

12 DCNW2006/3986/O - SITE FOR RESIDENTIAL DEVELOPMENT OF 46 DWELLINGS AT LAND WEST OF OLD EARDISLEY ROAD, KINGTON, HEREFORDSHIRE.

For: Mr & Mrs T Watkins per Mr J Spreckley, Brinsop House, Brinsop, Hereford, HR4 7AS

Date Received:
18th December 2006

Ward: Kington Town

Grid Ref:
30100, 56188

Expiry Date:
19th March 2007

Local Member: Councillor TM James

1. Site Description and Proposal

- 1.1 The application site is located on the south-eastern fringe of the settlement known as Kington and measures approx 3.66 hectares in area.
- 1.2 The site is abutted alongside its eastern elevation by the unclassified 91226 public highway known as 'Old Eardisley Road' on the opposite side of this highway to the application site are dwelling units of various sizes and character, mostly of fairly recent construction. Adjoining the southern and western elevations of the application site is farmland laid down to pasture. The northern elevation side, is adjoined by a garage/petrol filling station and other residential units.
- 1.3 The application is made in 'outline' to which the application form indicates layout, appearance, scale and access as reserved for future consideration. Therefore only landscaping is considered as part of the current application for the proposed 46 dwelling units, of which 16 are proposed as 'affordable units'. The application is also accompanied by an indicative layout of the site as well as a landscape strategy site plan and report. Also accompanying the application are detailed plans of the type of dwellings considered acceptable for the site, these range from 1-5 bedroomed units.

2. Policies

2.1 National Planning Policies

Planning Policy Statement 3 – Housing
Planning Policy Statement 1 – Sustainable Development

2.2 Herefordshire Unitary Development Plan

S1 – Sustainable Development
S2 – Development Requirements
S3 – Housing
DR1 – Design
DR2 – Land Use and Activity
DR3 – Movement

DR4 – Environment
DR5 – Planning Obligations
H1 – Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H2 – Hereford and the Market Towns: Housing Land Allocations
H3 – Managing the Release of Housing Land
H9 – Affordable Housing
H15 – Density
H19 – Open Space Requirements
LA2 – Landscape Character and Areas Least Resilient to Change
LA3 – Setting of Settlements
LA6 – Landscaping Schemes
RST3 – Standards for Outdoor Playing and Public Open Space
CF2 – Foul Drainage
ARCH1 – Archaeological Assessments and Field Evaluations

3. Planning History

- 3.1 The site has no known planning history, other than it is designated in the Herefordshire Unitary Development Plan for residential development.

4. Consultation Summary

External Council Advice

- 4.1 Environment Agency - No objections raised.
- 4.2 Welsh Water - No objections raised subject to attachment of conditions in relationship to foul and surface water run off from the site to any approval notice subsequently issued.

Internal Council Advice

- 4.3 Archaeological Advisor recommends the attachment of a standard archaeological condition, (DO3), with regards to potential archaeological interests on site to any approval notice issued.
- 4.4 Strategic Housing Manager supports the application, stating that the proposed 16 affordable units equates to 35% of the proposed housing on site which meets targets as outlined in Policy H9 of the Herefordshire Unitary Development Plan.
- 4.5 Forward Planning Manager considers the proposal acceptable.
- 4.6 Landscape Manager raises no objections.
- 4.7 Parks Development Manager raises no objections to the proposal in accordance with the revised Draft Heads of Terms on planning gain towards recreational space provision, maintenance, provision of childrens play area and play equipment.
- 4.8 Education Manager raises no objections in accordance with proposed planning gain towards state educational establishments in the town.
- 4.9 Transportation Manager raises no objections.

5. Representations

5.1 Kington Town Council are concerned about the proposed development in relationship to overall housing targets for Kington in that in their opinion targets will be exceeded. Concerns are also raised about no Development Brief being prepared by the Council for the site. Issues are also raised about the impact of the proposed development on the local infrastructure, amount of residential units exceeding 40, as indicated in the Unitary Development Plan for the site and impact of the proposal on the surrounding bio-diversity.

