

**DCNW2006/1523/RM - ERECTION OF SIX NO.
DWELLINGS AT BURNSIDE, HIGH STREET,
LEINTWARDINE, CRAVEN ARMS, SHROPSHIRE,
SY7 0LQ**

**For: Homewood Developments Ltd, Wheelers Kiln,
Bush Bank, Hereford, HR4 8ED**

Date Received:
19th May 2006

Ward: Mortimer

Grid Ref:
40338, 74527

Expiry Date:
14th July 2006

Local Member: Councillor Mrs O Barnett

INTRODUCTION

This application was considered by the Northern Area Planning Sub-Committee at its meeting on the 12th July 2006 when Members resolved to refuse permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

At its meeting on 12th July 2006 the Northern Area Planning Sub-Committee was recommended to approve this application. The recommendation took into account

- the planning policies for the area, including the Village Design Statement for Leintwardine,
- the planning history of the site which included a recent appeal decision where the Inspector dismissed an appeal for three dwellings on the site because the density was so low that it conflicted with current planning policy. In particular he took the view that the site was suitable for a density of development in accordance with PPG3 advice for previously developed land, and
- the fact that this is an application for reserved matters following a grant of outline planning permission for 6 houses in August 2005.

In the debate the members of the Area Sub-Committee gave significant weight to the objections of the Parish Council who take the view that this scheme would be an overdevelopment of the site and would not accord with the village design statement. Members considered that a terrace of six dwellings was not appropriate for this site which is slightly elevated above the main road through the village, and was formerly occupied by a single bungalow.

The planning history of the site is set out in the main report below and includes an outline permission for six houses. This site is within the Leintwardine settlement boundary but outside the Leintwardine Conservation Area. There are various examples of housing nearby at similar densities and in similar form. The proposal accords with national policy, in particular PPG3, and Herefordshire Council's own development plan policies. The village design statement is not so proscriptive as to demand a particular density or form of development on this site. As an application for the discharge of reserved matters the principle of development is not before the local planning authority to determine. The reasons

for refusal canvassed by Members seemed to be more concerned with the principle of development rather than the details which are the subject of this application. There is, therefore, a strong presumption in favour of approval and, in these circumstances, a refusal of permission would be extremely difficult to sustain at appeal.

The application proposals accord with current and emerging development plan policies, and the Area Sub-Committee was not able to put forward sustainable reasons for refusal of permission. Consequently, the application is referred to this meeting of the Planning Committee for further consideration. The original report to the Northern Area Planning Sub-Committee of 12th July 2006 is set out below.

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 elevated site, the plot formally contained a detached bungalow 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 Station House respectively, these have fenced and planted boundaries.
- 1.2 The rear boundary of the site benefits from mature landscaping, including coniferous trees and hedgerow along the boundary with Meadowbank to the west. Distinctive trees alongside the rear boundary include a copper beech, blue atlas cedar, rowan and a silver birch.
- 1.3 The site is within the settlement boundary of Leintwardine, outside of a designated Conservation Area. The prevailing character of the area is one of mixed residential development, including detached and terraced properties of single and two storey scale. The area is within a Landscape Protection Area.
- 1.4 The application is for Reserved Matters in respect of planning approval reference no. NW05/1542/O dated 26th August 2005 for demolition of existing dwelling, garage and outbuildings. Site for construction of a residential development of six dwellings.
- 1.5 The development proposal is for a terrace of six two-storey dwellings, each containing internally on the ground floor a lounge, kitchen and utility and three bedrooms and a bathroom on the first floor. Included within the development are three individual attached garages, one on either end of the terrace for the end properties and one in between two properties, thus the overall development scheme is one of a 'terrace development'.
- 1.6 An indicative 'view from High Street' has been provided as part of the application showing the visual relationship of the proposed development in relationship to the properties located on the northern and southern sides of the application site.

