

**5 DCCW2008/0292/F - DEMOLISH EXISTING RECTORY AND ERECT 9 NO. RESIDENTIAL DWELLINGS AT ST. NICHOLAS RECTORY, 76 BREINTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 0JY**

**For: Diocese of Hereford per Hook Mason Ltd., 11 Castle Street, Hereford, HR1 2NL**

**Date Received: 6 February 2008**

**Ward: St. Nicholas**

**Grid Ref: 49918, 39787**

**Expiry Date: 2 April 2008**

Local Members: Councillors DJ Benjamin and JD Woodward

### **Introduction**

Members will recall that this planning application was deferred from the last meeting to enable discussions with the applicant and agent regarding the proposed level of contributions. At the time of preparing this report no additional information has been received, therefore a verbal update will be given at the meeting.

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

- 1.1 St. Nicholas Rectory is located on the corner of Westfaling Street and Breinton Road, Hereford. The house occupies the northern part of the site and is a substantial brick and tiled roof dwelling. Vehicular and pedestrian access is off Breinton Road. The site has substantial tree coverage, particularly at the junction with Westfaling Street and Breinton Road. The land slopes down from north to south onto Breinton Road.
- 1.2 The proposal is to demolish the existing house and build nine dwellings, all fronting Westfaling Street with parking and vehicular access off Breinton Road. The dwellings are grouped to provide three blocks of three dwellings. The first block at the junction of Westfaling Street and Breinton Road will be 2½ storeys high and contain 3 bed accommodation. The two remaining blocks will each provide 2 bed accommodation in two storey dwellings.
- 1.3 A traditional design approach has been taken with the use of red brick under a natural slate roof to match the adjoining property. 14 car parking spaces are proposed and all the dwellings have their own dedicated cycle storage sheds.
- 1.4 An ecological survey accompanied the planning application.

### **2. Policies**

#### **2.1 Planning Policy Statements:**

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPS9	-	Biodiversity and Geological Conservation

## 2.2 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR4	-	Environment
Policy DR5	-	Planning Obligations
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H9	-	Affordable Housing
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking
Policy T11	-	Parking Provision
Policy LA5	-	Protection of Trees, Woodlands and Hedgerows
Policy LA6	-	Landscaping Schemes
Policy HBA6	-	Locally Important Buildings
Policy NC5	-	European and Nationally Protected Species

**3. Planning History**

- 3.1 DCCW2007/0364/F Demolition of existing Rectory and erection of 14 apartments. Withdrawn 30 March 2007.

**4. Consultation Summary**Statutory Consultations

- 4.1 Welsh Water: Raise no objection subject to appropriate conditions.

Internal Council Advice

- 4.2 Traffic Manager: Raise no objection to the amended car parking layout subject to appropriate conditions and contributions.
- 4.3 Head of Economic and Community Services: The proposal is for 9 dwellings and the loss of one dwelling therefore the net gain is 8. Under existing UDP policy a development of this size is currently below the threshold to provide a play area.

We do, however, ask for a Sport England contribution from all new housing developments. This is in response to Sport England who required such developments to help contribute towards increasing participation in active sports. The calculation is based on Sport England's Sports Facilities Calculator. This would be used towards improvements to access at the Hereford Leisure Pool, which is in easy walking distance of the site.

- 4.4 Conservation Manager (Landscape): I would like to make the following comments:

- The proposal has developed following pre-application discussions with both the Senior Building Conservation Officer and the Senior Landscape Officer. The proposals have addressed a number of initial concerns.

