

**6 DCCE2007/2594/F - ERECTION OF SIX NO. TWO BED MAISONNETTES AND FOUR NO. TWO BED FLATS WITH ASSOCIATED PARKING FOR FOURTEEN CARS. LAND TO REAR OF PROSPECT PLACE, ST. MARTINS AVENUE, HEREFORD, HEREFORDSHIRE, HR2 7RQ**

**For: Tobin Enterprises Ltd, Jamieson Associates, 30 Eign Gate, Hereford, HR4 OAB**

**Date Received: 16th August, 2007**

**Ward: St. Martins & Hinton**

**Grid Ref: 50895, 39444**

**Expiry Date: 15th November, 2007**

Local Members: Councillors WU Attfield, ACR Chappell and AT Oliver

**1. Site Description and Proposal**

- 1.1 The site is located to the rear (west) of St Martins Street, north of Prospect Place and south of the River Wye. The northern part of the site is undeveloped and largely overgrown with scrub and vegetation and the southern part is surfaced with tarmac and used as a parking area with 12 spaces demarked. Vehicular access is gained in between 6 and 8 St Martins Avenue via St Martins Street.
- 1.2 The boundaries of the site are enclosed by a mixture of close boarded fencing, post and wire fencing, semi mature trees and hedgerows and the site as a whole is relatively flat. Properties fronting St Martins Street are predominantly three storey brick and pitched slate roofed construction dating back to the early 19th Century with rear gardens extending westwards to the site boundary. The majority are Grade II Listed either individually or under group listings. Parts of the site were historically garden land associated with St Martin Street properties.
- 1.3 Properties in Prospect Place are predominantly two storey constructed from brick and slated pitched roofs with rear gardens extending north backing on to the site. The northern boundary is enclosed by a garden associated with No. 15 St Martins Street beyond which is Wye Street car park and the entire eastern boundary is enclosed by Bishops Meadow Playing Fields. The new flood defence walls will also form the eastern boundary of the site when completed comprising of a steel piled wall faced with a mixture of brick and timber cladding. Along the eastern boundary of the site within the playing fields are also a row of mature lime trees which are protected by a Tree Preservation Order.
- 1.4 The site falls within Hereford City Conservation Area, an Area of Archaeological Importance and also within a Flood Plain (Flood Zone Category 3) it is identified as an established residential area within the Herefordshire Unitary Development Plan 2007.
- 1.5 Planning permission is sought for the construction of a detached three storey building to create six two bedroom maisonette apartments and four two bedroom flats. The building is of a contemporary design constructed predominantly from render and

positioned within the northern part of the site orientated east/west. The existing parking area will be used and slightly enlarged to create a total of 14 spaces.

## 2. Policies

### 2.1 Planning Policy Guidance:

PPS1	-	Delivering sustainable development
PPS3	-	Housing
PPG15	-	Planning and the historic environment
PPG16	-	Archaeology
PPS25	-	Development and flood risk

### 2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S7	-	Natural and historic heritage
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning obligations
DR7	-	Flood risk
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
H2	-	Hereford and the market towns: housing land allocations
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H15	-	Density
H16	-	Car parking
H19	-	Open space requirements
T6	-	Walking
T7	-	Cycling
T8	-	Road hierarchy
T11	-	Parking provision
T12	-	Existing parking areas
T16	-	Access for all
NC1	-	Biodiversity and development
HBA4	-	Setting of listed buildings
HBA6	-	New development within conservation areas
ARCH1	-	Archaeological assessments and field evaluations
ARCH2	-	Foundation design and mitigation for urban sites
ARCH6	-	Recording of archaeological remains
ARCH7	-	Hereford AAI
W11	-	Development – waste implications

## 3. Planning History

### 3.1 CE1999/3072/F – Use of site for residents parking. Approved 9th January, 2001.

- 3.2 CE1999/3074/F - Change of use from guesthouse to staff accommodation. Approved 9th January, 2001.

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 Welsh Water:  
No objection subject to conditions relating to foul and surface water drainage.
- 4.2 Environment Agency:  
The Agency objects to the proposed development as submitted on the following grounds:

Flood risk: The development lies within Flood Zone 3 of the River Wye and is therefore considered to be at high risk of flooding. Parts of the site may also be classed as Flood Zone 3B/functional flood plain where vulnerable uses should not be permitted. Notwithstanding this, it should be noted that the Hereford Flood Alleviation Scheme which is under construction is likely to protect this site to 1% plus climate change standard upon completion. It should be noted that flood defences do not eliminate a flood risk and proposed developments in protected/defended areas still need to consider the sequential test of flood risk associated with a breach or overtopping scenario in any flood risk assessment. In the absence of a flood risk assessment we therefore raise object.

