

28 DCNW2005/1542/O - DEMOLITION OF EXISTING DWELLING, GARAGE AND OUTBUILDINGS. SITE FOR CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT OF SIX DWELLINGS AT BURNSIDE, HIGH STREET, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LQ

**For: Wicks Consultancy per Mr Stephen Funge,
Architectural Design, Dartmoor View, Queen Street
Winkleigh, Devon, EX19 8JB**

Date Received:

10th May 2005

Expiry Date:

5th July 2005

Local Member: Councillor Mrs O Barnett

Ward:

Mortimer

Grid Ref:

40338, 74527

1. Site Description and Proposal

- 1.1 The application site comprises a 0.198 hectare plot, located on the western side of the A4113 (High Street). An existing bungalow (Burnside) and a detached garage occupy an elevated position above the road level and are set back some 20 metres from the highway, behind a well-established screen of trees and shrubs. To the north and south of the application site are properties known as Needwood rise and The Old Police House respectively, which have fenced and planted boundaries.
- 1.2 The rear garden of the bungalow benefits from mature landscaping, including coniferous trees and hedgerows along the boundary with Meadowbank to the west. Notable trees in the densely planted rear garden include a copper beech, blue cedar, rowan and a silver birch.
- 1.3 The site lies within the Settlement Boundary of Leintwardine, but outside the Conservation Area and the Scheduled Ancient Monument. The prevailing character of the area is one of mixed residential development, including detached and terraced properties of single and two-storey scale. The whole of Leintwardine is designated as a Landscape Protection Area.
- 1.4 Outline planning permission is sought for the demolition of the bungalow and garage and the erection of terrace 6 dwellings including 3 garages. The application seeks formal consideration of the siting and means of access, but reserves design, external appearance and landscaping for future consideration.
- 1.5 This revised application has been submitted in response to the recent appeal decision for application number DCNW2004/2056/F for the erection of three four-bed dwellings. This appeal was dismissed on the grounds that the erection of only 3 dwellings on this site would be a highly inefficient use of land contrary to advice in PPG3 and draft policy H15 of the Unitary Development Plan.

- 1.6 An indicative "View from High Street" has been provided, showing the visual relationship of the proposed development in relation to the neighbouring properties.
- 1.7 A Members' site visit for the previous application took place on 26th July 2004.

2. Policies

Government Guidance

PPS1 – Delivering sustainable development
PPG3 – Housing
PPS7 – Sustainable development in rural areas
PPG13 – Transport
PPG15 – Planning and the historic environment

Hereford and Worcester County Structure Plan

CTC9 – Development Requirements
CTC11 – Trees and Woodlands
CTC18 – Development in Urban Areas

Leominster District Local Plan (Herefordshire)

A1 – Managing the District's Assets and resources
A2(C) - Settlement Hierarchy
A9 – Safeguarding the Rural Landscape
A10 – Trees and Woodlands
A18 – Listed Buildings and their Settings
A23 – Creating Identity and an Attractive Built Environment
A24 – Scale and Character of Development
A25 – Protection of Open Areas or Green Spaces
A54 – Protection of Residential Amenity
A55 – Design and Layout of Housing Development
A70 – Accommodating Traffic from Development

Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development
S2 – Development Requirements
S3 – Housing
S7 – Natural and Historic Heritage
DR1 – Design
DR2 – Land Use and Activity
DR3 – Movement
DR4 – Environment
H4 – Main Villages: Settlement Boundaries
H13 – Sustainable Residential Development
H14 – Re-Using Previously Developed Land and Buildings
H15 – Density
H16 – Parking
LA5 – Protection of Trees, Woodland and Hedgerows
HBA4 – Setting of Listed Buildings

Supplementary Planning Guidance

Leintwardine Village Design Statement

3. Planning History

- 3.1 NW2004/2056/F - Demolition of existing dwelling and outbuildings for construction of three four-bed dwellings - Refused at Northern Area Planning Sub-Committee - 8th December 2004. Dismissed on appeal 30th March 2005. None identified.
- 3.2 NW2004/3350/F - Demolition of existing dwelling and outbuildings and construction of two five-bedroom dwellings - Refused by Northern Area Planning Sub-Committee - 5th January 2005.

