

5 DCSE2008/1803/F - 6 NEW DETACHED HOUSES AT REAR OF HAZELNUT COTTAGE, LLANGROVE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6EZ.**For: Mr T Pannett per Mr P Thomas, Lower Grove, Newcastle, Monmouth, NP25 5NT.**

Date Received: 18 July 2008

Ward: Llangarron

Grid Ref: 52448, 19306

Expiry Date: 12 September 2008

Local Member: Councillor JA Hyde

Introduction

The application was deferred at the Southern Area Planning Sub-Committee on 20 August 2008 to enable Members to undertake a site visit, which took place on 2 September 2008.

1. Site Description and Proposal

- 1.1 Planning permission is sought for the erection of 6 detached dwellings on this 0.3ha site at the rear of Hazelnut Cottage, Llangrove. Outline planning permission (DCSE2004/1949/O) was granted in September 2004 for the residential development of the site. Subsequently a further outline planning application (DCSE2005/1118/O) was submitted. This specified the number of dwellings (6) and the layout was submitted for decision at that stage. The associated reserved matters submission (DCSE2008/0627/RM) was approved at the Southern Area Planning Sub-Committee on 30th April 2008. This gave approval for 3 detached dwellings, a pair of semis and a bungalow, all served via a single point of access.
- 1.2 This full planning application, seeks permission for the erection of 6 detached houses on site, four of which would be served via the existing modified access, with the two dwellings to the west of the site (plots 1 & 2) sharing the access to the adjacent Chapel Meadows development. It follows the withdrawal of DCSE2008/0909/F.
- 1.3 Plot 1 would front the road between the existing Hazelnut Cottage and the vehicular access to Chapel Meadows to the west. The remaining five dwellings are aligned between No.1 Chapel Meadows and The Sycamores to the east. The land falls gently away to the east with the effect that ridge heights will fall to follow the topography. The ridge height to plot 2 would be the same as the adjoining dwelling in Chapel Meadows. A typical footprint is 7.5m x 10m, which with a typical 40-degree roof pitch gives an overall height of 8.5 metres. Materials will comprise render and timber boarding, under slate roofs, with painted or stained timber windows and doors.
- 1.4 The dwellings are sited between 8 and 10 metres from the rear (southern) site boundary, beyond which are the rear gardens of existing dwellings. Gardens to serve the proposed dwellings would back onto those serving the existing dwellings to the south. The driveway to plots 3 - 6 passes to the rear of Hazelnut Cottage and also affords access to this dwelling. Private parking areas are formed within the curtilage to each dwelling.
- 1.5 The proposed dwellings are broadly traditional in form. The supporting information describes that the dwellings are designed to meet Code Level 3 of the Code for

Sustainable Homes. The orientation and design of the dwellings has been informed accordingly and manifests itself through the provision of large openings in the south-facing elevations (to maximise passive solar gain) with relatively few openings in the north facing elevation.

- 1.6 First floor balconies are proposed to plots 1, 2, 3 and 6. These have been designed to incorporate privacy screens and thus overcome potential overlooking of neighbouring rear gardens to the south.

2. Policies

2.1 Planning Policy Statements

| | | |
|------|---|------------------------------------|
| PPS1 | - | Delivering Sustainable Development |
| PPS3 | - | Housing |

2.2 Herefordshire Unitary Development Plan 2007

| | | |
|------------|---|--------------------------------|
| Policy S1 | - | Sustainable Development |
| Policy DR1 | - | Design |
| Policy DR3 | - | Movement |
| Policy DR5 | - | Planning Obligations |
| Policy H6 | - | Housing in Smaller Settlements |
| Policy H13 | - | Sustainable Residential Design |
| Policy H15 | - | Density |
| Policy H16 | - | Car Parking |
| Policy LA6 | - | Landscaping Schemes |

