

15 DCSW2005/0720/F - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 24 HOUSES WITH PARKING AND/OR GARAGES, TOGETHER WITH ASSOCIATED ROADS AND SEWERS, LAND AT WHITEHOUSE FARM, KINGSTONE, HEREFORDSHIRE.

**For: Jennings Homes per K.C. Humpherson Ltd,
The Corner House High Street, Wombourne, WV5 9DN**

Date Received: 4th March 2005 **Ward: Valletts**

Grid Ref: 42524, 35924

Expiry Date: 29th April 2005

Local Member: Councillor P. G. Turpin

Introduction

This application was reported to the Southern Area Planning Sub-Committee on 8th June, 2005.

Following their debate the Sub-Committee were minded to refuse the application contrary to the Officer recommendation. Members resolved that the reasons for refusal should be:

1. Over-intensification of the site
2. To protect the setting of the Grade II listed farmhouse
3. Insufficient number of small houses on the site

The Head of Planning Services has considered the proposal and refers the application on the grounds that the reasons for refusal proposed by the Sub-Committee do not provide a substantive basis for defence on appeal.

1. Site Description and Proposal

- 1.1 The proposal site is a 0.7 hectare one on the western side of the Class III road (C1221) also known as Church Road, that links the B4349 road to the north and the B4348 road to the south. A factory unit borders the north-eastern boundary, the playing field on the north-western boundary and properties in Whitehouse Drive on the south-western boundary. Whitehouse Farm, a Grade II Listed farmhouse, now in two properties known as Lilac Cottage and The White House on the south-western boundary and divorced from the farmstead by a fair faced blockwork wall. The two semi-detached timber framed dwellings have an elevated position in relationship to the site.
- 1.2 There are a range of wooden and other barns and natural stone farm buildings towards the south-western corner of the site, and in the north-western corner is a pond.
- 1.3 It is proposed to erect 21 three-bedroom and 2 two-bedroom houses across the site, some in pairs and others in groupings. One house is a detached one having five bedrooms and is sited in the north-western corner of the site. It is sited with views across the infilled pond.

- 1.4 The application proposes to provide, as required by the provisions of Government advice in PPG.3 - Housing, a proportion of affordable housing, the form of housing will be shared equity housing. The applicants have informally stated that a particular RSL (Registered Social Landlord) has been identified.

2. Policies

2.1 Planning Policy Guidance

- PPS.1 - Delivering Sustainable Development
- PPG.3 - Housing

2.2 Hereford and Worcester County Structure Plan

- Policy CTC.9 - Development Criteria
- Policy H.16A - Housing in Rural Areas

2.3 South Herefordshire District Local Plan

- Policy GD.1 - General Development Criteria
- Policy C.43 - Foul Sewerage
- Policy R.3A - Development and Open Space Targets
For 10 Dwellings and More
- Policy R.3D - Commuted Payments
- Policy SH.8 - New Housing Development Criteria in Larger Villages
- Policy SH.14 - Siting and Design of Buildings
- Policy SH.15 - Criteria for New Housing Schemes
- Policy C.29 - Setting of a Listed Building

2.4 Unitary Development Plan

- Policy S.2 - Development Requirements
- Policy S.3 - Housing
- Policy S.11 - Community Facilities and Services
- Policy DR.1 - Design
- Policy DR.4 - Environment
- Policy DR.5 - Planning Obligations
- Policy DR.10 - Contaminated Land
- Policy H.4 - Main Villages: Settlement Boundaries
- Policy H.15 - Density
- Policy HBA.4 - Setting of Listed Buildings

3. Planning History

- 3.1 None identified.

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency has no objections in principle, this is with the proviso the 'works' site to the north is not included in the development and that conditions relating to possible contamination discovered during development, control of soakaways and the use of an oil interceptor from hardstandings and parking areas.

- 4.2 Welsh Water has no objections subject to the separation of foul water and surface water discharges from the site, and no surface water being allowed to connect (either directly or indirectly) to the public sewerage system.

