

5 DCNE2008/2976/F - REPLACEMENT OF SINGLE STOREY DWELLING WITH THREE TWO STOREY HOUSES AND ATTACHED GARAGES. LARKRISE, KNAPP LANE, LEDBURY, HEREFORDSHIRE, HR8 1AN.

For: Ms J Vanmeeuwen per Stainburn Taylor Architects, Sear House, Bye Street, Ledbury, Herefordshire, HR8 2AA.

Date Received: 3 December 2008 Ward: Ledbury Grid Ref: 71154, 38472

Expiry Date: 28 January 2009

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

1. Site Description and Proposal

1.1 The application site lies on the northern side of Knapp Lane within the town boundary of Ledbury. Knapp Lane is a relatively narrow lane with no distinctive characteristics in terms of built-form. In fact it has a series of streets and cul-de-sacs off it. The site itself has an area in excess of 0.5 hectare. The site currently accommodates a 1930's bungalow and two outbuildings at the north-eastern part of the site. The site has two existing vehicular means of access. The eastern-most access has very poor splays in both directions. The front, southern part of the site is relatively open with scattered trees set in lawn. The rear northern part of the site is more densely wooded although between these trees there are long views to the north and west as the land beyond falls down an embankment to the railway line. A Tree Preservation Order has been made that protects those trees on site that are of the highest amenity value and are healthy. The trees protected are:-

- Two Douglas Fir to the west of the existing bungalow and a Silver Birch to the south-east. These are individually protected;
- To the south and south-west a group of three silver birch, a Field Maple, a Copper Beech and a Cherry are protected that make a valuable contribution to the street scene;
- To the north-east, in proximity to the existing outbuildings, a group consisting of one Yew Tree and one Sweet Chestnut are considered to have potential to make a long-term contribution to the area and are protected.

1.2 The proposal is to demolish the existing bungalow and outbuildings, permanently close the eastern-most existing vehicular means of access, create a new appropriately graded driveway from the existing western-most access and erect three dwellings along a contour. The level of the driveway will relate closely to the contour thus providing a natural degree of protection to the roots of existing trees.

1.3 The proposed new dwellings would be four bedroomed. They would effectively be split-level dwellings designed over two floors such that they "sit" within the sloping land. The living areas are at first floor level to achieve the westerly views. The dwellings would be of a modern design that reflects sustainability principles. The asymmetrical roofs would have a pitch such that they can accommodate the proposed sedum roof. The dwellings have been orientated to the west to maximise sunlight and solar gain. The rainwater

from the roofs would be collected and recycled using a water harvesting system. Additional sustainability will be achieved through the use of photovoltaic collectors set within the south facing roofs of each staircase column.

- 1.4 The entire design concept has been to maintain the woodland character and positioning the houses within the central area devoid of trees that are worthy of safeguarding.
- 1.5 The garden areas have been deliberately limited in size to ensure that areas of woodland are retained around the site. It is understood that these areas would be transferred to a management company comprising the three owner / occupiers of the dwellings with a restrictive covenant preventing the future development of these woodland areas.
- 1.6 The applicant has also submitted Draft Heads of Terms to address the Council's policy relating to Planning Obligations. A copy of these Draft Heads of Term is attached as Annex 1.

2. Policies

Central Government Advice

Planning Policy Statement 1 – ‘Delivering Sustainable Development’
 Planning Policy Statement 3 – ‘Housing’
 Planning Policy Guidance Note 13 – ‘Transport’

Herefordshire Unitary Development Plan 2007

| | | |
|-----|---|--|
| S1 | – | Sustainable Development |
| S2 | – | Development requirements |
| S3 | – | Housing |
| S6 | – | Transport |
| S7 | – | Natural and historic heritage |
| DR1 | – | Design |
| DR2 | – | Land use and activity |
| DR3 | – | Movement |
| DR5 | – | Planning Obligations |
| H1 | – | Housing in market towns |
| H13 | – | Sustainable Residential Design |
| H15 | – | Density |
| H16 | – | Car Parking |
| T11 | – | Parking Provision |
| LA5 | – | Protection of trees, woodlands and hedgerows |

