

8 DCNW2007/1179/F - RESIDENTIAL DEVELOPMENT COMPRISING OF 58 DWELLINGS WITH CAR PARKING, NEW ACCESS ROAD AND LANDSCAPING AT MAESYDARI SITE, OFF OXFORD LANE, KINGTON, HEREFORDSHIRE.

For: Taylor Woodrow per Drivers Jonas, Cornwall Court, 19 Cornwall Street, Birmingham, B3 2DY

Date Received:
25th April 2007

Ward: Kington Town

Grid Ref:
29744, 56799

Expiry Date:
25th July 2007

Local Member: Councillor TM James

This application was deferred by members on the 25th June to allow for officers to continue negotiations and consultations on the revised scheme, in particular the apartment block and ongoing discussions relating to pedestrian access to the site. These matters have now been resolved to the satisfaction of the Local Planning Authority and this report has been updated accordingly.

1. Site Description and Proposal

- 1.1 The application site comprises a site of approximately 1.08ha located towards the north of the centre of Kington. The site has been disused for some time and has been recently cleared of buildings and much of the original trees and landscaping. The site had been previously used in part as a former nursery / horticultural use with some of the site given over to residential and garaging. Vehicular access to the site was formally gained via Oxford Lane although this has now been blocked off and access is being achieved from Greenfield Drive to the East of the Site.
- 1.2 The site benefits from planning permission (DCNW2005/3082/F) granted on appeal in October 2006 following a Public Inquiry in August 2006 for 58 dwellings. The appeal decision is annexed to this report for information.
- 1.3 This application seeks to amend the previous permission through the introduction of different house types and a revised apartment block, albeit following a very similar format as well as increasing the amount of off-road car parking from 88 to 108 and allows the enlargement of garden areas. The application has also amended the siting of the affordable housing units, spreading them across the site instead of the in one area. The application also includes details of the reinstatement / building of the stone boundary wall along prospect lane.
- 1.4 This application includes a Consultation Statement, Design and Access Statement, including an annexe which relates to the design approach to the revised apartment block, an Ecological report and a detailed supporting statement (including the transport statement).

- 1.5 The application proposes the residential development of the site to include the erection of a total of 58 units, car parking, new access and landscaping. This application was originally for 59 dwellings but has been amended in response to concerns relating to the apartment block. This application in its amended form comprises:
- 8 no. two bedroom flats (within apartment block)
 - 3 no. four bed units
 - 29 no. three bed units
 - 13 no. two bed units
 - 5 no. two bed units (single storey over garage or access)
- 1.6 Included within the 58 dwellings are 18 affordable housing units, comprising:
- 10 for rent to be:
- 3 no. 4 bed houses
 - 3 no. 2 bed houses
 - 4 no. 2 bed flats
- 8 for shared ownership
- 4 no 2 bed houses
 - 4 no 2 bed flats
- 1.7 The affordable housing will be spread across the site and the section 106 will ensure its retention in perpetuity as well as tenure. Occupants would be subject to meeting the criteria set out in the Section 106 regarding a local connection to Kington or one of the surrounding parishes. These parishes have been specified as: Huntingdon, Rodd Nash and Little Harpton, Brilley, Eardisley, Lyonshall and Titley.
- 1.8 The proposed apartment block has been revised to address concerns relating to the design and impact of the building. The shape and design of the building have been altered to form a T shaped two-storey building accommodating 8 two bed flats. These revised proposals were received on the 10th July and neighbours and interested parties have been re-consulted on the amended plans.
- 1.9 Access to the site would be in accordance with the approved scheme and be gained from Greenfield Drive (Llewelin Road). This would involve re-aligning the cul-de-sac that lies to the east of the site and the creation of a 5m wide access road entering the site through the existing eastern boundary. Pedestrian access to the site can be gained via the existing public rights of way. The pedestrian links from prospect lane into the site have been removed from the scheme.

2. Policies

2.1 Regional Spatial Strategy

Policy RR3 – Market Towns

Policy CF4 – The Re-use of Land and Buildings for Housing

Policy CF5 – Delivering Affordable Housing and Mixed Communities

2.2 Herefordshire Unitary Development Plan (2007)

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 Statement 3: Housing
Planning Policy Guidance Note 13: Transportation
Planning Policy Guidance Note 16: Archaeology and Planning
Planning Policy Guidance Note 15: Planning and Historic Environment

2.4 **Supplementary Planning Guidance**

Provision of Affordable Housing. November 2004

3. **Planning History**

- 3.1 DCNW2006/0298/F - residential development for 54 dwelling, with car parking spaces, new access road, landscaping - Refused 26th April 2006.
- 3.2 DCNW2005/3082/ F - residential development for 58 dwellings, 88 car parking spaces, new access and landscaping - refused 30th November 2005. Allowed on Appeal following a Public Inquiry held August 16th 2006. Decision issued - October 2006. (Please see Appendix to this report)
- 3.3 DCNW2004/4387/F - Residential development for 50 dwellings, 75 car parking spaces, new access, landscaping and children's play area - Withdrawn 20th September 2005

4. **Consultation Summary**

Statutory Consultations

- 4.1 Welsh Water have no objection subject to the inclusion of conditions and advisory notes regarding the drainage from the site.

