

5 DCCW2007/1974/F - CONVERSION OF FORMER SCHOOL BUILDING INTO 7 NO. APARTMENTS. 2 NO. TWO BED AND 3 NO. THREE BED HOUSES. DEMOLITION OF EXISTING MODERN SCHOOL BUILDINGS AT 32 BROOMY HILL, HEREFORD, HEREFORDSHIRE, HR4 0LH

For: Broomy Hill Ltd per Architas, 25 Castle Street, Hereford, HR1 2NW

Date Received: 22nd June, 2007 Ward: St. Nicholas Grid Ref: 50082, 39680

Expiry Date: 21st September, 2007

Local Members: Councillors DJ Benjamin and JD Woodward

Introduction

This application was deferred at the meeting of the Central Area Planning Sub-Committee on the 29th August, 2007 in order to carry out a Members' site visit. The site visit was carried out on the 11th September, 2007. The report has also been updated.

1. Site Description and Proposal

1.1 32 Broomy Hill, Hereford is the former Red Cap School located on the north side of Broomy Hill Road between Nos. 30 and 34 but also has a vehicular access onto Breinton Road between Nos. 27 and 29.

1.2 The proposal is to convert the main building fronting Broomy Hill into seven apartments, demolish the modern additions to the rear and erect two 2-bed and three 3-bed dwellings.

1.3 Vehicular access will be retained and improved onto Breinton Road, a passing place would be provided between the junction with Breinton Lane and the development site, together with 18 car parking spaces. Pedestrian access will still be retained onto Broomy Hill and secure cycle storage is proposed.

1.4 The main building divides into four main floors and the accommodation would be arranged:-

- Lower ground floor comprising a 3 bedroom apartment.
- Ground, first and second floor consisting of a one and two bed roomed apartments on each floor.

1.5 The new build dwellings would be located at right angles to the main building and cover a similar ground area to the demolished former classrooms. They are aligned into two blocks and are 1½ storeys high with dormer windows and extending gables to the front and rear. They are generally individually designed units reflecting design

elements from the surrounding area. External materials proposed are a mixture of brick and render under a clay tile roof.

2. Policies

2.1 National:

PPS3	-	Housing
PPG15	-	Planning and the Historic Environment

2.2 Herefordshire Unitary Development Plan 2007:

Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and established Residential Areas
Policy DR1	-	Design
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking
Policy H19	-	Open Space Requirements
Policy LA5	-	Protection of Trees, Woodlands and Hedgerows
Policy LA6	-	Landscaping Schemes
Policy HBA6	-	New Development Within Conservation Areas
Policy HBA7	-	Demolition of Unlisted Buildings Within Conservation Areas
Policy HBA8	-	Locally Important Buildings
Policy T11	-	Parking Provision

3. Planning History

- 3.1 DCCW2007/1987/C Demolition of modern school hall and classrooms. Undetermined.
- 3.2 Various planning applications for the new school classrooms, hall and gymnasium.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: Raise no objections subject to conditions.

Internal Council Advice

- 4.2 Traffic Manager: Raises no objections.
- 4.3 Drainage Engineer: "No adverse comments regarding drainage (storm). It is considered that the application will not have any impact on the existing surface water drainage of the area."
- 4.4 Forward Plans Manager: "The application is located within an established residential area where Policy H1 applies. Residential development will be permitted in such areas where compatible with the housing design and other policies of the plan. PPS3 encourages the intensification of land in such locations.

The proposal includes the provision of a total of 12 dwellings, on a site area extending to 0.3ha, resulting in a density of 40 dwellings per ha which complies with Policy H15. The thresholds relating to affordable housing inclusion have not been breached; there is therefore no requirement for affordable provision.

Car parking provision does not breach the levels stipulated in Policy H16, where it states that a maximum of one and a half spaces per dwelling can be provided, where the proposal is allowing one space per dwelling with an additional two spaces for visitors.

The proposed site is located within a Conservation Area, Policy HBA6 states that development must preserve and enhance the character and vitality of the area, and the type and scale of the proposal must complement those which presently exist, the plans included in the application show this therefore seem to comply with this policy.