2. Policies

2.1 Government Guidance

PPS1 – Delivering Sustainable Development
PPG3 – Housing
PPS7 – Sustainable Development in Rural Areas
PPG13 – Transport
PPG15 – Planning and the Historic Environment

2.2 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 Woodland
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

2.3 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 Development Land and Buildings
H15 – Density
H16 – Parking
LA5 – Protection of Trees, Woodland and Hedgerows
HBA4 – Setting of Listed Buildings

2.4 Supplementary Planning Guidance

Leintwardine Village Design Statement

3. Planning History

- 3.1 NW2005/1542/O - Demolition of existing dwelling and outbuildings and site for construction of residential development of six dwellings - Approved 26th August 2005.
- 3.2 NW2004/3350/F - Demolition of existing dwelling and outbuildings and construction of two five-bedroomed dwellings - Refused 5th January 2005.

- 3.3 NW2004/2056/F - Demolition of existing dwelling and outbuildings for construction of three four-bedroomed dwellings - Refused at Northern Area Planning Sub-Committee - 8th December 2004. Dismissed on appeal 30th March 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 Severn Trent Water - No objection subject to the inclusion of a condition with regards to disposal of surface water and foul sewage.

Internal Council Advice

- 4.2 The Transportation Manager - Raises no objections to the proposed development.
- 4.3 Conservation Manager - No objection raised.

5. Representations

- 5.1 Leintwardine Parish Council state in their response: "The Parish Council cannot accept the intended planning for the following reasons:"

1. It is in contradiction to the Village Design Statement which was wholly endorsed by Herefordshire Council Supplementary Planning Guidance.
 - a. It is not complementary with adjacent or opposing buildings.
 - b. It encroaches severely on adjacent properties destroying their quality of light and respect.
 - c. The pitch of the roofs is steep and with the structures being elevated from the road, it will add to its monolithic appearance.
 - d. It is planned as a terrace more suitable for an urban setting.
 2. It is too dense and potentially overcrowded with cars leading to likely social conflict.
 3. The access to the highway is direct and there is a blind spot. There is also no pavement. The number of cars and people would suggest the likelihood of accidents.
 4. The density of the housing could be disguised by designing them as flats in three separate units. This would create front and back spacing with access to garden views and reduction of the monolithic style. First floor flats are less likely to be occupied by families which would again help to reduce the density.
- 5.2 Letters of objection have been received from the following:
- H Campbell, All-Ardock, High Street, Leintwardine.
 - K A Farrell, Beau Vallon, High Street, Leintwardine.
 - Thain Hatherly, Roman Rise, High Street, Leintwardine.
 - Bridget Sudworth, Kinton Farm, Leintwardine.
 - Mrs M J Edwards, 5 Tipton's Lane, Leintwardine.
 - Mr & Mrs L G Knowles, Whispering Oaks, 6a High Street, Leintwardine.
 - Jerzy Josef Cebo, The Old Police House, High Street, Leintwardine.

Concerns raised can be summarised as follows:

- Concerns about south facing windows.
- Scale and character of overall development detrimental to the locality.
- Access to the site is dangerous off adjacent A4113 public highway.
- Insufficient public transport insufficient other than to Ludlow.
- No pavement outside the site.
- Proposal is conflict with the Village Design Statement.
- Poor overall design of the development.
- Proposal more appropriate to a urban scene.
- Concerns about existing vegetation on site.

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 a 'Reserved Matters' application, which seeks approval for the development of six dwellings. This is the fourth application on this site and continues to generate significant numbers of objections.

6.2 An appeal decision on the site dismissed the development of three detached dwellings as an under development of the site contrary to guidance contained within PPG3 and Policy H15 of the Herefordshire Unitary Development Plan (Revised Deposit Draft). This application is in accordance with advice given in the appeal decision. The advice given in the appeal decision is a material consideration in respect of this application.

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

- The density of the development.
- The effect of the proposal on the character and appearance of the surrounding built environment.
- Public highway and access issues.
- Amenity and privacy of surrounding dwellings.

The density of the development

6.4 This in principle has already been accepted and approved by Members of the Herefordshire Planning Committee by means of approval to the application reference no. NW2005/1542/O – Demolition of existing dwelling and outbuildings and site for construction of six dwellings – Approved 26th August 2005.

6.5 The proposal is in accordance with Government Guidance set out in PPG3 and Policy H15 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and the Inspector's Decision with regards to the appeal on the site.