3. Planning History

- 3.1 DCNE2006/3296/O - Site for the erection of 2 dwellings in addition to retention of existing dwelling - Refused
- 3.2 DCNE2007/1064/O - Erection of 2 dwellings in addition to retention of existing dwelling - Refused

- 3.3 Both of these applications were refused on matters of detail vis--vis the relationship of the proposed dwellings to specific trees and the detail of the vehicular means of accesses.

4. Consultation Summary

Statutory Consultations

- 4.1 Severn Trent Water - no objections

Internal Council Advice

- 4.2 The Transportation Section has no objections to the proposed development. The proposed vehicular means of access represents a significant improvement over the existing eastern-most vehicular mean of access to be closed. Whilst Knapp Lane has relatively high traffic flows the proposed development would only add 12-18 movements a day which proportionally to the overall flows would be very low. The parking provision meets standards.
- 4.3 The Conservation Section was consulted upon the design and is of the view that the proposal is well designed and would add to the architectural variety of Ledbury.
- 4.4 Building Control Section - no objection
- 4.5 Planning Ecologist - no objections subject to conditions.

5. Representations

- 5.1 The occupiers of four dwellings in the vicinity object to the proposal on the following summarised grounds:-

- Knapp Lane is already at capacity;
- Knapp Lane has no pedestrian footway and the proposal would endanger pedestrian safety;
- Concerns with regard the disposal of foul sewage;
- Concern as to the future management of the woodland areas;
- Concern with regard surface water drainage from the proposed driveway.

- 5.2 The Ledbury Town Council object to the proposed development on the following summarised grounds:-

- Modernistic design, not in keeping with woodland setting;
- Concerns about problems with traffic especially during construction;
- Insufficient space for storage of building materials due to nature of site;
- Access and egress onto this narrow lane.

- 5.3 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 The application site lies within the town boundary of Ledbury. Policy H1 of the Herefordshire Unitary Development Plan allows for residential development within

the settlement boundary of market towns including Ledbury. Both Central Government advice and Development Plan policies encourage making the most effective and efficient use of land. Normally one would expect 30-50 dwellings to the hectare, which in this case would equate to a minimum of 15 dwellings. However, each development must have regard to its context / surroundings and the constraints of the site. Environmental quality should not be compromised. In this particular case it is considered that given the sloping nature of the site, the adequacy of the highway network and the trees upon the site; the density should be particularly low. The proposed density equates to approximately 6 dwellings to the hectare which is very low indeed.

- 6.2 It is considered that the proposed development is extremely well designed. The constraints of the site have been respected. The trees that are worthy and capable of retention are being retained and informed the architect as to the most appropriate areas to site the dwellings. Rather than working against the land levels the proposed dwellings follow the land by being sited along a contour. Excavation is also minimised by working with the slope in terms of the individual designs of the houses.
- 6.3 Particularly welcomed is the manner in which the objective of creating environmentally sustainable dwellings has been reflected in the design. Whilst this has resulted in what some may regard as a modern design, it is argued that this is an inevitable consequence of commitment to sustainable building design. Nevertheless it is considered that the dwellings would sit well within the landscape and would be attractive in terms of their appearance. The careful design means that from Knapp Lane only the upper level will be readily visible. The sedum roofs will merge well into the lawned areas and the palette of materials would be appropriate to the woodland setting.
- 6.4 The definition of the garden areas means that the woodland areas would be maintained as such and their management has been explained earlier.
- 6.5 The distances to other residential properties in the vicinity are such that there would be no loss of privacy to occupiers of those dwellings.
- 6.6 The transportation matters are addressed in the consultation section above, although in addition it should be noted that the previously refused planning applications did not contain a ground that related to the adequacy of the local highway network.
- 6.7 It is proposed to make a connection to the mains sewer in Bank Crescent. Severn Trent Water has not raised any objection to this proposal.
- 6.8 A condition is recommended regarding surface water drainage (including the driveway).
- 6.9 Notwithstanding the protection that needs to be afforded to the on-site trees there is more than sufficient space on-site for the storage of materials etc during the construction phase.
- 6.10 The Draft Heads of Terms are considered to fully comply with the provisions of the relevant Supplementary Planning Document. With regard to the third Head of Term that is recommended, the Transportation Section have confirmed that a range of alternative highway improvements schemes to Knapp Lane are to be presented to a public meeting during April 2009. The Highway Network Manager has also confirmed that the proposed development and the highway requirements with regard

