

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	1 May 2024
TITLE OF REPORT:	233225 - THE ERECTION OF TWO DWELLINGS AND ASSOCIATED WORKS AT 182 LEDBURY ROAD, HEREFORD, HR1 1RH For: Mr & Mrs Williams per Mr Matt Tompkins, Lane Cottage, Burghill, Hereford, Herefordshire HR4 7RL
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=233225&search-term=233225
Reason Application submitted to Committee – Redirection	

Date Received: 31 October 2023

Ward: Eign Hill

Grid Ref: 352459,240044

Expiry Date: 12 April 2024

Local Members: Cllr Elizabeth Foxton

1. Site Description and Proposal

- 1.1 The application site relates to a garden which forms part of the curtilage for 182 Ledbury Road Hereford. 182 is a semi-detached red brick and rendered property set behind a service road, close to the intersection between Ledbury Road and Quarry road, with the garden abutting Quarry Road. The site has an area of 335 square metres and rises from the front (West) to the back (East) mirroring the gradient of Quarry Road.
- 1.2 The proposal is for the erection of two detached dwellings and associated works within the garden space of the host dwelling. The proposed dwelling alongside 182 Ledbury Road would be a two storey 3 bed dwelling whilst the proposed dwelling to the rear would be a 2 bedroom bungalow. An extract of the Location And Block Plan are inserted below.



Block Plan / Location Plan (drawing number 1415-10 Rev A)

Further information on the subject of this report is available from Ms Laura Smith on 01432 383244

2. Policies

2.1 Herefordshire Local Plan - Core Strategy (CS)

- SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS3 - Releasing Land for Residential Development
- SS4 - Movement and Transportation
- SS6 - Environmental quality and local distinctiveness
- HD1 - Hereford
- MT1 - Traffic Management Highway Safety & Active Travel
- LD1 - Landscape and Townscape
- LD2 - Biodiversity and Geodiversity
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Wastewater Treatment and River Water Quality

The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

2.2 National Planning Policy Framework (NPPF)

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision Making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 15 – Conserving and enhancing the natural environment

2.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020 and the review process is currently underway. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the most relevant policies of the CS – which are considered to be those relating to meeting housing needs, guiding rural housing provision, highways safety and safeguarding features of environmental value (amongst others) – have been reviewed and are considered to be consistent with the NPPF. As such, it is considered that they can still be attributed significant weight.

3. Planning History

3.1 191097/F – Proposed erection of 3 no 2 bedroom dwelling with parking – Refused 20 September 2019

Link to application:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=191097&search-term=191097

3.2 194390/F – The erection of two dwellings – Refused 2nd October 2020 – Dismissed at appeal 13 July 2021

Link to application:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=194390&se-arch-term=194390

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water

The proposed development site is crossed by 150mm public foul sewers and a 150mm public surface water sewer. Please see copy of indicative public sewer record attached. No operational development is to take place within 3 metres either side of the centreline of the sewer. We request that prior to commencing any operational development the location of this asset is determined. If operational development is likely to take place within 3 metres either side of this sewer please stop works and contact us. The applicant may be able to divert these assets under Section 185 of the Water Industry Act 1991. We have reviewed the information submitted as part of this application with particular focus on drawing number 1415-10 which shows the proposed drainage arrangement which indicates the proposal will be within the stated protection zones of the public sewer. This proposal offers no technical assessment and scheme to address the public sewers crossing the site and recommend that the applicant contacts us direct to discuss this matter further. We note that the intention is to discharge surface water to soakaway and whilst we welcome the introduction of sustainable drainage the position of the proposed soakaway would be located on top of a public sewer to which we cannot support or permit.

We recommend that the position of this soakaway and proposed dwellings be revised to account for a 3 metre protection zone either side the centre line of the public sewers.

Therefore, if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent.