3. Planning History

| | | | | |
|-----|------------------|---|---|-------------------------------------|
| 3.1 | DCSE2004/1949/O | Proposed site for residential development. | - | Approved 1.9.04 |
| | DCSE2005/1118/O | Site for the erection of five houses and one bungalow. | - | Approved 9.6.05 |
| | DCSE2006/1871/F | Non-compliance with condition 5 of planning permission DCSE2005/1118/O: Relaxation of highway visibility splays. | - | Approved 2.8.06 |
| | DCSE2008/0627/RM | Erection of five houses and one bungalow. | - | Approved 3.4.08 |
| | DCSE2008/0909/F | Six new sustainable houses. | - | Application withdrawn 12.6.08 |

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 Traffic Manager: Requires further information with regard to the formation of visibility splays, cycle storage and the internal driveway width to plot 6, which is currently 200mm less than required by the residential design guide.

4.3 Officers consider that these concerns can be met via condition.

5. Representations

5.1 Llangrove Parish Council: "The Parish Council objects most strongly to this planning application because of the overall size of the houses and the height and intrusiveness of the balconies and attic windows. We further add that we consider the 'ECO' aspect of the application is unsatisfactory in that it does not fully apply ecologically acceptable systems. Finally as far as we can judge this development is outside the conditions imposed by the Unitary Development Plan."

5.2 At the time of writing 2 letters of objection had been received. These letters come from Mr & Mrs D Honeywill, 1 Hillview Cottage, Llangrove and Mr & Mrs D Williams, Grey Gables, Llangrove. The content of the letters is summarised as follows:

5.3 Mr & Mrs Honeywill:

- The hedging and trees between the application site and No.1 Hillview are mainly deciduous and will not provide an effective privacy barrier;
- There is little point to the balconies as they do not afford a view other than over the properties to the south;
- The proposed solar panels to the plot to the north of Hillview Cottages would be hindered by the large trees;
- Parking is not adequately provided for. 2 spaces per dwelling is not sufficient;
- The future use of a strip of land adjacent to Hillview should be determined now;
- The development is apparently reliant upon LPG fuel which is not environmentally sound.

5.4 Mr & Mrs Williams

- There is a discrepancy with the cill height to the attic window at plot 4;
- Concern that the balconies could be amended in the future with the effect that privacy is compromised;
- Request that balcony screens are non-transparent, effective screens that remain effective in perpetuity.

The full text of these letters can be inspected at Southern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 The key issues in the determination of this application are as follows:

- The principle of development having regard to the provisions of the Unitary Development Plan and any other material considerations;
- The scale and design of the dwellings relative to the surroundings;
- The impact upon the residential amenity of neighbouring dwellings;
- The vehicular access arrangements;
- S.106 considerations.

The Principle of Development

- 6.2 The application seeks permission for the erection of 6 detached dwellings on land at the rear of Hazelnut Cottage, Llangrove. Outline planning permission and the associated reserved matters approval exist for the erection of five dwellings and a bungalow. This permission is extant until 9th June 2010. These approvals predated the adoption of the UDP and were granted when Llangrove held main village status under the South Herefordshire District Local Plan policy SH.6.
- 6.3 Llangrove is now classified a 'smaller settlement' under policy H6 of the UDP. In smaller settlements residential development will be limited to single infill plots or exceptionally, affordable housing where local need exists. Therefore, were it not for the existing planning permission, the erection of six open market dwellings would be contrary to currently adopted policy.
- 6.4 Therefore whilst the comments made by the Parish Council are acknowledged, the existence of the extant planning permission, authorising six dwellings (DCSE2005/1118/O) is, in the officer's opinion, the decisive factor. The current proposal is not predicated on an increase in the number of dwellings already approved and the principle of development is thus acceptable whilst the outline permission remains valid.