the application under consideration would be compatible with all of the likely options for improvements in Knapp Lane. It would be entirely appropriate for the £7,742 (index linked) to contribute to such a scheme.

- 6.11 Therefore in summary this is a low density housing development within the town boundary of Ledbury. It fully respects the woodland setting and would create a quality development with high sustainability credentials. I recommend accordingly.

RECOMMENDATION

- 1 **The Head of Legal Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 as set out in the Draft Heads of Terms Agreement and deal with any other appropriate terms, matters or issues;**

- 2 **Upon completion of the above- mentioned planning obligation officers named in the Scheme of delegation be authorised to issue planning permission subject to the following conditions:-**

- 1 **A01 (Time limit for commencement (full permission))**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2 **Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-**

- **Written details and samples of all external materials to be used in the construction of the dwellings;**
- **Written details of all surfacing materials in relation to the vehicular means of access / driveway, turning / manoeuvring areas and car parking together with a full scheme of surface water drainage;**
- **A fully detailed scheme for the permanent closure of the existing eastern-most vehicular means of access.**

The development hereby permitted shall not commence until the Local Planning Authority has given such written approval the development, including the closure of the existing eastern-most vehicular means of access, shall be carried out in full accordance with the approved details prior to the first occupation of any of the dwellings hereby permitted and thereafter maintained as such.

Reasons: - To ensure a satisfactory appearance to the development, to ensure adequate scheme of land drainage that does not involve discharge onto the public highway and in the interests of highway safety.

- 3 **All of the existing on-site buildings (i.e. the bungalow and two outbuildings) shall be demolished and the resultant materials removed from the site prior to the first occupation of any of the dwellings hereby permitted.**

Reason: - To ensure a satisfactory appearance to the development.

- 4 Prior to commencement of the development hereby permitted full written details of the proposed boundary treatments (if any) shall be submitted to the Local Planning Authority for their written approval. The development hereby permitted shall not commence until the Local Planning Authority has given such written approval. The approved boundary treatments shall be fully implemented prior to the first occupation of any of the dwellings hereby permitted and thereafter maintained as such.

Reason: - To ensure a satisfactory appearance to the development.

- 5 Prior to commencement of the erection of the dwellings hereby permitted the new vehicular means of access and manoeuvring areas shall be implemented with its sub-base and thereafter maintained as such throughout the construction phase.

Prior to the first occupation of the dwellings themselves the vehicular means of access and manoeuvring areas shall be fully implemented with its finished surface and the garaging / car parking shown upon the approved plans fully implemented. Thereafter these areas shall be kept available for such use.

Reason: - In the interests of highway safety.

- 6 Prior to commencement of the development hereby permitted all those trees shown upon the approved plans to be retained shall be protected by fencing of at least 1.2 metres in height in accordance with Section 9.2 of BS5837: 2005 comprising vertical and horizontal framework of scaffolding (well braced to withstand impacts) supporting either chestnut cleft fencing or chain link fencing in accordance with figure 2 of BS5837:2005. Once these protective measures have been erected but prior to commencement of the development a suitably qualified arboricultural consultant appointed by the developer shall inspect the site and write to the Local Planning Authority to confirm that the protective measures are in situ. Upon confirmation of receipt of that letter by the Local Planning Authority the development may commence but the tree protection measures must remain in situ until completion of the development.

