

9 DCNW2007/3767/O - SITE FOR RESIDENTIAL DEVELOPMENT FOR FIFTEEN HOUSES AND GARAGES. LAND BETWEEN, DARK LANE AND A4110, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LJ

For: Mr M Kirby per McCartneys, The Ox Pasture, Overton Road, Ludlow, Shropshire SY8 4AA

Date Received:
5th December 2007

Ward:
Mortimer

Grid Ref:
40428, 74632

Expiry Date:
5th March 2008

Local Member: Councillor LO Barnett

1. Site Description and Proposal

- 1.1 The application site comprises a 0.78 hectare area of agricultural land at the Northern most point of the village of Leintwardine. The boundaries of the site are formed by Dark Lane to the East and High Street (A4113) to the West. These roads meet at the Northern tip of the site. The northern end and a strip of the eastern side of the site have been allocated in the Unitary Development Plan as 'Protected Open Space'.
- 1.2 The proposal is an Outline application which provides details of the access, scale and layout but reserves details of landscaping and appearance for consideration under any subsequent Reserved Matters application. The application is for 15 dwellings. This would comprise 8 three bed dwellings (3 Affordable), 2, four bed dwellings (1 affordable) and 5 two bed dwellings (1 affordable). The application submission includes:
- an existing Site plan detailing the levels and areas of protected open space, a mature oak tree and hedgerows
 - A proposed layout plan, including the new vehicular and pedestrian accesses as well as the Protected Open Space which is to be used as informal play space.
 - A plan detailing the scale parameters of the dwellings and garages (maximum eaves and ridge heights)
- 1.3 The dwellings would be sited in a cul-de-sac style. Each dwelling would have a garage and at least one additional off road car parking space. The indicative plans show either linked garages between dwellings or a lean to style garage to one side. Some of the dwellings would have dormer style windows. Those dwellings with dormers would have a maximum ridge height of 7m and eaves height of 4.2m. Those without dormers would have a ridge height of 7.15m and eaves height of 5m.

- 1.4 An access to serve the site would be to the West of the site off the A4113. The access is within the 30mph limited area of this road. Part of the hedge will need to be removed and replanted behind the visibility splays to ensure that the required 90m can be achieved in each direction. The footpath will be joined to the existing path on the High Street outside of Little Meadows. A footpath/cycle path is also detailed onto Dark Lane, utilising the position of the existing gate to negate any hedgerow removal on this boundary.
- 1.5 In response to concerns raised by local residents an amendment has been requested removing the cycle/footpath from between Little Meadows and the new dwellings. A reconsultation exercise has been undertaken on this basis. The proposed access road and footpath (2m wide) will suffice to allow access and egress on foot and by bike into this site. The lighting, drainage, construction and maintenance of these public footpaths and highways will be dealt with by way of the appropriate highways agreements and licences.

2. Policies

2.1 Herefordshire Unitary Development Plan (2007)

Policy S1 - Sustainable Developments
Policy S2 - Development Requirements
Policy S3 - Housing
Policy DR1 - Design
Policy DR4 - Environment
Policy DR5 - Planning Obligations
Policy H9 - Affordable Housing
Policy H13 - Sustainable Residential Design
Policy H15 - Density
Policy H16 - Car Parking
Policy H19 - Open Space Requirements
Policy T7 - Cycling
Policy HBA4 - Setting of Listed Buildings
Policy ARCH1 - Archaeological Assessment and Field Evaluations
Policy ARCH6 - Recording of Archaeological Remains
Policy RST3 - Standards for Outdoor Playing and Public Open Space
CF2 - Foul Drainage

2.2 Planning Policy Statement 3: Housing

Planning Policy Guidance Note 13: Transportation
Planning Policy Guidance Note 16: Archaeology and Planning
Planning Policy Guidance Note 15: Planning and Historic Environment

2.3 Supplementary Planning Guidance

Provision of Affordable Housing. November 2004

3. Planning History

- 3.1 97/0372/N - Erection of six dwellings - Refused

4. Consultation Summary

Statutory Consultations

- 4.1 Severn Trent water raises no objection subject to the imposition of conditions relating to the provision of and inclusion of sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, prior to the commencement of development.

Internal Council Advice

- 4.2 The Transportation Manager raises no objections but recommends the appropriate conditions in relation to visibility splays, parking provision and secure cycle storage. It confirms that the removal of the sycelway, and use of the proposed main access as the sole route to the A4113. This would depend on satisfactory access being made available for pedestrians, implying a footway of minimum width 2.0m. A financial contribution is also sought of 1,500 per dwelling (22,500) for pedestrian facilities, Improvements to public transport services and infrastructure and improvements to safer routes for schools.

