

**7 DCNW2008/0942/RM - PROPOSED RESIDENTIAL DEVELOPMENT OF 46 DWELLINGS, GARAGES, ASSOCIATED ROADS, SEWERS AND WORKS. LAND WEST OF OLD EARDISLEY ROAD, KINGTON, HEREFORDSHIRE**

**For: JS Bloor (Tewkesbury) Limited, Cadsquare Midlands Ltd, The Stables, Woodbury Lane, Norton, Worcester, WR5 2PT**

**Date Received: 31 March 2008    Ward: Kington Town    Grid Ref: 30100, 56188**

**Expiry Date: 30 June 2008**

Local Member: Councillor TM James

**1. Site Description and Proposal**

- 1.1 The site is located on the south-eastern edge of Kington and covers an area of approximately 3.66 hectares.
- 1.2 The eastern boundary of the site is Old Eardisley Road, the unclassified road number U91226. On the opposite side of this highway are dwellings of various sizes and character, mostly of fairly recent construction. The southern and western boundaries are adjacent to mostly farmland. To the north is a garage/petrol filling station, as well as further residential development.
- 1.3 The application is for 'Reserved Matters' access, appearance, landscaping, layout and scale follows Outline planning permission application reference NW2006/3986/O dated 17th September 2007. A section 106 agreement under the Town and Country Planning Act 1990 in relationship to 'planning gain' also formed part of this approval.
- 1.4 The 'Reserved Matters' like the Outline application proposed 46 dwellings, garages, associated roads, sewers and works though in a revised site layout from the indication submitted with the Outline application.
- 1.5 The proposed 46 dwellings are for a variety of house types and offer the following forms of accommodation:
  - Three number two bedroom two-storey houses
  - Seven number three bedroom two-storey houses
  - Thirteen number four bedroom two-storey houses
  - Seven number five bedroom two and half-storey houses.

The application also proposed 'affordable housing' in line with Herefordshire Council's Strategic Housing request. This equates to 35% of the total amount of proposed dwellings on site in the following breakdown of units:

- Four number one bedroom apartments
- Six number two bedroom houses

- Five number three bedroom houses
- One number four bedroom house

## 2. Policies

### 2.1 National Planning Policies

- Planning Policy Statement 3 – Housing
- Planning Policy Statement 1 – Sustainable development

### 2.2 Herefordshire Unitary Development Plan

Policy S1	Sustainable development
Policy S2	Development requirements
Policy S3	Housing
Policy DR1	Design
Policy DR2	Land use and activity
Policy DR3	Movement
Policy DR4	Environment
Policy DR5	Planning obligations
Policy H1	Hereford and the market towns: Settlement boundaries
Policy H2	Hereford and the market towns: Housing land allocations (this policy specifically allocates the site for housing development)
Policy H3	Managing the release of housing land
Policy H9	Affordable housing
Policy H15	Density
Policy H16	Car parking
Policy H19	Open space requirements
Policy LA6	Landscaping schemes
Policy LA3	Setting of settlements
Policy RST3	Standards for outdoor playing and public open space
Policy CF2	Foul drainage
Policy ARCH1	Archaeological assessments and field evaluations

## 3. Planning History

- 3.1 DCNW2006/3986/O Site for residential development of 46 houses - Approved 17.09.07

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Environment Agency - no objections raised

### Internal Council Advice

- 4.2 The Strategic Housing Manager supports the application.
- 4.3 The Parks Development Manager has no objections to the proposal.
- 4.4 The Forward Planning Manager raises no objections.

- 4.5 The Council's Planning Ecologist raises no objections.
- 4.6 The Transportation Manager raises no objections.
- 4.7 The Landscape Manager also raises no objections.