Sequential test: PPS25 states that a sequential risk based approach to determining suitability of land for development in flood risk areas should be applied. The aim of the sequential test is steer new development to areas of the lowest probability of flooding. Only where there are no reasonably available sites in flood zones 1 and 2 should flood zone 3 be considered. In the absence of a sequential test at this time we object to the application.

If the sequential test can be demonstrated to the local planning authority's satisfaction we then require a flood risk assessment to demonstrate that this development will be safe for its life and offer wider flood risk benefits. This will also need to demonstrate a dry access to and from the site and there should also be no buildings or structures within 7 metres of the landward tow of the flood defence in order to retain a maintenance access strip for the flood defences. Clarification is also required as to surface water disposal method. The use of sustainable urban drainage systems is recommended to demonstrate that there is betterment in overall surface water run off.

Benefits, Enhancements, Developer Contributions: If the above issues are satisfactorily addressed, contributions are sought from the developer towards the maintenance of the flood defences and towards a flood warning system for the lifetime of the development. Our current guidance refers to contribution of 1000 per dwelling for the lifetime of the development for the flood warning system ie this equates to 10 per year if the development has a 100 year life along with a further contribution towards the maintenance and potential structural alterations to the flood wall again for the lifetime of the development.

At this time the proposal is contrary to PPS25 and Policy DR7 of the Unitary Development Plan and may be refused on this basis.

Comments awaited on the Flood Risk Assessment provided.

Internal Council Advice

4.3 Traffic Manager:

I consider the proposed access is acceptable providing there is no intensification over the current use. Further information as to what provision has, if any, been made elsewhere for the loss of the potential residential parking on site.

4.4 Conservation Manager - Archaeology:

The application site is very sensitive archaeologically being within the statutory Hereford Area of Archaeological Importance and very close to the former location of a medieval Church of St Martin. An appreciable amount of ground disturbance will be necessary to bring about the development. Accordingly therefore, in line with Sections 21 to 22 of PPG16 and Policy ARCH1 of the Herefordshire Unitary Development Plan, I would advise that further information regarding the archaeological impact of the proposal is needed to assist in the making of an informed planning decision. The results of the archaeological evaluation are required prior to determination of the application.

Comments awaited on the archaeological evaluation.

4.5 Conservation Manager - Ecology:

I have made a site visit and expect the following ecological issues to be addressed:

1. Extended Phase 1 Habitat Assessment of the site
2. Assessment for the presence of protected species potentially present.

My initial impression when visiting the site was that this would primarily concern reptiles and nesting birds. The development proposals should include mitigation and enhancement measures if any protected species are found to be present. I would also expect general enhancement measures for biodiversity such as use of native trees and shrubs and the incorporation of bat and bird boxes or roosting features. The proximity of the River Wye SAC should also be addressed in the report to demonstrate there will be no impact during the proposed construction.

Comments on the ecological survey awaited

4.6 Conservation Manager: Conservation and Listed Buildings

In discussion with the architect and a review of the site we do not believe that a traditional style building would be appropriate on this site. Given the distinguished company of the adjacent Norfolk terrace we believe that any traditional approach would find difficulty in reflecting an appropriate design without appearing to be out of context. The contemporary style therefore allows the building to be lower, have less of an impact, reintegrate the site and would be subservient to the important listed buildings to St Martins Street. Although there would be some impact on the setting on the adjacent listed buildings we believe that this would not be particularly detrimental given that this is to the rear and not the principle façades. Had such a development been within the streetscape it would have had a much greater impact upon the buildings. The gap between the buildings and the proposed development would mean that in this particular instance the impact on the setting of the listed buildings would be relatively minimal particularly given this urban setting.

