

**8 DCCE2008/0256/F - PROPOSED RESIDENTIAL DEVELOPMENT OF 6 FLATS AT LAND ADJ. TO 53 BARRS COURT ROAD, HEREFORD, HR1 1EQ****For: Sherrat Will Trust per John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH****Date Received: 4th February, 2008****Ward: Aylestone****Grid Ref: 51732, 40490****Expiry Date: 31st March, 2008**

Local Member: Councillor N.L. Vaughan and D.B. Wilcox

**1. Site Description and Proposal**

- 1.1 The application site comprises a parcel of land between Barrs Court and Pengrove Road, close to the respective junctions with Aylestone Hill. Permission is sought for the erection of a detached building comprising 6 one-bedroom self-contained apartments arranged on three floors. It is proposed to construct the building across the Barrs Court Road frontage. In this position the building would be read as an extension to the existing road-fronting development. Although the site has existing vehicular accesses from both Barrs Court and Pengrove Road the application has been amended and is now put forward as a car-free proposal in recognition of the inadequacies of the existing access arrangements.
- 1.2 It is understood that the site was used historically as a builders yard, but also that it has not been used for this purpose for over 20 years. It is therefore likely that the builders yard use has been abandoned. The site is now largely vacant with a concrete hardstanding to the Barrs Court frontage. The site is bound by neighbouring residential property, including the rear gardens of properties on Aylestone Hill and Hopton Road. The rear boundary of the Aylestone Hill properties doubles as the edge of the Aylestone Hill Conservation Area.
- 1.3 In the absence of vehicle parking the development would be accessible to pedestrians from the Barrs Court Road approach. It is proposed to extend the existing attractive brick wall along the frontage and introduce wrought iron pedestrian gates, beyond which access to the building would be granted via a central lobby. There would be two apartments per floor each with a hallway, lounge, kitchen, bedroom and bathroom.
- 1.4 To the rear of the building a communal area is provided. Paths around each flank of the building provide access to this area. Here provision would be made for refuse and cycle storage together with a useable communal outdoor amenity space.
- 1.5 The building design has been amended throughout the course of the application to better reflect the architectural character of the area. By virtue of its proximity to the neighbouring villas on Barrs Court Road the building reads as an extension to the Barrs Court frontage. To this effect the building exhibits projecting gables with appropriately proportioned fenestration. A balcony is provided for the two apartments at second floor. This provides an additional feature of architectural interest and a further private amenity area for prospective inhabitants.

- 1.6 In terms of scale, the building is approximately 500mm taller than the neighbouring semi-detached dwellings, although a gradual increment in the height of buildings is apparent as one moves along Barrs Court Road to the junction with Aylestone Hill.

## 2. Policies

### 2.1 Herefordshire Unitary Development Plan

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S6	-	Transport
Policy S7	-	Natural and Historic Heritage
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy T8	-	Road Hierarchy

## 3. Planning History

- 3.1 DCCE2007/1077/F: Residential development providing eight apartments. Refused 30th May, 2007 owing to the inadequacy of the proposed vehicular access and the impact upon residential and visual amenity and the setting of the adjacent conservation area.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Welsh Water: No objection but recommend the imposition of conditions to ensure that foul and surface water is drained separately from the site and that no surface water or land drainage run-off should be allowed to drain into the public sewerage system.
- 4.2 Network Rail: No objection

### Internal Council Advice

- 4.3 Traffic Manager: The response of the Traffic Manager is based upon the amended proposal to remove vehicular access and parking from the scheme.

"I consider that in view of the small scale of development (number and single bed units) at this sustainable location that subject to a s.106 agreement regarding non-availability of parking permits to owners/tenants, car free would be an acceptable option for the development proposed."

- 4.4 Conservation Manager (Conservation Areas): The response of the Conservation Manager is based upon the amended design.

"The proposed development would be in keeping with the character of the conservation area. It respects the form, mass and elements found in the surrounding buildings and architectural styles of the late 19th Century. We therefore believe that the current

proposal is a significant improvement on the previous design and is now acceptable. Bricks, slates, joinery details and rainwater goods should be subject to prior approval."

