

5 DCNC2008/1881/F - PROPOSED REDEVELOPMENT OF SITE WITH 8 FLATS. 22 OLD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4BQ**For: Mr J Nunnerley per Mr G Mathers, Park House,
Thirlestaine Road, Cheltenham, Gloucester GL53 7AS****Date Received: 18 July 2008****Ward: Bromyard****Grid Ref: 65261, 54730****Expiry Date: 12 September 2008**

Local Members: Councillors B Hunt and A Seldon

Introduction

This application was deferred at the meeting held on 24 September 2008 in order for Welsh Water to be contacted by officers for clarification on exactly what work is intended to be undertaken by Welsh Water to improve the public sewerage system in Bromyard and when this work will be done. A formal response to this enquiry has been received from Welsh Water and has been incorporated within this report.

In addition, as verbally reported at the previous sub-committee meeting, the applicant's agent has submitted two side elevational drawings which had not been originally submitted. These drawings are considered to be acceptable and satisfy the requirements of condition No 5 on the original recommendation, which required these elevations to be submitted. As such the original condition 5 on the recommendation has now been deleted. The report below has been updated accordingly.

1. Site Description and Proposal

- 1.1 This site is located in a predominantly residential area near to the town centre of Bromyard. The site itself extends from Old Road right through to Ballhurst Road with vehicular access onto both roads. The site, currently vacant, was originally used for industrial purposes but was last used as a children's nursery. There is an existing modern building at the southern end of the site with a yard area to the north. The building is a mixture of brick, concrete block and metal side cladding on the walls with corrugated sheeting on the roof. The building itself is within the designated Conservation Area whilst the yard area at the rear is outside the Conservation Area. There are existing dwellings on either side of the site i.e. fronting onto both Old Road and Ballhurst Road.
- 1.2 The proposal is to demolish the existing building and erect a three-storey block of six flats at the northern end of the site and a two-storey block of two flat as the southern end. There will be car and cycle parking provided within the site for both sets of flats and the utilisation of the existing vehicular accesses onto both roads to serve the new development. The new external walling will be red brick with plain clay tiles on the roof.

2. Policies

- 2.1 Planning Policy Guidance:-

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing
- PPG15 - Planning and the Historic Environment

Herefordshire Unitary Development Plan:-

- Policy S2 - Development Requirements
- Policy DR1 - Design
- Policy DR3 - Movement
- Policy DR4 - Environment
- Policy DR5 - Planning Obligations
- Policy H1 - Hereford and the market towns:
Settlement Boundaries and Established Residential Areas
- Policy H13 - Sustainable Residential Design
- Policy H14 - Re-using Previously Developed Land
- Policy H15 - Density
- Policy H16 - Car Parking
- Policy CF6 - Retention of Existing Facilities
- Policy HBA6 - New Development within Conservation Areas
- Policy HBA7 - Demolition of Unlisted Buildings within Conservation Areas
- Policy E5 - Safeguarding Employment Land of Buildings
- Policy T11 - Parking Provision
- Policy CF2 - Foul Drainage

Herefordshire Council Supplementary Planning Conditions:-

- Design and Development Requirements
- Planning Obligations – Supplementary Planning Document

3. Planning History

- 3.1 DCNC2007/1572/F - Demolition of existing industrial building and redevelopment of site with 2 semi detached houses, 10 flats and parking areas. Refused Planning Permission 20/07/07 subsequent appeal (APP/W1850/A/07/2058/440/NWF) Dismissed 25/04/08.

DCNC2007/1573/C - Demolition of existing industrial building. Conservation Area Consent granted 19/07/07.

4. Consultation Summary

Statutory Consultations

Welsh Water has no objections but recommends certain conditions be imposed on any planning permission granted.

In addition, following re-consultation, Welsh Water have also stated the following:-

Welsh Water are able to confirm that there are no improvements work planned for Bromyard within our current investment period (2005–2010).

