

8 DCNC2007/0044/F - ERECTION OF 14 AFFORDABLE DWELLINGS, ASSOCIATED HIGHWAY AND EXTERNAL WORKS AT LAND ON MIDDLEMARSH, LEOMINSTER, HEREFORDSHIRE, HR6 9NF

For: Marches Housing Association per Mr S Buchan Walker Troup, 52 Lyndon Road, Sutton Coldfield, West Midlands, B73 6BS

Date Received:
8th January 2007

Ward: Leominster North

Grid Ref:
49814, 59808

Expiry Date:
9th April 2007

Local Member: Councillors Mrs JP French and Brig P Jones CBE

1. Site Description and Proposal

- 1.1 The proposed development site is located to the north east of Leominster town centre and is accessed through the existing Upper Marshes estate, along the road known as Middlemarsh. The site lies at the far eastern corner of the estate and forms the final phases of development on an allocated housing site.
- 1.2 The site is bounded to the west by the existing residential development, to the north and east by the former railway embankment beyond which is the Kenwater and to the south is the boundary to Dales factory.
- 1.3 The site is virtually flat across its entirety with a slight fall of approximately 0.5 metres from west to east.
- 1.4 The residential area which the site is accessed through has a mix of suburban house types and designs that have no particular relation to the historic core of Leominster.
- 1.5 The proposal is for the erection of 14 affordable dwellings, comprising six 2 bed houses and eight 3 bed houses.
- 1.6 The dwelling designs use contemporary 'Slim House' and 'Clever Box' house types which have been developed for this site and provide the opportunity to introduce innovative dwelling layouts particularly with regard to the adoption of Modern Methods of Construction' and 'Off Site Manufacturing' techniques for their construction.
- 1.7 The slim houses are located to the south of the access road and are a mixture of two and three bedroomed dwellings, of 2 and 2 1/2 storeys in height. This variation has provided the opportunity to provide varying rooflines and the introduction of balconies on the three bedroomed dwellings.
- 1.8 The two 'clever box' houses located to the north of the access road are predominantly single aspect with balconies to the rear.

- 1.9 The site will be accessed from the end of the existing adopted road known as Middlemarsh and will be extended into the site terminating at the eastern end with a hammerhead which is designed to meet adoptable standards. The creation of the new highway will require the stopping up of part of the existing hammerhead from the adjacent development which is contained within the site.
- 1.10 The application is accompanied by a full design and access statement and a flood risk assessment.

2. Policies

- 2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft)
S1 - Sustainable Development
DR1 - Design
DR7 - Flood Risk
H2 - Hereford and the Market Towns - Housing Land Allocations
H13 - Sustainable Residential Design
NC3 - Sites of National Importance
PPS25 - Development and Flood Risk

3. Planning History

- 3.1 NC03/2045/F - Construction of 20 affordable dwellings - Approved 17th September 2003.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Transportation Manager - No objection subject to conditions and a request for highway contributions of £1,500 per dwelling to be secured through a Section 106 Agreement.
- 4.3 Strategic Housing - Fully support this application to provide 14 affordable dwellings to meet an identified housing need in Leominster.
- 4.4 Forward Planning Manager - No objection subject to compliance with the criteria contained in Policy H3 of the UDP and its sub-test at paragraph 5.4.20.

5. Representations

- 5.1 Leominster Town Council - Recommend approval in principle but consider the use of white facings for the external walls to be out of keeping with the area.
- 5.2 Welsh Water - No objection subject to conditions.
- 5.3 River Lugg Internal Drainage Board - Note that the watercourse into which surface water will eventually discharge is not one maintained by them.
- 5.4 Environment Agency object to the application on the basis that the finished floor levels are too low (71.2m where their requirement is 71.7m) and that the application fails to

demonstrate a dry pedestrian access in the event of overlapping of the flood defence. They have also made a request for financial contributions to be made towards a flood warning system (£1,000 per dwelling) and towards the maintenance of the existing flood defences (£5,125 per dwelling).