This proposal in principle is acceptable and does comply with the policies within the Herefordshire Unitary Development Plan 2007.”

- 4.5 Conservation Manager: Has confirmed his acceptance of the amended plans regarding the design. The new houses are more carefully composed and embellished and their elements reduced in scale so that there will be significantly greater visual quality and correspondence with the high house.

Regarding the house, I am satisfied that we have explored a range of alternatives and that, on balance, the scheme represents a satisfactory solution in the face of restrictive building standards.

“Having considered the arboricultural constraints report submitted with the above in relation to the proposed development I would make the following comments. Firstly, a number of trees on and adjacent to the site are of particular importance and visually prominent both within the site and from the surrounding public domain. The above report clearly identifies these trees and every effort should be made to ensure they are successfully integrated into the development proposals and that they are afforded suitable protection before, during and after major development operations.

The main area of concern is the relationship of the trees to the site access and the risk of direct damage to the above ground components of the trees and further compaction of soil and direct and indirect damage to the rooting system of the trees caused by construction traffic. Additional information in the form of an Arboricultural Implications Assessment (AIA. BS5837:2005, Section 6) and an Arboricultural Method Statement (AMS. BS5837:2005, Section 7) will be required and the applicant would be advised to retain the arboricultural consultant already used for the above report. Principally, it will be necessary to devise a site-specific scheme of protection and enhancement for all the trees on the site.”

5. Representations

- 5.1 Six letters of objection have been received from:

A. & D. Burfoot, 23 Broomy Hill, Hereford.

D.J. & W.M. Saul, Belvedere, 31 Broomy Hill, Hereford.

Ms. V. Lee, 34 Broomy Hill, Hereford, HR4 0LH.

Mr. & Mrs. R. Goode, St. Margarets, 27 Breinton Road, Hereford, HR4 0JU.

Mrs. B. Johnston, 38 Breinton Road, Hereford.

Mrs. M. Turley, Flat 2, St. Nicholas Court, 9 Breinton Road, Hereford, HR4 0JU.

The main points raised are:

1. The proposal will increase traffic congestion on Breinton Road to the detriment of pedestrian safety.
2. The car parking identified is less than two spaces per unit when most households have two cars.
3. The restricted parking area outside No. 32 Broomy Hill acts as a passing place and helps residents pull in and out of their drives and therefore should not be removed.
4. Overspill car parking will build up on Breinton Road where there is limited parking.
5. Concerns that the boundary hedge along the driveway will be damaged. This acts as a protection to our privacy and security.

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. Officers Appraisal

- 6.1 This proposal seeks to develop a previously developed site within the settlement area of Hereford City as identified in the Herefordshire Unitary Development Plan 2007.
- 6.2 32 Broomy Hill is an impressive Victorian brick building which has most recently been used as a school and is now vacant. Modern classroom and hall additions were added in the 1990s. These later additions are to be demolished as part of this proposal.
- 6.3 The main aspects to consider are:-
 1. The Principle of Development.
 2. Impact on the Setting of the Conservation Area and Listed Building.
 3. Impact on the Amenity of Adjoining Neighbours.
 4. Traffic Impact.
 5. Impact on Trees and Landscaping.
 6. S106 Contributions.

The Principle of Development

- 6.4 32 Broomy Hill, Hereford is the former Red Cap School and comprises previously developed land within the settlement boundary of Hereford City as identified in the Herefordshire Unitary Development Plan 2007. The proposal to convert the main building into apartments and construct five new dwellings is acceptable in principle and satisfies the density criteria as required both by PPS3 – Housing and Policy H15 of the Herefordshire Unitary Development Plan 2007.

Impact on the Setting of the Conservation Area and Listed Building

- 6.5 The proposal has been assessed by the Council's Conservation Manager who confirms that the building is of local interest, but not listable. The conversion to flats will preserve the character of the area and its appearance and certain aspects such as the removal of the fire escape will enhance the building.

