

**16 DCNW2007/1214/F - PROPOSED 15 DWELLINGS,
GARAGES, PARKING SPACES, AMENITY AREA AND
MINOR ACCESS ROAD ON LAND AT CROFTMEAD,
NORTH ROAD, KINGSLAND, HEREFORDSHIRE****For: Mrs M Nicholson per Mr J Spreckley, Brinsop
House, Brinsop, Hereford, HR4 7AS****Date Received:
23rd April 2007****Ward: Bircher****Grid Ref:
44267, 61671****Expiry Date:
23rd July 2007**

Local Member: Councillor WLS Bowen

1. Site Description and Proposal

- 1.1 The application site is located alongside North Road, within the recognised development boundary of the settlement and measures approximately 0.84 hectares in area.
- 1.2 The southern boundary of the site is adjacent to the B4360 public highway. On opposite side of the highway and adjacent to the site's western and eastern boundaries are other dwellings of various size and built character. The dwelling adjacent to the eastern side (the applicant's) is a Grade II Listed Building. Alongside the northern side is agricultural grazing land.
- 1.3 The site itself is relatively flat consisting of grassland and various tree and shrub specimens.
- 1.4 The application is in 'full' for 15 dwellings and associated garaging consisting of 9 detached 4 bedroomed units, 1 detached 3 bedroomed unit and 5 in the form of 2 separate terraces of 2 bedroomed units. It is these latter 5 units that are proposed as 'affordable housing', in-line with the Council's Strategic Housing request for affordable housing on site. The application is accompanied by an Arboricultural report in respect of vegetation on site.

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
H4 – Main Villages – Settlement Boundaries
H13 – Sustainable Residential Design
H15 – Density

H16 – Car Parking
LA2 – Landscape Character and Areas Least Resilient to Change
HBA6 – New Development within Conservation Areas
HBA4 – Listed Buildings and their Settings
CF2 – Foul Drainage
ARCH1 – Archaeological Assessments and Field Evaluations

2.3 Kingsland Parish Plan

3. Planning History

3.1 NW06/2408/F - Proposed 15 dwellings, garages, parking spaces, amenity area and minor access road - Refused 21st September 2006.

3.2 NW05/3947/F - Proposed 15 dwellings, garages, amenity area and minor access road - Withdrawn 3rd March 2006.

4. Consultation Summary

External Council Advice

4.1 River Lugg Interl Drainage Board - No objections.

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

Internal Council Advice

4.3 The Landscape Manager raises no objections subject to conditions in respect of existing trees on site to be retained.

4.4 The Conservation Manager recommends that consideration be given to moving the frontage line back and that further consideration be given to construction materials.

4.5 The Environmental Health Manager raises no objections.

4.6 The Public Rights of Way Manager states the proposed development would not appear to affect the public footpath that runs within close proximity to the site.

4.7 Parks, Countryside and Leisure Services requests £17,000 towards off-site improvements to the nearby Millennium Park that is maintained by the Parish Council. A request is also made for £9,450 towards local sports facilities in-line with Sport England advice. This sum would be used towards improvements at the nearby Luctonians Rugby Club - a local facility.

4.8 The Archaeologist Manager raises no objections subject to condition in respect of archaeology evaluation.

4.9 The Strategic Housing Manager requests 5 affordable housing units consisting of 3 x 2 bedroomed units for rent 2 x 2 bedroomed units for shared ownership.

4.10 The Forward Planning Manager raises no objection.

4.11 The Childrens and Young People's Directorate request £30,000 towards educational improvements at Kingsland Primary School and Wigmore High School.

4.12 The Transportation Manager requests a contribution of £34,750 towards local transport infrastructure improvements. At the time of writing the report no response has been received to the amended plans.

5. Representations

5.1 Kingsland Parish Council have responded to the amended plans:

'Kingsland Parish Council will pass the planning application on condition that a restriction is placed on the land to ensure that the housing density is not increased in scale, size or numbers of properties at any time in the future to that in the submitted plan.'

