

## DEFERRED APPLICATION

**5 DCSW2004/2177/O – SITE FOR THE ERECTION OF A SINGLE DWELLING, LAND AT CYPRUS COTTAGE, KINGSTHORN, HEREFORD****For: Mr. F.W.H. Perkins per Jamieson Associates, 30 Eign Gate, Hereford**

Date Received: 16th June, 2004

Ward: Pontrilas

Grid Ref: 5017 3199

Expiry Date: 11th August, 2004

Local Member: Councillor G.W. Davis

**1. Site Description and Proposal**

- 1.1 This application was originally presented to Sub-Committee on 16<sup>th</sup> March, 2005. Members resolved that it be deferred pending further discussions with regard to visibility splays and the position of the dwelling.
- 1.2 The application site comprises part of the overgrown garden area of Cyprus Cottage that has a southern aspect across a rear garden that declines to the south and south-west. The dwelling backs onto Barrack Hill, in this roadside elevation there are no windows nor openings.
- 1.3 Access for Cyprus Cottage is immediately adjacent to Cyprus Cottage at the top of Laburnum Lane or Pages Pitch, and adjacent to the junction with Barrack Hill, an unclassified road (u/c 71603). It is not possible to turn left at the top of Laburnum Lane, i.e. close to Cyprus Cottage onto Barrack Hill given the difference in levels between the two roads. Traffic going down Laburnum Lane and passing Cyprus Cottage leaves Barrack Hill travelling in a westerly direction only. It is not easy to turn into Laburnum Lane travelling eastward without doing a very tight u-turn.
- 1.4 This application seeks to determine the principle of developing the site. All matters are reserved for future consideration.
- 1.5 The originally submitted location plan has been amended as a strip of land five metres wide and immediately adjacent to Walnut Cottage was included with the land that comprised part of the application site. This has been rectified with the submission of correct Ordnance Survey extract plans received on 11th March, 2005. The recommendation of the Traffic Manager and the drainage details submitted on behalf of the applicant by drainage consultants relates to the site as delineated in the revised and correct Ordnance Survey extract plan.

**2. Policies****2.1 Planning Policy Guidance/Statement**

PPS.7 - Sustainable Development in Rural Areas

**2.2 Hereford and Worcester County Structure Plan**Policy CTC.2 - Development in Areas of Great Landscape Value  
Policy CTC.9 - Development Criteria

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Policy H.16A - Housing in Rural Areas

**2.3 South Herefordshire District Local Plan**

Policy GD.1 - General Development Criteria

Policy C.43 - Foul Sewerage

Policy SH.8 - New Housing Development Criteria in Larger Villages

**2.4 Unitary Development Plan (Revised Deposit Draft)**

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

**3. Planning History**

3.1 None identified

**4. Consultation Summary**Statutory Consultations

4.1 The Environment Agency initially submitted a holding objection pending the receipt of further details of percolation details. On the receipt of further information the Environment Agency raises no objection subject to the imposition of a planning condition.

Internal Council Advice

4.2 The Traffic Manager recommends that following a further site inspection on 1st April, 2005, that an access point slightly downhill and with improved visibility splays than at present, would be acceptable. He recommends that conditions be attached in the event of planning permission being granted.

**5. Representations**

5.1 In a letter that accompanied the original submission, the applicants agent makes the following main points:

- Cyprus Cottage is on the north-eastern corner of the village of Kings Thorn
- on northern edge of 0.17 hectare plot
- existing access onto slip road to south-west of Cyprus Cottage
- overgrown garden with thick shrubbery to eastern southern and south-western boundaries plus fruit trees and Cyprus trees
- shrubs screen garden completely from Manchester House and Treetops to the south and Seathwaite to the east
- access will be shared with existing dwelling, entails removal of a clump of Cyprus trees 5 metres south of access
- specimen trees will not be removed, however one or two fruit trees will need to be removed
- foul drainage will consist of a bio-disc unit.

5.2 In a further letter received from the applicants agent it is stated revised location plans are enclosed and that the Environment Agency will be contacted regarding foul drainage arrangements.

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## 5.3 Much Birch Parish Council make the following observations:

“The Parish Council opposes the existing gateway being used as a joint access. It is recommended that a splayed joint access should be put in, half way between Cyprus Cottage and Walnut Cottage (see attached plan).

It is recommended that the new dwelling should be sited at the back of the plot, relative to the lane (West side).

It is a steeply sloping plot and care will be needed in siting the soakaways, so as to avoid run-off into neighbouring property, below. The Parish Council would like to see them on land west of the proposed plot, but still in the garden of Cyprus Cottage.

It is considered to be far better to erect the new dwelling between Cyprus Cottage and Seathwaite, at a suitable distance from the road and, have the joint access as suggested above. This would not be in full view from Cyprus Cottage and would give plenty of room for soakaways and car turning areas/garages.

NB. It is understood that the plot may be smaller than shown, as a piece of land was apparently purchased by the owners of Walnut Cottage, some years ago.

The occupants of Walnut Cottage and Bramble Tor are opposed to the application, on access and drainage grounds.”

