

DCCE2008/0220/F - ERECTION OF 6 NO APARTMENTS IN TWO STOREY FORM TOGETHER WITH ASSOCIATED CAR PARKING. 84 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1JJ

For: Arena Estates Ltd, per Mr SRB Bell, Stephen R. Bell Design, 173 Lower High Street, Stourbridge, West Midlands, DY8 1TG

DCCE2008/0225/C – DEMOLITION OF EXISTING DWELLING AND ERECTION OF 6 NO APARTMENTS IN TWO STOREY FORM TOGETHER WITH ASSOCIATED CAR PARKING. 84 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1JJ

For: Arena Estates Ltd, per Mr SRB Bell, Stephen R. Bell Design, 173 Lower High Street, Stourbridge, West Midlands, DY8 1TG

Date Received: 31st January, 2008 Ward: Aylestone Grid Ref: 52305, 41072

Expiry Date: 27th March, 2008

Local Members: Councillors N. Vaughan, D.B. Wilcox

Introduction

These applications were considered by the Central Area Planning Sub-Committee at its meeting on the 19th March 2008 when Members resolved to refuse permission contrary to the recommendation in the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

At its meeting on 19th March 2008 the Central Area Planning Sub-Committee was recommended to approve this application for the following reasons:

1. The site is allocated as a residential area in the Unitary Development Plan where there is no policy objection to the principle of residential redevelopment including flats.
2. The demolition concerns the loss of one house. The Conservation Manager considers that the house itself is of little intrinsic merit and the proposed replacement building would preserve the character and appearance of the Conservation Area.
3. There will be no increased impact on the amenity of neighbours
4. The trees worthy of retention are being retained
5. Adequate parking is being provided along with a safe access
6. A Section 106 contribution is proposed to fund the cost of a Traffic Regulation Order

In the debate the members of the Area Sub-Committee gave weight to the objections from local residents and were concerned at the loss of the existing single dwelling and its replacement with 6 self contained flats. They were also concerned about increased traffic and car parking.

It was resolved to refuse permission.

The application raises the following issues:

1. The site is allocated for residential use and there is no policy basis to object to the principle of a development of self contained flats in this location.
2. The Conservation Officer's views are quite clear – the existing dwelling is not considered to be worthy of retention in its own right subject to the quality of the replacement and in this regard, the scheme in design terms would be an enhancement and generally harmonious with the character of the Conservation Area.
3. There is no support from the Traffic Manager for a refusal based on access, parking or the capacity of the localised road network
4. There is no increased overlooking or other adverse effect on neighbouring properties.

In light of the above the proposal complies with the development plan, and the objections raised by Members would not be tenable as reasons for refusal in the event of an appeal. The original Central Area Sub-Committee report follows below incorporating updates including a Section 106 Heads of Terms.

1. Site Description and Proposal

- 1.1 The site lies on the eastern side of Aylestone Hill, north and adjacent to the junction with Walney Lane. No 84 Aylestone Hill is a detached two storey three bedroom dwelling with rendered elevations under a hipped slated roof and is located in the north eastern corner of the site. Vehicular access is gained via Walney Lane with a further pedestrian access directly off Aylestone Hill to the west. The site is bounded to the north east and west by a mixture of hedgerow, stone wall and mature trees, one of which is a large mature Cedar. Ground levels generally fall northward away from Walney Lane into the site and eastwards away from Aylestone Hill.
- 1.2 Conservation Area Consent is sought for the demolition of the existing dwelling. Alongside this, planning permission is also sought for the construction of a replacement development comprising of four two bedroom and two one bedroom apartments located within a single detached building arranged on two floors. The design of the building is to follow a classical Georgian appearance with symmetrically positioned sash windows on each floor under a hipped slate roof. The existing access off Walney Lane is to be closed off and a new vehicular access created again off Walney Lane serving a parking area for nine vehicles. The remainder of the site will be appropriately landscaped to retain its existing appearance.