Internal Council Advice

- 4.3 Traffic Manager recommends that conditions are attached that provide for parking provisions and a road layout/footpaths, forward visibility and turning head provisions, all to adoptable standards. The Traffic Manager is also seeking a financial contribution towards identified works on footpaths in the village. Details of the proposed connection for surface water will need to be submitted for approval.
- 4.4 The Conservation Manager has concerns about the frontage development and brick wall, particularly in relationship to the adjacent listed building. Brick wall should be retained instead of proposed railings. Chimneys would assist in the design. Cannot support scheme as submitted. As regards Archaeology, the Conservation Manager states that sites are not indicated, but that further advice will follow. An Ecological Study should also be undertaken on the basis that bats, barn owls and nesting birds may be present on the site.
- 4.5 Head of Strategic Housing supports in principle the development of the site. Greater variety is sought over types and sizes of dwelling and seeks to ensure that a Registered Social Landlord is involved.
- 4.6 The Director of Education is seeking a contribution towards education, given the inadequate facilities at both schools in Kingstone.
- 4.7 The Director of Policy and Community requests a contribution to enable changing room facilities and referee rooms to be provided that are compliant with Sport England/Football Foundation, this is given that the site does not provide a small childrens/infants play area. One large open space is preferable on the site than several unusable smaller areas.
- 4.8 The Head of Environmental Health and Trading Standards refers to the Site Investigation Report that accompanied the application. A contaminated land condition is recommended in relation to possible contaminants from chemicals used with the agricultural use and from engineering works. A condition is also required relating to how the pond will be infilled.

5. Representations

- 5.1 A Design Statement accompanied the application together with a Site Investigation Report. The Design Statement contains photographs and states that a mix of housing types, in a mews type of development is proposed. Security to the rear of each property is one element, together with a variety in design with brick and rendered walling to complement the local area. The higher urban density is consistent with PPG.3. Areas of enclosure are also an element in the design.
- 5.2 Kingstone Parish Council's observations are as follows:

"The Parish Council objects to this application on the following grounds:

1. The development would be close to a listed building and would detract from its rural setting.
2. The sewage from this development will be pumped to a main sewer. Two years ago the sewage farm at Kingstone was working at full capacity and residents have been told that the old sewer is collapsing.
3. There has been a previous application to make a car park where the pond is situated and this application was refused. The pond is believed to be spring fed and a valuable wildlife site would be destroyed.
4. There are traffic problems on Church Lane now that vehicles try to avoid the traffic calming zone. Residents will add to commuter problems when travelling to Hereford.
5. There will have to be screening from the recreation ground to prevent nuisance from ball games.
6. We understood there were no more plans for houses with more than 3 bedrooms for Kingstone.
7. The ownership information certificate has been signed to say that the land is not an agricultural holding. Is this correct as the land is certainly a farmyard at the moment?"

5.3 123 letters of objection have been received (106 letters were pro-forma ones, some of which were only appended by signatures, i.e. addresses were not supplied) in which the following main points are raised:

- Environment Agency stated in 1998 only minor levels of development be allowed in future, due to capacity and state of mains system
- collapse of mains close to Bull Ring Inn
- many need updating, inadequate, appalling smells
- septic tank drainage should be installed
- contrary to Section 5, H134
- site described as non-agricultural, not the case
- need ecological survey
- House Martins and rare swifts use pond mud for nest building. Great Crested Newts found
- if pond kept, condition worsens if capped, flooding elsewhere, as site and part of playing field floods now
- higher water table
- many residents have bought properties for view across site
- doctors surgery and schools over-subscribed, waiting list for schools
- unknown number of extra children in area
- assume water going into brook between Hanley Court and Primary School, brook already floods closing the two roads
- understand refusal for car park extension for Central Park 10 or so years ago due to presence of Great Crested Newts
- three-storey houses out of keeping
- tall houses take away light
- above housing quota for Kingstone
- too high a density, half number of houses compared to Cottons Meadow on quarter of site area
- need sturdy fence between site and Whitehouse Drive
- no lighting sufficient length of pavements on Class III road
- 50 extra cars at least
- Class III road, a rat-run, 30mph exceeded, near misses/accidents as traffic avoids speed humps on B road outside schools
- insufficient parking on site, will park on highway

