

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>24 NOVEMBER 2010</b>
<b>TITLE OF REPORT:</b>	<p><b>DMS/101741/O - ERECTION OF 2 DWELLINGS, CONSTRUCTION OF NEW VEHICULAR ACCESS AND ASSOCIATED WORKS AT MOREBOROUGH, LEDBURY ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 7BE.</b></p> <p><b>For: Mr and Mrs Davis per Mr Paul Smith, 12 Castle Street, Hereford, Herefordshire, HR1 2NL.</b></p>

**Date Received: 12 July 2010**

**Ward: Ross-on-Wye East**

**Grid Ref: 360486,224957**

**Expiry Date: 6 September 2010**

Local Members: Councillors PGH Cutter and AE Gray

## **Introduction**

The application was deferred by Members at the Planning Committee on 13 October 2010 in order to enable officers to negotiate the reduction of the proposal to a single dwelling. On 25 October the applicants representative confirmed that his clients wish to progress with their application for the two houses.

The layout of the scheme has though been revised and the dwellings are now located in an identical position to the refused application such that there is no difference in relation to the impact of the proposal upon the immediately neighbouring occupier. Members will recall that the previous scheme was refused on highway safety grounds only. The revised layout has been reconsulted upon and any further comments received will be reported verbally to the Committee.

In addition to the above, one of the Ward Members referred to planned waiting restrictions close to the junction of John Kyrle High School and Ledbury Road. The restrictions, which would be in effect from 8.0am to 6.00pm from Monday to Friday, seek to prevent parents parking immediately outside the school so as to ease bus and coach movement in and out of the school at arrival and departure times. The junction of Court Road and Ledbury Road is some 180 metres from the access to the school and accordingly it is not considered that this proposed waiting restriction will have a significant bearing upon parking in and around Court Road such that a refusal of planning permission would be warranted.

## **1. Site Description and Proposal**

1.1 The application site comprises part of the large, mature rear garden of Moreborough. The property has a frontage onto Ledbury Road but the rear of the site has a boundary onto Court Road. The area of the site accommodates a detached double garage and associated hardstanding with access road from Court Road. The site is elevated above the level of the

carriageway and is located on the inside of a sweeping bend into the residential estate. To the immediate north-east of the site is Meadow View a modern detached dwelling and opposite are further modern dwellings and a residential mobile home park.

- 1.2 Outline planning permission is sought for the erection of two dwellings on the site incorporating the construction of a new access and parking. The application seeks approval for the access and layout with appearance, landscaping and scale being reserved for future consideration. In addition to the 2 dwellings, the proposal also includes details relating to the alteration of the access and a parking area for 2 cars serving Moreborough from Ledbury Road.
- 1.3 The proposed site plan identifies a staggered semi-detached arrangement for the dwellings which would be set back behind the front elevation of Meadow View with a combined frontage of 12 metres. Set out in front of the proposed dwellings would be the new access, which includes 4 parking spaces and associated turning space.
- 1.4 The Design and Access Statement advises that the proposal is for two bedroomed dwellings that would each be 6 metres wide, 8 metres deep with eaves and ridge heights of 5 metres and 8 metres respectively. The proposed garden areas have been extended through negotiation and would be between 6-8 metres in length.
- 1.5 The application is a resubmission following the refusal of a previous application (DMSE/100293/O) on the grounds that inadequate access and parking arrangements had been proposed and that there was no undertaking to enter into the necessary Section 106 Agreement.

## **2. Policies**

### 2.1 National Guidance

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPG13	-	Transport

### 2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR3	-	Movement
DR5	-	Planning Obligations
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H13	-	Sustainable Residential Design
H14	-	Re-using Previously Developed Land and Buildings
H15	-	Density
H16	-	Car Parking
T8	-	Road Hierarchy
T11	-	Parking Provision

### 2.3 Supplementary Planning Documents

Planning Obligations

## **3. Planning History**

- 3.1 DMSE/100293/O Proposed erection of 2 starter homes. Refused 5 May 2010.

