

15 DCNC2007/3541/F - REDEVELOPMENT OF LAMBOURNES, RYELANDS ROAD COMPRISING 26 DWELLINGS (3 NO 1/BED FLATS. 9 NO 2/BED FLATS, 3 NO 2/BED HOUSES AND 11 NO 3/BED HOUSES. RYELANDS ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NZ

For: Mr K Lambourne, JBD Architects, Mortimer House, Holmer Road, Hereford HR4 9TA

Date Received:
14th November 2007
Expiry Date:
13th February 2008

Ward: Leominster South

Grid Ref:
49448, 58803

Local Members: Councillor R. B. A. Burke
Councillor R. Hunt

1. Site Description and Proposal

- 1.1 The site lies in close proximity to Leominster's town centre and is immediately adjacent to the Aldi supermarket. Residential development lies behind and to the side, with terraced housing and the telephone exchange building on the opposite side of Ryelands Road. The site is just beyond the boundary of Leominster's conservation area and a Grade II listed building, Westbury House, bounds the site to the west.
- 1.2 The site is currently occupied by a large factory building. Its frontage onto Ryelands Road extends to approximately 35 metres and takes the appearance of a utilitarian commercial premises with a predominantly glazed front elevation. It appears to have a mono-pitch roof when viewed from the road, but in fact is a series of asymmetric roofs with ridges running in an east/west direction. This helps to minimise its dominance in the street scene, as does the fact that its ground level is lower than that of the public highway and of Westbury House to the west. The site, whose area amounts to approximately 0.5 hectares, is almost entirely covered with this single building.
- 1.3 The proposal seeks to remove the building and its commercial use and replace it with a residential development of 26 dwellings. The scheme retains a street frontage with two blocks of flats. These are three storey and provide 9 two bed and 3 one bed units and also incorporate secure cycle parking. A wagonway-arched entrance forms part of one block and gives vehicular access to the remainder of the site behind where 14 further dwellings are arranged in a crescent of three terraced blocks comprising 3 two bed and 11 three bed houses. The area contained within is predominantly to be used for parking arranged around a central focal point.

- 1.4 The development is of a contemporary design and the layout is arranged to both maintain a street frontage and also minimise any nuisance that may be caused by its proximity to the supermarket car park, hence the crescent arrangement. This also allows an alignment to maximise passive solar gain.
- 1.5 The plans indicate that the flats fronting onto Ryelands Road will be predominantly brick with elements of glazing and render. The blocks are to have a monopitch seamed aluminium roof and are surrounded by landscaped areas with parking behind.
- 1.6 The dwellings are similarly designed but are finished in a combination of render and stained timber cladding. Like the flats, each is provided with secure cycle parking within its curtilage.
- 1.7 The application is accompanied by a design and access statement which advises that the design of the development has been influenced by a desire to make use of sustainable and environmentally sustainable materials, techniques and technologies to reduce energy consumption. This has in part been described above, but also includes systems for rainwater harvesting and grey water recycling that will reduce surface water run-off and limit the impact of the development on the existing sewerage system. The scheme includes a sustainable drainage scheme by way of a surface water storage pond in the south western corner of the site.

2. Policies

Herefordshire Unitary Development Plan

- S1 - Sustainable development
- S2 - Development requirements
- DR1 - Design
- DR2 - Land use and activity
- DR3 - Movement
- DR5 - Planning obligations
- H1 - Hereford and the market towns: settlement boundaries and established residential areas
- H9 - Affordable housing
- H13 - Sustainable residential design
- H14 - Re-using previously developed land and buildings
- H19 - Open space requirements
- E5 - Safeguarding employment land and buildings
- HBA4 - Setting of listed buildings

3. Planning History

None relevant to this application

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water - Advise that they consider that the proposed development would overload the existing public sewerage system. However improvements are planned for

completion by 1st April 2010 and they recommend the imposition of conditions including one requiring that the development is not brought into use until 1st April 2010.

