

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>2 FEBRUARY 2011</b>
<b>TITLE OF REPORT:</b>	<p><b>DMS/102805/F - PROPOSED DEMOLITION OF EXISTING DWELLING AND ERECTION OF 5 TWO BEDROOM APARTMENTS AND PROVISION OF PUBLIC TURNING AREA AT 44 TOWER ROAD, HEREFORD, 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: 29 October 2010    Ward: St Nicholas    Grid Ref: 349772,239673**  
**Expiry Date: 30 December 2010**

Local Members: Councillors JJD Lavender and JD Woodward

**1. Site Description and Proposal**

- 1.1 The application site is 0.0927 hectares in size and comprises an existing four bedroom bungalow standing within its own substantial curtilage. The site is at the western end of Tower Road which is a no through road that does not benefit from a turning head. It lies within the established residential area of Broomy Hill. The bungalow is set back 18.8m from the edge of the footway and the area in front of the bungalow is laid to garden with off road car parking for up to 8 vehicles (including garage space).
- 1.2 The application site is bounded to the north and east by existing residential dwellings, a large area of public open space lies to the west and the public highway forms the southern boundary. The surrounding area is characterised by large detached and semi-detached period properties some benefitting from off street parking but many relying upon on-street parking.
- 1.3 The application seeks planning permission to demolish the bungalow and erect a development comprising five two bedroom flats, access, parking, landscaping (hard and soft), bin and cycle storage.
- 1.4 The form of this comprises a block at the front of the site with a footprint of 10.6m by 8.3m. This is set back 3m from the footway in line with the adjacent properties. This three storey block would consist of two gables fronting the highway with feature bay windows to ground and first floors. The eaves height of the building that fronts the highway would be 6.3m, with a ridge height of 9m. This is comparable to the height of the neighbouring property that has an eaves height of 6.2m and ridge height of 8.7m. This element contains three units of accommodation.

- 1.5 The remaining two flats are accommodated in a two storey rear projection that is set to the west side of the site and gives the development an L-shaped footprint. This would project rearward 13.7m and have a width of 6.3m. The rear elevation (north) would also include feature bay windows. Access to the properties is via a feature lobby and a doorway placed centrally in the east elevation. The height of this section is lower than the front block with an eaves height of 5m and ridge height of 8.1m. All first floor windows in the east elevation which faces 40 Tower Road are detailed as being obscure glazed.
- 1.6 Access is proposed to the east of the site between the proposed development and 40 Tower Road. The access is recessed by 4.5m with a width of 4m and this has specifically been designed to allow for vehicles using Tower Road to turn. This turning head would be adopted by the Council under a Deed of Dedication.
- 1.7 The grouped car parking space would provide for 10 parking spaces. 7 would be hardsurfaced and 3 spaces reinforced grass parking. Cycle and bin stores are located to the north east of the site in a small area of land that is at the rear of the garden to No. 40.
- 1.8 The application would require the removal of some existing trees hedgerows and landscaping. It also includes additional planting and erection of boundary fences. The existing boundary wall to the west would be retained.
- 1.9 The application is accompanied by an Ecological Survey (undertaken Dec '10 – Jan '11), surface water drainage details, daylight analysis and confirmation that the applicants would be agreeable to commencement within 12 months of the date of permission.

## 2. Policies

### 2.1 Government Guidance:

Planning Policy Statement 1	-	Delivering Sustainable Development
Planning Policy Statement 3	-	Housing
Planning Policy Statement 9	-	Biodiversity and Geological Conservation
Planning Policy Guidance 13 (2010 revision)	-	Transport

### 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
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC8	-	Habitat Creation, Restoration and Enhancement
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.
- 3.3 DMS100947/F Erection of 8 flats. Refused 21 July 2010 for the following reason:

*“The local planning authority consider, having regard to Policies DR1, H13(1) and H14(2) of Herefordshire Unitary Development Plan 2007, that the proposal is unacceptable in that it would constitute an over intensive form of development which does not respect, is out of character with and consequently would be detrimental to the established residential character of the locality.”*

### **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.
- 4.4 Conservation Manager (Ecology): Makes the following comments:

I visited the site today and have received the ecological report by Wildways dated 2 January 2011. I note that although the property is on the edge of the city and adjacent to suitable bat foraging habitat, no evidence of bats was found in the roof space of the bungalow. There are very few cracks and crevices where bats could access the property for roosting and I am therefore satisfied with the assessment of the site by the ecological consultant.

