

10 DCNC2005/2349/F - RESIDENTIAL DEVELOPMENT OF 44 DWELLINGS INCLUDING AFFORDABLE HOUSING ON LAND AT ST.BOTOLPHS GREEN, SOUTHERN AVENUE, LEOMINSTER, HEREFORDSHIRE**For: Westbury Homes (Holdings) per Mr G Brockbank,
Hunter Page Planning Ltd, Thornbury House, 18 High
Street, Cheltenham, GL50 1DZ****Date Received:****5th July 2005****Ward:****Leominster South****Grid Ref:****49738, 57888****Expiry Date:****30th August 2005**

Local Member: Councillors R Burke and J P Thomas

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 – Delivering Sustainable Development
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

DCNC2004/2651/F – Residential development of 44 dwellings including affordable housing. Refused 23 March 2005. Appeal lodged.

DCNC2005/1225/F – Residential development of 44 dwellings including affordable housing. Refused 7 June 2005

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No in principle objection subject to conditions.
- 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 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.'
- 4.8 Head of Economic Development:: Objects to the application due to the loss of employment land.
- 4.9 Drainage Engineer: 'Details of drainage is required to avoid flooding of Southern Avenue/Castlefields Estate and to attenuate flows to Kenwater/Lugg, Wye, etc.'
- 4.10 Forward Planning Manager:

Issue1 - Loss of Employment Land

The addition of paragraph 42a to PPG3 effectively creates a presumption that permission should be granted to applications, including housing, unless the planning authority can demonstrate a reasonable prospect of take up for employment purposes in the plan period. In addition housing should not undermine regional and local strategies for economic development and regeneration.

In terms of the Regional Spatial Strategy, Policy RR3 sets out the role of market towns such as Leominster to help regenerate rural areas by providing a focus for sustainable economic and housing development. Criteria B of this policy highlights the need to provide land for employment opportunities. Policy PA6 requires local authorities to provide a portfolio of readily available employment sites to meet the needs of the regional economy. The Leominster Enterprise Park is a sub regional employment site. The remaining sites on Leominster Industrial Estate are deemed as good quality employment sites.

Herefordshire Employment Land Study The draft Herefordshire Employment Land Study 2005 provides evidence of supply and take up of employment land in Leominster. Since the monitoring began in 1986 the average level of completions of employment land in the town has been 0.39 hectares per annum. Provided this rate continues, a further 2.34 hectares will be developed over the remainder of the Plan period (2005-2011). Currently there is a supply of 17.35 hectares of readily available land. Based upon these past take up rates this supply will last a further 44 years. In addition a further 3.25 hectares is classed as not readily available as the land is either physically constrained or not on the market. However, the new enterprise park may be a catalyst for new development over the next few years. Large scale employment land opportunities are limited in the county to Leominster Enterprise Park and Moreton-on-Lugg Depot that lies on the A49 between Leominster and Hereford. Supply is particularly constrained in Hereford at the current time.

Longstanding Sites Study - GVA Grimley on behalf of the West Midlands Employment Land Advisory Group undertook a Longstanding Sites survey in 2003. This site was one of the four sites in the county that were studied. The Study concluded that the prospects of the site coming forward were limited, stating "*the owners are seeking a higher value use for their landholdings, constraining the likelihood of the sites*"

becoming available for employment development". Further reasons given were that the Leominster Enterprise Park will meet demand for employment land; and employment development might be out of conformity with some surrounding uses. The economic development of the site would provide only a limited regeneration impact, the Study stating "This site is not insignificant in size terms, but its priority in respect of the employment land portfolio is low because of the development of the Leominster Technology Park (Leominster Enterprise Park), which appears to be meeting the demand which exists in the locality."

Issue 2 - Principle of housing development

Unitary Development Plan (UDP)

The emerging UDP was examined at a Public Local Plan Inquiry during spring 2005. The Inspector's Report is anticipated in 2006, with the aim of getting the Plan adopted later that year.

In policy terms, the land lies within the settlement boundary (policy H1) and the land is shown as safeguarded employment land in the UDP Revised Deposit. It should be noted that no duly made objections were received during the deposit periods of the Unitary Development Plan with regard to this site. Therefore UDP policy E5 has significant weight in any planning applications. Criteria 1 of policy E5 is particularly pertinent as the site is bordered on 2 sides by housing and the proposals may provide benefits to residential amenity.

