

10 DCNC2007/3946/F - PROPOSED ERECTION OF 27 DWELLINGS LAND AT ST. BOTOLPHS GREEN, LEOMINSTER, HEREFORDSHIRE**For: Persimmon Homes (South Midlands) per Pegasus Planning Group 6-20 Spitalgate Lane Cirencester Glouc. GL7 2DE****Date Received:****21st December 2007****Ward:****Leominster South****Grid Ref:****49728, 57977****Expiry Date:****21st March 2008**

Local Member: Councillor RBA Burke and Councillor RC Hunt

1. Site Description and Proposal

- 1.1 The application relates to a parcel of land to the north of the third phase of development at St Botolphs in Leominster.
- 1.2 The site amounts to 0.68 hectares of land roughly rectangular in shape. It is bounded to the south by the third phase of development referred to above and this is currently under construction. Existing residential development lies beyond a strip of land to be retained by the current landowner to the north and also to the west, and commercial development to the east, although this boundary is immediately defined by a public footpath that runs from Southern Avenue to Laundry Lane.
- 1.3 A series of tin clad buildings are contained within the application site and it is understood that the current landowner also resides there, although access was not available to this area when a site inspection was conducted. The land is overgrown with coarse grass and brambles and an overgrown hedge lies between the site and phase 3. There is a general fall of approximately 3 metres across the site from a westerly to easterly direction.
- 1.4 The application is for the erection of 27 dwellings comprising 6 two bed, 18 three bed and 3 four bed units. Nine of the dwellings are to be transferred to a housing association as affordable dwellings with the remaining 18 being sold on the open market.
- 1.5 Access to this site is to be gained via the existing residential road of St Botolphs which in turn emerges onto the B4361 Hereford Road. The layout and design of the dwellings continues that of the most recently approved scheme (phase 3) and equates to a density of 40 per hectare.
- 1.6 The existing hedgerow running along the southern boundary of the site is to be managed and retained and the public footpath running along the eastern boundary is to be improved and realigned.
- 1.7 Dwellings are generally arranged in 4 clusters. All of them have individual parking provision, some within the curtilage of the dwellings and others by way of shared

parking courtyards. Each has its own private garden, the average length being approximately 10 metres, and the plans indicate the provision of landscape planting in shared areas.

- 1.8 The application is supported by an ecological assessment, a highways statement, a drainage report, design and access and planning statement, as well as a statement of consultation and community involvement.

2. Policies

2.1 National Guidance

Planning Policy Guidance Note 3 - Housing

2.2 Herefordshire Unitary Development Plan

S1 - Sustainable development

S2 - Development requirements

S3 - Housing

DR1 - Design

DR2 - Land use and activity

DR3 - Movement

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

H9 - Affordable housing

H13 - Sustainable residential design

H15 - Density

H16 - Car parking

H19 - Open space requirements

E5 - Safeguarding employment land and buildings

T6 - Walking

3. Planning History

- 3.1 The following references are considered to be relevant to this application:

NC2007/1642/F - Alterations and extension of existing road layout including the omission of plot 3 and the re-positioning of plots 4 & 5 of Phase 3 - Approved.

NC2005/2349/F - Residential development of 44 dwellings including affordable housing (phase 3) - Allowed on appeal.

NC1999/3052/F - Erection of 7 bungalows with garages and access via Laundry Lane - Approved. (Although approved this permission was never implemented and is now considered to have lapsed)

96/0661/O - Erection of 7 bungalows - Approved.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water - No objection subject to the imposition of conditions. In summary these relate to the separate treatment of foul and surface water and the submission of an integrated drainage scheme detailing how foul and surface water and land drainage will be dealt with.