Internal Council Advice

- 4.2 The Transportation Manager recommends approval for this development with the following conditions and observations:-

In principle, it would appear acceptable, but there seem to be some omissions that I thought were already agreed for the previous application, and some omissions that

have not been incorporated. There are also some conditions recommended by the Appeal Decision that have not been incorporated.

On original Site Plan Drawing No. 03), October 2006, omissions are:

- Pedestrian/cycle accesses onto Prospect Lane. At least the westernmost of these need to be made to adoptable standards, with demarked pedestrian area through the private parking court to maintain public access at all times. All three accesses onto Prospect Lane would benefit from such treatment.
- No cycle parking shown. Best provided by garages or cycle lockers within the curtilage of each dwelling. See Design Guide.
- All footways to be 2.0m wide, including those leading to front doors.
- Prospect Lane to be widened to 2.0m where applicable, resurfaced and lit.
- Dropped kerbs required on access road at units 7 & 8. (Both sides)

On "CAD" Planning Layout drawing Drawing Number 01 Rev F (submitted with this Planning Application)

- As above, but with the complete omission of the ped/cycle accesses onto Prospect Lane. Not acceptable
- Widening of footway on eastern side of Greenfield Drive not shown as agreed with Ian Sinclair by Andy Byng in email received 28 March 2007.

The Appeal Decision mentioned the pedestrian accesses to Prospect Lane (and other matters) in Clause 7; the need for cycle parking in Clause 9; and adequate site construction traffic access in Clause 10.

Given that this is a new application, it should comply with all the above. The S106 Transport contribution (@1500/dwelling also stands, with the same possible schemes as the approved scheme and agreement.

Following a meeting with West Mercia Police the Transportation Manager made the following comments:

We looked at the proposed development at Maesydari, Kington. I explained our desire for strong foot links to the town centre, schools and shops from the south-western corner on the site and onto Oxford Lane. We discussed desire lines and how resistance to deviation is particularly strong for pedestrians. We also talked about the likelihood of informal routes becoming established, and if it was better to anticipate and provide for a formal route where strong demand is likely.

I believe we reached a consensus, that would meet the requirements of both parties. This involves;

- Adopt links through the car parking courts that will be overlooked by adjacent dwellings.
- Links to be lit and open.
- The wall and hedge adjacent to Prospect Lane along the site boundary to be lower than 1.2m so the lane is overlooked and free from hiding places.
- The rest of Prospect Lane remote from the site to be lit using S106 funds.

There does not appear to be any reason why we can't licence adopted highway under private property, provided adequate height and width is available.

These points are broadly in line with the Inspector's comments in the Appeal Decision APP/W1850/A/06/2007912, and the negotiated agreement for Planning Application DCNW2005/3082/F.

4.3 The Conservation Manager makes the following observations:

Conservation Officer:Comments on the initial proposals as follows:

A key conservation area issue is that this scheme joins on to the boundary of the Kington Conservation where it is formed by Prospect Lane. That lane is of distinctive and attractive character so that the treatment of this boundary is an important material consideration.

An earlier scheme by David Daw showed specific details to preserve and enhance this character. The flats were to have a stone gable and new stone walls were to be constructed. This new scheme falls far short despite the wording of Para 13.14 of the Design Statement. It is crucial that a detailed scheme for this boundary be included in the application and that the previous scheme set the minimum standard.

Building Design

The block of flats is the closest element to the Conservation Area. Again, there is a distinct decline in quality from previous proposals. The three-storey form presents a much longer elevation to the lane, which is overbearing. The composition of the elevations is poor and there is no suggestion of stone facing. The siting is ill considered with a small strip of land between the boundary and the building.

Considering the southern part of the whole scheme it is again obvious that a good deal of visual interest has been lost. The dwellings have been arranged with less variation in the building line and the many dormers facing the lane have been removed. The street scene drawing, shows an overbearing uniformity of eaves line.

Materials will be extremely important and I consider it essential that the southern frontage be predominantly roofed in slate.