SEWERAGE

We can also advise that Eign WwTW has a phosphate permit this matter will need to be considered further by the local planning authority, notwithstanding this we can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

Conditions

Notwithstanding the submitted detail, no development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Advisory Notes

The proposed development site is crossed by two public sewers with their approximate positions being marked on the attached Statutory Public Sewer Record. The positions shall be accurately located, marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of each public sewer.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times

Internal Council Consultations

4.2 **Area Engineer Team Leader**

Comments received 11/4/2024 (Amended Plans)

The Local Highways Authority have reviewed the amended plans which now demonstrate that a visibility splay of 2.4m x 43m can be achieved for both driveways and is satisfied with the level of parking that has now been provided. As such, it has no objections to this proposal subject to the following conditions:

- 1) Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 43 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 2) The construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 3) Prior to the first occupation of the dwellings hereby approved, provision shall be made for a singular vehicular access onto the highway.

Reason: To ensure the safe and free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 4) Prior to occupation of the dwellings hereby approved the driveway shall be consolidated and surfaced at a gradient not steeper than 1 in 8. Private drainage arrangements must be made to prevent run-off from the driveways discharging onto the highway. Details of each driveway and drainage arrangements shall be submitted to and approved in writing by the local planning authority prior to commencement of any works in relation to the driveway.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

- 5) Prior to the first occupation of the dwelling hereby approved an area shall be laid out within the curtilage of each dwelling for the parking and turning of 1 car in accordance with the 2006 Herefordshire Highways Design Guide. This shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 6) Prior to the occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling shall be submitted to the Local Planning Authority for their written approval. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the occupation of any of the dwelling houses hereby permitted. Thereafter these facilities shall be maintained;

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 and to conform to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 7) Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:

- Parking for site operatives

The development shall be carried out in accordance with the approved details for the duration of the construction of the development.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Comments received 21/3/2024 (Amended Plans)

The Local Highway Authority have reviewed the amended site plan and new access to accommodate parking for the 3 bedroom dwelling and feel that this is acceptable; however we do require further information. Please demonstrate that a visibility splay of 2.4m x 43m can be achieved.

Comments received 6/3/2024

The Local Highways Authority has reviewed this application for the erection of two dwellings and associated works and has the following comments:

A previous application (Ref: 194390) was submitted for two x 2 bed semi-detached dwellings and provided two parking spaces – one per dwelling. The Local Highway Authority felt that the parking arrangements were acceptable and simply requested that 2m x 2m visibility splays were provided

adjacent to the parking spaces. This application was later refused, however not on the grounds of highways.

It is worth highlighting that this most recent application is a new design layout consisting of two detached houses instead – one x 3 bedroom and one x 2 bedroom. One parking space has been provided for the two bedroom dwelling, but no parking is provided for the 3 bedroom dwelling. As such, this does not meet the Herefordshire Council design guide standards.

It is noted in the agent's response to highway comments that the Local Highway Authority 'accepted a reduced level of parking'. This is incorrect as the previous application had a completely different layout and provided one parking space per dwelling – that is what was accepted.

As per our comments 01/11/2023 regarding planning application Ref: 233225, we stated "proposed development should be able to accommodate vehicles within the site. Parking should meet HC design guide".

As such, the Local Highway Authority requests that the applicant reconsiders the layout of the site to provide one parking space per dwelling.

Comments received 21/11/2023

The proposals are for the erection of two new residential dwellings on land off of Ledbury Road.

The existing property in which the two proposed dwellings are to be constructed within the side garden presently has no off-street car parking. This property in the locality is one that does not have off-street parking compared to neighbouring properties.

The site for the two proposed dwellings would front onto Quarry Road opposite an existing parade of shops which benefit from a layby for parking and overspill parking occurs on-street directly adjacent to the site.

The proposals are for a three bed and two bed dwelling with a driveway for one car associated with only one of the properties. The other proposed dwelling, if future occupiers owned a vehicle, would mean vehicles would have to park on the highway. Proposed development should be able to accommodate vehicles within the site. Parking should meet HC design guide.

