

**DCCW2009/0059/CD - CONVERSION OF SCHOOL AND SCHOOL HOUSE INTO TWO RESIDENTIAL DWELLINGS. CONSTRUCTION OF THREE NEW DWELLINGS IN THE GROUNDS AT FORMER PRIMARY SCHOOL, SUTTON ST. NICHOLAS, HEREFORD, HEREFORDSHIRE, HR1 3AZ**

**For: Herefordshire Council and Hereford Diocesan Board of Finance per James Spreckley, MRICS FAAV, Brinsop House, Brinsop, Hereford, Herefordshire, HR4 7AS**

**Date Received: 8 January 2009    Ward: Sutton Walls    Grid Ref: 53390, 45849**

**Expiry Date: 5 March 2009**

Local Member: Councillor KS Guthrie

**1. Site Description and Proposal**

- 1.1 The application site is comprised of a vacant local education authority primary school and grounds, located within an established residential area of Sutton St. Nicholas. The application site is roughly triangular in shape and is bounded to the east and northwest by the public highway, with residential dwellings to the south.
- 1.2 The application seeks permission to convert the existing school buildings into a pair of semi-detached dwellings, comprising a one 3-bedroom unit and a 2-bedroom unit. The three new dwellings in the grounds to the south of the existing buildings will take the form of a semi-detached pair of 3 bedroom cottages on the eastern side orientated to front onto the Bodenham Road, whilst the west of the site a larger detached 4 bedroom dwelling will front onto the unclassified road.

**2. Policies**

- 2.1 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy S8	-	Recreation, Sport and Tourism
Policy S11	-	Community Facilities and Services
Policy DR1	-	Design
Policy DR4	-	Environment
Policy DR5	-	Planning Obligations
Policy H4	-	Main Villages: Settlement Boundaries
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy H19	-	Open Space Requirements
Policy T1	-	Public Transport Facilities
Policy T6	-	Walking

Policy T7	-	Cycling
Policy T8	-	Road Hierarchy
Policy T11	-	Parking Provision
Policy T14	-	School Travel
Policy LA3	-	Setting of Settlements

### 3. Planning History

3.1 None relevant.

### 4. Consultation Summary

#### Statutory Consultations

4.1 None.

#### Internal Council Advice

4.2 Traffic Manager: No objection. The visibility splays for the access onto the C road are acceptable and use of conditions is suggested to ensure that 65 metres southward visibility is maintained. With regard to access onto the unclassified road, a visibility splay of 2.4 x 33 metres in either direction should be provided, with the boundary wall and ground levels lowered accordingly. Standard conditions are recommended to secure a properly constructed and laid out means of parking and access.

4.3 Public Rights of Way Manager: No objection.

### 5. Representations

5.1 Sutton Parish Council: Concerned about the access onto Bodenham Road, and the impact of the flooding which has been experienced in the past 18 months. Secondly, the new houses should not overlook the existing properties in Fieldway.

5.2 A total of three letters of objection have been received from Mrs. Farr, 1 Orchard Close; Mrs. Heap, Coverdale and Mr. Weston, 29 Fieldway summarised as follows:

- Loss of view.
- Loss of privacy and overlooking.
- Loss of sunlight into our garden.
- The proposed development is out of keeping with the bungalows to the south.
- Access into the new development should not be directly onto the main Bodenham Road.
- The proposed access onto Bodenham Road is in a dangerous position and has insufficient visibility.
- The new houses may overload the drainage system, flooding has been experienced in the area since the new school was built.
- Some of the new houses will access onto the unclassified road, which floods.

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 Having regard for the relevant policies, the primary issues in determining this application are considered to be:

- The Principle of Development
- Design and Layout of the Development
- Visual and residential amenity
- Access and Highways Issues

Principle of Development

6.2 The application site lies within a designated settlement boundary within which the Herefordshire Unitary Development Plan 2007 recognises that there is scope for appropriate residential development providing that the character and appearance of the wider locality is not adversely affected by the proposed development. Therefore, the proposal is acceptable in principle, subject to other material considerations being satisfactorily resolved.

Visual and residential amenity

6.3 Having regard for the pattern and density of residential development in the wider locality, the design, scale and massing is considered to be appropriate, and the siting and orientation has taken appropriate account of the position and orientation of the adjoining properties. Although it is noted that one letter of objection comments that the proposed development is out of keeping with the bungalows which front onto the main road immediately to the south, it is in fact the bungalows which are out of keeping as the rest of the settlement is predominately characterised by two storey properties.