Scale and Design

- 6.5 The Parish Council describes the scale of the dwellings as a key area of concern. The design approach does give rise to relatively tall dwellings – 2 storeys with the potential for rooms in the roof space. The dwellings are comparatively tall at 8.5 metres in height. However, the scale will be mitigated by the fact that the dwellings (with the exception of plot 1) are set into the site and do not address the public highway. In this context the dwellings will not be unduly prominent or excessively large by comparison with adjoining properties.
- 6.6 The application describes that plot 2, for example, will have a ridge height set at the same height as the neighbouring dwelling in Chapel Meadows. From here the respective ridge heights will fall across the site to follow the ground levels, which fall in an easterly direction. To illustrate, there would be a 3.5m difference between the ridge heights to plot 2 (west of site) and plot 6 (east of site). Furthermore, it would appear that there is scope to excavate and further reduce ground levels. It is recommended that a condition be imposed to require further detail in respect of slab levels relative to adjoining properties.
- 6.7 In design terms, the basic form of the dwellings is traditional. The dwellings would have rendered ground floors with boarded first floors. It is the window detailing that sets the dwellings apart. The window configurations are a consequence of the desire to maximise solar gain whilst minimising heat loss, hence the large expanses of glazing to the south facing elevations, which also exhibit solar panels and in the case of four of the dwellings, balconies.
- 6.8 Although the asymmetry apparent in most of the window configurations is unusual, officers do not consider the effect detrimental to the overall appearance of the scheme.

Residential amenity

- 6.9 Concern has been expressed at the presence of first floor balconies to four of the proposed dwellings. The balcony to plot 1 is of no consequence as the aspect from this balcony is over plot 2. It is the balconies to plots 2, 3 and 6 which are of greater concern, owing to their relative proximity to the dwellings and gardens to the south.
- 6.10 As part of negotiations the balconies formerly proposed to plots 4 and 5 have been removed entirely, whereas the remaining balconies have been designed so as to reduce the propensity for overlooking. This has been done through the addition of curved balcony screens to a height that will guard against views over the neighbouring gardens. A condition is recommended to ensure that these balconies are constructed in accordance with the submitted details and that the privacy screens are retained in perpetuity.
- 6.11 In terms of overlooking from windows, it is the attic windows to the south facing elevations that would have greatest potential to cause loss of privacy to adjoining dwellings. To counter this the glazing to the gable of plot 4 has a sill height at 1.7m, whereas the south facing roof light to plot 6 lights the stairwell. There are no roof lights to plots 2 and 5, whereas those that serve plot 3 are also 1.7m above internal floor level. In terms of window-to-window distance, there would be 30m between plot 4 and the bungalow Grey Gables to the southeast and a similar distance from plot 5 to Trelawne. These distances, combined with the measures described above are considered to satisfactorily address concerns regarding the potential for undue overlooking and loss of privacy and the scheme is considered to adequately safeguard existing levels of residential amenity. A condition to prevent the addition of additional windows and balconies in certain specified elevations is recommended.
- 6.12 The proposal is not considered to have undue impact upon existing levels of residential amenity and is considered acceptable in this regard.

Vehicular Access

- 6.13 The current proposal differs from the previous approval in that the existing Chapel Meadows driveway would serve two of the proposed dwellings. The remainder of the development would be served by the existing modified access to Hazelnut Cottage, which would extend into a shared un-adopted driveway. The Traffic Manager voices some concern at the layout of the driveway, but none of these issues are considered serious enough to warrant refusal of the application and can be met through the submission of additional detail, required via suitably worded conditions.

S106 Considerations

- 6.14 Negotiations have been conducted with the applicant to secure financial contributions towards sustainable transport, education and open space. These amount to a total of £17,592 allocated as per the Heads of Terms appended to this report. Although not fully in accordance with the provisions of the Supplementary Planning Document: Planning Obligations, Officers consider the amounts represent a reasonable compromise given the site history and the existence of an extant planning permission which did not entail any financial contributions.

