

7 DCNC2004/2651/F - RESIDENTIAL DEVELOPMENT OF 44 DWELLINGS INCLUDING AFFORDABLE HOUSING ON LAND AT ST. BOTOLPH'S GREEN/SOUTHERN AVENUE, LEOMINSTER, HEREFORDSHIRE

**For: Westbury Homes (Holdings) Ltd per Mr G Brockbank
Hunter Page Planning Ltd Thornbury House
18 High Street Cheltenham GL50 1DZ**

**Date Received:
19th July 2004**

**Ward:
Leominster South**

**Grid Ref:
49739, 57888**

**Expiry Date:
13th September 2004**

Local Member: Councillors R Burke and J P Thomas

This application was deferred at the last meeting of the Northern Area Planning Sub Committee to allow a site inspection to be undertaken. The report has also been updated.

1. Site Description and Proposal

- 1.1 The site is located north of Southern Avenue at the southern fringes of Leominster Town. To the west is the recently completed St Botolph's residential estate which will be used to gain vehicular access to the site. To the north is largely garden land associated with a nearby dwelling. East and south are existing industrial units forming part of Southern Avenue Industrial Estate. Ground levels fall from west to east within the site, the boundaries being relatively open other than the northern boundary where there is a relatively mature hedge.
- 1.2 The site lies within the settlement boundary for Leominster Town as identified in the Leominster District Local Plan and is specifically allocated both within the Local Plan and forthcoming Unitary Development Plan for employment purposes. Public Footpath ZC101 runs along the southern and eastern boundaries of the site with part of the footpath crossing the south-eastern corner and the majority of the site falls within the flood plain identified by the Environment Agency as a Flood Zone 1 category area.
- 1.3 The application proposes the construction of 44 dwellings, with 12 house designs, 35% of which (15 units) are affordable dwellings to be managed by a registered social landlord. The composition of houses is as follows:

Open market housing 9 four-bedrooms, 17 three-bedrooms, 3 two-bedrooms
Affordable housing: 7 three-bedrooms, 4 two-bedrooms, 4 one-bedroom

All of the open market housing has at least a single garage with one off-street parking space, and parking for the affordable housing is in the form of open plan parking with additional secure cycle storage. It is also proposed that the existing equipped play area be relocated to within the site with a new pedestrian link from the existing estate, along with the provision of a small equipped play area for children over the age of 7.

2. Policies

2.1 National Policies

- PPS1 – General policy and principles
- PPG3 – Housing
- PPG4 – Industrial and commercial development and small firms

2.2 Hereford and Worcester County Structure Plan

- CTC9 – Development requirements

2.3 Leominster District Local Plan (Herefordshire)

- A1 – Managing the district's assets and resources
- A2 – Settlement hierarchy
- A14 – Safeguarding water resources
- A15 – Development and water courses
- A23 – Creating identity and an attractive built environment
- A24 – Scale and character of development
- A27 – Maintaining the supply of employment land on industrial estates
- A47 – Targets for housing land
- A49 – Affordable housing on larger housing sites
- A54 – Protection of residential amenity
- A55 – Design and layout of housing development
- A64 – Open space standards for new residential development
- A65 – Compliance with open space standards

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- S1 – Sustainable development
- S2 – Development requirements
- S3 – Housing
- S4 – Employment
- S6 – Transport
- S8 – Recreation, sport and tourism
- S11 – Community facilities and services
- DR1 – Design
- DR2 – Land use activity
- DR3 – Movements
- DR4 – Environment
- DR5 – Planning obligation
- DR7 – Flood risk
- DR11 – Noise
- H3 – Managing the release of housing land
- H9 – Affordable housing
- H13 – Sustainable residential design
- H15 – Density
- H16 – Car parking
- H17 – Open space requirement
- E5 – Safeguarding employment land and building
- T1 – Public transport facilities
- T6 – Walking
- T7 – Cycling

RST1 – Criteria for recreation, sport and tourism
RST3 – Standards for outdoor playing and public open space

3. Planning History

NC2002/2418/F - Construction of control kiosk (for waste water pumping station) with fence around and access road to pumping station compound. Approved 27th September 2002

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: The Environment Agency objects to the proposed development as the site is located with Flood Zone 1 and the development may present a significant flood risk through the generation of surface water run off. The application is not accompanied by a flood risk assessment, as required by PPG25. A full response will be provided on the application upon receipt of satisfactory surface water details as part of the flood risk assessment.
- 4.2 Welsh Water: No objection raised subject to condition concerning the control of foul and surface water.
- 4.3 River Lugg Internal Drainage Board: No objection subject to control over the surface water drainage runoff.

