

**16 DCNW2005/3082/F - RESIDENTIAL DEVELOPMENT FOR 58 DWELLINGS, 88 CAR PARKING SPACES, NEW ACCESS ROAD AND LANDSCAPING MAESYDARI SITE, KINGTON, HEREFORDSHIRE, HR5 3FA**

**For: J R M Developments Ltd, D P Daw Chartered Architect, 1600 Park Avenue, Aztec, West Bristol, BS32 4UA**

**Date Received:**  
**22nd September 2005**

**Ward: Kington Town**

**Grid Ref:**  
**29743, 56799**

**Expiry Date:**  
**17th November 2005**

Local Member: Councillor James

**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 except for one of the bungalows that remains in occupation on the site. The remainder of the site had been 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 is currently gained via Oxford Lane and leads through the garaging which is sited in the South East corner of the site.
- 1.2 The site is bounded to all sides by mature hedgerows allowing on glimpses of the site from the periphery. The southern boundary runs along prospect walk, which has a partial stone walled boundary and partially concrete block work.
- 1.3 The site lies within a primarily residential area as defined in the Leominster District Local Plan. It lies outside of the Kington Conservation Area, although the boundary of this runs along the southern periphery of the site.
- 1.4 The proposal is for the residential development of the site to include the erection of a total of 58 units and 88 associated car parking spaces. This comprises:
  - 8 no. one bedroom flats within a two-storey block
  - 3 no. four bed units (three storey)
  - 15 no. three bed units (three storey)
  - 8 no. three bed units (two storey)
  - 19 no. two bed units (two storey)
  - 5 no two bed units (single storey over garage or access)
- 1.5 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. 1 bed flats

8 for shared ownership  
4 no 2 bed houses  
4 no 1 bed flats

- 1.6 Access to the site would be revised with the existing vehicular access from Duke Street, along Oxford Lane being restricted to pedestrian access only to this site. Access would therefore be gained via a revised / new access 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 enters the site through the existing eastern boundary. Pedestrian access to the site can be gained via the existing public rights of way, with pedestrian / cycle access being incorporated into the scheme along the southern boundary onto Prospect Lane.
- 1.7 The proposal retains the majority of the existing trees and planting along the boundaries, including a small copse of trees to the east of the site. The only loss of boundary landscaping would be to allow for the access to the site. An area of public open space has been set-aside and is central to the site.
- 1.8 A committee site visit to this site took place on the 18th October 2005.

## **2. Policies**

### **2.1 Leominster District Local Plan**

Policy A1 – Managing the District’s Assets and Resources  
Policy A16 – Foul Drainage  
Policy A17 – Contaminated Land  
Policy A18 – Listed Building and their Setting  
Policy A21 – Development within Conservation Areas  
Policy A22 – Ancient Monuments and Archaeological sites  
Policy A23 – Creating Identity and an Attractive Built Environment  
Policy A24 – Scale and Character of Development  
Policy A30 – Redevelopment of Employment Sites to Alternative Uses  
Policy A49 – Affordable Housing  
Policy A53 – Protection from Encroachment in the Countryside  
Policy A54 – Protection of Residential Amenity  
Policy A55 – Design and Layout of Housing Development  
Policy A61 – Community, Social and Recreational Facilities  
Policy A64 – Open Space Standards for New Residential Development  
Policy A70 – Accommodating Traffic from Development  
Policy A77 – Traffic Management

### **2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)**

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 Guidance Note 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 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.
- 4.2 Hereford and Worcester Fire and Rescue Authority have indicated their preferred location of fire hydrants. It is possible that Welsh Water may be asked to quote for the provision of the water infrastructure for the site. If this is the case, it may be possible for the fire service to adopt Water Company Washouts (should they be installed) to be used as fire hydrants.

#### Internal Council Advice

- 4.3 The Transportation Manager recommends approval for this development with the following conditions and observations:-
- H17, H18, H19, H21, H26 (Greenfield Drive), H27, H29 (to be covered and secure, one space per bedroom, within the curtilage of each property it applies to)
  - HN1, HN4, HN5, HN7, HN8, HN9, HN10, HN16, HN17, HN22
  - Section 278 Agreement required for alteration to existing road "Greenfield".
  - "Greenfield Drive" will require re-surfacing up to its junction with Llewellyn Road, as well as parking area south of 12 Greenfield.

