

**5 DCSE0009/1487/O DCDS/091571/O - 3 DETACHED DWELLINGS WITH NEW ACCESS AND ASSOCIATED WORKS AT HILL CREST, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SW.**

**For: Mr A Price per Mr T Margrett, Green Cottage, Hope Mansel, Ross-on-Wye, Herefordshire, HR9 5TJ.**

Date Received: 15 July 2009

Ward: Penyard

Grid Ref: 367520,226173

Expiry Date: 9 September 2009

Local Member: Councillor H Bramer

This application was considered at the Southern Area Planning Sub-Committee on 30 September 2009, where Members deferred determining the application in order to carry out a site visit.

### **1. Site Description and Proposal**

- 1.1 Hillcrest is a detached dwelling with annex located to the north of the B4221. The Ivy House estate is found further to the north. There is a detached stone garage a short distance to the west of the dwelling and a timber stable in the paddock (also in the applicant's ownership) to the east. The application site is within the settlement boundary and the principle of residential development is established. The proposal is made in outline with all matters reserved with the exception of access, and involves the erection of 2 detached dwellings in the existing garden to the west of Hillcrest, with a third dwelling sited on the footprint of the existing stable.
- 1.2 Provision is made for a singular point of vehicular access to serve the proposed and retained dwellings with a new access drive. The existing sub-standard and potentially hazardous access to Hillcrest together with the separate accesses to the paddock and garden would be closed.
- 1.3 The new access arrangement would necessitate removal of the existing roadside hedge with a replacement set back behind the 2.4 metres x 120 metres visibility splay. It is also proposed to improve the existing footpath across the site frontage by increasing its width to 1.8 metres.
- 1.4 The application site extends to 0.2 ha and the density of development would equate to 15 dwellings/hectare, which is below Government guidelines as expressed in PPS3, but more appropriate to a semi-rural context. The submitted layout, with the exception of the point of access, is indicative, but illustrative of how the dwellings might be accommodated on the site.
- 1.5 Indicative site sections have been submitted. These illustrate potential finished floor levels and demonstrate the degree of excavation that would be possible as a means of mitigating the impact of the dwellings relative to those in the Ivy House Estate to the immediate north. The relationship of the two dwellings proposed to the west of Hillcroft with the nearest neighbours to the north, is a key factor in the determination of this application.
- 1.6 The application is accompanied by the following reports:
  - 1) A speed survey and access and visibility improvement report (FMW Consultancy Ltd):

This outlines the deficiencies with the existing accesses onto the B4221 and how the situation would be improved through the adoption of a single point of access onto the main road.

- 2) An arboricultural survey and hedgerow survey (J Ross Arboricultural Consultancy and SLR Consulting).

These reports consider the impact of the removal of the existing roadside hedgerow upon visual amenity and ecological interests. Each report concludes that the removal of the hedgerow, provided it is undertaken at the appropriate time of year, would not constitute a 'significant planning constraint', with adverse short-term losses being offset by the long-term gains resulting from a re-invigorated, mixed-species hedge being planted nearby, together with associated orchard planting in the adjoining paddock.

- 1.7 In line with the temporary suspension of the SPD - Planning Obligations, the applicant has confirmed the intention to commence development within 12 months of obtaining planning permission.

## 2. Policies

### 2.1 National Guidance

PPS3 - Housing

### 2.2 Herefordshire Unitary Development Plan 2007

S1 - Sustainable Development  
 S2 - Development Requirements  
 S3 - Housing  
 DR1 - Design  
 DR2 - Land Use and Activity  
 DR3 - Movement  
 H4 - Main Villages: Settlement Boundaries  
 H14 - Re-using Previously Developed Land and Buildings  
 H15 - Density  
 T6 - Walking  
 LA5 - Protection of Trees, Woodlands and Hedgerows  
 LA6 - Landscaping Schemes  
 NC1 - Biodiversity and Development  
 NC5 - European and Nationally Protected Species  
 NC6 - Biodiversity Action Plan Priority Habitats and Species  
 NC7 - Compensation for Loss of Biodiversity  
 NC8 - Habitat Creation, Restoration and Enhancement  
 NC9 - Management of Features of the Landscape Important for Fauna and Flora

## 3. Planning History

- 3.1 SH88/1993PO      Erection of a bungalow on land at Hillcrest, Gorsley, Ross on Wye. - Refused. and dismissed on appeal 13.11.1989.  
 The application was refused on highway safety grounds and the appeal was dismissed.