Due to their location, in close proximity to the City Centre and employment opportunities it is essential for the sustainability of the site to provide cycle parking in accordance with standards set out in the 2006 Herefordshire Highways Design Guide.

The site needs to provide as visibility splay of 2m x 2m pedestrian vision splays.

4.3 **Ecology – No Objection with conditions**

Notes in respect of Habitat Regulation Assessment (River Wye SAC)

I have carried out a Habitats Regulations Assessment and have provided it separately to the planning case officer

Habitat Regulation Assessment:

<https://myaccount.herefordshire.gov.uk/documents?id=8fb2d34b-d57a-11ee-907b-005056ab11cd>

Notes in respect of ecology

As identified in the NPPF, NERC Act and Core Strategy LD2 and as part of the council's Climate Change and Ecological Emergency actions, all developments should demonstrate how they are going to practically enhance ("Net Gain") the Biodiversity potential of the area. These enhancements are in addition to any mitigation or compensation required by other constraints such as protected species licences.'

Habitat Regulations (River Wye SAC) – Foul- and Surface Water

All foul water shall discharge through a connection to the local Mains Sewer network; and all surface water managed through on site soakaway-infiltration; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Habitat Regulations (2018), National Planning Policy Framework (2019), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2, SD3 and SD4.

To obtain Biodiversity Net Gain

Prior to first use of any part of the development works approved under this planning decision notice, evidence of the suitably placed installation within the site boundary or on other land under the applicant's control a minimum a total of THREE bat roosting features (such as bat boxes or bricks) and FOUR bird nesting boxes (mixed types) and ONE hedgehog home and hedgehog highways through all impermeable boundary features to and acknowledged by the local authority should be supplied to, and acknowledged, by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

5. Representations

5.1 Hereford City Council

Hereford City Council Planning Committee objects to planning application 233225. Cllrs do not agree with the loss of green infrastructure and feel the erection of two houses on this difficult site is overdevelopment. The site is only suitable for one dwelling

5.2 Third Party Representations

15 letters of objection, 1 letter of support and 1 general comment have received, these have been summarised below:

Objections:

- Impact on on-street parking
- Increased pollution from traffic
- Dangerous junction of road
- Reduced parking for local businesses
- Loss of local wildlife
- Overcrowded proposed plan
- Impact on pedestrians
- Concerns the bungalow could become a two storey later in time
- Comprises 'Green Space' policy

Support:

- Provide a need of starter/affordable homes
- Walking distance to city centre
- Close to main bus routes

5.3 The consultation responses can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=233225&search-term=233225

6. Officer's Appraisal

Policy context and Principle of Development

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration.

6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy has been made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

6.4 The NPPF requires that local planning authorities should identify and update annually a supply of housing sites sufficient to provide five years' worth of housing against their housing requirements. Where the existence of a five year land supply cannot be demonstrated, there is a presumption in favour of granting planning permission for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need for new housing. Other factors in this respect can include sites or areas protected as a result of their wider environmental importance or land at risk of flooding.

6.5 Following survey work, the LPA can confirm that the Housing Land Supply as of April 2023 is 5.84 years. Effectively this means that the housing policies in the adopted Core Strategy and made Neighbourhood Development Plans can be considered to be up-to-date and given full weight in decision making. Para 11d of the National Planning Policy Framework (NPPF) is not engaged, as the development plan policies are not deemed 'out of date'. As a result paragraph 14 of the NPPF is not engaged.

6.6 Strategic Policy SS1 of the Herefordshire Core Strategy sets out the presumption in favour of sustainable development, which is reflective of the positive presumption enshrined by the current NPPF as a golden thread running through plan-making and decision-taking. Policy SS1 also confirms that proposals which accord with the policies of the Core Strategy (and, where relevant, other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise. Again, this is broadly reflective of Paragraph 11 of the current NPPF.