I also note that there have been requests to provide a footway along Dark Lane from the site towards the school. Unfortunately, this would be very difficult to achieve, mainly because of land ownership constraints. The highway extents are not wide enough to allow construction of a footway - there are also mature hedges very close to the carriageway which make a significant contribution to the ambience of the lane. Given the narrowness and enclosed nature of the lane, re-inforcing its' rural nature, inherent traffic calming exists, making pedestrian travel along the lane reasonably safe.

- 4.3 The Conservation Manager notes that the proposal is in outline, but it can be seen that an appropriate development would not harm the setting of Plough Farmhouse and the conservation area to the south.
- 4.4 The Parks and Countryside and Leisure Development Manager makes the following comments:

The proposal is for 15 dwelling. Under existing UDP policy H19 a development of this size is expected to provide a LAP. Although it is noted that the protected area of open space now suggests the provision of a play area, we do not encourage LAPs as they provide very little in terms of play value. Therefore an off-site contribution is sought to provide improved facilities at the existing play area in the village at the Criftons, which the Council maintains.

Currently we ask for 500 per bedroom excluding the first bedroom towards an off-site contribution. Based on the proposed number of bedrooms this equates to 13,500.

As previously stated we would adopt the open space on the basis that it is used for informal open space and an off-site contribution is sought. We would require a commuted sum towards maintenance of the open space.

We also ask for a contribution towards sports facilities provision from all new development. This is in response to Sport England who required such developments to help contribute towards increasing participation in active sports. The calculation is based on Sport England's Sports Facilities Calculator and will be used towards much needed improvements at Leintwardine Football club. It equates to 630 per dwelling/apartment (figure agreed by Sport England). Therefore in this case based on 15 dwellings the total is 9,450.

4.5 The Strategic Housing Manager makes the following comments:

The units proposed are just as requested from McCartneys. The split between shared ownership and rented is (Rented 1 x 2 bed, 1 x 3 bed, 1 x 4 bed) and (shared ownership 2 x 3 bed)

We will be requiring local connection through a S106 agreement as follows:-

Initial connection to the Group Parish of Leintwardine, Burrington and Downton, then cascading out to adjoining parishes of Buckton & Coxall, Walford, Letton & Newton, Adforton, Leinthall Starkes, Elton and Pipe Aston. Finally, if no applicant within those parishes, cascading out to Herefordshire.

Also required in S106 is the capping of shared ownership to 80% ownership (to keep units affordable in perpetuity).

4.6 The Forward Planning Manager makes the following comments:

The site in question, was considered too small to be identified as a plan proposal, but was included within the settlement boundary to allow small scale development, which may come forward as windfall. Landscape officers objected to the site being fully developed and a compromise was reached where the northern tip was protected under Policy HBA9, in order to retain the open nature of the approach to the village. Initial objections to exclusion of the site were then withdrawn, and the Inspector decided that no further action was necessary.

4.7 The Education Manager makes the following comments:

The provided schools for this site are Leintwardine Endowed Primary School and Wigmore High School.

The Children & Young People's Directorate request a contribution to be made towards education in this area. Additional children may also prevent us from being able to remove temporary classrooms that we would otherwise be able to do. A contribution of £2000 per dwelling would be sought. It should be noted that the Draft Supplementary Planning Guidance document that is currently out for consultation has a requirement for a contribution in the region of £6000 to be made per dwelling. Once this document has been ratified, the revised figure will be requested.

Unfortunately I am unable to predict the projected numbers of roll for individual schools.

Based on the Autumn 2007 census, Leintwardine Endowed Primary School is over capacity in 3 of its year groups and at capacity in 2. Based on the Autumn 2007 census the school has 103 pupils on roll, meaning that the school only has 2 surplus places (capacity 105). The following calculation shows that, should the development go ahead, the number of children potentially generated by the development would be as follows:

*15 dwellings = 15 * 0.3 children = 4.5 (5) children
Primary = 7/12 * 4.5 = 2.6 (3) children
Secondary = 5/12 * 4.5 = 1.9 (2) children*

From this calculation the school would not be able to accommodate the potential additional 3 children as, at October 2007, the school only had 2 places surplus within the school.