2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007:

- S2 - Development requirements
- S3 - Housing

S7	-	Natural and historic heritage
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
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
T7	-	Cycling
HBA4	-	Setting of listed buildings
HBA6	-	New development within conservation areas
HBA7	-	Demolition of unlisted building within conservation areas
CF2	-	Foul drainage

3. Planning History

- 3.1 CE2007/3011/F - Demolish existing property and replace with 6 apartments in two storey form together with associated car parking. Application withdrawn 30th October, 2007.
- 3.2 CE2007/3012/C - Demolish existing property and replace with 6 apartments. Application withdrawn 30th October, 2007.

4. Consultation Summary

The comments apply to both applications unless otherwise stated.

Statutory Consultations

- 4.1 Welsh Water: No objection subject to conditions regarding foul and surface water drainage including a note to advise the developers there are no foul or surface water sewers in the immediate vicinity and therefore an off-site sewer connection will be required.

Internal Council Advice

- 4.2 Traffic Manager: Recommend that nine car parking spaces are provided to give an average of 1.5 per unit. Cycle parking should also be provided in accordance with the Highway Design Guide and clarification that the visibility splays can be achieved alongside the existing hedgerows and trees.
- 4.3 Conservation Manager – Conservation Areas and Historic Buildings:

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The existing house is a common building of its type. It would appear to have been constructed on the site of the original stable block of the adjacent listed house, which was demolished. Whilst not particularly in keeping with the character of the conservation area it does not particularly detract from the area and therefore can be viewed as a relatively neutral feature. We would therefore not object to its demolition provided that a building that would be in keeping with the character of the area is constructed.

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The proposal is an improvement over the previously withdrawn scheme being a Classical style house of symmetrical form typical to Aylestone Hill. Minor improvements to the design could be undertaken such as the removal of the projecting wing to the south(right) elevation. Although this would result in a minor reduction in space it would result in a building that would be appropriate to the proposed style. If this option were undertaken it would be recommended that a parapet be added to reduce the impact of the roof and break up its mass. The door case needs to be added to and enhanced, as it is to subdued for a building of this quality. It may be preferable to construct a porch of an appropriate scale to reflect the buildings status. We would also recommend that as a minor alteration to the landscaping that a footpath is constructed down to Aylestone Hill and an appropriate gate is erected. This is so that the buildings focus is clearly seen to be from Aylestone Hill, as currently the side access drive would conflict with this proposal.

4.4 Conservation Manager – Trees

No objection in principle. The Beech Tree is young and should adapt to any change in its environment. I recommend that this can and should be retained. No objection to the loss of the other Leynadii trees but recommend compensatory planting.

5. Representations

5.1 Hereford City Council: The applications should be refused as the loss of this building would have an adverse impact on the Conservation Area.

5.2 Conservtaion Advisry Panel – Important landscape location, design rejected as lost opportunity on design grounds, should be a contemporary design, landscape proposal and trees not indicated and should be considered

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

1. The development will result in a significant increase in traffic on Walney Lane which is a highly unsuitable highway for any increased traffic.
2. The Aylestone Hill/Walney Lane junction is dangerous particularly during peak school periods and the proposed access is too near this junction.
3. Inadequate parking is provided.
4. The existing dwelling is a traditional style cottage worthy of retention.
5. The removal of further trees within the site is unacceptable.
6. The creation of additional hard surface where there previously was garden would increase surface water run-off.
7. The development constitutes an over development of the site.
8. The demolition of the existing building can not be considered sustainable development.
9. The development of flats will be out of character with the area which is predominantly single dwellings.
10. Walney Lane is a green lane and should remain as such
11. If approved access should be directly off Aylestone Hill rather than Walney Lane.
12. The proposed development will be incongruous.
13. The development will not maintain the character of the Conservation Area being three times larger than the existing cottage.
14. The development will lead to increased noise from additional traffic to the detriment of local amenity.
15. The development will set a precedent for other similar developments in the area.
16. The development exceeds the building line in Walney Lane.

