and set approximately 2m further back than the rear of the dwelling (original not as extended).

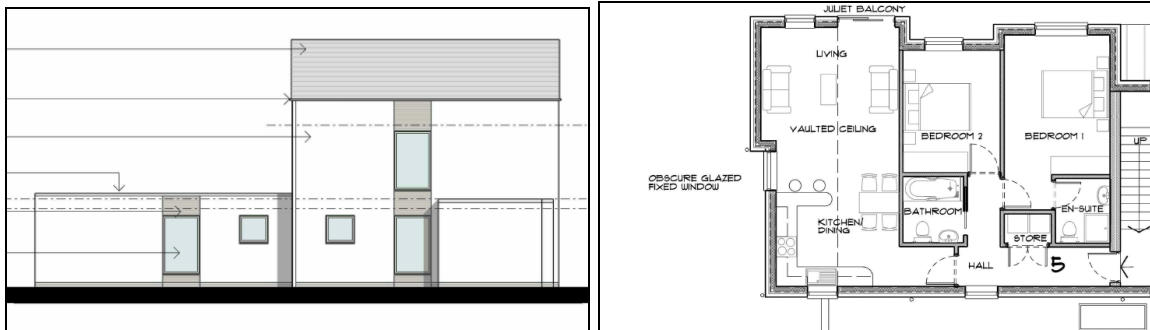
To the front, the building would sit slightly forward of the dwelling (approx. 2m) and would be 2.2m off the boundary. Whilst the building is taller than the existing bungalow which is 6m tall (to ridge) it is relatively low at 7.4m, typical of a two storey dwelling. As such, officers would conclude that the relationship is one that is acceptable and typical of an urban location, with only some oblique overlooking. The extract inserted below details this relationship.



Officers also visited the dwellings to the rear of the site. These are bungalows that are sited at a lower land level than the application site. Whilst the back to back distances are acceptable, the change in levels has also been considered, along with the landscape buffer. Having visited the sites, officers are satisfied that the proposed development would not adversely affect the amenities of those residents to the rear south of the site.



Turning to those residential properties to the west, these are flats, with rear gardens. The proposed building would have one window at first floor, serving a living room. This is detailed on the plans as also being obscure glazed. It should be noted that this is not the only window serving the living area, which is open-plan. The building would be set 9m from the rear of the apartments in a similar position to that of the garage building.



The building is considered to be of a size, scale and design that would not be overbearing or intrusive and is considered to be acceptable.

Officers are satisfied that the proposal complies with the requirements of policy SD1 of the Herefordshire local Plan – Core Strategy and guidance contained within the NPPF.

Biodiversity

Policy LD2 of the Herefordshire Local Plan - Core Strategy requires development proposals to conserve, restore and enhance biodiversity through the retention and enhancement of nature conservation site and habitats and important species. The advice in the NPPF (paragraph 174) reinforces this.

The Councils ecologist has confirmed that the details contained within the ecological assessment submitted in support of the application are acceptable. However, there is potential for ecological enhancement the site as part of the development and a condition is recommended to ensure compliance with policy LD2 of the CS. Natural England has also been consulted and raise no objection to the proposed development.

Section 106

The development is under the 1000sqm and therefore there is no requirement for affordable housing having regard to the requirements of policy H1 of the CS and the guidance within the National Planning Practice Guidance. Likewise, there is no requirement for section 106 contributions.

Conclusion

In accordance with s.38 (6) of the 2004 Act, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Core Strategy constitutes a spatial strategy and policies designed to achieve sustainable development under the three objectives; social, economic and environmental. The NPPF, a material consideration, also seeks sustainable development through the economic, social and environmental objectives for planning. The decision-making process must, in the context of a lack of housing land supply, have regard to the NPPF at paragraph 11 and the presumption in favour of sustainable development. There is no NDP to take account of at the moment. Thus, unless the adverse impacts of the development significantly and demonstrably outweigh the benefits, planning permission should be

granted. That is a clear instruction from the NPPF and is indeed recounted in CS Policy SS1 (albeit SS1 pre-dates the current iteration of the NPPF).

Having carefully assessed the main issues, I am of the view that the proposal is, on reading the Development Plan as a whole, in accordance with the CS and representative of sustainable development. The scheme makes use of previously developed land in a sustainable location. I consider that the revisions to the plan have addressed, so far as it practicable and compliant with the relevant policies, concerns in respect of parking.