Policy H19 sets out the open space requirements for housing proposals. For proposals in excess of 30 dwellings both a small children's/infants' play area and an older children's informal play space are required. In addition proposals should include appropriate amenity space. It is difficult from the plans to determine if sufficient open space has been provided within the development. It is unlikely that sufficient replacement open space has been made available for houses to the west either.

Leominster District Local Plan

The following comments were made to the previous application and are still pertinent: The proposed development is located within the settlement boundary of Leominster on land identified as an industrial estate, protected for this use through policy A27. Maintaining the supply of employment land on industrial estates. The policy seeks to ensure that such land brought forward to accommodate Part B uses is retained for that purpose in order to maintain a supply of land available for industry. Clearly the proposal is not a Class B use as it is residential and would therefore be contrary to Plan policy.

Even if the principle of residential development can be established there are some other issues that will need to be addressed.

From the plans submitted with the application there does not appear to be any buffer between the proposed residential development and the adjacent employment uses. PPG 4 (para 18) states that local authorities should consider carefully whether proposals for new development might be incompatible with existing industrial and commercial activities. It continues by citing an example, where residential development is proposed in the vicinity of existing industrial uses, the expectations of the residents may exceed the standards applied by the planning authority and may give rise to pressure to curtail the industrial use. As there would already be a loss of employment

land there would be concern if development would lead to further losses. Policy A28, which provides development control criteria for employment sites, suggests within its supporting text that a 12m buffer would normally be sought for sites adjacent to residential areas. As the employment area is already established it would be reasonable to expect that the residential development should provide this size of buffer strip within its proposals to protect the amenity of its potential residents.

Policy A65 requires developments of greater than 30 family dwellings to provide a small children's/infant play spaces and older children's informal play areas. Where these can't be provided on site, financial contributions to such provision elsewhere may be made. This development is greater than 30 dwellings and in terms of open space standards should be considered in conjunction with the adjoining housing estate as it is proposed to remove their open space to make way for the access road. Not enough detail on the type of play area is offered within the application only that the size has increased, but what is within this new area is unclear. It should be noted that whilst this area of land may be appropriate for an infants and small children's play space, it is somewhat short of reaching the suggested size of 30x46m for an older children's play space as stated in the LDLP. There may be an opportunity to provide the older children's play area elsewhere either through land or contribution e.g. town council is currently seeking funds to develop a playing area elsewhere in the town which would be capable of serving a wide catchment. There is also concern about the location of this new play area. Whilst it is reasonable in terms of the proposed housing, it is some distance away from the existing facility that is meant to serve the St Botolph's residents (and is included within a condition for that permission). Coupled with this is the arrangement for the provision of a play area for the residents of St Botolph's during construction, at present there do not seem to be any in place. At present the proposal does not conform to policy in terms of open space. Infant play areas should be suitably positioned to serve both of the developments and make provision for older children.

The inclusion of 15 affordable housing units is welcomed and appropriate with regard to the percentage of those proposed to be developed (approximately 34%) in terms of policy requirements. However, advice should be sought from the housing section with regard to implementation and whether it is appropriate in this location in Leominster.

Summary

The Herefordshire Employment Land Study indicates that provided that take up continues at past rates there is an adequate supply of employment land to cater for the UDP Plan period (2011), the Regional Spatial Strategy (2021) and the foreseeable future beyond that. Furthermore the site was tested in 2003 in a regional Longstanding Sites Study. This Study concluded that the site had limited chance of coming forward for employment development in light of ownership aspirations, the Leominster Enterprise Park and surrounding uses.

There are however more detailed issues including potential nuisance problems with the adjacent industrial estate and an insufficient supply of open space for the development, and replacement open space for the development to the west, lost through the provision of the new access road. This proposal could only be acceptable if the aforementioned policy issues are satisfactorily addressed.

- 4.11 Head of Economic Development: The application site is located on designated employment land, which forms part of Leominster Industrial Estate. This is the main industrial estate in North Herefordshire and a key location for future employment growth within the County.