Internal Council Advice

- 4.4 Traffic Manager: No objection raised generally to the road and footpath layout and parking provision, but the proposed cycle storage facilities seem to be poorly thought out and a bit of an afterthought.
- 4.5 Public Rights of Way Manager: Public Footpath ZC101 runs across the proposed development site. A Public Footpath Diversion Order must therefore be confirmed and certified before the development is substantially complete. Also, the maximum height of any fencing shall be no greater than 2m along the footpath to prevent a tunnel effect, in the interest of public safety and enjoyment of the public footpath.
- 4.6 Strategic Housing will be seeking the full 35% affordable housing element as per the Supplementary Planning Guidance provision of affordable housing, i.e. 15 affordable housing units with a mix of tenure types managed by a Registered Social Landlord.

The location of the affordable units will need to be agreed by the Local Planning Authority and the RSL. The developer has not yet selected a RSL although a number of the preferred partner associations have been approached. Affordable housing must also meet the current Housing Corporation Scheme development standards and lifetime homes standards. The Section 106 Agreement accompanying any planning permission must include for these requirements and also that the affordable homes be available to future as well as initial occupants and that they will be allocated through Home Point Herefordshire.

The scheme is supported in principle by Strategic Housing but that support is subject to the above provisos.

- 4.7 Head of Environmental Health and Trading Standards: 'I would express concerns regarding this application as the BS4142 Noise Assessment indicated that the power wash and vacuum cleaner of Bengry Motors are likely to give rise to complaints, particularly to the property on the south-western corner of the site.'

The properties along the southern boundary adjacent to Southern Avenue are likely to be affected by traffic noise from Southern Avenue. The use of suitable glazing, provision of acoustic ventilators to habitable rooms at ground and first floor to insulate against noise and the provision of a close boarded fence are likely to be sufficient to reduce noise to an acceptable level.

I am satisfied that providing no houses adjacent to the eastern boundary have windows facing eastwards along with the proposed 2m close boarded fence will be adequate to reduce the noise level to below 55 dB.'

- 4.8 Parks Development Manager: 'I am concerned that the proposed development is very dense and does not provide sufficient open space or play facilities for the potential number of users. If planning consent is granted for this development, I feel it would be appropriate to ask for the provision of off-site facilities that children from these new houses might travel to use. The most beneficial use of such a donation would be towards a skate park for Sydonia or, if this is not forthcoming, Herefordshire Council could use the money to provide equipment other than skate ramps for older children at Sydonia.'
- 4.9 Landscape Officer: 'I have no objection to the development but do require details of the play area, particularly the entrances and circulation within it. I recommend that more trees should be incorporated into the planting scheme for the play areas given that there is such limited opportunities for tree planting on the rest of the development. Fruit trees would be suitable.'
- 4.10 Head of Economic Development:: Objects to the application due to the loss of employment land.
- 4.11 Drainage Engineer: 'Details of drainage is required to avoid flooding of Southern Avenue/Castlefields Estate and to attenuate flows to Kenwater/Lugg, Wye, etc.'
- 4.12 Head of Planning Policy: The development site is located within the settlement boundary for Leominster on land identified as an industrial estate, protected for use through Policy A27 within the Leominster District Local Plan. This policy seeks to ensure that such land brought forward to accommodate Part B industrial uses is retained for that purpose in order to maintain a supply of land available for industry. Clearly the proposal is contrary to this policy.

However, development should be considered within the context of what the policy is seeking to achieve, i.e. ensuring that there is an adequate supply of serviced employment land. Advice in PPG3 requires authorities to consider loss of employment land for housing when this land cannot realistically be taken up in the quantities envisaged over the lifetime of the Development Plan. In terms of employment land supply and take up rates in Leominster, the latest figures suggest that there will be an over-supply of employment land at the end of the Plan period (Draft Herefordshire Employment Land Study 2004). The site is also included within the study conducted by West Midlands Employment Land Advisory Group on long-standing employment sites. It concluded that proposals for employment development were limited as the owners are seeking a higher value use of the land, the Leominster Enterprise Park is

meeting demand for employment land and that the employment development might be out of conformity with some surrounding uses. For these reasons, the principle of housing development in this location could be acceptable.

Other issues that need to be addressed are:

1) The development does not include any form of buffer between the proposed residential development and adjacent employment uses. PPG4 and Policy A28 of the Local Plan state that Local Authorities should carefully consider that their proposals for new development might be incompatible with existing industrial and commercial activities. Policy A28 suggests a 12m buffer zone would normally be sought for sites adjacent to residential areas. It would be reasonable to expect such a buffer zone in order to protect the amenity of the residents.