6.4 With regard to the concerns raised in the letters of representation about overlooking and loss of privacy, it is not considered that the proposed dwellings will materially alter the level of residential amenity presently enjoyed, to a degree, which would give rise to any sustainable grounds for refusal.

6.5 More specifically the design of the flank elevations has omitted windows at first floor level, protecting the amenity of properties in Fieldway from direct overlooking. To ensure that a satisfactory relationship continues between the existing properties and the proposed development conditions are recommended removing permitted development rights to extend or alter the properties, and/or insert any new windows at first floor level, as well as control the hours of building operations to safeguard the amenity of the residential area during the construction phase. Overall the proposed development is not considered to give rise to any harm to the visual or residential amenity of the wider locality.

6.6 Overall the proposed development is not considered to give rise to any harm to the visual or residential amenity of the wider locality.

Flooding and sewerage

6.7 Although the concern about flooding is noted, the source of the flooding is not within or across the application site, therefore it is not considered that the flooding of the adjoining highway gives rise to defensible grounds for refusal in this instance. However to ensure that the proposed development does not exacerbate the existing situation, a condition relating to surface water run-off is recommended.

Access and Highways

- 6.7 In principle the Traffic Manager has no objection to the proposed access and parking arrangements, but comments that the visibility splays should be secured by the use of conditions, as well as to ensure that the point of access and parking areas are properly constructed and maintained. These comments are considered reasonable and the appropriate conditions are recommended.
- 6.8 In the absence of any objection from the Traffic Manager, it is not considered that the concerns raised by objectors or the Parish Council can be substantiated as grounds for refusal on highway safety grounds.

Planning Obligation

- 6.9 The applicant has agreed to a range of Section 106 contributions, in accordance with the adopted Planning Obligations SPD.
- 6.10 In summary the contributions are £8600 to provide sustainable transport infrastructure, £16757 towards enhanced educational infrastructure, £4902 to provide enhanced formal or informal recreational or public open space, £981 to provide enhanced library services and a contribution of £625 towards the cost of monitoring and enforcing the Section 106 Agreement

Conclusion

- 6.11 Overall the proposals, together with the proposed Section 106 contributions, comply with the relevant development plan policies and as such, approval is recommended.

**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).**

**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. B01 (Development in accordance with the approved plans).**

**Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.**

- 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. 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.**

**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. H03 (Visibility splays) (2.4 x 65m south along the C1125).**

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

**8. H03 (Visibility splays) (2.4 x 33m along the unclassified road).**

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

**9. Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 33 metres unclassified road to the west in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

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

**10. H05 (Access gates).**

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

**11. 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.**

**12. H09 (Driveway gradient).**

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

**13. H11 (Parking - estate development (more than one 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.

**14. 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.

**15. 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.

**16. 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.

**17. 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.

**18. 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.

**Informatives:**

- 1. N01 - Access for all.**
- 2. N19 - Avoidance of doubt - Approved Plans.**
- 3. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