The principle of development at the density shown has been agreed and whilst the scheme is not wholly different from previously agreed schemes there are important design issues described above which need to be addressed before a conservation recommendation of approval can be given.

Comments on the revised proposals (1) submitted on 6th June 2007 as follows:

Whilst I welcome the proposed stone boundary wall, the proposed use of stone walling on the flats and the significant reduction in scale of the block of flats, I remain unable to recommend the deep, virtually blank gables (9m) and the ungainly hipped roof, which arise from the attempts to keep all of the accommodation under one span. I also raised the positioning of the block on the site which appeared to be ill considered in relation to the boundary.

I note that slate will be used on the roofs facing the conservation area

Comments on the revised proposals (2) submitted on the 10th July 2007 as follows:

No objection subject to the submission of large scale joinery details

Ecologist:

The applicants have provided me with an ecological report based upon a protected species assessment of the site. This highlighted a diversity of habitat for nesting birds and for reptiles such as slowworm, evidence of the presence of bats utilising the site with roosting potential in one of the buildings.

Landscape Officer:

Further to our telephone conversation this morning I can confirm that I have nothing further to add to the comments previously made by my colleagues concerning the above site. I understand that in principle landscape and ecological issues have been addressed.

The previous comments were as follows:

With this revised scheme, the landscape issues remain the same. I support the proposals to retain as much of the boundary hedgerow and the better tree specimens, as proposed. Regarding new tree planting, I reiterate my recommendation that trees should be planted along both sides of the new access road into the site, set back from the pavement. It appears that there is only one short section on this road, where this might not be possible, due to visibility requirements.

I will require details of the landscape proposals for the land between the housing and the access road. This is not indicated as garden space but no details are given for its treatment.

If permission is granted for this development, Conditions G02 & G03 (Landscaping scheme), G09 (Retention of trees & hedgerows) and G18 (Protection of trees) should be attached.

Archaeologist:

No further comments to make.

4.5 The Environmental Health Manager:

No foreseeable reason for objection. Standard Environment Conditions as per previous comments.

1. F16 - Restriction of hours during construction
2. No materials or substances shall be incinerated within the application site during the construction phase.
3. All machinery and plant shall be operated and maintained in accordance with BS5228:1997 'noise control of construction and open sites'.

4.6 The Public Rights of Way Manager makes the following comments:

The proposed residential development comprising 59 dwellings with car parking etc. will affect public footpath ZE23, which passes along the outside of the eastern boundary of the site. In particular, the construction of the access road across the line of this footpath will require a temporary closure order to enable the works to be carried out without endangering members of the public.

In addition, public footpath ZE18, which passes along the outside of the southern boundary of the site will also require a temporary closure order to enable the new

pedestrian access points from this footpath into the site to be constructed (demolished) through the existing stone wall.

If permission is granted we request a Condition as follows (or similar):

Two public rights of way cross the site of the works required to carry out this permission. The permission does not authorise the stopping up or diversion of the right of way. Development shall not begin until a temporary closure order has been obtained from the Public Rights of Way Manager, Herefordshire Council, P.O. Box 4, Hereford, HR4 0XH (tel. 01432 260572). Applications for a temporary closure order should be made 6 weeks before work is scheduled to begin.

I fully endorse the comments already submitted to you by Dave Davies, Area Engineer (Development Control), Highways & Transportation, regarding omissions from the proposal, in particular the improvement required to public footpath ZE18 and the dropped kerbs at the dwellings previously numbered 7 and 8. The applicant should be requested to provide all the necessary details for approval by the planning authority as stated in the Planning Inspector's Formal Decision paragraph 8. I formally request that Rob Hemblade, PROW Manager is consulted on the detailed plans when they are submitted.

I understand that the section 106 contribution sought towards the improvement of local footpaths giving access from the site to Crooked Well Meadow is being coordinated by Ruth Jackson of the Parks & Countryside Service.

4.7 The Strategic Housing Officer makes the following comments:

Having considered the proposed plans Strategic Housing in principle agree with the layout of the affordable dwellings. With regards to the change of mix, for the rented accommodation from 3 x 1 bed apartments to 3 x 2 bed apartments, Strategic Housing have no objection to the change from 1 bed apartments to 2 bed. All affordable housing should be built to Housing Corporation Scheme Development Standards (SDS) and negotiations with the developer and the developer has stated that they are unable to meet 9 requirements relating to SDS. Strategic Housing have agreed on this occasion that to waive 6 of the requirements but will expect the developer to meet 1.6.4.1 – 1.6.4.3 as these could have a fundamental impact on future needs).