## 5. Representations

5.1 Hereford City Council: Recommend that the application be refused as an over-development of the site and that there is no evidence of need for single-bed accommodation in the area.

5.2 Five letters of objection have been received from local residents. The content can be summarised as follows, but regard should be made to the fact that vehicular access is no longer sought from Penn Grove Road and parking has also been removed from the scheme:

- The (originally) proposed vehicular access from Penn Grove Road is narrow and visibility sub-standard.
- The number of cars generated by the development would be unacceptable having regard to the nature of the access.
- Parking provision within the site should be capable of meeting likely demand.
- The presence of local residents parking schemes can displace vehicles onto the nearest streets that do not have such schemes, placing undue burden upon already overcrowded streets.

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 key issues in determining this application are considered to be:

- The Principle of Development.
- The Design of the Proposal.
- Highway and Parking Issues – the appropriateness of the car free approach.
- The Impact Upon Residential Amenity.
- S.106 Matters.

### The Principle of Development

6.2 The application site lies within the settlement boundary for the City of Hereford and is also within an established residential area. Policy H1 of the Unitary Development Plan (UDP) recognises that residential development should be directed to these areas provided that proposals do not conflict with other Development Plan policies. Policy H14 permits the redevelopment of previously developed land for residential purposes where consistent with housing provision and other policies within the plan.

6.3 Planning policy is consistent in its support for the residential development of sites such as this subject to the satisfactory resolution of other issues. The principle of residential development at this location is thus established.

### Design

6.4 The design of the proposed building has been substantially amended over the course of the application. Careful consideration has been given to the resolution of the design

issues given the prominent nature of the site. Long distance views into the site are available from Commercial Road and the site is also prominent when viewed from the railway station. In addition the site adjoins the Aylestone Hill Conservation Area.

- 6.5 The architectural styling of the building is now more reminiscent of the neighbouring late 19th century properties. This approach has been decided as more appropriate than an overtly modern design in this context. The proposal includes efforts to enhance the street frontage by continuing the existing high quality brick wall and introducing wrought iron pedestrian gates to afford access. The projecting bays have been detailed with relatively large fenestration to better reflect the character of the adjoining dwellings, whereas the central balcony also has the potential to create an interesting and high quality architectural feature. The general scale and proportions will also ensure the development blends successfully with its surroundings.
- 6.6 In this respect the development is considered an improvement over the contemporary design proposed under reference DCCE2007/1077/F, which was deemed inappropriate in this context. Moreover, the previous submission was also reliant upon vehicular access from Penn Grove Road and would have resulted in overlooking of adjoining residential properties and a poor standard of residential amenity for prospective inhabitants. All of these issues were satisfactorily resolved by the correct submission. Furthermore, the Conservation Manager is now satisfied that the design is appropriate subject to the prior written agreement of all external materials.

#### Highway and Parking Issues

- 6.7 The application was made originally on the basis that vehicular access and egress would be achieved via the Penn Grove Road access. However, the Traffic Manager objected to this on the basis that the access is substandard in terms of visibility and use would be of detriment to highway safety.
- 6.8 As a consequence, the application has been amended to remove parking and vehicular access and the scheme is now effectively car free. The Traffic Manager has given his confirmation that a car free approach is acceptable in this location given the scale of the scheme – both in terms of unit numbers and size – and the willingness of the developer to enter into a S.106 agreement preventing future occupants of the development from becoming eligible for residents' parking permits. This approach would make it less convenient for future occupants of the scheme to simply own a car and park locally and has been adopted elsewhere.
- 6.9 It should also be acknowledged that the site is within easy walking distance of the city centre and the bus and railway station. Within such proximity to a full range of amenities, and with good access to alternative modes of transport, it is considered plausible that occupants will not be reliant upon access to private cars.
- 6.10 The proposal does not include the stopping up of the Penn Grove Road access point, although a 1.8 metre close-boarded fence is proposed across the site to prevent people parking on the disused land and accessing the development from the rear. It is recommended that further consideration be given to ensuring that these measures are not circumvented.
- 6.11 The scheme provides for cycle parking in a secure and convenient position and it is envisaged that this structure could be modified to house mobility scooters if necessary.