5.2 Letters of objection have been received from the following:-

Caroline Williams, 5 Tudor Place, Kingsland
David and Jennifer Thompson, Yew Trees, Kingsland
Clifford Davis, Nuku Alofa, North Road, Kingsland
Mr S & Mrs L Hicks, The Limes, Kingsland
Dr & Mrs Ivan Wall, Lorne House, Kingsland
Audrey Symonds, West End Cottage, North Road, Kingsland
Glynne and Wendy Scherke, Harbour House, Kingsland

5.3 Their objections can be summarised as follows:-

- Building line of the site too close to road frontage.
- Impact on biodiversity on site.
- Need to show consideration to surrounding Conservation Areas and adjacent listed building.
- Impact on local foul water infrastructure.
- Impact on surrounding amenity.
- Is there need for additional affordable housing?
- Impact on surrounding highway infrastructure in consideration of increased levels volume of traffic.

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 are:-

- Impact on building line adjacent to public highway.
- Impact on biodiversity on site.
- Herefordshire Unitary Development Plan status of site.
- Consideration to surrounding Conservation Area.
- Planning gain and Section 106 contributions in respect of the development.

Impact on building line adjacent to public highway

6.2 This is the main issue of concern raised in respect of the development. Several objectors have raised concerns about the proximity of dwellings to the adjacent public highway. However, there is no established building line on this site. The dwellings are proposed to be set back approximately 10 metres from the edge of the highway in-line with adjacent dwellings on either side. Also trees to be retained on site have to be given consideration in respect of the building line. This is an appropriate response to the constraints affecting the layout of the side.

Impact on Biodiversity on site

6.3 An Arboriculture Constraints report was submitted as part of the application. This report consists of a survey of all trees on site identifying those to be retained as part of the overall development and also

identifying those not worthy of retention. One particular aspect of concern for some objections is the well-established Beech hedge within the site. The report states that this hedge although healthy and well-established, would serve no purpose within the development and has virtually no amenity significance beyond the confines of the site. Consequently this is not regarded as a significant constraint.

- 6.4 The Landscape Manager has stated that the better trees on the site have been accommodated into the development. Several objectors have expressed concern at the roadside hedge and trees, however the proposals include provision for replacement hedge planting behind the necessary visibility splay in accordance with principles agreed with the Council's Landscape Officer.

Herefordshire Unitary Development Plan status of site

- 6.5 The site was allocated in the draft of the Herefordshire Unitary Development Plan for housing development. The owner did not agree for its release for development during the plan period and subsequently, the site was withdrawn as an allocated site. However, the location is within the 'development limits' of the settlement and therefore is considered as a 'windfall' site. The Forward Planning Manager raises no objections to the application.

Consideration to surrounding Conservation Area

- 6.6 The site forms part of the Kingsland Conservation Area and the development is of a density at the lower end of the scale in accordance with Central Government guidance on density and that of the Herefordshire Unitary Development Plan. It is of a general layout that is consistent with the surrounding area with no significant detrimental impact on the setting of the adjacent listed building. The Council's Conservation Manager has stated that if the principle of the development is accepted, there is much about the scheme that is positive, with sufficient separation in the form of a landscape buffer between the development and the adjacent listed building. Concerns are raised about construction materials. It is considered that this latter issue can be addressed through the imposition of appropriate conditions.

Section 106 contributions

- 6.7 The applicant has agreed to provide affordable housing on site, in accordance with advice from the Council's Strategic Housing Team along with contributions towards local education establishments, off-site play area and local sports facilities.
- 6.8 The Transportation Manager requested a total transport contribution of £34,750 in-line with the Council's Draft Supplementary Planning contributions document however this document is yet to be formally adopted as policy by the Council and is currently subject to objection. Other recent examples of contributions towards local transport infrastructure have been set at £1500 per dwelling, which represents a total of £22,500 for this development. The applicants have agreed to pay this amount. It is considered that this is a reasonable contribution.
- 6.9 The Draft Heads of Terms setting out all the contributions is attached to this report.

