

6 DCNE0009/1537/F - PROPOSED 9 NO. 2 BED BUNGALOWS INCLUDING THE RELEVANT DRIVE WAYS AND LANDSCAPING AT LAND AT AREA 15 NEW MILLS ESTATE, KINGSMEAD, LEDBURY, HEREFORDSHIRE, HR8 2LS.

**For: MR HOLTON per ADRIAN HUTT ARCHITECTS
TURNPIKE CORNER, 50 LONDON ROAD, WORCESTER,
WR5 2DL.**

**Date Received: 29 June 2009 Ward: Ledbury Grid Ref: 370461,238253
Expiry Date: 4 September 2009**

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

1. Site Description and Proposal

- 1.1 The application site lies within the New Mills residential estate that is situated in Ledbury. The New Mills estate is a typical late twentieth century residential development with a distributor road and a series of cul-de-sacs. The land the subject of this application is on the south-eastern side of 'Kingsmead' a cul-de-sac comprising of modest single storey bungalows. To the south of the site is an area of open space including a children's play area. To the east of the site is an important footpath link through the estate that is orientated in a north to south direction. Further east beyond that footpath are the two storey houses of Preston Brook Close. To the north of the site on the opposite side of Frome Brook Road, fronting both Poplar Close and Kempley Brook Drive are two storey houses.
- 1.2 The land the subject of this application undulates as it was used to deposit soil when the surrounding residential development took place. However, it still slopes from north to south and from west to east.
- 1.3 The proposal under consideration is a full application to erect nine modest two bedroomed bungalows arranged around two cul-de-sacs. The design of these bungalows reflect that of the existing bungalows in 'Kingsmead' with a ground floor to eaves height of 2.1 metres and a ground floor to ridge height of 4.7 metres. Each bungalow would have two car parking spaces within their curtilage including one within an integral garage. Negotiations during the course of the application have secured a landscaping strip to the east of the site adjacent to the footpath link and a beech hedge adjacent to the southern boundary adjacent to the open space/equipped children's play area.
- 1.4 The applicant is willing to enter into a legal agreement to comply with this Authority's Planning Obligations Supplementary Guidance. The Draft Heads of Terms are attached as an Annex to this report.

2. Policies

- 2.1 The following Central Government advice is of relevance to consideration of this case:-

Planning Policy Statement 1 – 'Delivering Sustainable Development'
Planning Policy Statement 3 – 'Housing'

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	–	Hereford and market towns: settlement boundaries and established residential areas
H13	–	Sustainable residential design
NC1	–	Biodiversity and development
NC5	–	European and nationally protected species
NC6	–	Biodiversity Action Plan priority habitats and species
NC7	–	Compensation for loss of biodiversity
NC8	–	Habitat creation, restoration and enhancement
NC9	–	Management of features of the landscape important for fauna and flora

3. Planning History

3.1 The original Section 106 Agreement relating to the New Mills Estate dates from 28th March 1986. That Agreement included provisions for the transfer of the 'Second Area of Social Housing', which was completed. This was done on 18th November 2003. From this date there was a five year option (until 19th November 2008) for the Council to acquire the Community Site / Neighbourhood Centre, failing which the site would be available for 'General Needs Housing' (not social housing) subject to planning permission. The Council has not exercised the option and as such the land is potentially available for general needs housing subject to planning permission being granted.

4. Consultation SummaryStatutory Consultations

4.1 Severn Trent Water has no objection to the proposal subject to a condition.

Internal Council advice

4.2 The Landscape Officer has no objection to the proposed development.

4.3 The Transportation Section has no objections to the proposed development.

5. Representations

5.1 Ledbury Town Council recommends approval of the application – Members ask that consideration be given to extending the width of the footpath and the verge on the roadside boundary to allow ease of movement.

5.2 Five local residents object to the proposal on the following summarised grounds:-

- The site has ecological value;

- The vehicular means of access and parking provision is inadequate;
- The pathway to the east would appear as a corridor with a fence directly abutting it – *this issue has been addressed by way of the amended plan showing a 2 metre wide landscaped strip*;
- Loss of view;
- Lack of a pedestrian footway; and
- Flood Risk.

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

6. Officer's Appraisal

6.1 The application site lies within the built-up boundary of Ledbury. Policy H1 of the Herefordshire Unitary Development Plan allows for residential development within the settlement boundary of market towns, including Ledbury. The site has an area of some 0.38 hectares which means that the density of the proposal is equivalent to 24 dwellings to the hectare, well below the 30-50 dwellings to the hectare recommended in Central Government advice. Clearly in the long-term by developing sites within towns reduces the need for releasing land in the open countryside for housing. Therefore there is no objection to the principle of the development.