Internal Council Consultations

- 4.2 Transportation Manager - No objection subject conditions relating to the provision of cycle parking, the submission of a travel plan and the improvement of the public footpath running along the eastern boundary. These detailing are to include its widening, surfacing and lighting. Any permission should also require a financial contribution to highway improvement works to be secured through a Section 106 Agreement.
- 4.3 Public Rights of Way Manager - No objection subject to the improvements outlined in the Transportation Manager's comments. Notes that the intention is to re-align the footpath in order that a dog-leg in it is straightened and that this will, in effect, move it within the application site and will result in a requirement for a diversion order to be applied for and completed.
- 4.4 Housing Development Officer - Advises that the mix, tenure and build standards of the affordable housing are all acceptable. Comments raise a query about the concentration of all of the affordable housing in one location within the site. Also advise that any permission should be subject to a Section 106 Agreement to secure the affordable housing and should detail the following:
1. Shared ownership units should be capped at 80% ownership.
 2. All units to be advertised through Homepoint.
 3. Units should be built to Housing Corporation's Design and Quality Standards.
 4. All units to be let to applicants who have a local connection with the administrative area.
- 4.5 Education - No objection subject to the provision of a financial contribution to be used for the improvement of existing education facilities at Leominster Infants and Leominster Junior Schools and the Minster College.
- 4.6 Ecologist - No objection but recommends that a biodiversity enhancement scheme is submitted prior to the commencement of development. This could include measures such as planting of native species as part of the landscaping scheme (to include hedges along boundaries where possible) and the provision of bird boxes and bat tubes.
- 4.7 Parks, Countryside and Leisure Development Manager - Notes that no provision is made for a small play area as is required by Policy H19 of the Unitary Development Plan. However, this is supported as they are costly to maintain and offer little in the way of play value. To compensate for this it is recommended that a financial contribution be made towards the improvement of local play facilities. A contribution is also required that a further contribution is made towards improving facilities for the participation in active sports.

5. Representations

- 5.1 Leominster Town Council - Object to the proposal on the basis that it represents over-development. Concerned at the lack of amenity space and do not approve of the design of the Chichester, considering that it over-powers the adjacent dwelling. Also concerned that such a large estate is served by a single dwelling.

- 5.2 River Lugg Drainage Board - Note that the developers intend to use the same surface water discharge system provided on phase 3. However the intention is ultimately not to increase discharge from phase 3, but to implement works to ensure only the previously agreed rate of discharge is permitted. It is understood that attenuation of the additional flows will be contained on site through the improvement of existing or installation of new systems.
- 5.3 On this basis no objection is raised to the proposal.
- 5.4 As stated earlier in this report a series of documents have been submitted as part of this application by the applicant's agent. In particular the Planning Statement considers the policy implications of the proposal. It acknowledges that a small sliver of land forming part of the site is allocated through the Unitary Development Plan as 'Safeguarded Employment Land' (Policy E5), but points out that this is the remainder of a much larger area of undeveloped that was allocated for employment use but was granted permission for residential development on appeal. It concludes that the remaining land has no meaningful use for employment purposes and that its release in conjunction with the land to the north that fall within the recognised residential area of Leominster would ensure the delivery of an appropriate use.
- 5.5 It then goes on to consider the proposal in light of policies relating to affordable housing and concludes that the site is sustainable and therefore accords with the Unitary Development Plan.
- 5.6 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 This proposal represents a continuation of the development previously approved, originally along the road frontage of Hereford Road and now known as St Botolphs, and latterly the development referred to as 'phase 3' which was allowed on appeal and is currently under construction. Therefore in simple design terms it is considered to be acceptable as it allows a continuity in terms of appearance, rather than the introduction of alternative building designs that may ultimately give the completed residential development a disjointed feel. This follows the general advice given in Policy H13 of the Unitary Development Plan.
- 6.2 The layout and density is similarly acceptable. The dwellings are well spaced and the density is not unduly high at 40 per hectare. This is reflected by the fact that each is afforded its own parking and reasonably sized gardens. Contrary to the conclusion of the Town Council the proposal is not considered to represent over-development. The application is accords with Policy H15 of the Unitary Development Plan and advice given in Planning Policy Guidance Note 3 in this respect.
- 6.3 The issue of vehicular access to the site is a matter that was considered through the earlier application, and ultimately by an Inspector for the most recent part of the St Botolphs development. At that time the possibility of creating an access onto Southern Avenue was not an option as the applicant's did not own the strip of land between their site and the public highway. Whilst the landowner has granted them a temporary right of passage across the land during construction work, he is not willing to allow this to be permanent and therefore, notwithstanding the fact that it is not part of the application site itself, this application has to be considered as it stands. It is the opinion of the Transportation Manager that the existing access on to Hereford

Road is of a sufficient standard to accommodate the additional traffic movements associated with a further 27 dwellings and raises no objection to the proposal. It therefore accords with policy in terms of highway safety.

