

DCCE2004/0026/F - PROPOSED DEVELOPMENT TO PROVIDE 19 RESIDENTIAL UNITS AT MILL COURT VILLAGE, LEDBURY ROAD, HEREFORD**For: Mr. A. Williams per Mr. A. W. Morris, 20 Ferndale Road, Kings Acre, Hereford, HR4 0RW****Date Received: 5th January 2004****Ward: Tupsley****Grid Ref: 51884, 39896****Expiry Date: 1st March 2004**

Local Member: Councillor G.V. Hyde
Councillor Mrs. M. Lloyd-Hayes
Councillor W.J. Walling

1. Site Description and Proposal

- 1.1 The 0.4ha backland site is located on the north side of Ledbury Road and adjoining Eign Brook, the railway line, Mill Court, the rear boundaries of 23-31 Ledbury Road and 31a Ledbury Road (an existing backland plot). Access to the site is via an existing driveway from Ledbury Road serving 31a Mill Court and parking courts. The majority of the site is presently overgrown / unused.
- 1.2 The proposal is to erect 6 two / three storey three bed terrace houses, two pairs of two storey two bed semi-detached houses and a single three storey block of 9 two bedroom flats (19 units altogether), together with new estate road and parking facilities (minimum of one space per unit). Additionally, an improved parking court would be provided for Mill Court (10 spaces).
- 1.3 The new estate road would closely follow the line of the existing driveway into the site although with a widened bell-mouth and build-outs at the junction with Ledbury Road to improve safety and visibility. It would be served by a pavement for the majority of its length and end with a turning head for refuse / fire vehicles.

2. Policies**2.1 Planning Policy Guidance:**

PPG1 - General Policy and Principles
PPG3 - Housing
PPG13 - Transport

2.2 Hereford & Worcester County Structure Plan:

H2B - Location of Housing
H14 - Hereford Sub Area
CTC9 - Development Requirements

2.3 Hereford Local Plan:

| | | |
|-------|---|---------------------------------------|
| ENV2 | - | Flood Storage Areas |
| ENV3 | - | Access to water course |
| ENV14 | - | Design |
| H3 | - | Design of New Residential Development |
| H6 | - | Open Space |
| H4 | - | Residential Roads |
| H8 | - | Affordable Housing |
| H12 | - | Established Residential Areas |
| H13 | - | Established Residential Areas |
| H14 | - | Established Residential Areas |
| NC3 | - | Sites of Local Importance |
| T11 | - | Pedestrian Provision |
| T12 | - | Cyclist Provision |

2.4 Herefordshire Unitary Development Plan (Deposit Draft):

| | | |
|-----|---|-------------------------|
| S1 | - | Sustainable Development |
| S3 | - | Housing |
| DR1 | - | Design |
| DR7 | - | Flood Risk |
| T11 | - | Parking Provision |
| T7 | - | Cycling |
| H15 | - | Density |
| H16 | - | Car Parking |

3. Planning History

- 3.1 HC870250POE - Erection of 3 bungalows with garages and one additional garage. Refused 30 July 1987; Appeal dismissed 24 March 1988.
- 3.2 HC880232PO - Erection of two dwellings with garages and one additional garage. Permitted 4 August 1988.
- 3.3 HC910256PO - Erection of two dwellings with garages and one additional garage (amendment to HC880232PO). Permitted 13 August 1991.
- 3.4 HC970346PO - Site for erection of two dwellings with garages and one additional garage. Deemed invalid 23 September 1997.
- 3.5 CE2000/0744/O - Scheme for residential development. Permitted 3 November 2000.
- 3.6 CE2002/0444/F - Proposed development to provide 23 mixed residential units consisting of 2 bed flats, 3 bed town houses and 2 bed mews cottages. Refused 10 January 2003.

4. Consultation SummaryStatutory Consultations

- 4.1 Environment Agency : No objection in principle subject to condition.
- 4.2 Railtrack : No objection in principle.

4.3 Hyder Consulting : No objection subject to conditions.

Internal Council Advice

4.4 Head of Engineering & Transportation : Recommends conditions.

4.5 Chief Conservation Officer : Recommends archaeological evaluation and conditions for protection of trees.

5. Representations

5.1 Hereford City Council : Concerned about increased volumes of traffic creating increased problems on Ledbury Road. Visibility from access would be hampered by traffic and parked cars.

5.2 Letters of objection have been received from 25, 29 and 31A Ledbury Road and from Hook Mason on behalf of 31A Ledbury Road, summarised as follows:

- hazardous access from Ledbury Road;
- hazardous to young children;
- foxes on site;
- drainage capacity issues in area;
- noise and disturbance from residents and cars;
- reduction in property values;
- insufficient retained space with brook;
- unsightly appearance of flats;
- too high density;
- loss of privacy - overlooking / overbearing layout;
- unsatisfactory living conditions for occupants in view of proximity of railway line.

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

6. Officers Appraisal

6.1 The main issues in this case are the principle of residential development and, if this is accepted, the impact of the specific scheme on amenity, highway safety, wildlife, land drainage and the general character of the area.

6.2 The site lies within an Established Residential Area as defined in the Hereford Local Plan. Policies H13 and H14 permit new residential development within the Established Residential Areas and, as such, the proposal is appropriate as a matter of principle.