Further information on the subject of this report is available from Ms Laura Smith on 01432 383244

- 6.7 Strategic policy SS2 of the Core Strategy confirms that Hereford is the main focus for new housing development in the county, followed by the five market towns in the tier below. In rural areas new housing will be acceptable where 'it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community'. Similarly, at paragraph 78 the current NPPF advises that to promote sustainable development housing should be located where it will enhance or maintain the vitality of rural settlements.
- 6.8 The application site is considered to be located in a spatially sustainable location; it is within the bounds of Hereford city, with the site benefiting from good footpaths linking to nearby services and facilities such as convenience stores and schools as such there is no objection to the principle of development. The design, layout and access arrangement for the development is paramount to the acceptability of any development on this site.

Design and Character

- 6.9 In regards to the design of proposed developments, the local planning authority (LPA) has a statutory duty to have regard to the desirability of achieving good design. When considering the design and landscape impact of a proposed development, CS policy SD1 is significant as it requires that development proposals to create safe, sustainable, well integrated environments for all members of the community. In so doing, all proposals should take into account the local context and site characteristics. Moreover, new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development. Where appropriate, proposals should also make a positive contribution to the architectural diversity and character of the area, including through innovative design. They should also safeguard the residential amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing.
- 6.10 Specifically regarding landscape and townscape matters, CS policy LD1 requires that proposals demonstrate that the character of the landscape and townscape has positively influenced the design scale, nature and site selection of the development, as well as the protection and enhancement of the setting of settlements and designated areas. Development proposals should conserve and enhance the natural, historic and scenic beauty of important landscapes and features (specifically designated assets) through the protection of the area's character and by enabling appropriate uses, design and management. In wider terms, policy SS6 sets out that development proposals should conserve and the enhance environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity, heritage assets, and especially those with specific environmental designations. All proposals should be shaped through an integrated approach to planning to ensure environmental quality and local distinctiveness.
- 6.11 The NPPF is a key material consideration for the proposal , it includes a chapter focused on achieving well-designed places, which sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, as good design is a key aspect of sustainable development. Decision-making should ensure developments will: function well and add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character including the surrounding built form and landscape setting (whilst not preventing innovation or change); establish or maintain a strong sense of place creating attractive and distinct places to live and visit; with a high standard of amenity for existing and future users that doesn't undermine quality of life or community cohesion and resilience. Additionally the NPPF sets out that decisions should protect and enhance public rights of way, including taking opportunities to provide better facilities for users.

- 6.12 The character of the area is primarily, although not exclusively, one of semi-detached dwellings set within a modest garden curtilage with a front garden with most including a drive way to the fore and a typical suburban garden to the rear. The dwellings are typically of dual pitch roof or hipped roof design with red brick, render tiles and uPVC windows being the most common building materials. This notwithstanding the area does exhibit examples of detached properties such that it is not considered that this scheme, which proposes detached dwellings, would represent a form of development that is out of keeping with the locality. It is relevant to advise that the current proposal has been informed by the findings of the Inspector in the dismissed appeal. In that case, whilst they found there to be harm in relation to the close relationship of the proposed dwellings to the Quarry Road frontage in that scheme, there was no objection in principle to detached dwellings or indeed to the use of the rear garden for some form of development. They concluded that *taking into account the size of the garden spaces afforded to them and the size of the garden retained by No 182, it does not strike me that the buildings would appear cramped*. The proposal here is for two detached dwellings which has reduced the scale of development in the rear garden to a bungalow which now aligns with the building line formed by 144 Quarry Road immediately to the east of the site. The two storey dwelling would sit alongside 182 Ledbury Road and appear as a natural addition to the properties fronting onto the service road. The gabled design being intended to reflect that of the projecting gables evident in the other semi-detached properties in this row. Having taken into account the previous history on site, and in particular the findings of the Inspector, it is considered that this proposal has successfully addressed the concerns relating to the proximity of 2 storey development to the Quarry Road frontage and achieved a layout which better respects this settled suburban location.
- 6.13 Further to the above background information, it is considered that given its small scale the bungalow will not result in a visually dominant feature on site and neither would it appear cramped by comparison the the scheme that was considered in the previous appeal.
- 6.14 The proposed 3 bedroomed two storey dwelling will follow the linear form of existing dwellings on Ledbury Road it will have a similar scale, height and design to 182 Ledbury Road. The dwelling will have a projecting gable to the principal elevation, with the walls red brick at ground floor level and render at first floor with a tiled roof. The dwelling will continue the open garden area to the front matching other dwellings on Ledbury Road and is therefore considered to create a sense of general uniformity and openness contributing positively to the areas characer.