- Class III road too narrow, difficult for vehicles to pass
- proximity to Whitehouse Farm, a Grade II Listed farmhouse in two separate dwellings
- need more space for early seventeenth century timber framed farmhouse
- should be preservation area around listed farmhouse
- poor transport system

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The main issues are considered to be the principle of development, including the number of dwellings proposed, form of development in particular, loss of the pond, the setting of the Grade II Listed Whitehouse Farm, highways implications, means of foul drainage and funding of off-site community facilities.
- 6.2 This site is wholly within the settlement boundary which is a fact that none of the objectors contends. There is not a quota for Kingstone that would prohibit development of this site. The issue of it being related to an agricultural holding relates to the tenure of the site not the use of this area of land.
- 6.3 Local planning authorities have to have regard to planning material considerations such as Government advice contained in Planning Policy Guidance and in circulars. The most apposite planning guidance in relation to this site is contained in PPG.3: Housing. It requires, among others, that local planning authorities produce sites with densities of between 30-50 dwellings per hectare. The proposal for 24 houses on a 0.7 hectare area site falls within the lower scale of anticipated development. Therefore, on the issue of housing density alone there is not considered to be a material reason for refusal.
- 6.4 The development is predominantly comprising 3-bedroom housing, only three houses are not 3-bedroom ones, one is 5-bedroom and is on the north-western boundary of the site and two are 2-bedroom dwellings. It should also be stated that 8 dwellings have been identified as affordable dwellings in this instance for shared equity. The applicant has already identified a Registered Social Landlord (RSL), the preferred option of the Council in the management of affordable dwellings, a further requirement of PPG.3: Housing, as endorsed in the Council's Supplementary Planning Guidance relating to Affordable Housing. There are a variety of types and forms of dwelling proposed, varying in height from 6.8 metres to 7.3 metres, onto 7.9 metres and up to 9.3 metres. The dwellings will be faced in brick or rendered. The variation in ridge heights breaks up what would otherwise a degree of uniformity of ridge heights across the site. It is considered that the distance between the rear walls of Plots 9 and 10 and those of the nearest properties in Kingstone Drive of 23 metres is sufficient. Overlooking and loss of privacy would not arise. The other proposed dwellings on the southern boundary of the site, namely plots 11 and 15 are roughly at right angles to north-west facing properties in Whitehouse Drive. It is not considered that, as has been raised in representations, a loss of daylighting would occur to residents in Whitehouse Drive from dwellings on the southern boundary of the site.
- 6.5 The pond and the immediate land around it was the subject of an earlier planning application for an extension to the engineering works. The Environment Agency did not object at the time. The application was not refused as Great Crested Newts were

found or believed to be living in and around the pond. It was refused for reasons of the change of use proposed and that the informal pond area and other land would be used for the storage of agricultural machinery. An ecological survey has been provided by the applicants at the request of the former Ecologist for the Council and this is still being assessed.

