

9 DCNW2007/0744/F - DEMOLITION OF RESIDENTIAL CARE FACILITY AND THE ERECTION OF 12 AFFORDABLE HOUSING UNITS, ASSOCIATED CAR PARKING AND LANDSCAPING AND ALTERATIONS OF EXISTING ACCESS AT KINGSWOOD HALL, KINGSWOOD ROAD, KINGTON, HEREFORDSHIRE, HR5 3HE

For: South Shropshire Housing Association, Savills Commercial Ltd, Caxton House, 1 Fore Street, Birmingham, B2 5ER

**Date Received:
7th March 2007**

Ward: Kington Town

**Grid Ref:
29777, 55862**

**Expiry Date:
6th June 2007**

Local Member: Councillor TM James

The application was deferred at the meeting on 29th May 2007 in order to carry out a Committee site visit. The visit took place on 14th June 2007. The report below has been updated.

1. Site Description and Proposal

- 1.1 The Kingswood Hall site comprises land and buildings covering approximately 0.58 hectares. The now disused former nursing home is mainly comprised of two and three storey brick buildings as well as two former residential dwellings. There are mature trees and hedgerows both within and defining the boundary of the site many of which are protected by individual and group Tree Preservation Orders.
- 1.2 The site is to the south and east of existing dwellings comprising Kingswood and is currently accessed from the north end of the site. The site is approximately 0.5km from Kington via an existing footpath.
- 1.3 The site slopes up in a southerly direction towards a hardstanding area and is enclosed by a wall along its eastern and southern boundary. Beyond the site is agricultural land that slopes downwards in an easterly direction and rises gently to the south. Adjoining the south of the site lies an elevated area of land that is currently the subject of an application for two dwellings, replacing the two dwellings on the application site.
- 1.4 The applicant, South Shropshire Housing Association, propose the erection of 12 affordable dwellings in a mix of rented and shared ownership flats and dwellings as follows:-

Type	Property	Size	Rented	Shared Ownership
Type A	4 x 2 bed, 3 person flats	70m2	0	2
Type B	2 x 2 bed, 4 person dwellings	75m2	2	1
Type C	3 x 3 bed, 5 person dwellings	90m2	2	1
Type D	3 x 2 bed, 4 person bungalows	75m2	2	2

These will be offered to local persons and this will be controlled through the Section 106 Agreement.

- 1.5 The proposal has been amended to take into account highway safety concerns and the impact on the trees protected by Tree Preservation Orders.
- 1.6 A traffic speed survey was undertaken and the resultant report forms part of the application. The application also includes a comprehensive Design and Access Statement and a supporting document covering relevant local information and details of the application

2. Policies

Herefordshire Unitary Development Plan

S1 – Sustainable Development

S2 – Development Requirements

S3 – Housing

S7 – Natural and Historic Heritage

DR1 – Design

DR2 – Land Use and Activity

DR3 – Movement

DR4 – Environment

H4 – Main Villages: Settlement Boundaries

H7 – Housing in the Countryside Outside Settlements

H9 – Affordable Housing

H10 – Rural Exception House

H13 – Sustainable Residential Design

H14 – Re-using Previously Developed Land and Buildings

H15 – Density

H19 – Open Space Requirements

LA2 – Landscape Character and Areas Least Resilient to Change

LA5 – Protection of Trees, Woodlands and Hedgerows

LA6 – Landscaping Schemes

CF6 – Retention of Existing Facilities

3. Planning History

- 3.1 The application site ceased use as a residential care home in 2003 because much of the accommodation had become obsolete and failed to meet the necessary standards. It also coincided with newer care homes opening in the centre of Kington. Prior to this use the site was used by the Kington Poor Law Union Workhouse until about 1962.
- 3.2 NW2004/1439/O - Site for ten houses and site works. Demolition of Kingswood Hall Old Peoples Home - Refused 21st June 2004
- 3.3 NW99/3159 - change of use of staff flat to day nursery - Approved 11th January 2000

- 3.4 97/0576 - Construction of new residential accommodation to replace existing - involving demolition of existing hospital building and ultimately accommodation replaced. New building to be two storey with minimal link to part of existing building retained - Approved 16th September 1997.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water raises no objection subject to the imposition of conditions.