- The arboricultural report submitted with the application is of limited value and only identifies species of tree, general condition and some management prescriptions. The proposals require the removal of a number of trees in generally good condition, but also seek to preserve a number of notable specimens. Planting of new trees in mitigation for the ones lost has been proposed. None of the trees are the subject of a TPO. The opportunity to remove trees of poor quality and enhance the arboricultural resource in the area should be realised.  
I would recommend that if the proposal were granted planning permission, a condition requiring a full statement of tree management and protection be attached. The trees and all necessary protection should be described in terms of *BS5837: Trees in Relation to Development, Recommendations, 2005*.
  - A proposal of this size and character should ideally be accompanied by a detailed landscaping scheme. In this case, due to the pre-application discussions I consider it reasonable to attach conditions requiring the production of detailed landscaping proposals prior to the commencement of any works. This should include both hard and soft landscaping proposals.
  - The treatment of boundaries and all new walls should also be the subject of clarification and controlled through the use of condition.
  - The provision of level car parking to the south side of the site may require the excavation and re-profiling of a substantial amount of soil, the details of which should again be the subject of a planning condition.
  - Lastly, I would suggest that the proposals would on balance make a positive contribution to the quality and character of the street scene. Subject to the production of a high quality landscaping scheme for the site, the arboricultural and vegetative character of the site will be preserved despite the increase in the number of dwellings.
- 4.5 Conservation Manager (Historic Buildings): The rectory building is not a distinguished example of the architecture of the period and subsequent development in the area has resulted in its position and massing detracting from the generally tight grain of the area.

Overall a well thought out scheme which should fill the gap in the streetscape on an important corner. The corner 'turret' provides a means for the building to turn the corner fairly successfully rather than presenting a blank wall. The staggering of the blocks should fit well with the building pattern on the opposite side of the street and provide a visual sweep up the slope. In design terms the buildings will harmonise well with the neighbouring terraced and semi-detached houses both in scale and massing and in detailing.

4.6 Conservation Manager (Ecology): Comments are:

I note the presence of common and soprano pipistrelle bats foraging on the site, but that none were found to be roosting there. I would like to see opportunities for enhancing the site for biodiversity in line with legislation (NERC Act 2006) for Government guidance (PPS9), by the provision of bat tubes in the new buildings, bird and bat boxes on trees to be retained and use of native species in the landscaping and planting scheme. These details should be submitted prior to development of the site.

I have no objection to approval of this application subject to the inclusion of appropriate conditions.

- 4.7 Children & Young People's Directorate: The educational facilities provided for this development site are Whitecross Day Nursery, Lord Scudamore Primary School and Whitecross Sports College. Hereford City also provides youth facilities. Within Herefordshire we also have a Special School, Barrs Court, which provides secondary education to persons with special needs.

Whitecross Day Nursery is the nearest early years provision setting to this development. It has been confirmed by the nursery that, at present, they have no spare capacity and on evidence that has been gathered by Early Years and Extended Services, certain sessions within the nursery are on a waiting list basis, but this is dependant on the age of the child.

Lord Scudamore School is over capacity in one year group (Reception) as at the Spring Census 2008

Whitecross High School is over capacity in two year groups (Year 7 and Year 8) and at capacity in one year group (Year 9) as at the Spring Census 2008

The Youth Service has no building from which to deliver youth work in Hereford City. They currently rent space from a voluntary sector organisation, Close House, which is the base for two part time Youth Workers. There are currently have staffing vacancies in this area. The two part time youth workers operate across Hereford City with most of their work being street based. The Youth Service would like to find a suitable building for them to permanently delivery youth work within Hereford City.

Please note that the PAN of the above year groups is based on permanent and temporary accommodation, whereas section 3.5.6 of the SPD states that the capacity should be based on the permanent accommodation, therefore, additional children may also prevent us from being able to remove temporary classrooms at Lord Scudamore Primary School that we would otherwise be able to do.

The Children & Young Peoples Directorate would therefore be looking for a contribution to be made towards Children and Young People in this area that would go towards rectifying some of the issues identified above that would only be exacerbated by the inclusion of additional children.

## **5. Representations**

- 5.1 Hereford City Council: Hereford City Council requests that this planning application be determined strictly in accordance with the approved development plan applicable to the area of the Parish of the City of Hereford. The City Council has no objection to this application for planning permission.
- 5.2 Five letters of objection have been received from A. & V. Kaye, 1 Westfaling Street, Hereford; M.R. Speak, 31 Castlefields, Leominster; Mr. T. Harris, 1 Tower Road, Hereford; Mr. R. Hodges, 19 Westfaling Street, Hereford and Mrs. R. Dorling, 15 Westfaling Street, Hereford.

