

7 DCNC2007/3391/F - PROPOSED SITE FOR 10 DWELLINGS AT FORMER ORPHANS PRESS SITE, LAUNDRY LANE, LEOMINSTER, HEREFORDSHIRE, HR6 8JT**For: Mrs M Ford per Mr N La Barre, Easters Court,
Leominster, Herefordshire, HR6 0DE****Date Received:
30th October 2007****Ward:
Leominster South****Grid Ref:
49644, 58030****Expiry Date:
29th January 2008**

Local Member: Councillor RBA Burke & Councillor RC Hunt

Introduction

The application was deferred by the Northern Area Planning Sub-Committee on 16th January 2008 with a request for further information to be provided about the highway implications of the proposal and in order that a further assessment could be made of the levels of the proposed dwellings and the implications of this for the adjoining bungalow known as Lilacs.

As a result the applicant's agent has submitted further drawings demonstrating the relationship between dwellings on the site and Lilacs, and the same property and the existing buildings. The drawings also include a detail to show how both the existing situation and the proposals affect Lilacs in terms of shadowing.

The applicant's agent comments as follows:

Although Laundry Lane slopes gently down from West to East the site itself is relatively level with a drop at its eastern boundary of between 1.1m and 1.3m. Since the plans have been submitted and the owner of the bungalow immediately to the East (Lilacs) has extended the property close to the boundary. I have amended the existing and proposed 1:200 scale site plans to show the relative position of the bungalow and these plans also indicate shadow lines. Privacy and amenity to this property will be unaffected by the proposed development.

The recommended width for shared access roads to new developments is 4.5m and Laundry Lane is this width and the tarmac surface is in very good condition. I reiterate my previous comment that this proposal will result in a net reduction in traffic movements along Laundry Lane and this should be viewed as a positive improvement.

Egress from Laundry Lane on to Hereford Road could be improved if cars were prevented from parking on Hereford Road immediate to each side of the junction by way of double yellow lines.

During the committee meeting it was mentioned that 16 flats were being built down Laundry Lane, this is not the case. A long time ago Planning Permission was obtained for 12 flats and 8 of these were built about 20 years ago, the remaining 4 are now under construction.

Further comments have also been received from the Transportation Manager in respect of the possibility of making highway improvements. Three options were considered and his response is as follows:

1. The use a Traffic Regulation Order (TRO) to control on-street parking along Hereford Road on either side of Laundry Lane;
2. Reducing the current speed limit along Hereford Road;
3. Improved signing &/or traffic calming methods along Hereford Road to alert road users to the junction.

I would expect that the second and third options are unlikely to meet current guidance, so they should be ruled out. The exception would be if there are plans to institute a 20mph zone at the school that could be extended, although this is some distance from Laundry Lane and may be too far away.

This leaves the first option, which would certainly improve the poor visibility at the junction. However, it would also increase parking pressure at a place where there already exists considerable demand for parking. It could be achieved by TRO or constructing buildouts on Hereford Road.

Parking restrictions for approximately 15m either side of Orphan's Lane would be appropriate, paid for by the developer. It may, however, be difficult to condition this, as the TRO process is subject to consultation, and I anticipate some objections from residents affected by removal of the parking spaces. Most of the dwellings near the junction have no alternative than to park on the highway.

The buildouts would probably need dropped kerbs to assist pedestrians crossing Hereford Road and Laundry Lane, inviting vehicles to park on them if not very carefully designed and enforced.

In conclusion, there may be some merit in seeking a financial contribution towards highway improvements. In the first instance these contributions could be used to fund the consultation process for a TRO to restrict parking to either side of Laundry Lane. If this should fail as a result of local objection any remaining monies could be used for local highway improvement schemes or safe routes to schools.

On this premise a contribution of £1,500 per dwelling is recommended.

Officer's Comment

The comments from the applicant's agent regarding the planning history of residential development are not in doubt. They do not mention the fact that a further 7 dwellings were approved with access off Laundry Lane (NC1999/3052/F), but this permission has since lapsed. The land is subject of a current application for a further phase of development at St Botolphs that is to be serviced by the existing access to that residential estate.

