

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>7 OCTOBER 2015</b>
<b>TITLE OF REPORT:</b>	<p><b>150799 - PROPOSED DEMOLITION OF EXISTING DWELLING TOGETHER WITH ITS DETACHED GARAGE AND ACCOMMODATION OVER TO FACILITATE A PURPOSE DESIGNED RESIDENTIAL APARTMENT BUILDING (8 FLATS) TOGETHER WITH ASSOCIATED CAR PARKING, CYCLE/BIN STORES AND ASSOCIATED COMMUNAL GROUNDS. AT 33 BODENHAM ROAD, HEREFORD, HEREFORDSHIRE,</b></p> <p><b>For: Perfection Homes per Mr D F Baume, Hook Mason Ltd, 41 Widemarsh Street, Hereford, Herefordshire, HR4 9EA</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150799&amp;search=150799">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150799&amp;search=150799</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

**Date Received: 17 March 2015**

**Ward: Aylestone Hill**

**Grid Ref: 352139,240219**

**Expiry Date: 18 May 2015**

Local Member: Cllr MD Lloyd-Hayes

## **1. Site Description and Proposal**

- 1.1 The application site lies on the northwestern side of Bodenham Road (C1127) in Hereford, within the Bodenham Road Conservation Area and approximately 45 metres to the southeast of the junction with Judges Close. The 0.13 hectare site is essentially rectangular with a single vehicular access onto Bodenham Road. At present a two storey dwelling built in the 1970's, with a detached two storey outbuilding, carport and single storey outbuilding (in the rear garden), occupy the site. The property is set back some 32 metres from the road, behind a low stone wall and with a large, predominantly lawned foregarden. A Tree Preservation Order covers a number of trees both on the site and adjacent sites, including the Corsican pines adjacent to the road along the front boundary of the site and two lime trees which overhang the southern boundary of the site. Two properties built at a similar time, but which are not identical, lie to the northwest of the site, with larger Victorian properties to the southeast. On the opposite side of the road there is an assortment of buildings, including Victorian properties, late twentieth century apartment buildings and dwellings, ranging from two storey to four storeys in height.
- 1.2 It is proposed to demolish the existing dwelling and outbuildings and erect a flat roofed building comprising both two and three storey elements, of 6.8 metres and 9.7 metres in height respectively. The two storey section would be on the left hand side, next to number 31 Bodenham Road, which is a two storey house. The principal elevation, which would have a 1.4 metre stagger between the two and three storey sections, would be set back from the road by between some 27.4 metres and 28.8 metres and would be 19.2 metres in width. The side elevations would be between 10.6 metres (north elevation to number 31) and 15 metres (south

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Further information on the subject of this report is available from Mrs Charlotte Atkins on 01432 260536

elevation to The Coach House and number 37 – Rydall Mount). The design of the building is contemporary, with chalk white render, copper shingle cladding system, standing seam roofing system, grey aluminium window walls and grey aluminium fenestration. Projecting balconies are proposed to both the front and rear elevations and amended plans have incorporated obscure glazed side panels to these. The existing vehicular access would be widened from 3.6 metres to 4.5 metres by removing a section of the existing, low boundary wall either side.

- 1.3 The proposed building would provide eight apartments. Of these two would provide one bedroomed accommodation (47 square metres) and the remaining six would have two bedrooms (69 square metres). An internal lift would provide access to the upper storeys. The ground floor apartments would have modest, private external spaces and the upper floors would each have a balcony. The large rear garden would provide a communal amenity area and would also accommodate a cycle storage building, divided into eight stores. The structure would be timber clad. Amended plans indicate a 2 metre high fence along the boundary to number 31 Bodenham Road. Parking is proposed in the existing fore garden. Nine car parking spaces are provided in the amended scheme along with an area for the storage of waste and recycling. The receptacles would be stored in a timber clad structure sited to the southwest of the proposed building, adjacent to the boundary with The Coach House and Rydall Mount. A porous, block paved surface is proposed.
- 1.4 The application has been accompanied by a Design, Access and Heritage Statement (amended versions provided during the consideration of the application), a Tree Survey and Arboricultural Constraints Report and Ecology Report. These set out the rationale for the scheme. It is stated that the existing house has been on the market for a considerable amount of time, with extensive marketing but without acceptable offers coming forward. The house requires comprehensive updating and improvement to bring it up to modern standards and this is uneconomical. The proposed building would be built to a sustainability equivalent to, the now defunct, level 4 of the Code for Sustainable Homes, which exceeds the current Building Regulations Standard, which equates to level 3. It is confirmed that the existing, mature specimen trees would be retained and protected during construction and supplementary planting would also be carried out. The solid timber gates to the entrance and an increase in the height of the boundary wall have now been deleted from the amended scheme.

