

**10 DCNC2005/0917/O - SITE FOR ERECTION OF A  
MAXIMUM OF 425 DWELLINGS, COMMUNITY  
BUILDING, VEHICULAR ACCESS, FOUL WATER  
PUMPING STATION AND ASSOCIATED WORKS AT  
BARONS CROSS CAMP, CHOLSTREY ROAD,  
LEOMINSTER**

**For: Taylor Woodrow Developments Ltd per RPS  
Planning & Environment 155 Aztec West  
Almondsbury Bristol BS32 4UB**

**Date Received:**

**Ward: Leominster  
North**

**Grid Ref:**

**22nd March 2005**

**47092, 58299**

**Expiry Date:**

**12th July 2005**

Local Member: Councillors Brig. P Jones CBE and Mrs J French

This application was reported to committee on 5 October where it was deferred for further information/clarification on a number of issues; these were:

- i) highways issues
- ii) the officers' mess
- iii) affordable housing
- iv) air pollution
- v) community gain

Further discussion has taken place with both the agents and Local Members. The additional information provided is set out below, rather than integrated into the original text, for ease of reference.

**i) Highway issues**

Concern was expressed regarding the potential for rat running along Buckfield Road and Ginhall Lane. Members will be aware that there are existing calming measures along Buckfield Road, and at the end of Green Lane. Traffic from either route would still have to rejoin the main road at Bargates, with nothing to be gained from such a diversion. However, monitoring can take place and if necessary additional measures provided through the Section 106 funding already proposed.

A pedestrian crossing is already proposed to allow crossing over the Monkland Road, to be in place before the occupation of the 50<sup>th</sup> dwelling.

Traffic lights at this junction have been considered but tests indicate that such a measure would only be required if the number of additional dwellings reached 625. This issue was discussed at the UDP Inquiry where it was agreed that the roundabout access and Bargates improvements were sufficient for the 425 houses proposed.

Cycle routes – funding will be provided as part of the Section 106 agreement to facilitate links from Buckfield Road to Ginhall Lane to complete the link along Green Lane into the town centre. Measures are also proposed along Barons Cross Road and Ropewalk Avenue to link the schools and industrial estate.

Bus service – the service will be half hourly with additional service at peak times. It will extend to serve schools and employment areas, and supported for a 5 year period. To be provided before the occupation of 25<sup>th</sup> dwelling.

Bus gate – the route through the new housing would discourage unauthorised use by cars, however a speed cushion will be included to further discourage such use. Barriers/bollards are not supported by the Traffic Manager or Police due to maintenance issues.

- ii) **Officers' mess** – a survey reveals the building to be generally derelict with much replacement building required. Works to meet building regulations for community use would result in loss of much of the character. The resulting building would also be of less utility given internal width restrictions. Furthermore, West Mercia Police support the provision of any community building centrally rather than on the periphery of the development.
- iii) **Affordable housing** – The number of affordable units has been increased from 127 to 140. The additional 13 proposed by the applicant to be shared ownership.

Strategic Housing are seeking these additional 13 for rent. They have also sought information on entry costs for the shared ownership units. They consider that the shared ownership units should be to SDS, as well as the rented units, as per SPG requirements. They have also requested that 10 2-bed 3-person bungalows be provided, and advise that the 2-bed ground floor flats do not provide the same level of choice.

In response, the applicants advise that they are prepared to consider retained equity as an alternative to shared ownership. They do not propose to include bungalows as these are 'land hungry' and would impact on the whole scheme. Herefordshire Housing and Gloucester Housing Association endorse the use of ground floor flats rather than bungalows. They do not work to provide any additional rented units and consider SDS on shared ownership to be non-enforceable, and there is no legal obligation to do so in the absence of social housing grant.

- iv) **Air pollution** – the assumed modal shift is not a significant factor in the calculations of NO<sub>2</sub> levels at the Bargates junction. The Council's EHO is satisfied with the findings and has confirmed this again.
- v) **Community gain** – The applicants have proposed the £350K for the erection and running of the community building in line with the suggestion of Leominster Area Regeneration Company, comprising £250K build cost and £100K running costs. They have agreed that in the absence of an identified need to provide the buildings, the £250K build cost can be utilised by the Council for an alternative community project in the vicinity that would benefit future residents of the site.

The Herefordshire PCT confirmed on 4 November 2005 that they do not wish to take up the offer of accommodation on the site. They confirm that this updates the situation

since the meeting with the agents and representatives of the two practices some time ago.

### **Representations**

Since the previous report, 3 further letters have been received, 2 relating to retention of historical heritage, the other to pollution levels and rat running.

Given the above, it is not considered that there are grounds to refuse the proposal. However, there are amendments to the requirements of the Section 106 agreement. This is now summarised below:

**Affordable Housing** – 140 units – 99 for rent, 41 shared ownership/retained equity.

**Education** – as original report

**Highways and Public Transport** – as original report

**Public Open Space** – as original report

**Community Buildings** - £350K for build and running costs. If subsequently found not to be required, £250K to be provided for community project elsewhere in vicinity.

The original report follows:

### **1. Site Description and Proposal**

- 1.1 This outline application relates to approximately 12 hec of land situated at the Barons Cross Camp and a further 6 hec of land required for drainage infrastructure purposes, largely to the south west of the camp, on the south side of the A44 Monkland Road. All matters other than access to the proposed residential development have been reserved for subsequent approval. However a Master Plan has been submitted which indicates the location for the housing and open space elements.
- 1.2 The proposal is for a maximum of 425 dwellings, 127 (30%) of which would be affordable dwellings, a 240 m sq community building and associated works. The vehicular access to the site is proposed via a new roundabout to be located opposite the existing junction onto the Buckfield Road on the Cholstrey Road (B4360).
- 1.3 The Masterplan indicates that sections of the development will follow the principles of Homezones, with the use of shared surfaces on adopted roads and tree planting in front gardens to improve the visual environment of the street, and assist in the reduction of traffic speeds through appropriate road design.
- 1.4 The drainage scheme includes a surface water attenuation area (dry pond) on agricultural land on the south side of the A44, adjacent to Roseland Cottage/Newtown Lane. In addition sustainable urban drainage methods are proposed, through the use of infiltration trenches within the main site.
- 1.5 The proposal includes 2.69 hec of public open space, the main play areas being on the northern part of the site and a central area. Four smaller areas are also proposed.