Residential Amenity

- 6.15 CS policy SD1 confirms that all development proposals should safeguard residential amenity for existing and proposed residents. This is in line with the revised NPPF which sets out at that decisions should ensure that development creates places that promote health and well-being with a high standard of amenity for existing and future users.
- 6.16 The site history is again a material consideration which must be given due weight in decision making. Officer`s consider that the Inspectors dismissal of the previous scheme for 2 dwellings in the rear garden was focussed primarily upon the impact of that development upon the living conditions of the occupiers of 182 and 184 Ledbury Road, with particular regard to the effect on outlook. This revised proposal has taken these relationships into account. The scheme now comprises a modestly proportioned bungalow in the rear garden which significantly reduces the impact on the outlook from the rear of 182 Ledbury Road and the neighbouring properties and is therefore considered to satisfactorily preseve the living conditions of existing occupiers.



- 6.17 The two storey dwelling will follow the built form that currently exists and whilst there will be some impact upon the ground floor windows and doors in the side elevation of 182 Ledbury Road, this is not an unusual relationship in an urban context and the full extent of its impact on residential amenity and is not a matter that would warrant refusal in your Officer's opinion.
- 6.18 Finally with regard to the amenity of existing and future occupiers, whilst the gardens associated with 182 Ledbury Road and the proposed dwellings will be modest by comparison to other, each property will retain sufficient amenity space to function acceptably in this regard. Furthermore occupiers will have ready access to the recreational open space available locally

Highways

- 6.19 The NPPF sets out at paragraph 110 that applications for development should ensure opportunities to promote sustainable transport have been taken, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network or highway safety can be mitigated. Policy MT1 states that development proposals should demonstrate that the strategic and local highway network can absorb the traffic impacts of the proposed development. It states that developments must be designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space. It also states that developments should have regard to both the Council's Highways Development Design Guide and cycle and vehicle parking standards.

Further information on the subject of this report is available from Ms Laura Smith on 01432 383244

- 6.20 It is noted that a number of representations received focus on the issues of parking and highway safety. However given the context of this site it is not considered that these amount to sustainable grounds for refusal. Below is an extract from the Inspectors decision for a scheme of 2 semi-detached properties in the rear garden of 182 Ledbury Road:
- 6.21 I note as part of my site visit that the area in front of the proposed dwellings was used for parking for users of the nearby businesses. I also noted an area of on street parking in front of the businesses. I could not see any parking restrictions in the area, and whilst the proposal would result in the loss of some on-street parking, this would be minimal, and sufficient parking appeared to be available in the surrounding area. The road is straight with good visibility enabling any future users to adequately see vehicles or pedestrians.
- 6.22 Amended plans have confirmed that each dwelling will provide one parking space each which is considered appropriate for a dwelling of its size, which given the sites sustainable location with amenities within walking distance, one parking space for each dwelling of this size is considered appropriate. Whilst also taking into account owners of the dwelling could also park across the drive entrance.
- 6.23 Having regard to the above and the conditional support of the Area Engineer Highways Team Leader, the highway impact is not considered to be severe and so as directed at paragraph 115 it should not form a reason for refusal in this instance.

Ecology

- 6.24 Policies LD2 and LD3 of the Core Strategy are applicable in relation to ecology and the impact on trees. These state that development proposals should conserve, restore and enhance the biodiversity and geodiversity asset of the County and protect, manage and plan for the preservation of existing and delivery of new green infrastructure.
- 6.25 From available information, the LPA has no reason to consider that in this specific application there is any identified effects on local protected species populations. The Council's Ecologist has confirmed conditional support for the scheme based upon a biodiversity enhancement condition.