- DCSE2008/2225/F Conversion of attached outbuilding to an annex. - Approved 16.10.08
- DCSE2009/0147/O 3 detached dwellings with new access and associated works. - Withdrawn 31.03.09

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 Welsh Water – No objection.

##### Internal Council Advice

- 4.2 Traffic Manager: The issue of highway safety has been a key issue in the determination of the application. The existing access to serve Hillcrest is significantly below standard and the closure of this and the other accesses from the land in the applicant's ownership is seen as a benefit in highway safety terms.

It is acknowledged that the new point of access is still slightly deficient in terms of vertical visibility, although this is not so pronounced as to warrant refusal of the application.

The speed survey indicates 85 percentile speeds are below 41 mph, which confirms that a slight relaxation of the vertical visibility requirements in the easterly direction between 80 metres and 115 metres would not threaten highway safety.

The increased width of the footpath from 1 metre to 2 metres across the site frontage is also a major benefit to pedestrian connectivity through the village.

- 4.3 Conservation Manager (Ecology) recommends the imposition of a condition requiring submission of a habitat and wildlife enhancement strategy.

#### 5. Representations

- 5.1 Linton Parish Council: No objection.

- 5.2 3 letters of objection have been received. The content is summarised as follows:

- The erection of 2 dwellings on land to the immediate west of Hillcrest would reduce the available light to those properties to the north.
- Traffic often exceeds the 40mph limit, and vehicles heading towards Newent will only see vehicles emerging at the last moment.
- The findings of the speed survey are disputed. The presence of surveyors influences driver behaviour with the effect that people slow down. The average speed of traffic is nearer 50mph than the 40mph speed limit.
- The development appears cramped in relation to adjacent plots and overlooking would occur, particularly as the site is elevated above dwellings in Ivy House Estate.
- The additional vehicular movements would represent an unacceptable threat to highway safety.

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.

5.3 A 22 signatory petition has been received from residents of Ivy House Estate, confirming opposition to the proposal on the basis of the adverse impact suffered by residents of Nos 3 and 4 Ivy House Estate.

## **6. Officer's Appraisal**

6.1 The application seeks to establish the principle of erecting 3 detached dwellings upon the site, with all matters surrounding detailed design and layout reserved for future consideration. The principle of erecting dwellings upon land within the settlement boundary is bound up with the requirement that development accords with other UDP policies. In this case the key issues are identified as:

- 1) The impact of the proposal upon highway safety.
- 2) The impact of the proposal upon adjoining residential amenity.

### Highway Safety Implications

6.2 The application proposes the closure of 3 existing sub-standard access points, the removal and replacement of the roadside hedge and the provision of a single vehicular access to serve the resultant 4 dwellings. The B4221 is subject to a 40mph restriction through the village although objectors have questioned the veracity of the speed survey. The vertical alignment of the road is also relevant with an appreciable fall in the Newent direction with the effect that the new access fails to meet a strict interpretation of vertical visibility requirements.

6.3 In such a scenario a balanced assessment is required. Although the proposed access is slightly sub-standard, in terms of vertical visibility across part of the easterly splay, it would replace 3 more significantly deficient accesses onto the main road. Allied to this, the removal of the existing roadside hedgerow, which is currently tight against the narrow footpath (and impinging upon it), would enable the provision of a 1.8 metre wide footpath which would provide much improved pedestrian connectivity between the facilities in the western and eastern parts of the village.