- 1.6 The application is accompanied by an Environmental Statement and other supporting documents including a draft development brief and public consultation statement.

## **2. Policies**

### **2.1 Leominster District Local Plan**

Policy L6 Barons Cross Poultry Units  
Policy A16 Foul Drainage  
Policy A17 Contaminated Land  
Policy A18 Listed Buildings and their settings  
Policy A22 Ancient Monuments and Archaeological sites  
Policy A23 Creating Identity and an Attractive Built Environment  
Policy A24 Scale and Character of Development  
Policy A30 Redevelopment of Employment Sites to alternative uses  
Policy A49 Affordable Housing  
Policy A53 Protection from encroachment into the countryside  
Policy A54 Protection of residential amenity  
Policy A55 Design and Layout of Housing Development  
Policy A61 Community, Social and Recreational Facilities  
Policy A64 Open Space standards for new residential development  
Policy A70 Accommodating traffic from development  
Policy A77 Traffic Management

### **2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)**

Policy S2 Development Requirements  
Policy S3 Housing  
Policy DR1 Design  
Policy DR4 Environment  
Policy DR5 Planning Obligations  
Policy DR9 Air Quality  
Policy DR10 Contaminated land  
Policy H2 Hereford and the market towns: housing land allocations  
Policy H9 Affordable housing  
Policy H13 Sustainable residential design  
Policy H15 Density  
Policy H16 Car parking  
Policy H19 Open space requirements  
Policy T7 Cycling  
Policy HBA4 Setting of listed buildings  
Policy ARCH1 Archaeological assessment and field evaluations  
Policy ARCH6 Recording of archaeological remains  
Policy RST3 Standards for outdoor playing and public open space  
CF2 Foul Drainage  
CF5 New community facilities

- 2.3 Planning Policy Guidance Note 3: Housing  
Planning Policy Guidance Note 13: Transportation  
Planning Policy Guidance Note 16: Archaeology and Planning.  
Planning Policy Guidance Note 23: Planning and Pollution Control.  
Planning Policy Guidance Note 24: Planning and Noise.

- 2.4 Supplementary Planning Guidance  
Provision of Affordable Housing. March 2001, updated November 2004

### **3. Planning History**

- 3.1 None

### **4. Consultation Summary**

- 4.1 Environment Agency: In respect of the site drainage strategy, including infiltration trenches, porous paving and an attenuation pond for surface water run off, no objection subject to condition. In respect to pollution prevention measures require all surface water run off from parking areas and hardstandings to pass through an oil interceptor. All foul drainage to be discharged to the mains system (subject to Welsh Water approval). In respect to ground contamination an addendum to the Method Statement.
- 4.2 Welsh Water: Had originally objected due to infrastructure problems, but following agreement about contribution to the bringing forward of improvement works, require the imposition of a Grampian condition and other standard conditions. They also require the off-site pond to be adopted by the Council.
- 4.3 English Nature: No objection but comments about opportunity to enhance the ecological value of the site, including reference to the attenuation pond's potential for wildlife.
- 4.4 Countryside Agency: No response.
- 4.5 River Lugg Internal Drainage Board: On the basis that run off rates will be limited to current rates, through the use of the attenuation pond, no objection.

#### Internal Council Advice

- 4.6 Traffic Manager has no objection subject to conditions and to the contributions proposed, £1500 per dwelling through the S106 agreement towards off site mitigation/improvement measures. These are likely to include improved cycle provision, pedestrian crossings, safer routes to school proposals, and improved bus service/routing. It will also include the resiting of the pedestrian crossing adjacent to Bengry's Petrol Filling Station to a site adjacent to the staff car park entrance at the Nursing Home.
- 4.7 Conservation Manager: No objection but further comment will be made at the reserved matters stage in relation to landscape/ecological proposals. No adverse impact upon setting of listed building to the north of the site. Archaeologist has no objection but some additional recording work will need to be carried of the war time buildings and other ground works. This can be secured by the imposition of a condition.
- 4.8 Head of Environmental Health & Trading Standards comment as follows:

#### **Air quality**

A significant proportion of the residents from the 425 houses proposed at the Barons Cross Camp are likely to use the Bargates road, as this road is the only direct route into Leominster town centre, as well as to the main road links for the region.

As you are aware, Environmental Health & Trading Standards have been monitoring air quality along Bargates and are in the process of declaring an Air Quality Management Area (AQMA) at the Bargates/Dishley Road/Cursneh Road because traffic is breaching the government set health related air quality objective for nitrogen dioxide here.

The revised information includes new data and assessment on air quality. Basically the difference is that air quality/traffic has been remodelled to show 2006 predictions for a new 'scenario 1' and 'scenario 2' option. Also the report includes 2008 predictions for the same 'scenario 1' and 'scenario 2'. I believe these dates have been selected to coincide with the various stages of housing construction.

Scenario 1 means the modelling assumes 10% increase in vehicle speeds along Bargates due to proposed improvements at the Bargates junction, presumably implemented by the developer via a section 106 agreement.

Scenario 2 means the modelling assumes 10% increase in vehicle speeds as well as a reduction in development related traffic by encouraging a modal shift from cars/vehicles from this new estate. I again presume this will be implemented by the developer via a section 106 agreement.

The 2006 predictions shows that pollution levels will reduce if there is a 10% increase in vehicle speeds due to proposed improvements at the Bargates junction, as per scenario 1. Likewise, it shows that pollution levels should drop slightly further if scenario 2's modal shift estimates are correct.