Unfortunately, there are a number of homes within Bromyard, which currently suffer from serious external flooding to their gardens, due to hydraulic overloading of the

public sewerage network. We have therefore requested as part of our next improvement period (2010–2015), that Ofwat consider a flood prevention scheme in this area. I am unable to provide details of this scheme at the moment, as the final determination is unlikely to be known until late 2009.

The sewerage pumping station located at Petty Bridge is also at capacity and unable to cope with any additional flows at the present time.

Internal Consultations

4.2. The Council's Conservation Officer objects to the proposal. The principle of residential development on this site is welcomed on conservation grounds however there are concerns over the layout of the site. The use of such a large area of the Old Road frontage for car parking is not acceptable. Ideally there should be a continuous building line along the front of the plot with vehicular access from the rear although a single car width access point may be acceptable. The design of the Old Road frontage is broadly acceptable subject to some amendments. The building should be angled to follow the building line. The windows need to be traditional in design and suggests certain design features be incorporated. Chimneys would help the expanse of the roof and would fit better with the street scene. Although not particularly inspired the design of the larger block of flats sit fairly unobtrusively and will not affect the character or appearance of the Conservation Area.

4.3 The Council's Traffic Manager recommends certain conditions relating to a vehicular access and parking provision be imposed on any Planning Permission granted. In addition has recommended the follow with respect to Section 106 Financial Contributions:-

Medium accessibility, 6x 2-bed + 2x 1-bed gives 14099. Justification as per SPD.
Schemes to include, but not be limited to:
Improvements to pedestrian, cycle and public transport facilities within Bromyard.
Improvements to Safe Routes to Schools;
Support for Community Transport;
Support for Sustainable Transport Officers;
S106 sum requested £14099.

4.4 The Principal Leisure and Countryside Recreation Officer recommends the following with respect to the required Section 106 Financial Contributions:-

Open Space contributions

Using the SPD on Planning Obligations, the threshold of 1-10 dwellings requires "appropriate levels of open space on a pro rata basis". For 6 x 2 and 2 x 1 bedroom dwellings this equated to £1,796 as per figure 10 in the SPD.

In Bromyard it is more appropriate to use this contribution towards improving quality/accessibility (in response to PPG17's recommendations) of the more formal green space in the vicinity of the development. Priorities for spend will be identified through local consultation and in particular with the Town Council who are considering local priorities for improvements. Give the amount it is envisaged it may be "pooled" with other contributions if appropriate.

A sport England contribution is also required on all dwellings as per the SPD. It is based on Sport England's facilities calculator module and equates to £3,795 based on

the increased population of 13. These contributions are required as a result of increased demand for community sport facilities created by new developments and increased population.

We would potentially use it toward improving facilities within Bromyard in consultation with local clubs and stakeholders using the Sport England Facilities Planning methodology and evidence from PPG17 assessment. Given the amount this too may be "pooled". This is supported by Sport England's Facilities Planning Model methodology, which identifies a "hierarchy" of provision based on the location of sports facilities being dependent on a critical mass of population. Within the County this includes the market towns and their catchment areas, which are based on a 20 minutes off peak drive time.

4.5 The Children's and Young People's Directorate recommends, the following with respect to the required Section 106 Financial Contributions:-

The educational facilities provided for this development site are Bromyard Early Years, St. Peter's Primary School, Queen Elizabeth Humanities College and Bromyard Youth Service.

The Childcare Sufficiency Assessment highlights that 6% of parents are unable to seek work and 19% unable to take a better job due to childcare issues. Early mornings and evening were highlighted as gaps in childcare as is shift pattern timing.

St. Peters Primary School has a planned admission number of 30. As at the Summer Census 2008 the school has 1-year group at capacity (Year 4) and 2-year groups over capacity (Year 1 - 32 and Year 2 - 31).

Queen Elizabeth Humanities College has a planned admission number 100. As at the Summer Census 2008 the school has space capacity in all year groups.