4. Consultation SummaryStatutory Consultations

- 4.1 Severn Trent Water raises no objection, subject to conditional control over foul and surface water drainage arrangements.

Internal Council Advice

- 4.2 The Transportation Manager recommends that permission be refused for the following reason: 2 x 90 splay required by 'Places, Streets and Movements'. Consider that 2 x 60 visibility splay is sub-standard for this location and level of development. Unlikely to be able to achieve because adjoining land is not under applicant's control. However a speed survey should be done to determine actual speed which may allow relaxation of the standards against this, note that existing access may make this recommendation unreasonable.
- 4.3 The Conservation Manager comments as follows:
- Burnside is located just south of the Grade II listed building Plough Cottage and is located adjacent to the Conservation Area of Leintwardine. There is a mix of architectural styles in this part of the Leintwardine. The height of the proposed dwellings is acceptable and it appears from the design that the development will be set back with some screening from plantings (retaining the current streetscape emerging from the adjacent Conservation Area). The setting of the listed building will not be compromised. No objections.
- 4.4 Landscape Officer - This response covers both tree and landscape issues. Burnside is a bungalow that is on the northern fringe of Leintwardine. It is on the west side of the High Street and is set back from the road, within a large plot of land. The site is outside the Leintwardine Conservation Area but falls within the Area of Great Landscape Value.

As stated previously, I have no objection in principle to the redevelopment of this site and I have no objection to the proposed removal of trees, as these are small ornamental specimens, which are insignificant in terms of amenity value. I note that the proposed dwellings are more appropriate in terms of vertical scale, in relation to the neighbouring properties than in the previous scheme. However, I am concerned that building at such a high density on this site, would give it a cramped appearance, when viewed from the High Street. In addition, such a large area of parked cars on the road frontage would further detract from the visual amenity of the village. Cramming so many units onto the site has meant that the land at the rear has been subdivided into very narrow, poorly proportioned rear gardens, some of which have very little useable space.

I therefore recommend that permission should be refused for this development on the grounds that it would be contrary to Policy A.23: Scale and Character of Development, of the Leominster District Local Plan (1999). I recommend that the number of units should be reduced.

5. Representations

5.1 Leintwardine Parish Council strongly object to this application and make the following points:

1. The proposal is too dense. Half of the plot is covered by trees which have a Preservation Order attached substantially reducing the available building area.
2. Building six houses as outlines is wholly out of keeping with the adjoining properties and would be an eyesore.
3. Car-parking provision is inadequate.
4. The intended scheme is in direct contravention of the Village Design Statement which was adopted by Herefordshire planners in 2003, a copy of which should have been supplied to the applicants by the Planning Department.
5. Leintwardine sewage infrastructure is already over-capacity and cannot cope with the additional 6 houses.

5.2 The applicant's agent's letter which was submitted with the application can be summarised as follows:

- I would draw to your particular attention to the Planning Inspectors appeal decision letter in respect of the recent appeal on the site where he has dismissed the appeal for three detached houses on the grounds of under development, you will note that the Inspector is citing guidelines in PPG3.
- The Inspector has given clear advice that a development in line with that now submitted would be an acceptable form of development for this land.

5.2 At the time of writing, a total of 25 individual letters of objection have been received. The concerns raised can be summarised as follows:

- Concern about appeal decision and increased density.
- Density not suited to a village like Leintwardine. Density too great.