Having regard to the presumption and 11 d ii) of the NPPF I am of the view that the benefits arising from the scheme, which include but are not limited to the supply of housing and economic benefits from the construction phase, are clearly not outweighed by adverse impacts.

Planning conditions are recommended in line with consultation responses and are necessary to address residual concerns in relation to flood risk and the discharge of foul and surface water drainage.

It follows from the above that I recommend the scheme for approval subject to the conditions set out below.

RECOMMENDATION: **PERMIT** ☒ **REFUSE** ☐

CONDITION(S) & REASON(S) / REASON(S) FOR REFUSAL:

(please note any variations to standard conditions)

C01	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.</p>
C07	<p>Approved Plans:</p> <p>The development hereby approved shall be carried out strictly in accordance with the approved plans:</p> <ul style="list-style-type: none">• 7118 – 1 - 01 – Location and Block Plan• 7118 – 1 - 05I – Site Plan as proposed• 7118 – 1 - 06G – Apartment Building 1 – Floor Plans• 7118 – 1 - 07F – Apartment Building 2 – Floor Plans• 7118 – 1 - 08H – Elevations – Block 1• 7118 – 1 - 09H – Elevations – Block 2• 7118 – 1 - 10J – Street Scenes <p>and the schedule of materials indicated thereon.</p> <p>Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework</p>
The following conditions relate to works prior to the commencement of development (including site clearance or groundworks):	

<p>CNS</p>	<p>Construction Management Plan</p> <p>No development shall commence (including demolition and site clearance) until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:</p> <ul style="list-style-type: none"> a. Parking for site operatives and visitors which shall be retained and kept available during construction of the development b. Access, turning area and parking for delivery vehicles, including hard-surfaced areas c. Construction access details (identifying any phasing / timetables for construction / use) d. Timings of deliveries (avoiding school pick up and collection times) and management of deliveries e. Wheel cleaning apparatus which shall be operated and maintained during construction of the development hereby approved. f. scheme for the control of dust arising from building and site works g. scheme for the management of all waste arising from the site h. travel plan for employees <p>The agreed details of the Construction Management Plan shall be implemented throughout the construction period.</p> <p>Reason: In the interests of the residential amenity of properties within the locality and of highway safety in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework</p>
<p>CNS</p>	<p>Tree Protection</p> <p>No development shall be commenced (including demolition and site clearance) on site or site huts, machinery or materials brought onto the site until a scheme for the protection of trees and hedgerows on and adjoining the site that are to be retained shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The scheme shall demonstrate that adequate measures will be taken to prevent damage to those trees/hedgerows that are to be retained. Measures to protect those trees/hedgerows must include:</p> <ul style="list-style-type: none"> a) Root Protection Areas for each hedgerow/tree/group of trees must be defined in accordance with BS5837:2012 – Trees in Relation to Design, Demolition and Construction. Recommendations, shown on the site layout drawing and approved by the Local Planning Authority. b) Temporary protective fencing, of a type and form agreed in writing with the Local Planning Authority must be erected around each hedgerow, tree or group of trees. The fencing must be at least 1.25 metres high and erected to encompass the whole of the Root Protection Areas for each hedgerow/tree/group of trees. c) No excavations, site works or trenching shall take place, no soil, waste or deleterious materials shall be deposited and no site huts, vehicles, machinery, fuel, construction materials or equipment shall be sited within the Root Protection Areas for any hedgerow/tree/group of trees without the prior written consent of the Local Planning Authority.

	<p>d) No burning of any materials shall take place within 10 metres of the furthest extent of any hedgerow or the crown spread of any tree/group of trees to be retained.</p> <p>e) There shall be no alteration of soil levels within the Root Protection Areas of any hedgerow / tree / group of trees to be retained.</p> <p>Reason: To safeguard the amenity of the area and to ensure that the development conforms to Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework. The commencement of development in advance of these measures may cause irreparable damage to features of acknowledged amenity value.</p>
CNS	<p>Construction Environmental Management Plan</p> <p>Prior to commencement of development (including demolition and site clearance) a Construction Environmental Management Plan relating to that phase shall be submitted for approval in writing by the local planning authority. This shall include:</p> <ul style="list-style-type: none"> • Timing of the works (seasonal – time of year); • Details of storage of materials • Measures to minimise the extent of dust, odour, noise and vibration arising from the demolition and construction process. <p>The Construction Environment Management Plans shall be implemented as approved for each phase of the development.</p> <p>Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).</p> <p>To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).</p>
CCK	<p>Prior to the commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the building approved and a datum point outside of the site, shall be submitted to and be approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.</p> <p>Reason: In the absence of sufficient detailed information, the clarification of slab levels is a necessary initial requirement before any demolition and/or groundworks are undertaken so as to define the permission and ensure that the development is of a scale and height appropriate to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.</p>
The following conditions relate to any works undertaken following site clearance and groundworks.	
C13	Materials