6.3 The scheme itself is for a relatively high-density form of development, equating to 47.5 dwellings per hectare. This is in accordance with PPG3 which encourages higher densities to achieve more efficient use of land in central locations with good public transport links, such as this. The proposal is for terrace houses, semi-detached houses and flats which would fit in with the mixed character of existing development within the vicinity of the site.

- 6.4 The arrangement of the houses pays regard to the siting of adjacent properties and ensures adequate levels of privacy are maintained. In particular, a 23-24 metre "front to front" distance is provided with 31A Ledbury Road and 12-15 metre "flank to rear" distance with Nos. 25-29 Ledbury Road. Adequate margins are also proposed between the proposed houses and the railway line, this ensuring sufficient privacy for the occupiers and addressing earlier reasons for refusing development on the site.
- 6.5 The design of the houses is traditional although of sufficient interest to fit in with the mixed character of the area. The flats are more contemporary in appearance, in particular incorporating a gull wing style roof. This is considered to be an appropriate approach, achieving an acceptable contrast whilst avoiding a bulky appearance. Materials will be critical to the success of the development and conditions are recommended accordingly.
- 6.6 The application is now supported by details of proposed levels which show a general reduction of approximately 0.6 metres across the raised rear section of the site. This, combined with the lower building heights, would further reduce the impact on adjoining properties. Again, conditions are recommended requiring development to be carried out in accordance with the proposed reduced levels.
- 6.7 The Environment Agency raises no objection subject to conditions including a requirement for no buildings to be erected within 5 metres of the brook as proposed. Hyder Consulting raises no objection in relation to the adequacy of the Waste Treatment Works for the treatment of domestic discharges from the site. No issues have been raised regarding impact on wildlife or trees although conditions are recommended to ensure their protection.
- 6.8 With regard to highway safety, the proposed layout accords with the requirements of Policy H4 relating to residential roads. Adequate parking is provided (minimum of one space per unit), and improved parking for Mill Court. Build-outs would be provided at the junction with Ledbury Road to improve visibility and safety.
- 6.9 Conclusion

The current proposal now addresses the detailed reasons for refusing the earlier application. Specifically, the proposal is for the development of an urban site in a manner, and at a density, which accords with current Central Government Guidance and which achieves a layout which fits in with its surroundings, is neighbourly and provides safe access from Ledbury Road. For these reasons, approval is recommended although subject to the conditions set out below.

RECOMMENDATION

That planning permission be granted 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 A07 (Development in accordance with approved plans). (Drawing nos. 12/04/03-1H, 04/12/03-02, 04/12/03-03, 12/04/03-4DY, 04/12/03-5).

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

- 3 B01 (Samples of external materials).

Reason: To ensure that the materials harmonise with the surroundings.

- 4 D01 (Site investigation - archaeology).

Reason: To ensure the archaeological interest of the site is recorded.

- 5 E18 (No new windows in specified elevation).

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

- 6 F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

- 7 The levels of the development hereby approved shall be in accordance with the levels shown on drawing No. 12/04/03-1H.

Reason: To accord with the terms of the application and safeguard the amenities of surrounding properties.

- 8 G01 (Details of boundary treatments).

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

- 9 G02 (Landscaping scheme (housing development)).

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 10 G03 (Landscaping scheme (housing development) - implementation).

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 11 No development shall commence on the site or machinery or materials be brought on to the site for the purpose of development until adequate measures have been taken to prevent damage to Eign Brook and to those trees which are to be retained. Protective measures must include:

a) Protective fencing, of a type and form agreed in writing with the local planning authority, to be erected along the boundary of the 5 metre exclusion zone. This fencing must be at least 2.0 metres high and sufficiently robust to deter construction traffic.

- b) No excavations, site works, trenches, channels, pipes, services or temporary buildings used in connection with the development or areas for the deposit of soil or waste or for the storage of construction materials, equipment or fuel or other deleterious liquids shall be sited within the exclusion zone.

Reason: In order to preserve the character and amenity of the area.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, no buildings or other structures (including gates, walls or fences), shall be erected and/or no changes to ground levels shall be carried out within 5 metres of the top of any bank of water courses and / or within 5 metres of any site of an existing culverted watercourse inside or alongside the site unless otherwise agreed in writing by the local planning authority.

Reason: To maintain access to the water course for maintenance or improvements and allow for overland flood flows.

- 13 H17 (Junction improvement/off site works).

Reason: To ensure the safe and free flow of traffic on the highway.

- 14 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.

- 15 H18 (On site roads - submission of details).

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

- 16 H27 (Parking for site operatives).

Reason: To prevent indiscriminate parking in the interests of highway safety.

- 17 H29 (Secure cycle parking provision).

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

Informatives:

- 1 HN01 - Mud on highway.
- 2 HN04 - Private apparatus within highway.
- 3 HN05 - Works within the highway.
- 4 HN08 - Section 38 Agreement details.
- 5 HN09 - Drainage details for Section 38.

- 6 HN10 - No drainage to discharge to highway.
- 7 HN19 - Disabled needs.
- 8 N03 - Adjoining property rights.
- 9 N04 - Rights of way.
- 10 N15 - Reason(s) for the Grant of Planning Permission.
- 11 The applicant's attention is drawn to the attached letter from the Environment Agency.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.