- Pedestrian access shown onto Prospect Lane and Oxford Lane to be constructed to adoptable cycle access standards; both width of the opening and the pavement leading to it from the development must be wide enough as per accepted guidance.
- Widen Prospect Lane (Footpath ZE18) and Footpath ZE23 from Greenfield Drive to Prospect Lane to at least 2.0m in line with "Inclusive Mobility" guidance along boundary.
- Limit height of boundary wall along Prospect Lane to 1.2m maximum, to enhance personal security of users of the lane.
- Provide lighting and re-surface Prospect Lane (ZE18), and ZE23 from Greenfield Drive to Prospect Lane (S38 works).
- Parking allocation for properties adjacent to the tandem parking spaces is unclear and requires clarification and marking.
- Footways to Plots 1 - 6, 12 - 18, and 55 - 58 to be widened to 2.0m to be suitable for adoption.
- Turning head in "Greenfield Drive" is shown marked for parking, but note that this does not form part of the site.
- Section 106 Agreement required for contribution to Highways to mitigate the increase in traffic generated by the development. Contribution sought of £1,500 per dwelling. Schemes suggested for such mitigation include, but are not limited to:
  - Traffic calming and improved signing in Llewellyn Road and Greenfield Drive
  - Contribution to improved bus service
  - Contribution to Safe Routes for Schools
  - Improved cycle parking in town centre, shops and schools
  - Improved bus shelters/stops in Kington
  - Improve lighting to highway on routes leading to site

4.4 The Forward Planning Manager concludes:

The application, through the negotiations that have taken place and the discussions with relevant officers is acceptable under current and emerging policies, meeting density requirements of such a site along with supplying affordable housing in a prime site location. Material considerations, such as suitability of layout, design and materials, along with highways issues, such as traffic generation and access are subject to the comments of relevant officers.

4.5 The Conservation Manager makes the following observations:

Conservation Officer:

The Maesydari site is located adjacent to the Kington Conservation Area. It appears that issues raised by the previous conservation officer regarding this proposal have been addressed. The use of materials reflecting the character and appearance of the Conservation Area is welcomed. No objections subject to the approval of materials.

Ecologist:

They are to engage an ecological consultancy to complete an assessment of the impact upon protected species immediately, and they are to follow this with all the proper surveys for protected species next year. In this exceptional circumstance I will agree to a non-standard condition being added to this application regarding receipt of this survey information in 2006 but not until I receive the ecological assessment promised in the next few weeks.

Please will you emphasise to the developers that NO site development work is to take place on the site of any sort until we have approved the details of next year 2006 ecological survey recommendations and discharged the condition. I notice that the site

has had some soil levelling carried out which may be affecting slow worms and I am also aware that one of the buildings on the site holds evidence of usage by bats.

Landscape Officer:

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:

Archaeological evaluation trenches were undertaken on site. Under the circumstances I have no further requirements and no further comments to make.

4.6 The Environmental Health Manager requests that the following conditions are attached to any consent to protect residential amenity:

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'.

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

The proposed development would not appear to affect public footpaths ZE18 and ZE23 however the following points should be made.

The right of way should remain open at all times throughout the development. If development works are perceived to be likely to endanger members of the public then a temporary closure order should be applied for, preferably 6 weeks in advance of work starting.

The right of way should remain at its historic width and suffer no encroachment or obstruction during the works or at any time after completion.

4.8 The Strategic Housing Officer makes the following comments:

Lengthy negotiations on the previous application have taken place between yourselves, Strategic Housing and the developer/owner and agents, based on the requirement for 35% affordable housing on this site. Those discussions culminated in 18 affordable homes being required from an overall total of 51/52 dwellings proposed.

This application proposes an increase in dwellings to 58, and therefore Strategic Housing would seek 35% to be affordable equating to 20 affordable homes from the development. This differs from the 18 proposed in the application, which seems to be derived from the previous negotiations as above.

The additional 2 units required comprising 2 x 2 bed properties for rent.