- 5.5 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 This proposal generally accords with policy. It seeks to provide affordable housing on an allocated site. The sub-text of policy H2 sets a number of criteria against which an application is to be considered and these are as follows:
- 6.1.1 The provision of a wildlife corridor of a depth of at least 10 metres from the channel of the river.
 - 6.1.2 The setting of appropriate finished floor levels for dwelling and the completion of a flood risk assessment, including an assessment of the adequacy and maintenance of the flood bank.
 - 6.1.3 The provision of a buffer between the residential area and industrial land (Dales) to the south-east.
- 6.2 The closest part of the development to the river is approximately 14 metres from the middle of it. The former railway embankment provides the majority of the wildlife corridor and this part of the policy is considered to be met.
- 6.3 There has been some debate regarding the adequacy of the flood risk assessment. The Environment Agency had originally objected to the application on the basis that the finished floor levels were too low (71.2m where their requirement is 71.7m) and that the application fails to demonstrate a dry pedestrian access in the event of overlapping of the flood defence.
- 6.4 They have also made a request for financial contributions to be made towards a flood warning system (£1,000 per dwelling) and towards the maintenance of the existing flood defences (£5,125 per dwelling).
- 6.5 The concerns originally raised by the Environment Agency now appear to have been addressed through further negotiation and discussion between parties although a formal response has yet to be received. The Applicant's agent has acknowledged that a dry pedestrian access cannot be achieved but argues that the boundary of the flood zone extends some 500 metres from the site, due to the general relief of the land. Therefore the provision of a dry access is not feasible.
- 6.6 In the same respect they have contended that the dispersal of any water in the event of a flood would be significant, due to the relief of the land, and therefore a floor level of 600mm above the 100 year flood level (71.7m) is excessive, but suggest a compromise of 300mm, and a floor level of 71.4m.
- 6.7 The applicants are agreeable to making financial contributions to a flood warning system and towards maintenance of existing flood defences. They accept a charge of £1,000 per dwelling for the former but have advised that they are only able to

contribute £750 per dwelling for maintenance, highlighting the fact that the housing association is a 'not for profit' organisation and that they have a tight budget.

- 6.8 The requests for contributions came through the advent of changes made to Government advice in PSS25 – Development and Flood Risk. None of the previous schemes have required such contributions and, given the financial constraints of providing affordable housing, the fact that some contribution can be made is considered to be a positive step by the applicants. A Heads of Terms Agreement is appended to this report on the basis of the figures proposed by the applicant.
- 6.9 The further contribution requested by the Transportation Manager is, however, considered to be unreasonable, given that the whole site is to be developed for affordable housing, there being no 'profit' from which to make such additional payments.
- 6.10 The dwellings are well spaced within the site and are all afforded good sized residential curtilages. This is in part due to the use of the 'slim house' designs, which have a smaller footprint and allow increased space around them. There is no strong architectural type on the residential estate and therefore the contemporary approach that has been taken is considered to be acceptable. The inclusion of balconies, whilst not usually acceptable in a residential context, is accepted as they will not cause any demonstrable overlooking due to the orientation of the properties.
- 6.11 Subject to conditions and the completion of a Section 106 Agreement as described in the Heads of Terms, the proposal is considered to accord with policy and is recommended for approval.

RECOMMENDATION

That the Head of Legal and Democratic Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to (set out heads of agreement) and any additional matters and terms as he considers appropriated.

Upon completion of the aforementioned planning obligation that the 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 - B01 (Samples of external materials)

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

3 - E16 (Removal of permitted development rights)

Reason: In order that the local planning authority can consider the impact of any further development on the flood plain.

4 - F48 (Details of slab levels)

Reason: In order to define the permission and ensure that the development takes account of the flood risk associated with the site.

5 - G02 (Landscaping scheme (housing development))

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

6 - 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.

7 - 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.

8 - W01 (Foul/surface water drainage)

Reason: To protect the integrity of the public sewerage system.

9 - W02 (No surface water to connect to public system)

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

10 - W03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

11 - No development shall commence until the Developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been agreed in writing by the Local Planning Authority in liaison with Dwr Cymru Welsh Water's Network Development Consultant.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

Informatives:

1 - N15 - Reason(s) for the Grant of PP/LBC/CAC

2 - N19 - Avoidance of doubt

3 - If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155.