The 2006 predictions therefore imply that the pollution levels will be lower than the "*do nothing*" 2006 baseline + other committed developments in the area.

The 2008 predictions also imply that the pollution levels will be lower than the "2008 baseline + other committed developments in the area".

The modelling therefore shows that section 106 improvements to the Bargates junction combined with initiatives to encourage a modal shift should not increase pollution at Bargates. Therefore paragraph 6 of my memorandum to you dated 15<sup>th</sup> June 2005 appears to have been addressed, presuming of course that the model is correct.

However, I would still comment that this is only a model and therefore three months' monitoring should still be required after the various stages of housing development are completed to ensure that these predictions are correct.

If the predictions are not met and pollution increase over the baseline, I would encourage the section 106 to be worded to incorporate a clause requiring that further works are undertaken (whether to the junction or by implementing modal shift initiatives etc) until the Bargates junction is effectively improved to mitigate any increase in pollution above the baseline for that year without the Baron's Cross housing development. Again, monitoring to ensure this is met.

### **Construction Phase - Nuisance**

The mitigation measures proposed in the applicant's report seem fairly comprehensive and should ensure that nuisance arising from dust and smoke should be controlled. However, I would recommend that the following conditions is included:

- a. *"No burning on site shall be permitted during the construction phase"*

### **Construction Phase – Noise**

The Environmental Statement proposes both time constraints for noisy work and also maximum noise levels for the construction phase. I would recommend that the times constraints are put into a planning condition as offered below:

- b. *"No construction work/construction traffic from the proposed development which will be audible to the nearest residential property shall be permitted between the hours of 1800 to 0800 Monday to Friday nor before 0800 and after 1300 on Saturdays. No noisy work/ construction traffic audible to the nearest residential property shall be permitted on Sundays, bank holidays and public holidays. Prior consent from Herefordshire Council must first be obtained if construction work is proposed to fall outside these hours, for any event."*

There are also statutory powers open to the Council, should other problems of noise arise during construction.

### **Traffic Noise**

The Environmental Statement also considers traffic noise in relation to:

- a. Noise from traffic on the new estate affecting the new housing,
- b. Noise from the B4529 affecting the new housing adjacent to this road

The Environmental Statement measures and predicts noise from the road systems and then compares the levels to the 'Noise Exposure Categories' offered in PPG 24 "Planning and Noise". I confirm that their methodology appears satisfactory.

The report concludes that the noise generated from traffic on the estate will not adversely affect the new housing, provided that the facades are constructed no closer than 4m from the edge of the carriageway. I therefore presume that this will be taken into account should a reserved matters/detailed planning application be made.

The report then goes on to conclude that the noise generated from the B4529 is likely to have an impact on the new proposed housing, based on the 'Noise Exposure Categories' offered in PPG 24. The predictions show that even facades constructed as far away as 20m from the B4529 will still fall into the Noise Exposure Category "B". This classification means that *"noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise"*. The application offers mitigation by way of earth bunds/barriers, orientation of buildings, façade attenuation and shielding. I therefore presume that this will be taken into account should a reserved matters/detailed planning application be made, but would make the point that we should encourage the mitigation to rely on distance separation and bunding/barriers

rather than merely sound insulation, as this option will protect the amenity of the gardens and houses when windows are open.

### **Industrial Noise from Existing Garage / Coach & Lorry Repairs**

The Environmental Statement does not predict noise from the garage / lorry repair park adjacent to the site as it appears that the noise was not measured, although the report does accept that this type of land use can give rise to noise. However, the applicant argues that the existing housing adjacent to the garage has not been adversely affected and therefore proposes that this will remain the case for the proposed adjacent housing development. I can confirm that Environmental Health & Trading Standards have historically received complaints from the existing housing about noise and fumes from this garage and therefore future complaints are probable from the new housing stock.

In view of the history of complaint, the close proximity of the proposed housing to the curtilage of the garage and the presumed lack of planning conditions regulating its operations, I have reservations about housing being constructed adjacent to the lorry park unless (as the report implies) the garage is to be sympathetically developed in the very near future as well. If there is a significant time lapse between the new housing and redevelopment of the garage, I would expect the reserved matters application to incorporate an adequate separation distance together with noise bunding and barriers (that can be removed later).

### **Noise from Proposed Pumping Station**

As the application suggests, I confirm that a noise level / noise attenuation scheme for this can be agreed should a reserved matters application be made.

With regard to the Contaminated Land Information taken from Volume 1 of the Environmental Statement which includes a Desk-study and Site Investigation by Hydrock Consultants dated September 2004. The report did not raise any major concerns regarding contaminated land.

However there still are a few uncertainties as the buildings are still present and further assessment should be undertaken once the demolition works commence to identify and deal with potential contamination sources, this may include works such as the removal of old fuel tanks and verification that the work has been undertaken. There should also be provision to deal with unexpected contamination that was not discovered during the first investigation and the requirement for the applicant to submit further reports for approval in these circumstances.

I would therefore recommend that the following conditions be applied:

1. A scheme to identify, investigate and assess the extent of any contamination on those areas of the site where buildings are to be demolished shall be submitted to and approved in writing by the Local Planning Authority.
2. Any contamination encountered during development works, which was not previously identified and is either from a different source or different type to that in the original approved survey shall be subject to a revised remedial measures which shall be submitted to and approved in writing by the LPA.