## **2. Policies**

### **2.1 National Planning Policy Framework (NPPF):**

The following sections are of particular relevance:

Introduction	-	Achieving sustainable development
Section 4	-	Promoting sustainable transport
Section 6	-	Delivering a wide choice of high quality homes
Section 7	-	Requiring good design
Section 8	-	Promoting healthy communities
Section 12	-	Conserving and enhancing the historic environment
Decision-taking		

### **2.2 Saved Policies of the Herefordshire Unitary Development Plan 2007 (UDP):**

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations

H1	-	Hereford and the Market Towns: settlement boundaries and established residential areas
H13	-	Sustainable Residential Design
H14	-	Re-using previously developed land and buildings
H15	-	Density
H16	-	Car parking
T8	-	Road Hierarchy
T11	-	Parking provision
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
HBA6	-	New development within conservation areas
HBA7	-	Demolition of unlisted buildings within conservation areas
CF2	-	Foul Drainage

### 2.3 Herefordshire Local Plan – Draft Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS4	-	Movement and Transportation
SS7	-	Addressing Climate Change
HD1	-	Hereford
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and townscape
LD2	-	Biodiversity and Geodiversity
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
ID1	-	Infrastructure Delivery

### 2.4 Other Relevant National and Local Guidance/Material Considerations:

National Planning Practice Guidance (2014)  
Annual Monitoring Report  
Five Year Housing Land Supply (2013-2018) Interim Position Statement  
Guidance notes for developers and landlords on the storage & collection of domestic general rubbish and recycling (November 2014)

### 2.5 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

## 3. Planning History

3.1 None

## 4. Consultation Summary

Statutory Consultations

4.1 Historic England (amended plans/information): We do not wish to comment in detail, but offer the following general observations. Conditions should be imposed requiring your Council's prior approval of all architectural and landscape details, materials and finishes. Recommendation: We would urge you to address the above issues, and recommend that the application should be

determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

- 4.2 Welsh Water: no objection, recommend standard conditions regarding the separate drainage of foul and surface water etc.

#### Internal Council Consultations

- 4.3 Conservation Manager (Historic Buildings Officer) – amended plans/additional information:  
It was previously commented that the use of the copper to define a wide surround to some of the upper floor windows created a dominant feature making the building stand out more than was considered to be desirable. The aim should be that the building sits relatively quietly within the plot in much the same way the existing house does, albeit the proposed building is considerably larger in scale. The applicant has now provided a sample of the copper shingle and that has demonstrated that it would be a much darker and subtle shade than illustrated on the elevation drawing. This has addressed the earlier concerns since the copper shingles would not be as stark in appearance as originally thought. The chalk colour proposed for the render is considered acceptable.

The side (south) elevation is somewhat utilitarian in appearance, accentuated by the massing of the building. It was therefore suggested that this elevation would benefit from some further attention, possibly breaking up the massing using materials from the same palette as being used elsewhere on the building. The latest amended plans dated 21/09/15 show a different coloured render being used to define the windows. This still looks bland and doesn't fully address the above concern. Adding texture and interest through using the powder coated aluminium panels or copper shingles to define some of the windows would be an improvement.

Gates and iron railings set back from the roadside were still being shown on the amended site layout plan dated 16/06/15. This part of the conservation area is characterised by the areas to the front of properties being quite open without high boundaries or gates. The existing boundary to No. 33 is just a low boundary wall and the focus is on the trees and shrubs behind. The additional fence and gate is considered to detract from the open, green character of the space to the front of the building. This view was expressed at the meeting held in May. The latest amended plans dated 21/09/15 show the additional fence and gate removed from the scheme as requested. It is not clear from the site plan how the existing boundary wall to the front is to be treated and so further details will be needed. The wall should remain low to retain the existing character.

