

10 DCCE2008/1321/F - CHANGE OF USE UNDER CURRENT PLANNING CONSENT APPROVAL (REF: DCCE2007/1763/F) OF LANDLORDS OFFICE/STORE INTO A STUDIO APARTMENT (APARTMENT 7) AT 7 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1HR

For: Dr. D. Loraine per Mr. A.W. Morris, BSc, ARICS, ACIOB, 20 Ferndale Road, Kings Acre Road, Hereford, HR4 0RW

Date Received: 19 May 2008

Ward: Aylestone

Grid Ref: 51748, 40470

Expiry Date: 14 July 2008

Local Members: Councillors NL Vaughan and DB Wilcox

1. Site Description and Proposal

- 1.1 The application relates to No. 7 Aylestone Hill, one of a row of eight late Victorian villas located at the foot of Aylestone Hill between the junctions with Barrs Court and Penn Grove Road. The site lies within the Aylestone Hill Conservation Area.
- 1.2 Permission was granted under reference DCCE2007/1763/F for the subdivision of the ground and first floors, which together with the basement creates 6 self-contained apartments. A condition was imposed to prevent the residential use of the landlord's office/store, located at the rear of the first floor. The application seeks to remove this condition and allow the landlord's office/store to become the 7th self contained apartment.
- 1.3 As per the existing approval, it is intended that future occupants would not be eligible for residents' parking permits.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy S6	-	Transport
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR5	-	Planning Obligations
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and the Established Residential Areas
Policy H13	-	Sustainable Residential Design
Policy H16	-	Car Parking
Policy H17	-	Sub-division of Existing Housing

Policy HBA6 - New Development Within Conservation Areas

3. Planning History

- 3.1 DCCE2007/1763/F: Extension and conversion of three existing apartments into 6 self contained studio apartments: Approved at Central Area Planning Sub-Committee 1 August 2007.
- 3.2 DCCE2008/1312/F: Installation of 2 high level windows to right hand elevation ground floor: Undetermined at time of writing.

4. Consultation Summary

Statutory Consultations

- 4.1 None required

Internal Council Advice

- 4.2 Private Sector Housing Manager: No objection, but would query the proximity of the kitchen to the means of escape.
- 4.3 Building Control Manager: No objection.
- 4.4 Conservation Manager: No objection
- 4.5 Traffic Manager: No objection subject to the completion of a legal agreement removing the entitlement to residents' parking permits and a s.106 contribution in line with the Supplementary Planning Document: Planning Obligations.

5. Representations

- 5.1 Hereford City Council: "(Recommend) that the application be refused as the development is too small to be a viable living area."
- 5.2 One letter of representation has been received from Mrs R.D. Chesson, 9 Aylestone Hill, Hereford. The content is summarised as follows:
1. Concern is expressed at potential parking problems.
 2. Concern is expressed that the development is over-intensive and that the property will be over-populated.

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 considerations in the determination of this application are as follows:
1. The principle of an additional self-contained apartment in this location;
 2. An assessment of the standard of accommodation provided having due regard to Policy H17.

- 6.2 Policy H17 of the Unitary Development Plan promotes the sub-division of existing housing subject to a number of factors. These include appropriate car parking, a satisfactory level of accommodation and no undue adverse impact upon the property and its curtilage, the amenity and privacy of neighbouring dwellings and the amenity and general character of the area.
- 6.3 The landlord's office/store was originally proposed as a self-contained apartment under the former application, but was withdrawn from consideration owing to concern at its suitability.
- 6.4 The unit is modest in terms of the habitable space it affords and would realistically only support a single occupant. It provides open plan living, dining and sleeping accommodation with separate bathroom/WC and kitchenette. The gross internal floor area is 17m². The Housing Act requires a minimum floor area of 13m² (140 square feet) for single room apartments with cooking facilities. The unit satisfies this requirement. Accordingly, there would appear to be no basis upon which to question the adequacy of the internal layout and standard of accommodation and the Private Sector Housing and Building Control Managers have no objection. In addition, this unit benefits from two large windows and is thus better ventilated and lit than some of the units already approved.
- 6.5 The Traffic Manager advises that the location is appropriate for a car-free development as already established by the previous approval. This assessment is based on the proximity to the city centre and the type of accommodation proposed – one-bed apartments are less likely to attract car owners. £1,465 is sought towards sustainable transport initiatives in line with the Supplementary Planning Document.
- 6.6 The legal agreement acting to prevent future occupants from becoming eligible for local residents' parking permits is still being worked upon, but would become effective against the proposed seventh apartment too.
- 6.7 It is concluded that the accommodation, albeit small, is not markedly different to that already approved and in some respects would prove superior. The proposal is thus considered to accord with Policy H17 and is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following 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. **B07 (Section 106 Agreement) (£1,465 towards sustainable transport initiatives).**

Reason: In order to provide [enhanced sustainable transport infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing] in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

3. **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.

