

**8 DCCW2008/1681/F - CONVERSION OF EXISTING RETIREMENT RESIDENTIAL HOME AND SELF CONTAINED BASEMENT FLAT INTO SEVEN SELF CONTAINED FLATS/APARTMENTS AT 9-11 TOWER ROAD, HEREFORD, HEREFORDSHIRE, HR4 0LF**

**For: Mrs. H. Price per Colin Goldsworthy, MCIAT  
MaPS, 85 St. Owens Street, Hereford, HR1 2JW**

**Date Received: 25 June 2008**

**Ward: St. Nicholas**

**Grid Ref: 49925, 39683**

**Expiry Date: 20 August 2008**

Local Members: Councillors DJ Benjamin and JD Woodward

Introduction

This application was deferred to allow members to allow further negotiations with the applicant regarding the basement flat. The report has been update in light of the further amendment including the amendments undertaken previously following deferral for a site visit. These are:

- The number of flats is reduced from nine to seven,
- The basement flat has been changed form two one beds to one two bed
- The existing rear single storey extension is to be removed in its entirety,
- The steps serving the eastern pedestrian access are to be contained within the building

**1. Site Description and Proposal**

- 1.1 Numbers 9 and 11 are located on the southern side of Tower Road, around 70 metres southwest of the junction with Breinton Road and Westfaling Street. The properties were occupied as a residential care home until approximately two years ago and have subsequently been occupied as a small scale house in multiple occupation. The care home when occupied was licensed for 18 occupants. The site is largely surrounded by detached two storey properties and directly opposite (north) is Broomy Hill Nursing Home. An existing vehicular access runs along the western boundary of the curtilage serving a tarmacked area to the rear of No. 11 with parking for around 4 vehicles. The rear of No. 9 is a larger area set out to garden. Ground levels fall generally from west to east with the immediately neighbouring detached dwelling being approximately one metre lower than the application site level.
- 1.2 The site falls within an established residential area as identified in the Herefordshire Unitary Development Plan. The southern boundary of the garden to No. 9 adjoins Broomy Hill Conservation Area, beyond which there are a number of listed buildings.
- 1.3 Planning permission is sought for the conversion of the former residential care home to create seven two bedrooms flats. More specifically, one two bedroom flat will be provided within the basement, two two bedroom flats at ground floor, two two bedroom flats at first floor and two two bedroom flats at second floor. The basement flat would

be accessed via a new access point on the front elevation, the remainder of the flats being accessed by existing doorways on the eastern and western gables.

- 1.4 An amended parking plan has been provided identifying off-street parking for eight vehicles along with a manoeuvring area to enable vehicles to enter and leave the site in a forward gear and conversion of an outbuilding to secure cycle storage.
- 1.5 Externally, the alterations amount to the removal of the more modern lift shaft associated with the previous care home use, removal of the rear extension and introduction of additional roof lights on the front and rear elevation and minor alterations to the fenestration.

## 2. Policies

### 2.1 Planning Policy Guidance:

PPS3 - Housing

### 2.2 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR5	-	Planning Obligations
Policy DR13	-	Noise
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 and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking
Policy H17	-	Sub-division of Existing Housing
Policy T6	-	Walking
Policy T7	-	Cycling
Policy T8	-	Road Hierarchy

### 2.3 Supplementary Planning Document – Planning Obligations

## 3. Planning History

- 3.1 HC/870972/PF Change of use to residential home for the elderly (No. 11). Approved 4 January 1988.
- 3.2 HC/890320/PF Change of use to residential home for the elderly (No. 9). Approved 8 August 1989.
- 3.3 HC/890547/PF Proposed lift shaft, head extension on roof, passageway from No. 9 to No. 11, increase residents from 7 to 11 at No. 9. Approved 13 November 1989.

- 3.4 HC/94/0504/PF Proposed rear extension to nursing home to form staff utility room, office and store. Approved 11 January 1995.
- 3.5 CW2006/4011/F Sub-division of existing nursing home to form three dwellings. Approved 7 February 2007.
- 3.6 CW2007/ 3538/F Change of use of residential home for the elderly to house in multiple occupation. Refused 27 December 2007. Appeal dismissed 5 November 2008.

#### **4. Consultation Summary**

##### Statutory Consultations

- 4.1 None required.

##### Internal Council Advice

- 4.2 Traffic Manager:

Based upon the amended parking plan, I am satisfied that eight parking spaces individually accessible can be provided as identified. This is significantly less than our maximum standards for nine apartments which would require fourteen spaces based on an average of 1.5 spaces per dwelling. However, although I would not wish to see displacement of parking onto the street, these are maximum figures and may not substantiate a refusal on grounds of lack of parking alone, bearing in mind that the site is within walking distance of the city centre and cycle storage is also provided. I therefore do not object on parking grounds to the proposal.

- 4.3 Private Sector Housing:  
No comments received.

- 4.4 Parks and Countryside Manager:

No objection subject to contributions in line with the supplementary planning document on Planning Obligations towards off site open space, sport and recreational facilities.

- 4.5 Children and Young Services Manager:

No objection subject to a financial contribution to be used towards the provision of new and enhancement of existing educational infrastructure at north Hereford City Early Years, Lord Scudamore Primary School, Whitecross Sports College and Hereford City Youth Service.

- 4.6 Cultural Services Manager:

No objection subject to a contribution towards library services within Hereford City.

- 4.7 Conservation Manager: No response.

#### **5. Representations**

- 5.1 Hereford City Council: No objections to the application subject to clarification that there are separation bathrooms for flats 8 and 9.

- 5.2 Seven letters of objection have been received, the main points raised are:

1. The creation of nine flats is out of keeping with the character of the area.
2. Inadequate parking would be provided and there is no capacity for on street parking.
3. Increased noise pollution.
4. Increased disturbance (the police have already been called to the property associated with the existing HMO use).
5. Development would devalue property prices.
6. Additional parking will obstruct the highway preventing access by emergency vehicles.
7. Inadequate garden and amenity space for the number of occupants.
8. Conversion to a smaller number of quality apartments would be more appropriate.
9. The proposed location of parking and cycle storage to the rear of the property would adversely impact upon amenity of neighbouring properties.
10. Concerned with the stability of the proposed driveway and impact it would have on neighbouring property.
11. The existing frontage is already used for hanging out washing and as a smoking area detracting from the character of the area. Therefore, no parking should be permitted on the frontage which will further deteriorate the character of the area.

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 site falls within an established residential area and settlement boundary of Hereford City where the principle of new residential development is acceptable. Policy H17 of the Herefordshire Unitary Development Plan sets out the main criteria for the assessment of applications relating to the conversion of properties to flats. The three criteria being:
1. Car parking
  2. Standard of accommodation
  3. Impact on the character and amenity of the area

### Car Parking

- 6.2 The applicants have provided an amended plan, which now identifies eight parking spaces to serve seven flats. The parking bays would be accessed via a one-way system entering the site along the eastern boundary and exiting along the western boundary. This will enable all vehicles to enter and leave the site in a forward gear and reduce the amount of manoeuvring movements and consequential impact of the parking area on the amenity of the neighbouring dwellings. Whilst the number of spaces proposed is below the maximum standard of 1.5 spaces per unit set by Policy H16, this policy sets no minimum standard and the Traffic Manager is satisfied that the parking provision is acceptable given the sustainable location of the site and accessibility to public transport. As such Criteria 1 of Policy H17 is satisfied.

### Standard of Accommodation

- 6.3 The properties were historically two semi-detached properties and are typical of properties of their era. The proposed layouts on ground, first and second floors will achieve relatively spacious self-contained flats of both one and two bedroom in size. The flats will be either accessed from the eastern or western gables to two central stairwells resulting in each flat effectively having their own front door.

- 6.4 The changes to the basement flat will achieve a spacious two bedroom flat with adequate natural light. Furthermore, planning permission was approved on the 7th February 2007 for the conversion of the basement to a two bedroom flat and this permission remains extant and therefore a refusal over concerns regarding the basement flat would not be justified given this extant permission.
- 6.5 Externally, an area of garden to the rear of No. 9 will be retained for communal use, barbeques, drying of clothes etc. along with a separate area for refuse storage and conversion of outbuilding for cycle storage. Although modest, this area is considered adequate given the location of the site and accessibility to other public open space. Therefore the requirements of Criteria 2 of Policy H17 are satisfied.

#### Impact on the Character and Amenity of the Area

- 6.6 With the exception of the existing residential care home directly opposite the site, the area is predominantly characterised by detached and semi-detached family housing. Whilst the introduction of flats would therefore result in a different type of accommodation than presently exists in the area, this in itself is not sufficient grounds to warrant withholding planning permission.
- 6.7 Firstly, the proposal will have no adverse impact on the setting of the Conservation Area or listed buildings. The sub-division into seven flats is likely to generate additional activity and vehicle movements over and above that is likely to have existed with the residential care home use. The alternative that presently exists is the extant planning permission from 2007. This effectively would subdivide the property into two dwellings, each of up to eight bedrooms in size and a two bedroom basement flat. The likely activity associated with dwellings of this size including the number of occupants could be similar to that associated with this proposal particularly now the number of units has been reduced.
- 6.8 With regard to the property itself, the proposed removal of the lift tower, alterations to the fenestration and the introduction of traditional railings along the roadside frontage will generally enhance the appearance of the site and property. The creation of the parking spaces to the frontage will have an impact on the appearance of the site when viewed from the road but the new boundary treatment will partially screen the parked cars.
- 6.9 Therefore considering the fallback position and the number of flats now proposed, it is not considered the format of the accommodation, the scale of the proposal or physical alterations/works will individually or cumulatively result in a harmful impact on the character of the area justifying refusal of planning permission.
- 6.10 Whilst the occupation of the property over the last 12 months or so as a house in multiple occupation has generated complaints regarding noise, there is no evidence to indicate that the occupation of the dwelling as private flats would cause such disturbance. The impact on the amenity of the area is also therefore considered acceptable. Other concerns expressed by objectors such as the structural integrity of the boundary wall and associated driveway construction, refuse and cycle storage can be addressed through conditions.
- 6.11 A Section 106 Heads of Terms is appended to this report in accordance with the adopted Supplementary Planning Document on Planning Obligations. The applicants

have agreed to the principle and the original Heads of Terms for nine flats and confirmation of agreement to the amended Heads of Terms relating to seven flats is awaited. This proposes financial contributions for off site community infrastructure to mitigate the direct impact of the development including contributions towards transportation; sustainable transport, education and public open space, sport and recreational facilities.

- 6.12 The proposal with the revised parking layout and removal of two units now satisfies the requirements of Policy H17 of the Herefordshire Unitary Development Plan in particular and is considered acceptable.

## **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. 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.**

- 3. 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.**

- 4. Before development commences, full details including scaled plans and/or structural details shall be submitted for the approval in writing of the local planning authority in order to maintain and/or enhance the structural integrity of the existing eastern boundary sufficient to support the construction of a new access drive. The access drive and associated works to the boundary wall to include the removal of the existing ramp and steps shall be completed in accordance with the approved details prior to first occupation of the development hereby permitted.**

**Reason: To ensure the driveway is constructed to an appropriate standard and safeguard the amenity of neighbouring dwelling and comply with the requirements of Policies DR1 and DR3 of the Herefordshire Unitary Development Plan.**

- 5. 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.**

**6. I42 (Scheme of refuse storage (residential)).**

**Reason: In the interests of amenity and to comply with Policy DR4 of Herefordshire Unitary Development Plan.**

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

**Informatives:**

- 1. N02 - Section 106 Obligation.**
- 2. N19 - Avoidance of doubt - Approved Plans.**
- 3. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

