

5 DCCW2003/2957/O - SITE FOR THE ERECTION OF 23 HOUSES AT LAND AT PARADISE FARM, (LAND SOUTH OF LAYSTONE GREEN), MARDEN, HEREFORDSHIRE

For: Inbuilt Care Developments Ltd., Hornhill Barn, Sanham Green, Hungerford, Berkshire, RG17 0RR

Date Received: 16th October 2003 Ward: Sutton Walls Grid Ref: 51888, 47645

Expiry Date: 11th December 2003

Local Member: Councillor J.G.S. Guthrie

1. Site Description and Proposal

- 1.1 The application site is located on the western edge of Marden south of existing housing at Laystone Green. The site frontage adjoins the south side of the C1122 linking Marden to the A49 Trunk Road. The site's eastern and western boundaries are adjoined by existing residential development and to the south is open agricultural land associated with Paradise Farm. In total the site measures 0.64 hectares.
- 1.2 This application seeks outline planning permission for the erection of 23 houses with all matters reserved for future consideration with the exception of means of access. The application indicates that eight of the proposed units (36%) will be provided as affordable housing through a registered social landlord.

2. Policies

2.1 Planning Policy Guidance:

PPG1	-	General Policy and Principles
PPG3	-	Housing
PPG7	-	The Countryside and Rural Economy
PPG13	-	Transport
PPG25	-	Development and Flood Risk

2.2 Hereford and Worcester County Structure Plan:

Policy H16A	-	Housing in Rural Areas
Policy H18	-	Housing in Rural Areas Outside the Green Belt
Policy CTC9	-	Development Requirements

2.3 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy SH7	-	Residential Proposals Sites in Larger Villages
Policy SH8	-	New Housing Development Criteria in Larger Villages
Policy SH12	-	Cross-subsidisation Schemes
Policy SH14	-	Siting and Design of Buildings
Policy SH15	-	Criteria for New Housing Schemes

Policy SH22	-	Public Open Space in Residential Areas
Policy R3A	-	Development and Open Space Targets 10 Dwellings and Over
Policy T3	-	Highway Safety Requirements

2.4 Herefordshire Unitary Development Plan (Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR7	-	Flood Risk
Policy H4	-	Main Villages – Settlement Boundaries
Policy H5	-	Main Villages – Housing Land Allocations
Policy H9	-	Affordable Housing
Policy H13	-	Sustainable Residential Design
Policy H19	-	Open Space Requirements

3. Planning History

- 3.1 SH880083PO Erection of five bungalows – Approved 07/03/1988.
- 3.2 CW2003/1635/O Site for residential development of 18 units - Withdrawn 06/08/2003.

4. Consultation Summary

Statutory Consultations

- 4.1 Dwr Cymru (Welsh Water) - response dated 23rd December 2003 - we have determined that a new wet well will have to be constructed so as to provide additional storage capacity with some related mechanical and electrical works to the existing installation. As a consequence of providing this new underground chamber, the present pumping station compound will have to be enlarged. The current housing development layout impacts on the public sewer network and we have advised the developer that the diversion of these assets will require them to enter into a Section 185 Agreement under the Water Industry Act 1991. You should be aware that Welsh Water will require changes to the building plot positions to enable the requirements for easements to be met.

I trust the above clarifies the situation with regard to there being an effective technical solution to the foul water disposal from this site. It is dependent however on the following factors.

1. The developer enters into the necessary agreement with Welsh Water for the works to the pumping station.
 2. Herefordshire Council were to grant planning permission for an enlarged pumping station.
 3. The developer allows sufficient land on the development site to allow expansion of the existing pumping station.
- 4.2 Environment Agency (letter dated 8th March 2004) - the Agency has no objection in principle to the proposed development but recommends that if planning permission is granted that three conditions are imposed.

- 4.3 English Nature - whilst this development site lies outside the special scientific interest, its handling of water is an important consideration and English Nature would expect the highest sustainable urban drainage standards to be applied. This area is an undeveloped site currently slowly passes water back into the River Lugg and the creation of a new hard surfaces and roads will create additional burdens to the water handling system especially in times of heavy rainfall. As a matter of principle the County should be seeking better water handling regimes in such proposals to reduce flood risks. English Nature has no other comment to make on this application.

Internal Council Advice

- 4.4 Head of Engineering & Transportation has no objection subject to conditions and notes to applicant.

5. Representations

- 5.1 Marden Parish Council (letter dated 26th November 2003) - the Parish Council would make the following comment.