5.2 Letters of comment/objection have been received from the following members of the public:-

- Mrs G Simcock, 20 Rose Cottage, Headbrook
- David M Shayler on behalf of the Arrow Masonic Hall Company Ltd c/o Crispin, Woonton, Almeley
- S Dudhill, Mount Pleasant, Kingwood Road, Kington
- Mrs Helen Waugh, Gravel Hill House, Gravel Hill, Kington
- R & M Gwynee, 31 Eardisley Road, Kington
- B Bromhead Wragg on behalf of Campaign to Protect Rural England (Herefordshire)

5.3 Objections raised can be summarised as follows:-

- Impact on adjoining public highway
- Concerns about surface water
- Impact on local infrastructure as a result of proposed development
- Loss of a greenfield site
- Application not in accordance with Herefordshire Unitary Development Plan guidance with regards to a development brief for the site

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

6. Officers Appraisal

6.1 The key issues with regards to this application are:-

- The principle of the development
- Impact on the surrounding landscape
- Impact on local infrastructure
- Planning gain – Draft Heads of Terms

The Principle of the Development

6.2 The site is located within the development boundary of Kington, on an allocated site for housing development as indicated in paragraph 5.4.31 of the Unitary Development Plan (UDP).

This said paragraph of the UDP indicates not all of the site is appropriate for development due to the impact of complete site development on the wider landscape. (The site has an area of 3.5 hectares and therefore can accommodate significantly higher density of development than that subject to this application.) The paragraph

- indicating that the area nearest its northern side should be protected from development.
- 6.3 The Council's Forward Planning Manager has responded to the application stating that the proposal is acceptable under current and emerging policies.
- 6.4 Kington Town Council have raised concerns about housing completions in Kington Town area in general, and are particularly concerned about over-supply of dwellings and impact on local infrastructure.
- 6.5 The site is an allocated site in the UDP, to which the Town Council initially supported its designation for housing development.
- 6.6 The UDP anticipated that 275 dwellings would be completed. In the period 1996-2006 some 123 houses were completed. In addition in April 2006 there were outstanding commitments for 37 further dwellings and the housing allocation for the site subject to this application for a further 40 units. These figures do not include the approval for the 'Maesydari' site. However completions are well below the anticipated 275 dwellings for Kington and therefore on this issue there is insufficient grounds for me to recommend refusal to the application as this would not in your Officer's opinion be strong enough of a reason to justify in the event of an appeal situation. The Inspector at the public inquiry into the UDP in relationship to the site stated: 'I am satisfied that Kington's contribution to the strategic housing requirement cannot be met without making use of an urban extension site' (paragraph 5.30.4). He recommended no modification to the plan in this respect and his recommendation has been accepted by the Council – Kington Town Council have also raised concerns about no Development Brief being prepared by the Council for the site. All issues that would be considered as the result of a development brief have been carefully examined subject to this application and paragraph 72 of National Planning Policy Statement 3 – Housing states: 'Local Planning Authorities should not refuse application solely on the grounds of prematurity.'

Impact on the Surrounding Landscape

- 6.7 The UPD acknowledges the site is rather conspicuous in relationship to the wider immediate area and therefore has recommended that part of the site is used for community open space.' This was a reason for the UDP stating a development brief will be prepared to provide detailed guidance for the development of the site.
- 6.8 The developer's agent has been in extensive negotiations with regards to the site's development and has as part of the application provided a landscape strategy and indication site layout, to which the Landscape Manager has approved of the proposed development along with all of the Council's relevant consultee participants in the Draft Heads of Terms process in relationship to planning gain for the site.
- 6.9 The proposed development is for 46 dwelling units, it is acknowledged this is above 40 as suggested in the UDP for the site. However it is considered that the proposed density is acceptable and represents for the area of the site proposed for development, a density on the low side, with sufficient land on the sites northern area allocated for open space/play area, as well as a landscaped buffer on its western and southern fringes in order to further integrate the proposal into the surrounding landscape. The Council's Landscape Manager raises no objections to the latest amended indicative site plan, submitted in relationship to the landscape strategy plan and report originally

submitted as part of the application. The application does not trigger the need for an Environmental Impact assessment as requested by the Town Council.