6.2 The proposed residential development reflects that which already exists off Kingsmead. The pattern of development is a series of bungalows served off private drives. The design and external appearance reflects that of the immediately adjoining development. It is considered that the proposal would not have any adverse impact upon the occupiers of adjoining residential properties.

6.3 The scheme has been amended to ensure that there is a landscaped margin between the footpath link to the east and the rear boundaries of proposed plots 1-4.

6.4 With regard the highway matters specifically raised by local residents the following comments are made:-

- Kingsmead is wide enough for two cars to pass, and is built in accordance with the "shared surface" standards;
- The private driveways from Kingsmead to the proposed new dwellings are not required to be able to pass two cars. The short length of these accesses means that the infrequent need to wait for another vehicle to pass will generate negligible inconvenience;
- The accesses to Kingsmead are satisfactory in design terms;
- The principle of shared surfaces is that pedestrians and vehicles share the space. There is no evidence of increased danger either to pedestrians or vehicles from shared surface schemes – in fact, there is some evidence to show that shared spaces are safer, particularly in cul-de-sacs such as Kingsmead. Because of this there is no need for separate pedestrian footways;

6.5 The proposed access and vehicle parking arrangements are considered to be satisfactory.

6.6 The site is not on land liable to flood. However, the issue of surface water drainage arrangements is dealt with by way of a recommended condition.

6.7 A full ecological assessment has been carried out since the application was submitted. This revealed that there is no evidence of reptiles or other protected species. Nevertheless there is scope for ecological enhancement.

6.8 In terms of impact upon the wider infrastructure the applicant has agreed to make the following commuted sums:-

- £26,559 (index linked) towards education provision within the Ledbury Town Council area;
- £15,488 (index linked) towards sustainable transport initiatives;
- £2,115 (index linked) towards children's play equipment and / or open space an within the Ledbury Town Council area;
- £4,464 (index linked) to provide / enhance sports facilities within the Ledbury Town Council area or if no suitable scheme is identified the Herefordshire Council area;
- £1,314 (index linked) towards library provision within the Ledbury Town Council area;
- £999 (index linked) monitoring costs of the Agreement

6.9 These contributions fully meet the requirements of the Education, Transportation, and Library Services.

6.10 The policies within the Herefordshire Unitary Development Plan 2007 only require the provision of affordable housing within the market towns on developments of 15 dwellings (or more) or sites of more than 0.5 hectare. Neither threshold is reached in this case.

6.11 In conclusion, it is considered that the proposed development is acceptable in principle, that the density of the scheme and its detail fully respects the adjoining development, fully complies with the provisions of the Herefordshire Unitary Development Plan 2007 and fully meets the Requirements of the Council's Supplementary Planning Document entitled 'Planning Obligations'.

RECOMMENDATION

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 Heads of Terms Agreement and deal with any other appropriate terms, matters or issues;

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)**
2. **Prior to commencement of the development hereby permitted, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be submitted to the Local Planning Authority for their written approval. The development hereby permitted 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 development shall be carried out in strict accordance with the approved materials and thereafter maintained as such.**

Reason: To ensure a satisfactory appearance to the development.

3. **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.

- 4. Prior to the first occupation of any of the dwellings hereby permitted the vehicular means of access, car parking, turning / manoeuvring area(s) for vehicles shall be fully implemented. Thereafter these areas shall be kept available for such use.

Reason: In the interests of highway safety.

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

- Full details of surface water drainage arrangements

The development shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in full accordance with the approved details and thereafter maintained as such.

Reason: To ensure adequate surface water drainage arrangements.

- 6. The recommendations set out in the ecologist’s report dated October 2009 should be followed in relation to the identified protected species [bats, great crested newts etc], unless otherwise agreed in writing by the local planning authority. The work shall be implemented as approved and maintained thereafter.

Reason: 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, NC7, NC8 and NC9 of Herefordshire Council’s Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

- 7. Prior to development, an ecological and wildlife enhancement strategy shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: 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, NC7, NC8 and NC9 of Herefordshire Council’s Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

INFORMATIVES:

N15 Reason(s) for the Grant of Planning Permission

N19 Avoidance of doubt - Approved Plans

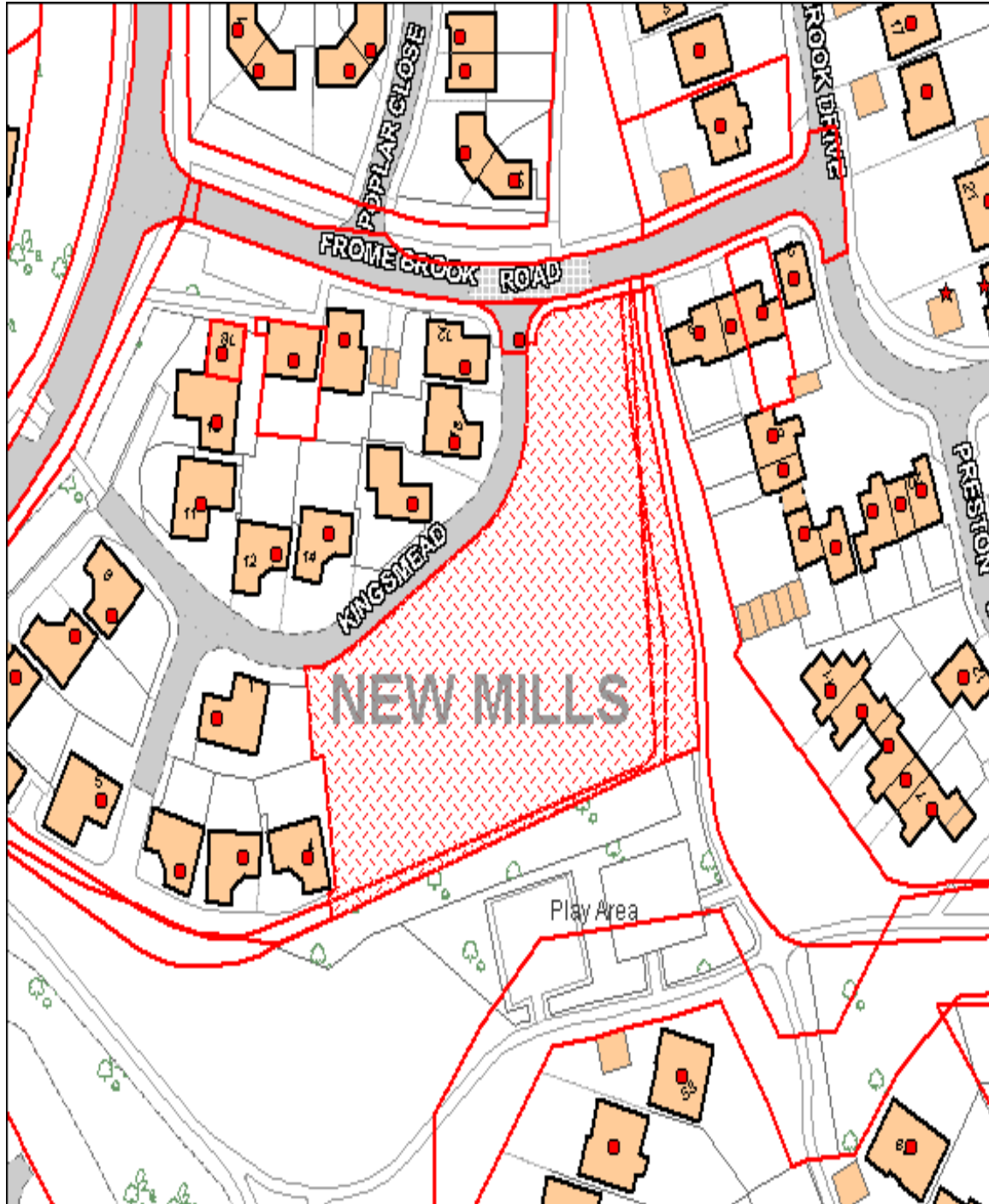
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE0009/1537/F

SITE ADDRESS : LAND AT AREA 15 NEW MILLS ESTA, KINGSMEAD, LEDBURY, HEREFORDSHIRE, HR8 2LS

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Further information on the subject of this report is available from Mr R Close on 01432 261803

ANNEX 1

NE0009/1537/F

DRAFT HEADS OF TERMS

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

- **Planning Application**
- **Part of area 15, New Mills Estate, Ledbury**
- **Proposal 9 x 2 bed units**

1. The developer will pay Herefordshire Council the sum of £2,115 (index inked) to provide/enhance children's play space and/or children's play equipment and/or amenity green space/open space 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 £4,464 (index inked) to provide/enhance sports facilities within the Ledbury Town Council area or if no suitable scheme is identified the Herefordshire Council area 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 the Agreement, the Council shall repay to the developer the sum or part thereof, which has not been used by that date.
5. The developer will pay Herefordshire Council the sum of £15,488 (index linked) towards sustainable transport initiatives within the Herefordshire Council area prior to the first occupation of the any of the new dwellings.
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 this Agreement, the Council shall repay to the developer the sum or such part thereof, which has not been used by this date.
7. The developer will pay Herefordshire Council the sum of £26,559 (index linked) towards enhanced education provision 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 £1,314 (index linked) towards library provision (including the purchasing of books) within the catchment area of the development prior to the first occupation of any of the new dwellings.

10. In the event that Herefordshire Council does not, for any reason for any reason, use the contributions in clause 9 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.
11. The developer will pay Herefordshire Council the sum of £999 (index-linked) towards the monitoring of the Agreement.
12. The developer shall pay to the Council on or before completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.