Informatives:

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

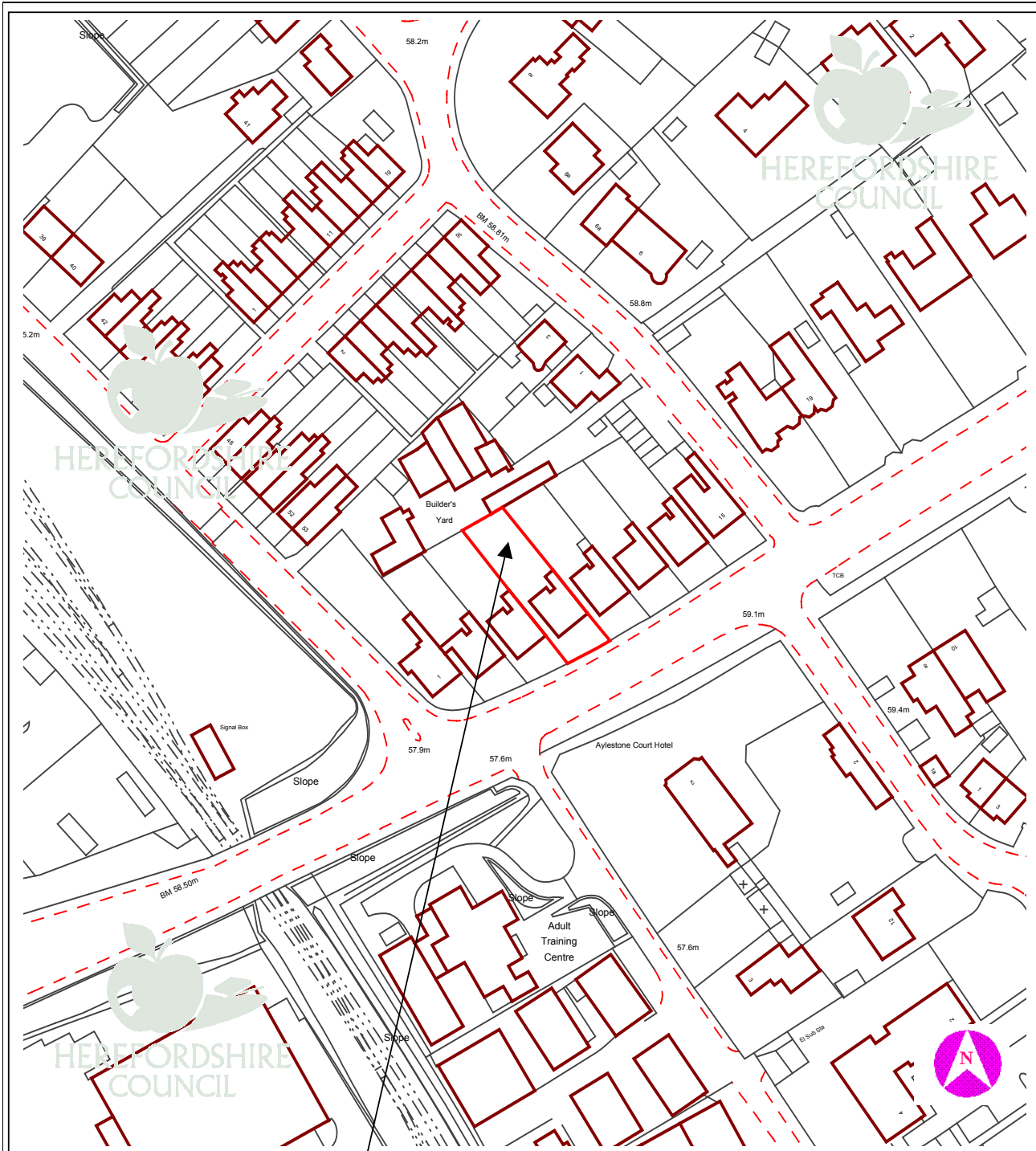
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2008/1321/F

SCALE : 1 : 1250

SITE ADDRESS : 7 Aylestone Hill, Hereford, Herefordshire, HR1 1HR

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DRAFT HEADS OF TERMS
Proposed planning obligation agreement
S106 Town and Country Planning Act 1990

Planning Application – DCCE2008/1312/F: Change of use of landlord's office/store to self contained residential apartment, 7 Aylestone Hill, Hereford, HR1 1HR

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £1,465 towards the delivery of sustainable transport initiatives within the locality.
2. The developer shall enter into a legal agreement worded so as to prevent future occupants of the development from becoming eligible for residents' parking permits.
3. In the event that Herefordshire Council does not for any reason use the sum referred to in Clause 1 (above) for the purposes specified within 10 years of the date of the 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 completion of the agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the agreement.