

6 DCNE2008/1525/O - SITE FOR TWO DETACHED DWELLINGS INCLUDING FORMATION OF ONE NEW VEHICULAR ACCESS, FOLLOWING DEMOLITION OF EXISTING SINGLE DWELLING. ELM COTTAGE, NEW STREET, LEDBURY, HEREFORDSHIRE, HR8 2EQ.

For: Mr & Mrs Berry Ian Guest & Associates, 3 Juniper Way, Malvern Wells, Worcestershire, WR14 4XG.

Date Received: 9 June 2008

Ward: Ledbury

Grid Ref: 70665, 37257

Expiry Date: 4 August 2008

Local Members: Councillors ME Cooper, JK Swinburne and PJ Watts

1. Site Description and Proposal

- 1.1 This is an outline application for 2, 4 bed detached dwellings with access and layout not reserved for subsequent approval. The application site, formerly the site of Elm Cottage, lies on the south side of New Street on the corner of the junction with Fairfields Road.
- 1.2. The site has a frontage to New Street of approximately 27m and a depth of approximately 42m. The site lies above the level of New Street and Fairfield Road.
- 1.3. The existing access is proposed to serve the dwelling facing Fairfields Road to the rear of the plot. The plans indicate this to be a chalet bungalow style property at an excavated level to produce a ridge height, similar to that of the adjacent property No. 1 Fairfield Close, a cul-de-sac off Fairfields Road.
- 1.4 A new access is proposed to serve the two storey dwelling, close to the junction with Fairfields Road, with excavation of this part of the site the ridge height of the new dwelling will be similar overall to that of the former Elm Cottage. The design and access statement indicates a dwelling of approximately 130m² gross internal floor area for plot 1, the New Street frontage, and 140m² for the Fairfields frontage.

2. Policies

- 2.1. Unitary Development Policies - H1 Hereford and the Market Towns: settlement boundaries and established residential areas

H13 - Sustainable residential design

H16 - Car parking

S1 - Sustainable development

S2 - Development requirements

DR1 - Design

DR5 - Planning obligations

DR7 - Flood risk

T11 - Parking provisions

2.2. Planning obligations - Supplementary Planning Documents April 2008

3. Planning History

3.1 NE2007/3720/0 Site for construction of two dwellings - withdrawn.

3.2. NE2004/0381/F - Land to rear of Elm Cottage, Erection of three dwellings, approved 21st May 2004. These constitute the 3 new houses to the rear of the site known as Fairfields Close.

4. Consultation Summary

Statutory Consultations

4.1 Severn Trent Water - originally sought conditions requiring hydrological and hydrogeological survey to resolve potential flooding problem.

As a consequence this survey was sought by officers in advance of determination as it could have a fundamental impact on potential to develop the site.

In response to the survey Severn Trent advised

"I can confirm that it demonstrates the ground is not suitable for the use of soakaways, however, we request the following drainage related condition

The applicant must submit a proposed drainage layout that demonstrates how the properties will be drained for foul and surface water."

Internal Council Advice

4.2 Transporation Manager - In addition to SPD requirements of £4,301, in response to amended plan, advises the proposed accesses are acceptable, further specifications will be required. Drainage details should be included in this. The parking shown is below standard, space for two cars per dwelling being required.

Subject to this amendment recommended conditions.

4.3 Conservation Manager - Comments were received prior to the demolition of Elm Cottage, it was believed that the property was capable of re-use, though there would be no objection to demolition. Recommends that to reflect the character of the area the 2 houses be erected fronting New Street.

5. Representations

5.1 In support of the application, in addition to the now mandatory Design and Access Statement, the hydrological/hydrogeological report has been submitted, together with more information on access and parking arrangements. In response to the Conservation Manager's comments the agent advises to build the properties on the New Street frontage would result in a cramped development.

Ledbury Town Council

5.2 In response to original consultation -

Members would recommend approval on condition that a new vehicular access on New Street is not permitted. Access to both dwellings could be achieved via the existing access/driveway.

In response to additional information -

Members expressed some concerns regarding access and drainage

5.3 Objection letters have been received from seven local residences, a number of which were submitted prior to demolition of Elm Cottage, summarised below.

