

7 DCNW2005/4103/F - ERECTION OF 11 NO. APARTMENTS AND ASSOCIATED GARAGING AT FORMER GARAGE PREMISIES, LAND ADJACENT TO NO 2 VICTORIA ROAD, KINGTON, HEREFORDSHIRE, HR5 3BX

For: Beeches Two Limited per N & JC Design Partnership, 9 Lancaster Close, Desford, Leicestershire, LE9 9HW

Date Received:

21st December 2005

Ward: Kington Town

Grid Ref:

29981, 56793

BVPI Target Date:

(Major Application) 22 March 2006

Expiry Date:

15th February 2006

Local Member: Councillor T James

A Members site visit took place on the 7th March 2006.

1. Site Description and Proposal

- 1.1 The application site is the former petrol filling station site that occupies a 0.10 hectare corner plot fronting Victoria Road and Gravel Hill Drive. The site has recently been cleared and is relatively level except for a steep slope to the rear rising towards the public footpath adjacent Gravel Hill Drive. The site is set at a level comparable with the highway, which is slightly lower than the adjacent property, number 4 Victoria Road. The site lies outside of but adjacent to the Conservation Area and is a prominent site on the approach to the Town Centre from the East.
- 1.2 The proposal is for the erection of a building that accommodates 11 no. 2 bed (1 double, 1 single) residential flats. The footprint of the main building is 3 storey and L-shaped, running along the frontage of Victoria Road and Gravel Hill Drive. The building is set back from the edge of the pavement by approximately 6m, just in front of the building of the adjacent dwelling. The highest of the proposed building is 11.6m to the highest ridge point, with eaves level to 7.5m.
- 1.3 A vehicular entrance is proposed through the inclusion of an archway through to a courtyard. The proposed building also incorporates 8 garages and a shared courtyard parking to the rear. The garages are located on the ground floor of the main block and within a detached single storey block adjacent to east adjacent to the boundary with no. 4 Victoria Road. The submitted plan shows landscaping around the periphery of the site

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 Buildings and their settings
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 A49 Affordable Housing
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 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 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 23: Planning and Pollution Control.
Planning Policy Guidance Note 24: Planning and Noise.

3. Planning History

NW2005/0073/O - To demolish existing garage/petrol station and site for 4 no. town houses - Approved with conditions 3 March 2005

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water raises no objection and recommends conditions relating to foul and surface water drainage.

Internal Consultees

- 4.2 Transportation Manager - recommends that a Section 106 Agreement is sought for 1,500 dwelling for (but not limited to) schemes such as:

- a) improved public transport (shelters, kerbs, services)
- b) cycle parking at schools and shops

- 4.3 The Environmental Health Officer makes no comment on the application.

- 4.4 The PROW Manager notes that the development would not appear to affect the public footpath.

- 4.5 The Conservation Manager makes the following points:

- Although the footprint of this proposed residential development is large compared to adjacent buildings, the impact has been lessened somewhat by partial setting back of the structure.
- The design has incorporated features of the Conservation Area and adjacent dwellings.
- Parking to rear and garaging complimentary to Conservation Area.
- The scale/height is similar to that of no's 4 and 6 Victoria Road.
- No objections subject to the following conditions:

C02: Approval of details of materials.

5. Representations

- 5.1 Kington Town Council makes the following comments: It is felt that the small size of the rooms is an issue. Bedroom 2 is not even large enough for a bed and the garages are bigger than the rooms.

There are no gardens to the properties or grounds for children and no lift to enable disabled access to the building.

The parking has been moved to the rear making the entrance is opposite and also the entrance to Kington Court Health Centre. Other proposes development in the town would increase the volume of traffic on this junction and the location on the site of this building would make the junction very hazardous.

It has been noted that no planning notice is currently posted at the site and therefore the application is in breach of planning regulations.

Letters of objection have been received from:

Ian R Waugh, Gravel Hill House, Kington
Mrs Helen Waugh, Gravel Hill House, Kington

Mr Iain R Waugh, 9 Rock Close, Gravel Hill, Kington
Mr & Mrs A Jardine, Owners of 4 Victoria Road, Kington
Harold Dennis and Mrs C L Dennis, 10 Gravel Hill Drive, Kington
D J A Exton, 12 Gravel Hill Drive, Kington
Bob Widdowson (e-mail response)

These letters raise the following issues:

- The scale and nature of the development is uncharacteristic of Kington
- It represents an overdevelopment of the site
- The development is too high, out of place and incongruous
- Number of units is excessive
- Cramped form of development - too many people into too small a space
- Overlooking to neighbouring properties
- Loss of light to Number 4 Victoria Road
- The development is oppressive and would dominate the streetscape especially as it is in front of the building line of older houses
- Lack of amenity space
- The bedroom sizes are minimal/too small
- Lack of lift to upper floors
- Smaller scale development may be more acceptable
- Increase in traffic and parked cars of Victoria Road - nuisance to traffic flow
- Garage sizes too small for modern day cars

5.2 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

6.1 Main Issues for consideration are:

- a) Design and impact on surrounding area and street scene
- b) Impact on amenities of neighbouring properties
- c) Highway Safety and car parking
- d) Play Space / Amenity Space

Design and impact on surrounding area and street scene

6.2 The application site lies within the defined area of Kington Town and has previously received outline consent for residential development and as such there are no objections in principle to the residential development of the site. The site is also within walking distance of the facilities and amenities of the Town Centre and in a sustainable location. A block of flats on such a site will inevitably be a high-density development. In this central area this is considered acceptable with emphasis being placed on the acceptability of design and impact on the surrounding area. This is in accordance with the government's aim to make the most efficient use of land through more intensive housing schemes. Policy H15 of the Unitary Development Plan requires a density of 50 or more dwellings per hectare in market towns. The site does lie within an existing market town with public transport and easy access to Kington town centre so a higher intensity of development is acceptable subject to design and uncompromised amenity.

- 6.3 The design of the building has taken into account the features, heights and characteristics of the existing three storey semi-detached dwellings, which lie to the east. The building line of the new development has also been set back to respect the existing building line along Victoria Road. The roof planes of the proposed building have also been broken, using different heights to reduce the bulk and add interest to the development. Chimneys have also been introduced picking up the traditional features. The height of the building is of particular importance and to ensure that the dwellings are built at a level to compliment the height of the adjacent dwellings, a condition is suggested which will allow the Local Planning Authority to approve the slab levels of the development, therefore ensuring the height does not unreasonably increase and reflects that shown on the plans.
- 6.4 The site lies adjacent to but outside of the Conservation Area and this development would be prevalent on the approach to the town. The height and siting of the building would preserve the character of the Conservation Area and the Conservation manager raises no objection to this proposal subject to the approval of materials which I concur would be paramount in the success of this development.
- 6.5 A number of objection letters make reference to the small size of the single bedroom (bed 2) in some of the apartments. After discussion with the applicant revised plans have been submitted, altering the internal layout marginally to provide an increased room size for bed 2.

Impact on amenities of neighbouring properties

- 6.6 The dwelling which would be most affected by the development of this site is No. 4 Gravel Hill Drive (Shown on the plans as No. 2). This dwelling has 7 windows facing into the site and is set at a level that is slightly higher than that of the adjoining site. The proposed development has taken into account the proximity of this dwelling and has proposed only a single storey garage block to the boundary adjacent to the rear garden. The side elevation of the three storey block has been set 2m from the shared boundary, with a further 2.5 metres (minimum) between the boundary and no. 4. This side elevation closest to this property has only three small bathroom windows that can be obscure glazed. The other side elevation, which forms the L shape and faces the side elevation of the dwelling, does have 2 kitchens windows which will overlook this dwelling. The remaining windows are bathrooms or stair/hall windows which can be obscured. Having regard to the distance across the courtyard being 18m, and the fact that the single storey garage will also provide a buffer between the two the impact on the dwelling is considered to be acceptable. As such this conforms to policy A54 of the Leominster District Local Plan.

Highway Safety and car parking

- 6.7 The previous use of the site was as a petrol filling station, which would have had many more vehicular movements per day than the proposed residential development. The Transportation Manager raises no objection to the proposal, which includes off road car parking for the occupants. The Transportation Manager has however requested that a financial contribution be made of £1,500 per unit. On the basis that that development would have a detrimental impact on the road network and would represent a decrease in traffic movements from the original use, the only justification for this would be the impact of the additional persons. As such a reduced figure of a total of £7000 has been negotiated with the developer which would be used for upgrading or providing bus shelters or cycle parking provision within the town centre or locality which would help encourage sustainable forms of transport.

Play Space/Amenity Space

- 6.8 The threshold for the provision of a small children's/infants play space in the Leominster District Local Plan and Unitary Development Plan is 10 – 30 units. Some of the objections also raise the lack of amenity space as a particular issues. The site is not particularly conducive to the provision of open space or a children's play space. As such it is felt appropriate to require a £500 per unit contribution for off site provision. It is understood that the project at Crooked Well Meadow, which is in relatively close proximity to the site would benefit from such a contribution.

Conclusion

- 6.9 To conclude, the proposed development of 11 no. 2 bed units in this central location is an acceptable form of development, which preserves, the street scene and adjacent Conservation Area. The layout of the proposed development has been carefully considered to ensure the amenities of the neighbouring properties have been respected and conditions are recommended including obscure glazing, landscaping and boundary treatments. In addition to this appropriate financial contributions have been negotiated in relation to highways and play space provision. A draft heads of terms is attached.

RECOMMENDATION

The Legal Practice Manager 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.

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

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

- 5 - C05 (Details of external joinery finishes)**

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

- 6 - E19 (Obscure glazing to windows)**

Reason: In order to protect the residential amenity of adjacent properties.

- 7 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

- 8 - F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

- 9 - F39 (Scheme of refuse storage)

Reason: In the interests of amenity.