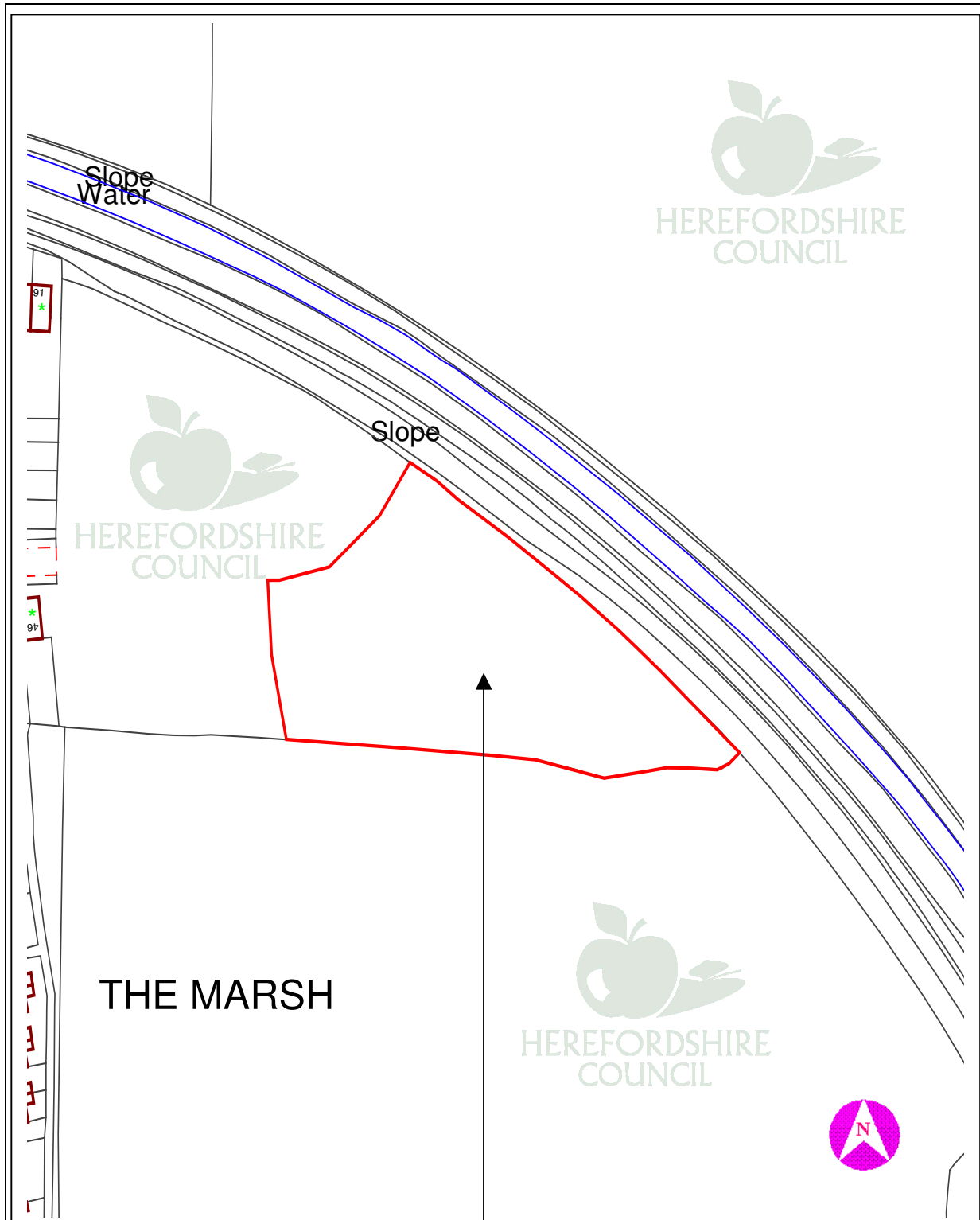
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2007/0044/F

SCALE : 1 : 1250

SITE ADDRESS : Land of Middlemarsh, Leominster, Herefordshire, HR6 9NF

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DRAFT HEADS OF TERMS
Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

- Planning Application – DCNC2007/0044/F
 - Erection of 14 affordable dwellings, associated highway and external works
 - At Land at Middlemarsh, Leominster, Herefordshire, HR6 8UP
1. The developer covenants with Herefordshire Council to pay the Environment Agency the sum of £14,000 (ratio of £1000 per unit) to contribute towards the provision of a Flood Warning Scheme for the development, the sum to be paid on or before the occupation of fourteenth dwelling.
 2. The developer covenants with Herefordshire Council to pay the Environment Agency the sum of £10,500 (ratio of £750 per unit) for the maintenance, rebuild or structural alteration of the existing flood defence, the sum to be paid on or before the occupation of fourteenth dwelling
 3. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
 4. The developer shall complete the Agreement by 5th April 2007 otherwise the application will be registered as deemed refused.

Andrew Banks – Principal Planning Officer

12th February 2007