3. Any contamination encountered in development works in areas currently assessed to be free of contamination shall be subject to remedial measures which shall be submitted to and approved in writing by the LPA.
  4. A completion report shall be submitted, confirming that no contamination was found, or identifying areas of contamination found during development works and verifying the remediation in accordance with the approved remedial measures.
- 4.9 Public Rights of Way Manager: The proposed development would not appear to affect public footpaths ZC28 and ZC34.
- 4.10 Education Department: We have no disagreement over the projected pupil numbers and capacities stated by the developer, however Ivington is not the provided school for Leominster (including the Barons Cross area). It serves its own catchment area, children attending from Leominster do so as a result of Parental Preference. It is difficult to build a third of a classroom by itself and this and the fact that pupils need access to the hall/library/ICT and toilets etc suggests that the contribution should be for one classroom, i.e. £80k-£100k, the LEA would deal with the ancillary facilities.
- 4.11 Forward Planning Section. Leominster District Local Plan designates the site under policy L6 advising that proposals for alternative uses on this site will be judged against other policies in the Local Plan. The draft UDP allocates the site for residential development under policy H2. The number of houses estimated being 360 based on 30 per hectare. 425 dwellings equates to 36 per hectare in line with PPG3.
- Policy H19 requires provision of open space/play areas and requirement for community building including provision for early years education. The provision of 2.69 hectares of open space compares with the UDP requirement of 2.65 ha. (based upon average occupancy rates of 2.22 per dwelling in Leominster north).
- Policy H9 seeks an indicative target of 35% affordable housing, the 30% proposed is therefore below that target. Objections to the UDP target have been made on the basis that on previously developed land the figure should be flexible to recognise potential for higher development costs. It is not considered that the nature of this site is such that costs should be exceptional.
- The issue of prematurity has been considered but it is not considered that the development of the site would prejudice the outcome of the Development Plan process.
- 4.12 Strategic Housing consider that 140 affordable dwellings should be provided on this site, equating to 32.9%, based on a revised brief. The brief sets out the requirements for house sizes/types. In addition to the shortfall in number, it is also considered that the shared ownership, as well as the rental element should be to Scheme Design Standards (SDS).
- 4.13 Parks and Countryside calculate that the commuted sum play for open space/areas is in the order of £248k, plus 3% inflation costs built in for the first year, with subsequent inflationary rises thereafter for the 10 year period. Despite consolidation of open space since previous drafts, the proliferation of small areas of POS adjacent to residential blocks is still a cause of concern. The potential for nuisance ball games and antisocial behaviour remains.

4.14 Community Development Officer is currently investigating cost of provision and maintenance of the proposed community building, together with potential users of the facility.

## 5. Representations

5.1 Leominster Town Council: 'Recommends approval, but express the following concerns:

- the increase in traffic flow would increase the level of air pollution (NO<sub>2</sub>) in The Bargates (Bengry's Garage area) where levels are already a cause of concern. This is particularly hazardous for people with asthma.
- access into the proposed estate is unsatisfactory. The siting of the roundabout would be better placed either further east or further west of the proposal.
- there should be adequate controlled lighting, taking into account the issue of light pollution and safety of the public.
- the Development Plan designates this as a site for 360 houses. This plan is for a maximum of 425.

The Town Council would also add comments with regard the comments with regard to the community facility, which, as shown on the plans is rather small. It would suggest that the old H-shaped building, the former Officers' Mess, be retained as a community building and to retain the memory and trace of war usage.

The Town Council would be interested in purchasing adjacent land in order to provide allotments for the town. One of the uses for this community building could be to provide services associated with allotments and the development could provide access and water.

It is understood that the developers are interested in taking on a community project and Town Council would be pleased to enter into discussions with the developer in this regard.'

5.2 Leominster Civic Trust remain deeply concerned that no development brief has been provided by the County planners to guide the developers. The public consultation conducted by the developers are no substitute. Was consultation carried out with local dentists or pre-school nursery providers? Consider that priority to cyclists and pedestrians is not achieved by a road crossing and roundabout. How can heavily used access road into Leominster, suffering substantially from air pollution, cope with increased volume in traffic with little more than adjustment to the existing traffic lights? Highest standards should be set for environmentally friendly housing as laid down in the SPG Design and Sustainability.

5.3 Ramblers Association: No objection, but make suggestions.

5.4 Letters of objection have been received from:

Mr Holliday, 9 Far Meadow Road  
Mr Barker, 26 Far Meadow Road  
Mr Jessop, Ebnal Farm  
Mr Wellings 169 Bargates  
Mr R Oliver, 118 Godiva Road

Summary of objections:

1. Bus routed through existing estate, roads too narrow.
  2. Traffic concerns associated with bus use.
  3. Bluegate Ave already prone to flooding
  4. Too few parking spaces will be provided
  5. Unable to access garage due to position of bus gate
  6. Disturbance from additional traffic at this point
  7. Bus route used as short cut
  8. Pedestrian safety
  9. 425 houses in excess of 360 proposed in UDP.
  10. Noise from POS on north part of site. This land is not previously developed land and should not be included in assessing density.
  11. Traffic congestion and safety problems along Bargates, should be deferred until by pass issue resolved.
  12. Rat running along Ginhall Lane.
- 5.5 Barons Cross Camp Preservation Group suggest preservation of the former officers' mess H block for potential community use, as well as to provide a historical record of the site. They advise that a number of local groups have expressed an interest in such a facility, including Army Cadets, ATC, Red Cross and pre-school nursery groups.
- 5.6 Mr H Tuck (historical film producer/director) has responded in relation to the historical importance of the site. He states that his interest is in saving part of the structure that exists for the historical benefit of the Leominster community:
- 'I have approached several members of the wider Leominster community with a view towards this preservation. There seems to be a very real sense of excitement at the chance to preserve and use some of the buildings on the site. I understand that there will be a need for a community resource on the site, and therefore this represents an ideal opportunity to examine the reality of my/our proposals. Two of the most significant buildings on the site are the former Officers' Mess and Club, located in the north-eastern part of the site (as you look from the gate, next to the water tower). These buildings are in a remarkably decent state of repair considering the passage of sixty years, and would be an ideal conversion project.
- I have acted as an Historian and adviser on a number of preservation projects across the UK, mostly world War Two buildings, and again mostly with developers and English Heritage. Whilst I fully realise the constraints of the planning application, I do feel that there is reasonable scope, with the support of the community, to save part of the former camp.'
- 5.7 Mrs E Passey of The Crossway Cottage, Kington, also supports retention of part of the camp, for historical, architectural, cultural and environmental reasons.
- 5.8 In support of the application a considerable volume of information has been submitted. This includes the Environmental Statement main document, summary and technical appendices. A supporting statement has also been submitted together with a draft development brief, which sets out the design vision for the site, a public consultation statement, together with subsequent updates following various meetings and discussions with officers and in responses to other issues raised, particularly with regard to affordable housing.