The plans dating 16/06/15 showed, the bin store positioned to the front of the site, close to the road which is felt to detract from the openness of the space. A more discrete location was felt to be preferable and the most recent amended plans now show the bin stores to be located closer to the building. This helps retain the sense of openness viewed from the street. The removal of one visitor parking space is welcome as it has allowed some additional planting which helps to maintain the green character of the space to the front of the building.

The row of bicycle stores in the rear garden is somewhat monotonous, but is not considered to have an impact on the appearance of the conservation area.

- 4.4 Conservation Manager (Arboriculturalist) – amended/additional plans/report: Further to my original tree report I have now had the opportunity to look at the revised plans and to read the submitted tree survey accompanying this application.

I am quite satisfied that the proposed widening of the access driveway can be accommodated without any long term detrimental impact on the existing protected Corsican Pines (Trees 7,8 and 9).

As long as all the proposed tree protection as detailed within Jerry Ross's Constraints report is implemented and strictly adhered too I have no objection to the revised plans.

- 4.5 Conservation Manager (Ecology): I have read the ecological report and concur with the findings that it is likely there are no bats roosting nor nesting birds at the property. I have no objection to the application.
- 4.6 Transportation Manager: No objections on the basis that the railings are removed at the front of the site.
- 4.7 Waste Management: From the plans the access to the bin store for collection crews appears unacceptable for a new development. The bin store/bins should be located no more than 10m from the entrance from the highway (in this case Bodenham Road). This could be resolved by relocating the bin store closer to the entrance and creating an access for refuse collection crews on the right after the entrance. In its current location it is likely our contractor will refuse to collect from this location. The bin store appears to be appropriate in terms of size, so long as the diagram is accurate in showing the bin store can hold up to 4 x 1100 litre bins. The normal conditions over providing easy access on a smooth solid surface with no impediments applies.

## 5. Representations

- 5.1 Hereford City Council (original plans): object, the design is out of character with the surrounding architecture.

Hereford City Council (amended plans/information plans): objection, this is still out of character with the surrounding architecture and is inappropriate.

- 5.2 Eight letters of objection have been received from local residents on both the original and first set of amended plans in summary they raise the following issues:

### Scale/mass/design/materials

- Site is in a Conservation Area, where development should preserve or enhance. This scheme is wholly inappropriate, as it breaks just about all the rules in the contextual design book
- Not in keeping with the Victorian tree lined avenue
- Three storey flat roofed building would be bigger than the dwelling it would replace and would be incongruous with the existing properties
- There are no modern buildings on the eastern side of Bodenham Road and this should be preserved
- Increased density of development would be out of keeping with the neighbouring properties
- Use of render and copper cladding is not compatible with materials in the Conservation Area

### Privacy/living conditions of neighbours

- Due to the height, size and inclusion of balconies (notwithstanding the use of obscure glazing to the end panels) the proposal would adversely affect living conditions through loss of privacy (29 & 31 Bodenham Road, The Coach House, Rydall Mount and 4 Judges Close - garden), light and views to the west (from The Coach House)

### Highways

- Proposal does not provide sufficient parking provision for 8 units. This would result in congestion and obstruction along the road, as experienced on other sites comprising flats
- Unsafe access due to trees and vegetation restricting visibility, increased use of the access by a greater number of residents would exacerbate this.

#### Trees/ecology

- Removal of fine pine trees is an affront in the Conservation Area
- Proposal is detrimental to habitat for birds

#### Other issues:

- Welsh Water raise concerns about drainage
- A drain runs across 4 Judges Close garden and may cross the application site
- Waste collection/storage is inadequate
- Proposal is purely profit driven to maximise the return
- Ground stability during demolition
- Better sites elsewhere in Hereford for such development

5.3 Further consultation has been carried out in respect of additional revised plans. An update will be provided to Committee of any comments received.