#### 4.9 Education make the following comments:

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

- Kington Primary is already over capacity and any additional children entering the area would put a situation where we would have to create permanent buildings, In addition the school has two small classrooms and a nursery, which is housed in temporary accommodation and other teaching areas that are also thoroughfares.
- There is a small amount of space at Lady Hawking, however additional children entering the area would prevent is from removing temporary classrooms. They also have a number of small classrooms and poor circulation areas.
- The Children's Services Directorate would therefore be looking for a contribution to be made towards Education in the area.

#### 4.10 The Drainage Engineer has commented that it will be necessary for the developer to provide details of the proposed surface water drainage system prior to the granting of full planning permission.

#### 4.11 The Parks & Countryside Officer comments:

“The new development needs to have as much open space as possible and it would be appropriate to provide an equipped play space in or near the development, however, if the developer were willing to provide a £25,000 contribution and upgrade the short length of footpath linking this site to the public open space known as Crooked Well Meadow we could provide a playarea that would meet the needs of this development whilst also benefiting the community at large. There is an active play ground committee in the community, who, with some help, should be able to double the money through grants, which would allow us/them to provide an excellent facility for all.”

## 5. Representations

#### 5.1 Kington Town Council object to this application and their comments can be summarised as follows:

- The density is out of keeping with existing residential housing and gives dwellings restricted dimensions. Site exceeds net density of policy H15 (UDP) - 58 instead of 50.
- 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
- New buildings would overlook and affect privacy of surrounding residents
- Impact on the skyline and significant visual impact from within town and surrounding areas
- Not good quality housing as hoped for on this Greenfield site in a rural town
- No provision for storage, refuse or recycling
- Dwellings not of an adequate size for modern living
- Houses will need to meet affordable housing standards
- Small gardens / amenity areas
- UDP policy requires provision for children's play space. At least £80,000 should be provided by developers to provide on site and off site play areas

- Number of allocated parking spaces too few. Double banking of car parking spaces problematic.
- No garaging planned, leaving cars vulnerable to damage.
- Road layout is restricted in width and inadequate for emergency services and delivery vans
- Street lighting not provided for
- Increase in traffic flow occasioned by development impact on the adjoining roads, Llewelin Road and Greenfields.
- Access onto Greenfield's Road would have a perceived risk to pedestrians, the elderly and disabled
- Llewelin 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.
- Removal of the Horse Chestnut tree to allow development of the site is strongly objected too. Other trees are too close to buildings and will suffer
- 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

5.2 There have been 39 letters of representation submitted. The issues raised are as follow:

- Impact of increase traffic on Llewelin Road and Green Field Drive which are narrow and difficult to pass other cars. Poor visibility to junctions.
- Increase in traffic would cause danger and conflict. Road infrastructure is inadequate for this level of traffic
- Insufficient number of car parking spaces to accommodate needs of the development. Should be two per dwelling.
- Pedestrian safety especially for school children and elderly who live around site
- Number of dwellings proposed is too many. High density. Numbers of houses should be cut
- Design of dwellings do not meet best practice and are small and claustrophobic
- The block of flats and three storey dwelling would be obtrusive and conspicuous
- Overlooking and loss of privacy from three storey houses
- Impact of noise and disturbance from development to nearby residents
- Acknowledge the £25,000 contribution to develop the Crooked Well site. But note that the overall cost to re-route the power cables is a further £35,000.
- Trees around site should be retained / preserved at all costs
- Not enough space at either the primary or secondary schools
- Lack of facilities for increase in people in Kington. Already stretched to capacity (medical, dental, educational)
- Not enough jobs to provide for the increase in people

5.3 A letter has also been received from Kington Primary School, which makes the following points:

- They do not oppose the development of the site but are concerned with density and impact on Kington's infrastructure, notably the primary school
- The rapid increase in population does not represent the natural organic growth previously enjoyed

- This year the school was unable to offer all children living in the catchment area places in reception and all ages are nearing capacity. The possibility of accepting new children all in one go is not feasible. The scheme should be less dense and phased over a number of years.
- The site is being brought forward in preference to the sites allocated in the UDP. As identified in the sequential testing these UDP sites should be considered first. The numbers of housing on this proposed site exceed the entire windfall allocation for the plan period.
- Scheme would have been better suited to 30 dwelling per hectare.

5.4 A letter has also been received from the Campaign for the Protection of Rural England which make the following points:

- Traffic to and from the site will cause increasing problems in the surrounding areas. Double parking areas have been found to get blocked and therefore remain unused.
- The appearance of block F is disturbing in its bulk and fenestration compared to the general scheme. There is no provision for waste bins and no proper entrance hallways.
- The tall narrow design of type A houses give them a somewhat cliff like appearance and increases the overcrowded feeling of the site. Landscaping and tree planting and preservation of mature trees should certainly be a priority.
- The design of the houses generally show a lack of utility space, with minimal kitchens and dining areas, and third bedrooms are less than minimal. There is a shortage of storage space, with hallways (if any) unsuitable for prams etc. Little provision is made for waste and recycling bins which could lead to clutter in the small back gardens.

These poor facilities do not auger well for creating a well maintained and pleasant environment. We therefore oppose permission for this scheme as it is now presented.

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

## 6. Officers Appraisal

The issues for consideration in the appraisal of this application are:

- a) Principle of residential Development
- b) Highways and Access
- c) Parking
- d) Density
- e) Conservation, Design and Layout
- f) Affordable Housing
- g) Landscaping
- h) Play Space
- i) Ecology
- j) Archaeology
- k) Drainage
- l) Section 106 Agreement



Principle of Residential Development

- 6.2 The application site lies within an area designated in the Leominster District Local Plan as being a Primarily Residential Area. Policy A52 (Primarily Residential Areas) states that residential development will be permitted within these areas on small vacant or undeveloped sites not specifically identified for housing where proposals comply with the criteria of policy A1. The site is also considered to be previously developed land, the use of which concurs with guidance contained within PPG3 – Housing. These designations are not altered by the emerging Unitary Development Plan. As such the principle of the residential development of this site is accepted.

Highways and Access

- 6.3 The application site lies within the centre of the town of Kington and has access to well-used and established footpaths that lead into the town centre. The site currently has vehicular access from Duke Street, along a single width land (Oxford Lane). This would be closed and a new access to the site would be formed from Greenfield Drive and the network of primarily residential estate roads that surround the site. The access road that will be constructed to serve the site itself would be a cul-de-sac and has been designed to comply with highway standards and would be subject to the necessary highway agreements.
- 6.4 The Transportation Manager has taken account of the increase in traffic using the existing road network and has raised no objection subject to the developers undertaking improvement and resurfacing works outlined in their consultation response in paragraph 4.2. In order to mitigate against the additional traffic they have also requested a financial contribution of £1,500 per dwelling (total of £87,000) which would be used for schemes and projects such as:
- a) Traffic Calming and improved signing in Llewellyn Road and Greenfield Drive;
  - b) Contribution to improved bus services;
  - c) Contribution to safe Routes to 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 sites.

The roads and pathways around the site will be constructed to an adoptable standard, including improvements to the footpaths where possible to bring them in line with 'inclusive mobility' standards.

- 6.5 Residents concerns are duly noted and have been fully considered. The road and footpath network around the site would benefit from traffic calming and improvements. The Transportation Manager has fully assessed this potential impact and considers the mitigation outlined above would suffice in relation to additional traffic and pedestrian movements.

Parking

- 6.6 The guiding principles in respect of parking provision can be found in PPG 13 – Transport. Policy H16 of the Unitary Development Plan (which takes on board the guidance published by PPG13 in 2001) suggests a maximum of 1.5 car parking spaces for new housing development, but notably states that there should be “no minimum level of provision”. It continues that “.... Off street parking provision should

reflect site location, the type of housing to be provided and the types of household likely to occupy the development”

- 6.7 Parking provision on the site has been provided at a ratio of 1.5 parking spaces per dwelling, providing the maximum car parking spaces to comply with the National guidance and policies contained within the UDP. The site also has the benefit of a network of footpaths leading to the town centre, its public services, shops, facilities and public transport links.
- 6.8 Residents and transportation concerns relating to the “double banking” of cars has been noted and it is accepted that there are a number of conflicts regarding this. A revised parking layout addressing this issue has been requested and the recommendation reflects this.