- 6.6 The listed building (31 Broomy Hill) is located south of the existing building and due to the limited development on this side of the site, its setting would not be compromised by the development as proposed.
- 6.7 The five new dwellings in the rear courtyard have been amended following the advice of the Historic Buildings Officer and are considered to enhance the Conservation Area when compared to the former classrooms and hall/gymnasium which are to be demolished. The siting of the new dwellings enables the rear façade of the existing building to be exposed once the hall/gymnasium has been demolished, further enhancing its setting. This also enables acceptable spacing of the new dwellings to the site boundaries to limit any impact on the amenity of adjoining residents.

Impact on the Amenity of Adjoining Neighbours

- 6.8 The removal of the fire escape enhances the amenity of adjoining residents by reducing the potential for overlooking and existing door openings are to be replaced with windows that provide light to the kitchens. All other openings are retained with the only other addition being the light wells to the south of the building facing Broomy Hill which will have no impact on neighbours. The combination of external alterations is such that there will be no undue impact on the privacy of existing neighbouring properties.
- 6.9 The new build has been carefully sited to limit any impact on neighbours through either window to window relationships or direct views into private amenity space.

Traffic Impact

- 6.10 The proposal has been assessed by the Council's Traffic Manager who raises no objections to the amended plans that identify the passing place and 18 parking spaces. This assessment is based on the anticipated traffic movements of the proposed development against the authorised use of the premises as a school. The addition of the passing place and general improvements to the access lane will provide enhanced access without detriment to neighbours or highway safety. The concerns of local residents on Broomy Hill are noted, however the removal of the 'no parking' road signs associated with the former school does not form part of the parking allocation for the development. The removal of this signage is covered by separate highway legislation and is not material to the consideration of this application. However, as part of the Section 106 contribution consideration, the potential to retain the no parking restriction on Broomy Hill has been included in the list of enhancements (see attached Heads of Terms paragraph 3(h)).

Impact on Trees and Landscaping

- 6.11 An arboricultural constraints report was submitted with the planning application and has been fully assessed by the Council's Landscape Officer. The constraints report helped inform the siting of the new dwellings and car parking to ensure any impact is limited to an acceptable level. This has been confirmed by the Landscape Officer.
- 6.12 The communal green area whilst assisting in opening up the rear façade of the dwelling also provides an attractive green space for informal recreation. A key aspect regarding the protection of the trees will be the control of deliveries to the site with low branches having to be trimmed and protection of the roots ensured. This is covered by conditions within the recommendation.

S106 Contributions

6.13 The size and nature of this development warrants planning gain contributions to enable the development to successfully integrate into the local community. In this respect the following contributions are being sought but are the subject of ongoing negotiations. A Draft Heads of Terms is attached as an Appendix.

- £14,400 towards education.
- £30,000 towards sustainable transport infrastructure and highway safety improvements in the locality of the site.
- £17,747 – new CCTV camera Great Western Way.

In addition the Draft Head of Terms are also seeking to control construction methods to reduce the carbon footprint of the development. These contributions are all in line with recent residential schemes.

Conclusion

6.14 The retention of this attractive Victorian house and removal of the classrooms is considered to enhance the Conservation Area. The new dwellings have been carefully designed and sited to respect the setting and impact on neighbours and trees. The traffic impact has been assessed against the use of the existing premises together with the improvements to the access lane and car parking and considered to be acceptable.

RECOMMENDATION

- 1) **The Legal Practice Manager 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 incorporating any additional matters he considers appropriate.**
- 2) **Upon completion of the aforementioned planning obligation that officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers:**

Conditions:

1. **A01 (Time limit for commencement (full permission)).**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **B01 (Samples of external materials).**

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

3. **Prior to the commencement of the development the applicant shall provide a Method Statement in order to minimise the amount of dust and dirt emanating**

from the site during the demolition and construction phases. The development should be carried out in accordance with the agreed Method Statement.

Reason: To safeguard the amenities of the locality.

4. During the demolition and construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following hours: Mondays to Friday 8am to 6pm, Saturday 8am to 1pm nor at any time on Sundays, Bank or Public Holidays unless otherwise agreed in writing with the local planning authority.

Reason: To protect the amenity of local residents.

5. No materials or substances shall be incinerated within the application site.

Reason: To safeguard residential amenity and prevent pollution.