	<p>With the exception of any site clearance and groundwork, no further development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.</p>
C96	<p>Landscape Scheme</p> <p>With the exception of any site clearance and groundwork excluding any works to retained features), no further development shall commence on site until a landscape design has been submitted to and approved in writing by the Local Planning Authority. The details submitted should include:</p> <p><u>Soft landscaping</u></p> <ul style="list-style-type: none"> a) A plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, species and canopy spread, together with an indication of which are to be retained and which are to be removed. b) A plan(s) at a scale of 1:200 or 1:500 showing the layout of proposed tree, hedge and shrub planting and grass areas c) A written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment. <p><u>Hard landscaping</u></p> <ul style="list-style-type: none"> a) Existing and proposed finished levels or contours b) The position, design and materials of all site enclosure (e.g.fences, walls) c) Car parking layout and other vehicular and pedestrian areas d) Hard surfacing materials e) Minor structures (e.g. lighting, refuse areas – bin collection areas.) <p>Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.</p>
CNS	<p>Habitat Enhancement Plan</p> <p>With the exception of any site clearance and groundwork no further development shall take place until a detailed habitat enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved. The scheme shall include significant provision for enhanced bat roosting and bird nesting (including Swifts). No external lighting should illuminate any of the enhancements or biodiversity features and all lighting on the development should support the Dark Skies initiative. The enhancement scheme once implemented shall hereafter be maintained unless otherwise agreed in writing</p>

	<p>by the Local Planning Authority.</p> <p>Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006.</p>
<p>The following conditions require details to be submitted / works to be completed prior to the first occupation of the building hereby permitted</p>	
CNS	<p>Footway Provision</p> <p>The development hereby permitted shall not be occupied until the proposed footway improvement / widening to the south of Hinton Road (as detailed on the approved site plan) has been constructed in accordance with the engineering details and specifications that have been submitted to and approved in writing by the local planning authority.</p> <p>Reason: To ensure that an adequate and acceptable means of pedestrian access is available before the dwelling or building is occupied and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.</p>
CAL	<p>Parking, Turning and Driveway</p> <p>Prior to the first occupation of the development hereby permitted the access, turning area and parking facilities (driveway / parking / pedestrian areas) detailed to serve that dwelling as shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.</p> <p>Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.</p>
CNS	<p>Management company – shared space / drainage</p> <p>A management plan that identifies the management responsibilities and maintenance schedules for the following:</p> <ul style="list-style-type: none"> • landscape areas and boundary treatments, other than privately owned domestic gardens (including a plan clearly identifying the shared areas) • shared bin and cycle stores • parking / driveways • drainage maintenance arrangements <p>shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted.</p>

	<p>The approved management plan shall be implemented and carried out as approved, unless an alternative plan(s) is submitted to an approved in writing by the local planning authority.</p> <p>Reason: In order to maintain the visual amenities of the area, and ensure that the parking and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.</p>
C97	<p>Landscape Implementation</p> <p>The soft landscaping scheme approved under condition XX shall be carried out concurrently with the development hereby permitted.</p> <p>Soft landscaping within the curtilage of each units dwelling shall be completed no later than the first planting season following the occupation of the first dwelling welling.</p> <p>The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.</p> <p>The hard landscaping within the curtilage of each dwelling shall be completed prior to the occupation of that dwelling.</p> <p>Reason: In order to maintain the visual amenities of the area and to conform to Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.</p>
CE6	<p>Water Efficiency</p> <p>Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 shall be submitted to and approved in writing by the local planning authority and implemented as approved.</p> <p>Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy</p>
CB2	<p>Cycle Parking Provision</p> <p>The cycle parking, as detailed on drawing numbers, 7118 – 1 - 05I – Site Plan as proposed, 7118 – 1 - 06G – Apartment Building 1 – Floor Plans and 7118 – 1 - 07F – Apartment Building 2 – Floor Plans shall be installed and made available for use prior to the occupation of any of the dwellinghouses hereby permitted. Thereafter these facilities shall be maintained.</p> <p>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 and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.</p>