#### Density

- 6.9 The application site has a site area of 1.08 hectares and has a density of 53.7 dwellings per hectare. The guidance relating to density is PPG 3 – Housing, which housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare net) and encourages local authorities to seek greater intensity of development at places with good public transport accessibility such as city, town, district and local centres or around major nodes along good quality public transport corridors.
- 6.10 Policy H15 of the UDP reads “New housing developments should make the most effective and efficient use of the site area available, consistency with housing provision policies. In order to secure the efficient use of the land, the following guideline minimum net site densities have been set for sites of one hectare or more.... Town centre and adjacent sites, at least 50 dwelling per hectare.” This site has clear and good links with Kington Town and the propose density of housing is not considered unreasonable or an overdevelopment of the site. As such it complies with the national guidance which is reinforced in the UDP policy.

#### Conservation, Design and Layout

- 6.11 The site is immediately adjacent to the boundary of the Kington Conservation Area, which is defined by Prospect Lane and its high rubble stonewall. The historic network of lanes with its varied palette of materials establishes the general grain of development, render, stone, slate and timber framing relate to the more historic areas, whilst the more modern developments are generally defined by their use of red brick. The historic layout of the Conservation Area is difficult to mirror but the more linear form of the dwellings to the south of the site does help to replicate and form a transition between the historic form and newer developments around the site. The use of materials, with a mix of render, stone and brick with slate or tile roofs would provide interest and compliment the surroundings.
- 6.12 The layout has addressed some of the fundamental design ideals contained by placing the parking provision to the rear of the dwellings, creating an attractive street scene and places the needs of people before ease of traffic movement in its design. The use of a central area of open space, fronted by dwellings is also accepted as beneficial. New pedestrian/cycle links have been included onto Prospect Lane to the South giving access to the town and surrounding residential area and promoting a sustainable development.

- 6.13 The design of the dwellings is a mix of two and three storey dwellings / townhouses designed to provide maximum accommodation on the site. The dwellings themselves, by virtue of their orientation, road network and mature landscaping would be prevented from being overbearing or overdominant in their surrounds. Because the site has been free of built up development the residents of the neighbouring properties may perceive that the dwellings would cause a loss of privacy but the orientation, design and siting of these dwellings should prevent this from occurring.

#### Affordable Housing

- 6.14 PPG3 – Housing advises that a community's need for a mix of housing types, including affordable housing, is a material planning consideration. Policy The Kington Housing Needs Survey 2004 identified a need for affordable housing in Kington, in particular it identifies the need for one bed, two bed and four bed (plus) dwellings. There is an overprovision of three bed affordable houses in Kington.
- 6.15 The Councils SPG on Affordable Housing alongside policy H9 of the Unitary Development plan have an indicative target of 35% of the development to be given over to affordable dwellings. The proposal includes 18 affordable units, which provides a total of 31% of the overall development. This revised application submission has taken on board these requirements and has provided the mix of housing requested, including the three 4-bed dwellings and eight 1- bed flats which are not usually found on development sites as affordable dwellings due to construction costs.
- 6.16 The Strategic Housing Manager has requested a further 2 dwellings to bring this to a target of 35%, however, it is considered that the developer has met the requests of the officers in its provision of the one and four bedroom dwellings on the site. It would be deemed unreasonable to refuse planning permission on these grounds alone. The provision of affordable housing, including the mix and tenure of the dwellings would be secured through a Section 106 agreement.

#### Landscaping

- 6.17 The application site can be characterised by its mature landscaped boundaries and copses of trees. These have been incorporated into the scheme alongside additional planting and provision of an area of open space. The existing trees and landscaping can be protected and retained by way of a suitable condition. Likewise the provision of additional landscaping for the development as a whole can be controlled by condition. The provision of the area of open space would also be controlled by condition and adopted by Herefordshire Council by way of the Section 106 Agreement once the land was at adoptable standard.

#### Play Space

- 6.18 The new development needs to provide play space in order to comply with Policy H19 of the UDP. It is considered appropriate to provide an equipped play space in or near the development, however, the Parks and Countryside Officer has suggested that if the developer were willing to provide a £25,000 contribution and upgrade the short length of footpath linking this site to the public open space known as Crooked Well Meadow Herefordshire Council could provide a play area that would meet the needs of this development whilst also benefiting the community at large. There is an active playground committee in the community, who, with some help from Herefordshire Council, should be able to double the money through grants, which would allow

us/them to provide an excellent facility for all. The developer has agreed to this and this will be obtained through the Section 106 Agreement.