Within Bromyard the library/info centre is used as a 'youth centre', however, this only provides a basic service. Bromyard Youth Service would like to expand its youth facilities to encourage more youth to attend.

Approximately 1% of the population are affected by special educational needs and as such the Children and Young Peoples Directorate will allocate a proportion of the monies received for Primary, Secondary and Post 16 education to schools within the special educational needs sector.

Please note that the PAN of the above year groups is based on permanent and temporary accommodation, where as section 3.5.6 or the SPD stated 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 Pencombe CE Primary School that we would otherwise be able to do.

The Children & Young People's Directorate would therefore be looking for a contribution to be made that would go towards the inclusion of all additional children generated by this development. The Children and Young People contribution for this development would be as follows:

6 x 2 bed apartments

Early Years element £774

Primary element	£6,504
Secondary element	£0
Post 16 element	£522
Youth element	£2,880
SEN element	£174
Total:	£10,854

Although there is currently surplus capacity with the catchment secondary school and therefore we are unable to ask for a full contribution as indicated in the SPD towards this element please note that 1% of this contribution will go towards Special Educational Needs provision within the Local Authority maintained Special Schools and therefore we would still be seeking this 1% contribution.

5. Representations

5.1 The applicant's agent states that the site contains an industrial building originally constructed as a glove factory and more recently converted to use as a day nursery. The nursery school has since been relocated at a local school in the town. The frontage on Old Road was no doubt originally occupied by one or more houses. The present parking area to the rear onto Ballhurst Road provides a convenient entry for the proposed new flat development. The existing building has little in common with the surrounding houses however the proposed development will reflect the standards of the surrounding development.

5.2 The Town Council states:-

My Town Councils Planning Committee resolved not to support this application. It is felt that;

- 1) This proposal is not appropriate for its location, being an over development of the site.
- 2) The proposed parking area to the front of the proposed development appears to have insufficient turning and manoeuvring space to ensure that vehicles may enter and leave in a forward gear and would therefore not be in the interests of highway safety.
- 3) The planned development does not enhance the street scene

5.3 There has been one letter of representation received from Mrs S. D. Stephenson, Bridle Cottage, 20 Old Road, Bromyard, HR7 4BQ. The main points being:-

No objection in principle but would like to safeguard own property as there is no discernable gap on the plans with proposed new building.

The paving slabs at side of house cover the mains water pipe must not be affected and that access to the pipe and writers wooden gable end will remain available.

The old wall, which joins the outside of writers kitchen must not be disturbed during the excavation of the site as it is banked up with earth along its 7ft length.

There has also been a letter of objection received from C. C. Busby, (for and on behalf of the Executors of Mrs C. Busby), 24 Old Road, Bromyard, HR7 4BQ. The main points being:-

In general find the proposed development on the Old Road frontage acceptable.

However would raise an objection that the car parking surfaces have not recognised that there is a rights of way from writers side door under which some services of the house have been laid.

The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 The main issues relate to:-

- The principle of erecting the proposed new development on the site.
- The size and design of the development and its affect on the Conservation Area.
- The effect on the residential amenities of adjacent property owners.
- Vehicular access and parking arrangements.

6.2 This site is designated in the Herefordshire Unitary Development Plan as an 'established residential area' where in principle new residential development is acceptable. The site is nearly completely surrounded by existing residential development and as such new residential development would be appropriate on this site. The existing building on site has no architectural merit and the rear section is becoming a bit of an eyesore, Conservation Area consent (Ref No DCNC2007/1573/C) was granted in July 2007 for the demolition of the existing building on site.

