

4 DCSW2003/3266/F – RETENTION OF BRYNTIRION AND ERECTION OF NINE HOUSES WITH GARAGING AND ASSOCIATED HIGHWAYS AT BRYNTIRION B4349, KINGSTONE, HEREFORDSHIRE HR2 9HJ**For: Westbury Homes Holdings Ltd per Turley Associates, Apsley House, 35 Waterloo Street, Birmingham B2 5TJ**

Date Received: 29th October 2003 **Ward: Valletts** **Grid Ref: 42034, 36121**
Expiry Date: 24th December 2003
Local Member: Councillor P G Turpin

1. Site Description and Proposal

- 1.1 The proposal site is on the southern side of the B4349 road nearly opposite the Primary School. It is an elevated site with a roadside hedge. There is a bank between the hedge and the edge of the classified road of between 1½ to 4 metres, at its widest, in depth.
- 1.2 The site is within the designated settlement boundary for Kingstone. It comprises the major part of the well treed and lawned garden areas to Bryntirion, a two-storey red brick dwelling. The site area inclines eastward from Bryntirion. There are open fields on the south-eastern and north-eastern boundaries.
- 1.3 The scheme originally submitted proposed the erection of 12 detached houses across the site, this entailed the demolition of Bryntirion. The scheme has been revised such that 9 four-bedroom detached houses are currently proposed, and Bryntirion will remain served by its own existing access. The access point serving the nine new dwellings is closer to the Bryntirion access than was envisaged by the earlier planning permission granted for a smaller site in 2002. Also the traffic calming scheme envisaged at the time of the earlier planning permission has come into being, this reduces the highway visibility requirements for the development from that originally approved in September 2002. The access road is proposed to be adopted to the two turning heads delineated by rumble strips.
- 1.4 The materials proposed are a mixture of brick and render which are materials used in Kingstone, under concrete interlocking tile roofs. The dwellings have been sited to provide sufficient distance from mature trees particularly on plots 4 and 5 that are close to a Horse Chestnut tree and plot 7 that is close to a large Birch tree.

2. Policies**2.1 Hereford and Worcester County Structure Plan**

- Policy H.16A - Housing in Rural Areas
Policy CTC.9 - Development Requirements

2.2 South Herefordshire District Local Plan

- Policy GD.1 - General Development Requirements
- Policy SH.8 - New Housing Development Criteria in Larger Villages

2.3 Herefordshire UDP (Deposit Draft)

There are no policies that are considered to raise issues different from Development Plan policies.

3. Planning History

- 3.1 SW2002/2058/O Outline application for residential – Approved 25.9.2002 development

4. Consultation Summary

Statutory Consultations

- 4.1 Hyder – no response received (no objection was raised to the application in 2002).

Internal Council Advice

- 4.2 Head of Engineering and Transportation recommends that conditions be attached to any grant of planning permission. In respect of the revised scheme reduced visibility requirements are required.

5. Representations

- 5.1 A letter did not accompany the original application for 12 houses, however in a letter received subsequently it is stated:

- see amended site layout (10325/036) together with a tree survey
- Plot 9 has been moved forward by 2m and Plot 8 by 1m to enable a separation distance of 29 metres between rear of each plot and existing properties to the rear
- Bryntirion's curtilage has been increased slightly
- gable window to B: housetype, plots 2, 3 and 9 will be fitted with obscure glazing, this can be conditioned in perpetuity
- ownership of land adjacent to large Birch tree will be divided between plots 7, 8, and 9
- extent of adoptable road, limited to turning head facility
- see letter from Mr Dalal (of the Council) re traffic calming measures

- 5.2 Revised house types were received for revised site layout (10325/036) shortly afterwards.

- 5.3 In a further letter the applicant's agent states:

- plots 4 & 5 re-positioned, therefore outside the identified tree protection zone
- plots 3 and 4 have been handed thereby ensuring adequate separation from tree (T24)
- plot 5 house, changed to AN type, staying smaller footprint helps with relationship with trees

- parking arrangements for plots 4 & 5 amended in order to ensure adequate parking is considerable
- driveway to plot 5 will use a geotechnical engineering solution ensuring
- ground compaction within time canopy does not occur. Surface will be permeable. A planning condition is suggested in regard to the driveway.

5.4 The Parish Council made the following observations to the original proposal:

"The Council objects strongly to this application on the following grounds. That the access to the site is too close to the entrances to both the Primary and the High school. There will be too many houses, built too close to existing properties and these will be overlooked by the higher new properties. A development in this area would be detrimental to the new traffic calming scheme outside the schools. After the Westbury development at Cottons Meadow was completed, residents of Kingstone were told there would be no further major development sites in the village. During recent research into our Planning Policy we have been told that there is no more capacity at the local sewerage station, the Doctors Surgery would find it difficult to take many more patients and the schools are full with only odd vacancies in some year groups."

