

DELEGATED DECISION REPORT

APPLICATION NUMBER

212031

18 Hallwood Drive, Ledbury, Herefordshire,

CASE OFFICER: Mr Josh Bailey

DATE OF SITE VISIT: 25 June 2021

**Relevant Development
Plan Policies:**

Herefordshire Local Plan – Core Strategy (October 2015)

SS1 – Presumption in favour of sustainable development
SS2 – Delivering new homes
SS4 – Movement and transportation
SS6 – Environmental quality and local distinctiveness
SS7 – Addressing climate change
LB1 – Development in Ledbury
RA1 – Rural housing distribution
H3 – Ensuring an appropriate range and mix of housing
MT1 – Traffic management, highway safety and promoting active travel
LD1 – Landscape and townscape
SD1 – Sustainable design and energy efficiency
SD3 – Sustainable water management and water resources
SD4 – Waste water treatment and river water quality

**Ledbury Neighbourhood Development Plan made on 11
January 2019, currently being reviewed**

SD1.1 – Ledbury as a Self-Sustaining Community
HO2.2 – Housing density
BE1.1 – Design
BE2.1 – Edge of Town Transition

NPPF (July 2021)

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change

Relevant Site History: **P162059/F – proposed new dwelling – refused**
 DCNE2006/3202/F – construction of additional parking area
 – approved with conditions

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Ledbury Town Council	X		X		
Transportation	X		X		
Severn Trent	X		X		
Welsh Water	X				
Site Notice	X	X			
Local Member for Ledbury West	X*(updated)	X			

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The site constitutes a side garden, including ancillary garden shed, to a terraced property which forms part of a relatively modern (circa late 1990s/early 2000s) housing estate to the south-west side of the market town of Ledbury. The western side of the boundary is defined by a wooden fence which adjoins the verge of the tree-lined highway verge to the ring road (Leadon Way). The application before me seeks planning permission for a proposed two-storey extension to facilitate 1 no. two-bedroomed semi-detached dwelling.

Representations:

Ledbury Town Council – No objections

Transportation – Conditions recommended

Severn Trent – No objections

Welsh Water – Qualified comments

Site Notice – No response

Local Member for Ledbury West – Ward Cllr Howells updated by email on 5 August 2021. To date, the local member has not requested redirection to Planning Committee or objected to a delegated decision.

Pre-application discussion:

None

Constraints:

U67284

Surface Water adjacent

SSSI Impact Zone

Appraisal:

Policy context and Principle of Development

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."*

In this instance, the development plan is the Herefordshire Local Plan – Core Strategy (CS) and the 'Ledbury Neighbourhood Development Plan (Ledbury NDP). At this time the policies in the Ledbury NDP can be afforded full weight as set out in paragraph 48 of the National Planning Policy Framework 2021, which itself is a significant material consideration.

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. 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. From reviewing those policies most pertinent to the determination of this application, they are viewed to be entirely consistent with the NPPF and as such, significant weighting can be afforded.

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.

Following this year's survey work, the LPA can confirm that the Housing Land Supply for 2021 is 6.90 years and the current delivery test is 106%. Effectively, this means that the housing policies in the adopted CS and Ledbury NDP 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 para 14 of the NPPF is not engaged.

In therefore seeking to establish whether the principle of development is acceptable, it is considered that Policies SS2, LB1 and RA1 of the CS are appropriate. The adopted Ledbury NDP has not defined a settlement boundary so paragraph 4.8.16 of the CS is clear in so that, *"Residential development will be located within or adjacent to the main built up area(s) of the settlement. This will ensure that unnecessary isolated, non-characteristic and discordant dwellings do not arise which would adversely affect the character and setting of a settlement and its local environment"*

Policy LB1 (Development in Ledbury) states Ledbury will accommodate a minimum of 800 new homes balanced with a minimum of 15 hectares of new employment land during the plan period. The majority of new housing development will be focussed to the north of the town as set out in Policy LB2 (Land North of the Viaduct). It is noted that this site has recently been allowed on appeal by the Secretary of State earlier this year (PINS Reference: 3244410 - 15 March 2021). Further development will take place through the implementation of existing commitments, infill development, and sites allocated

through the Neighbourhood Development Plan. Within Ledbury, new development proposals will be encouraged where they are relevant to this application:

- maintain and enhance the vitality and viability of the existing town centre;
- improve accessibility within Ledbury by walking, cycling and public transport, particularly where they enhance connectivity with, for example, local facilities, new employment areas and the town centre;
- contribute to addressing deficiencies in community facilities and/or allow for infrastructure improvements (including broadband) in the town, to promote sustainable development;
- reflect and enhance the characteristic built historic elements of Ledbury, such as its stone, brick and timber-framed buildings, medieval plan form, conservation areas and setting overlooking the Leadon Valley;
- protect and enhance its green infrastructure, including connections to the public right of way network and biodiversity, particularly the Malvern Hills Area of Outstanding Natural Beauty to the east and the Leadon valley to the west;
- protect and enhance the setting of the town from eastern and western viewpoints; and, where this is not possible, incorporate appropriate mitigation measures; and have demonstrated engagement and consultation with the community including the town council.

The site comprises part of the garden area to 18 Hallwood Drive, which comprises a brick walled under tiled roof terrace two-storey dwelling. The western boundary adjoins Leadon Way, separated by a very well-established vegetated boundary which provides an audible buffer from noise associated with the use of the road. It should be stated that it is considered that the site falls within the reasonable limits of Ledbury and accordingly it constitutes a sustainable location for new residential development. There are facilities nearby including the railway station within reasonable walking and cycling distance.

The site is not noticeably separated from Ledbury which would be likely to serve many of the day to day needs of prospective residents in terms of services and facilities such as shops, schools, leisure and health provision as well as being a potential employment destination and can be considered to lie adjacent to the Town Centre. Those factors would make walking into Ledbury generally attractive on a regular basis for those everyday needs. It would also be possible that cycling would be an attractive alternative for most purposes and in all weather conditions. It is therefore likely that prospective residents would be genuinely be able to utilise sustainable walking, cycling or use of public transport for trips to serve their everyday needs and employment.

The proposed dwelling would therefore be in a relatively sustainable location in this respect. In having regard to the NPPF, I view the proposal would be in a suitable location for the dwelling concerned, having regard to the principles of sustainable development, in so far that whilst adjacent to Ledbury, in the absence of a settlement boundary, the presence of the footway and subject to technical matters, would mean the site in a sustainable location. Subject to technical matters, I view the proposal accords with Policy LB1 and RA1, in so far that the principle of development is established.

Design, Amenity and Townscape Impact

The application is a proposal for the erection of a semi-detached dwelling, albeit as an extension to the existing terrace of Nos 18, 16 and 14. This differs to the previously refused application in 2016, which instead sought a well-set back two storey dwelling in the garden with a clear gap between that proposed dwelling and No. 18. The drawing accompanying the application now indicates the siting of the dwelling extending to the immediate west and in line with No. 18, as an extension. It is to be accessed off Hallwood Drive in the same manner as No.18, with parking provision in front. The

proposed layout continues the building line established by the adjoining properties No's 18, 16 and 14. A single dwelling in this location is consistent with the density and pattern of local dwellings, and ensures character of the local area is not adversely affected. The layout provides an amenity area to the rear of the dwelling, whilst retaining sufficient amenity space for No. 18. The rear garden of both dwellings is comparable in size to other properties off Hallwood Drive. The existing boundaries are to be retained and a new boundary introduced to separate the rear gardens of the new dwelling and No.18. This is to be formed from a timber, close boarded fence, 1.8m high.

The positioning of the new dwelling has taken into account and limited the potential for overlooking and overshadowing adjacent properties. The proposal will mean the existing French doors to the kitchen of No.18 will be removed, although there is still a front (south-facing) window serving this room to provide natural light in the same manner as the No.16. The first floor landing window will also be blocked off, however this is not considered to have an adverse impact to the amenity of No.18 as it is not considered to constitute a habitable room unlike a bedroom or a dining/living room, which would then likely attract a reason for refusal.

To ensure the new dwelling is consistent in scale with the adjoining properties a two storey, two-bedroomed property is proposed, which provides a conserving impact to the streetscene but also proposes a dwelling in line with local needs.