Compliance Conditions	
CNS	<p>Welsh Water Condition:</p> <p>No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network</p> <p>Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment having regard to the requirements of policy SD3 and SD4 of the herefordshire local Plan – Core Strategy.</p>
CNS	<p>Drainage:</p> <p>The surface and land drainage shall be undertaken in accordance with the details Flood Risk Assessment and Surface Water Management Plan for Residential Development at 42 Hinton Road - Dated June 2018 unless an alternative scheme is submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development</p> <p>Reason: To ensure the effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system so as to comply with Policies LD2, SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework</p>
CBK	<p>Hours of working during construction</p> <p>During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00 pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.</p> <p>Reason: To protect the amenity of local residents and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.</p>
CNS	<p>Prior to the first occupation of units 11 and 12, (apartment block 2) the first floor windows in the east elevation shall be glazed with obscure glass (as shown on drawing number 7118-1-09H) and be either top hung or non opening). The obscured glazing shall be retained in perpetuity.</p> <p>Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.</p>
CNS	<p>Prior to the first occupation of units 5, (apartment block 1) the first floor windows in the east elevation shall be glazed with obscure glass (as shown on drawing number 7118-1-06 G – flood plan) and be either top hung or non opening). The obscured glazing shall be retained in perpetuity.</p>

	Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.
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Informatives

IP2	<p>Positive and Proactive 2</p> <p>The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework</p>
INS	<p>Any waste leaving the site shall be disposed of or recovered at a suitably permitted site in accordance with the Environmental Permit Regulations (England and Wales) 2010.</p> <p>Use of waste on site will need suitable authorisation issued by the Environmental Agency in accordance with the Environmental Permit Regulations (England and Wales 2010)</p>
INS	<p>Advice from Welsh Water / Dwr Cymru</p> <p>The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com</p> <p>The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry</p> <p>Any existing foul water drainage connection shall be retained and reused.</p>
INS (I08 modified)	<p>No work on the site that affects the improvements to the public highway should begin until they have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.</p>

I09	<p>This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council)</p> <p>Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).</p> <p>Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to coordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.</p>
I11	<p>It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.</p>
I45	<p>This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.</p> <p>Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.</p>
INS	<p>It is the responsibility of the developer to arrange for a suitable outfall or discharge point. It cannot be assumed that the highway drainage system can be used for such purposes.</p>
INS	<p>This permission does not authorise the resiting of any street lighting columns or illuminated road traffic signs affected by the proposed development. The applicant should contact Balfour Beatty (Managing Agent for Herefordshire Council) Highway Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT (Tel: 01432 261800) for the necessary approval. Precise details of all works within the public highway must be agreed with Herefordshire Council's Highway Service.</p>

I46	<p>The attention of the applicant is drawn to the provisions of the Wildlife and Countryside Act 1981 (as amended). This gives statutory protection to a number of species and their habitats. Other animals are also protected under their own legislation. Should any protected species or their habitat be identified during the course of the development then work should cease immediately and Natural England should be informed. They can be contacted at: Block B, Government Buildings, Whittington Road, Worcester, WR5 2LQ. Tel: 0300 060 6000.</p> <p>The attention of the applicant is also drawn to the provisions of the Conservation of Habitats and Species Regulations 2010. In particular, European protected animal species and their breeding sites or resting places are protected under Regulation 40. It is an offence for anyone to deliberately capture, injure or kill any such animal. It is also an offence to damage or destroy a breeding or resting place of such an animal.</p>
I48	<p>Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:</p> <ul style="list-style-type: none"> • Work on an existing wall or structure shared with another property • Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property • Excavating near a neighbouring building <p>The legal requirements of this Act lies with the building/site owner, they must find out whether the works subject to this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the ODPM publication, The Party Wall Act 1996 - explanatory booklet.</p>

Signed:  Dated: 3rd December 2018

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT

REFUSE



Signed:  Dated: 4th December 2018