5. Representations

- 5.1 Leintwardine Parish Council makes the following comments - please copy from file
- 5.2 17 letters of objection have been received from local residents who raise the following issues:
- a) Increase of traffic onto the already busy A4113 would cause issues with highway safety
 - b) A new entrance onto the A4113 would be unacceptable
 - c) Pedestrian safety would be compromised
 - d) Although this is 30mph limit, this is frequently exceeded
 - e) Concerns relating to the capacity of the drainage and sewerage system
 - e) Density of development. This is more suited to an urban area than rural settlement
 - f) The density of development is not in keeping with the character of the surrounding area and will result in excessive noise
 - g) Impact on the services in the village such as the doctors and school that are already stretched
 - h) Encroachment onto agricultural land
 - i) Prominent location at the northerly approach to the village would detract from the character of Leintwardine
 - j) Overlooking and loss of privacy. Loss of day / sun light as the properties would be an impermeable barrier
 - k) The cramped form of development with height, scale and mass of the proposed buildings should respect the adjacent properties and immediate environment, which include spacious detached bungalows and listed timber framed thatched cottage
 - l) Why should the protect boundary hedge be within the garden area which could be easily abused by residents
 - m) The cycle track and footpath proposed through the new development is totally unnecessary and will result in noise and security problems
 - n) Who will be required to maintain the hedges along Dark Lane?
 - o) Will spoil the long views of the hills currently enjoyed
 - p) Ecological issues with the destruction of the wildlife
 - q) Who will maintain the open space provided. This idea should be abandoned and better use of the land made;
 - r) Lack of public transport.
- 5.3 One letter of support has been submitted that notes the difficulties faced by young local people have in renting and purchasing property that enables them to stay in the village. Villages like ours welcome older home owners but it must be recognised that young families are of equal importance to maintain school numbers and provide a workforce for local firms.
- 5.4 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 issues for consideration in the appraisal of this application are as follows:

- a) The principle of development
- b) Density and Character of development
- c) Access and Highway Safety
- d) Landscape Impact and Character of the area
- e) Scale Parameters
- f) Impact on neighbouring properties
- g) Drainage
- h) Section 106 contributions and Draft Heads of Terms

Principle of Development

- 6.2 The application site now lies within the settlement boundary of Leintwardine as defined in the Unitary Development Plan (2007). Part of the site is designated as Protected Open Space, including the Northern End of the site and a strip to the Eastern Boundary along Dark Lane. There is no objection in principle to the residential development of the site subject to meeting the requirements of the other relevant policies, as listed above.

Density and Character of Development

- 6.3 Due to the restrictions of the Protected Open Space areas, the developable area of land (including the strip to the east) has been calculated as 0.48 hectares in size. The remaining area (0.27 hectares) will be left as informal playing space, to be adopted by Herefordshire Council. The proposal of 15 dwellings on this site, equates to 30 dwellings per hectare. There has been significant objection to this development on this ground. Planning Policy Statement 3 – Housing notes the need to use land efficiently but also achieving high quality, well designed housing. It states that 30 dwellings per hectare (dph) new should be used as a national indicative minimum. Having regard to the surroundings and the layout of the dwellings, this density, with the dwellings sited in a relatively spacious manner around the cul-de-sac, and benefiting from off road parking, garages and gardens is considered to be an appropriate approach to the development of this site.

Access and Highway Safety

- 6.4 The only access to this site at present is by way of an agricultural field gate off Dark Lane. Having assessed the options, including the need to hedgerow removal and impact on each of the highways, an access is proposed from the A4113 (High Street). This will involve the removal of part of the hedgerow and replanting behind the required visibility splay. As this part of the road is within the 30mph zone, visibility of a minimum of 90m in each direction is required and can be achieved. The footpath into the site, extending from the existing footpath to the south will be 2m in width to provide safe pedestrian access to and from the site onto High Street. A pedestrian footpath has been shown from the site onto Dark Lane, utilising the existing field access to avoid any removal of this important hedgerow and access to the village. Adding a footpath from this exit into the village has been fully explored but land ownership issues and road width restrictions mean that this is not viable. Notwithstanding this the Transportation Manager is satisfied that additional pedestrian use would be reasonably safe due to the narrow and enclosed nature of the lane. Having regard to this the proposal is considered to comply with Policies DR3 and H13 of the Unitary Development Plan 2007.

Landscape Impact and Character of the area

- 6.5 Dark Lane has a significant character with Mature hedgerows giving this area its distinctive character. It is important that these are protected and an appropriately worded condition removing the permitted development rights for those dwellings whose gardens would be within the protected area and a maintenance agreement to ensure that the future of the hedge is protected. The Protected Open Space designation was also imposed to protect the distance views into the village from the North. This has been respected and the Open Space will be laid to an informal area to be adopted and maintained by Herefordshire Council. A new hedge will be planted behind the visibility splays to a specification agreed by the Local Planning Authority to replace the hedgerow lost.