In our opinion the greatest impact would be upon the Bishops Meadow. Although there are a number of historic buildings bordering this site it is interesting to note that the only historic buildings to face onto the meadow are Bishops Palace/ Cathedral, Castle Cliff and the hospital which are all north of the river and no historic building to the south of the river has a principle outlook onto the meadow. This pattern changed slightly within the 20<sup>th</sup> century with new housing to the meadow at Hinton Rd and more recently with the Watershed development. It is therefore this impact upon the layout of the historic suburb to the south that would see the greatest impact upon the character of the immediate area. We do not believe that this would be detrimental to the character of the park and would therefore be acceptable.

The bold contemporary design would make a positive addition to the Herefordshire architectural canon. Given the difficulties of a backland site and an adjacent urban parkland setting the building requires 2 faces to integrate with the competing aspirations of the site. The function of the design has to some extent resulted in the form of the current building. However the style expresses a development of the Hereford effect successfully taken forward from the Left Bank at a domestic scale. We believe that this vividly expresses our aspirations for the city elevating the standard for development and providing an interesting juxtaposition between the neo-classicism of 18<sup>th</sup> and 19<sup>th</sup> century Hereford and post modernist architecture of the 21<sup>st</sup> century. We believe that it is important to introduce, in appropriate locations and with high quality designs, elements of the 21<sup>st</sup> century to provide an interesting balance and continue the tradition of high quality architecture.

We also believe that an additional benefit of the scheme is to reinstate the burgage plot pattern, which has been lost. This would be beneficial to the general character of the conservation area as it would highlight the medieval pattern of development, which has currently been lost.

We believe that this building is appropriate for the location, is of a high standard of design and would not have a detrimental affect on the setting of the adjacent listed buildings. It is therefore acceptable.

#### 4.7 Parks, Countryside and Leisure Development Manager:

There is no open space in the proposal. Therefore, the equivalent off site contribution is sought. New standards for off site contributions have been recommended through the emerging Supplement Planning Document on Planning Obligations based on land acquisition, development and maintenance costs. This equates to £3174 for this development.

We also ask for a contribution towards sports facilities provision from all new development. This is in response to Sport England who require such developments to help contribute towards increased participation in active sports. The calculation is based on the Sport England Sports Facilities Calculator and equates to £630 per dwelling/apartment which equates to £6300. Both contributions will be used towards improvements of the Bishops Meadow which provides both a park and sporting facilities.

#### 4.8 Children and Young People's Directorate – (Education):

The provided schools are St Martins Primary School and Wyebridge Sports College. Capacity exists in both schools. However, in light of falling roles across the county the authority is undertaking a review of school provision and it is likely that the capacity of the schools will be assessed as part of this review. There is therefore the likelihood

that capacities of both these schools could be reduced resulting in little if any surplus capacity at the schools. Any additional children would then result in organisational difficulties at the schools.

The Children and Young People's Directorate would therefore be looking for a contribution towards education at the schools of £2000 per dwelling.

## 5. Representations

### 5.1 Hereford City Council:

The City Council recommend the application is refused as it is an over intensive development with inappropriate access including access for emergency vehicles.

### 5.2 Conservation Advisory Panel:

Context in the city scape is important to be proved as is development on the flood plain. Concerns regarding the gated access and its width. Approve of the design quality.

### 5.3 21 letters of objection have been received, the main points raised are:

- The site has significant historical interest to Hereford located on both the John Speed's map of 1610 and Taylor's map of 1757 as being garden and once totally walled.
- The site falls within the setting and curtilage of listed buildings within St Martin Street.
- The site is on the grounds of St Martins Church.
- The proposal for such a modern development in such an ancient place should not be considered.
- The car park should be removed and the land restored into a communal garden for all to share.
- The development will increase traffic and congestion locally.
- The access is limited for construction purposes with loading and unloading of construction materials needing to take place off the highway.
- The development will cause considerable stress to local residents during construction
- There is no visibility from the access.
- The access is too narrow for emergency vehicles.
- The parking provision is inadequate for the number of dwellings.
- The proposed development will be a danger to pedestrians.
- The development will lead to an increase in noise, fumes and light pollution.
- The proposed blue rendering is not in keeping with the surroundings.
- The third floor should be deleted.
- The Design and Access Statement is silent on the impact of the development on the character, appearance and composition of the Conservation Area.
- The form of the development does not respect any of the characteristics of the Conservation Area.
- The proposed plans do not identify all the site boundaries to enable a detailed assessment to be undertaken with regards to privacy and sunlight.
- The development will be highly prominent from numerous public and private vantage points.
- The design will be alien with its surroundings.