5.4 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

## 6. Officer's Appraisal

6.1 The legal starting point, as set out in section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, is that applications for planning permission should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan is currently the Herefordshire Unitary Development Plan (HUDP), even though this is time expired. As this is an application for new housing, as stipulated at paragraph 49 of the National Planning Policy Framework (NPPF), the relevant policies for the supply of housing should be considered to be out of date because the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. On this basis, the application falls to be considered against the NPPF's presumption in favour of sustainable development, as set out in paragraph 14. This states that where relevant policies of the Development Plan are out of date, as is the case currently, permission should be granted unless:-

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted (see footnote 9)

6.2 Notwithstanding the out of date nature of the housing land supply policies, there remains a requirement for the development to accord with other relevant HUDP policies and NPPF guidance and paragraph 14 makes it clear that the balance between adverse impacts and benefits should be assessed against the policies in the NPPF as a whole. When assessing if the development would represent sustainable development the NPPF states that this comprises three dimensions – economic, social and environmental, all three of which give rise to different roles, but which are mutually dependant. As such they should be sought jointly and simultaneously. Sustainable development seeks to achieve positive improvements in the quality of the environment as well as in people's lives through, amongst other things, improving the conditions in which people live, work, travel and take leisure and widening the choice of high quality homes.

- 6.3 The site is in a suburban location in relatively close proximity to the wider services and facilities provided in Hereford City Centre and with access to these being readily practicable by foot, bicycle and bus. In addition the railway station and county bus station are also within reasonable walking distance of the site, and hence provide the ability to travel further afield for employment, leisure, education etc without the need to rely on the private vehicle. Occupants of the proposed apartments would have a real choice about how they travel. As such the site is considered to be sustainably located and in accordance with the essence of policy S1 of the HUDP and the sixth and eleventh bullet points of paragraph 17 (Core planning principles) and chapter 4 (Promoting sustainable transport) of the NPPF.
- 6.4 Turning to the economic and social roles, it is considered that the proposal would provide economic and social benefits throughout the construction phase, with local contractors and suppliers more likely to be utilised for the scale of the scheme, compared to larger, strategic sites. Upon occupation of the units residents would provide increased spending and support to local services and most obviously the scheme would provide a modest contribution to the reduction of the identified housing shortfall. Furthermore, the scheme proposes smaller units of accommodation (1 and 2 bedroomed apartments) with lift access and accommodation on a single floor, thus future proofing its continued occupation for elderly and less mobile residents. The NPPF promotes facilitating social interaction and creating healthy and inclusive communities. Bodenham Road already includes purpose built apartment buildings and converted Victorian properties and consequently the introduction of a building containing 8 apartments is considered to be compatible with the existing range of house types in the vicinity.

#### Conservation Area impact

- 6.5 In terms of the environmental impact the site is within the Conservation Area boundary, which as a designated heritage asset is included in footnote 9 to paragraph 14 of the NPPF, in respect of policies that may restrict development. However HUDP policies HBA6 and HBA7 do not preclude demolition of buildings that do not make a positive contribution and development in the Conservation Area, but does require that proposals preserve or enhance. Similarly Chapter 12 of the NPPF acknowledges that not all elements of a Conservation Area always contribute to its significance. In this respect the Conservation Manager has advised that the existing dwelling has a neutral impact and it is the trees and set back position of the building, thus providing a large fore garden, that contributes to the character and appearance of the Conservation Area. With regards the proposed building it is accepted that the contemporary approach taken is not akin to any other development in the Conservation Area. Rather it represents a modern architectural style. Policy DR1 of the HUDP requires developments to promote or reinforce the distinctive character and appearance of the locality in terms of layout, density, scale, mass, height, design and materials, whilst HBA6 stipulates that schemes address issues such as the building line, plan form, general pattern of heights and the quality and type of design, details and materials reflect those contributing to the area. The NPPF (chapter 7 – Requiring good design) emphasises that good design is a key aspect of sustainable development and it is indivisible from good planning. It states that decisions should not attempt to impose architectural styles or tastes, but that it is proper to seek to promote or reinforce local distinctiveness.
- 6.6 When affording weight to the impact on the Conservation Area, and therefore part of the environmental dimension of sustainable development, it should be noted that it is a statutory duty under sections 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, for the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In practice this means that when undertaking a planning balance the weight afforded to preserving or enhancing the character and appearance of the Conservation Area is greater than that given to the other considerations, because they do not have a similar statutory duty requiring special attention to be given to them.
- 6.7 The proposed building would have a larger mass than the neighbouring buildings, being three storey in part and with a flat roof. Whilst the two and three storey sections would not be taller