2) Policy A65 of the Local Plan suggests that developments of greater than 30 family dwellings should provide small children's/infants' play spaces along with older children's informal play areas. Where these can't be provided on site, financial contributions to such a provision may be made. These requirements should be for both the proposed development site and the existing site as the play area is proposed to be relocated to within the current application site. Whilst the provision of equipped play area and older person's informal play area is made, it is some way short of reaching the suggested sizes in the Local Plan. The location of the play area is also of concern as it is some distance away from the existing estate which it would also be serving. Details for the arrangements for the provision of a play area during the construction phase should also be sought.

4.13 Director of Education: 'We confirm that we will be looking for a contribution from the developers. The associated schools for the development would be Leominster Infants, Leominster Juniors and the Minster College. Additional children in the area would prevent us from moving temporary classrooms at Leominster Infants that we would otherwise be able to do, and therefore would be looking for a contribution towards improvements at this school, in particular.'

5. Representations

5.1 Leominster Town Council: 'Recommend refusal, as the Leominster District Local Plan and Draft UDP show the land as being outside the settlement boundary and designated for light industrial use.'

5.2 Six letters of objection have been received including a letter submitted by St Botolph's Residents Committee and signed by 35 residents. The main points raised are:

1) The use of the existing estate for all traffic including construction traffic will be dangerous, as the estate road is not suitable to accommodate the likely traffic. All traffic should utilise the proposed alternative access via Southern Avenue.

2) The loss of the play space to allow vehicular access to the site is totally unacceptable both in terms of the fact that children will no longer have a playground, and the safety issues with the play space being sited alongside the construction access. Land should be set aside before the start of build for a large enough area for both a young children's playground and for older children to play football on.

3) The parking provision is inadequate. The existing estate already suffers from congestion due to lack of parking and there being no visitor parking available.

- 4) The speed limit should be reduced on Hereford Road down to 30mph due to its residential status along with additional signs saying 'Children and play area'.
- 5) The existing footpath at the eastern end of the site should be upgraded allowing faster access to the nearest shops and Minster School.
- 6) We are concerned that a 3-storey dwelling is proposed close to our boundary invading our privacy and amenity. We have no objections to a 2-storey dwelling being built on the plot.
- 7) If permission is approved, the new site compound should be located so as to minimise the noise, dust and dirt for residents.
- 8) The narrowing of the roads to reduce the speed and generally calm down traffic is a good idea in principle but when 2 cars meet I am concerned whether there is sufficient space to allow them to pass particularly with on street parking.
- 9) The play space is inadequate and inappropriately located. A larger area of open space should also be provided for older children to play. Any play equipment should be phased with the development rather than being built at the very end.
- 10) The developers are not incorporating any of the existing trees as part of the development. Many trees are presently an attraction for wildlife, including buzzards, hawks and other birds.
- 11) Not enough thought has been given to the needs of the present and future residents of this estate and it is merely a question of squeezing the maximum number of properties into the space with no regard for people's future quality of life and happiness in their surroundings. I question whether profit should outweigh these important considerations.
- 12) Alexander & Duncan, Agricultural Engineers, ajoin the eastern boundary who operate 7 days a week often from dawn to dusk involving large and noisy machines serving the agricultural community. They also operate an outdoor tannoy system which covers their entire site for communication purposes and are fully alarmed through the night.

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

6. Officers Appraisal

6.1 The main issues for consideration with this application are:

- 1) The principle of development
- 2) Amenity issues
- 3) Density, layout and design
- 4) Open space requirements
- 5) Other material considerations