1. Drainage problems both from foul sewer in Fairfield Close, but also general surface water problems. Want the connection to main sewer via New Street not Fairfield Close.
2. Demolition of Elm Cottage would be/was act of vandalism, should have been renovated.
3. Highway safety issue with new access. Properties could share existing.
4. Loss of trees from site prior to application
5. Elm Cottage should be preserved - if not two properties fronting New Street with new access between them.

5.4 A letter of support for the proposal, in general has also been received but points out that drainage, building height and access issues would be resolved.

The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1. Before considering the merits of the proposal, it is necessary to briefly explain matters relating to the demolition of Elm Cottage. It is clear from the proposal that this was the intention from the start. Before dwellings can be demolished, assuming not part of an approved redevelopment proposal, the local planning authority should be given prior notification of the intention to do so. The local planning authority then has 28 days in which to respond accordingly. In this instance, whilst the applicant did follow the appropriate procedure under Building Regulations, the Prior Notification Procedure was not followed. The property was demolished in late July. The Council's Ecologist had some issues to raise about this, but it does not impact further on the determination of the application.

6.2 If the local planning authority were mindful it could require a dwelling to be re-erected the same as Elm Cottage. However, given that this is not in the Conservation Area, and the Conservation Manager had not objection to demolition, it was considered unreasonable to follow this line of action. Any historic value the property may have had would not be retrieved merely by building a facsimile.

6.3 Since the site lies within the settlement boundary of Ledbury, there is no objection in principle to the residential redevelopment of the site. This outline application reserves the design, appearance and landscaping for future consideration. However, the scale

of the dwellings is set by the information contained in the Design/Access Statement referred to at paragraphs 1.3 and 1.4.

- 6.4 Given the comments of the Transportation Manager, it is considered reasonable to accept a new access to serve plot 1 and to use the existing, although it is substandard, to serve plot 2 at the rear. Visibility splays and gradients are covered by condition.
- 6.5 There is a diverse mix of properties along New Street and it is right that the proposal should include a property fronting it. It would, however, be rather cramped to achieve the detached properties on this frontage, and difficult to achieve an improved access as well. It is not considered that the arrangement is so damaging to the character of this area as to justify refusal.
- 6.6. Final details of the appearance of the dwellings are reserved, but it is considered that, given the locations within the plot and excavation proposed, that there will be no unreasonable loss of privacy to neighbouring properties.
- 6.7 It had appeared, following the submission of the hydrological and hydrogeological survey that the unsuitability of the site for soakaways would damage the prospect of approval. However, Severn Trent Water have not objected to surface water run off being discharged to the main sewer. This is covered by condition.
- 6.8. Developer contributions have been set out in the draft Heads of Terms, appended to this report.
- 6.9. In conclusion, with the necessary conditions to cover, amongst other things, the water and drainage matters, this proposal is considered to comply with relevant Unitary Development Plan policies.

RECOMMENDATION

That planning permission be granted subject to the following conditions

1. A02 (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 and to secure compliance with policy DR1 of the Herefordshire Unitary Development Plan.

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. B07 (Section 106 Agreement)

Reason: In order to provide [enhanced sustainable transport infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing] in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

6. 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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

7. H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

8. H29 (Secure covered cycle parking provision)

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

9. I18 (Scheme of foul drainage disposal)

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

10. I19 (Drainage in accordance with approved plans)

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

11. I20 (Scheme of surface water drainage)

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

Informatives:

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

2 Planning obligations - Supplementary Planning Documents April 2008

Decision:

Notes:

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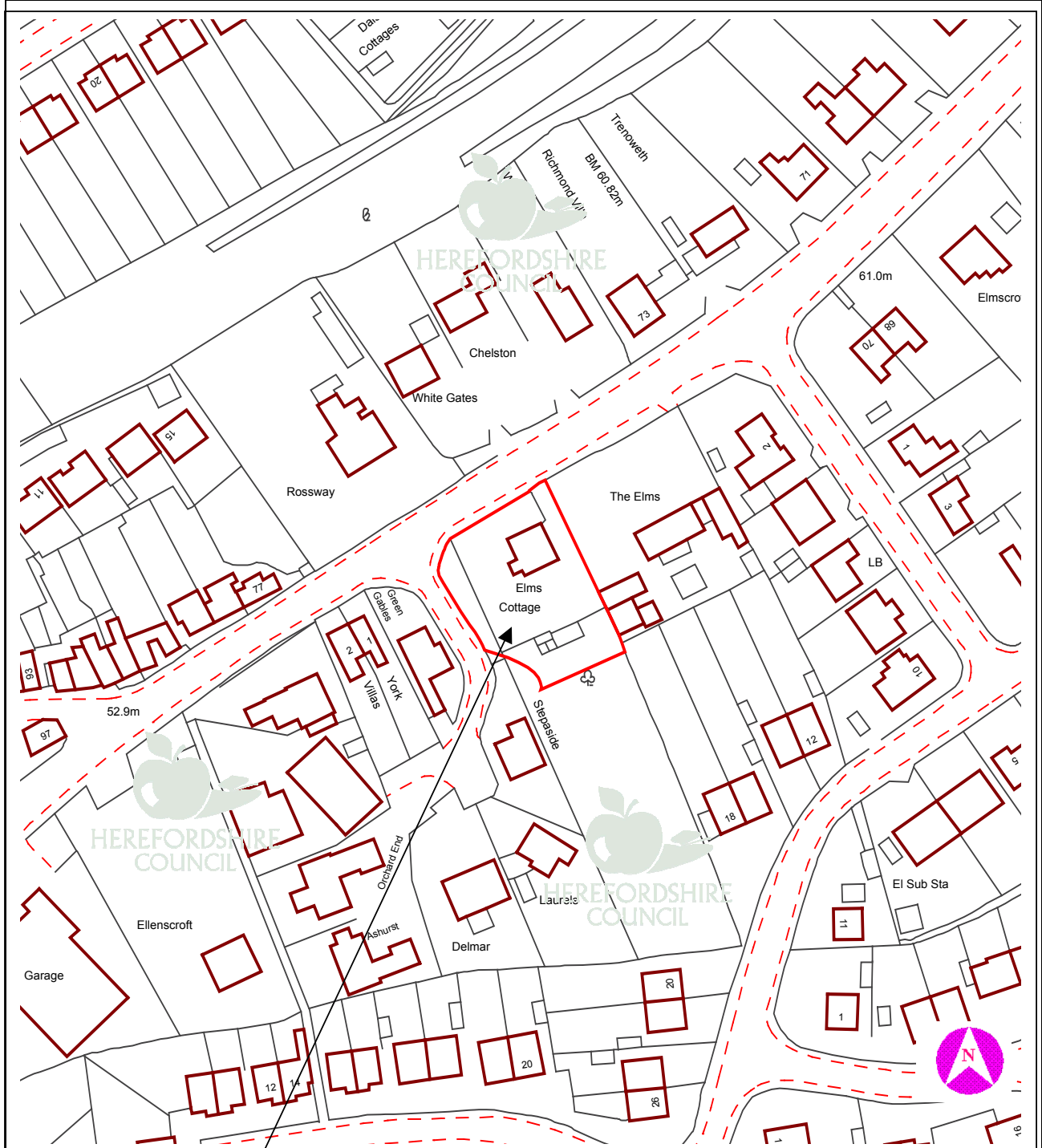
Background Papers

Internal departmental consultation replies.

DRAFT HEADS OF TERMS
Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

Planning Application – DCNE2008/1525/0
Erection of 2 dwellings at Elm Cottage, New Street, Ledbury

1. The developer covenants with Herefordshire Council, in lieu of the provision of open space on the land to serve the development to pay Herefordshire Council the sum of £4301 which sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for highway improvements and/or other elements contained in the Local Transport Plan.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £386 open space contribution and £818 Sport England contribution..
3. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £5006 education contribution
4. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £241 libraries contribution
5. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3 or 4 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
 - a) The sums referred to in paragraphs 1, 2, 3 and 4 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
 - b) The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement and a 2% levy to cover monitoring costs.



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APPLICATION NO: DCNE2008/1525/O

SCALE : 1 : 1250

SITE ADDRESS : Elm Cottage, New Street, Ledbury, Herefordshire, HR8 2EQ

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