The effect of the proposal on the character and appearance of the surrounding built environment

- 6.6 The site is not within a Conservation Area and an assessment of the site and its surroundings indicates a diverse mix of housing types and architectural styles and as such there is no predominant character of dwellings in the locality.
- 6.7 The plans submitted for planning determination indicate that the front building line of the proposed development will respect the existing building line established by the existing development to the north and south of the application site. The block plan indicates that the existing vegetative landscaping to the front, as well as the rear of the application site, will be retained with an access point to the public highway at the existing point, therefore minimal effect will be created to the existing south plantings on the frontal elevation adjoining the public highway.
- 6.8 Although the site is elevated and the proposal is for two-storey development, it is considered the proposed dwellings will not be overly prominent in the street scene. Furthermore the two-storey scale is one that exists in the locality and by reference of the proposed street scene, the development appears to be in keeping with the locality.
- 6.9 The proposal is for external construction of the development using brickwork for the external walls and tiles for the roof. It is proposed to use softwood for the external joinery.
- 6.10 External wall construction using brick is considered acceptable as the vast majority of surrounding properties are of brick construction with some external render construction. Tiles for the external roof construction is considered acceptable providing they are plain tiles. The amended plans received on 23rd June 2006 in support of the application indicate chimney pots and a slightly reduced ridge height, this is considered acceptable and an improvement on the previously submitted plans.
- 6.11 It is considered that the proposal is in accordance with the Leintwardine Village Design Statement in that the site is well screened by existing vegetation, to which it is proposed to be retained as part of the proposed development and the proposed development is in keeping with the surrounding built environment.

Public highway and access issues

- 6.12 The Traffic Manager raises no objection to the proposed development.
- 6.13 Public Highway issues have been an important factor in objections to the proposed development. This is an issue that the Planning Inspector in relationship to the appeal decision on the application site stated in his decision that there was no material considerations not to justify a scheme for six residential dwelling units on site.
- 6.14 In response to public concerns about lack of a pedestrian footway on the western side at the adjoining public highway and the fact that pedestrians will need to cross the public highway. Clearly the proposal will mean additional pedestrian activity and the need to cross the highway, however this is not so significant a threat to pedestrian safety on which grounds for refusal can be substantiated.

Amenity and privacy of surrounding dwellings

- 6.15 Inevitably the proposal will result in a more built up form of the site, than that of the previous development on site. However the proposal is of a form that overall is considered acceptable in accordance with the street scene, submitted as part of the applications, in that there will be a sufficient break between the built form on the application site and those of the adjoining properties on the northern and southern sides. The development is arranged as such that there will also be no significant overlooking onto the adjacent properties.
- 6.16 Concerns were raised about window proposals on both the northern and southern elevations, however these are windows for non-principal rooms. It is recommended to attach a condition, if Members are mindful to approve the application, that all windows on the northern and southern elevations of the proposed development are in opaque glazing and non-opening.
- 6.17 The Planning Inspectors report in relationship to the appeal decision for the site paid particular attention to the relationship of the application site and surrounding properties and the conclusion was that the privacy and amenity of surrounding properties could be adequately addressed through the imposition of appropriate conditions to any approval notice issued.
- 6.18 In consideration of the plans submitted for planning determination and the Inspectors report, officers are of the opinion that the proposal is in-line with the criteria of Policy A54 of the Leominster District Local Plan and other relevant planning policies on this issue.

Conclusion

- 6.19 The application has generated strong objections from the local Parish Council and members of the public. However in planning policy terms it is considered that the proposal is of a scale and character in-line with all relevant planning policies. The proposal is acceptable on public highway issues, enables the retention of all significant landscape plantings on site, with no grounds in planning terms to refuse on privacy and amenity issues.