### **5. Representations**

- 5.1 Hereford City Council: No objection.
- 5.2 Broomy Hill Residents Association comments that the amended application does not alleviate the fears expressed previously and continue to raise concerns relating to density of the development and that this would therefore have an unacceptable impact in terms of highway congestion and parking provision, exacerbating the existing situation.
- 5.3 24 letters of objection and a petition signed by sixty four local residents have been received.

Their comments are summarised as follows:

- Overdevelopment of the site.
- Proposal not in keeping with the area.
- The building is too high and too large.

- The area is characterised by family dwellings and is not suitable for high density development.
- Utilities will not cope with the increased demand leading to the potential for increase in flooding (high water table in area).
- Potential overlooking and loss of privacy.
- Loss of light / overbearing on impact on the amenities of residents of Number 40. Garden would then face a car park.
- Property values will be affected.
- Overlooking onto or across the public park is unacceptable.
- This development has potential for more parking problems and traffic movements than that of the previous application for 8 x 1 bed flats.
- Development only served by minimal parking arrangements, this may lead to more vehicles seeking on street parking.
- Concerns about increase in traffic movements at the already dangerous junction of Tower Road, Barton Road / Westfaling Street and Breinton Road.
- Many existing properties don't have off-street parking, resulting in congestion and problems for those accessing their driveways / parking areas.
- Cars already parked on both sides of the road and there is no turning space.
- Pedestrians, particularly children, elderly or wheelchair users may be at risk from any further development in this area.
- Problems with parking already means restricted access for emergency and service vehicles.
- The whole area suffers from a lack of capacity in terms of parking provision.
- Much prefer pair semi-detached dwellings.
- Raise issues relating to roosting bats in the area and clarification that this building is not the roost.

5.4 One letter of support has been received from Capt MJ Rees, 49 Moor Park Road, Hereford who makes the following comments:

- Walks into Hereford via Tower Road most days and would dispute the portrayed scenes of traffic chaos at all times of day and night.
- The development is well thought out providing better parking and turning area, better gardens, better storage facilities, pleasant outlook across the park and wheelchair access at ground floor. It is sited in such a way as to maximize the distance from the adjoining property and provides a public turning area.
- Ideal location to live; excellent amenity levels, low maintenance and five minute walk from city centre.

- Would complement the architecture, size and scale of the other properties in Tower Road. Landscape and separation would mitigate impact on neighbour.

5.5 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
- Ecology
- 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 acceptability of the proposals must then be considered having regard to the other relevant policies of the Unitary Development Plan.

### 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. These are arranged in a linear formation fronting onto the adjoining highway with large private gardens lying to the rear. Architecturally the existing bungalow is at odds with this general character.

6.5 Following the refusal of the previous application the scale, design and layout of the proposal has been substantially altered and been reduced from 8 x 1no bedroom units to 5 x 2no bedroom units. The bulk and impact of the building has been reduced by utilizing the L-shaped form, reducing its width where it fronts the highway and making it more comparable in size and scale with the semi-detached dwellings adjacent. The replication of the building line also helps to reaffirm this typical characteristic of the area. The design of the building has been simplified yet retains the traditional features such as bay windows, brick detailing and porches that add interest to the development.

### Residential Amenity

6.6 Objections have been raised by immediate neighbours in respect of the loss of privacy, the overbearing impact, and loss of amenity due to proximity of the car park vehicular and pedestrian movements around the site.