than the relative adjacent buildings, due to the flat roof design the mass would be greater. In addition the palette of materials differ to that of the other buildings on the northeastern side of the road, and this would highlight its dissimilar appearance. Historic England's original comments suggest that brick may be more appropriate, but do not recommend refusal. Instead it is advised that the application is determined on the basis of planning policy and the Council's specialist conservation advice. The Conservation Manager has no objection in principle to the use of render and copper shingle, having seen a sample which is more muted than shown on the submitted plans. The siting of the building would be set back in line with the adjacent buildings and this therefore retains the sense of space between the road and properties, which is considered to be a key contribution to the significance of the Conservation Area. The scheme includes a relatively large expanse of parking, which to some degree would erode the 'green' appearance of the existing front garden, which is predominantly laid to lawn. However, this is not unlike other sites in the area, particularly those converted into apartments and a nursing home. The proposal would retain those trees classed as being of importance, most notably the three protected Corsican Pines (Trees 7, 8 and 9) along the roadside boundary, and these would provide immediate and continued filtering of the proposed building. This would assist the assimilation of the development into the street scene. It is considered that the amended plans and further clarification regarding the tone of the copper cladding and siting of the bin store overcome those aspects of concern expressed in the Conservation Manager's initial response. Even though the proposed building would be starkly different to the existing buildings, this by itself is not reason to refuse permission. Similarly to the other more recent developments in the Conservation Area it provides an opportunity to inject contemporary design. As required by the NPPF (paragraph 60) a balance has to be struck between not stifling originality or initiative and reinforcing local distinctiveness. To this end, having identified the significance of this part of the Conservation Area, the contribution that the site makes to this (as detailed in the Conservation Manager's response) and accepting that earlier development has already deviated from the scale, mass and design of the Victorian buildings, it is considered that the scheme would preserve its character and appearance. It should be noted that even where 'less than substantial harm' to the Conservation Area is identified, this should be weighed against the public benefits of the proposal (NPPF paragraph 134) and does not automatically result in refusal. Only where the development would lead to substantial harm to or total loss of the significance of the designated heritage asset should consent be refused, unless it can be demonstrated that this is necessary to achieve substantial public benefits (NPPF paragraph 133).

- 6.8 Having conjointly considered the three dimensions of sustainable development and in particular against the backdrop of a lack of 5 year housing land supply and the locational sustainability of the site in terms of the real choice of means of travel for occupants, it is considered that overall the proposal would be sustainable and the presumption to grant permission is engaged. As a result the scheme should be approved unless there are adverse impacts that would significantly and demonstrably outweigh the benefits.
- 6.9 In assessing the impacts I consider that these relate to the amenity of the neighbouring properties and highway safety, the impact on the Conservation Area having already been assessed and concluded not to be harmful.

#### Living conditions of neighbours

- 6.10 The scheme proposes a two storey element nearest to 31 Bodenham Road and three storey adjacent to 35 (The Coach House, which comprises two flats) and 37 Bodenham Road (which from Council records comprises 6 flats). Considering the impact on number 31, the proposed building would be no nearer to the common boundary, but would have a height of 6.8 metres compared to the eaves and ridge heights of 5.1 metres and 7.8 metres of the existing house. Although this would represent an increase in mass, given that this is to the side elevation of the neighbouring property which has an attached garage nearest to the boundary and only one, secondary window in the side elevation and would not be set forward of it, it would not materially



affect their living conditions. Two windows, one each at ground and first floor, are proposed in the northwest side elevation, to number 31, and these would serve shower rooms. It would be reasonable, necessary and relevant to the development to impose a condition requiring these to be fitted with obscure glazing. The proposed cycle storage building would be located parallel to the boundary with number 31, in the rear garden. Whilst this structure would have a long, rectangular floor plan it would be set back from the boundary, screened by a proposed 2 metre high fence and with a height of 2.4 metres. On this basis it is considered that it would not materially impinge upon the living conditions of the neighbour. With regards the impact on The Coach House, this building is set further back into its site than the proposed building and to the southeast of it, such that the proposed building would not have an unduly overbearing nor overshadowing impact. There are a number of windows in the facing side elevation of number 37, both at first floor and within a dormer window in the roof slope. As proposed the windows in the southeast elevation of the proposed building would be 11 metres from these facing windows, but as indicated on the side elevation drawing and cross section these would be high level relative to the internal floor and would not enable overlooking. Small balconies are included in the scheme and with the amendment of obscure glazing to the side panels it is considered that they would not unacceptably diminish the residential amenity of the neighbouring properties. Turning to the impact of the proposal on the properties in Judge's Close and Jury Garden, these are sufficiently distant from the rear elevation of the proposed building such that in this suburban context the levels of amenity would be acceptable (over 50 metres to number 8, the rear elevation of which faces towards the site, some 23 metres to the boundary with garden of number 4 and 27 metres to the rear elevation of 1 Jury Gardens). The introduction of eight units of accommodation in comparison with the existing would obviously represent an increase in the number of residents and consequently the activity on the site. However, this would not be untypical of the use of neighbouring sites, including the immediate neighbours at The Coach House and Rydall Mount. In light of this appraisal of the affect of the proposal on the living conditions of the neighbours it is consider that an adverse impact would not result.