Internal Council Advice

- 4.2 The Parks and Countryside Manager makes the following comments:

Play Provision: The development represents a potential concentration of mixed age children which is some 1.3km from the town's recreation ground. Whilst the dense area around the protected trees will afford good play value for older children there will be a need an area suitable for ball games

Amenity Provision: There is sufficient amenity area shown on plan, provided that access is not excluded by means of fencing, or future plans for further development on the site. I have agreed in principal that the area in question is properly fenced, with some seating for carers/parents and bins but provides no formal play equipment. This would still meet the policy standard. It is understood that the Applicants Agent that he is seeking approval from his client (South Herefordshire Housing) for this proposal and for the maintenance to remain with them. We would be supportive of this option as it is not cost effective in such rural areas to adopt small areas. I would also comment that the applicant in not providing play equipment is also making a saving. Existing policy H19 requires a small fenced infants play area for schemes of 10-30 family dwellings.

Sport & Leisure Provision: All developments are now asked to make a contribution towards sport and leisure services within the district. This contribution has been calculated by Sport England at £630 per dwelling, making a total contribution required of £7,560 the Sport England contribution will be used at Lady Hawkins Leisure Centre for improvements.

- 4.3 The Transportation Manager makes the following comments:

'I can confirm that the proposed new access is satisfactory, although the visibility achievable to the north is below standard. However, given the low traffic volumes on the road, I consider that the improvement over the existing access makes the proposal acceptable. Please note that cycle parking, preferably in a locker or similar and within the curtilage of each dwelling, is not shown on the drawing. Details of requirements are in our Highways Design Guide.

Therefore recommend that the application be approved with conditions as well as well the S106 contribution stands (£1500/dwelling) for use for but not limited to improvements to pedestrian facilities between the development and Kington town centre.'

- 4.4 The Forward Planning Manager makes the following comments:

The two main policies that apply in this case are Policy H14 and Policy H10. The site is a vacant residential care facility since 2003. Given that the proposal is taking the same footprint of the care facility and is two storey in height, it is consistent with the aims of criterion 2 of Policy H14. Criterion 1 of H14 must be assessed against H10.

Policy H10 permits affordable housing outside the settlement boundary of established rural settlements. Although the site is not adjoining the settlement boundary which Policy H10 stipulates the need for affordable housing must be balanced against other considerations. The Housing Need

Survey for Kington found a need for 61 affordable houses over the next 5 years. Given the high need in Kington the scheme would meet a proven need for affordable housing. The site is also within

reasonable distance of Kington in terms of its location and could be served by public transport along Kingswood Road. The proposal is for all affordable housing and no market housing is proposed, therefore it fulfils the rural exception policy. Strategic Housing should be consulted on the type of affordable housing proposed

4.5 The Principal Environmental Health Officer makes the following comments:

'I refer to the above application and make these comments in relations to contaminated land issues only.

According to our records the site has been in use since 1850's (approx), as a workhouse, hospital and residential home. There is also an old quarry 65m (quarried prior to 1850 approx) to the east of the site that is indicated on the potentially contaminative land use records (as it has the potential to have been filled at some time).

In view of the above information and because the development has a sensitive land use (ie residential development), I would recommend that a contaminated land condition is attached to any permission granted, requiring a phased investigation to ensure that the site will be made suitable for use.'

4.6 The Strategic Housing Manager makes the following comments:

Strategic Housing fully supports this application to provide 12 affordable dwellings to meet an identified housing need in Kington.

This scheme will assist in meeting our priorities as identified in the Herefordshire Housing Strategy 2005-2008, to achieve a more balanced housing market and to address the increasing levels of homelessness. As well as contributing to meeting the affordable homes target set out in the UDP.

The scheme is also supported by the Housing Corporation, which has agreed funding in excess of £484,000 to enable the scheme to proceed.

4.7 The Conservation Manager makes the following comments:

This will be updated verbally in response to the amended plans.