4.8 Education make the following comments:

The provided schools for this site are, Kington Primary School and Lady Hawkins High School.

At Kington Primary School, most of the classrooms are small and the majority have insufficient storage space. The stairs and landing areas are congested. There are also issues and concerns with the cramped toileting facilities. Current facilities restrict the ability of the school to extend its curriculum be creative. The lack of outside space also restricts the ability to develop outside learning and PE provision. This school is presently under prescribed.

Lady Hawkins High School has issues and concerns with the sixth form accommodation, size of classrooms and the lack of dedicated IT facilities. There are no dedicated drama provisions and poor social facilities. The dual use of the library as an

IT space is inappropriate. There is an issue with the toileting facilities in the hall, which are inadequate for shared use with the leisure centre. Access for the leisure centre users out of school hours is also inappropriate. This school is presently under prescribed.

In light of falling roles across the County, the Authority is undertaking a review of school provision and it is likely that capacities of schools will be assessed as part of this review. There is therefore likelihood that capacities of both of these schools could be reduced resulting in little if any surplus capacity at the schools. Any additional children would then result in organisational difficulties for the schools and probably more so for the Primary school.

The Children & Young People's Directorate would therefore be looking for a contribution to be made towards education in this area that would go towards rectifying some of the issues identified above that would only be exacerbated by the inclusion of additional children. Additional children may also prevent us from being able to remove temporary classrooms that we would otherwise be able to do. A contribution of 2000 per dwelling would be sought. It should be noted that the Draft Supplementary Planning Guidance document that is currently out for consultation has a requirement for a contribution in the region of 6000 to be made per dwelling. Once this figure has been ratified, the revised figure will be requested,

4.9 The Parks & Countryside Officer comments:

On a development of this size we would expect in line with policy H19 an area provided for small children/infants, and an area for older children/teenagers. From discussions for the previous application DSN2006/0298/F we have already agreed in principal (as set out in the supporting statement) the following:

- an "off-site" contribution towards upgrading of existing open space (at Crooked Well meadow)
- a contribution towards upgrading of existing footpaths between the site and Crooked Well meadow.

The contribution towards upgrading of existing footpaths between the site and Crooked Well meadow has already been requested at either a financial contribution (£25,000) or works to be undertaken by the developer. It is expected that the contribution or work would enable the footpath to be improved to a standard, which is both safe and accessible, including making safer crossing points from the site to the existing footpaths, given that children will be using it. A cycle path may also be required as part of this contribution if this has not already been taken into account as I note that there is also a separate contribution towards transport improvements, which may well include this and also improvements towards the crossing points.

The contribution towards the off-site upgrading of Crooked Well meadow is calculated at £45,500 based on 500 per bedroom excluding the first in every property. There are 91 bedrooms (excluding the first).

In addition, we do now ask for a contribution towards sports facilities from all new developments. This is in response to Sport England who requires such developments to help contribute towards increasing participation in active sports. The calculation is based on Sport England's Sports Facilities Calculator and equates to 630 per dwelling. The total in this case is £37,170. The contribution would be used towards improvements at the Lady Hawkins Leisure centre in Kington, which requires

refurbishments and upgrades to its fitness suite and performance hall to allow for a greater variety of sports to be offered at the centre.

I understand that this contribution was not requested in the previous application.

Off-site play area - £45,500

Improvements to footpaths - £25,000 or work undertaken by developer

Sports facilities - £37,170

5. Representations

5.1 Kington Town Council object to this application and their comments can be summarised as follows (these relate to the initial submission - any comments submitted on the amended plans will be updated verbally):

- The number of dwellings in the application exceeds the guideline for new site density (UDP H15), 54. The average density of brownfield sites is 25 to the hectare.
- Barons Cross development is only 35 per hectare.
- As this is a new application a new section 106 should have been drawn up which would give more money to play space and infrastructure requirements.
- The density of housing is out of keeping with the existing residential housing and gives dwellings of restricted dimensions.
- Housing Corporation Standards (2003) recommends that location, site layout and building orientation should provide a convenient and attractive environment, visual and acoustic privacy. This scheme would not.
- Letting units in one area would potentially create a ghetto and all problems this entails.
- There is a surplus of 1 bed flats in Kington so is questionable as to whether this type of accommodation is the most suitable.
- Many of the buildings and the block of flats would overlook existing dwellings and affect the privacy currently enjoyed by these properties. It would also be visible in Duke Street. The three storey buildings overlook their immediate neighbours.
- The site is fairly level but the ground drops away and these buildings, being constructed on a ridge would impact on the skyline and create significant visual impact from within the town and from surrounding areas. The increase in dwellings is facilitated by increasing the height of the two-storey building. The three-storey building is proposed to back onto the medieval lane and would be obtrusive. These drawings do not show the good quality housing hoped for on this Greenfield site in a rural town. It is inappropriate for a small market town and would mar the environment and heritage of the town.
- There is no provision for the storage of refuse or recycling.
- There is no lighting plan
- Not adequate space for modern living including storage areas.
- No attempt to make include any environmentally sustainable energy or efficiency measures into this application
- Gardens area small and there is no play space provided on site as required.
- At least £80,000 should be provided by the developers as a planning obligation to provide facilities in a convenient location as well as a play space for smaller children.
- Number of allocated spaces is too little even though a 20% increase on approved scheme. Lack of parking could lead to neighbour disputes and add to parking problem.