The application site is on land designated as an industrial estate and safeguarded for employment use by policy A27 of the existing Leominster District Local Plan and Policy E5 of the Herefordshire UDP Revised Deposit Draft. The site is bordered by industrial development to the east and west and Southern Avenue, the main industrial estate road, to the south. Residential development on the main industrial estates within the County should be strongly resisted in order to safeguard employment opportunities and facilitate future economic growth.

In October 2004, the construction of a major new access road was completed to provide a direct and greatly improved road link from Leominster industrial estate to the A49(T). The road was constructed with significant public sector investment, which was secured on the basis of the substantial economic benefits that would result from overcoming existing access constraints.

With improved communication links and readily available development sites, Leominster Industrial Estate is a prime business location and one of a limited number of unconstrained sites available currently available for development within the County. Over the past year a number of new developments have been completed on the industrial estate and development rates are expected to increase in the future.

Residential development on the application site would be in close proximity to existing employment uses and to Southern Avenue. This is likely to result in conflict between residential and employment uses in the future resulting from, for example, noise or emissions from employment uses and traffic using the industrial estate road.

It is acknowledged that the application site has remained undeveloped for a number of years. The Longstanding Employment Sites Study (January 2004) commissioned by The West Midlands Employment Land Advisory Group, however, refers specifically to the application site. The study concludes that the core reason for the site not coming forward is that:

"The owners are seeking a higher value use for their landholdings, constraining the likelihood of the sites becoming available for employment development."

The Economic Development Unit are not aware that the land owners have ever marketed the site for employment use. This has clearly prevented the site being developed for employment use.

It is also acknowledged that there is currently a significant supply of employment land in Leominster as a result of the release of land at the new Enterprise Park. This, however, is a long-term development proposal, which was designed to supplement land available on the existing industrial estate.

The allocation of a major new residential site for over 400 dwellings at Baron's Cross in Leominster through the UDP will increase the need for local employment opportunities in the town over coming years. It is therefore important that existing employment sites on Leominster Industrial Estate are retained to facilitate future economic growth.

At a County level there is a limited supply of unconstrained employment land available for development. The application site is an integral part of Leominster Industrial Estate and contributes towards the provision of a portfolio of employment land within both Leominster and the County as a whole. From an economic development perspective, it is recommended that the site should be safeguarded for employment use.

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. An additional concern would be the discharge of traffic from the access road onto the industrial estate.

5.2 Seven letters of objection have been received. 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 access road is off a busy main road. Increase in traffic will be dangerous.

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 site is not part of the Council's plan for extra housing in Leominster which is being dealt with at Barons Cross.

6) There must be access onto Southern Avenue.

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) Alexander & Duncan, Agricultural Engineers, adjoin 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 applicant has submitted an accompanying statement that concludes:

The need for further housing development within Leominster is recognised and there is significant support for the use of land previously allocated for employment use.

Government advice dictates that where existing allocations for employment land are unlikely to be delivered, local planning authorities should review their designation and favourably consider proposals for housing.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Clearly in this case, there are significant material considerations that suggest the employment allocation of this site is superfluous.

Leominster provides a sustainable location for further residential development, because of the range of services/facilities provided, its existing physical and social infrastructure and the lack of development constraints on this particular site. As such the development of this site for residential use fully accords with Government advice as expressed through PPS1 and PPG3.

The site will not come forward for employment uses because there is a reasonable supply of relatively inexpensive second hand accommodation to cater for local demand and the Leominster Enterprise Park is the best located available site and will therefore be developed before any other sites in the town. The Leominster Enterprise Park represents 25 years supply of employment land. This situation is exacerbated as the application site is only suitable for B1 Use and the limited demand for such use is taken up by the Advantage West Midlands development.

