

5 DCSW2004/1564/O - ERECTION OF DWELLING AND SHARED CAR PARKING, THE BOWER COTTAGE, KINGSTHORNE, HEREFORD, HR2 8AN**For: Mr & Mrs L Jones per Mr C Goldsworthy, 85 St Owens Street, Hereford, HR1 2JW****Date Received: 29th April 2004 Ward: Pontrilas Grid Ref: 50001, 32095****Expiry Date: 24th June 2004**

Local Member: Councillor G. W. Davis

1. Site Description and Proposal

1.1 The proposal site is on the southern side of The Thorn, an unclassified road (u/c 71603), a road that declines east south-east off the C1263 road. The proposal site constitutes an arbitrary area of garden area belonging to Bower Cottage, a stone faced cottage that is nearly square in footprint. This cottage has a south-eastern aspect given that the four principal windows are in this elevation. The proposal site also adjoins Wrigglebrook Lane that leads off The Thorn in a south-eastern direction. A hedgerow fringes the site where it abuts The Thorn and Wrigglebrook Lane. The site declines south-eastward and south-westward.

1.2 It is proposed to erect a single dwelling on the site and also provide off road parking for Bower Cottage. The means of access is to be determined at this stage, all other matters are reserved. The means of access has a centre line 10 metres down slope from Bower Cottage. The access will, it is proposed, not only serve the new dwelling but also Bower Cottage which at present only has one parking space to the north-west accessed off a private road serving at least two other properties. It will entail setting the existing hedgerow back 2 metres behind the highway verge for the length of the proposal site and further north-westward past Bower Cottage. A packaged sewage treatment plant is proposed, it will serve Bower Cottage and the proposed dwelling.

2. Policies**2.1 Planning Policy Guidance**

PPS.1 - Delivering Sustainable Development

2.2 Hereford and Worcester County Structure Plan

Policy CTC.2 - Area of Great Landscape Value

Policy CTC.9 - Development Requirements

Policy H.16A - Housing in Rural Areas

2.3 South Herefordshire District Local Plan

Policy GD.1 - General Development Criteria

Policy C.8 - Development within Area of Great Landscape Value

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

Policy T.3 - Highway Safety Requirements

Policy C.43 - Foul Sewerage

2.4 Unitary Development Plan (Revised Deposit Draft)

Policy S.2 - Development Requirements
Policy DR.1 - Design
Policy H.6 - Housing in Smaller Settlements

3. Planning History

- 3.1 SW2003/3051/O Site for erection of dwelling - Refused 03.12.03
SW2003/3810/O Site for erection of dwelling - Refused 13.02.04

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency initially submitted a holding objection as it required further information. The Environment Agency, following further discussions with drainage consultants acting on behalf of the applicant, required the applicant to submit a Consent to Discharge application, and as a result the Environment Agency have confirmed that Consent to Discharge Sewage Effluent has been granted subject to conditions.

Internal Council Advice

- 4.2 Traffic Manager recommends planning permission be granted subject to the imposition of planning conditions.

5. Representations

- 5.1 In a letter that accompanied the application, the agent contends that the applicants:
- have addressed previous reasons for refusal
 - have employed drainage consultants. The scheme now includes a treatment plant which will serve Bower Cottage and the proposed dwelling
 - have followed the advice of T. James of the Highways Section. At present Bower Cottage has a parking space accessed off a narrow track. The proposals now include an access serving two properties
 - intend to reinstate the hedgerow behind the new vision splays.
- 5.2 In a second letter received from the applicant's agent it is stated that arrangements have been made for porosity tests to be undertaken in connection with the proposed drainage for the new house.
- 5.3 Much Birch Parish Council recommends refusal for the following reasons:
1. The soakaways as shown at the top of the site (west of Bower Cottage) are not likely to work, as the ground is water-logged in winter by water off the road which runs down the lane above. The lane also collects a lot of run-off through the bank from the property above (to the west). Also, the village well (disused) is situated to the south of the end of the proposed spreaders.