I consider that the additional drawings show that the existing building is more dominant than the proposal. At 8.4 metres it is one metre taller than the proposed dwellings and the existing is actually closer than the dwelling on plot 4. The plans also indicate that there will not be a significant degree of overshadowing of Lilacs. A condition referring to levels has been included in the original report and it is concluded that the scheme is acceptable in terms of its impact on residential amenity.

The Transportation Manager has commented in detail about the likely success of any highway improvements around the Hereford Road/Laundry Lane junction. Any parking restriction will need to be subject to a TRO and the requirement for public consultation casts

doubt over the probability of this actually occurring. He does recommend the inclusion of a contribution towards highway improvements, but in the absence of a confirmed TRO this will not achieve the improvements that are at issue as far as this proposal is concerned. Given the anticipation of a net reduction in traffic along Laundry Lane, a request for a S106 contribution is not justified.

The original report to committee now follows:

1. Site Description and Proposal

- 1.1 The site to which this application relates is located on the southern side of Laundry Lane, Leominster and is the site of the former Orphans Press printing works. The company have since moved to a site on Leominster Enterprise Park.
- 1.2 The site is roughly rectangular and is approximately 50 metres in depth with a 40 metre frontage onto Laundry Lane. An electricity sub station is located in the north eastern corner but is not part of the application site. The plot is dominated by the former printing works building which is set back from the road with a tarmaced parking area in front. A smaller building defines the southern boundary of the site running almost along its entire length.
- 1.3 The site is flat but set at a higher level to the bungalow immediately to the east, the difference in ground level being approximately 0.75 metres. It is surrounded on all boundaries by private residential dwellings with buildings on the opposite side of Laundry Lane hard against the roadside.
- 1.4 The proposal is for the demolition of the existing buildings on the site and for its re-development with a scheme for 10 houses, comprising four 2 bed and six 3 bed dwellings. Two pairs of semi detached properties are positioned either side of an access onto Laundry Lane, being set back from the road edge by a minimum of 3 metres. A further pair of semis are positioned mid-way into the site on the eastern boundary with a terrace of four positioned along the southern boundary. Each dwelling is provided with two parking spaces and the submitted block plan also indicates the provision of secure cycle storage buildings. All dwellings have front and rear access and the block plan also indicates areas of landscaping.
- 1.5 The elevations of the dwellings take their lead from the buildings on the opposite side of Laundry Lane with 45 degree roof pitches and the use of dormer windows and gabled arrangements to break their mass. The application form indicates that external materials will be brick and tile.
- 1.6 The application is accompanied by a design and access statement and also a Desk Study Report into the potential contamination of the site.

2. Policies

2.1 Herefordshire Unitary Development Plan

DR1 – Design

DR2 – Land use and activity

DR3 – Movement

DR10 – Contaminated land

H1 – Hereford and the market towns: settlement boundaries and established residential areas

H13 – Sustainable residential design

H14 – Re-using previously developed land and buildings

H15 - Density

H16 – Car parking

H19 – Open space requirements
E5 – Safeguarding employment land and buildings

3. Planning History

3.1 None identified.

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Consultations

4.2 Transportation Manager - Whilst the access along Laundry Lane and its junction with Hereford Road are not consistent with current standards, I consider that the proposed development will not result in an increase of traffic over that existing, or indeed likely if the site was re-developed for commercial use. There are therefore no robust grounds to recommend refusal, and the development is likely to improve highway safety when compared with commercial proposals. Therefore I would raise no objection subject to the imposition of conditions.

4.3 Head of Trading Standards and Environmental Health - Comments as follows:

In general the Geo-environmental desk-study covers the main issues on site, however the following items will need to be addressed when any further submissions are made:

- The Conceptual model contained within the report does not appear to include the indoor/out door inhalation pathway from potential solvents or hydrocarbons that may be present within the soils. The conceptual model will need to be updated.
- Trading Standards and Environmental Health response was not included within the desk-study report, for completeness these responses should be incorporated in any additional reports.
- Prior to the site investigation works commencing, it is recommended that a detailed contaminated land site investigation proposal is submitted for comment.
- In terms of the planning application, I would recommend that a planning condition is attached to any planning permission granted to require the updating of the conceptual model contained within desk-study, a site investigation, recommendation of any necessary remediation actions and the implementation of the remedial actions.