- Lack of acknowledgement of village location when applying PPG3 principles.
- Doubt that it will prevent green field development.
- No weight been given to residents concerns.
- The proposal is contrary to the Local Plans.
- Close proximity to boundary with The Old Police House and Neadwood Rise.
- Dwellings are not 'affordable' low cost homes and are for the developers profit.
- Loss of privacy.
- Detrimental to the Schedule Ancient Monument.
- No respect for the identity of the village.
- Out of character with this part of High Street/Jay Lane.
- Noise associated with additional car traffic.
- Cramped development.
- Affordable housing required in the village.
- Mature trees bound to be lost.
- Additional vehicular use of existing access will be detrimental to highway safety.
- Poor visibility at access onto main road.
- Serious impact on neighbouring property (noise and loss of sunlight).
- Village lies within a Landscape Protection Area.
- Village must not be degraded by building speculation and outside interests.
- Precedent for whole village setting.
- Loss of important space within the village.
- Dwellings to tall, dense and out of keeping.

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 is an outline application, which seeks approval for the siting of six dwellings and the access thereto. At this stage, the design, external appearance and landscaping of the site are not matters requiring detailed consideration. This is the third application on this site and continues to generate a significant number of objections locally. Members may recall visiting the site on a Members' site visit, which took place on 26 July 2004.

6.2 An appeal decision on this site dismissed the development of three detached dwellings as an **under development** of the site contrary to guidance contained with PPG3 and the Policy H15 of the Unitary Development Plan (revised deposit draft). This application has been submitted having regard to the clear advice contained in the appeal decision. The advice contained within this decision is also an important material consideration for the purpose of determining this application and as such will play an important part in the consideration of the key issues.

6.3 The key issues for consideration in the determination of this application are as follows:

- a) The principle of residential development;
- b) Density of development;
- c) The effect of the proposal on the character and appearance of the surrounding area;
- d) The wider landscape impact of the proposal, having regard to the Landscape Protection Area designation and the trees on site;
- e) The effect of the proposal upon the amenities of neighbouring occupiers; and
- f) Highway safety and access issues.

Principle of Residential Infill

- 6.4 Policy A2(C) of the Leominster District Local Plan (Herefordshire) and emerging Policy H4 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) broadly support the principle of residential developments on windfall sites within the defined settlement boundaries of main villages such as Leintwardine. There are no objections in principle to the residential development of this site.
- 6.5 The application site is also considered to be in a sustainable location, within walking distance of a range of shops and other facilities, including the health centre and primary school. Sustainable forms of development are encouraged through national guidance and this site is considered to conform to those principles.

Density of Development

- 6.6 Government Guidance set out in PPG3 – Housing establishes minimum thresholds for the density of development on residential infill sites and seeks to promote more effective use of land by encouraging densities between 30 and 50 dwellings per hectare. Emerging Policy H15 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) reflects this guidance.
- 6.7 The issues of density and the effective use of previously developed land was key in the Inspector's decision. Paragraphs 15 and 16 of the Inspector's reports states:

Paragraph 15: This proposal is for 3 dwellings on a site of approximately 0.19 hectare. The Council calculates that this would involve a net site density of approximately 16 dwellings per hectare. Paragraph 57 of PPG3 says that more than half of all new housing was (prior to its publication in March 2000) built at a density of less than 20 dwellings per hectare, which represents a level of land that "*can no longer be sustained*". I believe this is such an example. Failure to make efficient use of land undermines the sustainability of local services and public transport. It results in added pressure to release green field sites, which are a scarce and finite resource. In this context I strongly disagree with the Council's claim that the proposed development "*is in accordance with Government Guidance for density*": it is plainly contrary to this advice.

Paragraph 16: Paragraph 58 says that Local Planning Authorities should "*avoid*" developments which make inefficient use of land, defined to be those of less than 30 dwellings per hectare net. This advice is reflected in Policy H15 of the emerging UDP.

- 6.8 The revised proposal for six dwellings would achieve a density of 30 dwellings per hectare net and would therefore conform to the guidance contained within PPG3 and Policy H15 of the Herefordshire Unitary Development Plan, which reflects this guidance. As such, in principle of six dwellings on the site is accepted.
- 6.9 It is acknowledged that local residents have strong concerns about the numbers of dwellings now proposed and the impact that this would have on the character and appearance of the village and on highway safety, amongst other issues. These are issues also considered by the Inspector in making his recommendation and matters that are key in assessing the proposal now before you.