Reason: - To safeguard the trees upon the site that are of amenity value.

- 7 H05 (Access gates)

Any new access gates shall be set back 5.5 metres from the adjoining carriageway edge and shall be made to open inwards only.

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

- 8 Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied.

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.

- 9 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping using indigenous species. The submitted scheme of landscaping must include details as to the location of all planting, the species, size and the density of planting.

Reason: - To ensure that the development is satisfactorily integrated into the locality.

- 10 All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings hereby permitted or the completion of the development (whichever is the sooner). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning authority gives written consent to any variation.

Reason: - To ensure that the development is satisfactorily integrated into the locality.

- 11 The recommendations set out in the ecologist's report dated January 2009 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a full working method statement and habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority. The work shall be implemented as approved and maintained thereafter.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological work.

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 of Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

INFORMATIVES:

1. N15 - Reason(s) for the Grant of Planning Permission
2. N11A - Wildlife and Countryside Act 1981 (as amended) - Birds
3. HN01 - Mud on highway
4. HN04 - Private apparatus within highway
5. HN05 - Works within the highway

6 HN28 - Highways Design Guide and Specification

7 N19 - Avoidance of doubt - Approved Plans

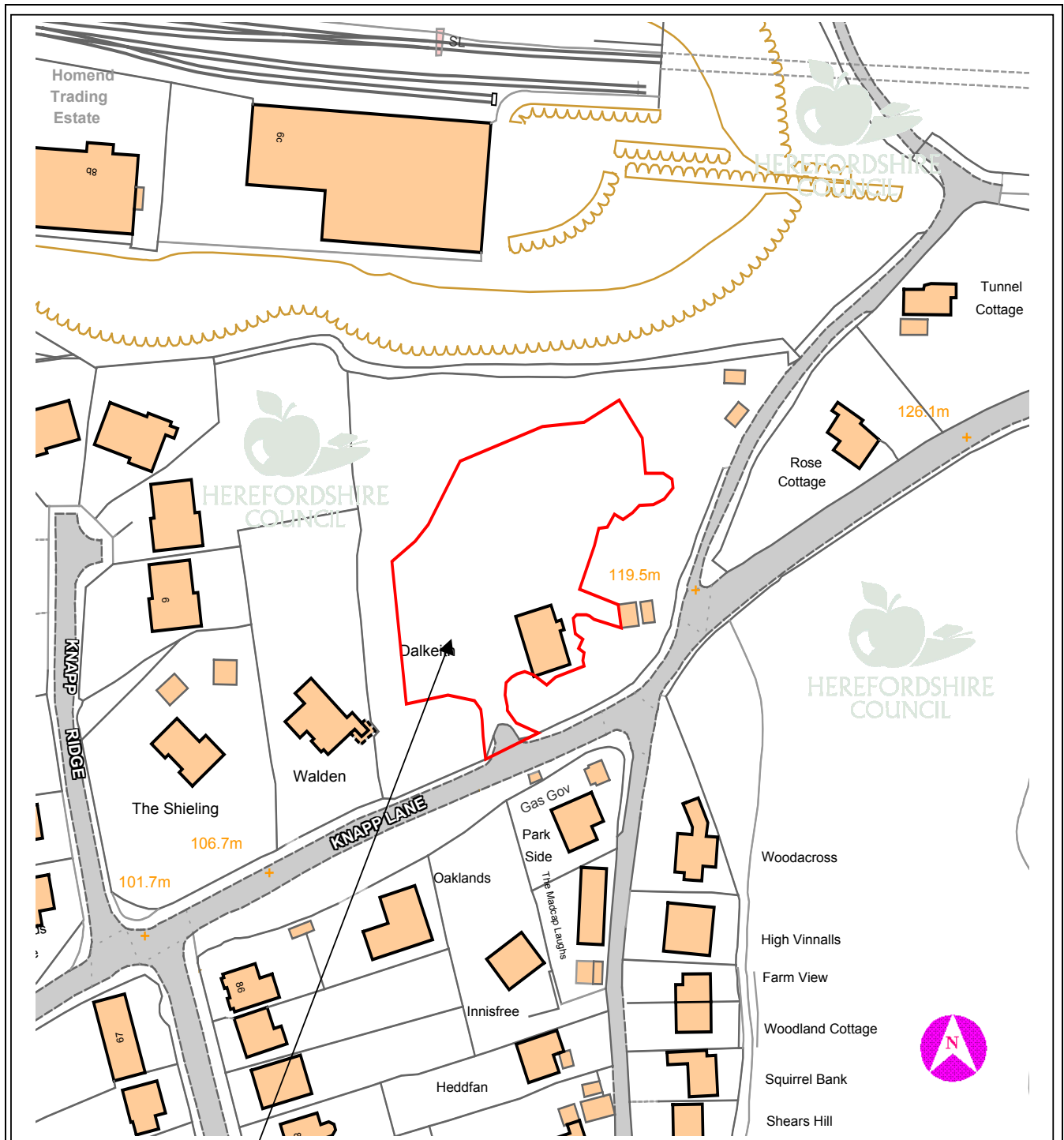
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2008/2976/F