#### Transportation and waste management

- 6.11 The existing access would be widened, to enable a vehicle to enter the site even when one is waiting to exit. This is achievable without detriment to the longevity of the protected trees, subject to the development complying with the recommendations of the submitted tree report. On this basis neither the Transportation Manager nor the Aboriculturalist object to the proposal. The scheme provides for an off road parking space per unit and one for visitors. Cycle storage would also be provided per unit. This would promote and facilitate alternative means of travel to the private car and is a positive aspect of the scheme. The objectors' comments regarding conjunction and obstruction are noted. Recently on road parking restrictions have been introduced along Bodenham Road. These restrict on road parking between 8am and 6pm, Mondays to Saturdays. This should help to alleviate obstruction from the access at peak times. In accordance with paragraph 32 of the NPPF a safe access can be provided and permission cannot be refused on highway grounds as the residual cumulative impacts are not severe.
- 6.12 With regards the disposal of domestic refuse and recycling, the amended scheme provides for adequate space for storage of the requisite number and size of receptacles, but at a distance from the highway that does not comply with the Council's Guidance Notes. As advised by the Conservation Manager the waste storage area should occupy a discrete location, to ensure that the sense of openness is retained. On this basis, and attributing the special attention that is statutorily required to preserving or enhancing the character and appearance of the Conservation Area, it is considered that the proposed siting is acceptable. In practical terms this will mean that if the Council's contractor refuses to collect the bins the residents will have to take them to the roadside, similarly to residents of other properties where the bins cannot be located within this required distance.

#### Ecology

- 6.13 The Ecologist has confirmed that the proposal would not adversely affect the habitat of protected species. The mature, protected trees are to be retained and additional soft landscaping is proposed.

#### S106 Contributions

- 6.14 Policy DR5 of the HUDP and the Supplementary Planning Document on Planning Obligations set out the requirement for financial contributions to mitigate the impact of development on services such as education, highways, open spaces etc. In response to the economic downturn, the Council introduced a temporary suspension of the payment of planning obligations (2009) provided that the development is for five or less dwellings and that development is commenced within 12 months following the grant of planning permission. The proposal would provide eight units and therefore an additional seven compared to the existing use of the site. Of these seven additional units, two are one bedroomed, leaving five units in respect of which financial contributions can be sought. The applicant has confirmed acceptance of a one year commencement condition should permission be granted. As a result the proposal meets the temporary suspension criteria and contributions cannot be sought.

#### Conclusion

- 6.15 Having assessed the various impacts of the proposal, under the three dimensions of sustainable development it is considered that the proposal represents sustainable development and the presumption to grant permission is engaged. No adverse impacts have been identified that would significantly and demonstrably outweigh the benefits of providing housing growth and it is recommended that permission is granted subject to conditions

## **RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

- 1. \*A01 Time limit for commencement (full permission) - One Year**
- 2. B03 Amended plans – recommendations of the Tree Survey and Arboricultural Report**
- 3. C01 Samples of external materials – Amended (No development other than demolition)**
- 4. H13 Access, turning area and parking**
- 5. G09 Details of Boundary treatments – Prior to the occupation of any of the units...**
- 6. Other than demolition no other development shall be carried out until a site plan and written specification clearly describing the species, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass established has been submitted to and approved in writing by the LPA. The soft landscaping shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.**

**Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan**

- 7. H27 Parking for site operatives**
- 8. Prior to the first occupation of any of the units hereby permitted the cycle parking provision shown on drawings 5107-17-4d shall be installed and thereafter made available for such use.**