Character and Appearance of the Area

- 6.10 Notwithstanding the advice set out in Government Guidance, development proposals should not cause harm to the character and appearance of the site and its surroundings. In this case and in response to a number of comments made, it should be stressed that the site does not lie within the Leintwardine Conservation Area, neither is it within the area defined as the Scheduled Ancient Monument.
- 6.11 An assessment of the site and its surroundings indicates a diverse mix of housing types and architectural styles, ranging from the historic listed property, detached single-storey and two-storey development to the north, south and west and two-storey terraced housing (in block of four) to the east. As such there is no predominant character of dwellings in the locality.
- 6.12 The siting and building line of the dwellings as shown on the submitted plan respects the prevailing building line established by reference to the neighbouring dwellings to the north and south of the site. The existing single point of access would be utilised, with modification to the bank to provide a viability splay. The planting along the highway frontage would be retained. It is therefore considered that the proposed development would not result in a loss of openness to the area that lies in the public realm at the front of the site.
- 6.13 Although the siting of the dwellings would be in an elevated position above the highway the proposed dwellings would not be prominent in the street scene. The planting to the street frontage would also be retained and supplemented to screen and otherwise minimise their visual impact. Furthermore, the two-storey scale is one that exists in the area and, by reference to the indicative "View from High Street" elevation, does not appear out of keeping with the size of dwellings in the vicinity.
- 6.14 There will inevitably be a loss of space to the sides of the existing bungalow but, having regard to the prevailing character of this part of High Street, it is not considered that this will cause demonstrable harm and, as such, would accord with Policies A1, A23 and A24 of the Leominster District Local Plan (Herefordshire).
- 6.15 Since the application is in outline form, the design and external appearance of the dwellings is reserved for future consideration, but will inevitably require careful attention, in order to preserve the character and appearance of the surrounding area.

Impact on Landscape Protection Area and Trees

- 6.16 Policy A9 of the Leominster District Local Plan (Herefordshire) promotes the conservation and enhancement of the rural landscape, referring specifically to the importance of the Landscape Protection Area designation. This covers the whole of the village and the wider countryside to the Shropshire boundary to the north and Wigmore to the south.
- 6.17 Clearly, its key significance is in protecting the area from inappropriate isolated development, with the weight attached being reduced in respect of existing settlements such as Leintwardine.
- 6.18 In local landscape terms, the trees on site are considered to be of high amenity value and should be retained. Within the context of the coniferous and ornamental shrub planting, there are 4 trees worthy of retention (a copper beech, blue cedar, rowan

and silver birch) at the rear of the site, although it is recommended that the blue cedar should be felled to allow the copper beech to grow unimpeded.

6.19 The siting of the proposed dwelling would enable the retention of the trees and, subject to conditions requiring fenced protection during construction, these trees would not be unduly affected and can therefore be preserved.

6.20 In the light of the above, the requirements of Policies A9 and A10 of the Leominster District Local Plan (Herefordshire) are satisfied.

Neighbour Amenities

6.21 It is noted that this scheme has been submitted bearing similarity to the footprint of the appeal proposal. As such, the inspector's comments relating to the relationship to the neighbouring properties are relevant. The report states:

"I am satisfied that, subject to the imposition of appropriate conditions, the proposed scheme would not harm neighbours' living conditions. At the site inspection I took particular note of the relationship between the appeal site and *Alt Ardoch* but the rear elevation of the nearest plot would stand forward of the rear of this bungalow and I note that there are no windows in the flank gable of this property. I accept that there might be some shadowing of the rear garden of *Alt Ardoch* during the late morning if a 2-storey dwelling were proposed with a rear gable and with this in mind I note that the illustrative plans show a hipped roof. I am therefore satisfied that this matter could be resolved in such a manner and it is clear from orientation of the property that there would be no loss of direct sunlight to the internal living accommodation."

