

**7A DCNE2005/0926/F - REMOVAL OF OLD GLASS HOUSE AND CONSTRUCTION OF 5 DWELLINGS AS CAR FREE SCHEME, HOMEND/SECRET GARDEN, FOX LANE, LEDBURY, HEREFORDSHIRE****7B DCNE2005/1020/C – THE SAME.****For: R Harper Estate per Planning Solutions, 96 Rock Hill, Bromsgrove, Worcester, B61 7HX****Date Received:  
22nd March 2005****Ward:  
Ledbury****Grid Ref:  
70943, 37889****Expiry Date:  
17th May 2005**

Local Member: Councillors D Rule MBE, P Harling &amp; B Ashton

**1. Site Description and Proposal**

- 1.1 This application is for the erection of five dwellings on land at The Secret Garden, The Homend, Ledbury, comprising one 2-bed and four 3-bed properties.
- 1.2 The site falls within Ledbury Conservation Area and lies behind the principal road frontage of The Homend. It is currently used as a garden centre and is occupied by a large glass house. This is also to be removed and its demolition is to be considered under the cover of application reference NE05/1020/C.
- 1.3 The application site is an area of transition between the historic frontage of The Homend and the modern development of flats along Lawnside Road which lies to the east. Fox Lane bounds the site to the south and this is to be the principal point of access to the dwellings.
- 1.4 The site slopes from east to west and is generally well spaced from other buildings in the locality. The land is defined by medieval burgage plots and the proposal follows this linear form of development through the introduction of a row of terraced dwellings fronting onto Fox Lane. The plans show one 2-storey and four 2 1/2-storey dwellings with a maximum ridge height of 9.3 metres. A street scene submitted as part of the application indicates that this will be no higher than no. 56 The Homend, a Grade II listed building.
- 1.5 Each dwelling has its own private garden, but notably the scheme is described as being car-free. Hence, the proposal does not make any car parking provision.

**2. Policies****Hereford and Worcester County Structure Plan**

H16A – Housing in Rural Areas

H18 – Housing in Rural Areas Outside the Greenbelt

CTC7 – Listed Buildings and Conservation Areas  
CTC9 – Development and Requirements  
CTC15 – Conservation Areas  
CTC18 – Development in Urban Areas

**Malvern Hills District Local Plan**

Housing Policy 2 – Development in Main Towns  
Housing Policy 3 – Settlement Boundaries  
Housing Policy 17 – Residential Standards  
Shopping Policy 2 – Principle Shopping and Commercial Areas  
Shopping Policy 3 – Restrictions on Development within the Principle Shopping and Commercial Areas  
Conservation Policy 2 – New Development in Conservation Areas  
Conservation Policy 4 – Demolition of Unlisted Buildings in Conservation Areas  
Conservation Policy 5 – Boundary Treatments in Conservation Areas  
Conservation Policy 11 – The Setting of Listed Building  
Conservation Policy 16 – Development within Archeologically Sensitive Areas Evaluation  
Conservation Policy 17 – Development within Archeologically Sensitive Areas  
Landscape Policy 8 – Landscape Standards  
Transport Policy 3 – Provision for Pedestrians and Cyclists  
Transport Policy 8 – Car Parking and Servicing Requirements  
Transport Policy 9 – Safeguarding of Existing Car Parks  
Transport Policy 10 – Car Park Design

**Herefordshire Unitary Development Plan (Deposit Draft)**

S1 – Sustainable Development  
S2 – Development Requirements  
S3 – Housing  
S6 – Transport  
DR1 – Design  
DR2 – Land Use and Activity  
DR3 – Movement  
H1 – Hereford and the Market Towns Settlement Boundaries and Established Residential Areas  
H13 – Sustainable Residential Design  
H14 – Reusing Previously Developed Land and Buildings  
H15 – Density  
H16 – Car Parking  
T6 – Walking  
T7 – Cycling  
T11 – Parking Provision  
HB06 – New Development within Conservation Areas  
HB07 – Demolition of Unlisted Buildings within Conservation Areas  
Arch 1 – Archaeological Assessments and Field Evaluations

**Other Guidance**

PPG3 – Housing  
PPG13 - Transport

### 3. Planning History

- 3.1 There is no history specifically relevant to this application. However, NE02/3499/F approved a similar car free scheme for 6 dwellings on land to the rear of the Plough Inn, The Homend subject to a Section 106 Agreement.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 None required.

#### Internal Council Consultations

- 4.2 Transportation Manager - No objections subject to condition. Notes that the town centre location makes refusal of the application unreasonable on highway grounds.
- 4.3 Conservation Manager - The proposal is acceptable provided that it is sympathetic to the historic appearance and character of Ledbury.

The centre of Ledbury is defined by Medieval burgage riggs, long narrow strips of land behind houses. Some of these have been developed in a linear fashion and give the town its distinctive plan.

The proposed houses should be moved closer to Fox Lane so that their rear walls mark the historic line of the burgage plot for 50/64 The Homend. This would allow the historic settlement pattern to be retained and also allow the development to proceed.

- 4.4 Archaeological Advisor - The site falls within a site of archaeological sensitivity and therefore an evaluation should be completed.

### 5. Representations

- 5.1 Ledbury Town Council - Recommend refusal. Considered to be a backland development of a site with access difficulties within a Conservation Area.
- 5.2 CPRE - The description as a 'car-free' scheme simply means that no car parking spaces are to be provided, it would appear that there is nothing to prevent the residents from owning cars and parking by the roadside.