6.3 The proposed size, position/siting and design of both blocks of flats are considered to be acceptable and in keeping with visual appearance and character of the surrounding area and also the designated Conservation Area. The three-storey block of flats at the rear has the top floor incorporated within the roof, which has helped visually to reduce the overall height of the proposal. This current proposal is a significant improvement on the previous scheme on the site i.e. for two dwelling on the Old Road frontage and three-storey block of 10 flats (Ref NO DCNC2007/1572/F) which was refused in July 2007 and then subsequently dismissed on Appeal by the Planning Inspectorate. The block of flats proposed at the rear of the site in the previous scheme was far too big for the site and also adversely affected the residential amenities of the occupants of the adjacent dwellings. The large block of flats in the current scheme addresses all the objections to the previous scheme and is now considered acceptable.

6.4 Similarly the two new dwellings on the Old Road frontage in the previous scheme extended across the whole of the frontage between the two existing dwellings except for a gap of 1.3 metres on the south western side. This proposal was considered to be unacceptable as it resulted in the significant loss of residential amenity to the occupiers of the adjacent dwelling, due to the fact that there were two windows on the side wall of that dwelling which were affected by the proposed new development which also had windows looking directly into these two existing windows. The revised proposal in this current application has the building set back from the existing dwelling and has no windows proposed on any of the side walls. Again this is considered to be a significant improvement on the previous scheme and is now considered to be acceptable.

6.5 For these reasons the Council's Conservation Officer's preference for the building to extend across the whole of the Old Road frontage is not an acceptable option. The construction of the flats on the Old Road frontage, as proposed, is considered to be a better option than leaving the existing building as it is, from the point of view of the visual amenity and character of the Conservation Area. In addition, the altering of the angle of the proposed building on the Old Road frontage, as suggested by the Council's

Conservation Officer, is not considered to be essential with respect to protecting the visual appearance and character of the Conservation Area. The current proposal has the building in line with the existing dwelling to the north east and is considered to be acceptable and, in itself, does not warrant refusal of planning permission.

- 6.6 The neighbours in the two dwellings on either side of the Old Road frontage has raised various issues relating to gaining access to the side of their properties. However these are civil issues and not planning matters as such. The neighbours to the north east (No 20) also have concerns with respect to the protection of an existing kitchen ground floor wall at the rear. The agent has designed the development in order to try and overcome any problems. However if problems do occur during building work then minor alternations to the design or structure may need to be introduced and agreed by the local Planning Authority. However as stated above, essentially this is a civil matter between the developer and the neighbour.
- 6.7 The proposed parking and vehicular access arrangements are considered to be acceptable and appropriate for its town centre location.
- 6.8 The proposed development is therefore considered to be acceptable and in accordance with the relevant planning policies and guidance. In particular policies S2, DR1, H1, H13, H14, H16 and HBA6 of the Herefordshire Unitary Development Plan.
- 6.9 Various financial contributions will be required to be paid towards local facilities with respect to this proposed development in accordance with the Section 106 'Draft Heads of Terms' set out at the end of this report.

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)

The development hereby permitted shall not commence until a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 has been certified as completed by the local planning authority. The said Agreement will provide for financial contributions to be paid to the local planning authority in accordance with the Heads of Terms approved at Northern Area Planning Sub Committee on 24th September 2008, as follows; -

- a -£1,796 towards improvements to public open space area in Bromyard**
- b - £3,795 towards improvements to sports facilities in Bromyard**
- c - £10,854 towards education improvements in Bromyard**
- d - £14,099 towards highways/transportation facilities in Bromyard**
- e - £1,116 towards library services in Bromyard**
- f - £630 for the services of a Council Planning Obligations Monitoring Officer.**

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

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 F16 (No new windows in specified elevation)

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

5 Before any work commences on site full details of all ground surface treatments shall first be submitted to and be subject to the prior written approval of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to comply with Policy DR1 of the Herefordshire Unitary Development Plan.

6 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.

7 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

8 H09 (Driveway gradient)

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

9 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

10 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

11 Prior to the occupation of any of the dwelling units hereby approved, the existing vehicular access onto Ballhurst Road at the north west corner of the site shall be permanently closed. Details of the means of closure and reinstatement of this existing access shall be submitted to and be subject to the prior written approval

of the Local Planning Authority prior to the commencement of any work on the development hereby approved.