5.5 The Parish Council's observations in respect of the revised scheme are awaited.

5.6 Four letters of objection have been received to the original proposal from:

GT and JA Hyett, Bryntirion Cottage, Kingstone HR2 9HJ,
Mr M Lewis, 77 Coldstone Cross, Kingstone HR2 9HR,
Mrs L Sleath, The Villa, Kingston, HR2 9ET and
Dr J D Sleath, The Surgery, Kingstone HR2 9EY. The following main points were raised:

- access only 10 feet away from dangerous school crossing point near Cooks Lane
- if access point were moved closer to Kingstone High School it would still be dangerous
- Knowledge of junction of Cooks Lane and B4347 road as old surgery used to be in Cooks Lane
- Cooks Lane busy with a lot of nursery traffic
- will disrupt traffic calming next year
- Bryntirion good period house, no good reason to demolish it with more than just as a building plot
- loss of a substantial family house for the sake of another cramped modern development
- a lot of local affection for Bryntirion
- believe originally only 3 houses were approved
- not a surgery in Cooks Lane, it is a nursery
- opportunity to provide footpath to Cooks Lane crossing point missed
- can the sewage system cope
- will there be sufficient places at the schools and doctors' surgery
- planning and consultants should see development that has already occurred, parking opposite village hall is appalling
- proximity of plots 10 and 11 to Bryntirion Cottage, which is at a lower level (1.8-2 metres lower)
- had to reduce roof of extension by 3 inches due to restrictions on windows to prevent overlooking. Had proposal to raise roof on garage to create a workshop, withdrew given the dominance on adjoining properties planners stated would result. Dominance far less than for plots 10 and 11. Suggest a bungalow replaces 2 plots

- also suggest plot 4 be replaced by plots 10 and 11 in order to maintain density
- mixture of bungalows in Cooks Lane could be reflected on site
- Bryntirion Cottage not correctly shown on plan

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

6. Officers Appraisal

- 6.1 The previous application site was smaller i.e. 0.32 hectares than the originally submitted plan which has increased to 0.57 hectares. This included Bryntirion and land previously excluded, when approval was granted in 2002. The original number of dwellings applied for was 12 dwellings and entailed demolishing Bryntirion. The proposal has been amended such that Bryntirion remains, and retains its own access as at present and that the number of detached dwellings proposed has reduced to nine.
- 6.2 The scheme has not only been reduced in scale but also a tree survey carried out identifying those trees on site in particular a Horse Chestnut on the north-eastern boundary and a Birch tree opposite the proposed access point that need to be protected. There are also other important trees on the southern boundary of the site that also form part of the boundary for the site which will be supplemented by new planting together with a new roadside hedgerow boundary, given the need to provide visibility splays across the front of the site.
- 6.3 The main issues are considered to be the scale and form of the development, and its relationship to adjoining properties, the means of access and highway safety, the demolition of Bryntirion, service capacity, school and surgery places.
- 6.4 The roadside element of the scheme has been designed such that gaps will remain between the four detached properties and with different heights for garages and houses the impact is reduced. This is also as the site frontage is set back given the need for improved visibility. The main impact will be when viewed from the school's side of the B4349 road. Bryntirion will still be, albeit with a smaller garden area, a continuing focal point on this side of the B4349 and the trees around the site, as has already been stated will continue to significantly contribute to the amenity of this part of Kingstone. This will continue with the use of planning conditions. The five remaining dwellings are to the rear of the four frontage dwellings and all have satisfactory relationships between each other in terms of overlooking. Plots originally proposed on the site of Bryntirion and in close proximity to Bryntirion Cottage have been deleted from the scheme. There are two plots on the western boundary of the site that are considered to be sited sufficient distance away from Halcot, a bungalow lower down on Cooks Lane, and the nursery, incorrectly titled as surgery on the submitted plans.
- 6.5 The means of access has moved westward towards Cooks Lane, from that possible to achieve with the earlier scheme. This will greatly improve visibility up hill i.e in an easterly direction. It is not considered that notwithstanding the issue raised relating to the use of Cooks Lane and the crossing point there that with the traffic calming scheme implemented these highway safety concerns cannot be maintained such that the application could be refused on these grounds.
- 6.6 As has already been stated Bryntirion will be kept and therefore the representations received in response to its demolition have been overcome.

- 6.7 As regards the issue of sewage capacity, this is not considered to be an issue given that Hyder Consulting on behalf of Welsh Water did not highlight this matter previously when considering the previously approved planning application. It is not considered that whether or not there is sufficient capacity for places at local schools or the doctors surgery is a matter in itself that could substantiate a reason for refusal. The site is within the identified settlement boundary for Kingstone. It is the remaining largest site possible for development within the remit of the Development Plan. A safer means of access can be provided and a scheme that protects existing trees on the site and with the layout of development proposed would not be intrusive in the landscape.

RECOMMENDATION

That subject to no further objections raising additional material planning considerations by the end of the consultation period, the Officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by Officers:

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 A07 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 B01 (Samples of external materials)

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

4 E17 (No windows in side elevation of extension)

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

5 G04 (Landscaping scheme (general))

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

6 G05 (Implementation of landscaping scheme (general))

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

7 G18 (Protection of trees)

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

8 G21 (Excavations beneath tree canopy)

Reason: To prevent the unnecessary damage to or loss of trees.

- 9 Details of surfacing for all new driveways and paths under the canopy of existing trees to remain on the site shall be the subject of the prior written approval of the local planning authority before any development commences on site.

Reason: In order to protect the root systems of trees in the interest of protecting the amenity of the site.

Informative:

1 N15 – Reason(s) for the Grant of Planning Permission

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.