

1 DCNC2003/1503/F - ERECTION OF FOUR DETACHED DWELLINGS WITH GARAGES AND PRIVATE DRIVE AT LAND ADJ TO BELMONT, STOKE PRIOR, LEOMINSTER**For: Mrs C Shaw per Boarder Oak, Kingsland Sawmills, Kingsland, Leominster****Date Received:****19th May 2003****Expiry Date:****14th July 2003**

Local Member: Councillor K. Grumbley

Ward:**Hampton Court****Grid Ref:****52178, 56540****Introduction**

This application was deferred at the Northern Area Planning Sub-Committee on 17 December 2003 in order for a site visit to be carried out. The site visit took place on 7 January 2004. Additional information is added to the site history, and Officers Appraisal at section 6.5. Since the site visit amended plans have been received deleting the garages to the proposed houses on plots 1 and 2.

1. Site Description and Proposal

- 1.1 The site is located on the south side of the C1110, to the south east of its junction with the Stoke Prior road and between the village hall at Belmont, a detached bungalow. A public footpath crosses the site. The site is an area of grass keep, 0.249 hectares in area, in an elevated position, and slopes away from the village hall towards Belmont. It is located in the Settlement Boundary of Stoke Prior.
- 1.2 This is a full application for 4 exposed timber framed dwellings a private drive that will run close to the boundary with Belmont with egress onto the C1110. A row of trees is proposed to be planted between the road and the boundary of the site. Foul drainage is to be sewerage is to be disposed of by way of treatment plant with secondary filtration system. The plant is to be sited on a triangular piece of land in the north west corner of the site, between the site entrance and Belmont.

2. Policies

Planning Policy Guidance 3 – Housing

Leominster District Local Plan

A2 – Settlement Hierarchy

A24 – Scale and Character of Development

A54 – Protection of Residential Amenity

A55 – Design and Layout of Housing Developments

Herefordshire Unitary Development Plan (Deposit Draft)

H6 – Housing in Smaller Settlements

3. Planning History

NC2000/3426/O – Residential Development – Approved 7 March 2001.

Outline planning permission has also been granted to replace the village hall with a single dwelling. 89O470, 29 January 1990 refers.

4. Consultation Summary

Statutory Consultations

Environment Agency – no objection in principle.

Internal Council Advice

Head of Engineering and Transportation – no objection

Public Rights of Way Officer – The proposed development appears to affect public footpath SP9 and will need to be diverted.

5. Representations

5.1 Stoke Prior Parish Council comment on original plans as follows:

The Parish Council voted unanimously to reject this application. The Council accepts that development should take place on this site, in accordance with the local area plans 'infill' policy but regards this particular application as unacceptable. It considers the application inappropriate, unsympathetic and out of keeping with the surrounding rural area. The Council objects on the following grounds:

- a) Density of proposed development. The erection of four, 4 bedroomed houses on this relatively small site might be appropriate in an urban setting, but it is not in keeping with the low density housing already in this rural area. The village positioning of two storied houses on the hillside would be overpowering to adjacent properties, including the village hall, which are all at lower levels, or bungalows. This would be contrary to LDC Local Plan Policy A23 and Herefordshire UDP DR 1. Two storied buildings would be destructive of the enjoyment of the visual amenity of the natural landscape. A number of other objections arise from the proposed high density of this housing, which would be less acute if a smaller number of lower level dwellings were to be substituted. (see paras 2(iii) and (iv), 3, 4 and 5).
- b) Variance from the original outline planning permission, NC2000/3426/O. The Council has received no amended or adjusted plans between the original outline and this present application, so it presumes that there have been none. The following have been omitted or varied from the outline NC2000/3426/O.