17. Any trees proposed to be removed should be replaced with trees of a similar size.
 18. There will be considerable disruption during the construction phase particularly if it coincides with the construction of the two dwellings approved at 17 Walney Lane.
 19. If permission is approved the developer should be required to connect to the new mains foul drainage when completed as the existing foul drainage is inadequate and causes localised pollution.
 20. The development will have a detrimental impact on the setting of the adjacent Listed Building.
- 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

- 6.1 The first issue to consider is the principle of demolishing the existing dwelling. The dwelling is of 20th Century origin, is not listed but falls within a Conservation Area. The existing dwelling undoubtedly maintains the character and appearance of the Conservation Area. The Conservation Officers view, however, is that the existing dwelling is of minimal merit and its demolition can be considered acceptable subject to the quality of the replacement development.
- 6.2 The proposed replacement building will be a two storey detached building comprising four 2-bedroom and two 1-bedroom flats, three flats on each floor. The building is sited broadly in the same position as the existing dwelling following the notional building line of properties fronting Aylestone Hill to ensure it reads as part of the historic street scene.
- 6.3 Whilst the proposed building is significantly larger in footprint and scale than the existing dwelling, the building to plot ratio is still generous by modern development standards. Furthermore, the development will be of a comparable scale to other large properties in the locality including the neighbouring property - 88 Aylestone Hill. The development does encroach nearer Walney Lane than other properties in the locality. To ensure the impact of this is minimised the slab level is to be excavated into the rising ground level. The result of which is there a difference of around 1.5 metres between the slab level of the proposed development and the level of Walney Lane. There is scope to further reduce the impact by lowering the slab level of the dwelling by an additional 300 mm. This matter can be dealt with by condition. Overall, whilst the scale of the replacement building is substantially larger than the existing, it is not considered that the development will appear unacceptably large within the site or out of proportion with other properties in the locality. As such the principle of the siting and scale of the development is considered acceptable.
- 6.4 The design has evolved since the withdrawal of the previous applications in October 2007 to create a more classical appearance. The proposal now follows a typical Georgian design incorporating features such as symmetrically positioned sash windows at ground and first floor, hipped roof, large chimney stacks and a strong centrally located entrance feature. The amended design will now harmonise with the character and appearance of other properties in the Conservation Area including the property immediately north, which is Grade II Listed. The amendments also address the concerns of the Conservation Officer.
- 6.5 Three windows are proposed at first floor overlooking the neighbouring property and their garden. However, there are already windows at first floor within the existing dwelling overlooking the neighbouring property and their garden and therefore it is not

considered that there will be any material increase in overlooking. In retaining the slab level of the dwelling as low as possible and the fact that the majority of the property is a reasonable distance from the neighbouring boundary to the east, the development will not appear overbearing or result in an unacceptable loss of sunlight. The neighbouring property's amenity can be further safeguarded through the retention of the existing mature boundary hedge along the eastern boundary.

- 6.6 A tree survey has been provided to evaluate the quality and health of existing trees on site and identify the impact of the development on trees to be retained. The development has been specifically sited to ensure there is no impact on the mature Cedar and its root protection zone. Elsewhere, a cluster of Leylandii trees are located near the junction with Aylestone Hill which the tree report recommends can be removed. The development also necessitates the removal of a further semi-mature Leylandii in the south east corner of the site and may have an adverse impact on the semi-mature Beech tree in a similar location although there is sufficient space for this to be retained in the short term. Other boundary vegetation and hedges are to be retained to safeguard the character of the site.
- 6.7 To address the concerns of members and the Traffic Manger, the number of parking spaces has been increased form eight to nine which equates to one space per flat with three visitor spaces. This is considered adequate particularly given the characteristics of the site. Space for additional parking is available but it is considered that the extent of hardstanding should be minimised within the frontage of the development to maintain the landscaped garden area. A low impact surface for the parking area such as grass-creet or similar can be used to minimise the impact of the hardstanding and this matter can be controlled by condition.
- 6.8 The Traffic Manager confirms that the access is safe in terms of its proximity to the Aylestone Hill junction and adequate turning and manoeuvring space will be available within the site to enable a vehicle to enter and leave the site in a forward gear. The proposals also include the closure of the existing vehicular access adjoining the neighbouring property.
- 6.9 A condition is recommended requiring that the development connects to the new mains foul drain when available in line with other recent permissions in the locality. Negotiations on the development have been on-going for approximately 8 months therefore given this situation and the fact that application was submitted in advance of the adoption of the Supplementary Planning Document on Planning Obligations, it is not considered reasonable to asses the development against the SPD. However, to address the concerns of local residents regarding indiscriminate parking on the recently widened section of Walney lane, the applicants have agreed to fund the cost if investigating and if the criteria is met, implementation of a Traffic Regulation Order. This would enable the introduction of double yellow lines along the widened section of Walney Lane and the recommendation reflects this requirement.
- 6.10 The demolition of the existing dwelling is only justified on the basis of a high quality replacement development. It is now considered that this requirement has been achieved with the proposed development, which will assimilate into its environment and enhance the character and appearance of the Conservation Area. There are also developments of flats in locality both in the form of new build and conversion of existing buildings and therefore the introduction of further six flats will not be out of keeping with the residential character of the area. The development is therefore acceptable in accordance with the relevant Unitary Development Plan Policies.

