

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>21 JULY 2010</b>
<b>TITLE OF REPORT:</b>	<p><b>DMCW/100947/F - ERECTION OF 8 FLATS AT 44 TOWER ROAD, HEREFORD, HEREFORDSHIRE, HR4 0LF.</b></p> <p><b>For: Mr Shaw per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Herefordshire, HR1 1LH.</b></p>

**Date Received: 23 April 2010**

**Ward: St Nicholas**

**Grid Ref: 349772,239673**

**Expiry Date: 24 June 2010**

Local Members: Councillors DJ Benjamin and JD Woodward

## **1. Site Description and Proposal**

- 1.1 The application site comprises an existing bungalow standing within its own substantial curtilage at the western end of a cul-de-sac within an established residential area known as Broomy Hill.
- 1.2 The application site is bounded to the north and east by residential development, a large area of public open space lies to the west and the public highway forms the southern boundary on the opposite site of which is further residential development.
- 1.3 The application seeks planning permission to demolish the existing bungalow and erect a development comprising eight one bedroom flats in the form of two blocks linked at ground floor level by an entrance foyer that incorporates secure cycle storage. A communal amenity space providing off-road parking for eight vehicles is located at the rear of the development. This is accessed along a driveway along the eastern boundary and emerging on to the highway to the south.

## **2. Policies**

### **2.1 Government Guidance:**

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 3: Housing

## 2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H13	-	Sustainable Residential Design
H15	-	Density
T11	-	Parking Provision
CF1	-	Utility Services and Infrastructure
CF2	-	Foul Drainage

## 3. Planning History

- 3.1 DCCW2004/3497/F Construction of dormer windows, single storey extension and a basement. Approved December 2004.
- 3.2 DCCW2006/3245/F Construction of a workshop/store including a basement. Withdrawn November 2006.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Welsh Water: No objection subject to the use of standard conditions.

### Internal Council Advice

- 4.2 Traffic Manager: No objection subject to the use of standard conditions.
- 4.3 Public Rights of Way Manager: No objection.

## 5. Representations

- 5.1 Hereford City Council: Objection. This is not an appropriate application for this development, though the site would be appropriate for two houses. It is also garden grabbing.
- 5.2 Broomy Hill Residents Association: Mixed comment. It is acknowledged that much thought has gone into the design to make the development aesthetically suitable for such a residential area and this aspect is not contested. However by reason of the density of the development there will be an unacceptable impact in terms of highway congestion and parking provision, exacerbating the existing situation.
- 5.3 Thirty three letters of objection and a petition signed by twenty six local residents have been received which are summarised as follows:
- Overdevelopment.
  - Proposal not in keeping with the area.
  - Utilities will not cope with the increased demand.

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Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

- Potential overlooking and loss of privacy.
- Property values will be affected.
- Overlooking onto or across the public park is unacceptable.
- Contrary to recent government statements stopping 'garden grabbing'.
- Although presented as 1 bed units, some flats appear to lend themselves to later conversion into two bedrooms. This would result in more congestion and impact on infrastructure.
- Warden controlled retirement flats or bungalows would be ok.
- Development only served by minimal parking arrangements, this may lead to more vehicles seeking on street parking.
- Many existing properties don't have off-street parking, resulting in congestion.
- Cars already parked on both sides of the road and there is no turning space.
- Pedestrians, particularly children may be at risk from any further development in this area.
- The whole area suffers from a lack of capacity in terms of parking provision.
- The development should be set back within the site to allow for the creation of a turning head within the public highway.

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

## **6. Officer's Appraisal**

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

- The Principle of Development
- Design and Layout
- Residential Amenity
- Water and Sewerage
- Access and Highways Issues
- Planning Obligations

### The Principle of Development

6.2 The application lies within the designated settlement boundary for the City of Hereford within which the Herefordshire Unitary Development Plan 2007 through Policy H1; amongst others, allows for the provision of appropriate forms of new residential development.

6.3 Therefore, the proposed redevelopment of the existing bungalow to provide new residential development is acceptable in principle. The suitability of the proposed eight flats is subject to other material considerations being satisfactorily resolved.

### Design and Layout

- 6.4 The pattern of residential development along Tower Road is generally characterised by large semi-detached and detached dwellings; reflecting a range of styles from 19th Century through to late 20th Century, arranged in a linear formation fronting onto the adjoining highway with large private gardens lying to the rear. The existing bungalow is at odds with this general character.
- 6.5 The proposed development will comprise two blocks, the front being 2½ storeys high, the rear being reduced to 2 storeys, the overall design, bulk and massing of which have been properly informed by the scale and character of the existing properties.
- 6.6 Although it is noted that a large majority of the letters of objection raised comments that the proposed development was perceived to be out of keeping with the character of the wider locality, as stated above there is no strong defining architectural style. Therefore the proposed development will not be read as discordant in the context of this comparatively diverse streetscape.
- 6.7 However to ensure the satisfactory appearance of the development, it is considered expedient to recommend conditions requiring the prior approval of external materials and a landscaping scheme including the type and design of any boundary treatment.
- 6.8 Although the application has been submitted on the basis of all the units providing only one bedroom, it is noted from the plan that the two duplex units on the upper floors of the front block have a bedroom plus a divorced dressing room of not inconsiderable size from which the bathroom is accessed. Therefore to define the planning permission, it is considered expedient to recommend a condition to control against the creation of any additional bedrooms, in the interests of both the amenity of the wider locality and also to ensure compliance with the terms under which the planning obligation was negotiated.