Scale Parameters

- 6.6 The application includes details of the scale parameters. The surrounding area has a mix of dwelling styles. Those dwellings immediately adjacent to the site fronting High Street are Three large Dormer Style Bungalows with relatively high roofline. Immediately to the South are a terrace of 6 two storey dwellings and along Dark Lane are a variety of individual dwellings. The scale parameters suggested are quite minimal for two storey dwellings and will utilise roof spaces of some of the dwellings (one and a half storey style). The scale parameters have taken into account the surroundings buildings and are considered to be an acceptable set of parameters to be followed in the submission of any subsequent reserved matters application. A condition relating to Datum points and slab levels is also recommended.

Impact on neighbouring properties

- 6.7 A number of the objections raised concern relating to the impact of the proposed dwellings on the neighbouring properties, in particular towards the loss of privacy and the potential for anti-social behaviour along the public footpath / cycle path. The cycle path has been removed from the scheme to alleviate this concern.
- 6.8 With regard to the overlooking, loss of privacy and overbearing nature of the development, in particular to the dwellings at the North of the Cul-de-sac of the Criffins. The gardens of these properties are at least 17m in length and the dwellings would have back-to-back distance of at least 25m. This is an acceptable distance, especially when having regard to the heights of the dwelling. There is also a fairly significant landscape boundary in this location. As such the proposal complies, in principle with policy H13 of the Unitary Development Plan 2007.

Drainage

- 6.9 Objectors raise concerns over the capacity of the drainage system. Severn Trent have not raised an objection but do request some specific conditions be imposed.

Section 106 Agreement

- 6.10 A draft heads of terms is attached to this report covering the various requirements and reasons. The above consultation responses have expanded on these points. I am awaiting confirmation of the amount of commuted sum required by Parks and Countryside in relation to Maintenance contributions and this will be updated verbally. To ensure that the commuted sum will cover any planting that may undertaken advice is being sought from the various sections to provide a brief of their requirements.

Archaeology

- 6.11 Archaeology has identified the site as having potential importance. Archaeological studies and trial pits have been undertaken and the findings of these will be reported verbally.

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 the Officer named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:-

1 - A02 (Time limit for submission of reserved matters (outline permission))

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

2 - A03 (Time limit for commencement (outline permission))

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3 - A04 (Approval of reserved matters)

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

4 - A05 (Plans and particulars of reserved matters)

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

5 - B01 (Samples of external materials)

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

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.

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

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

9 - G32 (Landscaping to include amenity land)

Reason: To ensure a reasonable standard of amenity for future occupants of the development.

10 - E16 (Removal of permitted development rights)

Reason: [Special Reason].

11 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

12 - Development shall not begin until grainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed/occupied.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

13 - (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.

14 – G27 (Landscape maintenance arrangements)

Reason: In the interests of visual and residential amenity.

Informatives:

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

2 - 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

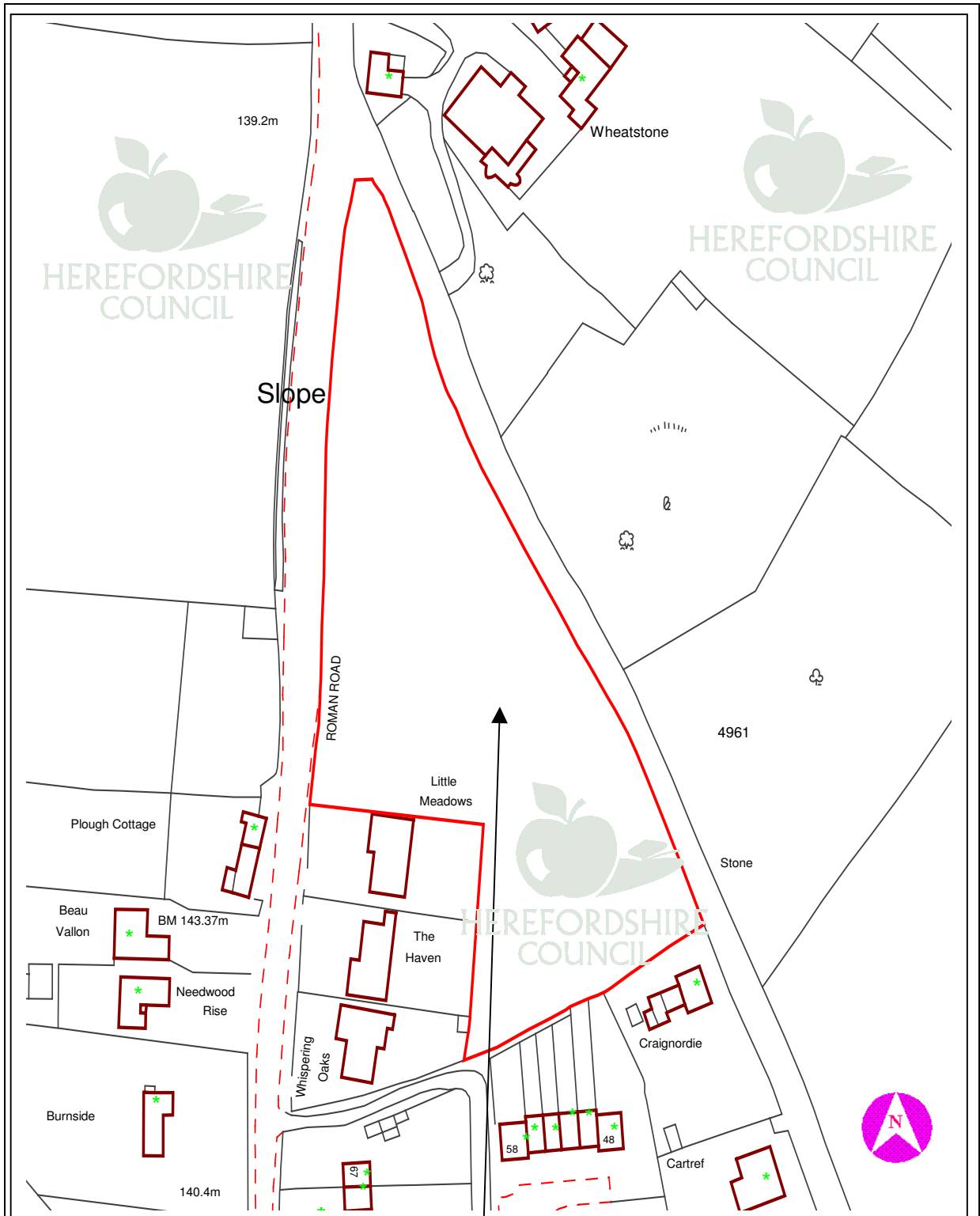
Planning Application – DCNW2007/3767/O
Site for residential Development for Fifteen Houses and Garages on Land Between Dark Lane and the A4113 (A4110), Leintwardine

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 £13,500 which shall be paid on or before the commencement of development.
2. The monies shall be used by Herefordshire Council at its option for any or all of the following purpose:
3.
 - (i) Improvement of facilities at the existing play area at The Criftins, Leintwardine
4. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purposes specified in the agreement in Clause 2 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.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £30,000.00 to provide education facilities and improvements at Leintwardine Endowed Primary School and Wigmore High School which sum shall be paid on or before the commencement of development.
6. In the event that Herefordshire Council does not for any reason use the said sum of Clause 4 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.
7. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £22,500.00 to provide transportation facilities to serve the development which sum shall be paid on or before the commencement of development.
8. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Improvements to Pedestrian Facilities
 - b) Improvements to Safer Routes for Schools
 - c) improvements to public transport services and infrastructure
9. In the event that Herefordshire Council does not for any reason use the said sum of Clause 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.
10. The Developer shall provide 5 “Affordable Housing” units which meet the criteria set out in Section 5.5 of the Unitary Development Plan 2007 and related policy H9

or any statutory replacement of those criteria and that policy. None of the Affordable Housing shall be occupied unless the Herefordshire Council has given its written agreement to the means of securing the status and use of these units as Affordable Housing. These 5 units shall be identified by reference to a site layout plan to be agreed in writing by the Herefordshire Council. All the affordable housing units shall be completed and made available for occupation prior to the occupation of more than 50% of the other residential units on the development.

11. The developer covenants with Herefordshire Council, in support of local sports provision for improved local facilities, namely Leintwardine Football Club , to pay Herefordshire Council the sum of £9,450.00 which sum shall be paid on or before the commencement of development.
12. 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.
13. The developer shall complete the Agreement by 4th March 2008 otherwise the application will be registered as deemed refused

K.Gibbons, 31st January 2008



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APPLICATION NO: DCNW2007/3767/O

SCALE : 1 : 1250

SITE ADDRESS : Land between, Dark Lane and A4110, Leintwardine, Craven Arms, Herefordshire, SY7 0LJ

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