6.4 In conclusion, although the deficiency of the proposed access is acknowledged, visibility is in other respects improved significantly above the current scenario and the Traffic Manager has no objection on the basis that the proposal represents an improvement on the current scenario.

### Adjoining Residential Amenity

6.5 Representations have been received from the two nearest neighbours to the north, nos. 3 & 4 Ivy House Estate. No. 3 is a two-storey dwelling, No. 4 a bungalow. A mature, 3-metre tall conifer hedge stands on the common boundary, with the effect that only part of the roof of No. 4 is visible from within the site, whereas the first floor of No. 3 is visible. The hedgerow is within the ownership of the applicant.

6.6 The illustrative layout suggests how the dwellings might be set out on the existing garden, with the third dwelling on the site of the existing stable. This layout is not definitive and will be reviewed at the Reserved Matters stage. However, in the interests of securing the best re-use of previously developed land within a sustainable location, the erection of two dwellings on the existing garden, at a density equivalent to 15 dwellings per hectare is not unreasonable.

6.7 In determining the dismissed appeal in 1989, the Inspector found no reason to suppose that the erection of a bungalow on land to the west of Hillcrest would significantly affect the living conditions of the occupants of No. 3 Ivy House Estate. It is considered that this assessment

holds true today and notwithstanding the fact that two dwellings are now proposed, with careful siting and design, the site is capable of satisfactorily accommodating the proposed dwellings without causing undue harm to the residential amenity of occupants of these dwellings to the north.

- 6.8 In order to provide the requisite certainty it is recommended that a condition be imposed requiring the submission of slab level details prior to the commencement of development. Although I would not advocate a condition placing limitations on the scale of the dwellings, it is a realistic expectation that the future detailed designs and layouts will take account of the concerns expressed as regards overlooking and involve internal layouts that obviate the requirement for large numbers of rearward facing first floor windows.

#### Summary and Conclusions

- 6.9 The application proposes the erection of 3 detached dwellings with a new vehicular access on land associated with Hillcrest, Gorsley. The application is made in outline, with all matters excepting access, reserved for future consideration.
- 6.10 The site is sustainable, and as part of an existing domestic curtilage is defined as previously developed land. Your officers are satisfied that the site can be developed so as not to significantly affect the residential amenity of near neighbours, although this will be dependent upon careful consideration of the layout presented at the Reserved Matters stage.
- 6.11 The singular point of access is considered to represent an improvement over the current situation and also enables substantial improvements, at the developer's cost, to the existing roadside footpath. The scheme will also provide for enhanced visual amenity in the form of a new roadside hedgerow and biodiversity and ecological enhancement in the form of orchard planting within the remainder of the paddock. The application is recommended for approval subject to conditions.

#### **RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

- 1 A02 (Time limit for submission of reserved matters (outline permission) )**
- 2 A03 (Time limit for commencement (outline permission) )**
- 3 A04 (Approval of reserved matters )**
- 4 A05 (Plans and particulars of reserved matters )**
- 5 C01 (Samples of external materials )**
- 6 H03 (Visibility splays )**
- 7 H05 (Access gates )**
- 8 H06 (Vehicular access construction )**
- 9 H08 (Access closure )**
- 10 H13 (Access, turning area and parking )**
- 11 H27 (Parking for site operatives )**

- 12 H17 (Junction improvement/off site works )
- 13 I16 (Restriction of hours during construction )
- 14 I51 (Details of slab levels )
- 15 G10 (Landscaping scheme)
- 16 G11 (Landscaping scheme – implementation)

**INFORMATIVES:**

- 1 N19 - Avoidance of doubt - Approved Plans
- 2 N15 - Reason(s) for the Grant of Planning Permission