### Residential Amenity

- 6.9 Following on from concerns raised by the immediate neighbour, a revised plan has been submitted which proposes the use of obscured glazing in the first floor windows in the eastern flank of the rear block, and the insertion of an obliquely angled window in the south elevation, thereby overcoming the concerns about a potential loss of privacy arising from direct overlooking. To ensure that a satisfactory relationship continues to exist between the proposed development and its neighbor, a condition is recommended to maintain the window affixed shut and obscured glazed in perpetuity.
- 6.10 More generally having proper regard for the pre-existing pattern of development in the locality, the proposal will not result in an unacceptable impact in terms of either overlooking or overbearance, because the siting, relative orientation and separation distances involved are neither particularly close or unusually discordant when measured against that found in the wider locality.
- 6.11 Overall the proposed development is not considered to give rise to any demonstrable harm to the residential amenity of the wider locality, however in order to protect the general amenity of the area a condition is recommended to control the operational activities during the demolition and construction phases.

### Access and Highways Issues

- 6.12 The application site has an existing vehicular access, which will continue to serve the proposed development.

- 6.13 The Traffic Manager has no objection to the access and parking arrangements.
- 6.14 Whilst the comments raised in the letters of representation about the perceived unacceptable increase in traffic generation are noted, in the absence of any objection from the Traffic Manager, it is not considered that those concerns can be sustainably defended as a basis for refusal on highway safety grounds.
- 6.15 With regard to the suggestion that the development should provide for the creation of a turning head within the public highway, as evidenced through the letters of representation the problem of capacity in terms of on-street parking is pre-existing. Therefore having proper regard to the modest scale of the proposed development, refusal of this application upon the basis of not providing increased capacity or improved manoeuvring space within the public highway could not be substantiated as defensible grounds for refusal.

#### Water and Sewerage

- 6.16 Whilst the concerns raised in the letters of representation are noted about the perceived lack of capacity in the sewerage system are noted, Welsh Water have raised no objection to the proposed development, subject to the imposition of standard drainage conditions.
- 6.17 In the absence of any objection from Welsh Water, it is not considered that the concerns raised in the letters of representation can be substantiated as ground for refusal.

#### Planning Obligation

- 6.18 The applicant has agreed to a range of Section 106 contributions, in accordance with the adopted Planning Obligations SPD.
- 6.19 In summary the contributions are £8280 to provide sustainable transport infrastructure, £4341 to provide enhanced formal or informal recreational or public open space, £960 to provide enhanced library services and a contribution towards the cost of monitoring and enforcing the Section 106 Agreement.

#### Conclusion

- 6.20 Overall the proposal complies with the development plan and as such approval is recommended.

### **RECOMMENDATION**

**The Assistant Chief Executive – Legal and Democratic be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990, (as set out in the Heads of Terms attached to the report) and deal with any other appropriate terms, matters or issues as he considers appropriate.**

**Upon completion of the above-mentioned planning obligation, Officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by Officers:**

- 1 A01 Time limit for commencement (full permission)**
- 2 This permission is for the creation of eight self-contained one bedroom units and at no time whatsoever shall any of the units be subdivided to provide for more than one bedroom.**

**Reason: To define the terms under which planning permission is granted and to comply with the requirements of Policies DR1, DR5, H1 and H13 of the Herefordshire Unitary Development Plan.**

- 3 B01 Development in accordance with the approved plans**
- 4 C01 Samples of external materials**
- 5 F17 Obscure glazing to windows**
- 6 G09 Details of Boundary treatments**
- 7 G10 Landscaping scheme**
- 8 G11 Landscaping scheme - implementation**
- 9 H11 Parking - estate development (more than one house)**
- 10 H05 Access gates**
- 11 L01 Foul/surface water drainage**
- 12 L02 No surface water to connect to public system**
- 13 Development shall not begin until a 'Construction Method Statement' has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:**
- i. The hours when building operations will occur. (Note: In any event the local planning authority will now allow any process to be carried out and/or machinery to be operated beyond the following times: Monday-Friday 7.00 am-6.00 pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays).**
  - ii. The hours between which deliveries can be received taking into account and therefore avoiding times of peak congestion on the local highway network.**
  - iii. The parking of vehicles of site operatives and visitors.**
  - iv. The loading and unloading of plant and materials.**
  - v. Storage of plant and materials used in constructing the development.**
  - vi. The erection and maintenance of site security hoardings, where appropriate.**
- Reason: To protect the amenity of local residents and in the interests of highway safety. To comply with Policies DR3 and DR4 of Herefordshire Unitary Development Plan.**
- 14 H06 Vehicular access construction**
- 15 H13 Access, turning area and parking**
- 16 H09 Driveway gradient**