#### Ecology

- 6.19 The site has been identified as having a range of protected species. A brief ecological report has been received and the Councils Ecologist will assess this in due course. Further studies will be required over the summer months and as such a non-standard condition is proposed to ensure that mitigation can be undertaken and that the protected species are not harmed. The developer will need to undertake any of the works suggested by the ecologist and the local planning authority, in conjunction with the Councils ecologist will have to be satisfied by the proposed mitigation strategy prior to the commencement of the development.

#### Archaeology

- 6.20 An archaeological investigation has been undertaken and report submitted. There are no remains of archaeological significance and the Councils Archaeologist is satisfied that no further work is required.

#### Drainage

- 6.21 Welsh Water has raised no objection to the proposed development. Further storm / surface water drainage details would be required prior to determination and the recommendation that follows reflect this.

#### Section 106 Agreement

- 6.22 The Section 106 Agreement will facilitate the financial contributions required for education, playspace and highways improvements and projects. It will also ensure the provision of the affordable housing, including the specification of the housing and the way in which the occupation of the houses is managed. A draft Heads of Terms is attached which provides a brief outline of the requirements of the Section 106 Agreement.

#### Conclusions

- 6.23 The proposed residential development, inclusive of the affordable housing, of the site is acceptable in principle and accords with the local plan policies. The net density of the development at 53.7 dwellings per hectare conforms with national guidelines and UDP policies. The concerns relating to the intensified use of the road network can be overcome through mitigation provided through the financial contribution. Existing landscaping will be protected and further planting provided to enhance the site and provide screening to the development. A financial contribution towards off site playspace will be secured that will benefit the whole community and not just the residents of the development. Prior to the granting of the planning permission the outstanding ecology and drainage details will be required. In addition to this a Section 106 will be prepared in accordance with the Heads of Terms attached.

**RECOMMENDATION**

That planning permission should be granted subject to the receipt of:

- a) Suitable Ecology report
- b) Surface water drainage details
- c) Amended parking layout

and that

1. The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to (set out heads of agreement) and any additional matters and terms as she considers appropriate.

2. Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers 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 - F16 (Restriction of hours during construction )

Reason: To protect the amenity of local residents.

- 4 - No materials or substances shall be incinerated within the application site during the construction phase.

Reason: To protect the residential amenities of the neighbouring properties.

- 5 - H17 (Junction improvement/off site works )

Reason: To ensure the safe and free flow of traffic on the highway.

- 6 - H18 (On site roads - submission of details )

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

- 7 - H19 (On site roads - phasing )

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

- 8 - H26 (Access location )

Reason: In the interests of highway safety.

**9 - H27 (Parking for site operatives )**

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

**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 - G01 (Details of boundary treatments )**

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

**12 - G02 (Landscaping scheme (housing development) )**

**Reason:** To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

**13 - G03 (Landscaping scheme (housing development) - implementation )**

**Reason:** To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

**14 - G09 (Retention of trees/hedgerows )**

**Reason:** To safeguard the amenity of the area.

**15 - G18 (Protection of trees )**

**Reason:** To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

**16 - E16 (Removal of permitted development rights)**

**Reason:** [Special Reason].

**17 - Prior to the commencement of development a full ecological survey, including mitigation strategy shall be submitted to and agreed in writing by the local planning authority. Works shall be carried out strictly in accordance with the agreed strategies.**

**Reason:** To ensure that the nature conservation interest of the site is protected.

**INFORMATIVES:**

- 1 - N03 - Adjoining property rights**
- 2 - N14 - Party Wall Act 1996**
- 3 - HN01 - Mud on highway**
- 4 - HN04 - Private apparatus within highway**
- 5 - HN05 - Works within the highway**
- 6 - HN07 - Section 278 Agreement**

- 7 - HN08 - Section 38 Agreement details
- 8 - HN09 - Drainage details for Section 38
- 9 - HN10 - No drainage to discharge to highway
- 10 - HN16 - Sky glow
- 11 - HN17 - Design of street lighting for Section 278
- 12 - HN22 - Works adjoining highway