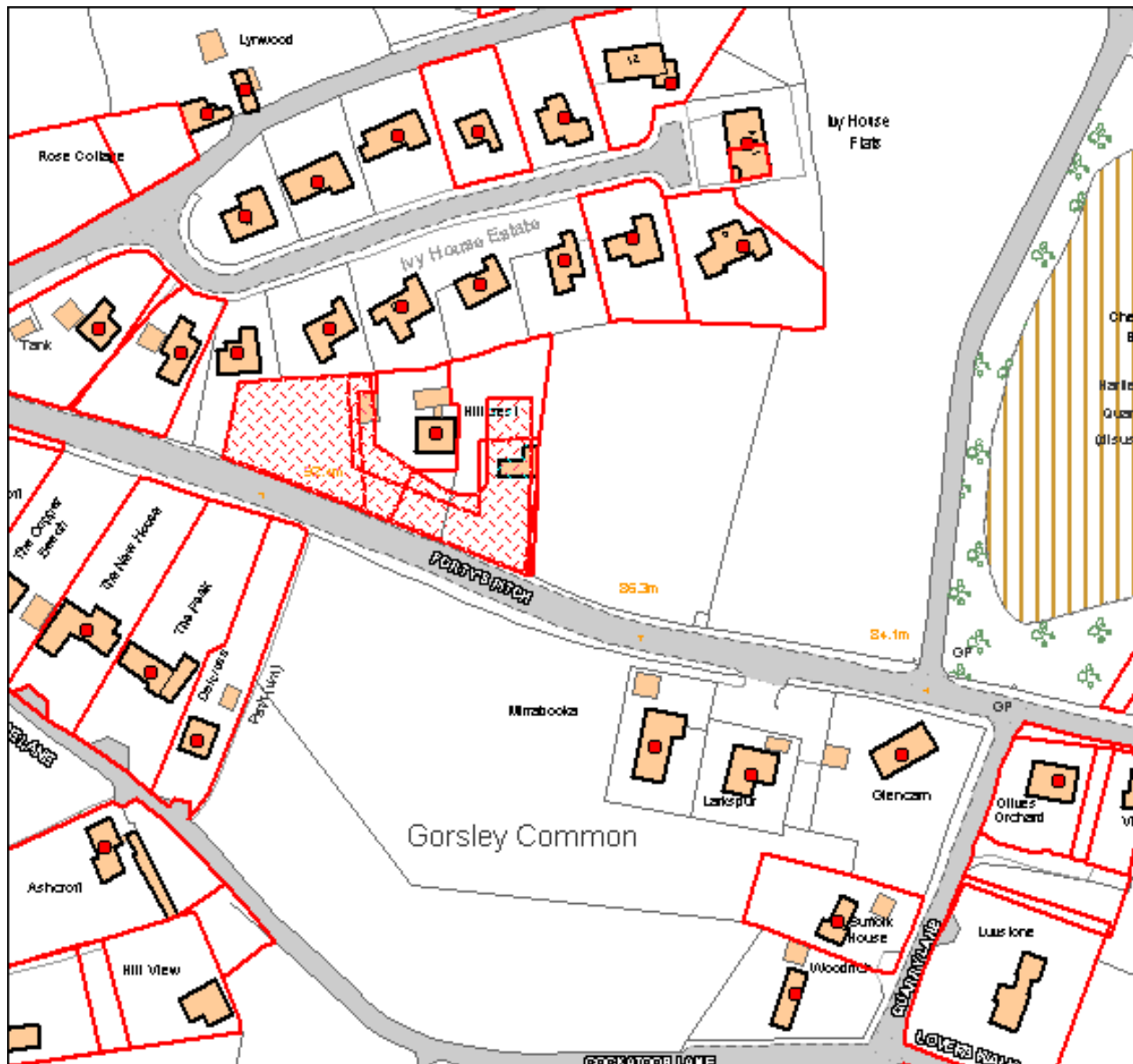
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**SITE ADDRESS :** HILL CREST, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SW

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