In respect of the proposed community building the agent advises:

The size, scale and location of the proposed community building has been guided by policies contained within the emerging Herefordshire UDP and by community consultations undertaken to date. The size and scale of the building is considered appropriate given its location and physical relationship to Leominster town centre and other key community facilities in the town such as the nearby Bridge Street Sports Centre, which is designed and used as a multi-use community facility. The community building should therefore serve as a facility for the immediate existing residential community but primarily for the new residential community at Barons Cross Camp. It is considered that any significant expansion of the community building itself in the wider community would have a detrimental impact on highways and parking in and around the site.

Following recent local press reports relating to the former Officers Mess building Taylor Woodrow and colleagues met with Mr Howard Tuck who has expressed a desire to retain it as an alternative proposal for the community building. Following some discussion, Taylor Woodrow has taken the view that the location, condition and configuration of the Officers Mess building would not make it suitable for an alternative community building. A structural survey has been undertaken of the building and has found that it would not be practical or economically viable to re-use the building for community use. A purpose-built community building will be provided in a central location to serve the new development and adjacent communities. During our meeting with Mr Tuck we proposed a number of measures to preserve the heritage of the site, which we would be happy to discuss further.

In terms of developer contributions, the following information has been provided:

### **S.106 Agreement – Heads of Terms**

The developer is prepared to enter into a legal agreement with the Local Planning Authority covering the following matters:

#### **Affordable Housing**

30% of the units on the site shall be provided as Affordable Housing. Based on 425 units, this would be 127 units of which 99 would be affordable housing available for rent and the remainder would be made available on a shared equity basis.

Details to be agreed.

#### **Education**

A contribution of £80,000 will be made by the developer towards the replacement of temporary classrooms at Leominster Infants School to address the educational impacts arising from the development.

Details to be agreed.

#### **Highways and Public Transport**

- contributions (£1,500.00 per unit) will be made to address the highway and public transport impacts arising from the development. Contributions would cover:
- necessary off-site highway improvements

- facilitation of bus routes linking the development to employment centre, schools and the town centre
- improvements to public transport and sustainability infrastructure
- provision of cycle and pedestrian links between the site and the town centre
- contributions would be based on an agreed amount per dwelling and would be paid in instalments

In addition, the developer will make a contribution towards funding a Traffic Regulation Order to promote a bus/cycle/emergency only access between the end of Far Meadow Road nearest the site and the development to prevent general vehicular access being taken through the site.

### **Public Open Space**

Areas shown on the Masterplan shall be laid out as open space in accordance with a timetable to be agreed. Areas would be maintained following laying out and then offered for transfer to the Local authority. A financial contribution of £248,000 for a 10-year maintenance contract will be made. This sum includes 3% increase in inflation costs for first year. The contribution will be increased in subsequent years in line with RPL. Additional sum required for adoption of infiltration ditches within play area.

Play areas on-site would be facilitated as follows:

- 4 LAPS
- 1 enhanced LEAP
- Kick about space

### **Community Building**

The developer will reserve a site in the location shown on the Masterplan for a community building. This site will be reserved for an agreed period during which the developer will transfer it to the Council at their request in the event that the Council enters into a contract to construct a community building prior to which the Council shall seek the prior written consent of the developer to the external appearance and design of the building. On the date of transfer the developer shall make a contribution of £160,000 towards the cost of construction.

In response to concerns raised by Strategic Housing, the developer has responded as summarised below:

- 1) The provision of 127 affordable units is 30%, the Council's SPG (35%) is not in line with the currently adopted Leominster District Local Plan.
- 2) Leominster Housing Needs Survey March 2004, identifies a requirement for 140 affordable dwellings over the next 5 years. 127 on Barons Cross Camp plus 17 at Ridgemoor Road plus 10 from the adjacent garage site exceeds the survey need.
- 3) 28 shared ownership houses has been agreed with the RSL partner.
- 4) 2 bed 3 person units are not within Taylor Woodrow's range and not supported by the Housing Corporation. We suggest we continue with 2 bed 4 person dwellings.
- 5) Ground floor flats are seen as suitable alternatives to bungalows.

- 6) RSL is happy with the mix of sizes, but we can provide 8, 1 bed units instead of 6, by deleting a 2 bed house.
- 7) The Housing Corporation cannot insist that non-grant funded units should be designed to SDS.
- 8) Circular 6/98 has not yet been replaced.

The Environmental Statement and subsequent amendments thereto submitted with the application considers the following issues; alternative sites, policy context, socio-economic assessment, transportation, noise and vibration, ecology, land and soils, hydrology and drainage, air quality, light, landscape and visual impact, archaeology and built environment and services. The Statement sets out, inter alia, the methodology for the assessment of the impact of the proposal in each of these sections, the assessment itself, policy context and the mitigation measures proposed.

In respect of the Home Zone element, this will not now be a formal provision but that those areas so identified on the plan will incorporate the principles with the use of shared surfaces on adopted roads and tree planting in front gardens to improve the visual environment of the street and to assist in the reduction of traffic speeds through appropriate road design.