6.22 Having regard to this it is brought to members attention that a condition would be attached to ensure that no windows were installed in the south elevation of Plot 1 and the north elevation of Plot 6, which would, in the light of the relevant siting of the proposed dwellings in relation to the neighbouring property, ensure that no harmful overlooking would occur.

6.23 In addition to the above, the position of Plot 6 in relation to Needwood Rise has been proposed as per the original scheme and such that the proposed two-storey element would be some 4 metres from the blank side elevation of the bungalow and, accordingly, would not have such an adverse impact on daylight and sunlight such that the refusal of planning permission would be justified. The previous 8 metres gap achieved between Plot 1 and The Old Police House has been reduced and a single storey garage with and some 25 metres to the property to the west, which would not result in an unacceptable, overbearing effect on these properties.

6.24 In view of the above, the scale of the development would not cause serious harm to the amenities of neighbouring occupiers and, subject to control of the hours during which demolition and construction is undertaken, Policy A54 of the Leominster District Local Plan (Herefordshire) is satisfied.

Highway Safety and Access

6.25 Means of access to the site serving six dwellings is of particular concern to local residents. The findings of the planning inspector on this matter is also of significance in this resubmission. The report states:

"The main factor that has been brought to my attention to justify this low density scheme is the alleged constraint of the proposed access. The Appellants have suggested that the Council has previously advised that a visibility splay of 4.5m x

60m would be required for more than 3 dwellings. However relevant advice on page 58 of Places, Streets and Movement says that a 2 metre x-dimension⁵ is appropriate for '*small groups of up to half a dozen dwellings or thereabouts*'. There is no justification on this basis for a distinction to be made between the 3 dwellings now proposed and approximately 6 dwellings, which would achieve 30 dwellings per hectare net. Indeed I note that in their letter of 16th March 2005, the Council has subsequently confirmed that it does not '*actually place a specific limit upon the development potential of the site on the basis of access issues.*' In these circumstances I consider that there are no material considerations that would justify the low density scheme being proposed, which in my view is an unsustainable form of development, contrary to advise in PPG3, which post dates the Development Plan.

- 6.26 The Transportation Manager has raised some concerns in relation to the visibility splays and in response to this the agent has re-examined the survey drawing and is satisfied that a splay of greater than 2m x 60m can be achieved and to the comments made by the planning inspector above, the issues relating to highway safety have been addressed and appropriate conditions are suggested. A plan detailing this has been requested.
- 6.27 In response to the concerns raised locally, it is recognised that none of the properties on the western side of High Street has the benefit of direct pedestrian access, with occupants required to cross the road. Clearly, the proposal will result in additional pedestrian activity, but this would not be so significant or such a threat to pedestrian safety that grounds for refusal could be substantiated.
- 6.28 Subject to conditions requiring the proper provision and retention of the proposed parking and turning areas, no objection is raised.

Conclusion

- 6.29 This application has generated a significant number of objections but, in planning policy terms, it is considered that the principle of residential development is acceptable and, furthermore, the density and siting of the proposed dwellings would not be out of keeping with the prevailing character of residential development in the locality, whilst enabling the retention of the existing trees on the site. With modifications, the access can be improved to meet the minimum visibility requirements and, as such, it is not considered that there are sufficient grounds to oppose this proposal.

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 - B01 (Samples of external materials)

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

6 - E16 (Removal of permitted development rights)

Reason: To ensure effective control over further developments which may affect the amenities of neighbouring occupiers and the future health of important trees on site.

7 - E18 (No new windows in specified elevation)

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

8 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

9 - G06 (Scope of landscaping scheme)

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

10 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

11 - H13 (Access, turning area and parking)

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

12 - H27 (Parking for site operatives)

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

13 - The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details to be submitted to and approved by the LPA in writing.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - HN01 - Mud on highway
- 3 - HN04 - Private apparatus within highway
- 4 - HN05 - Works within the highway
- 5 - HN10 - No drainage to discharge to highway
- 6 - N11A - Wildlife and Countryside Act 1981 (as amended) - Birds

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.