Foul and surface water drainage

- 6.10 Members of the public have expressed concern about the ability of the foul and surface water drainage system to serve the site.
- 6.11 Welsh Water have raised no objections. They have requested that foul water and surface water discharges be drained separately from the site with conditions attached to any permission. They have also been in recent discussions with the Parish Council over sewerage concerns generally in Kingsland and have provisionally agreed a programme of works.

Kingsland Parish Council response:-

6.12 The Parish Council do not object to the current application. They have requested a guarantee that there be no further increase in density, scale of size at some point in the future. Such a change would require a new application and any new issues raised could be considered at that time.

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 - C04 (Details of window sections, eaves, verges and barge boards)

Reason: To safeguard the character and appearance of the surrounding area.

4 - C05 (Details of external joinery finishes)

Reason: To safeguard the character and appearance of the surrounding area.

5 - Notwithstanding the approved plans no windows will be installed in the first floor western elevations of Plots 2 and 3 as indicated on the approved amended site plan drawing no. 1159.00F.

Reason: In order to protect the amenity of the adjacent dwellings on the western side of the application site.

6 - E16 (Removal of permitted development rights)

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

7 - E01 (Restriction on hours of working)

Reason: To safeguard the amenities of the locality.

8 - The amenity area as indicated on the approved amended plan drawing no. 1159.00F shall be retained as amenity area with no development on site. The existing trees on site shall be retained and the grassland area retained. Full details of a management plan for this area of land will be submitted and approved in writing by the Local Planning Authority before any development commences on site.

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

9 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

10 - Foul water and surface water discharges shall be drained separately from the site.

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

11 - 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.

12 - 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.

13 - No development shall commence until the developer 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 Dwr Cymru Welsh Water's Network Development Consultant.

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

14 - G19 (Existing trees which are to be retained)

Reason: In order to preserve the character and amenity of the area.

15 - G04 (Landscaping scheme (general))

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

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

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

Informatives:

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

2 - N19 - Avoidance of doubt

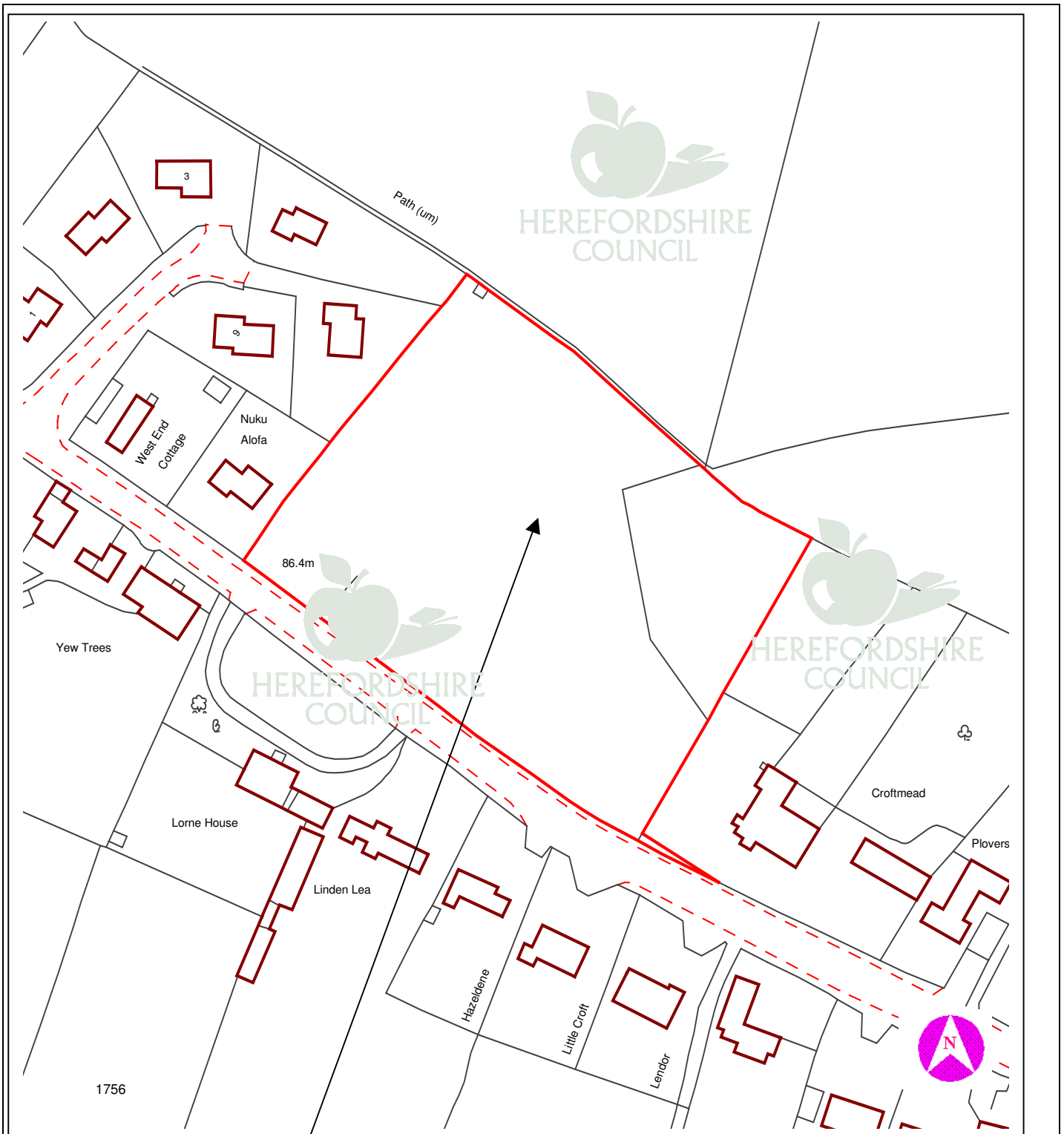
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2007/1214/F