4.4 Public Rights of Way Officer - A public footpath passes along Laundry Lane and this will be affected by the development, particularly during the construction phase.

The applicants should ensure that the future residents of the dwellings have lawful authority to drive over the public footpath. This is normally granted by the owner of the land over which the public footpath passes, and is often included in the Title Deeds.

The applicants should note that because the right of way has footpath status it will only be maintained by the highway authority to a standard suitable for use by pedestrians.

Because of the additional number of residents we would request a Section 106 contribution towards improvements in the public rights of way network in line with the emerging Supplementary Planning Guidance on Planning Obligations.

4.5 Landscape Officer - No objection subject to conditions

- 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.

5. Representations

- 5.1 Leominster Town Council - Recommends refusal as the proposed development is out of keeping. It would place a strain on the infrastructure and in particular the sewerage system and has a hazardous access onto Laundry Lane, which already has high density housing.

- 5.2 Welsh Water - No objection subject to conditions.

- 5.3 Eight letters of objection have been received from local residents. In summary the points raised are as follows:

1. Concerns about highway safety at the junction of Laundry Lane and Hereford Road.
2. The proposal will exacerbate traffic congestion along Laundry Lane.
3. Two storey dwellings are not in keeping with the area. Any development should be single storey.
4. Loss of privacy and amenity.
5. Concerns over the capacity of the sewerage system.
6. Query over the ownership of Laundry Lane.

- 5.4 The applicant agent has submitted an additional statement in relation to concerns raised over highway safety and this reads as follows:

The previous occupants of the site (Orphans Press) employed 20 staff, many of whom drove to work. In addition the metal plating works at the rear had four employees.

The 15 dedicated parking spaces on site were generally fully occupied by employee's cars, some of whom would drive into the town centre during lunchtime.

In addition to staff traffic manoeuvres there were numerous clients visiting every day as well as daily deliveries of supplies and dispatches of finished goods generally by vans but sometimes by articulated lorries which had to reverse down the lane. Any other light industrial use on this site would probably generate similar traffic movements.

By comparison the traffic generated by the new dwellings would be considerably less than previously experienced given that there would be a maximum of 20 cars parked on site.

- 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. Officer's Appraisal

- 6.1 The main issues are summarised by the objections raised by local residents and each will be dealt with in turn.

Highway Safety

- 6.1 The comments of the Transportation Manager and the applicant's agent deal with this matter in detail. In short, a valid industrial use remains on the site that falls within Class B2 of the Town and Country Planning (Use Classes) Order. If an alternative use falling within Class B2 were to be continued on the site it could generate a similar, or even greater, number of traffic movements without restriction. Therefore a comparison has to be drawn between the most recent use of the site and this proposal in terms of traffic generation and highway safety.
- 6.2 The Transportation Manager accepts that the junction of Laundry Lane and Hereford Road is not up to current standards, but concludes that the highway safety may actually improve as a result of the removal of commercial vehicles and their associated movements from the junction.
- 6.3 The plans ensure the provision of two spaces per dwelling. This exceeds the 1.5 space per dwelling requirement of Policy H16 of the UDP but this will help to ensure that there is no indiscriminate parking along Laundry Lane itself should planning permission be granted.
- 6.4 The current valid use of the site is an important material planning consideration in terms of highway safety and it is therefore concluded that, in a worst case scenario, there will be no change to it, but more likely that the removal of commercial traffic movements will actually result in an improvement to highway safety.

Design Issues

- 6.5 Notwithstanding the comments from the objectors, there is a mix of single and two storey development in the locality and there is no justification to withhold planning permission in design terms on the basis that this is for two storey accommodation.
- 6.6 The design is typical of a residential development and does pay some regard to the appearance of the buildings immediately opposite. The use of gabled wings and dormer windows, combined with the arrangement of the buildings, helps to break up the bulk and massing of the scheme as a whole. The scheme is generally well proportioned and laid out and affords each dwelling with its own parking and private amenity space. In order that this is maintained, it is recommended that permitted development rights are removed by condition.
- 6.7 The scheme is of an acceptable design and accords with the relevant policies in this respect.