- The proposed 108 car parking spaces are not to be adopted? How will they be maintained?
- Increase in traffic flow, especially to elderly residents would be a perceived danger.
- Road is narrow with residents parking on the road. There are blind corners on the surrounding roads. A traffic survey should be undertaken. The developer should provide sums for the provision of road improvements such as pedestrian crossings and traffic calming measures.
- Maintenance of open areas, landscaping and trees not detailed in application.
- Infrastructure in town cannot support potential numbers of residents (school places, dental, medical).
- Provision of water and sewerage facilities to site causes concern.
- Ecology survey undertaken in poor weather and further details needed as specified in their report.

5.2 There have been 17 letters of representation submitted. The issues raised are as follow:

- There is an unreasonable density of housing planned.
- The infrastructure is dangerous and totally inadequate for a large development.
- The increase in parking spaces suggest that more vehicle traffic would result.
- Objection to the number of dwellings and car parking spaces proposed.
- The facilities in the town, i.e. Doctors Surgery, School, are at capacity.
- The site will be inhabited by non Kingtonians to a very high proportion.
- There is insufficient work in the area. Young people leave to find work not houses. Where will the people living in the dwellings go to work?
- Already the law has been broken by vehicles delivering machinery to the site driven over the footpath.
- This application will increase the carbon footprint of Kington / Lack of notice taken regarding 'carbon footprint'
- Has the impact on the local community been considered - Disturbance during construction phase?
- If passed then the Council should take immediate steps to implement the traffic calming measures.
- Impact of a three storey apartment block in the bungalows.
- The proposed living accommodation is small and cramped.
- The site is unsuitable but a good site if sensibly developed.
- Impact on amenities and privacy of adjoin dwellings (including those with extant permission)
- The apartment block is of poor design and is inappropriate
- Traffic congestion would worsen
- Ecological concerns during site clearance
- Comments on the section 106 contributions and impact of the draft SPD - Planning Objection currently being prepared. Notes that the proposal is well below standards on these points
- The revised scheme is an improvement on the original design but remains a very ugly block with absolutely no architectural merit and unsuitable on the boundary of the Conservation Area.
- The stonework has been omitted to the detriment of the design
- Total absence of any outdoor amenity space for the occupants of the eight dwelling in this block.
- The increase in car parking space will lead to more cars on site (from the development or surroundings)

- 5.3 A petition of 154 signatures objecting to the development has also been received.
- 5.4 Charles Naylor, Divisional Crime Risk Manager, West Mercia Police has made the following comments:

- Whilst Kington may not suffer the levels of crime normally associated with areas of concern in terms of 'hot spots' for Community Safety Partnerships locally there are concerns about the quality of life issues within the community. The local area profile shows a higher level of the fear of crime than the average for the West Mercia Policing area.
- There are currently on going measures to tackle an increase in damage to vehicles and graffiti in Kington.
- The proposed design layout plan, revision H, indicates two pedestrian access points to the south of the development. I would have concerns regarding the impartiality and assumed right of access that these routes would allow.
- The recent publication by the Department of Transport, *Manual for Streets 4.6.2*, states "to ensure that crime prevention is taken properly into account, it is important that the way in which permeability is provided is given careful consideration". I would also refer to PPS1 which states there is a clear objective for new developments to create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion.
- Finally I make reference to the Herefordshire Design Guide for New Development in which the nationally accredited security standard for developments, Secures by Design, is endorsed. The general principle of this scheme being to design out crime through the use of effective prevention and security standards.

Whilst there is a need to balance the requirement for safer routes to school and restricting the use of transport the installation of these proposed routes will not make a significant impact on these issues. The long term effect of allowing the development to have general permeability is likely to cause residents an increase in crime and disorder and the fear of crime.

- 5.5 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.
- 5.6 Further letters of consultation have been issued regarding the revised apartment block and minor alterations to the layout and pedestrian access of Prospect. The consultation period expires on the 25th July 2007.