- 5.7 The full text of the representations and supporting documentation can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officer's Appraisal**

- 6.1 The housing site is identified in the Leominster District Local Plan (LDLP) at Policy L6, Barons Cross Poultry Units, and relates to the potential upgrading of those units for continued intensive poultry use. Alternative uses are to be judged against other policies in the LDLP, in particular Policy A1.
- 6.2 In the deposit draft Unitary Development Plan (ddUDP), Barons Cross Camp is one of a number of sites identified for residential development, with an estimated capacity of 360 dwellings. 240 of these to be completed by 2006, the remaining 120 by 2011. The target for affordable housing is 126 (35%). The site is described as 'the largest proposed housing site in the north of the county, and should be developed on a comprehensive basis'. It advises that 'the local highway network, and in particular traffic flows around the Dishley St/Bargates junction, are subject to capacity constraints, with related issues in terms of air quality on the A44/Bargates corridor. Development of the site will require transport measures to be put in place including junction enhancements, highway safety improvements, public transport provision and pedestrian and cycling measures. Subject to the nature of the transport measures put forward and to the resulting capacity of the local road network, it may be necessary to limit development on the site within the plan period through a phasing approach'. In this way, it suggests 'completion would be achieved in conjunction with significant improvements to the highway system, likely to include new road infrastructure to which the relevant stage of the scheme would be required to contribute'. It refers to the Leominster Zone of Interest, ref. Policy T10, for a road linking the A44 at Barons Cross to the B4361 Hereford Road.

- 6.3 Consequently, the onus lies with the developer to demonstrate that the existing network, subject to any improvements which can be carried out can cope not only with the initial phase of 360 dwellings but up to the 425 currently proposed. Negotiations, which have included the Transportation section and the developer appear to have achieved this.
- 6.4 These measures include extending cycle route facilities through Buckfield Road to Ginhall Lane, then via Green Lane into the town centre, a possible cycle route along the A44 via Ropewalk Avenue, to the schools, pedestrian crossings and enhancement of the bus service. These measures form part of the developer's contribution, via S106 agreement or S278 highway agreement. Significantly, the resiting of the pedestrian crossing allows for a rephrasing of the traffic lights to reduce vehicle waiting times, with a subsequent benefit to air quality.
- 6.5 The policy goes on to set out the requirements of a development brief for the site, which should include transportation measures, affordable housing, open space provision, landscaping and inclusion of community facilities (including nursery accommodation). It is also noted that development of the site is constrained by the capacity of the public sewerage system.
- 6.6 The LDLP does not set a % figure for affordable housing, but advises that sites over 1 ha will be assessed to determine their suitability related to the housing need for the settlement. The Leominster Housing Needs Survey suggests 143 units are required, and that 140 units of these be provided at Barons Cross Camp. The developer points out that the figures estimated in the ddUDP for other sites also available mean that adequate provision is made on this site.
- 6.7 The SPG Affordable Housing, March 2001, updated Nov 2004, refers to the existing development plans, for this site LDLP, and to the emerging ddUDP. The current version of the SPG has revised the original requirement of 36% to 35% in line with the ddUDP. However, given the objection to the affordable housing policy in the ddUDP more weight must be given to the current adopted plan, requirement 30%, which this proposal meets.
- 6.8 Another element of concern from the Strategic Housing section relates to the 'quality' of the housing provided. At issue are the 28 shared ownership units, which they consider should be to SDS. The developer's view, as confirmed recently during a training seminar, is that the Council is in no position to insist, where no grant funding is provided, as in this case.
- 6.9 Policy A64 of LDLP sets out the requirement for open space/play areas. Policy RST3 ddUDP has slightly lower standard. On an average occupancy rate of 2.22 persons per dwelling (based on average household size in the ward, Census 2001), the provision in the Master plan slightly exceeds the requirement with 2.69 ha per 1000 population compared to 2.65 ha. The Parks and Countryside section, whilst generally satisfied with the proposal and contribution towards maintenance, point out concerns about children playing close to housing. Whilst the concern is based on experience, play space for younger children should be provided close to home where general supervision/observation is available.
- 6.10 The proposal includes for a community building measuring 20m x 12m, and a contribution of £160k towards its construction. Further advice is being sought re potential users of the building and some one to take on the responsibility for and maintenance of the building. Further comment on the suitability of the contribution will

be provided at the meeting. To date there are no indications that a nursery facility is required. It is anticipated that the facility would be multi-purpose use and it has been suggested that it could include an interpretation element of the site's former military use.

- 6.11 Air quality at the Bargates junction is another of the limiting factors on the development of the site. A comprehensive report of the issue is set out in the EHO response.
- 6.12 Whilst the ddUDP indicates a zone of interest for a potential alternative route, this is beyond the plan period of 2011. Other measures identified as alternatives have been referred to in that response and include pollution monitoring over and above measures already proposed by the developer.
- 6.13 Policy DR9 ddUDP refers to air quality and rightly points out that this is a material planning consideration. The imminent declaration of the Bargates area as an Air Quality Management Area reinforces this point. The main way, if not the only way to improve air quality is to reduce emissions. Mitigation measures proposed to do so have been submitted through discussion with the Transportation Section and appear to satisfy the requirement.
- 6.14 Policies relating to foul drainage require connection to the public sewerage infrastructure where possible. In this instance, improvements are required which, following agreement between the developer and Welsh Water (WW) will be carried out as part of the Capital Improvements works by WW, funded in part by the developer. Occupation of the dwellings will not be permitted until this work has been completed (or 31 March 2008 whichever is the sooner).
- 6.15 Policy DR4 ddUDP refers to the implementation of Sustainable Urban Drainage techniques. Such measures include the use of permeable surfaces, and infiltration trenches. As part of this application the developer additionally proposes the use of a 'dry pond' on a site to the south west of the housing, along the Monkland Road. This would allow water to be stored at times of high flow, to then be released at a controlled rate to the local watercourses.
- 6.16 This 'dry pond' is to be adopted as part of the Section 38 agreement.
- 6.17 A number of concerns have been expressed by local residents as set out in paragraph 5. In part, they relate to the proposed bus route, which will enter the site via Far Meadow Road. This is to be designed to prevent private car access, but not emergency vehicles, and will be wholly within the site so as not to interfere with private garaging and parking in this location. Traffic congestion issues and pedestrian safety issues are dealt with through off-site works previously described. Additional rat running through Ginhall Lane is not considered to be likely, nor through Buckfield Road. If this becomes evident, additional measures will need to be considered.
- 6.18 The Civic Trust is particularly concerned about the lack of a Council approved brief for the site. The developer has prepared a draft brief, taking into account all the matters and more referred to in paragraph 5.4.18 of the ddUDP, and following many meetings with officers in advance of the submission. This brief indicates a comprehensive approach to the development of the site and avoids the problems associated with piecemeal development of such large areas.