#### **4. Consultation Summary**

- 4.1 Welsh Water: No objection subject to conditions
- 4.2 Traffic Manager: Comments awaited on revised plans.

#### **5. Representations**

- 5.1 Ross Town Council: The Committee would ask the planning officers to pay particular attention to the design of the access and egress of the site onto Court Road as it is considered to be a dangerous junction.
- 5.2 Eight letters of objection have been received from Mr and Mrs McLachlan (2), Meadow View, Court Road; Mr and Mrs Constance, 2 Court Road; Mrs Carter (2), 17 Cottage Park; Messrs Dixon, Haslemere, Ledbury Road, Simon Clarke, Tara, Court Road and S Smith, 20 Cottage Park.
- 5.3 The objections raised can be summarised as follows:-
  - Dangerous access with poor visibility.
  - Road is busy and is also a bus route.
  - Long established pond at rear of Moreborough with active wildlife (frogs migrate to our garden).
  - Development of 2 dwellings would impinge upon the use and enjoyment of our garden.
  - Loss of green space, undesirable garden grabbing.
  - Conflict with school pick up point.
  - Completely out of character, cramming of site.
  - A larger single dwelling would be more appropriate and in keeping with the character of the area.
  - Additional traffic will increase the risk of accidents.
- 5.4 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 site lies within the settlement boundary of Ross-on-Wye and an established residential area and accordingly, it is considered that the principle of residential development within the application site is acceptable in policy terms. The main issues for consideration in the determination of this application are as follows:-
  - (a) the impact of the development on highway safety;
  - (b) the impact of the development on the character and appearance of the site and surrounding area and;
  - (c) the impact of the development on the residential amenity of neighbouring occupiers.

##### Highway Safety

- 6.2 It is clear from responses received that this issue remains of particular concern to local residents. Since the refusal of the previous proposal, the applicant has sought to revise the parking and access arrangements to the site and demonstrate that the necessary four vehicles can enter and leave the site in an acceptable manner.
- 6.3 The revised arrangement for the two dwellings identifies the appropriate number of spaces per dwelling and subject to conditions, acceptable turning space within the site and visibility splays to enable vehicle to enter and leave without detriment to highway safety. There remains a

need to demonstrate that this elevated part of the site can be provided with a driveway of a sufficiently shallow gradient and revised plans are awaited such that the recommendation set out below reserves judgment on this issue pending the receipt of further comments from the Traffic Manager.

- 6.4 In all other respects, the Traffic Manager is satisfied that parking and access arrangements for the site are acceptable and accordingly, notwithstanding the concerns raised locally, it is considered that the proposal complies with Policies DR1, DR3, H13 and H16 of the Herefordshire Unitary Development Plan and as such a refusal on the grounds of highway safety could not be sustained.

#### Character and Appearance

- 6.5 The proposal in terms of its scale and layout is identical to the previous scheme although the applicant has extended the garden curtilages available to the proposed dwellings. It is considered that the footprint of development can be accommodated without unacceptable cramming of the site and at a density that is appropriate to the general grain of development within the surrounding residential estate. A key consideration for any future reserved matters application would be the relative height of the dwellings in relation to the immediate neighbouring property given its elevated and prominent location. In this respect, subject to a detailed design, appropriate materials, eaves and ridge height, it is considered that the two staggered dwellings could be constructed in a manner that would respect the character and appearance of this established residential area. Consideration has been given to the concerns raised in relation to “garden grabbing” and with particular reference to the recent revised PPS3: Housing. It is concluded that the form of development would be an acceptable one within the established residential character of the area and having regard to the garden space provided for both the new development and that retained by Moreborough there is no conflict with national guidance. Furthermore it is considered that subject to careful control over any future reserved matters application relating to the scale and appearance of the dwellings, the proposal satisfies Policies DR1, H13 and H14 of the Herefordshire Development Plan.