Impact on Local Infrastructure

- 6.10 The site is an allocated housing site in the UDP and therefore consideration has been shown to impact on the local infrastructure such as adjoining public highways, schools, water supply etc. Welsh Water did initially raise concerns to the proposal, however have since responded with no objections subject to recommended conditions with regards foul and surface water drainage being attached to any approval notice subsequently issued. There also have been no objections received from any of the other consultees on infrastructure issues such as Education, Strategic Housing, Parks and Countryside or the Environment Agency. As previously mentioned when the site was allocated for housing Kington Town Council raised no objections.

Planning Gain – Draft Heads of Terms

- 6.11 Attached to this report is a Draft Heads of Terms in accordance with the Town and Country Planning Act 1990 and Section 106 Agreements with regards planning gain.
- 6.12 The developer has agreed to provide 16 affordable units in-line with criteria as requested by the Council's Strategic Housing Manager, briefly comprises of 11 rented units ranging from 1 bedroomed units to four bedroomed units and 5 share ownership units consisting of 2 or 3 bedroomed each.
- 6.13 Also forming part of the proposed Draft Heads of Terms is provision for local public highway improvements in accordance with criteria as requested by the Council's Transportation Manager.
- 6.14 The developer has also agreed a sum of £92,000 towards local education establishment improvements. These are both the local Primary and Senior Schools, to which the Council's Education Manager raises no objections.
- 6.15 The Drafted Heads of Terms also makes provision for a contribution of £112,826 towards shrub and tree planting and maintenance of the site's proposed open space. The financial sum agreed is in recognition of the site's topography and the UDP's statement with regards part of the site being designated for open space. The Heads of Terms also makes provision for £48,000 towards provision of play equipment for the children's play area and a sum of money towards local sports provision in recognition of 'Sport England' and upgrading of existing surrounding sports establishments.

7.0 Conclusion

- 7.1 The application represents a proposal that is considered acceptable in relationship to the site. Careful consideration has been shown towards integrating the development into the surrounding countryside through extensive negotiation with relevant Council Consultees in the absence of a Development Brief as indicated in the UDP.
- 7.2 The proposed 46 units are considered acceptable, representing a wide range in variety of properties in both scale and mass. Four of the proposed units are in the form of a block of flats and therefore a wide range of property types envisaged. The overall density being at the lower end of the scale in reflection of the site's topography and location.

RECOMMENDATION

1 - The County Secretary and Solicitor be authorised to complete the planning obligation under Section 106 of the Town and Country Planning Act 1990 to (set out Heads of Agreement) and deal with any other appropriate and incidental terms, matters or issues.

2 - Upon completion of the above-mentioned planning obligation Officers named in the Scheme of Delegation 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.

[Note: Time limits can be varied - special reason to justify]

2 - **A03 (Time limit for commencement (outline permission))**

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

[Note: Time limits can be varied - special reason to justify]

3 - **A04 (Approval of reserved matters)**

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

[Note: Delete reserved matters which are not applicable]

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

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

[Note: Delete reserved matters which are not applicable]

[Note: Outline planning permissions will normally require conditions A02, A03, A04 and A05 to be imposed]

5 - The development hereby approved shall be in accordance with the amended site plan drawing no. 1246.00B and associated landscape strategy and housing type plans received as part of the application.

Reason: In the interests of the visual amenity of the surrounding area.

6 - **D03 (Site observation - archaeology)**

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

[Note ND3 should be used in conjunction with this condition].

- 7 - Foul water and surface water discharging shall be discharged separately from the site.