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

- 12** No development shall commence until a scheme has been submitted and approved by the Local Planning Authority to show the removal of surface water connections to the public sewerage system at the existing site, and the provision of a replacement surface water drainage system. The scheme as approved shall be fully implemented before any works commence on the new development subject to this application, and the scheme shall be maintained in accordance with the specification.

Reason: To ensure the proposed development does not cause hydraulic overloading to the public sewerage system at this location to protect the amenities of existing residents and to prevent pollution and to comply with Policy CF2 of the Herefordshire Unitary Development Plan.

- 13** 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.

- 14** 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.

- 15** L03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

- 16** Unless otherwise first agreed in writing by the Local Planning Authority the windows on the block of 2 flats shall be traditionally painted symmetrical casements with the lights fitting flush with the frames and without a projecting timber sub sill. The windows need to be set back at least one brick course depth.

Reason: To protect the visual appearance and character of the Conservation Area and to comply with Policy HBA6 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

- 1** N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2** N03 - Adjoining property rights
- 3** N14 – Party Wall Act

- 4 The applicant should be aware that this planning permission does not over ride any civil/legal rights enjoyed by adjacent property owners and that any development which physically affects or encroaches onto any adjoining property may well affect these rights. As such, the applicant is advised to contact the owners of adjacent properties where these rights may be affected and seek legal advice on the matter prior to undertaking any building work.
- 5 HN01 - Mud on highway
- 6 HN04 - Private apparatus within highway
- 7 HN05 - Works within the highway
- 8 HN10 – No drainage to discharge to highway
- 9 HN22 - Works adjoining highway
- 10 HN28 - Highways Design Guide and Specification
- 11 W01 – Welsh Water Connection to PSS
- 12 N19 Avoidance of doubt - Approved Plans

Decision:

Notes:
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Background Papers

Internal departmental consultation replies.

DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

Planning Application – DCNC2008 / 1881 / F
(Re-development of site by erection of 8 flats at 22 Old Road, Bromyard)

The developer covenants with Herefordshire Council, in lieu of the provision of open space on the land to serve the development to pay Herefordshire Council the sum of £1796 which sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for improvements to the quality / accessibility of the more formal green spaces in Bromyard. Priorities to spend will be identified through local consultation. The monies may be pooled with other contributions if appropriate.

The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £3795 (in accordance with the Sport England Sport Facility Calculator) for improvements to sports facilities within Bromyard. This sum shall be paid on or before the commencement of the residential development. The monies may be pooled with other contributions if appropriate.

The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £10854 to provide education improvements to Bromyard Early Years, St.Peters Primary School, Bromyard Youth Service and also special educational needs provision. This sum shall be paid on or before the commencement of development.

The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £14099 to provide sustainable transport measures in Bromyard. The sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:

Pedestrian access improvements near the development and within Bromyard.

Improvements to bus provision/passenger waiting facilities.

Improvements to safe routes to local schools etc.

Contribution to safe routes to schools.

e) Improvements to roadways and car parking in Bromyard.

f) Improvements to cycle facilities and parking in Bromyard.

The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £1116 to provide for library services in Bromyard. The sum shall be paid on or before the commencement of development.