- 6.6 The siting of dwellings in proximity to the Grade II Listed Whitehouse Farm, which was formerly one dwelling and is currently in two separate residences, Lilac Cottage and The Whitehouse, is a material consideration. The proposal is being revised in accordance with the concerns of your officers. The roadside dwelling (Plot 1) a 'L' shaped dwelling returns in a similar fashion to the more elevated listed farmhouse. The distance between the listed farmhouse and south facing, side wall of the house on Plot 1 is 9 metres. A footpath leading into the site skirts the southern boundary of the site following the line of an existing access point onto the farmstead. There is a breeze-block wall on the southern side of the proposed footpath/existing access way into the site. This wall will need to be treated in some fashion. The applicants are revising the house type and siting for the nearest plot to Whitehouse Farm. They are also looking at the issue of boundary treatments, not only the aforementioned blockwork wall on the boundary with Whitehouse Farm, but also the redbrick wall fronting onto Church Lane which is considered preferable to the proposed use of metal railings. The wall may need to be rebuilt for insurance purposes or possibly supported. The nearest dwelling to the north-west is considered to be sufficient distance at 17 metres away, at the nearest point. These issues would need to be resolved before planning permission could be issued, however it is considered that this can be achieved.
- 6.7 The Traffic Manager has no objections on the basis that adequate visibility can be achieved. A shortfall in parking provision was identified, this has been rectified with the submission of a layout plan identifying parking allocations for each dwelling. It is not within the remit of this application for the developer to address the issue of motorists seeking to circumvent the speed bumps on the B4349 road adjacent to the two schools. It is considered that there is sufficient on-site parking provision.
- 6.8 The issue of disposal of foul and surface water drainage has been raised by the majority of objectors and the Parish Council. The Environment Agency and Welsh Water whom have both responded without objection to the proposal as submitted, and in particular Welsh Water state there is capacity for foul drainage. The Council's Drainage Officer states that details for the surface water connection will need to be the subject of prior approval, but does not object in principle. The development can therefore be supported on the basis that the site can be served subject to the conditions requested by the Environment Agency and Welsh Water. Reasons for refusal on the basis that mains drainage is not adequate are not sustainable given the stance of Welsh Water and the Environment Agency at this time.
- 6.9 The developer will need to provide funding for off-site costs of the Education Service, Leisure Service, Highways Service and also satisfy the requirements of the Council's Supplementary Planning Guidance relating to Affordable Housing. The capacity for the school has been referred to in representations received, this can be partly addressed by the addition of funding for improved facilities including WCs at the Primary School and better IT facilities at the Senior School. Funding has also been requested for the benefit of football teams utilising the adjoining playing fields which will compliment the commuted sum previously paid by the developer of Cottons Meadow. The Traffic Manager had also identified works around the village that require funding. The scheme will also provide an element of affordable housing that will provide more

affordable housing for the benefit of the village. There may be increased pressures on facilities on service providers, including the Doctor's Surgery and schools, however given that the principle of developing the site can be substantiated with reference to Policies GD.1, SH.8 and SH.15 in the South Herefordshire District Local Plan, together with the provisions of Government advice in PPG.3: Housing, refusing planning permission on the basis that more capacity is required cannot be sustained by planning policies.

- 6.10 It is considered that the application can be supported in principle subject to conservation issues relating to Plot 1, the nearest dwelling to Whitehouse Farm being resolved, and a Section 106/Planning Obligation is drawn up relating to the affordable housing provision on the site and the funding of contributions to facilities across the village relating to footpaths, education facilities and sports and leisure facilities.

RECOMMENDATION

That: i) the County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of The Town and Country Planning Act 1990 with regard to financial contributions towards off-site provision for amenity facilities, highway works, facilities for local schools, affordable housing and any additional matters and terms as considered appropriate

ii) upon completion of the aforementioned planning obligation and the resolution of details, including the setting of Whitehouse Farm, and any mitigation measures necessary for the presence of wildlife, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered appropriate:

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. A06 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. B01 (Samples of external materials)

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

4. G01 (Details of boundary treatments)

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

5. G04 (Landscaping scheme (general))

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

6. G05 (Implementation of landscaping scheme (general))

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

7. W01 (Foul/surface water drainage)

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

8. W02 (No surface water to connect to public 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. W03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

10. F47 (Measures to deal with soil contamination)

Reason: To ensure potential soil contamination is satisfactorily dealt with before the development is occupied.

11. F17 (Scheme of foul drainage disposal)

Reason: In order to ensure that satisfactory drainage arrangements are provided.

12. F26 (Interception of surface water run off)

Reason: To prevent pollution of the water environment.

13. Soakaways shall only be used where they would not present a risk to groundwater. If permitted their location must be approved in writing by the local planning authority.

Reason: To prevent pollution of controlled waters.

14. Details of the means of infilling the pond, i.e. material, shall be the subject of the prior written approval of the local planning authority.

Reason: In the interests of the environment.

Informative(s):

1. N15 - Reason(s) for the Grant of Planning Permission

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.