## **5. Representations**

- 5.1 Kington Town Council has responded to the application with concerns about drainage from the application site, to which they would like assurances that surface water drainage issues will be addressed. Concerns also raised with regards to road way and parking issues, also concerns raised about the ownership of the proposed open space area.
- 5.2 Letters of comment/objection have been received from the following:
  - Mrs G Simcock, 20 Rose Cottage, Headbrock, Kington
  - Mr & Mrs David Benbow, Rhosmaen, 5 Old Eardisley Road, Kington
  - Mr & Mrs Donald Skyrme, 5 Banley Drive, Kington

Objections/comments can be summarised as follows:

- Concerns about loss of hedgerow
  - Potential increase in flooding to surrounding area
  - Impact on surrounding public highway infrastructure
  - Impact on local infrastructure
  - Location of proposed play area
- 5.3 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 local infrastructure
  - Impact on local biodiversity
  - Potential impact on flooding and drainage.
  - Impact on surrounding public highways
- 6.2 The principle of residential development on the site is accepted by virtue of the fact that the site has the benefit of Outline planning approval for the erection of 46 dwellings granted planning approval on 17 September 2007. Furthermore, the site is allocated for housing development in accordance with Policy H2 of the Unitary Development Plan (UDP) and supporting paragraph 5.4.31.
- 6.3 The proposal is for 46 dwelling units, of which 35% are allocated for affordable housing, in accordance with UDP Policy H9: Affordable housing. The Council's Strategic Housing Manager raises no objections.

- 6.4 The proposed scale, layout and appearance of the development is considered acceptable. The Council's Transportation Manager raises no objections to the proposed access and internal road layout and car parking facilities.
- 6.5 A Section 106 agreement under the Town and Country Planning Act 1990 signed in relationship to the Outline application dated 14 September 2007 will be relevant to this application, referring as it does in section 1-1 of the Deed, to "respective successors in title and assigns".

Impact on Local Infrastructure

- 6.6 The application is for the same number of dwelling units, as that of the approved Outline application, dated 17 September 2007, the approval notice is accompanied by a Section 106 agreement on planning gain with regards to affordable housing provision, financial contributions towards open space and play facilities, local sports provision, local transport improvements and local education establishments. Therefore, the application fulfils the requirements with regards planning obligations. Drainage issues are considered separately below.

Impact on Local Biodiversity.

- 6.7 Conditions attached to the Outline approval notice include conditions on landscaping, these will be relevant to the application under consideration should it be approved. Furthermore, the Council's Planning Ecologist raises no objections to the proposed development.

Potential Impact on Flooding and drainage.

- 6.8 Welsh Water and the Environment Agency raised no objections to the previously approved outline application. Conditions are attached to the Outline approval with regards to drainage of the site, this includes surface water and land drainage and these are applicable to this application. Welsh Water (Dwr Cymru), in accordance with the relevant outline condition, will be consulted with regards to the acceptability of any proposed drainage system prior to any development on site, as will the Council's land drainage engineer.

Impact on Surrounding Public Highways

- 6.9 This issue was considered at the outline stage and does not fall to be reconsidered.

**RECOMMENDATION**

**That Reserved Matters be granted subject to the following conditions:**

**1 C01 (Samples of external materials)**

**Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.**

**2 D04 (Details of window sections, eaves, verges and barge boards )**

**Reason: To ensure the development integrates into the surrounding countryside and to comply with the requirements of Policies DR1 and LA3 of the Herefordshire Unitary Development Plan.**

**3 D05 (Details of external joinery finishes)**

**Reason: To ensure the development integrates into the surrounding countryside and to comply with the requirements of Policies DR1 and LA3 of the Herefordshire Unitary Development Plan.**

**4 F01 (Restriction on hours of working)**

**Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of Herefordshire Unitary Development Plan.**

**5 No timber constructed fencing will be constructed alongside the site boundary with Old Eardisley Road without the prior permission of the Local Planning Authority in writing.**

**Reason: In order to retain the character of the area and to enable the hedgerow alongside the boundary to become established and to comply with Policies DR1, LA2 and LA3 of the Herefordshire Unitary Development Plan.**

**6 No windows in perpetuity (other than those as expressed by this permission) will be installed into the elevations of plot numbers 12, 6, 7, 8-11, 1, 46 and 42 facing Old Eardisley Road as indicated on the Planning Layout Drawing Number 07-104/02A.**

**Reason: In order to protect the privacy and amenity of adjoining dwellings and comply with Policy DR2 of the Herefordshire Unitary Development Plan.**

**7 H21 (Wheel washing)**

**Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan**

**8 H27 (Parking for site operatives)**

**Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan**

**Informatives****1 N15 - Reason(s) for the Grant of Planning Permission****2 N19 - Avoidance of doubt - Approved Plans****3 N11A – Wildlife and Countryside Act 1981 (as amended) - Birds****4 N11C – General**