## 5.4 3 letters of objection have been received from:

R. Thomas, Bramble Tor, Kingsthorpe, HR2 8AW  
D. & A. Evans, Celyn, Kingsthorpe, HR2 8AW  
Mrs. C. J. Scarisbrick, Walnut Cottage, Kingsthorpe, HR2 8AW

The following main points are raised:

- plan outdated, boundary with Walnut Cottage incorrect. Site smaller than indicated
- trees on site should be protected by Tree Preservation Orders
- site will be overlooked by Cyprus Cottage
- backland development
- perhaps intention is for further development crammed on the site
- proper sight lines required, splayed entrance, possibly 4 vehicles using entrance
- need space for off-road parking of oil delivery vehicles
- access road (Laburnum Lane) is very narrow also used as short cut between Barrack Hill and Wrigglesbrook Lane
- embargo on further development until mains drainage provided
- are Council fighting appeals, in absence of firm Planning Policy a pleasant village will be spoilt again
- flooding along lane needs to be managed
- run-off will impact directly on our dwelling
- potential damage and smells from stormwater, soakaways and drains
- noise both human and traffic.

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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 main issues raised in relation to this application are the suitability of the site for development, the means of access and the ability for satisfactory drainage arrangements.
- 6.2 The site is one that steeply declines from Laburnum Lane from which access will be gained. It is considered that one dwelling could be sited on this particular site and that would not detract from the amenity of this part of Kingsthorpe. Care would be needed in respect of the levels, i.e. how the dwelling is cut into the site, this could be addressed by the imposition of a planning condition. There is sufficient space to allow for off-road parking and manoeuvring for both Cyprus Cottage and the proposed dwelling. A dwelling could be sited such that it screens the rear garden from south facing windows in Cyprus Cottage, and without overlooking Walnut Cottage given the orientation of the site and its topography. There are no windows in Walnut Cottage overlooking the site.
- 6.3 Laburnum Lane or Pages Pitch is a narrow unclassified road onto which access will need to be gained. The Traffic Manager considers that a satisfactory means of access can be provided notwithstanding that the junction of Laburnum Lane and Barrack Hill, another unclassified road is not a conventional one allowing traffic joining Barrack Hill to safely turn right only. The limitations of Laburnum Lane in terms of width and alignment restricts the number of vehicles using this unclassified road. The Traffic Manager has specified the visibility requirements needed and these will improve the visibility currently available for residents of Cyprus Cottage and provide satisfactory visibility for residents on the proposed plot.
- 6.4 Kingsthorpe has a history of problems associated with drainage which are referred to in two letters of representation received by the Council. There is not an embargo on residential development until such time as mains drainage is provided. This policy of South Herefordshire District Council has been tested on appeal several times and each time the appointed Inspector has allowed the appeal and given due weight to the views of the Environment Agency. In every allowed appeal the Environment Agency has not objected, notwithstanding local public views including those of the particular Parish Council.
- 6.5 The Environment Agency is satisfied that the method of foul drainage proposed, by means of a packaged sewage treatment plant is appropriate and that the percolation tests for this site are satisfactory. There are therefore not considered to be grounds for withholding planning permission on the basis that satisfactory foul drainage arrangements cannot be provided. This site does decline steeply however the Environment Agency are satisfied that ground conditions are suitable.
- 6.6 This site can accommodate a dwelling whilst retaining a number of trees on and around the site. The means of access can be improved upon and better off-road parking facilities provided. The means of foul drainage and access/parking will determine the form of development possible on this site. Therefore, the proposal satisfies Policies GD.1 and SH.8 in particular in the South Herefordshire District Local Plan.

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RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. A02 (Time limit for submission of reserved matters (outline permission))

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

2. A03 (Time limit for commencement (outline permission))

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. A04 (Approval of reserved matters)

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

4. A05 (Plans and particulars of reserved matters)

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

5. The foul drainage from the proposed development shall be discharged to a treatment plant and soakaway system which meets the requirements of British Standard BS6297: 1983, and which is provided in accordance with the details submitted dated 21st January, 2005 (including letter and plan entitled 'Sketch -1'), unless otherwise agreed in writing by the local planning authority. There shall be no connection with any watercourse or land drainage system and no part of the soakaway system located within 10 metres of any ditch or watercourse, nor within 50 metres of any water abstraction or well.

Reason: To prevent pollution of the water environment.

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.

7. G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

8. H01 (Single access – not footway)

Reason: In the interests of highway safety.

9. H03 (Visibility splays) (2m x 25m – uphill and 15m –downhill)

Reason: In the interests of highway safety.

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10. H05 (Access gates)

Reason: In the interests of highway safety.

11. H06 (Vehicular access construction)

Reason: In the interests of highway safety.

12. H10 (Parking – single house)

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

13. H12 (Parking and turning – single house)

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

Informative(s):

- 1. HN01 - Mud on highway
- 2. HN04 – Private apparatus within highway
- 3. HN05 - Works within the highway
- 4. N15 - Reason(s) for the Grant of Planning Permission

Decision: .....

Notes: .....

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Background Papers

Internal departmental consultation replies.