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

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

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

- 9 - Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

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

- 10 - No development will commence until the developer or his successor in title has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been agreed in writing by the Local Planning Authority in liaison with the Dwr Cymru Welsh Water's Network Development Consultant.

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

- 11 - E01 (Restriction on hours of working)

Reason: To safeguard the amenities of the locality.

- 12 - E16 (Removal of permitted development rights)

Reason: In the interests of the visual amenity of the surrounding area.

- 13 - G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

- 14 - G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

Advisory Notes

- 1 - If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultant on Tel No: 01443 331155.
- 2 - The applicant or successor in title is reminded that public highway access details are reserved for future consideration. Therefore details may include adequate visibility splays from the site, pedestrian routes, street lighting, drainage and internal road layout in accordance with the Council's relevant Highway's Design Guide.

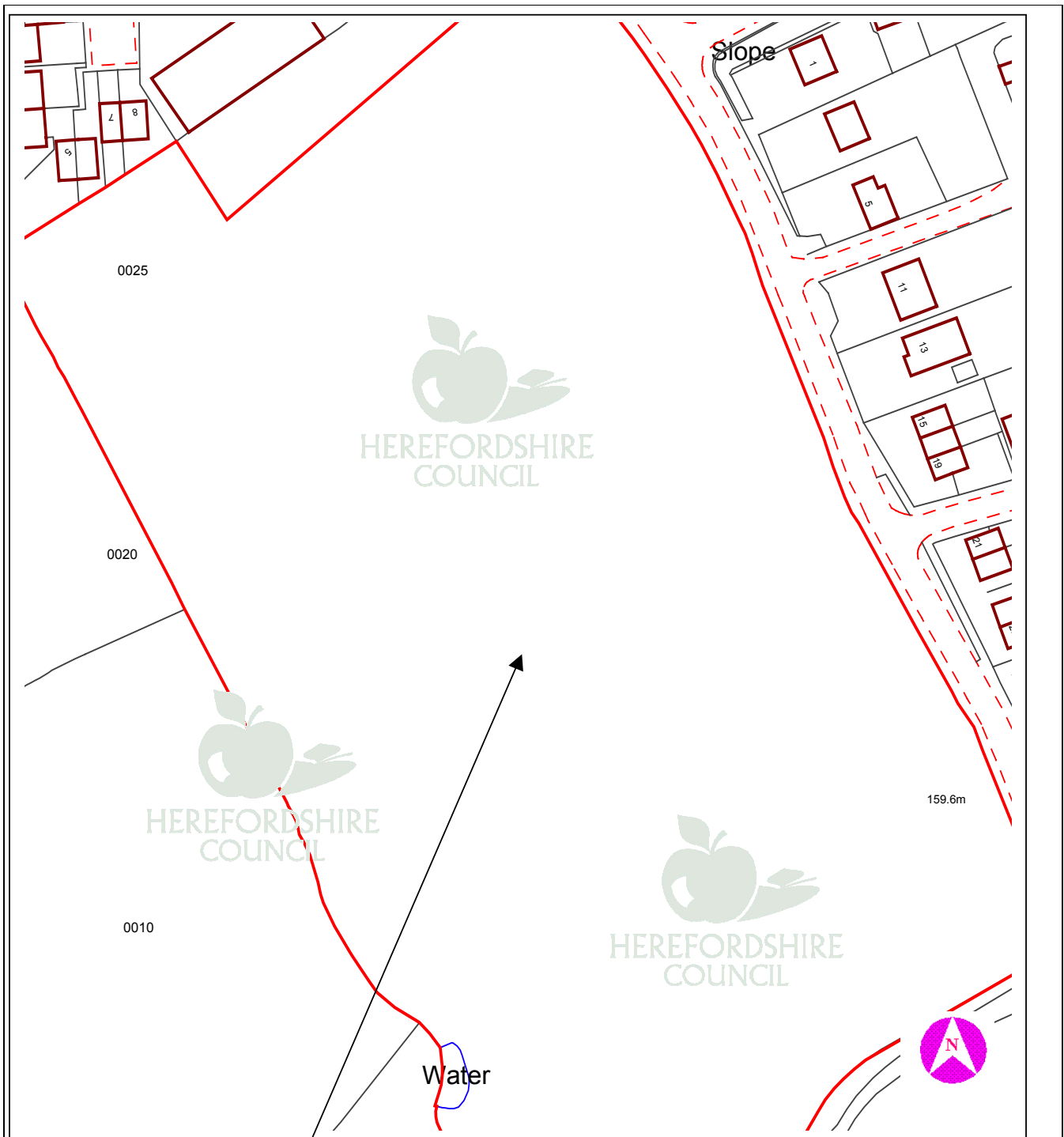
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2006/3986/O