Amenity Issues

- 6.8 Like the matters arising from the design, the key is whether a two storey development results in an unacceptable detriment to residential amenity, either as a result of overlooking or as a result of any domineering effect that it might have.
- 6.9 The only plots that potentially cause any detriment in either respect are plots 1 to 4. It is clear that the internal layout of them has been carefully considered both in terms of the dwellings opposite and the two bungalows either side (Chalgrove and The Lilacs). As a result there are no habitable room windows opposing the building on the opposite side of the road. Windows at first floor in the front elevation serve bathrooms whilst bedroom windows are in the side elevations. For plots 2 and 3 this means that windows look on to the centrally positioned access into the site. For plots 1 and 4 they

look on to the adjacent bungalows. With regard to Chalgrove this results in a window looking onto a blank side elevation. The Lilacs has a lower ground level and therefore the window looking across it looks over its roof and beyond. In both cases there is unlikely to be any demonstrable loss of privacy as a result of this proposal.

- 6.10 With regard to the dominance of the development, it has previously been stated that the massing is broken by the design of the buildings and the spacing afforded between them. The dwelling on plot 4 is some 7 metres from The Lilacs and, although the ground level is higher, it will not result in a domineering effect to any greater extent than the buildings currently on the site.
- 6.11 It is concluded that the scheme does not result in any demonstrable loss of residential amenity and therefore is acceptable in policy terms in this respect.

Land Ownership

- 6.12 Ultimately this is civil matter and not one to restrict the granting of planning permission in itself. It is accepted that there is a longstanding issue with the ownership and maintenance of Laundry Lane and this has never been satisfactorily resolved. However, planning permission has been granted elsewhere along Laundry Lane for residential development and the matter has been raised previously. It has not led to permission being refused before, nor should it in this instance. The Rights of Way Officer has offered a detailed response which has been summarised in this report in respect of the public footpath and the responsibility for its maintenance, and the applicant can be advised of this through the inclusion of a series of notes attached to any planning permission.

Other Issues

- 6.13 The applicants have advised that they are agreeable to paying a contribution towards open space and sports improvements, the details of which are appended to this report as a Draft Heads of Terms.
- 6.14 The loss of employment land is also a material planning consideration, and again this links in with other points of consideration examined earlier in this report. Policy E5 states that a loss of employment land will only be permitted if, amongst other things, there would be substantial benefits to residential amenity in allowing alternative forms of development. A B2 use in a primarily residential area is not at all desirable and it would be beneficial to amenity if this use were to be removed from the site.
- 6.15 It is therefore concluded that the proposal accords with policy and, subject to a Section 106 Agreement to secure contributions to open space and sports provision, 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:

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 implications of any future development.

4 - E18 (No new windows in specified elevation)

Reason: In order to protect the residential amenity of adjacent properties.

5 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

6 - 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.

7 - G01 (Details of boundary treatments)

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

8 - 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 - 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.

11 - H29 (Secure covered cycle parking provision)

Reason: To ensure that there is adequate provision for secure covered cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

12 - W01 (Foul/surface water drainage)

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

13 - 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.

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

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

15 - No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice.
 - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors.
 - c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of an proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.
- 16 - The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.**

Informatives:

- 1 - HN02 - Public rights of way affected**
- 2 - HN03 - Access via public right of way**
- 3 - HN04 - Private apparatus within highway**
- 4 - HN05 - Works within the highway**
- 5 - HN10 - No drainage to discharge to highway**
- 6 - HN22 - Works adjoining highway**
- 7 - HN23 - Vehicular use of public rights of way**

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

9 - N19 - Avoidance of doubt

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

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

Planning Application – DCNC2007/3391/F
Proposed erection of 10 dwellings on land at former Orphans Press site, Laundry Lane, Leominster