In order to maintain local distinctiveness the proposed dwelling has incorporated the design and architectural detailing of the adjoining dwellings. It has followed the height, proportions and massing of three adjacent dwellings that form the terrace to ensure it remains in keeping with the character of the locality. It is proposed to use a facing brick for the elevations and a tiled roof, which will remain in keeping with the building materials of the adjoining dwellings. Overall, it is felt the design and appearance of the proposed dwelling, including the choice of materials, will complement and sit comfortably within the existing development, not leading to overarching impacts regarding streetscene or residential amenity, given the clarifications above. As such, from a design, amenity and townscape point, the application is considered to accord with Policies SD1 and LD1 of the CS, which is consistent with Section 12 of the NPPF and Policies BE1.1 and BE2.1 of the made Ledbury NDP.

Highways

With regard to car parking, the proposal has the provision to park a minimum of two vehicles within the existing hardstanding at the front of the dwelling. The area engineer has concluded that the site is tight for vehicles manoeuvring, however the parking arrangements around this area are to reverse back into the road and given the dwelling is located at the end of the road, it is considered that there are therefore no objections from the highways perspective, subject to conditions, to accord with Policies SS4 and MT1 of the CS, which is consistent with Section 9 of the NPPF. In accordance with Policy SS4 of the CS and Policy SD1.1 of the Ledbury NDP, as well as section 9 of the NPPF, a condition for 1 no. charging point for plug-in of electric and other ultra-low emission vehicles is recommended.

Drainage

Both foul and surface water drainage is to connect to the existing public sewer. Severn Trent, as statutory and technical consultee, raise no objections to this arrangement and have not requested any conditions that need to be affixed to the decision notice. The approach is viewed to be acceptable, in line with Policies SD3 and SD4 of the CS.

Other considerations

It is considered that biodiversity net gain can be secured through suitably worded conditions.

Summary and Conclusions

It was noted that the 2016 application, which proposed a detached dwelling in the garden, was refused on grounds of an adverse impact on the amenity of the locality and parking arrangements, with all other matters acceptable. In this application before me, the design has been revised to ensure the new dwelling continues the terrace arrangement of 14, 16 and 18 Hallwood Drive and in assessing residential amenity I now find this to be acceptable given the loss of the existing windows to 18 Hallwood Drive would not constitute habitable rooms but moreover, there would still be windows to provide adequate natural light in particularly the case of the kitchen. Matters of highway safety have also now been addressed, given the revised siting and parking arrangement, to which the highways area engineer considers acceptable, subject to conditions.

On that basis, and engaging paragraph 11 of the NPPF and noting the Council's current five-year housing land supply position, the development plan is considered to be up-to-date and I have not found conflict with the development plan. Accordingly, I recommend approval of this application, subject to the conditions below as laid out in the recommendation.

The local member has been updated and does not object to a delegated decision. Pre-commencement condition 4 has been agreed in writing by email return, following confirmation by the agent on 17th August 2021 (17:57).

RECOMMENDATION: **PERMIT** ☒ **REFUSE** ☐

CONDITION(S) & REASON(S):

(please note any variations to standard conditions)

1. C01 (Time limit for commencement)
2. C06 (Development in accordance with approved plans)
 - 4413A-01 (Survey of Property (and neighbouring properties))
 - 4413B-01 (Proposed New Dwelling);
 - 4413BP-01 (Proposed New Dwelling – Block Plans); and
 - 4413LP-01 (Location Plan)
3. CBK (Restriction on working hours during construction)
4. CAT (Construction Management Plan)
5. C13 (Samples of external materials)
6. CAI (Parking – single/shared private drive)
7. CB2 (Secure covered cycle parking provision)

- 8. CNS (Non-standard condition) 1 no. electric vehicle charging point
- 9. CKR (Obtain biodiversity net gain)

Informatives

- 1. IP1 (Application approved without revision)
- 2. I11 (Mud on highway)
- 3. I09 (Private apparatus within the highway)
- 4. I47 (Drainage other than via highway system)
- 5. I33 (Ecology – General)
- 6. INS (Non-standard informative) - Severn Trent Water advises that there may be a public sewer located within the application site. Although statutory sewer records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note that there is no guarantee that an applicant will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that an applicant will be able to undertake those works on a self-lay basis. It is advised to contact Severn Trent at the earliest opportunity to discuss the implications of assets crossing the site.


Signed:  Dated: 20/8/2021

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT ☒

REFUSE ☐

Signed:  Dated: 23/8/2021

Is any redaction required before publication? No