This statement has demonstrated that the development of the application site for residential use is entirely in accordance with national and strategic advice. In addition it is clear that;

- The loss of this employment site will not frustrate the supply of employment land within the district of Leominster.
- National and Strategic Planning policies support the review of existing employment allocations, particularly where such allocations are unrealistic or not required to meet future employment needs. Such sites are seen as an opportunity for residential redevelopment.
- The site provides an ideal housing opportunity, which conforms to both national and local planning policy.
 - It is accessible to jobs, shops and services.
 - The existing infrastructure of the town can support further development.
 - There are no significant physical or environmental constraints on the site.
 - It represents appropriate development within a market town, which endorses the principles of sustainable development.
- There is an identified need for further housing in Leominster and a general expectation that windfall housing sites will make a significant contribution to the town's housing up to 2011.
- The proposal includes 15 affordable housing units to be provided in conjunction with a Registered Social Landlord.

We therefore respectfully request that this application is favourably determined.

5.4 The applicant has commissioned an employment land study that concludes:

Despite Leominster being one of the five Market Towns of the County, requirements/activity in the County concentrates on Hereford and to a lesser extent, the towns of Ross-on-Wye and Ledbury which both benefit from access to the M50.

The commercial market is "localised" and therefore the town serves indigenous companies and is not considered an appropriate relocation/expansion area for Hereford based companies nor is it likely to attract inward investment in view of the unavailability of grant assistance and the 29 miles distance of the town from the motorway network.

New employment land in Leominster has only been provided with public sector assistance following completion of on site infrastructure for the new Enterprise Park.

This site which offers an extensive choice of serviced development plots for the needs of locally based occupiers represents a substantial allocation of land for a town the size of Leominster providing a total of 11.69 hectares (28.9 acres). In our view this is the best located available site in the town and will be developed before other sites.

The level of take up is dependent upon demand from locally based companies and is unlikely to be assisted by the provision of speculative development which is not viable other than in instances to provide a low content of space for existing demand.

There is a reasonable supply of inexpensive second hand accommodation to cater for local demand. In addition there is significant accommodation and land available at Moreton Business Park, which is closer to Hereford.

I have analysed the take up of land the various survey information available. The most positive figure is represented by an analysis of the Herefordshire County Industrial Needs Survey, which I assess to represent a take up of only 0.46 hectares (1.14 acres) per annum. If applied to the available land on Leominster Enterprise Park this provides a supply of in excess of 25 years.

For reasons stated I believe that the site subject to this application of 1.2 hectares (2.96 acres) is not needed for employment purposes for freehold and leasehold requirements during the Plan Period to 2011 or for the foreseeable period beyond.

- 5.5 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. Officer's 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

- 6.1 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.
- 6.2 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.

- 6.3 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 U.D.P. 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. However, the Head of Economic Development comments that the application site is an integral part of Leominster Industrial Estate and contributes towards the provision of a portfolio of land within both Leominster and the County as a whole. From an economic development perspective the site should be safeguarded for employment use. I am further encouraged in this view by the Regional Spatial Strategy which looks forward to 2021. There is a risk that if this site is not available for employment use after 2011 then that will lead, in due course, to a need for more, new employment land to cover the period up to 2021. A permission for residential use now would prejudice the long term availability of employment land.
- 6.4 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 PPS1 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.
- 6.5 To conclude, the development of the site will be contrary to both local and emerging employment policies within the Development Plans.

2) Amenity issues

- 6.6 The proposed layout safeguards a satisfactory level of privacy and amenity for the existing residents.
- 6.7 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

- 6.8 It is considered 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.
- 6.9 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

- 6.10 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

- 6.11 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.
- 6.12 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.

- 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.

Summary

- 6.14 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. Notwithstanding the conclusion of the employment land study commissioned by the applicant it is considered the site should be retained for employment use so as to increase the opportunities for local employment opportunities in Leominster in the long term.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 - The proposed development would result in the loss of land specifically allocated for employment use in both the adopted Leominster District Local Plan and emerging Herefordshire Unitary Development Plan (Revised Deposit Draft). As such, the proposal is contrary to Policies A1 and A27 of the Leominster District Local Plan (Herefordshire) and Policies S4 and E5 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and would prejudice the future provision of employment land as envisaged in the Regional Spatial Strategy for the West Midlands, Policy RR.3.**
- 2 - The proposed access route through the existing St Botolph's estate would result in an unsatisfactory form of development and the consequential increase in vehicle movements and the associated construction traffic would adversely affect the amenities of residents of the existing estate. The proposal is therefore also contrary to Policies A1, A54, A55 and A70 of the Leominster District Local Plan (Herefordshire) and Policies DR2, DR3 and H13 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).**