RECOMMENDATION

- 1) The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 subject to the Heads of Terms attached to this report and any additional matters and terms as he considers appropriate.
- 2) Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered necessary by officers.

Note to applicant:

- 1) This permission is granted pursuant to an agreement under Section 106 of the Town and Country Planning Act 1990.

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- 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 **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.
- 4 **G04 (Landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
- 5 **G05 (Implementation of landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
- 6 **G09 (Retention of trees/hedgerows)**
Reason: To safeguard the amenity of the area.
- 7 **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.
- 8 **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.

- 9 Notwithstanding the submitted details, the finished floor level of the development hereby permitted shall be constructed at 76.400

Reason: in order to define the permission and to ensure the development is of a scale and height appropriate to the site and its surroundings.

- 10 F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

- 11 H27 (Parking for site operatives)

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

- 12 The development hereby permitted shall not be occupied until evidence documenting the foul drainage connection to the mains sewer has been submitted to and approved in writing by the local planning authority.

Reason: To ensure satisfactory drainage arrangements are provided.

- 13 Foul and water surface discharges shall be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

- 14 No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the local planning authority.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

- 15 Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

- 16 F39 (Scheme of refuse storage)

Reason: In the interests of amenity.

- 17 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 dwelling, further certification shall be provided confirming that the development has been constructed in accordance with the agreed standard.

Reason: To promote the sustainability of the development hereby approved in accordance with Policies S1 and H13 of the Herefordshire Unitary Development Plan and PPS1 Supplement 'Planning and Climate Change'

INFORMATIVES:

- 1 There are no foul/surface water sewers in the immediate vicinity. It is therefore likely that off-site sewers will be required to connect to the public sewerage system.**

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on 01443 331155.

- 2 N15 - Reason(s) for the Grant of PP/LBC/CAC**

- 3 N19 - Avoidance of doubt**

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- 1. C01 (Time limit for commencement (Listed Building Consent)**

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2. 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.

- 3 C14 (Signing of contract before demolition).**

Reason: Pursuant to the provisions of Section 71(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

INFORMATIVES:

- 1 N15 - Reason(s) for the Grant of PP/LBC/CAC**

- 2 N19 - Avoidance of doubt**

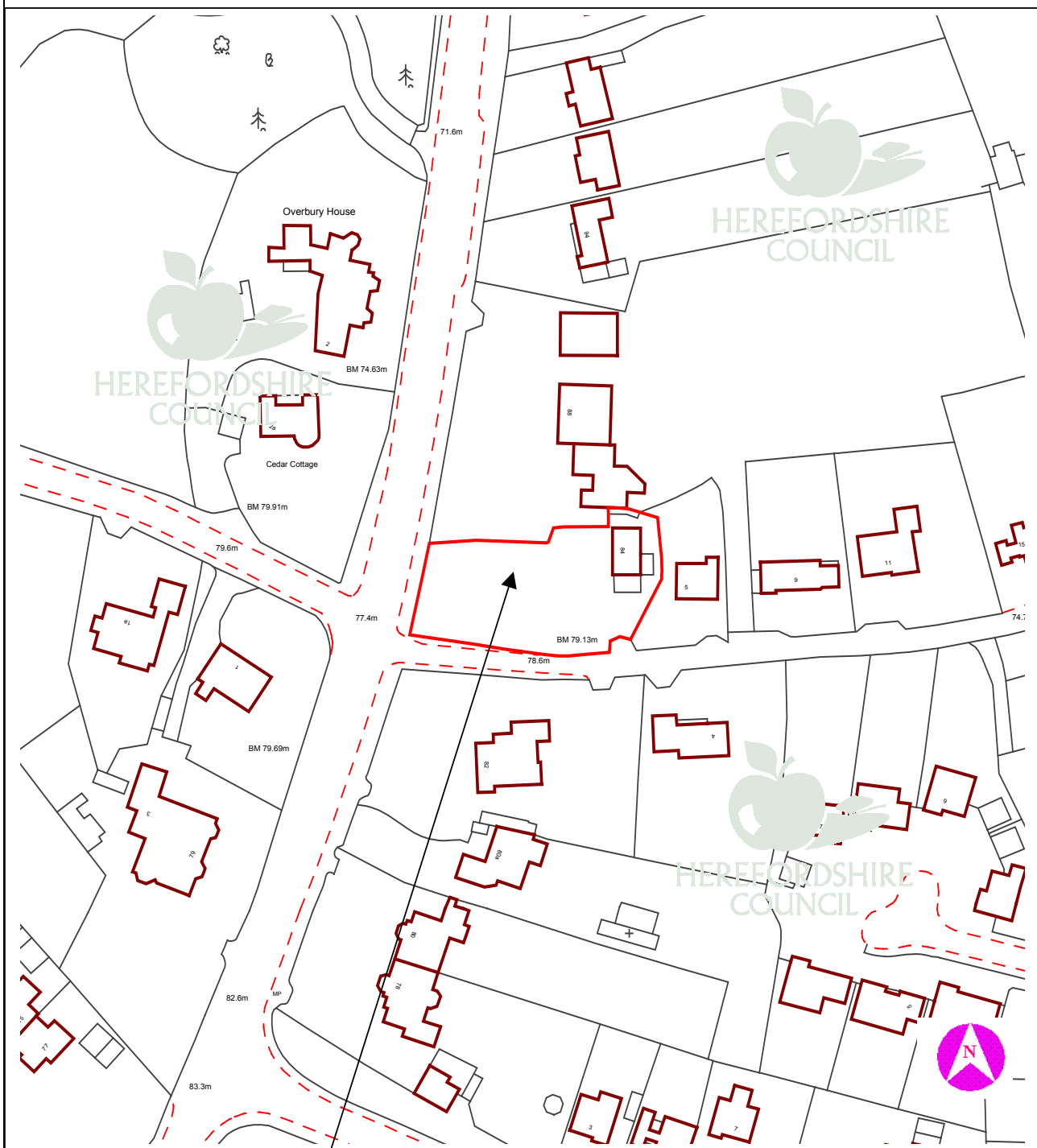
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2008/0220/F

SCALE : 1 : 1250

SITE ADDRESS : 84 Aylestone Hill, Hereford, Herefordshire, HR1 1JJ

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HEADS OF TERMS

Proposed Planning Obligation Agreement

Section 106 Town and Country Planning Act 1990

Planning Application – DCCE2007/0220/F

- Erection of 6 apartments together with associated parking

84 Aylestone Hill, Hereford, HR1 1JJ.

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council £6000 upon commencement of the development. The money shall be used for the investigation and implementation of a Traffic Regulation Order to enable the introduction of double yellow lines on the widened section of Walney Lane. In the event the Traffic Regulation Order criteria is not met, any remaining money shall be used for the enhancement of sustainable transport infrastructure in the Alyestone Ward.
2. The contribution shall be indexed linked.
3. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purposes specified in clause 1 within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
4. The developer 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.

Russell Pryce
Team Leader - Central

26th March 2008