

11 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

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

1. Site Description and Proposal

- 1.1 The application site is located on the south-eastern edge of Kington and measures approximately 3.66 hectares in area.
- 1.2 The eastern boundary of the site is Old Eardisley Road, the unclassified road number 91226. On the opposite side of this highway are dwelling units of various sizes and characters, mostly of fairly recent construction. Adjoining the southern and western site boundaries is farmland laid down to pasture. To the north there is a garage/petrol filling station and some residential development.
- 1.3 The application is made in outline with layout, appearance, scale and access reserved for future consideration. An indicative site layout has been provided, which is supplemented by specific landscaping proposals in the form of a landscape strategy for the whole site. A total of 46 new houses are proposed, of which 16 are affordable units. The application details include detailed plans of the proposed dwellings ranging from 1 to 5 bedroomed house types.

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 (Note that this policy specifically allocates the site for new housing development).
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 There is no history of previous planning applications on this site.

4. Consultation Summary

External Council Advice

4.1 Environment Agency - No objections raised.

4.2 Welsh Water - No objections raised subject to conditions relating to foul and surface water drainage.

Internal Council Advice

4.3 The Archaeological Advisor recommends the attachment of a standard archaeological condition, (DO3).

4.4 The 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 The Forward Planning Manager considers the proposal acceptable, noting that the development of this site is a specific allocation in the Unitary Development Plan.

4.6 The Conservation Manager raises no objections.

4.7 The Parks Development Manager has been closely involved in the negotiations to secure appropriate off-site and on-site recreational provision to serve the development. Some of these provisions will need to be secured through a planning obligation agreement. The draft Heads of Terms of the agreement are set out in the appendix to this report and include provision for recreational space provision, maintenance, provision of childrens play area and play equipment. On this basis he supports the application.

4.8 The Education Manager raises no objections. Officers from Children's Services have also been involved in negotiating the draft Heads of Terms of the proposed planning obligation agreement to secure appropriate provisions to meet the likely education needs which will arise from the development.

4.9 Transportation Manager raises no objections.

5. Representations

5.1 Kington Town Council are concerned that the Unitary Development Plan targets for housebuilding in Kington may be exceeded as a result of this development in addition to the site at Maesydari. On this

basis they question whether this allocated site is still needed in addition to the Maesydari site. They also raise concerns over the absence of an approved development brief for this site and the impact of the proposed development on the local infrastructure. In particular they note that, whilst the allocation in the Unitary Development Plan for this site had an indicative target of 40 dwellings, the current application proposes 46.

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 Their objections 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. Officer's Appraisal

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

- The principle of the development
- Impact on the surrounding landscape
- Provision of Affordable Housing
- Impact on local infrastructure the consequent need for a planning obligation agreement.

The Principle of the Development

6.2 The site is allocated for housing development by policy H2 of the Unitary Development Plan (UDP) and supporting paragraph 5.4.31. However, not all of the site is suitable for built development. The UDP suggests that, in order to better integrate the development into the landscape, the northern part of the site should be protected from development. Consequently, only 46 dwellings are proposed on this 3.5 hectare site; a density of only 13 dwellings per hectare. (This compares with the target of 30 dwellings per hectare in the UDP and PPS3).

6.3 The Council's Forward Planning Manager confirms that the proposal will implement the site specific policy in the UDP including the need to keep part of the site free from built development in order to mitigate the impact on the wider landscape. In this context the low density of development is also acceptable.

6.4 Kington Town Council raise concerns about housing completions in Kington Town area in general, and are particularly concerned about over-supply of dwellings and impact on local infrastructure notwithstanding the fact that they initially supported the allocation of this site for housing development. The key change in circumstances, for them, is the number of other permissions granted for housing in Kington including the Maesydari site.

- 6.5 The UDP anticipated that 275 dwellings would be needed in Kington in the UDP period i.e. from 1996 to 2011. In the period 1996-2006 some 123 houses were completed. In addition in April 2006 there were outstanding commitments for 37 further dwellings. This leaves a current shortfall of 275-123-37, i.e. 115. These figures do not include the approval for the 'Maesydari' site. Even allowing for the development of this site for 46 dwellings (rather than the 40 estimated in the UDP) and the additional houses Maesydari, a case for refusal on grounds of over-supply could not be sustained on appeal. Furthermore, in the Inspector's report on the UDP he stated that, '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 that the allocation for this site be retained – a recommendation which has been followed in the adopted UDP.
- 6.6 Kington Town Council have also raised concerns about the absence of an approved Development Brief for the site. All the issues which would have been considered in such a development brief have, in this case, been carefully examined and are covered in the Design and Access Statement submitted as part of the application. Provided that the proposals themselves are acceptable then the absence of a development brief of itself is not sufficient to warrant refusal of permission.
- 6.7 Kington Town Council has also suggested that the development should be the subject of an Environmental Impact Assessment. The scheme falls significantly below the thresholds for a full scale Environmental Impact Assessment and one is not, therefore, required.

Impact on the Surrounding Landscape

- 6.8 The UPD acknowledged that the site is conspicuous in the local landscape and therefore recommended that part of the site is kept free of development and, instead, used for community open space.
- 6.9 The proposed development addresses this issue through the submitted landscape strategy and indicative site layout. The Council's Conservation Manager has considered these carefully and supports the current proposals. The scheme is an appropriate response to the problem of integrating a significant new housing development into the landscape.