**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 and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

- 9. L01 Foul/surface water drainage**
- 10. L02 No surface water to connect to public system**
- 11. L03 No drainage run-off to public system**
- 12. F17 Obscure glazing to windows - northwest elevation**

**INFORMATIVES:**

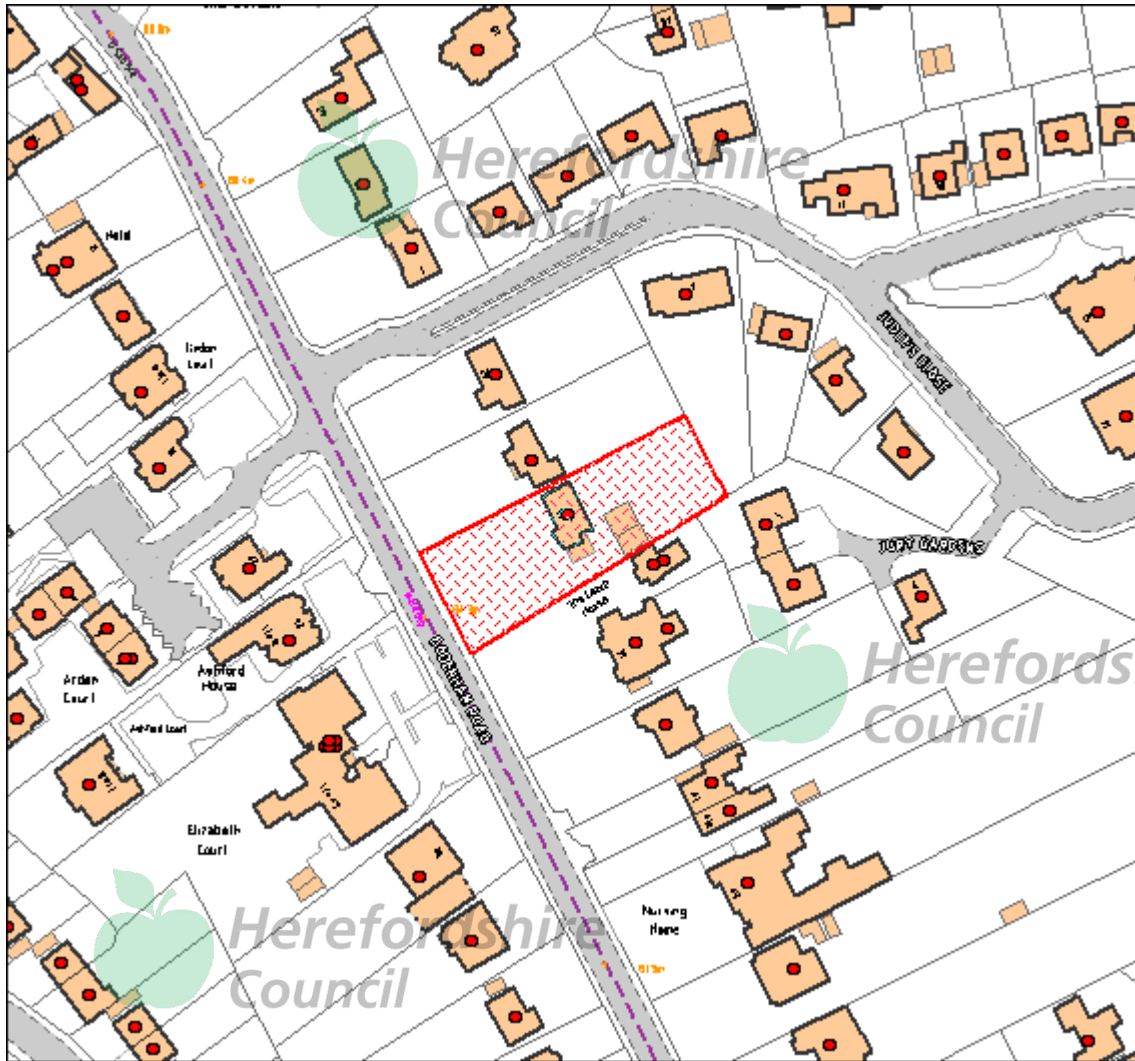
- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. HN10 No drainage to discharge to highway**
- 3. HN05 Works within the highway**

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 150799

**SITE ADDRESS :** 33 BODENHAM ROAD, HERFORD, HEREFORDSHIRE

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