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

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

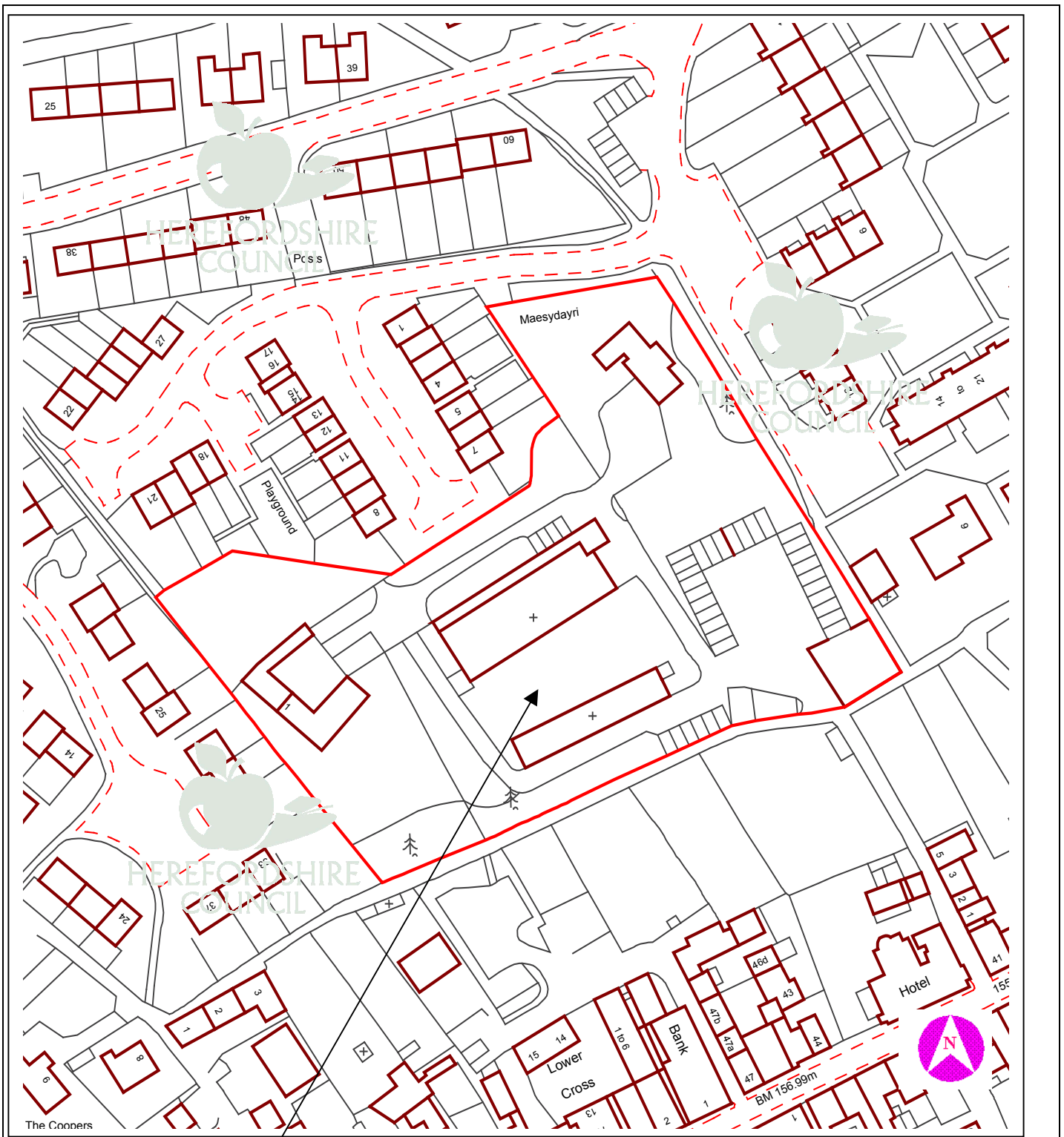
Planning Application – DCNW2005/3082/F  
Residential development for 58 dwellings, 88 car parking spaces, new access road and  
landscaping  
At Maesydari Site, Kington, Herefordshire

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 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 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 £87,000 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 22<sup>nd</sup> December 2005 otherwise the application will be registered as deemed refused

K.Gibbons, P.J.Yates 11<sup>th</sup> November 2005



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

**APPLICATION NO:** DCNW2005/3082/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Maesydari Site, Kington, Herefordshire, HR5 3FA

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005