2. The site of the proposed dwelling is extremely wet in winter, as it has a ditch carrying a lot of road water and water from the lane opposite, via a pipe under the road. There is also a ditch on the south west side of the plot, owned by Mr. Lee of Swiss Cottage, which runs in winter and wet weather. Soakaways are unlikely to work in this area either.
 3. The footprint of the proposed dwelling, as drawn, is far too small for a 3-bedroom dwelling, thus giving a distorted view of the dwelling/plot relationship.
 4. There is no running ditch for a bio-disk, without a soakaway, to be considered.
 5. No porosity tests appear to have been carried out, the results of which may not be very good. We thought this was now mandatory.
 6. The proposed access is fairly acceptable to the Parish Council, if it is acceptable to highways. We would like to see a pavement or grass verge, suitable for pedestrians, next to the road where the hedge was. From an environmental and scenic point of view, we consider it a pity to destroy a very old hedge.
 7. All the neighbours object on drainage/access and scenic/amenity grounds.
 8. If planning permission is granted, it should be for a modest cottage style dwelling, in stone.
- 5.4 Eleven letters of representation have been received from residents. The main points being:
- out of character
 - three bedroom modern dwelling will dwarf existing sandstone cottages
 - plot indicated does not reflect footprint of 3 bedroom dwelling
 - only small residential area to rear
 - with parking for two properties and drainage areas, site is too cramped
 - loss of hedgerow spoil appearance of The Thorn
 - better to extend Bower Cottage
 - need to slow traffic down
 - access point hazard to road users. The Thorn is too narrow, at a gradient and twisting
 - no footpath for children
 - access too close to Wrigglebrook Lane
 - wrong standard adopted by Council, need more visibility
 - insufficient space for oil/gas lorries
 - convenience route for traffic
 - Halcrow report carried out on 28th September, 2004, entirely different from earlier one (commissioned by residents)
 - traffic engineer has little knowledge of road drainage
 - soakaway leads to old well/pump
 - Swiss Cottage has to deal now with water-borne silt washed downhill converging on driveway and flowing underneath property
 - unconvinced about water quality emanating from treatment plants
 - understand no further development until such time as sewage problems in area were resolved
 - need to ensure stormwater run-off is dealt with, ditch alongside roadside hedge is crucial
 - a lot of stormwater from higher ground and Aconbury Wood flows nearby

- Wrigglebrook stream not able to sustain levels of stormwater, Upper Wrigglebrook Lane often turns into a ford
- Swiss Cottage will be overlooked and overshadowed
- buzz/hum from treatment plant only some 11 metres from bedroom window of Swiss Cottage.

5.5 A petition with 8 signatures was also submitted in opposition to decision made by Much Birch Parish Council to approve planning application SW2003/3051/O. Points raised include:

- contrary to Policies GD.1, SH.8 and T.3
- what is the difference now, and previous refusals
- issues (foul and rainwater), access to The Thorn, and impact of dwelling.

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. Officer's Appraisal

6.1 The main issues are highway issues, drainage issues and the suitability of the site for development.

6.2 The means of access has altered from the previously refused application, when access was taken from a track to the north-west of Bower cottage which had sub-standard visibility, particularly uphill to the north-west. The currently proposed means of access has been the subject of preliminary discussions between the applicant and the Traffic Manager and would entail the removal of hedgerow along The Thorn and part way down Wrigglebrook Lane. The means of access is the only matter not reserved for future consideration in the event that planning permission is granted. A Halcrow report commissioned by local residents states that visibility splays should be 2m x 90m as a minimum, given the speed of traffic particularly heading downhill that the report states exceeds 30mph. This is notwithstanding the fact that a traffic count did not accompany the report. The Traffic Manager has read the report and conclusions and states that it is not mandatory that accesses be 90 metres apart. He has confirmed that the visibility splay and access separation specifically recommended are not mandatory and that each site should be examined in the circumstances. Currently the existing parking provision for Bower Cottage is not satisfactory and justifies the new access arrangements proposed by itself. The removal of the hedgerow will also improve forward visibility for westbound traffic passing the site from either Barrack Hill or Wrigglebrook Lane. The proposal therefore will improve highway safety overall.

6.3 The means of drainage is a matter that has prolonged the determination of the application. Initially the Environment Agency had concerns relating to the proximity of the spreaders to a well to the north-west of the site. This has resulted in further discussion between the applicant's drainage consultants and the Environment Agency, and has eventually resulted in a system that will use ultra violet light, which will disinfect the treated effluent further. Consent to Discharge was granted by the Environment Agency earlier this year. This would be subject to review every four years. Therefore, the proposal could not be refused for reasons that the foul drainage disposal proposals are not satisfactory. The development now complies with Policies GD.1, SH.8 and C.43 in the South Herefordshire District Local Plan.

- 6.4 The final main issue is that of the suitability of the site in terms of land available and its relationship to Bower and Swiss Cottages. This is also given that land is required for parking and drainage purposes. The footprint for the dwelling detailed on the block plan is 7 metres by approximately 6.5 metres which is possibly optimistic for a 3 bedroom dwelling, notwithstanding that only the means of access is to be determined at this stage. It is considered that there is room for a larger dwelling on the land available that would still leave sufficient space for private garden to the south-west. There is sufficient space between Bower Cottage and Swiss Cottage to the site such that undue overlooking would occur. The site does slope away from The Thorn, the unclassified road from which access is gained, therefore any dwelling proposed, and a two-storey one would probably utilise less land than a single-storey one, would need to be cut into the site thereby reducing the prominence of the dwelling when viewed from the road and in relation to Bower Cottage up slope from the dwelling. It is not considered that a well maintained sewage treatment plant should cause an unacceptable level of noise. This is given the distance of Swiss cottage and the proposed siting for the treatment plant.
- 6.5 The developer would need to ensure that surface water run-off from The Thorn and skirting part of the site that is piped from Aconbury Wood is dealt with. Otherwise there are considered to be no reasonable grounds for withholding planning permission.