5. Representations

5.1 Kington Town Council makes the following comments on the amended plans:

"Kington Town Council would like to comment that if trees do have to be removed to accommodate these amendments that replacement should be considered.

The Town Council is pleased that the amendments address and meet the comments made to Shropshire Housing about this application in the pre-submission stage.

The amendments are accepted and the application is recommended for approval."

5.2 12 letters of objection have been received from:

- Peter Jones, Oak House, Kingswood, Kington
- Occupier, The Laurels, Kingswood Road, Kington
- Mr and Mrs S Jones, Oakleigh, Kingswood Road, Kington
- J Smith, Westerings, Kingswood Road, Kington
- A, Walker (?) Lanes End, Kingswood, Kington
- Mrs Davies, Redlands, Kingswood Road, Kington

- Mr Geoffrey Marshall, Bay Tree Cottage, Kingswood Road, Kington
- P Burlace, Denrae, Kingswood Road, Kington
- GR Layton, Fernside, Kingswood Road, Kington

- Miss S Cadwallader, 3 Ashmorr Place, Kingswood Road, Kington
- Mr John Brown, Burnside, Kingswood, Kington
- Mrs Helen Waugh, Gravel Hill House, Gravel Hill, Kington
- Dr R King, The Surgery, The Meads, Kington

5.3 These letters can be summarised as follows:

- The site lies outside of the settlement boundary. Why is this being built on a green field site?
- Access to the site could prove vulnerable with beds in the adjoining road and a 60mph limit.
- Has provision been made for sewerage disposal, water supply and education for primary age children?
- Kingswood is access by a narrow and over used road - the 6 rental properties at Newburn Farm plus the 4 new properties at the bottom of Kingswood road has already put strain on an inadequate road. The road is not suited for the inevitable additional vehicular and pedestrian traffic.
- A smaller development of the site would be much more in keeping with the semi-rural feel and would be less disruptive for the residents living in that community.
- Kingswood is a small well-balanced community with mixed dwelling, some owned, some rented. This scheme, which will accommodate over 40 people, 1 rented type accommodation, would easily double the local population and cause a total imbalance of the community.
- Recent plans have been approved for two new development within the town, plus the Old Eardisley Road application. These developments all incorporate affordable housing and when these are built there will be an abundance of this type of property within the Town, Therefore this scheme, which is aimed to address the current shortfall of this type of property for local people, will be totally unnecessary.
- The site could be developed with a scheme of far less density, having less impact on the local community and highway (and with the right scheme may even enhance the locality)
- Why does every development have to have affordable housing - Kington is inundated!
- The doctors surgery have expressed an interest in purchasing 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. Officer's Appraisal

6.1 The main issues for consideration are:

- The principle of development
- Trees and Landscape
- Highway Safety
- Design and Appearance
- Play Areas
- Section 106 Agreement – Financial Contributions

6.2 Policy H10 permits affordable housing outside the settlement boundary of established rural settlements. The Housing Need Survey for Kington found a need for 61 affordable houses over the next 5 years. Given the high need in Kington the scheme would help to meet a proven need for affordable housing. The site is also within reasonable distance of Kington and is within walking distance of the town centre and its facilities. The proposal is entirely for affordable housing with no open market housing proposed. It therefore accords with the rural exception policy.