1. The Parish Council supports the application subject to the following reservation as the site lies within the South Herefordshire District Local Plan.
2. The Parish Council considers that the proposed housing density is too great and the proposal constitutes over development of the site.
3. There were concerns about the impact of development on the existing sewers and drains that pass under the site and the Council feels the development should be rearranged to avoid these drains.
4. There were concerns that the highway adjoining the site is narrow and should be widened to increase road safety.
5. There was no support for the proposed play area. The Parish Council felt that it is badly positioned and too small. The Parish Council felt there should be an open area between the houses and the road and these comments made formally have been ignored by the developer.
6. The Parish Council feels there should be at least 50% low cost housing.
7. The Parish Council believes that insufficient allowance has been made for parking. In rural areas it is important to plan for at least two cars per household. It was also felt that the houses adjoining the highway are too close to the road and the Parish Council feel that roadside parking would be inevitable.
8. It is suggested that the properties at the rear of the development, furthest from the road, should be bungalow or dormer type houses to reduce the height and impact of the development.

- 5.2 Four letters of objection have been received from L.L. Tucker, 31 Orchard Green, Marden, Hereford; Mr. J. Dawes, Otters Halt, Laystone Bridge, Marden, Hereford; Mrs. S. Scott, 15 Orchard Green, Marden, Hereford and Mr. J.A. Ashcroft, 16 Orchard Green, Marden.

Points of objection raised can be summarised as follows:

- Two storey dwellings in this location would be out of character with general bungalows and dormer bungalows and as such it would be inappropriate.
- Strong concerns are expressed about the level of traffic on Haywood Lane which is presently overused and is particularly narrow. The large vehicles used by S. & A. Davies often use this lane.
- Objections are raised on the basis that the Unitary Development Plan (September 2002) does not allocate this site for development. It is also understood that formerly permission was given for five bungalows on this land during the 1980's. If the old Development Plan still holds weight when considering this planning application surely there should not be an increase in numbers otherwise the creation of the UDP has been a waste of time.
- Concerns are raised about potential for the removal of trees and the level of services including an overhead power line and sewage system which cross the site.
- Strong concerns are also raised on potential for flooding given that surface water currently pools on part of the site during heavy times of rainfall and flood.
- Given the level of development proposed (23 units), the building line will be significantly altered which will be detrimental to the area.
- Objections are raised to the proposed play area which is close to overhead power lines and too small.
- Objections are raised about the density levels of the site and reference is made to PPG3 to which this scheme does not comply.
- It is understood that land adjacent to the new primary school in Marden has been allocated in the UDP and this site removed from the Plan. Any development on this site should be more sympathetic with development surrounding the area and not this complete over development.

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

6. Officers Appraisal

- 6.1 The main issues in this case are the principle of development on this site, the density proposed by this outline application and access and flooding issues associated with this proposal.
- 6.2 The site at Paradise Farm in Marden is shown in the existing and adopted South Herefordshire District Local Plan as a site allocated for housing. With the exception of the previously withdrawn application under reference CW2003/1635/O this is the first proposal for development since the original allocation. Subsequently the draft deposit Unitary Development Plan (September 2002) has been produced and the site is not allocated in that document. The proposed housing development for Marden is indicated in the emerging UDP on land immediately to the east of the village primary school. Having discussed this issue with the Council's Forward Planning Section, the reason for the new housing allocation solely related to the fact that the site subject to

this application had not been brought forward within the Plan period and as such an alternative has been sought. Clearly the submission of this application has a direct impact on the proposed allocation to the east of the primary school and it is understood that the revised deposit draft of the Unitary Development Plan will remove the new allocation given that this proposal is now before the Council.