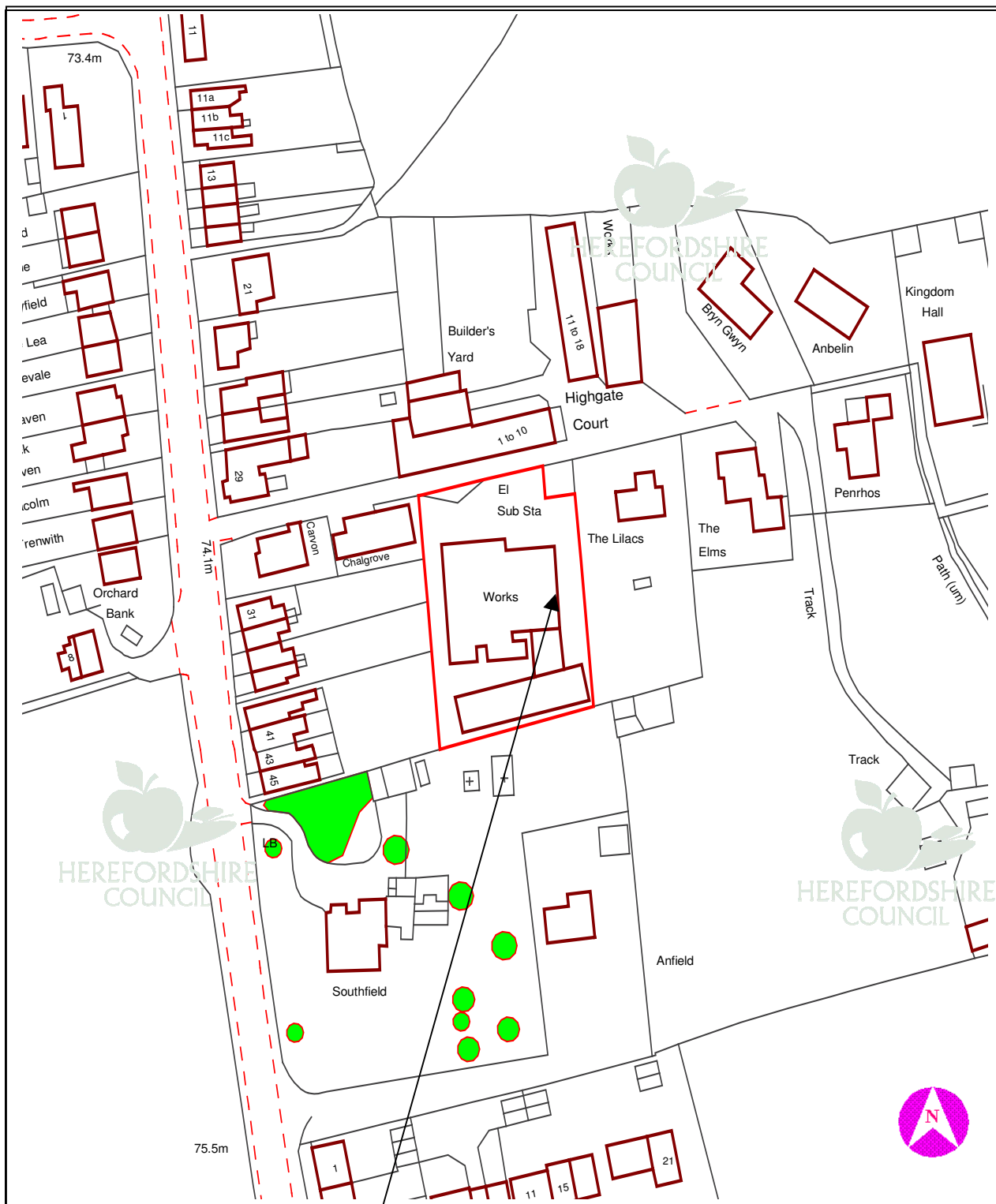
1. The developer covenants with Herefordshire Council, in lieu of the provision of open space on the land to serve the development to pay Herefordshire Council the sum of £9,000 which sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:

Improvements to the neighbourhood park at Sydonia, including its surrounding footpaths

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £6,300 (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.
3. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1 and 2 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 1 and 2 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.
 - 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 28th January 2008 otherwise the application will be registered as deemed refused.

Andrew Banks – Principal Planning Officer
Peter Yates – Development Control Manager

3rd December 2007



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APPLICATION NO: DCNC2007/3391/F

SCALE : 1 : 1250

SITE ADDRESS : Former Orphans Press Site, Laundry Lane, Leominster, Herefordshire, HR6 8JT

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