Drainage and Habitat Regulations

- 6.26 The site lies within the hydrological catchment of the River Wye Special Area of Conservation (SAC) and therefore triggers the requirement for a Habitat Regulations Assessment (HRA). The proposal has been assessed by the Council's Ecologist and a Habitats Regulations Assessment – Screening and Appropriate Assessment has been undertaken as a report. This concludes that there are no likely significant effects and therefore no appropriate assessment is required and planning permission can be legally granted.
- 6.27 Welsh Water have confirmed that there is capacity within the network to take the domestic foul flows from the site. Additionally, it has been confirmed that surface water drainage is via a SuDS soakaway system within each plot. It has also been confirmed that no operational development is to take place within 3 metres of the centreline of the sewer. A pre commencement condition is recommended for a drainage scheme to be submitted to and approved in writing by the Local Planning Authority to ensure that no harm to the existing network occurs.

Conclusion

- 6.28 It is considered that this scheme has addressed previous refusal reasons relating to the neighbouring amenity and character of the area. Both dwellings respond to local character and with the reduced scheme namely the reduction in height of the rear dwelling, it is not considered to cause any adverse impact on neighbouring amenity. The proposal will bring the provision of

housing within a sustainable location and provides a smaller 2 bedroom unit of which is an identified need. The scheme is therefore considered to accord with the policies within the Herefordshire Core Strategy and is recommended for approval subject to the conditions stated below.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

1. Time limit for commencement (full permission)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. Development in accordance with approved plans and materials

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

3. To obtain Biodiversity Net Gain

Prior to first use of any part of the development works approved under this planning decision notice, evidence of the suitably placed installation within the site boundary or on other land under the applicant's control a minimum a total of THREE bat roosting features (such as bat boxes or bricks) and FOUR bird nesting boxes (mixed types) and ONE hedgehog home and hedgehog highways through all impermeable boundary features to and acknowledged by the local authority should be supplied to, and acknowledged, by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

4. Removal of permitted development rights

Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no

development which would otherwise be permitted under Classes A, AA, B, C, D, E of Part 1 and of Schedule 2, shall be carried out.

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

5. Efficient use of water

Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 of the Herefordshire Local Plan Core Strategy shall be submitted to and approved in writing by the local planning authority and implemented as approved.

Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy and the National Planning Policy Framework

6. Secure covered cycle parking provision

Prior to the first occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling shall be submitted to the Local Planning Authority for their written approval.. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be maintained;

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 and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

7. Visibility Splays

Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 43 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

8. Vehicular access construction

The construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Further information on the subject of this report is available from Ms Laura Smith on 01432 383244

9. Single access

Prior to the first occupation of the dwellings hereby approved, provision shall be made for a singular vehicular access onto the highway.

Reason: To ensure the safe and free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

10. Driveway Gradient

Prior to occupation of the dwellings hereby approved the driveway shall be consolidated and surfaced at a gradient not steeper than 1 in 8. Private drainage arrangements must be made to prevent run-off from the driveways discharging onto the highway. Details of each driveway and drainage arrangements shall be submitted to and approved in writing by the local planning authority prior to commencement of any works in relation to the driveway.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

11. Construction management plan

Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:

- Parking for site operatives

The development shall be carried out in accordance with the approved details for the duration of the construction of the development.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. Application approved with amendment

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. Wildlife protecting informative

The Authority would advise the applicant that they have a legal duty of care as regards wildlife protection under the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” including Badgers, Great Crested Newts, Bats, Otters, and Dormice. All nesting birds are legally protected from disturbance at any time of the year and care should be taken to undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it is advised that advice from a local professional ecology consultant is obtained.