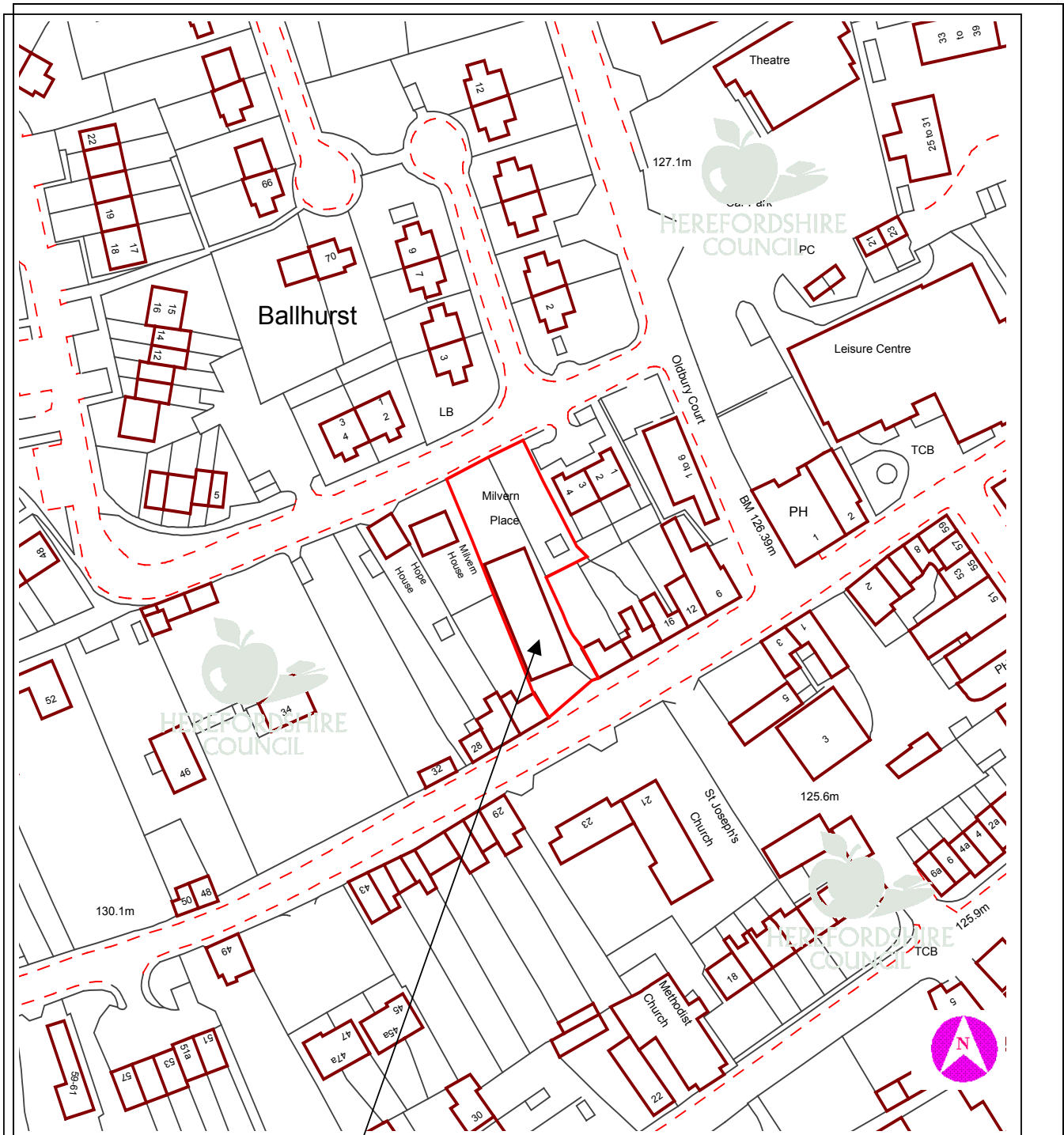
6. The developer covenants with Herefordshire Council To pay Herefordshire Council the sum of £630 as a 2% surcharge fee for the services of a Council Planning Obligation Monitoring Officer. The sum shall be paid on or before the commencement of the development.

In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3, 4, 5 and 6 for the purposes specified in the agreement 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.

The sums referred to in paragraphs 1, 2, 3, 4, 5 and 6 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.

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.

The developer shall complete the Agreement by 31 December 2008, otherwise the application will be registered as deemed refused.



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APPLICATION NO: DCNC2008/1881/F **SCALE :** 1 : 1250

SITE ADDRESS : 22 Old Road, Bromyard, Herefordshire, HR7 4BQ

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