Internal Council Consultations

- 4.2 Transportation Manager - No objection subject to a Section 106 contribution for transport improvements for this development. The relevant schemes would include, but not be limited to:
1. Improvements to pedestrian facilities within the vicinity schools and nearby town centre (dropped kerbs, widening, provision of tactiles etc)
 2. Improvements to cycling provision within the vicinity, schools and nearby town centre
 3. Contributions to Safe Routes to Schools schemes within Leominster
 4. Improvements to traffic management within Leominster
 5. Contribution to improved public transport within Leominster.
- 4.3 Public Rights of Way Manager - No objection as the proposal would not appear to affect the public footpath bounding the site to the west.
- 4.4 Conservation Manager Historic Buildings -Considers that a 3D representation of the scheme and its architectural relationship with the wider area should be included, as should a colour palette of the materials, to better consider the proposal in its setting.
- 4.5 Landscape - No objection subject to condition.
- 4.6 Parks, Countryside and Leisure Development Manager - Under current UDP Policy H19 a development of this size would require a small children's play area. No such provision is made on the site. This is supported as they offer little in terms of play value and the preference is for an off-site contribution towards a larger play area.

We would also ask for a contribution towards sports facilities provision in response to advice given by Sport England would require that development contributes towards increasing participation in active sports. Any contribution would be used towards improvements at the Leominster Leisure Centre's multi activity suite.

- 4.7 Housing Development Officer - In accordance with UDP policy H9 and based on the Housing Needs Assessment 2005 there is a requirement for 9 affordable units, the type and tenure of which should be as follows:

Registered Social Landlord rented
2 bed 4 person - 6 apartments
3 bed 5 person - 1 house

Registered Social Landlord shared ownership
2 bed 4 person - 2 houses

- 4.8 CCTV Officer - Requests that a contribution is sought towards improvements to the town's CCTV system.

5. Representations

- 5.1 Leominster Town Council - Minded to recommend approval for an interesting and highly innovative scheme for the town and commends the design. Expressed some reservations about the rather high housing density and that, in the interests of safety, that the proposed pond should be fenced.
- 5.2 Leominster Civic Society - Support the proposal and welcome the fact that it gives serious attention to sustainability issues. Comment that the visual success of the development will be dependent upon the choice of materials and suggest that naturally coloured timber panels, rather than plain coloured panels, may be considered.
- 5.3 One letter has been received in response to public consultation procedures from Mrs Comfort, The Summerhouse, Aldermans Meadow, Leominster. Whilst not objecting to the development as a whole, she does express concern about the nature area/pond that would bound her property, considering that it will create a security issue in an area where there are already problems with vandalism and antisocial behaviour. She suggests that it is omitted from the scheme and the land be encompassed within the gardens of the two adjoining properties.

She also suggests that the footpath along the frontage of the site is widened.

- 5.4 In response to the comments received the applicant's agent makes the following comments:

The public footpath is not in our ownership and there is a 1.8 metre high brick wall along the length adjoining the application site that is to be retained. In normal circumstances this wall is an adequate deterrent. The wildlife area and pond is not open to the public. It will be gated and is for the amenity of the adjoining residents who will retain keys.

A part of the sustainable agenda is to reduce surface water run off by holding back surface water via the pond and to utilise this feature to enhance the biodiversity of the site. The construction of the pond and landscaping will of course be designed to avoid the pitfalls raised by the Town Council and details can be agreed with the landscape officer. The use of deterrent plants along the wall would be one suggestion.

The maintenance of this area will form part of the overall management of the site. Circulation areas will not be adopted and the most likely outcome is the formation of a management association.