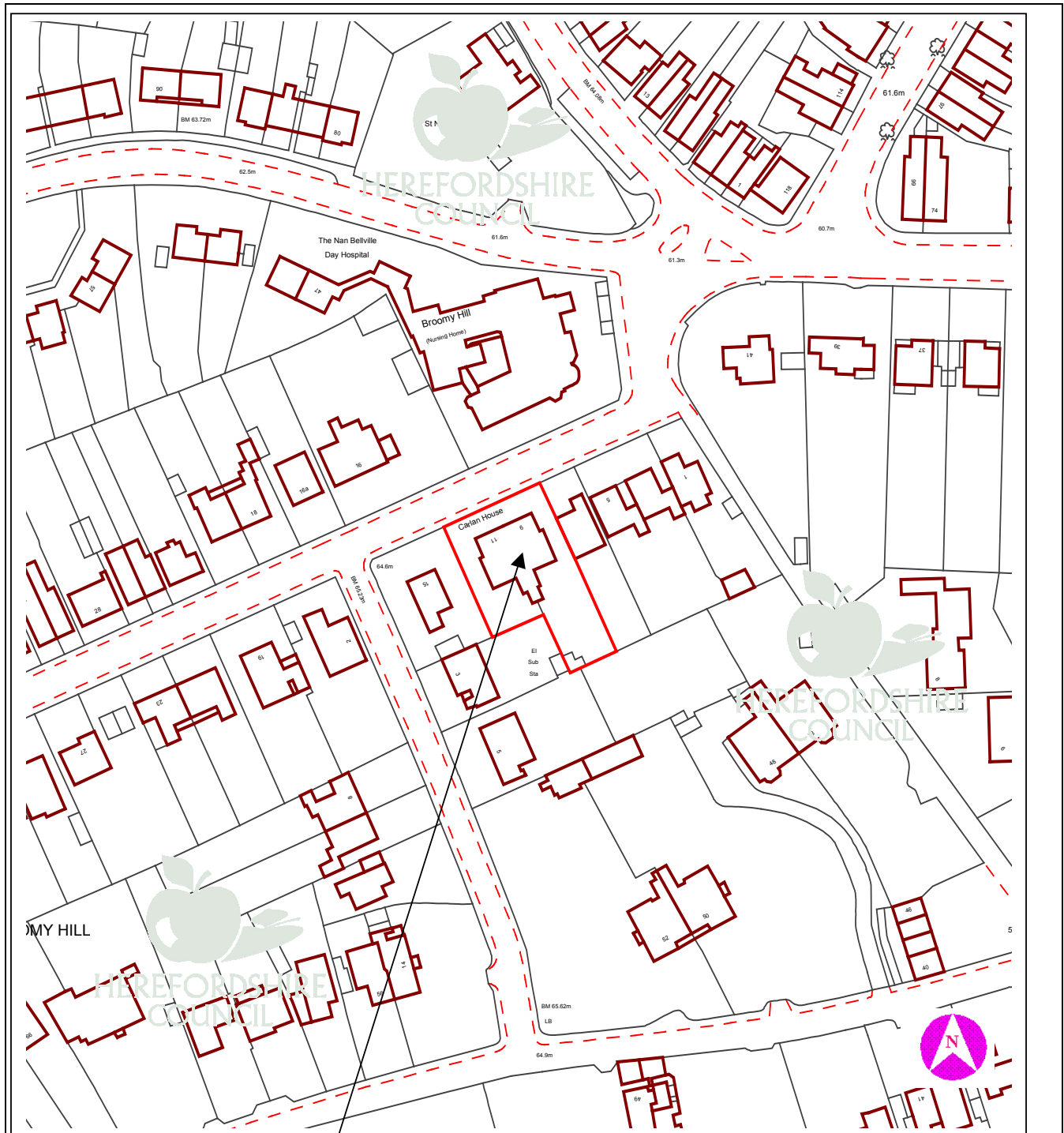
Decision: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2008/1681/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 9-11 Tower Road, Hereford, HR4 0LF

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

Planning Application – DCCW2008/1681/F

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1 April 2008

Conversion of retirement home into 7 two bedroom self contained flats

9-11 Tower Road, Hereford, HR4 0LF

1. The developer covenants with Herefordshire Council, in lieu of a deficit in the provision of play, sport and recreation facilities on site to serve the development to pay Herefordshire Council the sum of £5,117 (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 the locality. The contribution includes 15 years maintenance costs.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £19,915 to provide enhanced educational infrastructure at North Hereford City Early Years, Lord Scudamore School, Whitecross Sports College and 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 £10,255 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 £1022 towards the enhancement of existing community services (library facilities) in Hereford City.
6. 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.

7. 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.
8. All of the financial contributions shall be Index linked from the date of the planning permission 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.

Russell Pryce - Principal Planning Officer  
17 February 2009