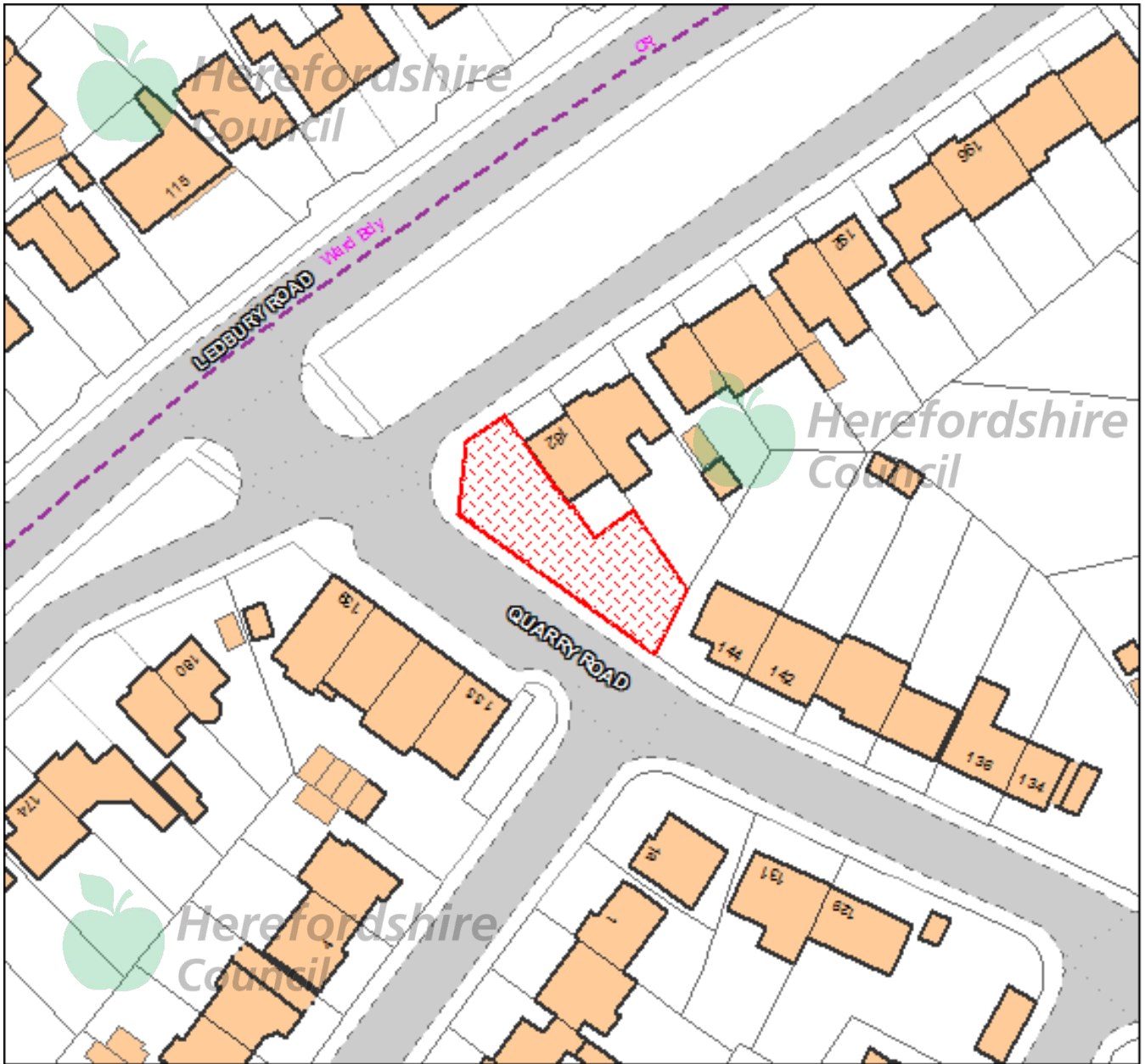
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 233225

SITE ADDRESS : 182 LEDBURY ROAD, HEREFORD, HR1 1RH

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