SCALE : 1 : 1250

SITE ADDRESS : Larkrise, Knapp Lane, Ledbury, Herefordshire, HR8 1AN

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DRAFT HEADS OF TERMS

PROPOSED PLANNING OBLIGATION AGREEMENT
SECTION 106 TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

- **Planning Application:- NE2008/2976/F**
 - **Larkrise, Knapp Lane, Ledbury**
 - **Miss J.A. Vanmeeuwen**
- 1 The developer will pay Herefordshire Council the sum of £2,623 (index linked) to provide/enhance children's play space and/or children's play equipment and/or amenity green space/open space together with enhanced sports provision within the Ledbury Town Council area prior to the first occupation of any of the new dwellings.
 - 2 In the event that Herefordshire Council does not, for any reason, use the contributions in clause 1 for the purposes specified in the Agreement within 10 years of the date of the Agreement, the Council shall repay to the developer the sum or such part thereof, which has not been used by that date.
 - 3 The developer will pay Herefordshire Council the sum of £7,742 (index linked) towards sustainable transport initiatives and / or highway improvements within the Ledbury Town Council area with priority being afforded to these monies being spent on highway improvement scheme designed to reduce traffic flows and / or reduce traffic speeds and / or enhance pedestrian and cyclist safety in Knapp Lane, prior to the first occupation of any of the new dwellings.
 - 4 In the event that Herefordshire Council does not, for any reason, use the contributions in clause 3 for the purposes specified in the Agreement within 10 years of the date of this Agreement, the Council shall repay to the developer the sum or such part thereof, which has not been used by this date.
 - 5 The developer will pay Herefordshire Council the sum of £11,908 (index linked) towards enhanced education provision within the catchment area of the development area prior to the first occupation of the new dwelling.
 - 6 In the event that Herefordshire Council does not, for any reason, use the contributions in clause 5 for the purposes specified in the Agreement within 10 years of the date of the Agreement, the Council shall repay to the developer the sum or such part thereof, which has not been used by that date.
 - 7 The developer will pay Herefordshire Council the sum of £602 (index linked) towards library provision (including the purchasing of books) within the catchment area of the development area prior to the first occupation of any of the new dwellings.
 - 8 In the event that Herefordshire Council does not, for any reason, use the contributions in clause 7 for the purposes specified in the Agreement within 10 years of the date of the Agreement, the Council shall repay to the developer the sum or such part thereof, which has not been used by that date.
 - 9 The developer will pay Herefordshire Council the sum of £457.50 (index-linked) towards the monitoring of the Agreement.
 - 10 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 competition of the Agreement.