We consider such schemes are not appropriate for an historic market town, not designed for modern traffic and already disfigured by rows of parked cars. We therefore ask the Council to refuse this application.

A total of six letters of objection have been received from the following:

J M Ireland, Mistletoe Cottage, 73 The Homend, Ledbury.  
Miss L Dupuy, Flat 2 Bill's Yard, 135 The Homend, Ledbury.  
Mrs H E Phillips, 24 Bank Crescent, Ledbury.  
Mr M Jones, Horseshoe Cottage, 39 The Homend, Ledbury.  
I E James, 39 Browning Road, Ledbury.  
Mrs D Summerfield, Dado Cottage, 72A The Homend, Ledbury.

In summary the points raised are as follows:

1. Concern that pedestrian and vehicular access will be obstructed along Fox Lane during construction. Particular concern is raised by individuals renting garages on the opposite side of Fox Lane.
  2. The proposal will detract from the character and appearance of the area.
  3. The proposal represents over-development.
  4. It will affect the privacy and outlook of adjacent properties.
  5. Concern over the lack of car parking provision. A 'car-free' scheme cannot be enforced.
  6. The proposal represents backland development.
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officers Appraisal**

- 6.1 This proposal is almost identical in terms of the issues that it raises to the site to the rear of The Plough Inn, which also adopts the car free principle. This is potentially the single most contentious element of the scheme. The applicant's have indicated that they are willing to enter into a similar Section 106 Agreement to that on The Plough Inn site to promote and encourage other forms of transport and to provide bicycles for each of the dwellings.
- 6.2 The site is at the heart of Ledbury. This makes the site ideally suited to a car free development. Advice contained within both Planning Policy Guidance Notes 3 and 13 fully advocates such a proposal in the appropriate location. PPG3 states that developers should not be required to provide off street parking where there is no need, particularly in urban areas where public transport is available or where there is demand for car free houses. Furthermore, PPG13 states that the availability of car parking has a major influence on the means of transport people choose for their journeys. Studies suggest that even in areas well served by public transport, if parking is provided people will choose to travel by car. Therefore, if this option is removed, people are less likely to own a car or travel by car thereby creating a more sustainable environment. A car free development is unlikely to be appropriate with most sites but your Officers consider that this site given its scale, location and the type of housing proposed is ideally suited to such a proposal.
- 6.3 The development fronts onto Fox Lane; a well used pedestrian route into the town. Concerns that this may become obstructed during construction works are entirely legitimate but can be addressed by suitably worded conditions requiring the identification of a storage compound and an area for parking for site operatives prior to the commencement of development.

- 6.4 The Conservation Manager has noted that the development should respect the Medieval burgage layout of the town. Accordingly the development has been shifted closer to Fox Lane in accordance with his comments. Its linear form respects this historical context and as a result the scheme will not be detrimental to the character or appearance of the Conservation Area.
- 6.5 The development is of a high density, but again this is considered to generally reflect the character of the area. The orientation of the scheme is such that it will not cause any demonstrable loss of privacy to other properties which front onto The Homend. Furthermore, the site cannot be considered as one of backland as it fronts directly onto Fox Lane, and this will serve as its point of access.
- 6.6 The developer has commissioned a full archaeological evaluation and the further comments of the Council's advisor in this respect are awaited. However, a similar evaluation at The Plough Inn site did not reveal any significant finds.
- 6.7 In conclusion the proposal is considered to accord with Development Plan policies and national guidance in both PPG3 and PPG13. The application is therefore recommended for approval subject to a Section 106 Agreement to promote the use of non-car based modes of transport and to seek the provision of bicycles with each of the dwellings.

## **RECOMMENDATION**

### **NE05/0926/F**

**The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to promote the use of non car based modes of travel and to seek the provision of a bicycle with each of the dwellings, and any additional matters and terms as she considers appropriate.**

**Upon the completion of the aforementioned obligation that Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions.**

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

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

**2 - A09 (Amended plans )**

**Reason: To ensure the development is carried out in accordance with the amended plans.**

**3 - B01 (Samples of external materials )**

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

**4 - C02 (Approval of details ) (joinery details for all windows and doors)**

**Reason: To safeguard the character and appearance of Ledbury Conservation Area.**

**5 - E16 (Removal of permitted development rights )**

**Reason:** In order to clarify the terms under which consent is granted and to ensure that the development remains of an appropriate scale for the site.

**6 - D03 (Site observation - archaeology )**

**Reason:** To allow the potential archaeological interest of the site to be investigated and recorded.

**7 - F16 (Restriction of hours during construction )**

**Reason:** To protect the amenity of local residents.

**8 - F20 (Scheme of surface water drainage )**

**Reason:** To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

**9 - F48 (Details of slab levels )**

**Reason:** In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

**10 - G33 (Details of walls/fences (outline permission) )**

**Reason:** In the interests of residential and visual amenity.

**11 - H27 (Parking for site operatives )**

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

**12 -The development hereby permitted shall not be commenced until an area has been identified and approved in writing by the Local Planning Authority to be used as a storage compound for building materials to be used on the site. Upon the completion of the development the area shall be returned to a condition to the written satisfaction of the Local Planning Authority.**

**Reason:** To minimise the likelihood of indiscriminate parking during construction and to ensure that Fox Lane remains unobstructed.

**NE05/1020/C**

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

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

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.