

**9 DCCW2008/2004/O - PROPOSED ERECTION OF TWO SEMI-DETACHED CHALET BUNGALOWS AND ASSOCIATED WORKS AT GARDEN TO REAR 93 HIGHMORE STREET, HEREFORD, HEREFORDSHIRE, HR4 9PG**

**For: Mr. D. Wilton per Paul Smith Associates, 12 Castle Street, Hereford**

**Date Received: 1 August 2008      Ward: Three Elms      Grid Ref: 49721, 41798**

**Expiry Date: 26 September 2008**

Local Members: Councillors PA Andrews, SPA Daniels and AM Toon

**1. Site Description and Proposal**

- 1.1 This site is located on the east side of Highmore Street and to the rear of No. 93.
- 1.2 The proposal is in outline and is for the construction of two semi-detached chalet bungalows in brick under a slate/tile roof. The matters of access and layout are submitted at this stage. The access would be off the service roads which adjoins to the north and which currently provides access to two bungalows, Nos. 95a and 95b. The layout shows a pair of bungalows due south of 95a/95b together with four car parking spaces. The racecourse adjoins to the east.

**2. Policies**

2.1 Planning Policy Guidance:

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPS25	-	Development and Flood Risk

2.2 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy DR7	-	Flood Risk
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking
Policy T11	-	Parking Provision

**3. Planning History**

3.1 None.

**4. Consultation Summary**

Statutory Consultations

4.1 Welsh Water: No response.

Internal Council Advice

4.2 Traffic Manager: Recommends conditions and a contribution in accordance with the SPD Planning Obligations for improvements to pedestrian and cycling movements in the vicinity and together with improvements to sustainable transport facilities including Park & Ride.

4.3 Children & Young People's Directorate: Have justified and requested a contribution in accordance with the SPD Planning Obligations for use in the following areas:

North Hereford Early Years  
Whitecross Sports College  
Hereford Youth Services

4.4 Environment & Culture: Request a contribution for library services in accordance with the SPD on Planning Obligations.

4.5 Parks & Countryside: In accordance with the SPD Planning Obligations contributions are sought towards open space provision and community sports facilities.

**5. Representations**

5.1 Hereford City Council: Raise no objections.

5.2 Eleven letters of objection have been received, the main points are:

1. Access to the site is over a private drive which will be damaged by heavy vehicles.
2. During construction dust, mud, noise and fumes will be a constant problem,
3. Views would be lost.
4. Highmore Street is already heavily trafficked and this development will further increase the danger.
5. This is backland development.
6. The designs do not promote the distinctive character of Highmore Street.
7. Concern as to whether the drainage system has the capacity for the increased demand.

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 This site is located within the established residential area of Hereford as identified by the Herefordshire Unitary Development Plan.
- 6.2 The adjacent site has been developed in a similar manner and it is off the access road to that development that access is required for this development. Four parking spaces are provided for the two bungalows. Although sited to the rear of 93 Highmore Street, there is an acceptable separation distance from building to building of over 25 metres and therefore private amenity is still maintained.
- 6.3 The application which is outline only seeks approval for the layout and access, therefore the design, appearance, scale and landscaping will be subject of a further application. The Traffic Manager has assessed the access and is satisfied that the addition of two more dwellings will not be detrimental to highway safety. Concerns over construction traffic, noise etc. will be controlled by condition.
- 6.4 Finally, contributions have been requested and justified in accordance with the SPD Planning Obligations, the details of which are included within the attached Heads of Terms.

## **RECOMMENDATION**

**That: 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 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 and conservation area consent subject to the following conditions and any further conditions considered necessary by officers:**

**1. A02 (Time limit for submission of reserved matters (outline permission)).**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

**2. A03 (Time limit for commencement (outline permission)).**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

**3. A04 (Approval of reserved matters).**

**Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with Policy DR1 of the Herefordshire Unitary Development Plan.**

4. **A05 (Plans and particulars of reserved matters).**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

5. **B07 (Section 106 Agreement).**

**Reason: In order to provide enhanced sustainable transport infrastructure, educational facilities and improved play space in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.**

6. **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.**

7. **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.**

8. **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.**

9. **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.**

10. **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.**

**Informatives:**

1. **HN05 - Works within the highway.**
2. **N19 - Avoidance of doubt - Approved Plans.**
3. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