- 6.3 The site has a Group Tree Preservation Order on the majority of the trees plus some individual orders on those trees which are important and prominent characteristics of the site and rural street scene. The application has been amended so that the access does not threaten harm to the roots of these trees. In terms of landscape impact, the proposed development follows the form of the existing buildings and retains much of the landscaping and screening. As such, subject to the suitable conditions ensuring the protection of the trees (especially during construction and demolition), the proposal will preserve the landscape quality of the area and comply with policies LA2 and LA5 of the UDP.
- 6.4 It is acknowledged that the highway which leads to the site is narrow and that the existing access to the site has restricted visibility. Consequently the applicant was asked to address these concerns. In response it is proposed to move the access further south, thereby improving visibility to the north. The applicant also engaged Herefordshire Council to undertake a speed survey. This was carried out between Friday 27th April and 3rd May 2007. The results of this survey confirmed that the average speed is within 33 – 40mph. This, coupled with the revised plan, has overcome the concerns relating to visibility and highway safety. It should also be noted that the previous use as a nursing home would have also generated traffic movements out of the existing substandard access point. The proposed development now complies with Policy DR3 of the Herefordshire Unitary Development Plan 2007.
- 6.5 In addition to the above, the Transportation Manager has requested that financial contributions of £1,500 per dwelling be paid for schemes such as, but not limited to, the upgrade of the footpath which leads from Kington to the application site. This has been agreed by the applicant.
- 6.6 The proposed dwellings will offer a mix of accommodation and tenure to local people (as per Section 106). The buildings are sited in a manner that reflects the form of the building already on the site, and respects the landscape character and features. The design also respects the surrounding dwellings and rural character. As such the proposal now complies with policies H13 and H14 of the Unitary Development Plan.
- 6.7 Policy H19 of the Herefordshire Unitary Development Plan requires new development to make provision for play space. A scheme has been agreed which will provide a fenced area, with bin and bench, within the site. There is also informal play space available within the site. The Council's Parks and Countryside Manager has confirmed that this is acceptable. A sum of £630 per dwelling has also been agreed as the appropriate contribution towards the upgrading and refurbishment of Lady Hawkins Leisure Centre.
- 6.7 The Section 106 Agreements will cover a number of issues including both the nature of the affordable housing and the contributions to on-site and off-site infrastructure. The draft Heads of Terms is appended to this report. The applicant has also submitted a draft Section 106 Agreement which specifies the tenure of the units and includes criteria that one or more person must have a strong local connection with the Parish of Kington or one of the nearby Parishes. As well as other ongoing criteria.

RECOMMENDATION

That the Legal Practice Manager be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional or amended matters which he considers to be necessary and appropriate.

Upon completion of the above-mentioned planning obligation agreement Officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:-

- 1 - A01 (Time limit for commencement (full permission))**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 - B01 (Samples of external materials)

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

3 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

4 - G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

5 - G02 (Landscaping scheme (housing development))

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

6 - G03 (Landscaping scheme (housing development) - implementation)

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

7 - G18 (Protection of trees)

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

8 - H01 (Single access - not footway)

Reason: In the interests of highway safety.

9 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

10 - H08 (Access closure)

Reason: To ensure the safe and free flow of traffic using the adjoining highway.

11 - H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

12 - H27 (Parking for site operatives)

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

13 - H29 (Secure cycle parking provision)

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.

14 - No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice.

b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and as assessment of risk to identified receptors.

c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

15 - The Remediation Scheme, as approved pursuant to conditon no (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the local planning authority in advance of works being undertaken.

INFORMATIVES:

- 1 - HN01 - Mud on highway
- 2 - HN04 - Private apparatus within highway
- 3 - HN05 - Works within the highway
- 4 - HN10 - No drainage to discharge to highway
- 5 - HN22 - Works adjoining highway
- 6 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 7 - N19 - Avoidance of doubt