6. Officer's Appraisal

Principle of Development

- 6.1 The principle of developing this site for residential purposes has been fully considered by the Appeal Inspector and his conclusions and decision to allow the appeal can be found in his decision report that followed the Public Inquiry. A copy of this report is attached as an appendix to this Agenda Item.

- 6.2 In light of this recent appeal decision the Council can raise no objection in Principle to the development and there is little benefit in revisiting these matters. The number of dwellings proposed is 58, the same number as the extant permission and as such the density of development also remains the same. It is therefore considered that the proposal, in principle complies with the policies considered by the Inspector and that this application is essentially looking to amend some the detail that was approved.
- 6.3 The main issues that should now be considered are:
- The character, appearance and siting of the Apartment block, with particular reference to the impact on the adjacent Conservation Area relationship with the surrounding area.
 - The character, appearance and layout of the revised house types
 - Highway Design Issues and the increase in car parking spaces from 88 to 108
 - Revised Affordable Housing layout / siting and mix of tenure
 - Section 106 contributions and Draft Heads of Terms

Apartment Block

- 6.4 One of the main changes to the approved scheme relates to the apartment block. The approved scheme comprises a T shaped two storey block which used a mixture of stone, render and brick and was considered to compliment the Conservation Area in this particularly prominent spot, whilst protecting the amenity and privacy of the neighbouring properties.
- 6.5 Three schemes have been formally tabled during this application with regards to the proposed apartment block that is sited in the southeast corner of the site in the area that formally housed the garaging and industrial building. The amended proposal that now the subject of this application is a result of ongoing discussion with the applicant and the Councils Planning and Conservation Officers. The revised scheme has addressed concerns about the design and its impact and relationship on the locality and in particular the adjoining conservation area.
- 6.6 An Annexe to the Design and Access statement provides the rationale behind the revised scheme. The shaped of the proposed block has been amended to a T shape in order to reduce the mass of the building along its boundary with the adjoining conservation Area. The building has been orientated so that the building is flush with the lane (public right of way) that runs along the Eastern Boundary of the site. The flats will be accessed directly from this lane so that the building itself will form the boundary of the site. The reduction of the building to two stories accords with the scheme approved by the inspector and greatly reduces the mass, bulk and impact of the building on the locality and adjoining Conservation Area. The detailing has now been carefully considered so that it reflects that of its local architectural context as has the introduction of a feature chimney.
- 6.7 The matters relating to the apartment block and surrounding area are now considered to be resolved and Officers are satisfied that the design, materials and siting are an acceptable form of development in accordance with the relevant policies.

Housing Layout and Design

- 6.8 Essentially the layout of the site has been retained as per the approved scheme, and house types substituted for similar types of two and three storey dwellings, with varied patterns of roof heights throughout the scheme. This application will improve the

gardens for dwellings and provide more appropriately located and additional car parking within the parking courts to the rear of the dwellings. There is also a slight reorientation of the dwellings to provide a more attractive entrance to the site that will respond to the layout of the adjacent dwelling. The public open space remains the focal point of the development.

- 6.9 The applicant has also agreed to provide slate roofs to the dwellings closest to the boundary with the Conservation Area, as requested, and a mix of other materials is proposed on the remainder of the site.
- 6.10 The revised layout and details are considered to be an improvement on the previously approved scheme and are compliant with policies DR1, S2, H13, H14 and HBA 6 of the Unitary Development Plan (2007)

Highway Design / Car parking

- 6.11 The layout of the highway, the access point and siting of the road has not been altered. The principle of accessing the site at this point, to serve 58 dwellings was agreed as by the Council, following a survey, and confirmed by the Planning Inspector in his consideration of the appeal. This issue does not need to be re-visited.
- 6.12 Notwithstanding the agreement in principle there are a number of smaller issues that required addressing. The applicant has already agreed to reinstate the stone wall along the boundary with Prospect Lane which will benefit the users of this lane and enhance the character of the Conservation Area. The inspector also raised a couple of issues in his report relating to pedestrian access points onto Prospect Lane, provision of secure cycle parking and site operative parking. Matters of secure cycle parking and site operative parking can be satisfactorily dealt with through the use of an appropriate condition as recommended. The matter of the pedestrian accesses from the site through the Southern Boundary onto Prospect Lane has been the subject of further discussion with the developer, West Mercia Police and the Council's Transportation Manager.
- 6.13 The scheme currently before members has removed the pedestrian links from the scheme following consultation with the Police with regards to the safety aspects of the design. The Council's Transportation Manager raised concerns that these had been removed and have had further consultation with the Police who have revised their comments and now feel that there is a solution to this matter (see comments from the Council's Transportation Manager in section 4 above). Both options are reliant upon legal matters that need to be further investigated and resolved with regards to adoptions and sales matters. It is your officers opinion that both the omission and inclusion of the accesses have their own merits, and whilst their inclusion would be of benefit their omission would not be sufficient reason to refuse this application. It is considered that condition 8 covers this issue and this can be resolved to our satisfaction through the imposition of this and the detail to be agreed by submission prior commencement.
- 6.14 In response to the public concern relating to the lack of parking provision on the site (raised during previous applications and through the consultation exercise) the plan shows some additional 18 car parking spaces. This has been possible through the revised layout of the courtyard parking area. Given that there is no increase dwellings, and that this should serve to prevent indiscriminate off road parking, there is no objection to the increase in car parking.