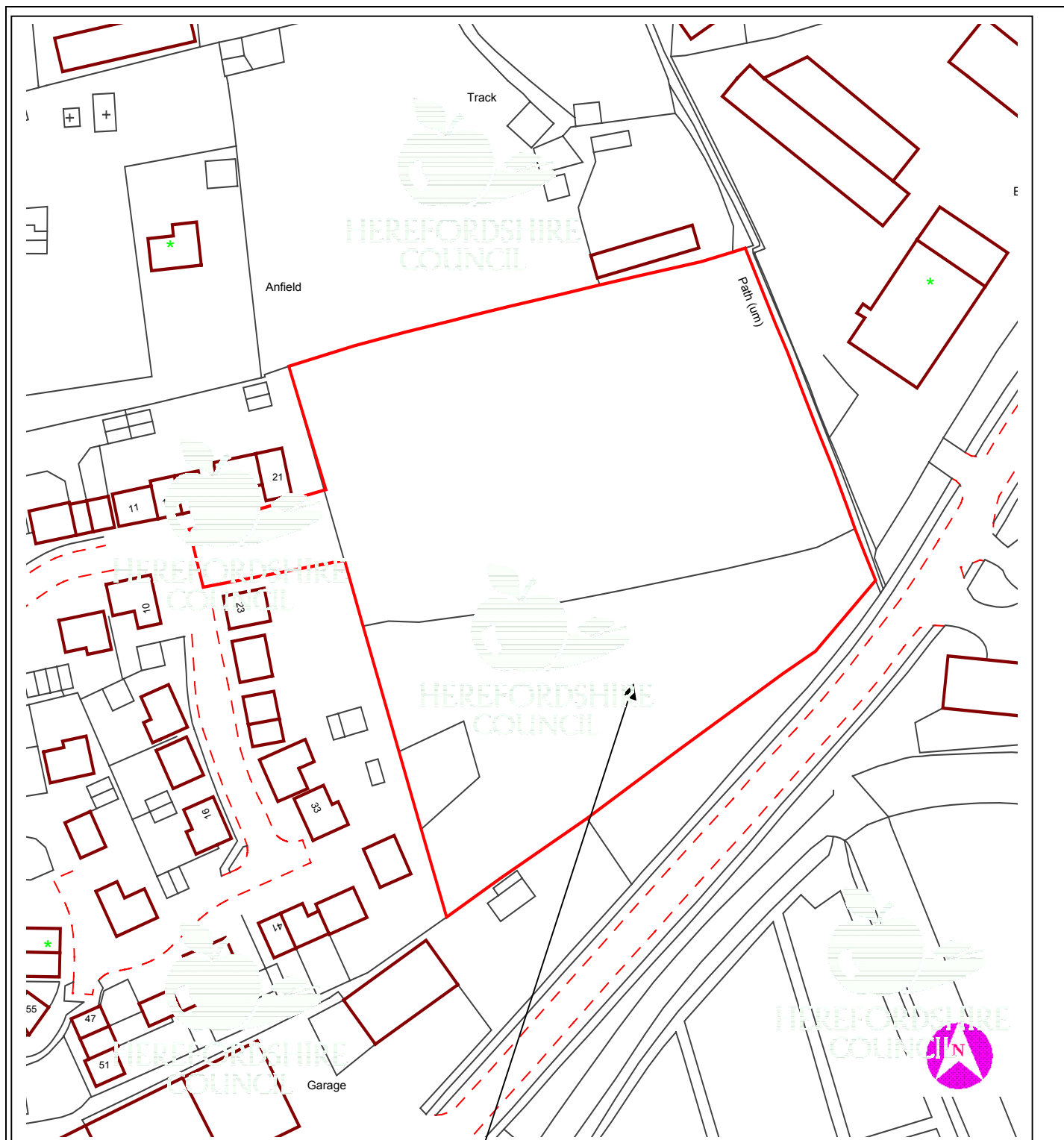
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2005/2349/F

SCALE : 1 : 1250

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

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