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

Principle of development

- 6.1 The site falls within an established residential area. Policy H1 of the Herefordshire Unitary Development Plan requires that these areas should remain primarily residential in character, with other uses remaining compatible with housing and appropriate for the site. H1 permits residential development within these areas subject to compliance with other policies in the plan.
- 6.2 In this case other policy considerations relate to the fact that the proposal will result in the loss of an established employment site. Policy E5 of the UDP only permits the loss of these sites where it can be demonstrated that there would be substantial benefits to residential or other amenity in allowing alternative forms of development.
- 6.3 A valid industrial use remains on the site that falls within Class B2 of the Town and Country Planning (Use Classes) Order. Whilst the current use of the site is not known to cause any nuisance or cause for complaint, an alternative and unrestricted use falling within Class B2 could be continued on the site. B2 uses are not generally compatible with residential areas and therefore an alternative user could be a cause of significant nuisance by virtue of odours or noise.
- 6.4 It is therefore concluded that a B2 use in a primarily residential area is not desirable and it would be beneficial to amenity if this use were to be removed from the site and replaced with a residential development.

Design issues

- 6.5 Policy H13 requires that new development strives to be sustainable in its design. As noted in the comments from Leominster Civic Society, the scheme does pay considerable regard to issues of sustainability and this is reflected in the design and layout of the scheme. The attenuation pond serves a specific purpose and on the basis of the comments of the applicant's agent, is not intended to be a public area. It appears that the problems of antisocial behaviour arise from the enclosed nature of the public footpath running along the western boundary of the site. The boundary wall is to remain and, if anything, the proposal will result in the footpath being more overlooked and act as a greater deterrent to antisocial behaviour.
- 6.6 The carefully considered design of this proposal is integral to its success as a development as a whole and it would be unfortunate for this to be watered down through inappropriate alterations in the future should planning permission be granted. It is therefore recommended that if planning permission is forthcoming, a condition is imposed removing permitted development rights.
- 6.7 It is concluded that this scheme achieves all of the aspects of sustainable design as outlined by Policy H13 and therefore is entirely acceptable in this respect.

Affordable housing

- 6.8 In accordance with Policy H9, the provision of affordable housing will be sought on both allocated and windfall housing sites. Such housing should provide, wherever possible, a mix of housing types, having regard to local needs, and contribute to a mixed and balanced scheme overall in terms of dwelling size, type and affordability. The applicant's agent has advised that his client is willing to make the provisions required by the Housing Development Officer. This will be secured through a Section 106 Agreement.

Highway issues

- 6.10 The widening of the public footpath along Ryelands Road is indicated on the submitted plans that show a width of 1.8 metres. These alterations can be secured through the Section 278 Agreement that the applicant will be required to enter into as a result of alterations that will occur within the public highway.

Drainage

- 6.11 Discussions have taken place over the last 15 months with the applicant's agent on the premise that improvement works to the sewerage system would be completed by Welsh Water by April 2008. It now appears that this date has been put back to April 2010. The applicant has taken all reasonable steps to limit the impact of this proposal on the existing system by employing a sustainable drainage scheme and it does not seem reasonable to effectively place an embargo on further residential development in Leominster until such improvement works have been completed. The proposed condition that development should not be occupied until April 2010 is not a reasonable request and will only serve to stifle development in the town in the short term.

Other issues

- 6.12 The comments from the Historic Buildings Officer in terms of an apparent lack of information are difficult to substantiate. It is clear that the relationship with the Grade II listed building to the west will be improved as the scheme has a lesser bulk and is set back further from the roadside edge than the existing building. As such the listed building will assume a greater degree of prominence in the street scene. It is also noted that no objection appears to be raised to the design of the of the scheme, but a request is made for a palette of materials. This can be addressed by condition and the suggestion of the Leominster Civic Society that panelling is left as natural timber is sensible.

Conclusion

- 6.13 A Draft Heads of Terms Agreement is appended to this report outlining the provision of affordable housing and contributions relating to highway improvements, open space and sports facilities provision, education improvements, library services and recycling facilities all in accordance with the Planning Obligations Supplementary Planning Document. The request for a

contribution for CCTV improvements is not included as the proposal does not meet the criteria outlined by the same document.