Summary and Conclusion

- 6.15 The principle of development is accepted having regard to the presence of the existing planning permission and reserved matters approval for 6 dwellings. Officers consider that the proposal would not constitute overdevelopment of the site (density equates to

20 dwellings/ha) and adequately addresses the site context in its response to concerns expressed at the impact upon residential amenity.

- 6.16 Subject to the imposition of suitable conditions, including one requiring completion of the S.106 agreement, the application is recommended for approval.

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 B07 (Section 106 Agreement)

Reason: In order to provide [enhanced sustainable transport infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing] in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

3 C01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

4 I16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

5 I56 (Sustainable Homes Condition)

Reason: To promote the sustainability of the development hereby approved in accordance with Policies S1 and H13 of the Herefordshire Unitary Development Plan and PPS1 Supplement 'Planning and Climate Change'

6 I51 (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 so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.

- 7 Notwithstanding the approved details included in the application, additional drawing and specifications in respect of the following matters shall be submitted to the local planning authority before the commencement of any works. The works to which they relate shall subsequently only be carried out in accordance with the details which have been approved by the local planning authority in writing beforehand:**

- (a) Elevations and plans of the balconies to plots 2, 3, and 6 (as identified on drawing P.01 B) at a minimum scale of 1:20, including details of the privacy screens (materials and height).

Reason: To ensure that the balconies are constructed in accordance with the submitted details.

- 8 The privacy screens to the balconies described in condition 5 shall be maintained as such and not changed thereafter without the prior written consent of the local planning authority.

Reason: To ensure the continued preservation of residential amenity to adjoining properties in accordance with policy H13 of the Herefordshire Unitary Development Plan 2007.

- 9 G02 (Retention of trees and hedgerows)

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.

- 10 G04 (Protection of trees/hedgerows that are to be retained)

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

- 11 G10 (Landscaping scheme)

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

- 12 G11 (Landscaping scheme - implementation)

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

- 13 L01 (Foul/surface water drainage)

Reason: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.

- 14 L02 (No surface water to connect to public system)

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

- 15 L03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

16 H04 (Visibility over frontage)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

17 H09 (Driveway gradient)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

18 H29 (Secure covered cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

19 H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

20 H06 (Vehicular access construction)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

21 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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

22 F16 (No new windows/balconies in specified elevation)

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

INFORMATIVES:

1 N19 - Avoidance of doubt - Approved Plans

2 N15 - Reason(s) for the Grant of Planning Permission

Decision:

Notes:

Background Papers

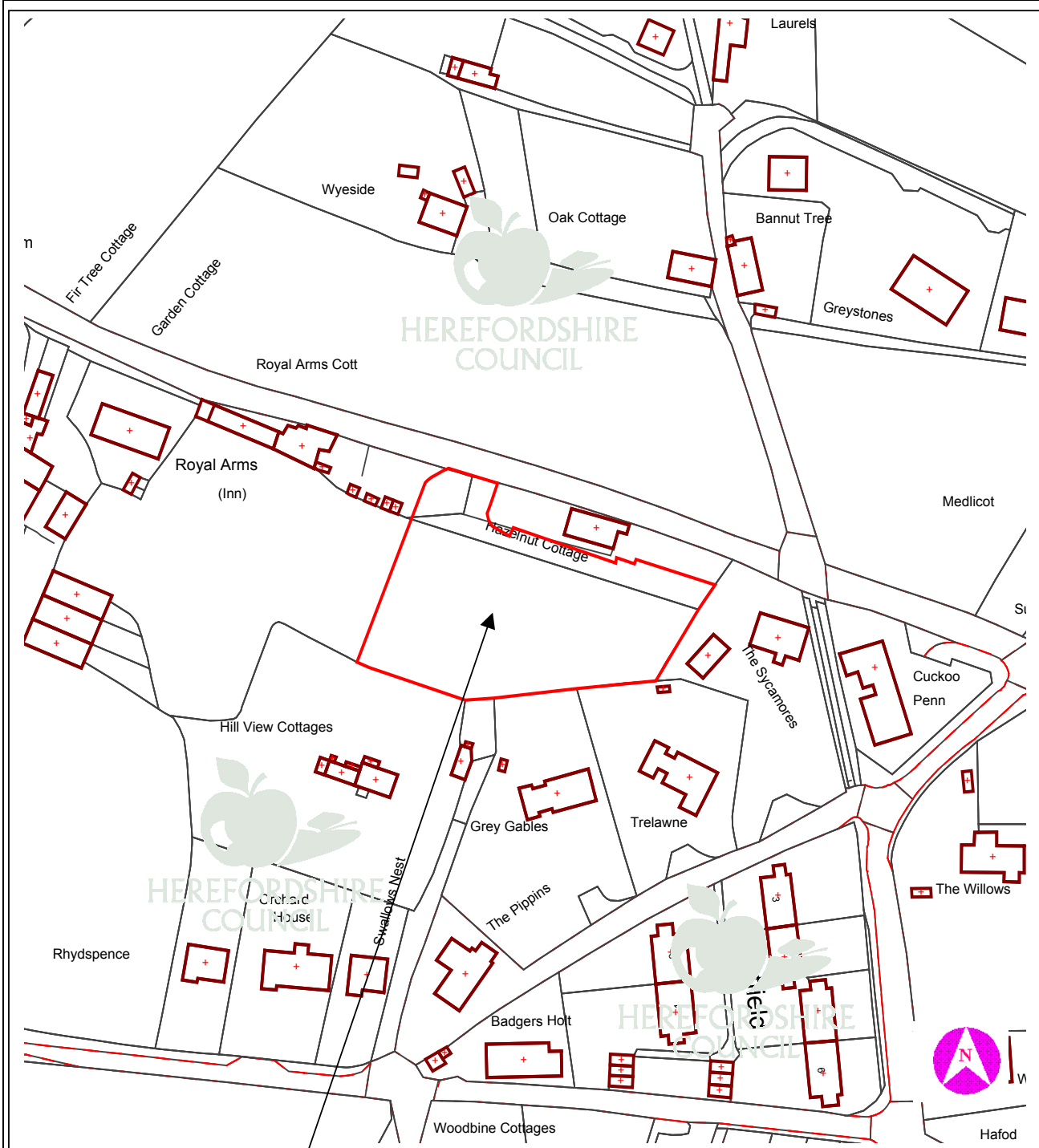
Internal departmental consultation replies.

**DRAFT HEADS OF TERMS
PROPOSED PLANNING OBLIGATION AGREEMENT
Section 106 Town and Country Planning Act**

Planning Application – DCSE2008/1803/F

6 new detached houses on land to the rear of Hazelnut Cottage, Llangrove, Herefordshire HR9 6EZ

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £8,493 to provide enhanced educational infrastructure at John Kyrle High School and improved service provision/capacity at Ross Youth Services.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £8,603 towards the delivery and/or enhancement of sustainable transport initiatives within the locality.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £496 towards the provision and/or enhancement of public open space, including recreational rights of way.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council an additional administration charge of 2% of the total contributions detailed in this Heads of Terms to be used towards the cost of monitoring and enforcing the section 106 agreement.
5. The financial contributions referred to above shall be indexed linked and paid on or before the commencement of the development or in accordance with a timetable to be agreed in writing with Herefordshire Council.
6. In the event that Herefordshire Council does not use the sums referred to above for the purposes specified 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.
7. 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.
8. In the event that the agreement is not completed before the application is determined, it shall be completed within three months of the date of the planning permission. Otherwise the application will be treated as 'deemed withdrawn.'



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APPLICATION NO: DCSE2008/1803/F

SCALE : 1 : 1250

SITE ADDRESS : Rear of Hazelnut Cottage, Llangrove, Ross-on-Wye, Herefordshire, HR9 6EZ

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