The main points raised are:

1. Objection to the demolition of an irreplaceable example of period architecture which greatly enhances the area.
2. The area is already over congested with people and traffic and this proposal will further aggravate this problem.
3. St. Nicholas Rectory should be listed.
4. The Rectory is one of the best surviving examples of a fairly substantial Edwardian house in the City of Hereford.
5. There is no affordable housing on the site.
6. The site is being over developed.

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:

- 1) Principle of Development
- 2) Design and Layout
- 3) Highway and Parking Issues
- 4) Impact on Adjoining Property
- 5) Ecology
- 6) Section 106 Planning Obligation

### Principle of Development

- 6.2 This site is located within the established residential area for Hereford City as identified in the Herefordshire Unitary Development Plan. Residential development is permitted in such areas where compatible with housing design and other policy of the Plan. It is classified as 'previously developed' land and therefore complies with the main thrust of Policy H14 provided it respects the character and appearance of the area and protects existing and proposed residential amenity.
- 6.3 The quality of the existing building has been assessed by the Conservation Manager who confirms that the Rectory is not a distinguished example of the architecture of the period and subsequent development in the area has resulted in its position and massing detracting from the general tight grain of the area.6.4 Finally no affordable housing is required as the number of units and size of the site falls below the threshold.

### Design and Layout

- 6.5 A traditional approach has been taken with the dwellings scale, mass and materials similar to the dwellings opposite the site in Westfaling Street. They are therefore compatible to the character and appearance of the area. The change in levels has helped the inclusion of the three 3-bed dwellings which are 2½ storeys high. These are located to the east of the site near the junction of Breinton Road with Westfaling

Street. The insertion of the wrap around bay window turret also improves the appearance of the corner plot, particularly when viewed from Westfaling Street.

- 6.6 The layout follows the existing pattern of development on the south side of Westfaling Street which allows for the vehicular access and parking to be achieved onto Breinton Road via a new access. The existing access will be closed. Adequate amenity space is also provided for each of the dwellings. Therefore the design and layout are considered to be compatible with the character and form of the area.

#### Highways and Parking

- 6.7 Westfaling Street is a well-trafficked road and this site is located at the junction of not only Breinton Road and Ryelands Street but Tower Road as well. As a consequence the site only has pedestrian access to each of the units at the front on Westfaling Street with all vehicular access from a new access moved further west along Breinton Road. The existing access will be closed. Extensive on-street parking occurs in the area, therefore the maximum car parking requirement of 1½ car spaces per unit has been achieved on-site totalling 14 spaces. The Traffic Manager has confirmed that this is acceptable and accords with Policies H16 and T11. In addition separate cycle storage is proposed for each dwelling and a contribution to highway improvements in the locality.

#### Impact on Adjoining Property

- 6.8 The layout of the development ensures that there is no unacceptable overlooking between dwellings. No side windows are proposed and houses on the north side of Westfaling Street are raised above the level of this site. Furthermore the line of the new dwellings follows the similar line of the adjoining dwellings. Therefore maintaining the streetscape. The proposal is therefore considered not to impact detrimentally upon the amenity of adjoining residents.

#### Ecology

- 6.9 An ecological survey accompanied the planning application and has been fully assessed by the Council's Ecologist. The presence of common and soprano pipistrelle bats have been noted foraging on site but none were found to be roosting in the Rectory. Therefore subject to a suitable condition to ensure that the recommendations of the ecological report are followed which includes the appointment of an Ecological Clerk of Works, no objections are raised.