Residential Amenity

- 6.12 The proposed building is located towards the roadside in line with the neighbouring semi-detached property. In this location there is no conflict with adjoining dwellings in terms of overlooking arising from the rear. In any event the flats are arranged so that the bedrooms and bathrooms are found to the rear and overlooking would be less likely as a consequence.
- 6.13 There is also adequate distance from the rear of properties in Aylestone Hill to guard against loss of privacy in rear gardens. The flank elevations are devoid of windows and a condition is imposed to ensure that this remains the case. The proposal is thus considered acceptable in terms of its relationship with neighbouring dwellings and potential impact upon existing levels of residential amenity.

S.106 Matters

- 6.14 The application will be subject to a S.106 agreement concerning the ineligibility of future occupants for residents' parking permits.
- 6.15 The Traffic Manager has sought a contribution towards sustainable transport initiatives. The applicant's agent has thus far declined to enter into an agreement on the basis that the application was submitted and registered on 4th February 2008, some way in advance of the formal application of the Supplementary Planning Document "Planning Obligations." It is considered that a contribution to enable the enhancement of sustainable transport measures including walking and cycling facilities in the locality is reasonable particularly given the development is car free and further negotiations on this matter are still ongoing. An update to members will be provided at the Sub-Committee.
- 6.16 Notwithstanding this, the application is recommended for approval subject to the conditions set out below and the completion of the S.106 in respect of residents' parking permits and the possibility of a sustainable transport contribution.

**RECOMMENDATION**

**That 1) 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 that he considers appropriate.**

- 2) Upon completion of the aforementioned planning obligation 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:**

- 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. A09 (Amended plans).**

**Reason: To ensure the development is carried out in accordance with the amended plans.**

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

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

4. **C11 (Specification of guttering and downpipes).**

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

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

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

6. **C05 (Details of external joinery finishes).**

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

7. **E18 (No new windows in specified elevation).**

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

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. **F39 (Scheme of refuse storage).**

**Reason: In the interests of amenity.**

10. **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.**

11. **F16 (Restriction of hours during construction).**

**Reason: To protect the amenity of local residents.**

12. **W01 (Foul/surface water drainage).**

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

13. **W02 (No surface water to connect to public system).**

**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.**

14. **W03 (No drainage run-off to public system).**

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

**15. H32 (Sustainable Home).**

**Reason: To promote the sustainability of the development hereby approved in accordance with Policies S1 and H13 of the Herefordshire Unitary Development Plan 2007 and PPS1 Supplement 'Planning and Climate Change'.**

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

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

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

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

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

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

**Informative(s):**

- 1. N19 - Avoidance of doubt.**
- 2. N15 - Reason(s) for the Grant of Planning Permission.**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.