- 6.4 The improvement of the public footpath is seen as a positive improvement. It is currently a rather enclosed and uninviting footpath that does not provide what might be considered to be a suitable pedestrian link to the rest of the town. Its general improvement, and particularly its lighting, will create a link that gives a greater sense of security and will give permeability to the application site and the phase of development currently under construction. This is seen as a positive gain from the scheme, improving footpath links in accordance with Policies H13 and T6 of the Unitary Development Plan and the improvement works can be secured through the imposition of a suitably worded condition.
- 6.5 The scheme provides affordable housing at a percentage of 35% in accordance with Policy H9 of the Unitary Development Plan. The Housing Development Officer has raised a query about the grouping of the affordable units as they are all concentrated in one part of the site. The applicant's agent has advised that this has been a conscious decision in consultation with their preferred Housing Association and results from a desire to ensure that the affordable and open market houses do not share parking areas as this would cause management difficulties. The site also has to be looked at in the context of the residential development as a whole which amounts to over 100 dwellings, and in this respect a group of 9 affordable dwellings is not considered to be unduly excessive.
- 6.6 The issues raised by both Welsh Water and the River Lugg Drainage Board can be addressed through the imposition of a series of conditions and this is reflected in the recommendation.
- 6.7 If approved, any permission will be subject to the completion of a Section 106 Agreement to secure financial contributions towards education, highway improvements, off-site play space and leisure provision, public service improvements and waste recycling. An agreement will also be used to ensure that affordable housing is retained in perpetuity. The details of this are included in a Draft Heads of Terms Agreement that is attached as an appendix to this report. The applicant's agent has confirmed that his client is willing to agree to its requirements.
- 6.8 In conclusion, the proposal is considered to represent an appropriate continuation of the development at St Botolphs. It accords with Unitary Development Plan policies in respect of design, layout and density, and the provision of the appropriate levels, type and tenure of affordable housing. The improvements to be made to the public footpath are a positive enhancement and the biodiversity of the site can be secured through the retention of the hedge forming the southern boundary of the site and through further planting to be required as part of a conditioned landscaping scheme.
- 6.9 The application is therefore recommended for approval subject to conditions and the completion of a Section 106 Agreement.

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 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

4 - F40 (No burning of material/substances)

Reason: To safeguard residential amenity and prevent pollution.

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 - G02 (Landscaping scheme (housing development))

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

7 - 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.

8 - The development hereby permitted shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. No construction works shall be carried out on the site unless the measures set out in the approved Construction Traffic Management Plan are in operation.

Reason: In the interests of residential amenity.

9 - 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.

10 - H17 (Junction improvement/off site works)

Reason: To ensure the safe and free flow of traffic on the highway.

11 - H18 (On site roads - submission of details)

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

12 - H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety.

13 - H28 (Public rights of way)

Reason: To ensure the public right of way is not obstructed.

14 - 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.

15 - H30 (Travel plans)

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives.

16 - H31 (Outline Travel Plan)

Reason and Informative Notes as above.

17 - W01 (Foul/surface water drainage)

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

18 - 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.

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

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

20 - No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul, surface and land drainage will be dealt with. The scheme shall be submitted to and approved in writing by the local planning authority and development shall be completed in accordance with the approved scheme.

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

- 21 - The recommendations set out in the ecologist's report dated September 2007 should be followed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure all species of bat and their roosts are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats & Countryside) Regulations 1994 (as amended) and policies NC1, NC5, NC6 and NC7 of the Herefordshire Unitary Development Plan.

Informatives:

- 1 - HN01 - Mud on highway
- 2 - HN02 - Public rights of way affected
- 3 - HN04 - Private apparatus within highway
- 4 - HN05 - Works within the highway
- 5 - HN08 - Section 38 Agreement details
- 6 - HN09 - Drainage details for Section 38
- 7 - HN10 - No drainage to discharge to highway
- 8 - HN25 - Travel plans
- 9 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 10 - 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 – DCNC2007/3541/F
Proposed erection of 26 dwellings on land at Lambournes, Ryelands Road, Leominster

1. The developer shall provide 9 affordable housing units which meet the criteria as set out in section 5.5 of the Unitary Development Plan, Herefordshire, in the locations indicated on plan ref. 0757-11 Rev. J submitted as part of the application. The affordable housing units will comprise of six rented units, three of which shall be 2 bed dwellings and three 3 bed dwellings, and three shared ownership dwellings, one of which shall be a 2 bed dwelling and two 3 bed 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.

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 £25,500 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 £17,010 (in accordance with the Sport England Sport Facility Calculator) for improvements at the Bridge Street Sports Centre which sum shall be paid on or before the commencement of the residential development.

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £105,471 to provide education improvements to Leominster Infants School, Leominster Junior School and The Minster College. This sum shall be paid on or before the commencement of development.

