

8 DCSW2006/0585/O - DEMOLITION OF HOUSE AND SITE FOR CONSTRUCTION OF TWO DWELLINGS SERVED BY SEWAGE TREATMENT PLANT, CYPRUS COTTAGE, KINGSTHORN, NR HEREFORD, HR2 8AW.

For: Domus Developments per Harmers Ltd., 39 Lambourne Crescent, Cardiff Business Park, Llanishen, Cardiff, CF14 5GG.

Date Received: 24th February, 2006 Ward: Pontrilas Grid Ref: 50183, 31991

Expiry Date: 21st April, 2006

Local Member: Councillor G.W. Davis

1. Site Description and Proposal

- 1.1 The site is situated on the south side of The Thorn, close to its junction with Pages Pitch in the village of Kingsthorpe. Both roads are unclassified, adopted roads. The site has a frontage of approximately 40 metres to The Thorn with a further 6 metres to the west along the frontage to Pages Pitch. The site is currently occupied by a house known as Cyprus Cottage which is in a poor state of repair. It is neither listed nor in a conservation area and there is no special reason for it to be retained. The site measures approximately 55 metres from north to south, and has a total site area of around 0.18 hectares (nearly half an acre). The site itself is mostly comprised of overgrown domestic garden. The most significant feature is that there is a very significant slope (in places as steep as 1 in 3) down from the frontage to the back of the site.
- 1.2 It is proposed to demolish the existing house on the site, Cyprus Cottage, and replace it with two new houses set into the site.
- 1.3 The application is in outline with all matters reserved except for the access arrangements. It is proposed to create an access directly off the road frontage with a turning area and two separate parking areas to serve the new houses. The new houses will have to be sited lower down the slope to enable a reasonably level parking and turning area to be created at the site frontage.
- 1.4 The application is supported by a plan showing "Spot heights" across the site, but no plan has been provided to show a cross section through the site to show how the severe level changes can be accommodated into the development.
- 1.5 The site is not in a conservation area but it is within an Area of Great Landscape Value. Kingsthorpe has a Settlement Boundary in the South Herefordshire District Local Plan and the site is within this boundary. However, in the emerging Unitary Development Plan Kingsthorpe is included in the list of Smaller Settlements where there is no settlement boundary. UDP policy H6 applies which sets out limitations in the circumstances where "Infill" development will be permitted.
- 1.6 There are trees on the site, but the application forms indicate that it is not proposed to fell any trees. However, the trees are on the boundary of the site.

2. Policies

2.1 National Planning Policy Guidance

PPS.1	-	Delivering Sustainable Development
PPG.3	-	Housing
PPG.13	-	Transport

2.2 Hereford and Worcester County Structure Plan

Policy CTC.7	-	Landscaping
Policy CTC.9	-	Development Criteria
Policy H.16A	-	Housing in Rural Areas

2.3 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy C.8	-	Areas of Great Landscape Value
Policy SH.8	-	New Housing Development Criteria in Larger Villages
Policy C.43	-	Foul Sewerage

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy DR.1	-	Design
Policy H.6	-	Housing in Smaller Settlements
Policy H.13	-	Sustainable Residential Design
Policy H.14	-	Re-using Previously Developed Land and Buildings
Policy H.15	-	Density
Policy H.16	-	Car Parking
Policy LA.2	-	Landscape Character and Areas Least Resilient to Change

3. Planning History

3.1	SW2004/2177/O	Outline planning permission for one dwelling on the adjoining site	-	Approved 11.05.05
	SW2005/3598/O	Outline application for demolition of Cyprus Cottage and construction of two dwellings	-	Withdrawn 22.12.05

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Traffic Manager has expressed concerns at the effect of the slope on the site. In order to accommodate a vehicular access into the site at a maximum gradient of 1 in 8 there would need to be a substantial retaining structure built up in the site. This is because the slope of the site from the road into the property is actually at 1 in 3 for the

first 8 metres. He accepts that building up a "platform" in this part of the site would be technically feasible but, on the basis of the plans currently submitted neither the turning area or the parking areas would be of adequate size, and he retains some doubt that the required visibility splays of 2 metres by 60 metres could be obtained. He is, however, satisfied that the proposed access is in the best position being in the centre of the frontage to The Thorn.

5. Representations

5.1 Much Birch Parish Council advise that they "are concerned about the position of the entrance, and feel it should come off the side road" (in relation to revised plans).

5.2 Much Birch Parish Council objected originally to the application on the grounds that:

"The proposed joint access on to a busy, narrow road, near a dangerous bend, with accident history, is unsafe.

Drivers of existing vehicles would have poor visibility when coming out on to the busy narrow road.

The application would be acceptable if the joint access came out on the side lane (Pages Pitch) as far down towards the dwelling as possible."