Affordable Housing

- 6.10 The developer has agreed to provide 16 affordable units in accordance with the UDP policies and related Supplementary Planning Guidance. The mix of house types has been agreed with the Council's Strategic Housing Manager and comprises of 11 rented units ranging from 1 bedroomed units to four bedroomed units and 5 shared ownership units consisting of 2 or 3 bedroomed each. The detailed arrangements would be secured through the planning obligation agreement (as detailed below).

Impact on Local Infrastructure

- 6.11 Attached to this report is a Draft Heads of Terms of the necessary Planning Obligation Agreement under Section 106 of the Town and Country Planning Act 1990. This is necessary to deal with a wide range of impacts of the development including landscaping, recreation, education, highways and securing the provisions for affordable housing. In particular the developer has agreed the following contributions:
- £112,826 for landscape and maintenance of the on-site public open space
 - £48,000 contribution to recreation facilities
 - £92,000 for Education provision
 - £69,000 for off-site transportation measures
 - details of the Affordable Housing

7.0 Conclusion

- 7.1 The proposed development will implement a site specific UDP policy and make a significant contribution towards meeting Kington's housing needs in the UDP period. Careful consideration has been given to integrating the development into the landscape setting of the site, and appropriate provisions are included to address off-site infrastructure demands as a result of the development.
- 7.2 The proposed 46 units are acceptable, and will provide a wide range of house types. Appropriate provision is made for Affordable Housing.

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 - 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 - 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.
- 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 in-directly, 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.

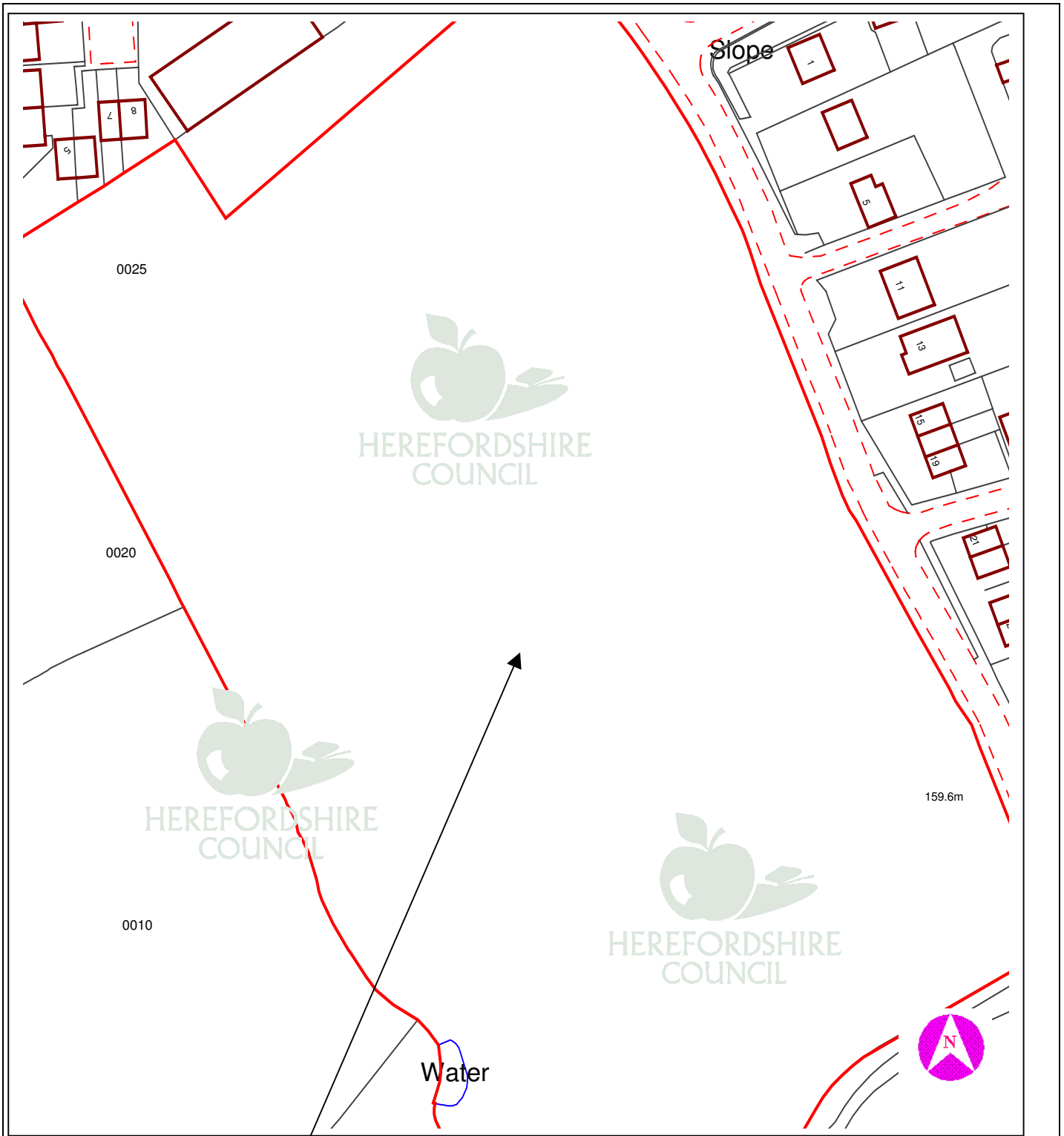
Decision:

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