SCALE : 1 : 1250

SITE ADDRESS : Land west of Old Eardisley Road, Kington, Herefordshire.

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DRAFT HEADS OF TERMS
Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

Planning Application – DCNW06/3986/0
Site for residential development of 46 dwellings
On land west of Old Eardisley Road, Kington, Herefordshire

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £112,826 which sum shall be paid on or before the commencement of development.
2. The monies shall be used by Herefordshire Council as referred to in paragraph 1 above at its option for any or all of the following purposes:
 - (i) Maintenance of the site's designated open space.
 - (ii) Tree and shrub planting of the designated open space areas.
 - (iii) General maintenance of the designated play area.
3. The developer covenants with Herefordshire Council, the provision of play equipment for the play space area to serve the development and to pay Herefordshire Council the sum of £48,000, which sum shall be paid on or before the commencement of development.
4. The developer covenants with Herefordshire Council, in support of local sports provision for improved local facilities, to pay Herefordshire Council the sum of £28,980 which sum shall be paid on or before the commencement of development.
5. In the event that Herefordshire Council does not for any reason use the said sum, in clauses 1, 3 & 4 above, within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part there of, which has not been used by Herefordshire Council.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £92,000 to provide education improvements to Kington Primary School and Lady Hawkins High School, Kington, which sum shall be paid on or before the commencement of development.
7. In the event that Herefordshire Council does not for any reason use the said sum of Clause 4 for the purposes specified in the Agreement within 10 years of the date of this Agreement, the Council shall repay to the developer the said sum or such part there of which has not been used by Herefordshire Council.
8. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £69,000 to provide sustainable transport measures in Kington. The sum shall be paid on or before the commencement of development.
9. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Pedestrian improvements between the site and the town centre.
 - b) Town Centre and schools to assist disabled access.
 - c) Improvements to local bus services.
 - d) Improvements to local bus passenger waiting facilities.
 - e) Improvements to safe routes to the local schools.

10. In the event that Herefordshire Council does not for any reason use the said sum of Clause 6 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
11. The Developer shall provide 16 "Affordable Housing" units, which meet the criteria set out in Section 5.5 of the Unitary Development Plan for Herefordshire and related policy H9 or any statutory replacement of those criteria and that policy. The detailed provision shall be as follows: 11 affordable housing units for rent and 5 affordable housing units for shared ownership. The applicant or successor in title -shall procure the construction of the affordable housing in accordance with the current Housing Corporation Scheme Development Standards and Lifetime Home Standards with no Affordable Housing grant input. None of the Affordable Housing shall be occupied unless the Herefordshire Council has given its written agreement to the means of securing the status and use of these units as Affordable Housing. These 16 units shall be on plots to be defined by reference to the site layout plan unless otherwise agreed in writing by the Herefordshire Council. All the affordable housing units shall be completed and made available for occupation prior to the occupation of more than 50% of the other residential units on the development.
12. The sums referred to in paragraphs 1, 4, 6 and 9 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council
13. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
14. The developer shall complete the Agreement by 28th June 2007 otherwise the application will be registered as deemed refused

P. Mullineux, P. J. Yates 13th February 2007