5.3 15 nearby properties were notified of the application and four letters of objection have been received from the two of the properties at the foot of the site, Yew Cottage and Manchester House, and the property adjacent on the west side, Walnut Cottage. All are concerned about:

- overlooking from the proposed new dwellings
- the access to the site, and increase in traffic generally
- the drainage arrangements which may cause nuisance from smells and may not be satisfactory to deal with the development.

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 application is in outline with only the principle of two new dwellings and the details of the access before the local planning authority to determine at this stage.

Principle of development

6.2 Cyprus cottage is not worthy of retention and could be replaced on a one-for-one basis in accordance with UDP Policy H.7 which, inter-alia, deals with replacement dwellings in areas where new residential development would not normally be required. However, this proposal is for two new dwellings and falls to be considered against UDP Policy H.6 which deals with Housing in Smaller Settlements including Kings Thorn. This allows for infilling subject to maximum dwelling sizes and the limitations that:

- the plot size is limited to a maximum area of 350 sq. metres, and
- the infill gap is no more than 30 metres frontage

- in this case the plot sizes for the new dwellings would be around 850 square metres each, and the frontage to be infilled is over 40 metres. Consequently the proposal would not accord with policy H.6 of the UDP. The Inspector, in his report on the UDP, has not recommended any changes to this policy and, therefore, it is likely to be adopted as it stands in March 2007. Members can, therefore, give it significant weight in this case.
- 6.3 By comparison, Policy C.8 of the South Herefordshire District Local Plan still includes Kings Thorn as a settlement with its own boundary within which new residential development can be permitted. Of course, national planning policy in the form of PPG3 encourages much higher densities of development on previously developed land (which this is). If PPG3 densities of around 30 dwellings per hectare were applied then the site could accommodate 5 dwellings. By comparison with the character of the surrounding area a development at this density would not fit comfortably into the character of Kings Thorn.
- 6.4 On balance it is recommended that the emerging planning policy is applied (because that is the most recent policy and is very likely to become the adopted policy in due course), and the development of the site for two houses is resisted accordingly. Members could give higher weight to the adopted South Herefordshire District Local Plan and accept the principle of two houses on the site, notwithstanding the low density form of development this would create. However, it should be noted that in recent appeal decisions Inspectors have been giving a greater weight to any unchallenged policies in the Unitary Development Plan.

Access

- 6.5 The access issues are not resolved at the time of drafting this report. The Traffic manager believes that it is technically possible to create a safe access based on the sketch plans currently submitted. However, no satisfactory plans have been produced to demonstrate how the necessary dimensions can be achieved on site and, in particular, no cross section has been provided to demonstrate how the 1 in 3 slope into the site can be dealt with.
- 6.6 Assuming that a platform of some sort is created at the front of the site to support an access and turning area then this will result in a substantial retaining structure across the site which the two new dwellings will have to face towards. In my view this is an unsatisfactory form of development with potentially serious consequences for the amenities of the new dwellings and the landscape qualities of the site. The developer has not demonstrated that a satisfactory form of development could be created on site.

Other issues

- 6.7 The site is within the Area of Great Landscape Value, but this designation is due to be dropped in the UDP. The Inspector has recommended that its replacement policy, of "Landscapes Least Resistant to Change", is also dropped. Instead, development proposals should be considered on their own merits. The UDP Policy LA.2 still retains the requirement that "Proposals should demonstrate that landscape character has influenced their design, scale, nature and site selection". In my view this scheme, which is supported solely by a diagrammatic plan of the access and no cross sections or other meaningful drawings to explain how the development would actually fit onto this severely sloping site, signally fails to meet the policy. The existing South Herefordshire District Local Plan still maintains the AGLV designation and the

development has failed to demonstrate sensitivity to that policy too. In my view the development fails to address both old and emerging policies on this issue.

- 6.8 Local resident are very concerned about the drainage arrangements and overlooking issues. The proposed means of dealing with sewage is not exceptional, is technically feasible and should be accepted. The overlooking issue needs to be addressed at detailed design stage when the position and function of any windows and the nature of any boundary treatments are known. This last issue is, therefore, still of concern, but could be addressed at reserved matters stage if members are minded to grant planning permission.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. **The development proposed is an Infill Development in a Smaller Settlement which falls to be considered against Policy H.7 in the Herefordshire Unitary Development Plan (Revised Deposit Draft). It does not comply with that policy particularly by reason of the length of the site frontage and the size of the proposed dwelling plots. The development will thereby conflict with the interests which the policy is intended to protect.**
- 2. **The development proposals have failed to demonstrate how they have taken account of the special landscape qualities of the site which is in an Area of Great Landscape Value as defined in the South Herefordshire District Local Plan. The development thereby conflicts with both policies GD.1 and C.8 of the South Herefordshire District Local Plan and Policy LA.2 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).**
- 3. **In order to meet the requirements to create a level and adequate access, turning and parking area at the front of the site a raised area will need to be created and supported by a substantial retaining structure, no details of which have been provided. Such a structure is likely to have a significantly adverse effect on the residential amenities of the new dwellings and the character of the site. The development proposals have therefore failed to demonstrate how the reasonable highway safety requirements can be met whilst at the same time providing as satisfactory design of development in all other respects. The proposal thereby conflicts with the following policies: SH.8 and GD.1 contained in the South Herefordshire District Local Plan and Policies DR.1 and H.14 contained in the Unitary Development Plan (Revised Deposit Draft).**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