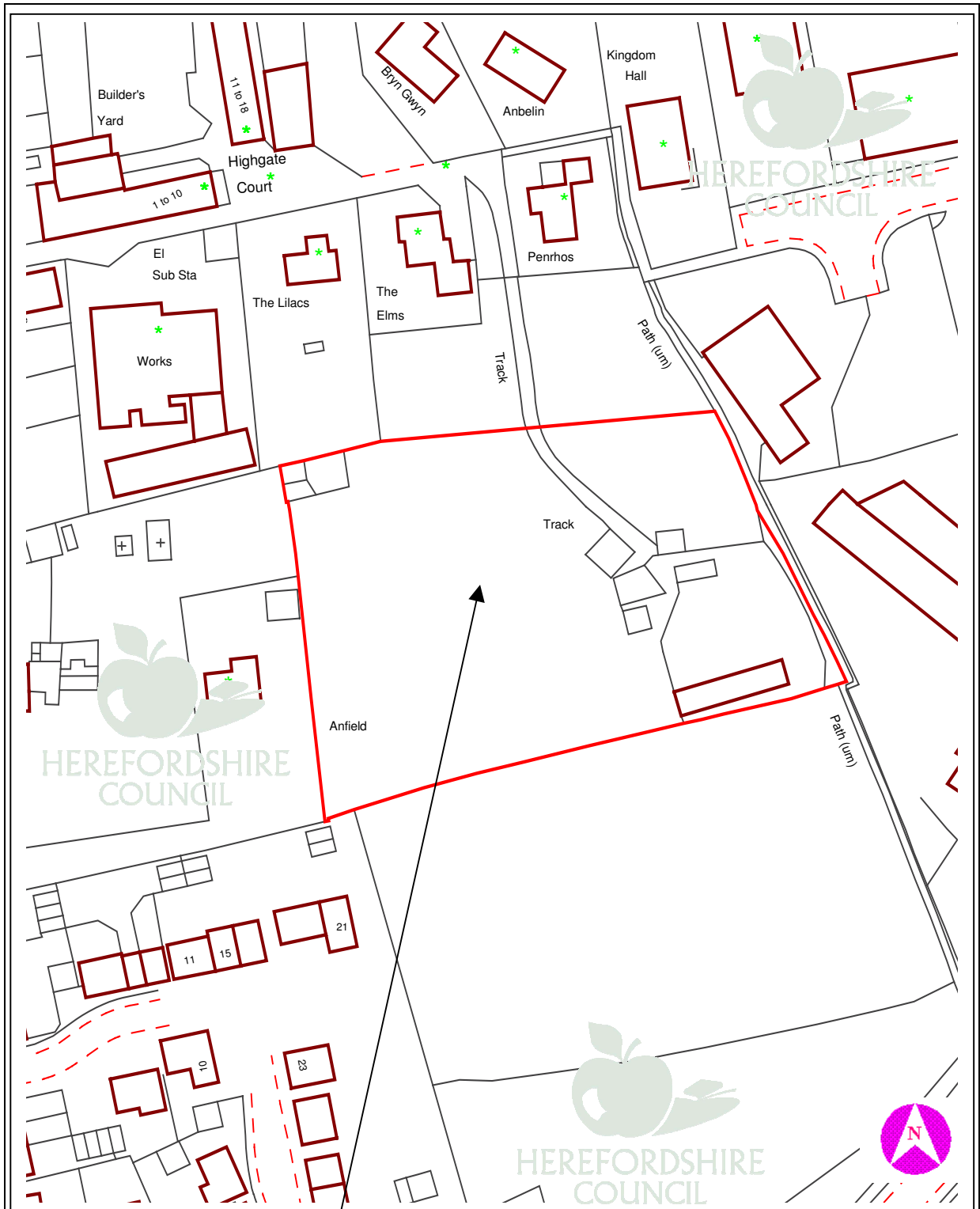
4. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £40,500 to provide sustainable transport measures in Leominster. The sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Improvements to pedestrian and cycle facilities within Leominster.
 - b) Improvements to public transport provision within Leominster
 - c) Improvements to safe routes to local schools within Leominster

5. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £5,387 to provide for library services in Leominster. The sum shall be paid on or before the commencement of development.

6. 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 £3,240 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.
7. 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.
 - 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 19th March 2008 otherwise the application will be registered as deemed refused.

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

25th January 2008



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APPLICATION NO: DCNC2007/3946/F

SCALE : 1 : 1250

SITE ADDRESS : Land at St. Botolphs Green, Leominster, Herefordshire

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