#### Section 106 Planning Obligation

- 6.10 This planning application was submitted prior to the adoption of the Supplementary Planning Guidance on Planning Obligations. Therefore whilst the full requirements cannot be requested it provides a useful tool on which to base negotiations, particularly as it can be given significant weight.
- 6.11 Negotiations commenced on the basis of the SPD and contributions have been sought for:
1. Education
  2. Highways
  3. Recycling

4. Sport England
5. Library Service

6.12 The agents have submitted the following comments on the need for contributions:

“On the matter of contributions, our clients are firmly of the opinion that as a registered charity they should be exempt from such charges, given that their sole motivation for obtaining Planning Permission on this site is to realise the maximum land value when ultimately sold in order to enable them to maintain the extensive portfolio of properties within the Diocese for which they are responsible. Their stance is further reinforced by the fact that the application (originally submitted in February 2007 although subsequently withdrawn in order to address various technical matters and later resubmitted on 4/02/08) was submitted well in advance of the SPD policy becoming effective on 1/04/08 and Peter Yates’s advice to the Southern Area Planning Committee Members on this specific subject of timing on 2/04/08 was entirely unambiguous.

However notwithstanding the above having considered matters in detail and having taken extensive planning consultancy advice on the matter our clients are prepared to offer contributions totally £16,440.00 which comprise transport contributions of £15,480.00 and recycling contributions of £960.00. From the advice received, the case for education contributions in this specific case appears to be entirely spurious and the potential impact of the proposed development on the library and sports services is regarded as being negligible.”

It is disappointing that the applicants do not see the benefits of contributing to education considering the reasonable case put forward by the Children and Young People Directorate. However, this planning application was submitted prior to the adoption of the SPD where the size of this development would not have contributed.

Accordingly the draft Heads of Terms are annexed to the report.

6.13 In conclusion therefore it is considered that the principle of the development is established and acceptable. The design and layout is compatible to the character of the area. Maximum car parking standards have been met and contributions to improved highway safety in the area are proposed. Finally there is considered to be no detrimental impact on the amenity of adjoining residential property.

## 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. B03 (Amended plans).**

**Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.**

**3. C01 (Samples of external materials).**

**Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.**

**4. G02 (Retention of trees and hedgerows).**

**Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.**

**5. G04 (Protection of trees/hedgerows that are to be retained).**

**Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.**

**6. G06 (Remedial works to trees).**

**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 and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.**

**7. G09 (Details of Boundary treatments).**

**Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.**

**8. G10 (Landscaping scheme).**

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

**9. G11 (Landscaping scheme – implementation).**

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

**10. H03 (Visibility splays) (2.4 metres x 33 metres).**



**Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.**

- 11. H05 (Access gates) (5 metres).**

**Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.**

- 12. H06 (Vehicular access construction).**

**Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.**

- 13. H08 (Access closure).**

**Reason: To ensure the safe and free flow of traffic using the adjoining County highway and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.**

- 14. H09 (Driveway gradient).**

**Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.**

- 15. 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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.**

- 16. H27 (Parking for site operatives).**

**Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.**

- 17. H29 (Secure covered cycle parking provision).**

**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**

- 18. I16 (Restriction of hours during construction).**

**Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.**

- 19. I22 (No surface water to public sewer).**

**Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding so as to comply with Policy DR4 of Herefordshire Unitary Development Plan.**

20. I51 (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 so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.

21. I56 (Sustainable Homes Condition).

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'

22. K4 (Nature Conservation – Implementation).

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation(Natural Habitats, &c) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 of Herefordshire Unitary Development Plan.

23. L01 (Foul/surface water drainage).

Reason: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.