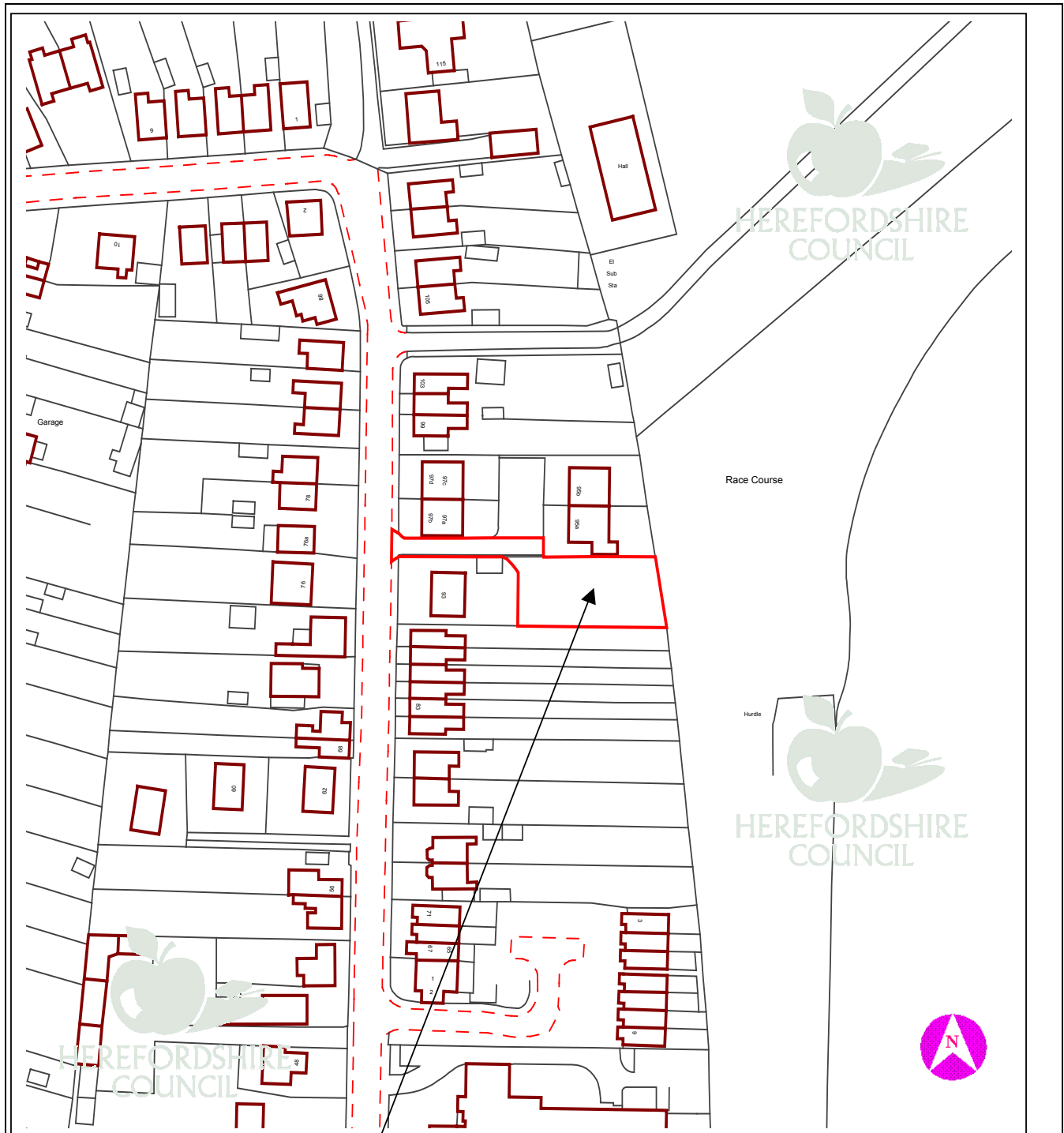
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2008/2004/O

**SCALE :** 1 : 1250

**SITE ADDRESS :** Garden to rear 93 Highmore Street, Hereford, Herefordshire, HR4 9PG

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

Planning Application – DCCW2008/2004/F

Erection of two semi-detached chalet bungalows and associated works

Land adjacent to 93 Highmore Street, Hereford

1. The developer covenants with Herefordshire Council, in lieu of a deficit in the provision of play, sport and recreation facilities to serve the development to pay Herefordshire Council the sum of £1462 (contribution based around the requirements of policy H19 of the UDP and Sport England Sports Facilities Calculator). The money shall be used by Herefordshire Council for the provision of new play, sport and recreational facilities in Hereford City North.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £6,002, to provide enhanced educational infrastructure at North Hereford City Early Years, Whitecross Sports College, Hereford City Youth Service with 1% allocated for Special Education Needs.
3. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £3,440 for off site highway works and improved sustainable transport infrastructure (excluding that required to facilitate the development i.e. new access arrangements).
4. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
  - a) Traffic calming and improved signage
  - b) Traffic Regulations Order(s) to reduce speed limits and impose localised parking restrictions
  - c) Localised junction improvements
  - d) North Hereford Park and Ride
  - e) Contribution to improved bus service
  - f) Contribution to Safe Routes for Schools
  - g) Improved bus shelters/stops in the locality of the application site
  - h) Improve lighting to highway routes leading to the site
  - i) Improved pedestrian and cyclist connectivity with the site
  - j) Improved pedestrian and cyclist crossing facilities
  - k) Initiatives to promote sustainable transport
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £292 towards the enhancement of existing community services in Hereford City.
6. 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 this agreement, and unless otherwise agreed in writing with the Council, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.

7. The developer covenants with Herefordshire Council to pay Herefordshire Council an additional administration charge of 2% of the total contributions detailed in this Heads of Terms to be used toward the cost of monitoring and enforcing the Section 106 Agreement.
8. All of the financial contributions shall be Index linked and paid on or before commencement of the development.
9. 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  
16 September 2008