## **DRAFT HEADS OF TERMS**

### **Section 106 Agreement**

**Planning Application DCCE2008/0256/F**

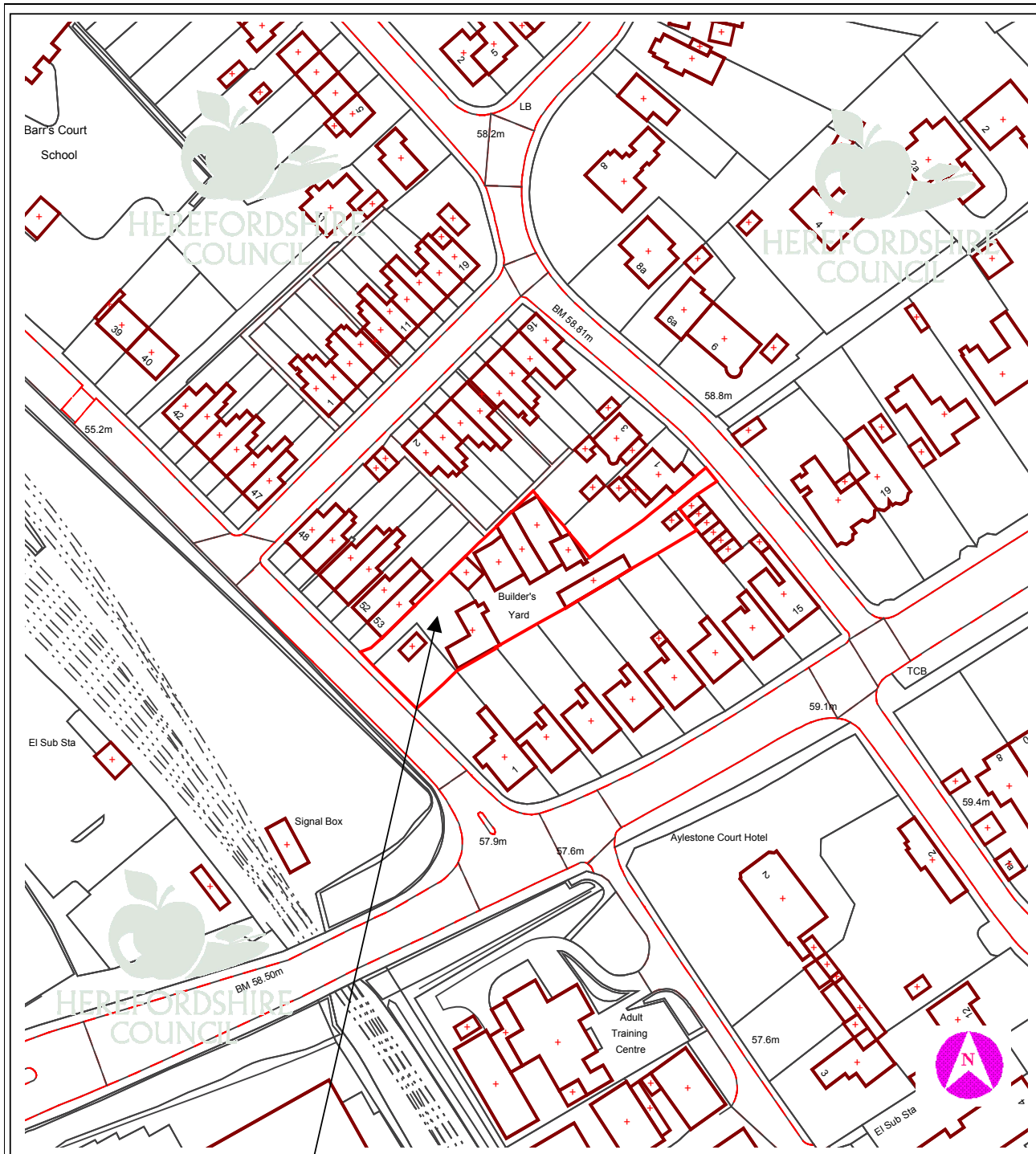
**Proposed residential development of 6 flats  
on land adjacent to No. 53 Barrs Court Road, Hereford, HR1 1EQ**

1. The developer covenants with Herefordshire Council to enter into an agreement under Section 106 of The Town and Country Planning Act 1990 (as amended) to the effect that future occupants of the developer are restricted in perpetuity from applying for residents' parking permits within the vicinity of the application site.
2. The developer covenants with Herefordshire Council to enter into an agreement with Herefordshire Council under Section 106 of The Town and Country Planning Act 1990 (as amended) to pay £8,790 per unit towards sustainable transport initiatives within the locality – NB yet to be agreed with the developer.
3. The financial contributions shall be index linked and paid in full prior to the first occupation of the development.

Ed Thomas, Senior Planning Officer  
Peter Yates, Development Control manager

April 2008





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**APPLICATION NO:** DCCE2008/0256/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land adj to 53 Barrs Court Road, Hereford, Herefordshire, HR1 1EQ

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