- 6.19 Since this is an outline application, issues such as amenity of existing residents will be considered at the reserved matters stage. However, the indicative information contained in the Masterplan and brief do not give cause for concern at this stage. Residents will, of course, have further opportunity to comments at the detailed stage.
- 6.20 Interest in the military buildings on site has recently been raised and the matter discussed with the developer. At this late stage in the formulation of the plan they do not wish to amend the layout to enable the Officer's Mess building to be retained. They consider that the buildings are in a poor state of repair and not economically capable of conversion to community use. It is also in an inappropriate location on the edge of the site. A full archaeological record will be made.
- 6.21 There are a number of listed buildings within close proximity of the site, Ebnall Farm immediately to the north and Stagsbatch to the west. It is not considered that the proposal will have a detrimental impact on the setting of those buildings. There are no archaeological constraints beyond recording the site.
- 6.22 There are no concerns relating to ecological issues, though there will be an opportunity to enhance habitats at the detailed stage.
- 6.23 The implications of the development and the issues set out in the Environmental Statement, as amended, have been fully considered, it is concluded that on balance, the proposal can be supported. Since the proposal constitutes a departure from the current adopted Leominster District Local Plan, the intention to approve would need to be notified to the ODPM. Subject to the application not being called in, the following will apply.

## 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 with regard to Affordable Housing, Education, Transport, Public Open Space and Community Building and any additional matters and terms as 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:**
  - 1 - **A02 (Time limit for submission of reserved matters (outline permission) )**  
**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
  - 2 - **A03 (Time limit for commencement (outline permission) )**  
**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**
  - 3 - **A04 (Approval of reserved matters )**  
**Reason: To enable the local planning authority to exercise proper control over these aspects of the development.**

**4 - A05 (Plans and particulars of reserved matters )**

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

**5 – H17 (Junction improvement/off site works)**

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

**6 - 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.**

**7 - H19 (On site roads - phasing )**

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

**8 - H20 (Road completion in 2 years or 75% of development )**

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

**9 - H21 (Wheel washing )**

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

**10 - H26 (Access location ) (from Cholstrey Road only)**

**Reason: In the interests of highway safety.**

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

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

**12 - H29 (Secure cycle parking provision ) (one space per bedroom)**

**Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.**

**13 - None of the buildings hereby approved shall be occupied until either the essential improvement works to the public sewerage system has been completed by the sewerage undertaker or 31 March 2008, whichever is earlier, and this has been confirmed in writing by the Local Planning Authority.**

**Reason: To ensure the development is effectively drained and that the existing hydraulic overloading of the public sewerage system, which causes sewage flooding is not worsened.**

**14 - Foul water and surface water discharges must be drained separately from site.**

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

- 15 - No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.**

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

- 16 - No land drainage run-off will be permitted to discharge to the public sewerage system.**

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

- 17 - No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system including the use of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Local Planning Authority. Surface water generated from the site shall be limited to the equivalent Greenfield runoff rate for the site (54 litres per second). The scheme shall be implemented in accordance with the approved details (including drainage strategy 50529/500 rev c), unless otherwise agreed in writing by the Local Planning Authority in consultation with the Environment Agency.**

**Reason:** To prevent the increased risk of flooding and provide water quality benefits by ensuring the provision of a satisfactory means of surface water disposal.

- 18 - Prior to the commencement of development, details of the construction and design of the attenuation pond, as shown on plan 101 rev d, including volumes, contours and habitat/landscaping features, shall be submitted to and approved in writing by the Local Planning Authority.**

**Reason:** To ensure that the attenuation pond is sized to cater for the 1 in 100 year storm period (green field run-off rate of 54 litres/second for the site) and includes biodiversity/habitat features.

- 19 - Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.**

**Reason:** To prevent pollution of the water environment.

- 20 - F25 (Bunding facilities for oils/fuels/chemicals )**

**Reason:** To prevent pollution of the water environment.

- 21 - All foul drainage from the development shall be discharged to the mains foul sewer.**

**Reason: To provide a sustainable foul drainage system and prevent pollution of the water environment.**

- 22 - If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the development has submitted, and obtained written approval from the Local Planning Authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.**

**Reason: To ensure that the development complies with approved details in the interests of protection Controlled Waters.**

- 23 - D02 (Archaeological survey and recording )**

**Reason: A building of archaeological/historic/architectural significance will be affected by the proposed development. To allow for recording of the building during or prior to development. The brief will inform the scope of the recording action.**

- 24 - No burning on site shall be permitted during the construction phase.**

**Reason: In order to protect the amenity of occupiers of nearby properties.**

- 25 - No construction work/construction traffic from the proposed development which will be audible to the nearest residential property shall be permitted between the hours of 1800 to 0800 Monday to Friday nor before 0800 and after 1300 on Saturdays. No noisy work/construction traffic audible to the nearest residential property shall be permitted on Sundays, Bank Holidays and public holidays. Prior consent from Herefordshire Council must first be obtained if construction work is proposed to fall outside these hours, for any event.**

**Reason: In order to protect the amenity of occupiers of nearby properties.**

- 26 - A scheme to identify, investigate and assess the extent of any contamination on those areas of the site where buildings are to be demolished shall be submitted to and approved in writing by the Local Planning Authority.**