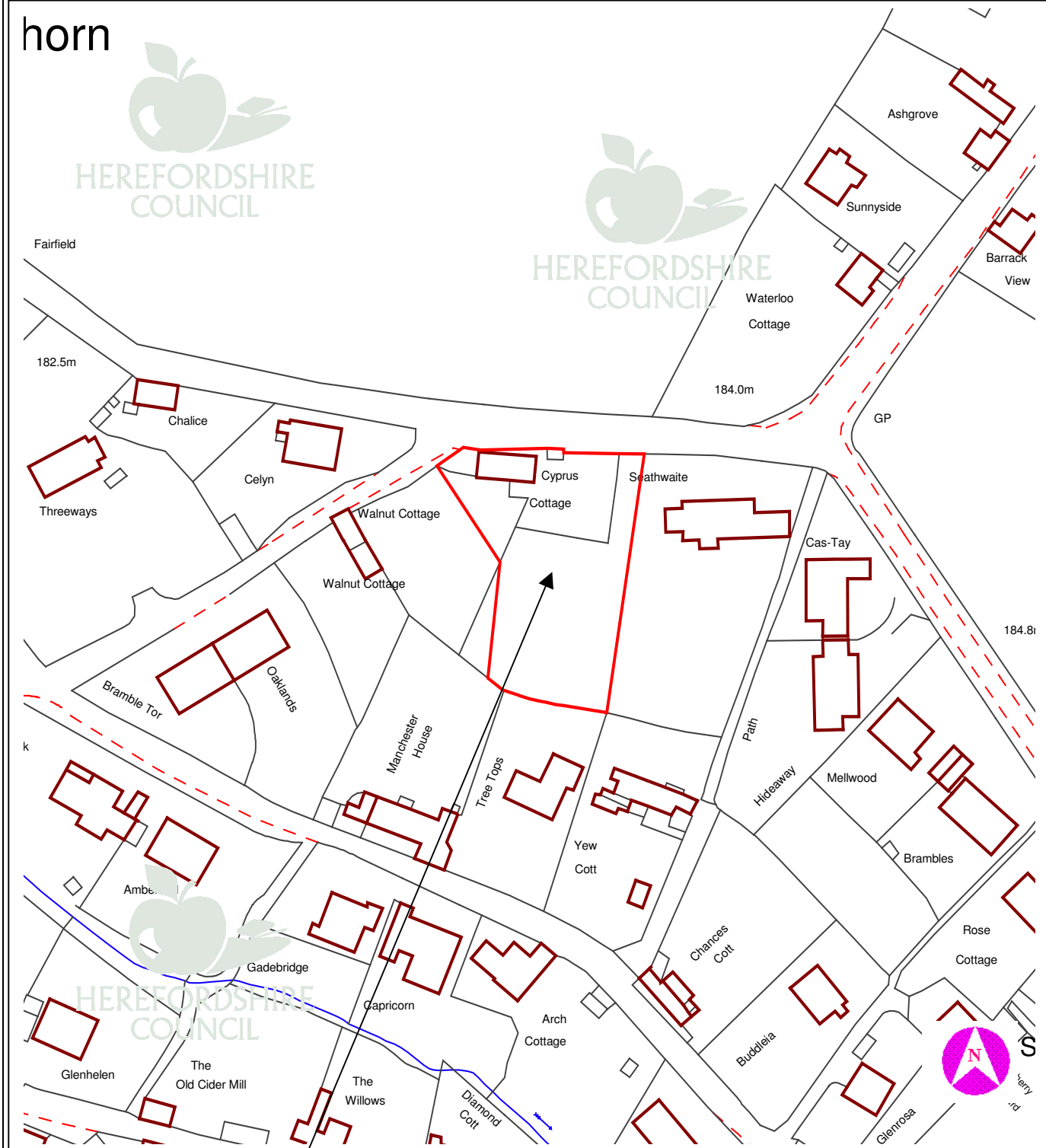
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APPLICATION NO: DCSW2006/0585/O

SCALE : 1 : 1250

SITE ADDRESS : Cyprus Cottage, Kingsthorpe, Nr Hereford, HR2 8AW

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