- (i) Para. 6. The vehicular access shall be ...'at a gradient of not more than 1 in 12'. The new application says 1 in 8. Such a steep slope is contrary to highway safety, and would be dangerous to vehicles and pedestrians alike, especially as this is the only egress for wheelchairs and perambulators.
 - (ii) Para. 10. ' A suitable pedestrian footway' is mentioned. The new proposal is for a grassy verge, which would be unsuitable for the elderly, and dangerous to all when wet. No mention is made of maintenance for such a verge.
 - (iii) The original plan mentions a vehicular 'turning point'. There is no turning area on the new plans. The size and number of the houses would indicate a considerable number of parked cars. In the absence of lay-bys or turning areas, delivery vehicles would have to back out of the estate down the 1 in 8 slope into the road, endangering highway safety.
 - (iv) The original plans showed a 'possible area to be allocated for car parking to village hall'. This is missing from the new plans. There could be serious consequences for the village hall. (see para. 5 below).
- c) Storm water/drainage/foul drainage/refuse site. There has been serious flooding in this area in the past, especially at the junction of C1110/1112. The most recent was in 2001. (See correspondence between Mr. Chamberlain of Rectory Gate, and Mr. K. Hewitt of Engineering Services – ref: 20/4/01). Water pouring down the hill and a spring which erupted through the tarmac adjacent to 'The Prill' caused a major road hazard. The increase in run-off from the new development will cause undue pressure to be put on the proposed soak-away system. Additional run-off from the pumping of foul sewage to the proposed treated plant at the top of the site will add to the pressure on the system, contrary to Policy 14 of the Herefordshire UDP, carrying an unacceptable risk to the ground water quality. The layout of the drainage system to the foul sewage collection tank is in such a position to carry the risk of nuisance by smell and plies and pump noise to adjacent existing properties. This also applies to the refuse collection point. There is alleged to be an underground stream beneath the site, which does not seem to have been investigated by the applicant, and this could be affected by the storm and foul water, contrary to LDC Plan Policy A14.
- d) Parking/highway safety. Existing parking areas in the village are minimal. This development would reduce on-road parking space available, in particular that required by visitors to the village hall. (see para.5). The road is narrow and winding, and the probability that parked vehicles may have to occupy both sides of the road would be a serious traffic hazard. The omission of possible parking area for the hall from the new plans makes this all more likely. Further traffic hazards may be caused by the visual splay allowed for the development access. This seems to be inadequate for a derestricted (60mph) road.
- e) Deleterious impact on the village hall. The village hall is the community centre of the area. It is regularly used by a number of local groups; at least three times a week, and other events on a monthly basis, and is vital to the community. The proposed development in this form could result in the loss of existing facilities which contribute to the needs of the community, contrary to LDC Plan Policy CF5. The use of the village hall would be adversely affected as follows:

- i) Parking. As stated above the minimal existing parking would be significantly reduced. If the original outline provision for a possible area of parking behind the hall were re-instated, this would allow it to comply with the forthcoming 2004 Public Buildings legislation to provide access for the disabled. It would also compensate for the loss of on-road parking and would allow the retention of the fire-assembly point (see e (ii) below). Otherwise the parking problem is likely to cause a severe road congestion whenever the hall is in use, and may make it impossible to use the hall for certain events.
- ii) Fire hazards. In accordance with requirements of the Fire Service, the hall has three Fire Exits, for which there are designated Fire Assembly Points. The exit to the rear (south west) of the hall has its designated fire assembly point on the rear of the site for this development. This has been designated for at least 12 and possible 20 years. This area should not be subsumed into the development but retained for use by the village hall as a fire assembly/parking area.
- iii) Other complaints the Council supports includes the loss of light to the hall by proximity of the proposed new buildings.

This development as it stands would make use of the village hall extremely difficult resulting in the loss of amenities/facilities to the community, contrary to HUDP (CF Retention of existing facilities) or LCDP – ‘Development proposals that would result in the loss of existing facilities which contribute to the needs of the community, will not be permitted’.

It is not within the remit of the Parish Council to make recommendations on future development but I am requested by the Council to report to you that it agreed unanimously that if a reduced application were to be submitted for say 2 bungalows and the small area for the village hall parking and fire assembly point were to be re-instated they would regard this as being entirely acceptable.

5.2 Stoke Prior Parish Council comment on amended plans as follows:

The Parish Council objects strongly to planning application ND2003/1503/F (amended plans). It regards the site as being too small for 4 such large two storey dwellings and the majority of its objections arise from this.

The only alterations to the original plans described to the Council would appear to make the situation worse especially with regard to the village hall which is likely to be rendered unusable (see para 2 below). The proposed houses would appear to be designed to occupy an even greater ground space than the original plans which would exacerbate the objections previously raised by the Council.

No mention is made of any proposed changes with regard to the gradients the footpath the turning space the parking areas the height of the proposed properties the overlooking of existing properties the disposal of foul sewage or water the refuse collection point or the road safety hazards. All the Council’s previous objections on these matters apply and are expanded below.

- a) Extension and alteration of the ground plan. The indications are that the repositioning of the proposed properties would have the following effects:

- i) The properties would be even nearer to the village hall especially property 2 which would extend to within a few feet of the boundary. This could present such a hazard to fire safety of the hall as to render it unusable. The rear fire exit would be dangerously obstructed and the fire assembly point eliminated. Gas or oil storage tanks could not be permitted on properties adjacent to the hall because of the fire risk (see para 2 below). The interests of property 2 would be in constant collision with those of the village hall.
 - ii) The reduced garden space around properties 1, 3 and 4 would be likely to lead to attempts to remove existing tree coverage.
 - iii) Plots 1 and 4 extend under the tree canopy.
 - iv) The proposed tree screening adjacent to Belmont would be at a height to tower of the property and deprive it of light.
 - v) The repositioning of properties will cause properties 2, 3 and 4 to overlook Belmont properties 1 and 2 to overlook the village hall from the rear and property 1 to overlook Priory Bank from the rear. This indicates how inappropriate two storey houses would be on this site.
 - vi) The change of position of the exit/entrance drive would put at roof level overlooking Belmont.
- b) Impact on the village hall. This hall is a community centre for the village, regularly used by local groups for social and study purposes. It is the only suitable meeting point in the village and is vital to the community. Such a development would result in the loss of existing facilities contrary to LDC Policy A62 and UDP Policy CF5. The reasons are as follows:
- i) As mentioned above the proximity of the proposed properties could make the hall unusable because of fire risk. To conform with requirements of the Fire Service there are three fire exits for which there are designated fire assembly points. The rear (south west) exit is opposite proposed property 2 and is designated assembly point is on the rear of this development site within the existing field. This has been the designated site for at least 12 years probably longer. This proposed development would make the fire exit unusable and the assembly point would be eliminated. This area should be retained for use by the village hall. It could also be used as a parking area for users of the hall.
 - ii) The reduction of on-road parking on both sides of the road, with serious risk of traffic congestion or accident to vehicles or pedestrians. This would be especially acute where vehicles would have to enter or leave the access derive to the development.
 - iii) If the original planning provision for a possible area of parking behind the village hall were to be reinstated then this traffic problem would be alleviated the fire assembly point retained and the fire hazard threat to the village hall reduced. It would also enable the village hall to comply with the forthcoming 2004 Public Buildings legislation to provide access for the disabled.

- c) The roads and pedestrian safety.
- i) Slopes. There has been no change indicated in the slopes on the development drive. We must assume that 1 in 8 unamended proposal continues contrary to the original application which stated 1 in 12 as the maximum. A slope of 1 in 8 would be contrary to road safety and dangerous to pedestrians and vehicles especially perambulators and wheelchairs as there is only one egress.
 - ii) Pedestrian footway. There is no mention of a proper pedestrian footpath which should be mandatory. The original proposed grassy verge would be unsuitable for the elderly and dangerous to all when wet. No mention was made over the maintenance of such verge. Such a path could not be edged by a sheer bank because of the danger of the slope. Re-alignment of the bank would be essential and could affect property 1 and other parts of the development.
 - iii) Congestion of the site/lack of adequate turning area. The number of vehicles anticipated to be on site (parking originally quoted as being 12) and the lack of any suitable turning area would be a hazard especially for delivery vehicles which would have to back out into the road. Coupled with the reduction in on-road parking space this would be a considerable danger to highway safety.
- d) Sewage and disposal of surface/storm water
- i) Sewage. No mention is made of the siting of the septic tank and the outflow pipes. Have they been altered? If not then the proposed position of the tank is a matter of great concern because of possible nuisance to local properties. The pumping water and spreading from pipes above the development is also a matter for concern because of the down flow of the drainage water through the development. The lay out of the system with the proposed pumping and spraying of run off will add pressure to the system carrying an unacceptable risk to the quality of the ground water contrary to Policy 14 of the Herefordshire UDP.
 - ii) Drainage water. The Council would like to reiterate its concerns over the past flooding in the area especially the junction of C1110 and 1112. Flooding outside of 'The Prill' and storm water pouring down the road caused a major road hazard. The additional pressure that would be put on the soak away system by the run off from the proposed development as mentioned above could only make things worse. The increased area paved on the revised plans could exacerbate the matter further. Has any investigation been made into the reported underground stream below the development? This could be affected by extra run off contrary to LDC Policy A14.
- e) Refuse disposal area. This location no longer appears on the amended plans. Where is it proposed that it should be sited? If it is intended to be in the original position then it carries the risk of nuisance by smell and flies to adjacent properties such as Belmont and The Prill.

The Parish Council finds this application totally unacceptable in its present form contrary to HUDC policy and Leominster Local Draft Plan policy 21.12 February 1996. '...Development opportunities... can only be realised if a solution to the village's parking problems achieved ad a comprehensive foul drainage system is devised. In particular Policy A62 indicates proposal will not be permitted where they would adversely affect community facilities...'

5.3 22 Letters of objection have been received to the original plans. The main planning points raised are:

- a) Access will create a traffic hazard.
- b) Access will be off a dangerous bend in the road.
- c) 4 dwellings are considered excessive for the site.
- d) The lane floods.
- e) Two storey dwellings close to a bungalow would be unreasonable.
- f) Road network in Stoke Prior is narrow and already dangerous.
- g) Drainage problems in the area.
- h) Insufficient land to form proper visibility splays.
- i) A public footpath crosses the site.
- j) There should be no more than 2 dwellings.
- k) The proposal conflicts with Planning Policy Guidance 3 – Housing.
- l) Residential amenity to Belmont would be damaged by the proposal.
- m) The development will restrict the use of the village hall.
- n) The proposal would lead to loss of car parking in the lane.