- The site is within a flood plain and regularly floods and the flood defences are yet to be tested.
- The development will obscure views from existing properties.
- The development will remove all privacy within neighbouring properties and their gardens.
- The development will overshadow existing properties and gardens.
- The development will devalue the houses in the area.
- Planning permission was granted for the parking area to be used for residents and staff at the Left Bank.
- Use of the access by construction traffic could cause damage and weaken the structural integrity of nearby properties.
- Planning applications for development of the site have been refused in the past.
- The site is a wildlife haven.

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

## 6. Officer's Appraisal

### The Principle

6.1 The site falls within an Established Residential Area as designated in the adopted Unitary Development Plan 2007. As such, in housing planning policy terms the principle of the development of the site for residential is acceptable.

### The Layout

6.2 The proposal comprises a single detached building sited in the northern section of the site. The proposed building is orientated east west with the principle elevation being across Bishops Meadows playing fields. The site is large enough to accommodate the development without appearing overly dominant within its context and will allow sufficient space for additional landscaping along with private gardens for the flats at ground floor.

6.3 The siting of the development has also been amended in that it is now a further two-and-a-half metres away from the western boundary of the site adjoining the gardens of the properties along St Martins Street. Land to the south is to be a parking area to serve the flats and will ensure that the vehicular activity is segregated from the pedestrian areas and the residential accommodation. Overall, the layout is considered acceptable.

### Design and Impact on Conservation Area and Listed Buildings

6.4 Many local residents have objected to the development on the grounds of the contemporary design proposed commenting that it does not accord with the character and appearance of the Conservation Area. The local vernacular is predominantly architecture from the Victorian and Georgian era comprising strong brick elevations with pitched slated roofs and symmetrical fenestration. Whilst the proposed design and materials are clearly very different, this does not mean that they are unacceptable. The architectural and historical interest of any urban environment including conservation areas primarily emanates from the evolution of different designs, materials and architectural fashions. The site is a stand alone plot visually isolated from any other built development and is heavily screened either by existing mature

trees or existing buildings. As a matter of principle, the site is therefore considered suitable for a contemporarily designed building.

- 6.5 The design comprises of two symmetrical three storey rendered modules sub-divided by a central part glazed and part rendered section providing a lift and stair access. The central section provides a focal point to the building whilst also creating privacy between flats due to its oversized design. The symmetry of the form is repeated with the fenestration which achieves a design that is architecturally balanced with a crisp contemporary finish.
- 6.6 The contemporary style also enables the building to be lower in height and have a reduced mass in comparison as a conventionally designed development. In particular, the penthouse apartments being set back by around 5 metres from the rear elevation will give the development the appearance of being two storey from certain vantage points. The central glazed/render section also breaks up the building horizontally creating the illusion of two separate blocks which all assist in achieving a domestic scale. A section plan has also been provided which illustrates that the development is over 2.5 metres lower than the existing properties which front on to St Martins Street. Furthermore, a distance of 33 metres now exists between the principle rear elevations of existing dwellings in St Martins Street and the rear elevation of the proposed development.
- 6.7 The alternative to a contemporary approach would be a traditional design, namely a terrace of two/three storey properties with pitched roofs. However, it is considered that it would be difficult to successfully create a pastiche of existing local development and such an approach is likely to add nothing to the architectural interest of the Conservation Area.
- 6.8 Therefore the design, whilst being very modern is of a high quality in its own right and the scale and amended siting of the development will ensure that it does not appear overly dominant within the site and consequently the Conservation Area. Neither will it have a harmful impact upon, or dominate the setting of the nearby listed buildings. This view is supported by the Conservation Officer who concludes that the development ‘...is appropriate for the location, is of a high standard of design and would not have a detrimental affect on the setting of adjacent listed buildings’.

#### Residential Amenity

- 6.9 Concerns have also been expressed by objectors regarding the impact of the development on their amenity. The development is designed to have all of the principal living space on the eastern elevation overlooking Bishops Meadow with only bedrooms proposed at ground and first floor on the elevation facing existing properties within St Martins Street. The amended proposals also achieve a distance of 6.5 metres between the proposed development and the western boundary along with an average of a further 26 metres from the rear garden boundaries to St Martins Street properties. Overall, the average property to property distance is around 33 metres which by modern developments standards is more than acceptable. Furthermore, semi mature trees and vegetation exist along the western boundary, which can be enhanced with further landscaping to provide additional privacy.
- 6.10 There is however a concern regarding the use of the outside terraced area associated with the penthouse apartments on the rear elevation. To address this, the privacy screen along the western edge of the penthouse apartments is to be increased through



the use of contemporary obscure material such as acid edged glass. This will ensure there is no unacceptable loss of privacy within neighbouring properties or their gardens.