6. Development shall not begin until the applicant/agent has provided for the prior approval of the local planning authority a parking policy/plan identifying where all demolition and construction traffic associated with the development will be parked and how the parking will be managed. The parking shall be in accordance with the approved policy/plan.

Reason: To prevent indiscriminate parking in the interest of highway and pedestrian safety.

7. C08 (Repairs to external brickwork).

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

8. C12 (Repairs to match existing).

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

9. F32 (Details of floodlighting/external lighting).

Reason: To safeguard local amenities.

10. F39 (Scheme of refuse storage).

Reason: In the interests of amenity.

11. 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.

12. G01 (Details of boundary treatments).

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

13. **G04 (Landscaping scheme (general)).**
Reason: In order to protect the visual amenities of the area.
14. **G05 (Implementation of landscaping scheme (general)).**
Reason: In order to protect the visual amenities of the area.
15. **G09 (Retention of trees/hedgerows).**
Reason: To safeguard the amenity of the area.
16. **G17 (Protection of trees in a Conservation Area).**
Reason: To ensure the proper care and maintenance of the trees.
17. **G18 (Protection of trees).**
Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.
18. **G20 (Remedial work).**
Reason: The trees form an integral part of the visual environment and this condition is imposed to preserve the character and amenities of the area.
19. **G21 (Excavations beneath tree canopy).**
Reason: To prevent the unnecessary damage to or loss of trees.
20. **H13 (Access, turning area and parking).**
Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.
21. **H27 (Parking for site operatives).**
Reason: To prevent indiscriminate parking in the interests of highway safety.
22. **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.
23. **In this condition a “retained tree” is an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the date of the (occupation of the building/commencement of use of the approved development) for its permitted use.**
 - a. **No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other**

than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority. All tree works shall be carried out in accordance with BS3998.

- b. If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

Reason: In order to preserve the character and amenity of the area.

24. No machinery, plant or equipment shall be brought onto site or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the local planning authority. This scheme shall include:

- a. A plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
- b. The details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule.
- c. A schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.
- d. Written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.
- e. The details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).
- f. The details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
- g. The details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).
- h. The details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).
- i. The details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of

BS5837) of any retained tree, including those on neighbouring or nearby ground.

- j. The details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing).
- k. The details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees.
- l. The details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction.

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

Informatives:

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

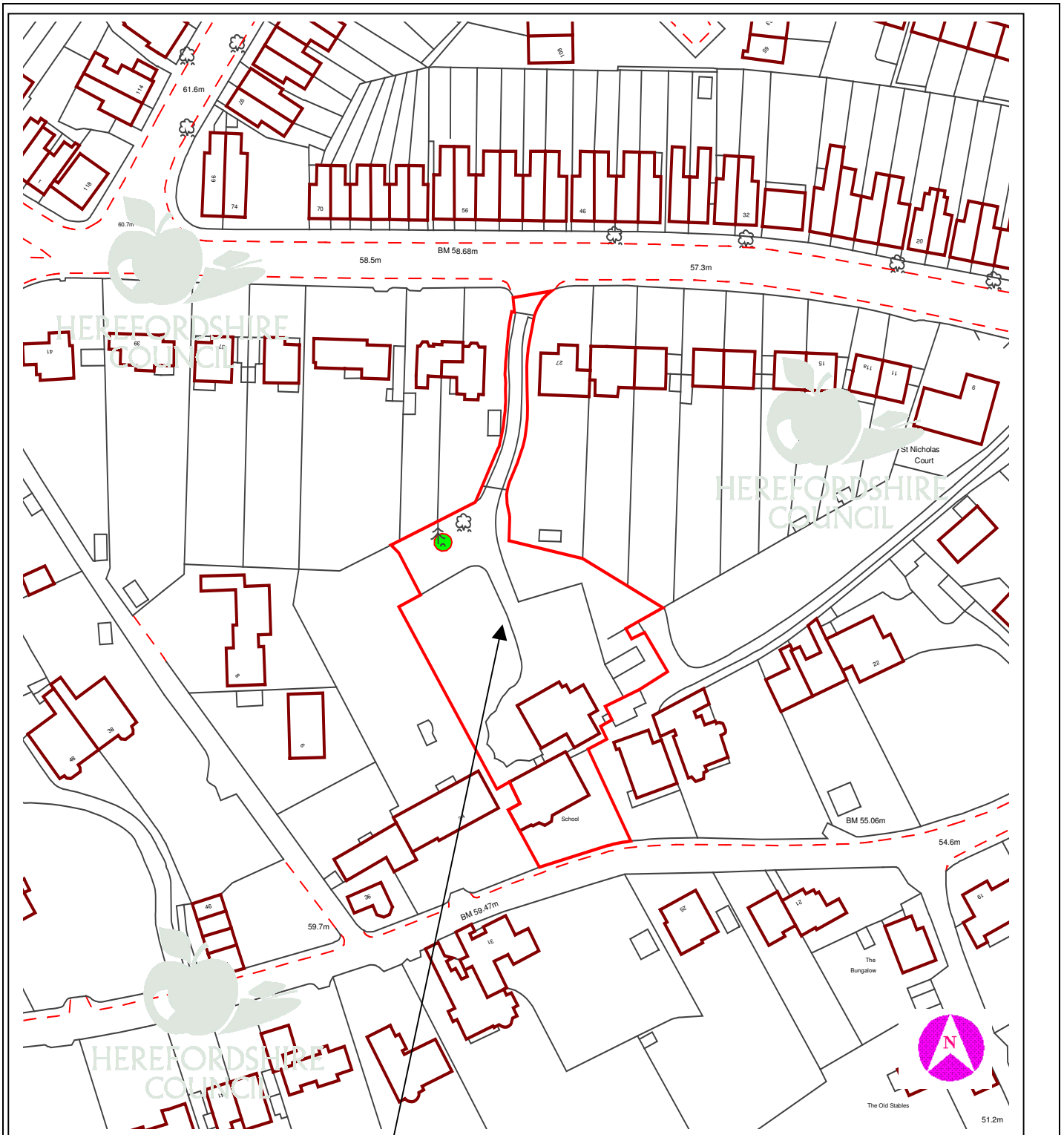
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2007/1974/F

SCALE : 1 : 1250

SITE ADDRESS : 32 Broomy Hill, Hereford, Herefordshire, HR4 0LH

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

Planning Application – DCCW2007/1974/F

Conversion of former school building into seven apartments and erection of two 2 bed and three 3 bed houses. 32 Broomy Hill, Hereford, HR4 OLH

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £14,400 to provide enhanced educational infrastructure at Lord Scudamore Primary School and/or Whitecross High School.
2. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £30,000 for off site highway works and improved public and sustainable transport infrastructure to serve the development (which aren't Section 278 works i.e. essential to facilitate the development).
3. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes: (The list is not in any order of priority)
 - a) Traffic calming measures in the area
 - b) Improved bus shelters/stops in the locality of the application site
 - c) Safe Routes for Schools
 - d) Improve lighting and signage to existing highway/pedestrian and cycle routes leading to the site
 - e) Improved pedestrian and cyclist crossing facilities in the area
 - f) Any other purpose falling within the criteria defined in 3 above.
 - g) No waiting restrictions on Broomy Hill.
 - h) No waiting restrictions on Breinton Road rear access.
4. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £17,747 for CCTV enhancement along Great Western Way to provide one new camera which shall be paid on or before the commencement of development.
5. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, 2, 3 and 5 for the purposes specified in the agreement within 10 years of the date of each payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
6. The design and construction of the development shall include energy efficiency measures to reduce the carbon footprint of the Development. The Development shall meet level three of the Code for Sustainable Homes: A step change in sustainable home building practice design produced by The Department for Communities and Local Government dated December 2006.

The developer shall provide a time bound programme of implementation along with measures to enable future monitoring at intervals throughout the construction period until all the Dwellings shall have been completed and occupied. The results of such monitoring shall be provided to the Council in writing at annual intervals during the course of the Development with a report upon completion of the development detailing the effectiveness of the implemented measures.
7. All of the financial contributions shall be Index linked and paid on or before commencement of the residential development unless otherwise agreed with Herefordshire Council
8. 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.

Kevin Bishop - Principal Planning Officer

15th August, 2007