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 means of foul drainage disposal shall be strictly in accordance with the Consent to Discharge dated 20th May, 2003.**

Reason: To prevent pollution of the water environment.

- 6. H01 (Single access - not footway)**

Reason: In the interests of highway safety.

7. H04 (Visibility over frontage)

Reason: In the interests of highway safety.

8. H05 (Access gates)

Reason: In the interests of highway safety.

9. H06 (Vehicular access construction)

Reason: In the interests of highway safety.

10. H10 (Parking - single house)

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

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.

Informative(s):

- 1. HN01 - Mud on highway
- 2. HN04 - Private apparatus within highway
- 3. HN05 - Works within the highway
- 4. HN10 - No drainage to discharge to highway
- 5. HN24 - Drainage other than via highway system
- 6. N15 - Reason(s) for the Grant of Planning Permission

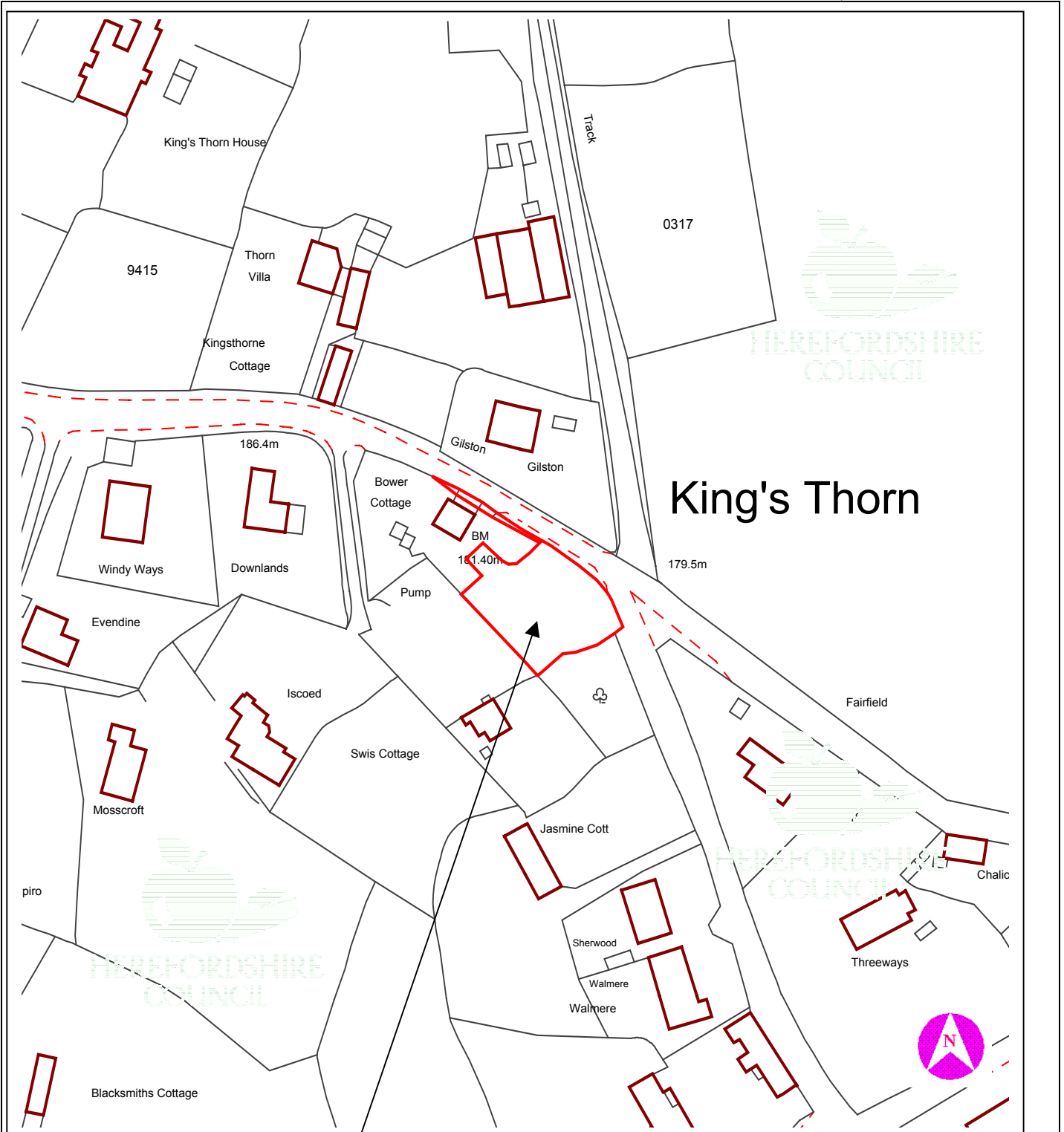
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2004/1564/O

SCALE : 1 : 1250

SITE ADDRESS : The Bower Cottage, Kingsthorne, Hereford, Herefordshire, HR2 8AN

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