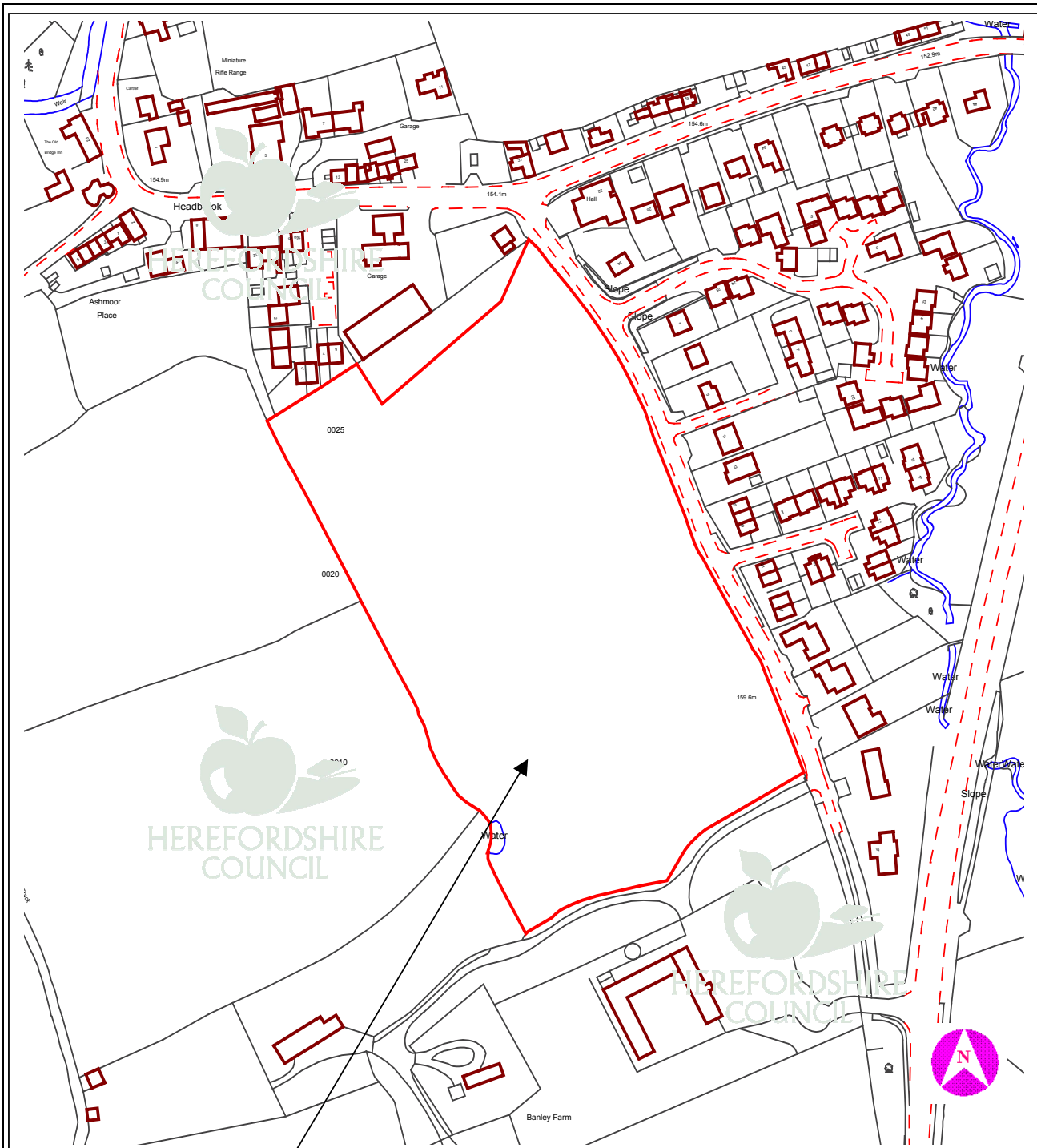
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2008/0942/RM

**SCALE :** 1 : 2500

**SITE ADDRESS :** Land West of Old Eardisley Road, Kington, Herefordshire

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