- 6.3 In view of the above the omission of this site from the first deposit of the Unitary Development Plan should not prevent permission being granted given that the South Herefordshire District Local Plan remains in force until the new Plan is adopted. As with almost all applications submitted, the existing Development Plan would take precedent as Herefordshire is in a transitional period in the Plan process. Subject to all other issues being satisfactorily resolved, it is considered the principle of residential development on this site is still established through the South Herefordshire District Local Plan and a refusal could not be sustained on this issue.
- 6.4 The outline application submitted reserves all matters for future consideration with the exception of access arrangements. Furthermore, the proposal indicates that 23 units are proposed. On the issue of density, comments have been made by both the Parish Council and local residents that 23 units represents an over development of the site. Whilst it is acknowledged that 23 new units on this site would clearly be at a much higher density than most of Marden, having regard to Government policy on Greenfield housing sites, the minimum standards are now set at between 30 and 50 per hectare. When calculated against these figures the proposed scheme would represent 36 units per hectare which is by today's standards near the lower end of this requirement. As such, whilst it is acknowledged that development of 23 units on this site will be out of character with much of Marden, it reflects changes in housing policy which are imposed across the country.
- 6.5 The proposed access and transportation issues have been considered as part of this application and with suitable conditions the Head of Engineering and Transportation raises no objection. A footpath link is proposed along the entire site frontage and suitable visibility can be achieved from the proposed entrance point indicated.
- 6.6 As part of the processing of this application Officers have considered the issue of planning obligations associated with this development. Negotiations have achieved the full 36% (8 units) of affordable housing on the site and in view of the Parish Council's concerns about the proposed play area in this location, a financial contribution of £20,000.00 which will be made available to Marden Parish Council to improve existing play facilities has been agreed with the applicant. Furthermore, in view of the proposed housing numbers, the impact on Marden Primary School has been carefully considered. As Members may be aware the school has recently been subject to extensions to provide additional capacity and it is not considered that the development of this site will exacerbate pupil numbers within the village. Improved cloakrooms facilities are however proposed and as a result of the Education Directorate requirements the developer has agreed an £8,000.00 contribution to provide these new facilities. This contribution meets that requested by the Education Directorate.
- 6.7 Further to the above the developer will also entering into an agreement with Welsh Water to provide funding for an improved foul water treatment system which will benefit existing residents as well as those who may occupy future units on this site.

- 6.8 In total the developer is providing the full 36% affordable housing which will be under the control of a nominated registered social landlord, will be funding improved sewerage capacity for Marden and contributing £28,000.00 towards improved play facilities within the village and providing new cloakroom facilities within the local primary school. Officers are satisfied that this level of contribution meets the requirements set out in Circular 1/97 on planning obligations.
- 6.9 Objections to the development are also raised on the grounds of lack of car parking and the plan submitted with the application which is indicative only suggests 1.5 spaces per unit. This issue will be dealt with at the reserved matters stage to ensure adequate parking is provided. The indicative layout with the scheme shows 9 detached dwellings, 6 semi-detached units and 8 terraced properties which in Officers' opinion would provide a good mix of units in this location. It is considered that this outline application is acceptable subject to the recommendation below.

RECOMMENDATION

- 1. The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 for the developer to provide**
 - i) 8 on site affordable housing units through a registered social landlord.**
 - ii) A financial contribution of 20,000.00 to provide improved play and open space facilities within Marden.**
 - iii) A financial contribution of 8,000.00 towards enhanced cloakroom and toilet facilities at Marden County Primary School.**
- 2. Upon completion of the afore-mentioned planning application, the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered necessary by Officers:**
 - 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) (delete means of access).**

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
 - 4. The development hereby approved shall be constructed in accordance with the housing mix set out in the schedule of accommodation indicated on the submitted proposed site layout drawing no. 1049/01/A Revision A.**

Reason: To ensure an appropriate mix of housing types having regard to Government advice contained in Planning Policy Guidance Note 3.

- 5. Notwithstanding the details indicated on the illustrative proposed site layout plan drawing no. 1049/01/A Revision A, an area of public open space and amenity land shall be provided within the application site and shall be landscaped and available for use within six calendar months of the substantial completion of 75% of the dwellings hereby approved (17 units).**

Reason: To ensure an adequate and acceptable form of development.

- 6. Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 4.5 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 90 metres to the right and 2.4 metres by 70 metres to the left along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

Reason: In the interests of highway safety.

- 7. H06 (Vehicular access construction).**

Reason: In the interests of highway safety.

- 8. 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.

- 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. H21 (Wheel washing).**

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

- 11. H27 (Parking for site operatives).**

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

- 12. H20 (Road completion in 2 years or 75% of development) (17 dwellings).**

Reason: In the interests of highway safety and convenience and a well co-ordinated development.

- 13. Floor levels shall be set at least 57.5 metres above Ordnance Datum (unless otherwise agreed in writing by the local planning authority).**

Reason: To protect the development from flooding.

- 14. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the local planning authority. Such a scheme shall be implemented in accordance with the details approved by the local planning authority prior to the construction of any impermeable surfaces draining to the system.

Reason: To prevent the increased risk of flooding.

- 15. No development approved by this permission shall be commenced until a scheme for the provision of surface water has been submitted to and approved in writing by the local planning authority. Such a scheme shall be implemented with the details approved by the local planning authority prior to the construction of any impermeable surfaced for draining to the system.

Reason: To prevent the increased risk of flooding.

- 16. F18 (Scheme of foul drainage disposal).

Reason: In order to ensure that satisfactory drainage arrangements are provided.

Informative:

- 1. N15 - Reason(s) for the Grant of Outline Planning Permission.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.