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

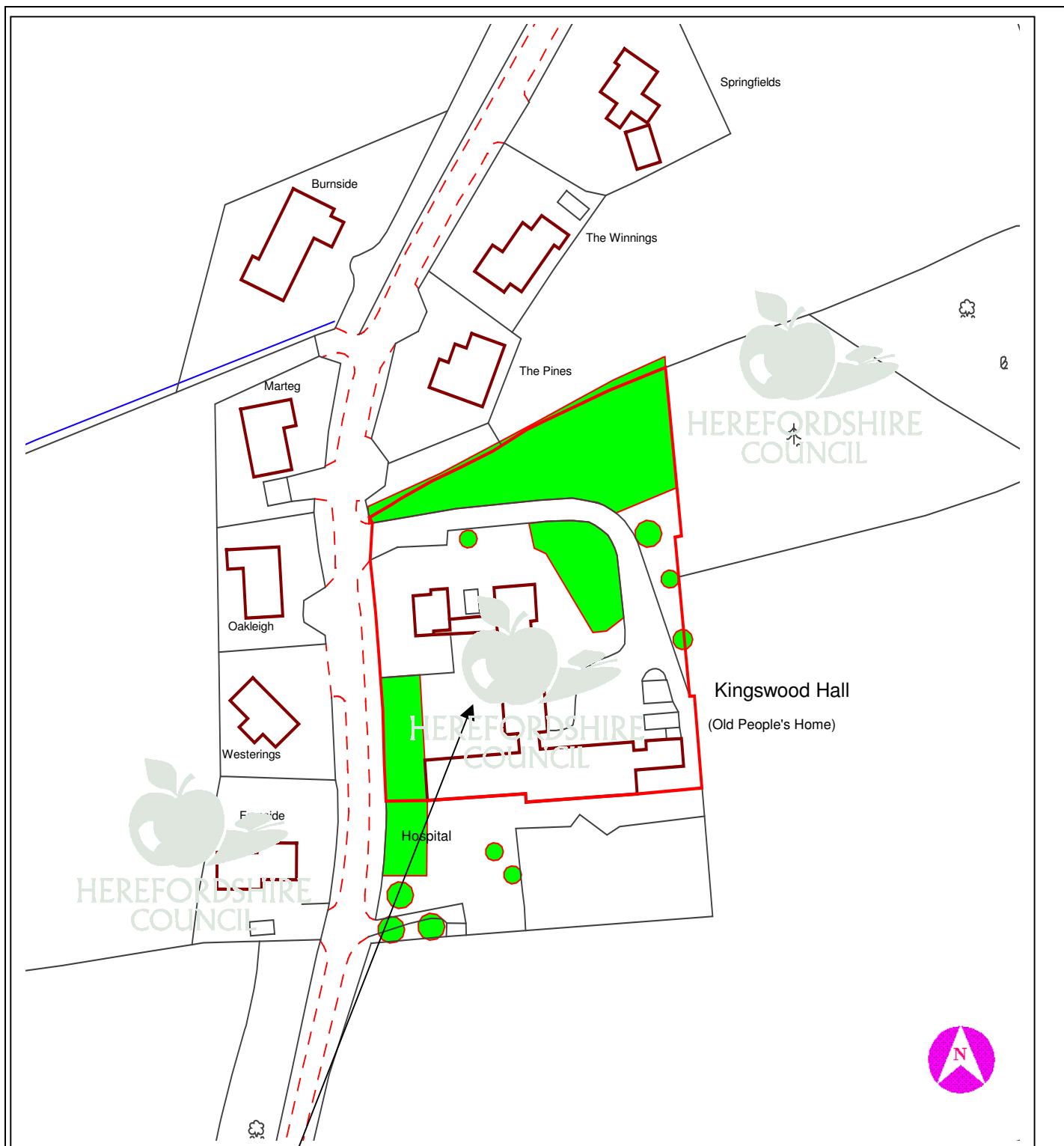
DRAFT HEADS OF TERMS
Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

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Demolition of residential care facility and the erection of 12 affordable housing units, associated car parking and landscaping and alterations of existing access.

1. The developer covenants with Herefordshire Council, in support of local sports provision for improved local facilities to serve the development, to pay Herefordshire Council the sum of £7,560 which sum shall be paid on or before the commencement of development.
2. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £18,000 to provide sustainable transport measures in Kington. The sum shall be paid on or before the commencement of development. 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..
3. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1 and 2 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.
4. All 12 proposed dwellings shall be “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.
5. The sums referred to in paragraphs 1 and 2 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
6. 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.
7. The Planning Obligation Agreement shall be completed before 27th September 2007 otherwise the planning application shall be registered as “Deemed Refused” and no further action be taken with it.

K Gibbons, P. J. Yates 7th June 2007.



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APPLICATION NO: DCNW2007/0744/F

SCALE : 1 : 1250

SITE ADDRESS : Kingswood Hall, Kingswood Road, Kington, Herefordshire, HR5 3HE

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