

12 DCNC2004/0778/RM - RESIDENTIAL DEVELOPMENT FOR APPROVAL OF RESERVED MATTERS UNDER OUTLINE PLANNING PERMISSION REF NC2000/3426/O AT LAND ADJOINING BELMONT, STOKE PRIOR, LEOMINSTER HEREFORDSHIRE PARCEL NO. 1754

For: Mr & Mrs B Shaw per Mr P.H. Bainbridge Stone Cottage Duke Street Withington Hereford HR1 3QD

Date Received:
2nd March 2004
Expiry Date:
27th April 2004

Ward:
Hampton Court

Grid Ref:
52178, 56540

Local Member: Councillor K. G. Grumbley

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 and 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 for Stoke Prior.
- 1.2 This is an application for the approval of Reserved Matters for 3 cottage style dwellings and private drive that will run close to the boundary with Belmont and would egress onto the C1110. A 1.2 metres high close boarded fence is proposed along the boundary to Belmont. Foul drainage is to be disposed of by way of a treatment plant with secondary filtration. The plant is to be located 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 Note 1 – General Policy and Principles
Planning Policy Guidance Note 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 Small Settlements

3. Planning History

NC2000/3426/O – Residential development – outline planning permission granted 7 March 2001.

NC2003/1503/F – Erection of 4 detached dwellings with garages and private drive – refused 28 January 2004, for the following reason:

'It is considered that the proposal is contrary to policy A54 of the adopted Leominster District Local Plan (Herefordshire) in that it would have an adverse impact upon the residential amenity of the occupiers of Belmont. Furthermore, that the erection of dwellings in such close proximity to the village hall would impact adversely upon the operation of the hall to the detriment of the amenity of local residents utilising it.'

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency – no objection in principle.

Internal Council Advice

- 4.2 Head of Engineering and Transportation – recommends conditions.
- 4.3 Public Rights of Way Officer comments as follows: “The development as indicated on the plans do impact on the Public Right of Way SP9. The developer should apply for a Diversion Order to the Town and Country Planning Act 1990.”

5. Representations

- 5.1 Stoke Prior Parish Council comments as follows: “The Parish Council still has some concerns over this application, as follows:

- a) The slope of the access road. Originally required to be not more than 1 in 12 in the Outline Planning Permission, this road is only 1 in 12 for 5 metres. After that it would be 1 in 8.
- b) Two-stoned dwellings. The Council considers that two-stoned houses may be inappropriate, because of possible overlooking of adjacent properties.
- c) The Council is uncertain whether the proposed turning area will be sufficiently large for delivery vehicles.
- d) The Council is concerned over possible flooding of the road with the additional drainage.”

- 5.2 Six letters of objection have been received. The main planning points raised are:

- a) Three properties are too many for this site.
- b) The orientation of the dwelling of plot 1 is damaging to the street scene and therefore to the character of the village.
- c) Loss of on-street parking for the village hall and a provision of replacement.
- d) Parking within the site is contrary to Policy A62.
- e) There is an underground water supply crossing the site.
- f) The gradient to the site entrance is too steep.
- g) The proposed dwellings would overlook to an intrusive degree to surrounding properties.

- 5.3 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 for residential development, NC2000/34/26/O refers. The permission did not restrict the number of dwellings. Therefore the determining factors of this application are those relating to the siting and appearance of the dwellings and their impact on the locality together with impact on the amenities of the adjoining bungalow The Bungalow and the adjoining village hall.
- 6.2 The application has been submitted following the refusal of NC2003/1503/F, which was for 4 detached exposed timber framed dwellings.
- 6.3 In terms of density, the application is for 3 dwellings on 0.249 hectares of land. Government Guidance on housing density is contained in Planning Policy Guidance Note 3 – Housing, recognises that for the efficient use of land there should be between 30 – 50 dwellings per hectare. This proposal is for 3 dwellings, which equates to 16 dwellings per hectare, which is well below the Government threshold. Although this is below the recommendations of Planning Policy Guidance Note 3 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 of this site and would be difficult to sustain, and is not, in the opinion of the 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 far as 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, 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 3 dwellings. The gradient of the drive is shown as 1 in 8 which accords with the requirements of the Outline planning permission. Three 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 5 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.
- 6.6 The matter of car parking for the village hall was considered at the time of the Leominster District Local Plan Inquiry. 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 that 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."

- 6.7 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.
- 6.8 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 considered that they are in a position that will give rise to significant loss of light to the village to prevent activities taking place.
- 6.9 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 approval of Reserved Matters be granted subject to the following conditions:

1 - B01 (Samples of external materials)

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

2 - H04 (Visibility over frontage)(2 metres)

Reason: In the interests of highway safety.

3 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

4 - H08 (Access closure)

Reason: To ensure the safe and free flow of traffic using the adjoining County highway.

5 - H09 (Driveway gradient)

Reason: In the interests of highway safety.

6 - H11 (Parking - estate development (more than one house))

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

7 - H17 (Junction improvement/off site works)(replace works with suitable pedestrian footway across the frontage of the site)

Reason: To ensure the safe and free flow of traffic on the highway.

8 - H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety.

9 - H28 (Public rights of way)

Reason: To ensure the public right of way is not obstructed.

Informatives:

- 1 - HN01 - Mud on highway**
- 2 - HN02 - Public rights of way affected**
- 3 - HN05 - Works within the highway**
- 4 - HN04 - Private apparatus within highway**
- 5 - HN13 - Protection of visibility splays on private land**
- 6 - HN19 - Disabled needs**
- 7 - HN22 - Works adjoining highway**
- 8 - N15 - Reason(s) for the Grant of PP/LBC/CAC**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.