SCALE : 1 : 1250

SITE ADDRESS : Land at Croftmead, North Road, Kingsland, Herefordshire

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

Planning Application – NW07/1214/F.

Proposed 15. No. dwellings, garages, parking spaces amenity area and minor access road on Land adjacent to Croftmead, North Road, Kingsland, Herefordshire.

1. The developer or successor in title shall provide 5 affordable housing units as indicated on plan ref. No. 1159.00F submitted as part of the application, which meet the criteria as set out in Policy H9 and section 5.5 of the Herefordshire Unitary Development Plan. (Or any statutory replacement of those criteria and that policy). The affordable housing units will comprise of 3 x 2 bed roomed 4 person houses for rent and 2 x 2 bed roomed 4 person houses for shared ownership. The dwellings shall be 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. 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.
2. The developer or successor in title covenants with Herefordshire Council, in lieu of the provision of open space on the land to serve the development to pay Herefordshire Council the sum of £17,500 which 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:
 - (i) Infrastructure improvements in relationship to Millennium Park Recreational Space and access paths to the play area.
3. The developer or successor in title covenants with Herefordshire Council to pay Herefordshire Council the sum of £30,000 to provide education improvements to Kingsland Primary School and Wigmore High School. This sum shall be paid on or before the commencement of development.
4. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £22,500 to provide sustainable transport measures in or relating to the transport needs of Kingsland. 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) Traffic calming in North Road, Kingsland.
 - b) Contribution towards improved local bus services.
 - c) Contribution to safe routes to schools.
 - d) Pedestrian Improvements within the surrounding vicinity.
5. The developer or successor in title covenants with Herefordshire Council in support of local sports provision for improved local facilities to pay Herefordshire Council the sum of £9450 which sum shall be paid on or before the commencement of development.
6. In the event that Herefordshire Council does not for any reason use the said sum of Clause 2, 3, 4 and 5 above 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.
7. The sums referred to in paragraphs 2, 3, 4 & 5 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.

8. 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.

9. The developer shall complete the Agreement by 23rd July 2007 otherwise the application will be registered as deemed refused

P. Mullineux, P. J. Yates 4th June 2007