- 6.11 With the development also being stepped away from the boundary further, the overall height being comparable with a conventional modern two storey pitched roof dwelling and the second floor penthouse apartments being stepped back, the impact on daylight and sunlight will also be acceptable. The proposal will therefore will not have any harmful impact on the amenity of neighbouring properties.

#### Access and Parking

- 6.12 Access to the site is gained via St Martins Avenue in between numbers 6 and 8 St Martins Avenue. The access is relatively narrow being only single width with limited visibility due to the position of the existing buildings either side of the entrance. The access serves an existing parking area with capacity for 12 cars. The Traffic Manager, although having concerns, considers the proposal will not lead to an intensification in the use of the access to a material degree and therefore although being substandard, considers the access acceptable. The access is not suitable for emergency vehicles but the proposal still accords with Building Regulations from the accessibility to emergency services perspective.

- 6.13 The existing parking area is to be slightly increased to accommodate a further two spaces. This parking area was granted planning permission in 1999 for use by local residents and for staff associated with the Left Bank Village. Two existing residents have a dedicated parking space each and these will be retained with the development thereby creating 12 spaces for 10 flats i.e. one space per flat with two visitor spaces. This parking provision, particularly given the sustainable location of the site is also deemed acceptable by the Traffic Manager, as is the impact of the development on pedestrian safety.

#### Flood Risk

- 6.14 The site falls within Flood Zone 3, which is the highest flood risk category and it has historically flooded. The flood defences are currently under construction which follow the eastern boundary of the site and will safeguard the site from flooding to at least a 1 in 100 year flood risk. No Flood Risk Assessment was provided with the application which generated an objection from the Environment Agency as a matter of principle. The Flood Risk Assessment has now been provided.
- 6.15 Policy DR7 of the UDP and PPS 25 require a sequential approach to be applied to developments in Flood Zone 3. In this regard, although no such assessment has been undertaken, the site is considered to be sustainable in terms of its location and proximity to public transport, amenities and services within the city centre, it is in a location where the primary land use is residential and with the continuing construction of flood defences, the site is considered sequentially acceptable for residential development. The Flood Risk Assessment as submitted concludes that the development is not at risk from flooding and will not create an unacceptable flood risk but formal comments from the Environment Agency are awaited. These will be reported verbally.
- 6.16 The proposed development will also include sustainable drainage systems to accommodate a 1 in 100 year rainfall event and minimise runoff through surface and rainwater attenuation and harvesting.

Other Matters

- 6.17 The development will not have any impact on the trees protected by a Tree Preservation Order which run along the eastern boundary of the site and there is sufficient space within the site to achieve further landscaping including appropriate tree species along the western boundary to further minimise any potential overlooking.
- 6.18 An Ecological Survey has also been provided which is currently being assessed by the Council's Ecologist. The survey does not identify the presence of any protected species on site and concludes that the development will have little ecological impact. The only recommendation being that the development should incorporate bat and bird boxes and appropriate planting and landscaping to provide foraging sources for birds. These measures can be dealt with by condition.
- 6.19 The site falls within an Area of Archaeological Importance and an Archaeological Evaluation of the site has now been undertaken which has revealed archaeological interest in the site dating back to the medieval period and a high degree of archaeological preservation across the site. Comments are awaited from the County Archaeologist on the contents of the report but it is likely that these matters can be satisfactorily dealt with by a condition requiring further field evaluation including an archaeological watching brief prior to and during the course of the development.
- 6.20 The Heads of Terms for the proposed Section 106 are appended to this report which are broadly in line with the Draft Supplementary Planning Document on Planning Obligations. The one notable exception is Part 6 of the Heads of Terms, which requires a contribution towards the cost of operating a flood warning system and the future maintenance of the flood defences.
- 6.21 The development falls below the threshold for affordable housing which in the city is set at 15 or more units. The environmental impact of the development is dealt with by condition requiring the development to meet Level 3 of the Code for Sustainable Homes which requires measures to reduce the carbon footprint of the development.

