

17 DCCE2005/0977/F - PROPOSED DEVELOPMENT TO PROVIDE 19 NO. RESIDENTIAL UNITS, WITH ASSOCIATED GARAGES AND ROAD/SEWER INFRASTRUCTURE. MILL COURT VILLAGE, LEDBURY ROAD, HEREFORD. HR1 2SZ

For: Mr A Williams, S J Salisbury Designs, 25 Cartwright Avenue, Harley Whitefort, Worcester, WR4 0NZ

Date Received: 23rd March, 2005 Ward: Tupsley Grid Ref: 51886, 39895

Expiry Date: 18th May, 2005

Local Members: Councillors G.V. Hyde, Mrs M. Lloyd-Hayes, W.J. Walling

1. Site Description and Proposal

- 1.1 This application seeks planning permission for the erection of 19 residential units on land off Ledbury Road, Hereford. The 0.4 hectare 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. The site is also adjacent to an area utilised as allotment gardens.
- 1.2 The proposal involves the erection of 8 two-and-a-half storey three bedroom dwellings, 2 two storey two bedroom dwellings, and a single three storey block of flats consisting of 6 two bedroom units and 3 one bedroom units. Nineteen units in total are proposed and are intended to be served by a new estate road and a minimum of one parking space per unit. The access to the site will be via the existing access point to Ledbury Road, which will be upgraded in accordance with details to be agreed.
- 1.3 The proposal represents a re-submission of a previous application (DCCE2004/0026/F) which sought permission for 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). The layout of this new proposal is generally similar to the approved scheme with the principal differences being the deletion of the semi-detached pair to the south of the access and the development of a revised terraced row. Parking and building designs are also revised.

2. Policies

2.1 Planning Policy Guidance:

- PPS1 - 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 - character and amenity
- H13 - Established residential areas - loss of features
- H14 - Established residential areas - site factors
- NC3 - Sites of local importance
- T11 - Pedestrian provision
- T12 - Cyclist provision

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft):

- S1 - Sustainable development
- S3 - Housing
- DR1 - Design
- DR7 - Flood risk
- H1 - Hereford and the market towns: settlement boundaries and established residential areas
- H9 - Affordable housing
- 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 30th July, 1987. Appeal dismissed 24th March, 1988.
- 3.2 HC880232PO - Erection of two dwellings with garages and one additional garage. Permitted 4th August, 1988.
- 3.3 HC910256PO - Erection of two dwellings with garages and one additional garage (amendment to HC880232PO). Permitted 13th August, 1991.
- 3.4 HC970346PO - Site for erection of two dwellings with garages and one additional garage. Deemed invalid 23rd September, 1997.
- 3.5 CE2000/0744/O - Scheme for residential development. Permitted 3rd 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 10th January, 2003.
- 3.7 DCCE2004/0026/F - Proposed development to provide 19 residential units. Approved 23rd April, 2004.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: Required Flood Risk Assessment. This was submitted and received and no objection raised.
- 4.2 Railtrack: No objection in principle but outlined issues for consideration in relation to boundary treatments and safety matters.
- 4.3 Welsh Water: No objection subject to conditions.

Internal Council Advice

- 4.4 Traffic Manager: Recommends conditions.
- 4.5 Conservation Manager: Recommends archaeological evaluation and conditions for protection of trees.
- 4.6 Environmental Health Manager: Required an acoustic assessment due to proximity to railway, however, as this was not a requirement in the previous application this is not considered reasonable in this instance.

5. Representations

- 5.1 Hereford City Council: Objection on the grounds that 'it represents an over-intensive development which if implemented would cause highway access problems vis-a-vis Ledbury Road. It would also result in a significant reduction in local environmental amenity to adjoining premises'.

6. Officers Appraisal

- 6.1 The main issues associated with this application are considered to be:

- The principle of residential development
- Design and scale
- Residential and visual amenities
- Highway issues

Principle

- 6.2 The application 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 considered appropriate as a matter of principle by this plan. This position is echoed by virtue of Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy S3 and H1. The density of the development equates to 47.5 dwellings per hectare which is in accordance with the

provisions of PPG3 which encourages densities between 30 and 50 per hectare. In view of the location of this application site a figure closer to the higher end of the spectrum is considered appropriate. Of further note is the extant permission on this site (DCCE2004/0977/F). It is considered that this permission clearly established the principle of development on this site.

Design and Scale

- 6.3 The original proposal was notable for the design of the main flats building which incorporated a 'gull wing' roof design. This contemporary design approach was considered of merit and supported. The dwelling houses themselves were traditional in appearance with modest character. This revised proposal seeks a more conservative design approach with the 'gull wing' roof abandoned for a traditional design. The design as submitted was, however, considered a little too conservative, lacking in any real character or inspiration. Revisions have been secured which are considered to address this and the resulting development is now considered acceptable. The scale of the revised proposal is similar to that already approved and remains acceptable in this location.

Residential and Visual Amenities

- 6.4 The arrangement of the houses still pays regard to the siting of adjacent properties and ensures adequate levels of privacy are maintained. Adequate margins are also retained between the proposed houses and the railway line; an issue in previous development proposals on this site. It is further considered that the scheme is appropriate in design and will sit comfortably in this location. It is considered that the visual amenities of the site and wider area will be preserved through this development.

Highway Issues

- 6.5 This application required some revisions to ensure acceptability from a highway perspective. The scheme, as amended, however, is considered acceptable, subject to conditions, from a highway safety perspective with adequate parking provided (minimum of one space per unit) and access improvements required by condition.

Other Issues

- 6.6 The levels on site have been an issue previously and no level details are submitted in this instance. Level details will therefore be conditioned to ensure that development is carried out on an appropriate level as with the extant permission. This approach was deemed acceptable so far as the extant planning permission is concerned.
- 6.7 The Environment Agency advised of the requirement of a Flood Risk Assessment (FRA). This was requested and provided. The FRA confirms that the site is not within the 1% risk area and the submitted plans confirm that no development will take place within the identified 5 metre 'no build zone' from Eign Brook, a further matter resolved in the previous permission on this site.
- 6.8 In relation to the comments made by the Parish Council and the Environmental Health Manager it is considered that the extant permission overrides these issues.

Conclusion

- 6.9 This application represents an evolution of the extant permission on this site. The application respects the issues noted in the previous development proposals for this site and remains acceptable in relation to design, scale, residential and visual amenity, and highway issues. For these reasons, approval is recommended 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)

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 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.

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 G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

12 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.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, no buildings or other structures (including gates, wall 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.

14 H09 (Driveway gradient)

Reason: In the interests of highway safety.

15 H17 (Junction improvement/off site works)

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

16 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.

17 H27 (Parking for site operatives)

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

18 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 HN07 - Section 278 Agreement**
- 5 HN08 - Section 38 Agreement details**
- 6 HN09 - Drainage details for Section 38**
- 7 HN10 - No drainage to discharge to highway**
- 8 HN19 - Disabled needs**
- 9 N03 - Adjoining property rights**
- 10 N04 - Rights of way**
- 11 N15 - Reason(s) for the Grant of PP/LBC/CAC**

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.