6.14 It is therefore concluded that the proposal is in full accordance with the Herefordshire Unitary Development Plan and, subject to conditions and a Section 106 Agreement dealing with the matters referred to above, the application is recommended for approval.

Recommendation

That the Legal Practice Manager be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional or amended matters which he considers to be necessary or appropriate.

Upon completion of the above-mentioned planning obligation agreement Officer named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:

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 - 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 assess the impact of any further development on this specifically designed scheme.

4 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

5 - 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.

6 - G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

7 - G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

9 - G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

10 - G13 (Landscape design proposals)

Reason: In the interests of visual amenity.

11 - G18 (Protection of trees)

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

12 - G19 (Existing trees which are to be retained)

Reason: In order to preserve the character and amenity of the area.

13 - H11 (Parking - estate development (more than one house))

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

14 - W01 (Foul/surface water drainage)

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

15 - 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.

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

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

Informative(s):

- 1 - HN07 - Section 278 Agreement**
- 2 - HN10 - No drainage to discharge to highway**
- 3 - HN22 - Works adjoining highway**
- 4 - N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 5 - N19 - Avoidance of doubt**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.

DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement

Section 106 Town and Country Planning Act 1990

Planning Application – DCNC2007/3541/F

Proposed erection of 26 dwellings on land at Lambournes, Ryelands Road, Leominster

1. The developer shall provide 9 affordable housing units as indicated on plan ref. 5584/detail 1 submitted as part of the application. Such houses will meet the criteria as set out in section 5.5 of the Unitary Development Plan 2007. The affordable housing units will comprise of seven rented units, 6 of which shall be 2 bed apartments and one 3 bed dwelling, and two 2 bed shared ownership dwellings in accordance with the information as stated on the approved plans. The applicants or successors in title shall procure the construction of the affordable housing in accordance with the current Housing Corporation Scheme Development Standards and Lifetime Home Standards with no affordable housing grant input.
2. The developer covenants with Herefordshire Council, in lieu of the provision of open space on the land to serve the development to pay Herefordshire Council the sum of £17,000 which sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:

Improvements to the neighbourhood park at Sydonia, including its surrounding footpaths
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £16380 (in accordance with the Sport England Sport Facility Calculator) for improvements at the Leominster Leisure Centre's multi activity suite which sum shall be paid on or before the commencement of the residential development.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £72,236 to provide education improvements to Leominster Infants

AREA SUB-COMMITTEE

School, Leominster Junior School and The Minster College. This sum shall be paid on or before the commencement of development.

5. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £51,120 to provide sustainable transport measures in Leominster. The sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Pedestrian access improvements near the development and within Leominster.
 - b) Improvements to bus provision/passenger waiting facilities.
 - c) Improvements to safe routes to local schools etc.
 - d) Contribution to safe routes to schools.
6. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £5,142 to provide for library services in Leominster. The sum shall be paid on or before the commencement of development.
7. The developer covenants with Herefordshire Council, in lieu of the provision of recycling facilities on the land to serve the development to pay Herefordshire Council the sum of £3120 which sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option to either improve existing or provide new recycling facilities within Leominster.
8. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 2, 3, 4, 5, 6 and 7 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
 - a) The sums referred to in paragraphs 2, 3, 4, 5, 6 and 7 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.