Section 106

6.13 In response to the consultation process of this application there are a number of areas that have requested revised financial contributions in line with the Draft calculations included in the Draft Supplementary Planning Document on Planning Obligations. After some discussion with the applicant it was considered unreasonable to expect these increased amounts. Firstly the application is essentially an amendment to the agreed scheme, with only minor alterations. Secondly, the SPD is in draft form only and at this stage cannot be attributed much weight at present. At the time that the original application was approved, the figures were agreed as being acceptable to this Council. That permission is still extant and could still be implemented (subject to the discharge of conditions) with the contributions as agreed by the Inspector. After some negotiation Taylor Woodrow has agreed to increase the levels of contributions contained in the existing Section 106 Agreement in line with the BCIS Index Linking. The Draft Heads of Terms will reflect this.

Conclusions

6.14 The principle of development and the overall amount of development have both been established by the recent appeal decision. The developer is prepared to increase the contributions of the Section 106 agreement in line with inflation which is reasonable given that the emerging Supplementary Planning Document on Planning Obligations has yet to be adopted as a policy of this Council. The apartment block design, siting and impact issues have been resolved and highway matters can be controlled through the appropriate condition. All outstanding matters have been resolved to the satisfaction of officers and the proposed development is now considered to accord with the Policies of the Herefordshire Unitary Development Plan.

RECOMMENDATION

That Subject to their being no further objections raising material planning considerations by the end of the consultation period (25th July 2007) and:

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, and

Upon completion of the above-mentioned planning obligation agreement and negotiations 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 - E16 (Removal of permitted development rights)

Reason: To protect the amenities of adjacent and to ensure a satisfactory form of development.

4 - G04 (Landscaping scheme (general))

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

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

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

6 - G08 (Retention of trees/hedgerows (outline applications))

Reason: To safeguard the amenity of the area.

7 - No development shall take place until an ecological survey, the scope of which shall first be approved in writing by the local planning authority and which shall include a mitigation strategy, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved mitigation strategy.

Reason: To protect the ecological interest on the site.

8 - No development shall take place until details of off-site highway works associated with the development hereby permitted, including widening of Prospect Lane and Greenfield Drive footpath connections and installation of improved lighting and re-surfacing works to Prospect Lane and Greenfield Drive have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall not be occupied until the approved scheme has been completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

9 - No development shall take place until the details of the highway drains and roads associated with the development hereby permitted, including the works necessary to provide access from the public highway, have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall not be occupied until the approved scheme has been completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

10 - 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.

11 - H27 (Parking for site operatives)

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

12 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

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.