5.4 14 letters have been received to the amended plans. The main points raised are those referred to above.

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

6. Officers Appraisal

6.1 This site has the benefit of outline planning permission for a residential development, NC2000/3426/O refers. The permission did not restrict the numbers of dwellings. Therefore, the determining factors of this application are those relating to siting and appearance of dwellings and their impact on their locality together with impact on the amenities of the adjoining bungalow at Belmont and the adjoining village hall.

6.2 The application has been amended from the originally submitted proposal, which was for 4 detached dwellings that were of a suburban style that would have been out of character with the prevailing character of the village. The proposal is now for for 4 exposed timber framed dwellings.

6.3 In terms of density, the application is for 4 dwellings on 0.249 hectares of land. Government guidance on housing densities is contained in Planning Policy Guidance Note 3 - Housing and recognises that for the efficient use of land there should be between 30 – 50 dwellings per hectare. This proposal is for 4 dwellings, which equates to 16 dwellings per hectare dwellings, which is well below the Government threshold. Although this is below the recommendations of PPG3 it is considered to be an appropriate number of houses for this site and which reflects the pattern of development found locally. Arguments that the proposal represents an over

development will be difficult to sustain, and is not, in the opinion of Officers, sufficient reason to refuse this application.

- 6.4 In terms of scale of the dwellings, the submitted plans show that the footprint of the proposed dwellings are much smaller than the original proposal and much smaller than Belmont, the adjoining bungalow. Although it is acknowledged that the proposed two storey dwellings are on an elevated site this is not dissimilar to other developments that have taken place elsewhere in Stoke Prior and therefore reflects the general characteristics of the locality. They are also of a style appropriate to the village. As for the impact on the amenities of the adjoining dwelling is concerned Officers acknowledge the ground level of the site is higher than Belmont. However, it is further considered that the orientation of the cottages together with the proposed tree planting the site boundary will not create a development that will give rise to loss of amenity through overlooking or overshadowing.
- 6.5 Access will be off the C1112 with a private drive to serve the 4 dwellings. The gradient of the drive is shown as 1 in 8 which accords with the requirements of the Outline planning permission. Four dwellings off a private drive is an acceptable form of development in terms of the Council's design guidance on highway standards. The visibility splays required to serve a small development of 4 houses can be easily achieved within the limits of the highway without removing hedgerows thereby preserving the rural characteristics of the area. However, visitors to the village hall do park their vehicles on the side of the road and on the grass verge. The Transportation Manager has confirmed that this is highway land, which extends from the centre of the hedges/boundaries either side of the lane; as such parking on the verge could be considered an obstruction. The matter of car parking for the village hall was considered at the time of the Leominster District Local Plan Inquiry when the Parish Council wanted a proposal to be included within the Plan for parking to be provided on land adjacent to the village hall with Leominster District Council using Compulsory Purchase Order powers to bring the site forward. The response from Leominster District Council at the inquiry was there were no resources identified or available and therefore such a proposal was inappropriate. The Inspector agreed and said "in the absence of firm funding sources and commitments, it would be inappropriate to include proposals to facilitate further development which have no realistic prospect of implementation during the plan-period. Thus the identification of proposals for car parking, mains drainage and other services would not improve the Plan and recommended no change be made to the plan." Also, in granting Outline planning permission for residential development on this site there was no requirement for village hall car parking to be provided within the application site. Given this history it is considered unreasonable to require the applicant to provide parking for the village hall.
- 6.6 Mention is made that the development of this site will hinder the social activities/gatherings/meetings at the village hall insofar as fire escape and loss of daylight/sunlight. Insofar as the means of fire escape is concerned, it is understood the PC had an agreement with the previous landowner that when evacuating the village hall people would assemble on the site. However, this agreement is not a material planning consideration in the determination of this application. Consideration has been given to potential loss of sunlight/daylight to the village hall. Any loss of light through the windows that are on the west side of the hall will arise during late evenings in summer months, and late afternoon throughout the rest of the year. While it is acknowledged that 2 of the proposed dwellings will be close to the hall it is not accepted that they are in a position that will give rise to significant loss of light to the village to prevent activities taking place.

6.7 The matter of flooding has been taken up by the Environment Agency who comment the site is outside the Agency’s Indicative Floodplain map. However they further comment that to reduce the effect of new development on flooding it is recommended that the site incorporate Sustainable Urban Drainage (SUDs) techniques and Best Management Practices these may include preventative measures (e.g. rainwater harvesting, recycling, good practice design and maintenance), use of permeable surfaces, soakaways. These though are matters that will be dealt with under Building Regulations.

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 - A09 Amended plans(21/11/03)

Reason: To ensure the development is carried out in accordance with the amended plans.

3 - B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

4 - G04 (Landscaping scheme (general))

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

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

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

6 - F48 - Details of slab levels

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies