

6 DCCW2008/1721/F - PROPOSED HOUSE ADJOINING NO. 10 WITH PARKING AT 10 DONCASTER AVENUE, HEREFORD, HEREFORDSHIRE, HR4 9TE

For: Mr. P. Davies per John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH

Date Received: 1 July 2008

Ward: Three Elms

Grid Ref: 49435, 41973

Expiry Date: 26 August 2008

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

Introduction

This application was deferred at the meeting of the Central Area Planning Sub-Committee on the 1 October 2008 in order to carry out a Members' site visit.

1. Site Description and Proposal

- 1.1 Planning permission is sought to provide a linked detached dwelling in the garden area to the north of No. 10 Doncaster Avenue, Bobblestock, Hereford.
- 1.2 The site is presently laid to lawn and has a substantial conifer hedge which wraps around the western and northern roadside boundary. The northern boundary adjoins the service road off Doncaster Avenue that provides access to Nos. 12-24. An electricity substation adjoins the eastern boundary. A row of terrace dwellings fronts the western boundary across Doncaster Avenue which is a cul-de-sac.
- 1.3 The proposal provides for a two bedroomed dwelling with attached single storey garage. The hedge, which is planted along the service strip, is proposed to be removed. An additional parking space is identified in front of the garage. External materials proposed are brick under a tile roof to match the existing dwelling.

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 DC2003/2403/O Erection of a dwelling. Refused 1 October 2003.
- 3.2 DCCW2008/0667/F Proposed house adjoining No. 10 with parking. Withdrawn 27 May 2008.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: Raise no objections.
- 4.2 E-ON/Central Networks: Raise no objections.

Internal Council Advice

- 4.3 Traffic Manager: Recommends no objection to the amended layout that incorporates the removal of the boundary hedge. A Section 106 contribution is sought to be used on sustainable transport enhancement including Park & Ride together with conditions.
- 4.4 Parks & Countryside Manager: States - "Using the SPD on Planning Obligations, the threshold of 1 -10 dwellings requires "appropriate levels of open space on a pro rata basis".

In Hereford 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. Given the amount it is envisaged it may be "pooled" with other contributions if appropriate."

- 4.5 Children's & Young Persons: The educational facilities provided for this development site are North Hereford City Early Years, Holmer CE Primary School, Whitecross Sports College and Hereford City Youth Service.

The Childcare Sufficiency Assessment highlight that within the North Hereford City area 8% of parents are unable to take a better job due to childcare issues. Early morning, weekend and shift hours care is required. There are few childminders located in the rural areas surrounding the city.

Holmer CE Primary School has a planned admission number of 60. As at the Summer Census 2008 the school had spare capacity in all year groups.

Whitecross Sports College has a planned admission number of 180. As at the Summer Census 2008 the school was over capacity in one year group (Year 7 - 181) and at capacity in two year groups (Year 8 and Year 9).

The youth service within Hereford City is based at Close House which is a voluntary sector organisation. It has been identified that they require a new central city property in order to expand the range of activities they can offer. The youth service has also identified that they need to offer activities to youth in other areas of the city especially Three Elms and College Estate. The youth service also has close working links with CSOs and extended schools.

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, 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 Broadlands 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 that would go towards the inclusion of all additional children generated by this development.

Although there is currently surplus capacity with the catchment primary 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.

- 4.6 Environment & Culture: Library contribution of £146 has been requested in accordance with the SPD on Planning Obligations.

5. Representations

- 5.1 Hereford City Council: Raise no objection.

- 5.2 Nine letters of objection have been received, the main planning reasons are:

1. Overdevelopment of the land which is currently the garden to No. 10.
2. Daylight will be lost to adjoining property.
3. Extra noise and traffic congestion.
4. Parking for the house will be a hazard near a blind bend.
5. There is already a lack of parking in the area.
6. Overlooking will occur.
7. Doncaster Avenue is a cul-de-sac with only a pavement on the one side.
8. The proposal would be cramped and unsympathetic to the character of the area.

9. If there was room to build a house the original developers would have developed the land.

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 Planning permission is sought for the erection of a new dwelling within the side garden to No. 10 Doncaster Avenue, Bobblestock, Hereford. The site is located within an established residential area where the principle of development is accepted subject to impact on adjoining property and highway safety.

Impact on Adjoining Property

- 6.2 The proposal will form a link detached dwelling to the existing property, No. 10 Doncaster Avenue. Therefore overlooking to the front and rear will be similar to other dwellings in the street. Dwellings to the north, particularly Nos. 22 and 24 will face the end gable of the new dwelling where only French doors into the living room are proposed with the minimum distance being 15 metres. It is therefore considered that there will be no detrimental impact on adjoining property which would warrant a refusal of the planning application. A condition will be recommended to remove permitted development rights and prevent the insertion of windows.

Highway Safety

- 6.3 This site is located at a 'T' junction in Doncaster Avenue where the service road to dwellings 12 to 24 wraps around the north boundary of the site. On this boundary a substantial conifer hedge has been planted that is transgressing onto the service strip and also inhibits visibility. All of the hedge will now be removed which will improve highway safety. A new boundary treatment, behind the service strip, will be condition. The Traffic Manager has reviewed the amended proposal which incorporates a parking space in front of the garage, and accordingly recommended conditions on any approval together with a Section 106 contribution.

Planning Obligation

- 6.4 The development of the site warrants a contribution in accordance with the Council's Supplementary Document Planning Obligations and justification has been received from consultees for the following aspects, the details of which are included in the attached Heads of Terms.

1. Highways
2. Parks and Countryside including Sports England
3. Children and Young Persons
4. Library Services.

The applicant's agent has confirmed acceptance of these contributions.

Conclusions

- 6.5 The site is located within an established residential area of Hereford where your Officers are satisfied that a dwelling can be erected without demonstrable harm to the amenity of adjoining occupants. In addition the removal of the existing boundary

hedge will improve highway safety and therefore provide a safe access to the new dwelling. The proposal is therefore considered to accord with the Herefordshire Unitary Development Plan.

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. B03 (Amended plans) (15 September 2008).**

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. B07 (Section 106 Agreement).**

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.

- 4. 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.

- 5. F08 (No conversion of garage to habitable accommodation).**

Reason: To ensure adequate off street parking arrangements remain available at all times and to comply with Policy H18 of Herefordshire Unitary Development Plan.

- 6. F14 (Removal of permitted development rights).**

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.

- 7. F15 (No windows in side elevation of extension).**

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

- 8. 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.

9. 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.

10. H09 (Driveway gradient).

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

11. H10 (Parking - single house).

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.

12. 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.

Informatives:

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

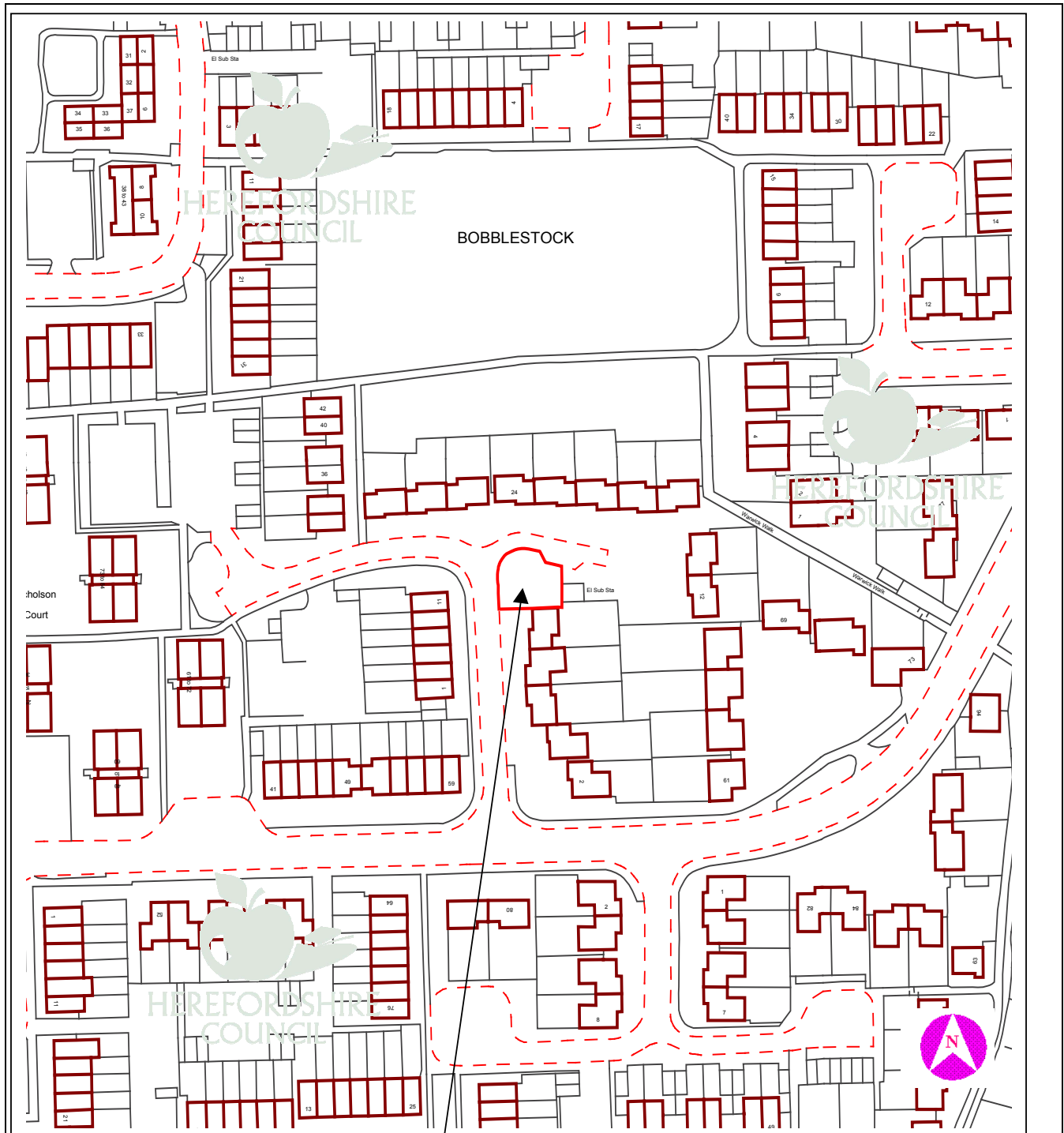
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2008/1721/F

SCALE : 1 : 1250

SITE ADDRESS : 10 Doncaster Avenue, Hereford, Herefordshire, HR4 9TE

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

Planning Application – DCCW2008/1721/F

Erection of 1 two bedroom dwelling

Land adjacent to 10 Doncaster Avenue, Bobblestock, Hereford,
HR4 9TE

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 £731 (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 £3001, 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 £1,720 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 £146 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