Conclusion

- 6.22 The proposal will result in the beneficial re-use of a brown field site in a sustainable location. The development will contrast with but enhance the character and appearance of the Conservation Area. Subject to the Environment Agency, Councils Archaeologist and Ecologist raising no objection following consideration of additional information the development is considered acceptable.

**RECOMMENDATION**

- 1. Subject to there being no objection from the Environment Agency, Conservation Manager – Archaeology, and Conservation Manager – Ecology by the end of the consultation period.**
- 2. The Head of Legal and Democratic Services be authorised to complete a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional matters and terms as he considers appropriate.**
- 3. 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 and any additional conditions considered necessary by officers:

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 and finishes including glazing and balustrading).**

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

3. **D01 (Site investigation - archaeology).**

**Reason: To ensure the archaeological interest of the site is recorded.**

4. **D04 (Submission of foundation design).**

**Reason: The development affects a site on which archaeologically significant remains survive. A design solution is sought to minimise archaeological disturbance through a sympathetic foundation design.**

5. **E05 (Restriction on hours of work).**

**Reason: In order to protect the amenity of occupiers of nearby properties.**

6. **Notwithstanding the submitted details, the proposed balustrading enclosing the western edge of the second floor roof terraces shall be at a obscure material and a height of 1.6 metres in perpetuity.**

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

7. **F20 (Scheme of surface water drainage).**

**Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.**

8. **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.**

9. **G01 (Details of boundary treatments).**

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

10. **G04 (Landscaping scheme (general)).**

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

11. **G05 (Implementation of landscaping scheme (general)).**

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

**12. G40 (Bat and bird boxes).**

**Reason:** In order not to disturb or deter the nesting or roosting of barn owls which are a species protected by the Wildlife and Countryside Act 1981.

**13. H13 (Turning area and parking).**

**Reason:** In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

**14. H29 (Secure covered cycle parking provision).**

**Reason:** To ensure that there is adequate provision for secure covered cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

**15. Prior to commencement of development a methodology for the delivering, loading and unloading of materials tools, and equipment during the construction phase shall be submitted for the approval in writing of the local planning authority. The development shall be constructed in accordance with approved details.**

**Reason:** In the interests of highway and pedestrian safety.

**16. The development shall be designed and constructed to meet level three of the Code for Sustainable Homes: A Step Change in Sustainable Home Building Practice Design dated December 2006 or equivalent standard as may be agreed in writing with the local planning authority. No development shall commence until authorised certification has been provided confirming compliance with the agreed standard and prior to the occupation of the last unit, further authorised certification shall be provided confirming that the development has been constructed in accordance with the agreed standard.**

**Reason:** To ensure measures are introduced to minimise the carbon footprint of the development.

**Informatives:**

- 1. N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 2. N19 - Avoidance of doubt**