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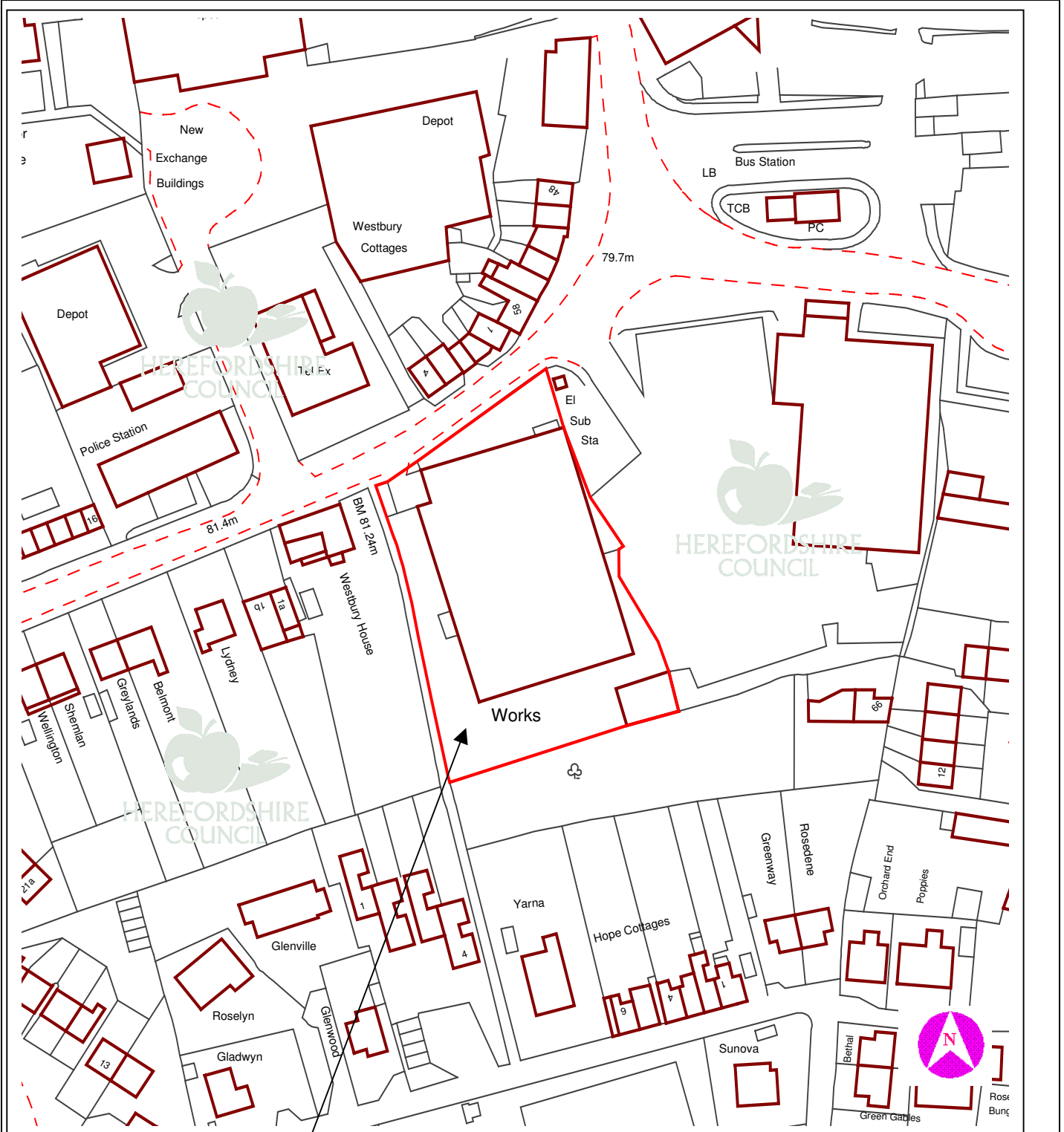
- b) The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
- c) The developer shall complete the Agreement by 8th February 2008 otherwise the application will be registered as deemed refused.

Andrew Banks – Principal Planning Officer

Peter Yates – Development Control Manager

30th November 2007

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APPLICATION NO: DCNC2007/3541/F

SCALE : 1 : 1250

SITE ADDRESS : Ryelands Road, Leominster, Herefordshire, HR6 8NZ

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