#### Residential Amenity

- 6.6 Having regard to the relative distance and orientation of the site to existing dwellings in the locality, it is considered that the only property materially affected by the proposed development is Meadow View to the immediate north-east of the site. The site layout, which forms part of this application, originally envisaged a staggered semi-detached arrangement which would be set back 3 metres from the rear elevation of Meadow View and some 2.4 metres from its flank elevation. However since the deferral of this application, the layout has been changed to replicate the first application. As a result the rear elevation would now be set back 2 metres from the rear elevation of Meadow View with the 2.4 metre flank to flank elevation remaining unchanged. The relative distance between the proposed and existing properties is similar to the relationship that Meadow View has with its existing neighbour (Tara) and in this respect it is not considered that there would be any material harm caused by overlooking since the same level of overlooking is already possible.
- 6.7 The main issue is therefore the degree of overbearing and loss of sunlight/daylight. It is acknowledged that the introduction of new dwellings on this open site will result in a greater impact upon the occupants of Meadow View. However the garden area is already largely overshadowed by reason of its north west facing orientation and it not considered that there would be sufficient harm to warrant refusal. This is consistent with the approach taken to the refused application, which was limited to the highway safety implications of the development

Other Matters

- 6.8 The application is accompanied by a Heads of Terms for a Section 106 Agreement (appended to the report), which is consistent with the requirements of the adopted SPD and secures contributions towards improved sustainable transport infrastructure, educational facilities, recreation open spaces, libraries and recycling/refuse facilities.
- 6.9 One objection refers to the potential habitat value of an existing garden pond. It refers to the migration of frogs into a neighbouring garden. There is no specific mention of any protected species and no evidence of such has been identified on site. Accordingly it is not considered that the loss of the garden pond would impact unacceptably upon the habitat value of the site or its locality.

**RECOMMENDATION**

**Subject to no further objections raising material planning considerations by the end of the consultation period that planning permission be granted subject to the following conditions:**

- 1. **A02 Time limit for submission of reserved matters (outline permission)**
- 2. **A03 Time limit for commencement (outline permission)**
- 3. **A04 Approval of reserved matters (appearance, landscape and scale)**
- 4. **A05 Plans and particulars of reserved matters (appearance, landscape and scale)**
- 5. **B01 Development in accordance with approved plans**
- 6. **B07 Section 106 Agreement**
- 7. **C97 Landscaping scheme - implementation**
- 8. **CAL Access, turning area and parking**
- 9. **CAP Junction improvement/off site works**
- 10. **CBK Restriction of hours of construction**
- 11. **CD3 Foul/surface water drainage**
- 12. **CD4 No surface water to connect to public system**
- 13. **CD5 No drainage run-off to public system**