24. L02 (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 so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

**Informatives:**

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

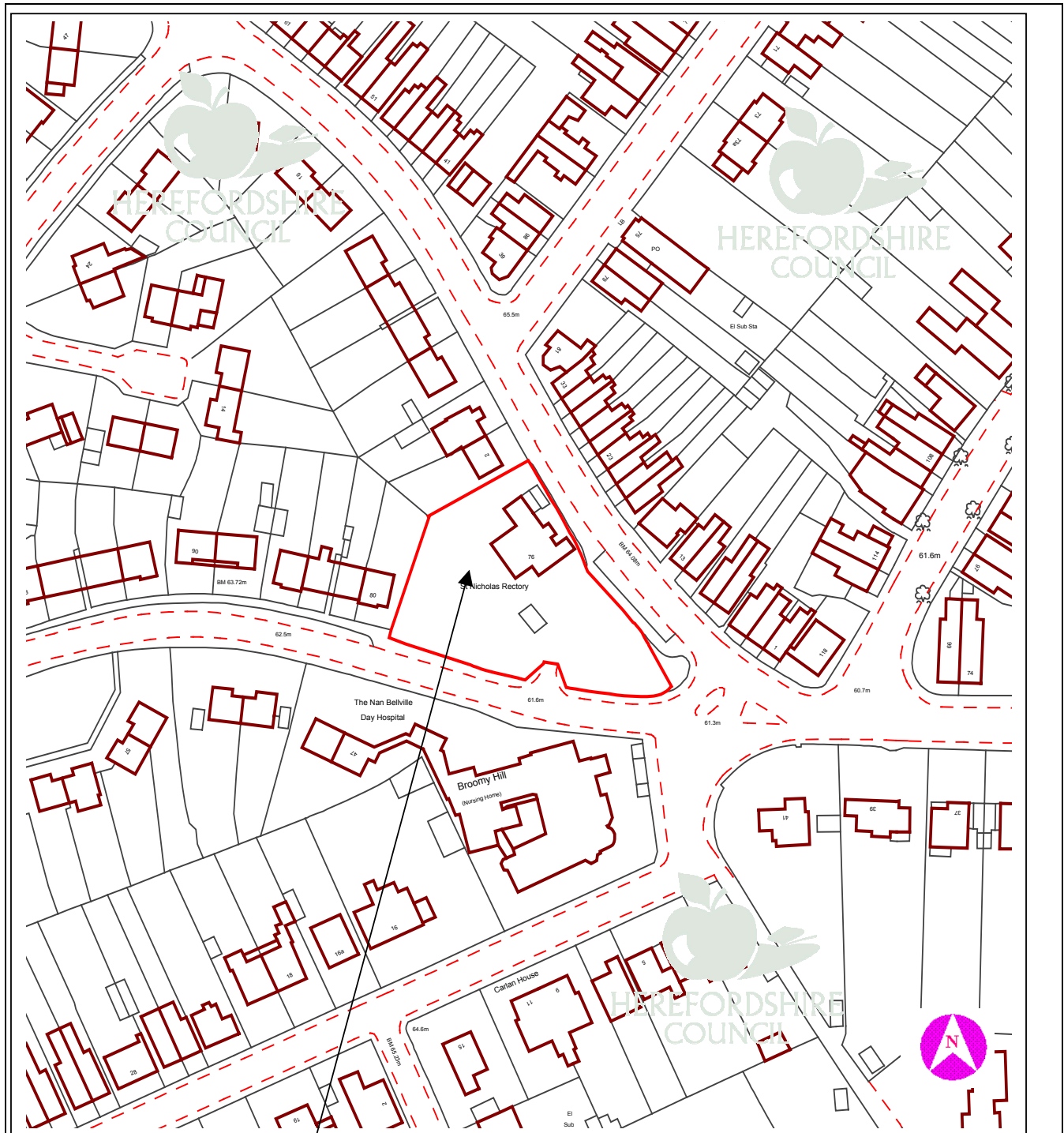
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** DCCW2008/0292/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** St. Nicholas Rectory, 76 Breinton Road, Hereford, Herefordshire, HR4 0JY

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

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

Planning Application – DCCW2008/0292/F

Demolition of existing Rectory and erection of 9 residential dwellings at St Nicholas Rectory, 76 Breinton Road, Hereford. HR4 OJY

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £960 for improved recycling.
2. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £15,480 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) Improved 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.
4. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1 and 2 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.
5. 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
6. 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

21 April 2008