**Reason: To ensure that potential contamination of the site is satisfactorily assessed.**

- 27 - A completion report shall be submitted, confirming that no contamination was found, or identifying areas of contamination found during development works and verifying the remediation in accordance with the approved remedial measures.**

**Reason: To ensure that potential contamination is removed or contained to the satisfaction of the Local Planning Authority.**

- 28 – Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development falling within Class A of Part 2 of Schedule 2 to that order (ie the erection, construction, maintenance, improvement or alteration of a gate, fence or wall or other means of enclosure) shall be carried out to any dwelling that fronts onto an area designated as ‘Home Zone’ on the Masterplan approved under this planning permission unless, upon application, planning permission is granted for the development concerned.**

**Reason: To ensure the integrity of the design of this part of the site is maintained.**

- 29 - The development hereby permitted shall be carried out in accordance with the Masterplan and in accordance with a phased programme to be submitted to and approved in writing, prior to the commencement of any development, by the Local Planning Authority.**

**Reason: To ensure that development proceeds in line with capacity constraints.**

- 30 G02 (Landscaping scheme)**

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

- 31 G03 (Implementation of landscaping scheme)**

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

- 32 Air quality monitoring for nitrogen dioxide shall be undertaken for a minimum of 3 months following completion of the junction improvements at Bargates. Monitoring shall be undertaken utilising real-time chemiluminescent techniques, at a location to be agreed with the Local Planning Authority.**

**Reason: In order to measure the impact of the development against pollution targets.**

**Informatives:**

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

**2 – This permission is granted pursuant to an agreement under section 106 of the Town and Country Planning Act 1990.**

**3 - Highway notes**

- 3) That the officers named in the Scheme of Delegation to Officers be authorised to amend the above conditions as necessary to reflect the terms of the planning obligation.

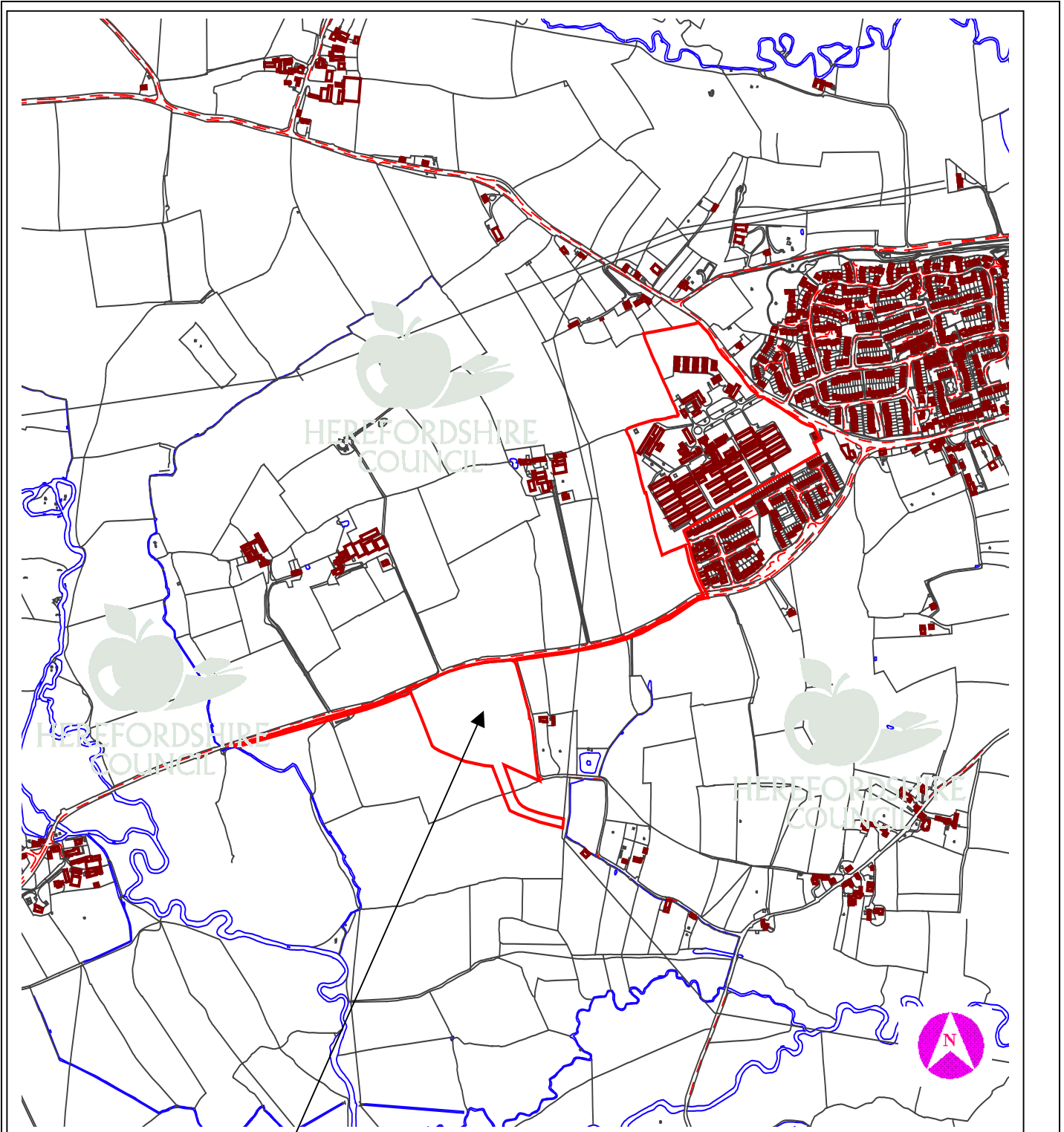
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNC2005/0917/O

**SCALE :** 1 : 12865

**SITE ADDRESS :** Barons Cross Camp, Cholstrey Road, Leominster

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