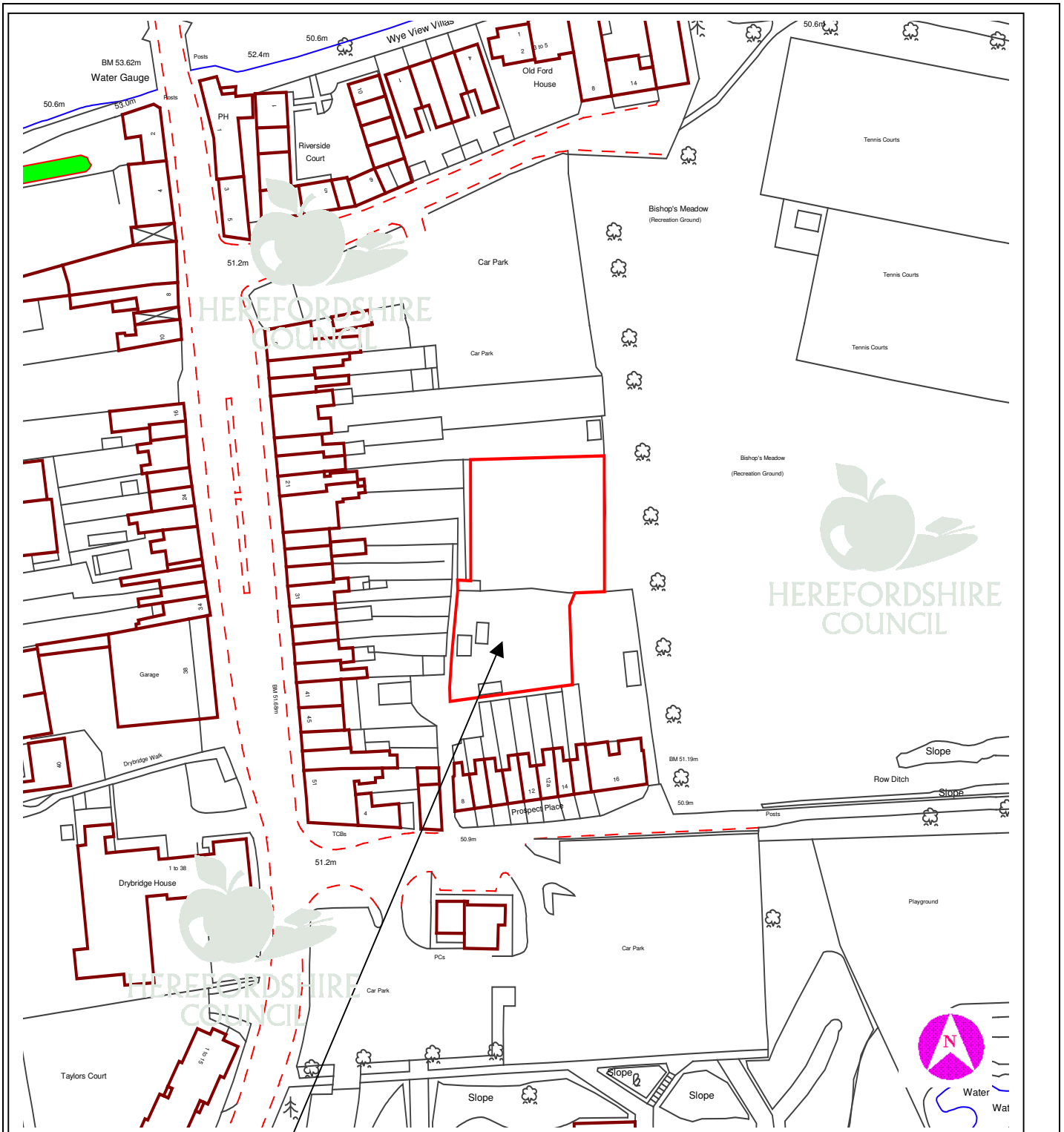
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2007/2594/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land to rear of Prospect Place, St. Martins Avenue, Hereford, Herefordshire, HR2 7RQ

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

Planning Application – DCCE2007/2594/F

- Residential development of six two bedroom maisonettes and four two bedroom flats

Land to the rear (north) of Prospect place, St Martins Avenue, Hereford, HR2 7RQ

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £20,000 to provide enhanced educational infrastructure/facilities for the primary and secondary schools within the locality of the development and Canon Pyon Primary School which sum shall be paid following occupation of the third residential unit.
2. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £14,650 for off site highway works and improved public and sustainable transport infrastructure to serve the development which sum shall be paid on or before the commencement of development.
3. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
  - a) Traffic calming and improved safety signing
  - b) Contribution to improved bus service
  - c) Improved bus shelters/stops
  - d) Safe Routes to school
  - e) Improve lighting to highway routes leading to the site
  - f) Improved pedestrian and cyclist connectivity with the site
  - g) Improved cycle parking facilities
  - h) Improved pedestrian crossing facilities
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £10,000 for public art and/or other enhancements of the Conservation Area in the locality of the development which sum shall be paid following occupation of the third residential unit.
5. The developer covenants with Herefordshire Council to pay £9,474 towards the cost of new or enhancement of existing open space, play, sport and recreation facilities in lieu of such facilities being provided on site, which sum shall be paid on or before the commencement of the residential development.
6. The developer covenants with Herefordshire Council and the Environment Agency to pay £10,000 towards the cost operating the flood warning system and future maintenance of the flood defences, which sum shall be paid prior to first occupation of the development.
7. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, 2, 4, 5 and 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.

8. All financial contributions shall be Index linked and paid on or before commencement of the development unless otherwise agreed with Herefordshire Council
9. 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.
10. The developer shall complete the Agreement by 5th November, 2007 otherwise the application may be registered as deemed refused.

Russell Pryce - Principal Planning Officer

27th September, 2007