**Informatives:**

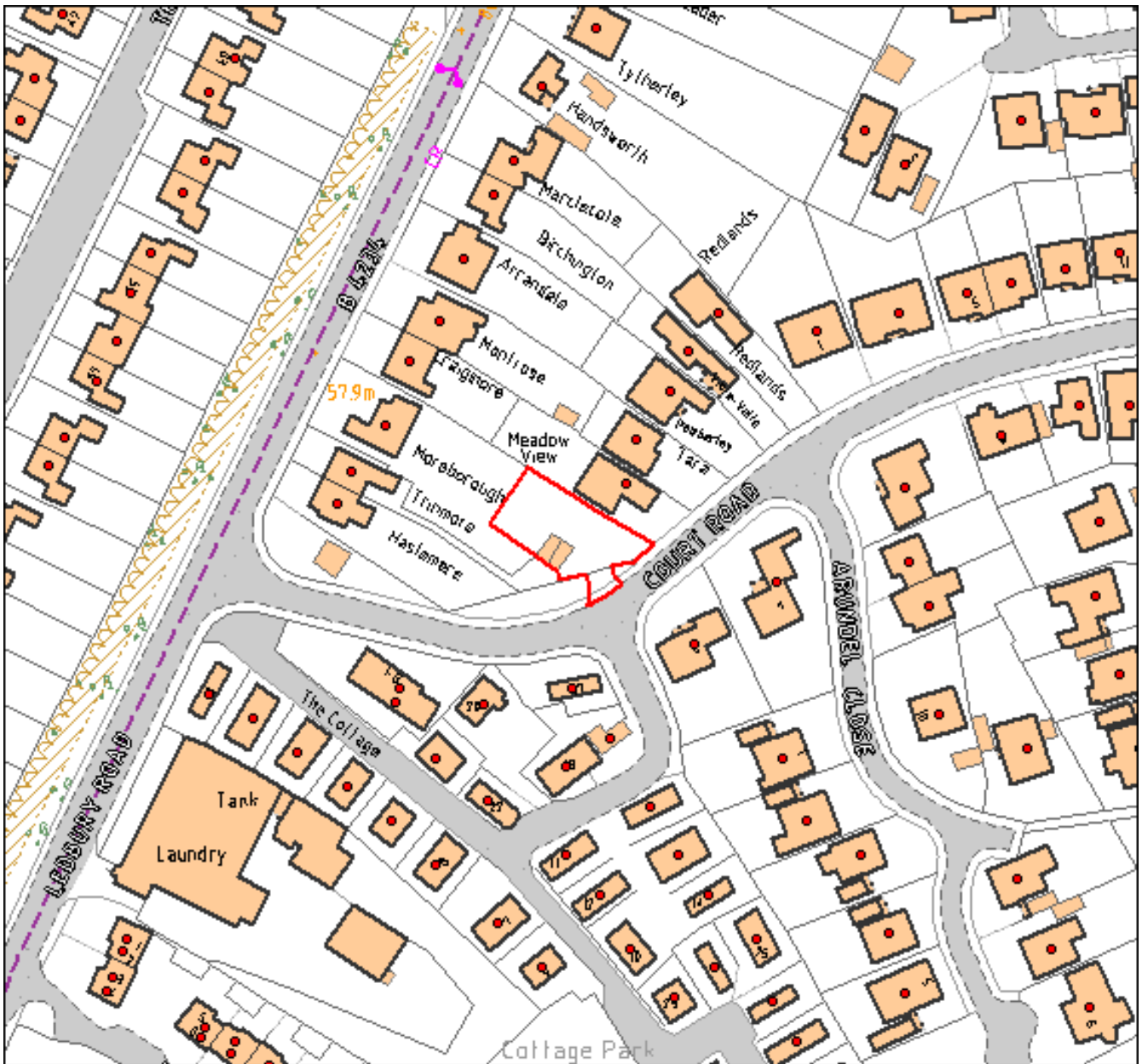
- 1. **I13**
- 2. **I21**
- 3. **I34 (visual and residential amenity and highway safety)**

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DMS/101741/O

**SITE ADDRESS :** MOREBOROUGH, LEDBURY ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7BE

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Further information on the subject of this report is available from Mr S Withers on 01432 260612

# Draft Heads of Terms

Proposed Planning Obligation Agreement  
Section 106 Town and Country Planning Act 1990

Erection of Two Dwellings

Land at 'Moreborough', Ledbury Road, Ross-on-Wye,  
Herefordshire, HR9 7BE

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £3440 towards the provision for sustainable transport infrastructure. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £9800 towards the provision for enhanced educational facilities. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £1932 towards the provision for enhanced formal or informal recreational or public open space. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £292 towards the provision of enhanced library facilities. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £240 towards the provision of enhanced recycling and refuse facilities. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.
6. In the event that Herefordshire Council does not for any reason use the sum referred to paragraphs above, for the purposes specified in the agreement within 5 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.
7. The sum referred to in paragraphs 1,2,3,4 and 5 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 sum is paid to the Council.
8. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of development.
9. 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.
10. The developer shall complete the Agreement by (date to be agreed) otherwise the application will be registered as deemed refused.

July 2010