- 1) The principle of development
- 6.2 The applicants have provided a detailed supporting document which includes a design statement and a policy assessment, particularly with reference to the principle of development on the site.
- 6.3 Policy A27 of the Leominster District Local Plan and Policy E5 of the Draft UDP specifically outline that the change of use of allocated employment sites to non-employment uses such as residential, will not be permitted. As such, the development is contrary to both the Local Plan and Draft UDP policy in this regard. Housing and employment allocations generally coincide with the life of any particular Development Plan. Planning Policy Guidance Note 3 indicates that such allocation should be reviewed periodically to assess whether land allocated for employment is likely to be realistically taken up in the quantities envisaged over the lifetime of the Development Plan.
- 6.4 Paragraph 42 states in particular that Local Planning Authorities should review all their non-housing allocations when reviewing the Development Plan and consider whether some of this land might be better used for housing or mixed use developments. Paragraph 42a of the Draft Revision to PPG3, dated September 2003, goes a stage further and suggests that applicants may expect an expedient and sympathetic handling of planning proposals on land allocated for industrial or commercial use in Development Plans but which is no longer needed for such use.
- 6.5 Based on information provided by the Draft Herefordshire Employment Land Study 2004 and a further study conducted by West Midlands Employment Land Advisory Group, there is likely to be an oversupply of employment land in Leominster up to and beyond the end of the Plan period (2011). Furthermore, the study reveals that the application site is unlikely to become available for employment purposes due to the owner's desire for higher land value. The short / medium term employment land supply is satisfactorily provided by other areas of the existing industrial estates and the new Leominster Enterprise Park.
- 6.6 The site cannot be regarded as brownfield or previously developed land and therefore the normal sequential test outlined in PPG3 for the release of housing land does not necessarily apply to this site. Nevertheless, both PPG1 and PPG3 promote a planning framework, which should be supportive of development in sustainable locations where the need to travel is minimised. In this regard, although sited on the fringes of Leominster Town, the site is within walking distance of the Infants School, Junior School and Minster College and has good footpath and bus links with the town and therefore access to all the basic facilities and amenities whilst also being close to employment base. Therefore, although not brownfield land, the site is satisfactorily sustainable for the purposes of residential development.
- 6.7 If the principle of the loss of an employment site is accepted, the need for additional housing within Leominster must also then be considered. The Herefordshire Housing Land Study 2003 outlines anticipated and actual completions and it identifies that Leominster has achieved just 14% of anticipated dwellings in 2000-2006 (61 of 336). Therefore, notwithstanding the allocations outlined in the UDP such as the 400 houses at the Barons Cross site, the need for additional housing over the Plan period is anticipated based on current trends.

6.8 To conclude, the development of the site will be contrary to both local and emerging employment policies within the Development Plans. However, these policies must also be weighed against other guidance contained within Planning Policy Guidance and up-to-date employment and housing needs surveys. As these surveys indicate an over-supply of employment land in Leominster whilst at the same time identifying a likely need for further housing and given the sustainable location of the site, the principle is accepted.

2) Amenity issues

6.9 The applicants have undertaken several revisions of the plans to take on board the concerns of residents with regard to the impact of the development on existing properties along the western boundary. The proposed layout now safeguards a satisfactory level of privacy and amenity for the existing residents.

6.10 As the site is bordered by existing industrial premises to the east and a busy estate road with further industrial units to the south, the impact of any potential noise sources on the amenity of the occupants of the proposed dwellings must also be considered. In this regard, the applicants have submitted a noise report, which includes actual and predicted noise readings. The findings of this report have been assessed by Environmental Health, the conclusion being that with the exception of property 39 in the south-western corner of the site, potential noise levels can be controlled to a satisfactory level through various measures including provision of a 2m high close-boarded fence along the boundaries, restriction on number of windows on elevations bordering industrial units and the use of acoustic ventilators to habitable rooms at ground and first floor of the most affected properties. The noise report suggests that plot 39 (south-western corner) is likely to be subject to unacceptable noise levels from Bengry's Car Wash immediately to the south. However, given that there are newly constructed properties within a similar proximity to this car wash and no complaints of noise have been generated, the situation is considered acceptable.

3) Layout, density and design

6.11 The layout has been amended on several occasions to accommodate concerns expressed by residents and your officers. It is now believed that the presented layout achieves an interesting and coherent residential environment complementing the adjoining residential estate and the character of Leominster generally. The layout incorporates a home zone area where pedestrians and vehicles have equal priority and other measures such as reduced road widths, on-street parking, contrasting shared services and the use of the street furniture and trees all go towards creating a more an informal layout whilst also reducing the speed of vehicles making a safer pedestrian environment.

6.12 The proposed density equates to around 36 dwellings per hectare which is in line with both Development Plan policies and PPG3 guidance. However, the density is likely to appear higher due to the number of detached and semi-detached properties, the siting of some properties directly fronting the road, and the height with a numbering being 2½ storey. Such arrangements of properties can be found elsewhere in Leominster and is not considered unacceptable. The designs will largely be similar to the existing St Botolph's estate with 12 different house designs proposed. This mix of house types along with the use of a different palette of materials and subtle changes in the detailing, will give the development its own identity complementing the local vernacular evidenced elsewhere in Leominster.

4) Open space provision

- 6.13 The applicant proposes to relocate the existing play area to within the application site along with additional soft landscaping around. As such, there will no longer be an infants' play area within the existing estate. In addition, an equipped play area for ages 7+ is to be provided on the eastern boundary of the site. No casual amenity or open space of any note is proposed. Whilst the equipped play area and over 7's provision is welcomed, the proposed provisions fall a long way short of that which is recommended both within the Local Plan and the UDP, particularly given that the necessary provision must be viewed in conjunction with the existing estate, now completed. The applicants have been reluctant to enlarge the open space provision. Therefore, in view of the short fall, a financial contribution is required to be used towards the provision of a new skate park at Sydonia in central Leominster. Such a contribution will be submitted to Herefordshire Council by way of legal agreement.