- 10 - F48 (Details of slab levels)

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

- 11 - G01 (Details of boundary treatments)

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

- 12 - G04 (Landscaping scheme (general))

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

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

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

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - N14 - Party Wall Act 1996
- 3 - N03 - Adjoining property rights

Decision:

Notes:

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Background Papers

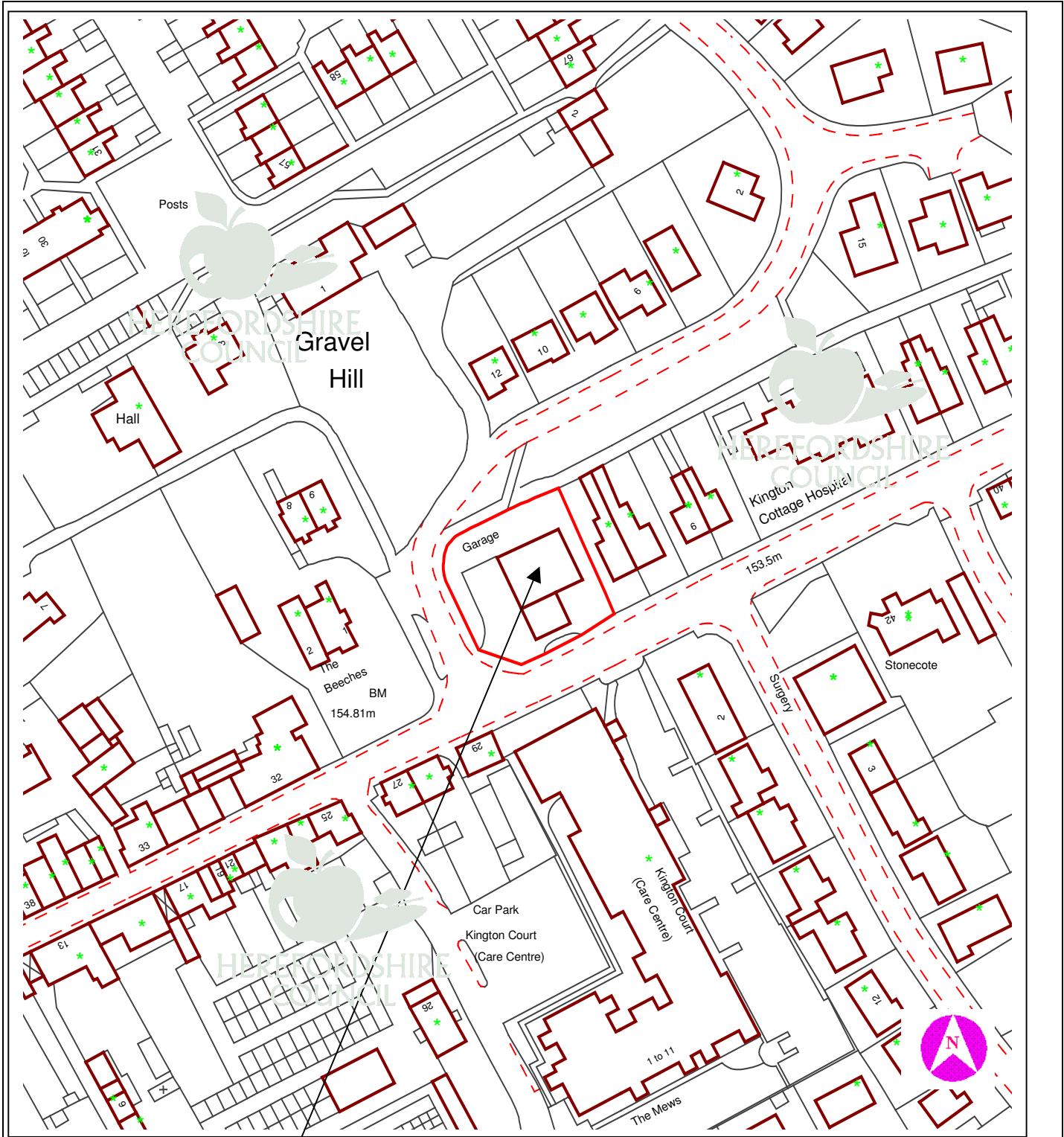
Internal departmental consultation replies.

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

Planning Application – DCNW2005/4103/F
Erection of 11 No. Apartments and associated garaging at land adjacent no.2 Victoria Road,
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 £5,500 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) 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 5 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 £7000 to provide transportation facilities to serve the development which sum shall be paid on or before the commencement of development.
5. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Bus Shelter provision or upgrading
 - b) Cycle parking provision
6. 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 5 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof which has not been used by Herefordshire Council.
7. The 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.

K.Gibbons, February 2006



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APPLICATION NO: DCNW2005/4103/F

SCALE : 1 : 1250

SITE ADDRESS : Former garage premises, land adjacent to No 2 Victoria Road, Kington, Herefordshire, HR5 3BX

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