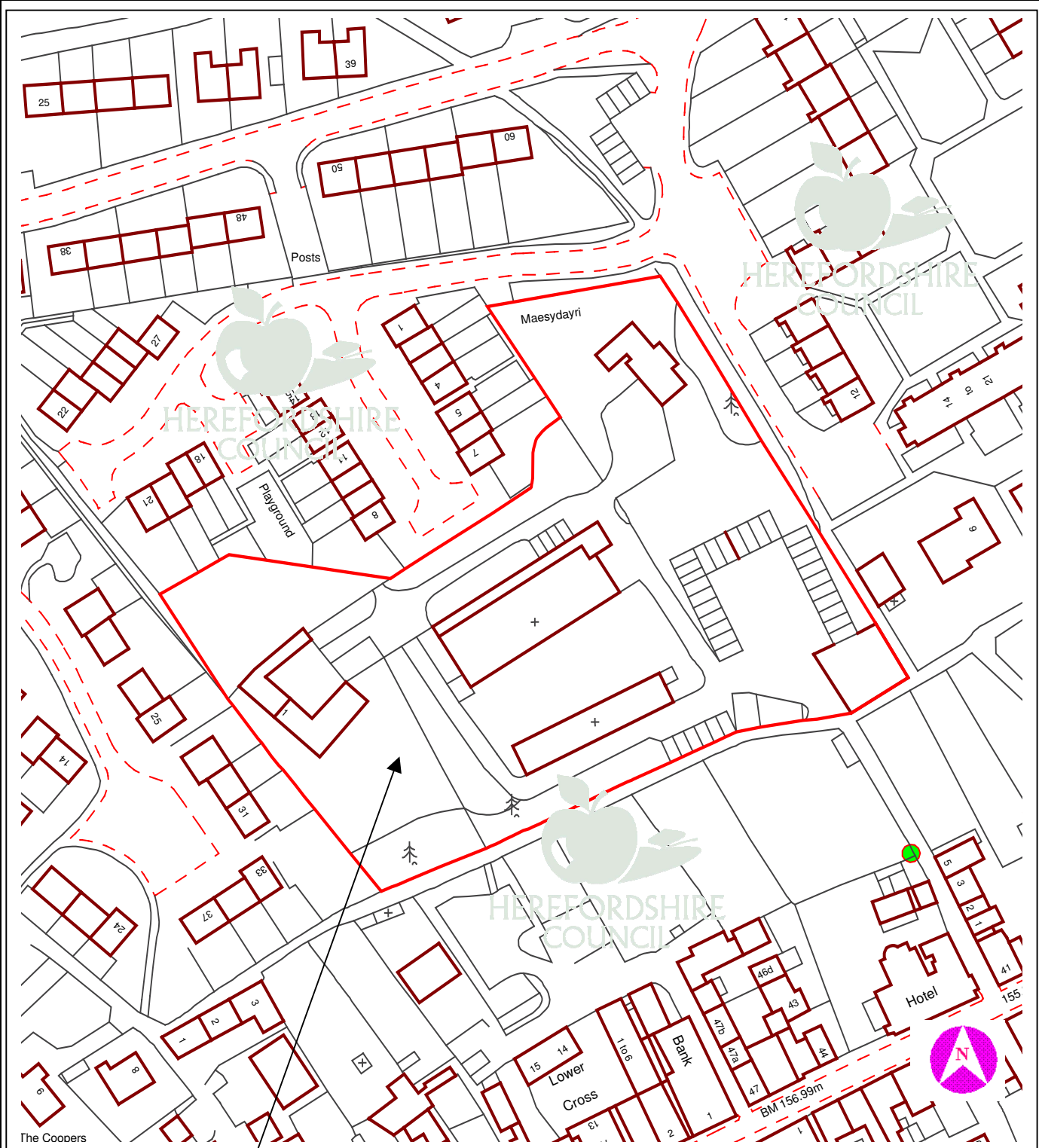
DRAFT HEADS OF TERMS
Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

Planning Application – DCNW2007/1179/F
Residential development for 58 dwellings, car parking , new access road and landscaping
At Maesydari Site, Kington, Herefordshire

1. The developer 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 £25,000 (Plus BCIS Index Linking since October 2006) which sum shall be paid on or before the commencement of development.
2. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - (i) Upgrade of footpath linking site to Crooked Well Meadow
 - (ii) Provision of play area at Crooked well Meadow
3. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purposes specified in the agreement in Clause 2 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.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £58,000 (Plus BCIS Index Linking since October 2006) to provide education facilities and improvements at Kington Primary School and Lady Hawkins High School, Kington 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 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 thereof which has not been used by Herefordshire Council.
6. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £81,000 (Plus BCIS Index Linking since October 2006) to provide transportation facilities to serve the development which sum shall be paid on or before the commencement of development.
7. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Traffic calming and improved signing in Llewellyn Road and Greenfield Drive
 - b) Contribution to improved bus service
 - c) Contribution to Safe Routes for Schools
 - d) Improved cycle parking in town centre, shops and schools
 - e) Improved bus shelters/stops in Kington
 - f) Improve lighting to highway on routes leading to site
8. 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.

9. The Developer shall provide 18 “Affordable Housing” units which meet the criteria set out in Section 5.5 of the Unitary Development Plan for Herefordshire (Revised Deposit Draft) and related policy H9 or any statutory replacement of those criteria and that policy. 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 18 units shall be on plots [to be defined by reference to a 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.
10. 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.
11. The developer shall complete the Agreement by 24th July 2007 otherwise the application will be registered as deemed refused

K.Gibbons, P.J.Yates 13th June 2007.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCNW2007/1179/F

SCALE : 1 : 1250

SITE ADDRESS : Maesydari Site, Off Oxford Lane, Kington, Herefordshire.

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