**17 I55 Site Waste Management**

**INFORMATIVES:**

- 1 N01 Access for all**
- 2 N02 Section 106 Obligation**
- 3 N14 Party Wall Act 1996**
- 4 N15 Reason(s) for the Grant of PP/LBC/CAC**

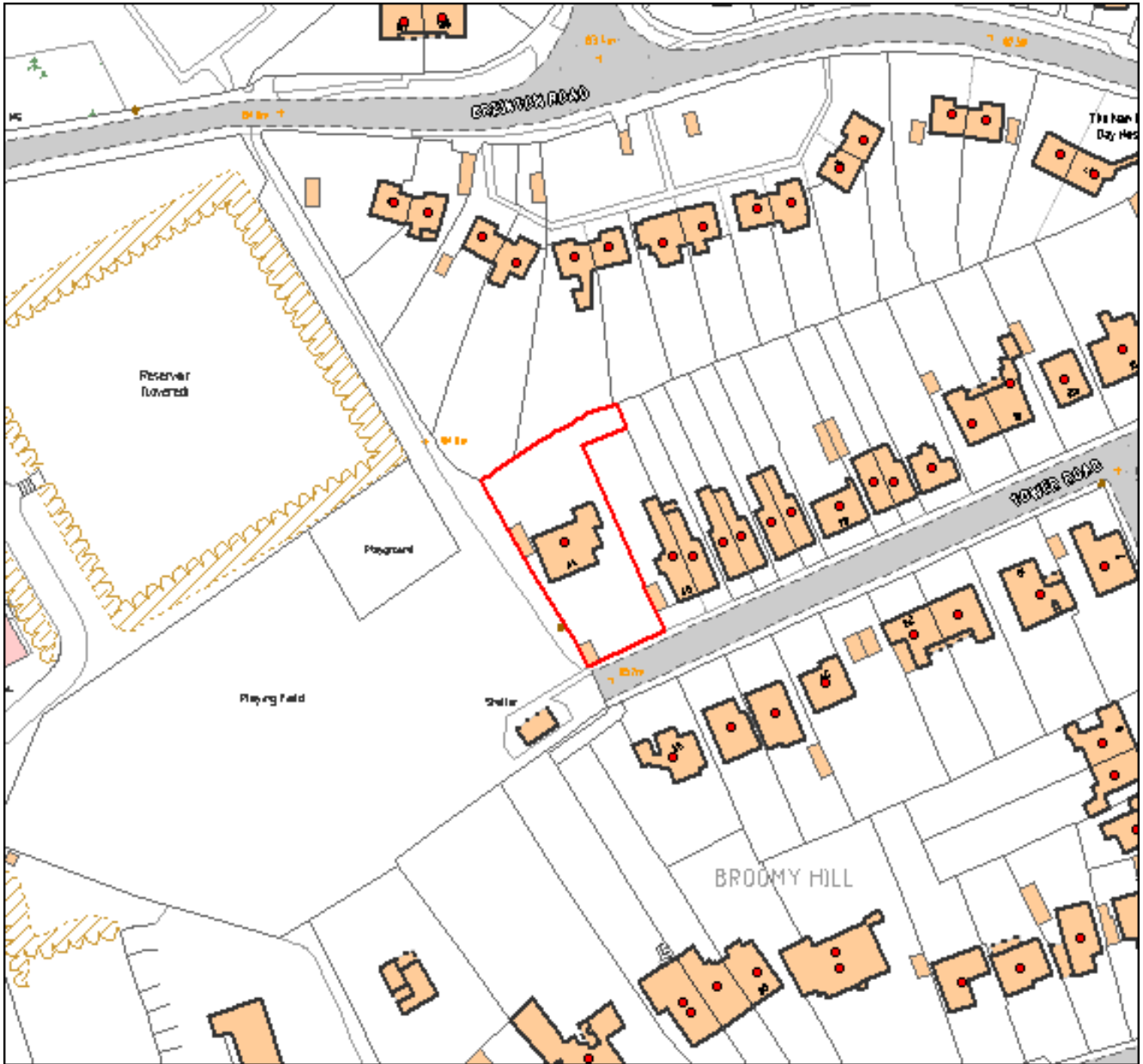
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DMCW/100947/F

**SITE ADDRESS :** 44 TOWER ROAD, HEREFORD, HEREFORDSHIRE, HR4 0LF

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## **HEADS OF TERMS**

### **PROPOSED PLANNING OBLIGATION AGREEMENT**

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

**Planning Application: DMCW/100947/F**

**Proposal: Construction of 8 x 1 bedroom flats**

**Site: land at 44 Tower Road, Hereford**

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £8280 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:
  - 1.1. Traffic calming and improved signage within the vicinity of the development site
  - 1.2. Localised highway improvements
  - 1.3. Public and community transport facilities, including improved bus service in Hereford City
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £4341 to provide enhanced formal or informal recreational or public open space in the locality of the development. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £719 towards the provision of enhanced Library facilities in Hereford City. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
4. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2 and 3 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.
5. The sums referred to in paragraphs 1, 2 and 3 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.
6. 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.

7. 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.

**PETER CLASBY**  
**SENIOR PLANNING OFFICER**  
**29 June 2010**