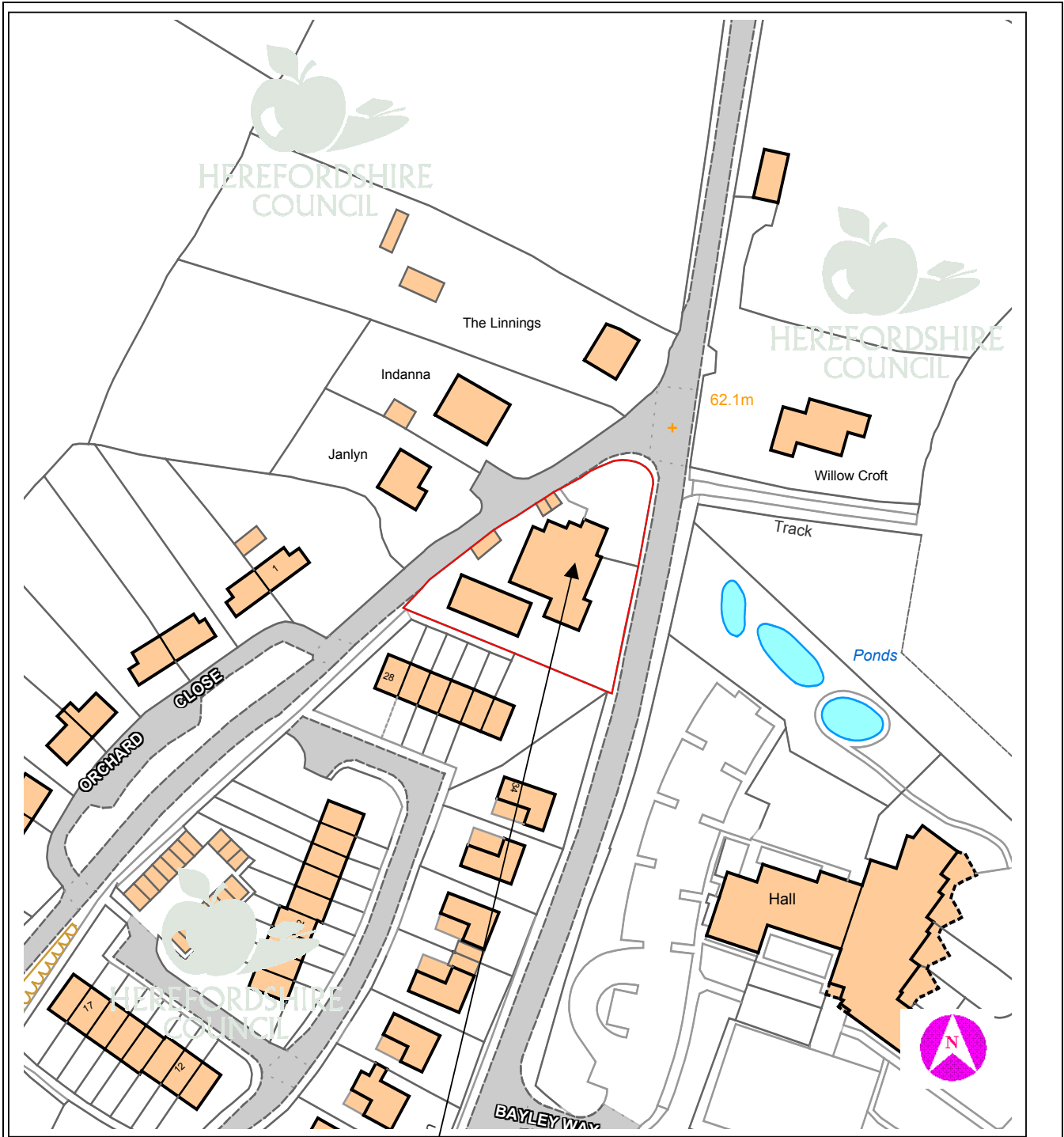
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** DCCW2009/0059/CD

**SCALE :** 1 : 1250

**SITE ADDRESS :** Former Primary School, Sutton St Nicholas, Hereford, Herefordshire HR1 3AZ

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

# HEADS OF TERMS

Proposed Planning Obligation Agreement

**Section 106 Town and Country Planning Act 1990**

**Planning Application: DCCW2009/0059/CD**

**Proposal: 1 x Conversion of the school building to a 3 bedroom house, conversion of the old school house back to a 2 bedroom house, and the erection of 2 x 3 bedroom and 1 x 4 bedroom houses**

**Site: Former Primary School, Sutton St Nicholas, Herefordshire**

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £16,757 to provide enhanced educational infrastructure. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £8,600 to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
  - Traffic calming and improved signage
  - Localised highway improvements
  - Hereford Park and Ride
  - Contribution to improved bus service
  - Contribution to Safe Routes for Schools
  - Improved bus shelters/stops in the locality of the application site
  - Initiatives to promote sustainable transport
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £4902 to provide enhanced formal or informal recreational or public open space. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £981 towards the provision of enhanced Library facilities. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
5. In the event that Herefordshire Council does not for any reason use the sums referred to in paragraphs above, 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.
6. The sums referred to in paragraphs 1, 2, 3 and 4 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.



7. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
8. 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.
9. The developer shall complete the Agreement by (a date to be agreed) otherwise, the application will be registered as deemed refused.

PETER CLASBY  
SENIOR PLANNING OFFICER  
22<sup>nd</sup> December 2008