RECOMMENDATION

That Reserved Matters be approved subject to the following conditions:

- 1 - A06 (Development in accordance with approved plans)**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

- 2 - The windows to be installed into the northern and southern gable elevations shall be glazed with obscure glass only and shall be non-opening and shall thereafter be maintained.**

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

Informatives:

1 - N15 - Reason(s) for the Grant of PP

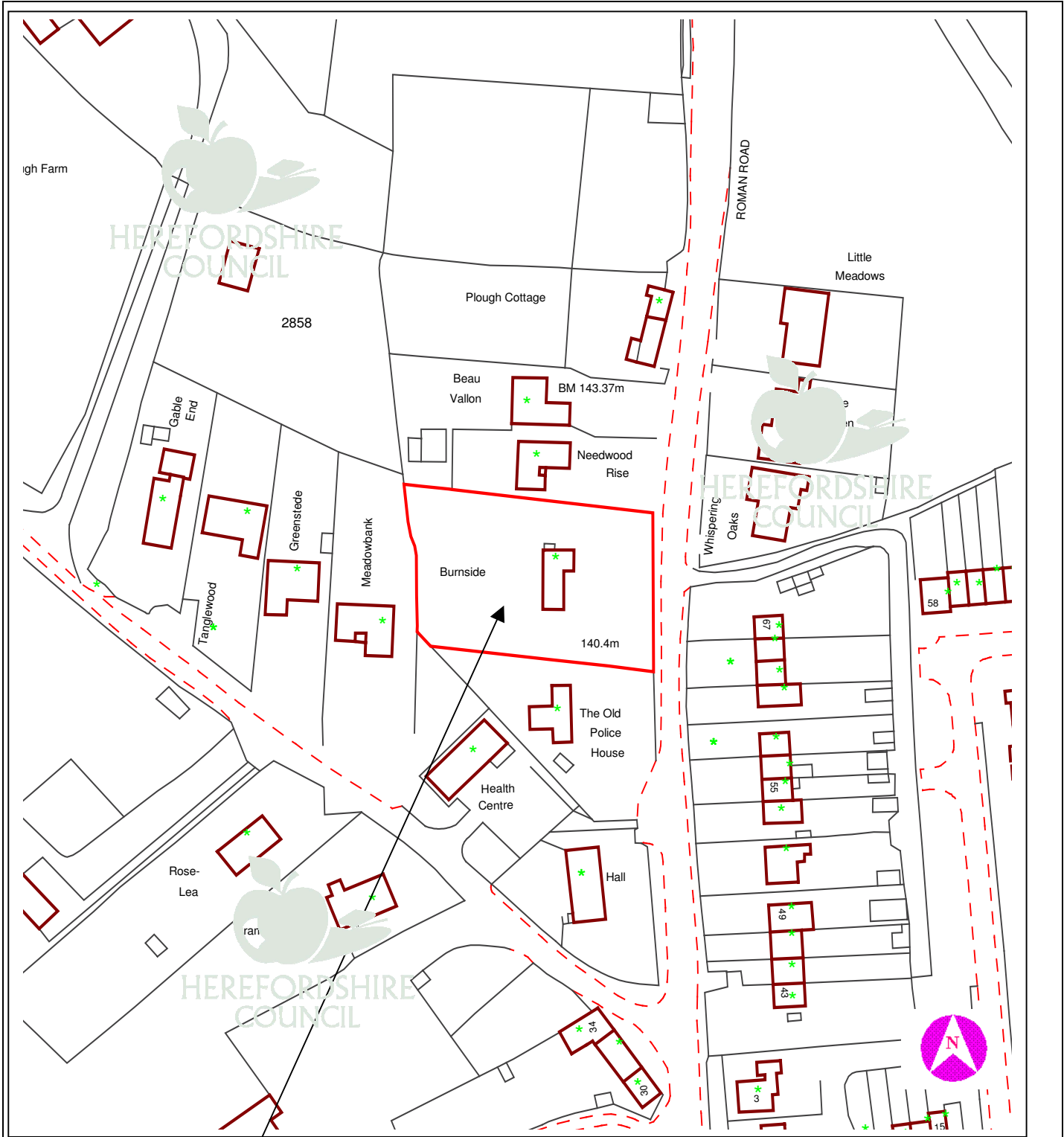
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCNW2006/1523/RM

SCALE : 1 : 1250

SITE ADDRESS : Burnside, High Street, Leintwardine, Craven Arms, Worcestershire, SY7 0LQ

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005