5) Other material planning considerations

- 6.14 Concerns have been expressed by residents regarding the proposal to provide access to the site through the existing estate. Whilst Highways raise no objection to this, the applicants have taken on board the concerns and propose to provide the principal access to the site via Southern Avenue with the currently proposed site access being restricted for pedestrian use only through the use of bollards. However, as this entails land outside of the application site, this would be subject to a separate application should permission be given for the development.
- 6.15 The Environment Agency maintain their objection to the proposal, as the applicant has not undertaken a flood risk assessment. The site lies within Flood Zone 1 (the lowest flood risk category) where the primary flood risk issue proposed by new development is as a result of surface water runoff. Therefore, full surface water drainage details are required to assess the suitability of the drainage arrangements and the potential effects they will have on the flood plain. Whilst this is unlikely to present a reason for withholding permission, further information is required before an assessment can be made.
- 6.16 The Public Rights of Way Manager has commented that a public footpath runs along the southern and eastern boundaries of the site and in fact crosses the south-eastern corner. As such, a formal Diversion Order will be required. The existing footpath along the eastern boundary is currently unsurfaced, overgrown with vegetation in parts and is not floodlit. Therefore, part of the S106 agreement will also incorporate the upgrading of this footpath to make it more user friendly.
- 6.13 The development also incorporates the construction of 15 affordable dwellings equating to a provision of 35.4%. Leominster Housing Needs Survey 2003 and Home Point Herefordshire estimated a net total requirement of 143 units within Leominster. Therefore, the provision of the units on this site is welcomed. The tenure is likely to comprise a mixture of rented, supported housing and shared ownership, all managed by a Registered Social Landlord. The precise mix of house types and sizes is yet to be agreed but will be finalised through the preparation of the legal agreement should permission be approved.
- 6.17 The Director of Education has also identified that the proposed development is likely to result in greater pressure on the existing school facilities in the locality, which are all less than 800m away. As a result, a financial contribution towards improved facilities will also be required and will form part of the legal agreement. However, this

matter is still being negotiated and therefore the precise extent of the contribution is yet to be agreed.

Summary

- 6.18 The development site lies within the settlement boundary for Leominster that is presently allocated for employment purposes both within the Local Plan and Unitary Development Plan. However, sufficient evidence has been provided to demonstrate that there is an over-supply of employment land for Leominster for the Plan period and that at the same time there is likely to be the need for further dwellings. In view of this, the principle is accepted. Overall, the development is considered satisfactory subject to the concerns of the Environment Agency being addressed and other minor details such as secure cycle storage and noise attenuation measures being agreed.

RECOMMENDATION

Subject to the objection from the Environment Agency being addressed and overcome:

- 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 provision of 15 affordable dwellings,
 - a financial contribution for education,
 - a financial contribution of £35,000 towards provision of on and off site play equipment,
 - the upgrading of Footpath ZC101 to Section 38 standard for a distance to be agreed

and any additional matters and terms that she considers appropriate.

- 2) Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers:**

- 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 - A09 (Existing plans to be clarified) (And amended plans) (31 January 2005)**

Reason: To ensure the development is carried out in accordance with the appropriate plans.

- 3 - B01 (Samples of external materials)**

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

- 4 - F16 (Restriction of hours during construction)**

Reason: To protect the amenity of local residents.

5 - E09 (No conversion of garage to habitable accommodation)

Reason: To ensure adequate off street parking arrangements remain available at all times.

6 - E16 (Removal of permitted development rights) (delete 'fences, gates, walls, and dormer windows)

Reason: To enable the LPA to maintain control over further development on the site to prevent overdevelopment.

7 - F41 (No burning of materials/substances during construction phase)

Reason: To safeguard residential amenity and prevent pollution.

8 - G02 (Landscaping scheme (housing development))

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

9 - 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.

10 - G09 (Retention of hedgerows) ('boundary hedgerows')

Reason: To safeguard the amenity of the area.

11 - Various standard highway conditions concerning road construction, road and pavement surfacing, parking provision, etc.

12 - Drainage conditions as necessary and supported by the Environment Agency

13 - G30 (Provision of play area/amenity area)

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

14 - G31 (Details of play equipment)

Reason: To ensure the play area is suitably equipped.

15 - H27 (Parking for site operatives)

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

16 - H28 (Public rights of way)

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.