6.7 With regard to the impact on the neighbouring dwellings, in particular 40 Tower Road which has a living room window in its side elevation. This window is set back approximately 4m from the boundary and the new development would be 9.2m at its closest falling back to 15.4m at

the rear. The applicant has provided (at the Council's request) a daylight analysis that shows the 45 degree line from the neighbours side window. This demonstrates that the proposal would not affect daylight to the dwelling. The building would, undeniably affect the outlook from this window but would not represent a form of development that affected the amenities of this property so significantly in terms of overbearing that this would warrant a reason for refusal. Indeed this was not a specific reason for refusing the previous scheme which had a greater impact upon the neighbouring property.

- 6.8 The proposal has been designed to take into account overlooking and all first floor windows in the east elevation have been detailed to be obscure glazed. These windows would serve hallways, bathrooms or secondary windows. To ensure that a satisfactory relationship continues to exist between the proposed development and its neighbour, a condition is recommended to maintain the windows fixed shut and obscured glazed in perpetuity. The obscure glazing of ground floor windows, except for bathrooms, would seem unreasonable and unnecessary as boundary treatments by way of a 1.8m fence would provide sufficient privacy not only from windows but from those using the gardens or driveway.
- 6.9 The occupiers of dwellings to the rear of the site at 69 and 71 Breinton Road have also raised concerns relating to overlooking and loss of privacy. The distance from the rear window to the boundary is 18m with the distance to the rear of the properties being in excess of 50m. The rear boundary of the site benefits from an existing mature hedge that will be retained. The extent of separation is such that there would be no material loss of privacy arising from the proposal.
- 6.10 Having regard to the above, the proposal will not result in an unacceptable impact in terms of either overlooking or overbearance and as such the proposal complies with the requirements of policies DR1 and H13 of the Unitary Development Plan.

#### Access and Highways Issues

- 6.11 The application site has an existing vehicular access and this revised application retains the access in this position but its design has been modified to allow for a wider access point that would allow for its use as a turning point for vehicles at the end of the road. On consultation with the Council's Adoption Manager it has been agreed that this 'turning head' would be adopted by Herefordshire Council. Although this was not previously a reason for refusal its inclusion has been encouraged to address some of the local concerns relating to the difficulty that vehicles have when turning at the end of this no through road. It is therefore considered to be a significant benefit to highway users. The use of dropped kerbs will clearly distinguish this from the pavement in the interests of users of the footway.
- 6.12 The Traffic Manager has no objection to the access and parking arrangements which comply with the appropriate standards. A condition is recommended to ensure that these are provided prior to the occupation of the proposed development.
- 6.13 It is noted that one of the main concerns locally is the perceived unacceptable increase in traffic generation along the road and the potential for problems relating to parking congestion, highway safety, safety for pedestrians and other footway users. The road does have a significant amount of on street parking serving those dwellings that do not benefit from off road parking. The problems are at their greatest during the evenings and weekends.
- 6.14 However the application provides for 10 off road car parking spaces to serve the 5 no. two bedroom dwellings. This is considered to be the maximum provision when having regard to the Highways Design Guide for New Development. This provision should be more than sufficient to provide for this level of accommodation and should add to the pre-existing parking problems on the highway. It is also noted that the previous scheme was not refused on highway safety or parking grounds.

### Water and Sewerage

- 6.15 Whilst the concerns raised 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.
- 6.16 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.
- 6.17 Local residents have also raised concern about surface water drainage and potential problems due to a pre-existing problem of flooding to cellars that may be due to a high water table. In response to this the applicant has provided confirmation that the surface water drainage would be dealt with by channeling into soakaways at the rear of the property (with attenuation crates as required). Notwithstanding this a condition is suggested requiring details, including surface run-off rates to be agreed with the local planning authority prior to the commencement of development. Subject to the agreement of details the proposal is considered to be acceptable having regards to the requirements of Policies DR4 and H13 of the Unitary Development Plan.

### Ecology

- 6.18 Locally residents have raised concern regarding the possibility that the existing dwelling is being used as a bat roost. The applicants have submitted a survey undertaken and the Council's Ecologist has confirmed they have no objection to the proposed demolition of the dwelling. There is, in any case, other legislation that would protect such species.

### Planning Obligation

- 6.19 The applicant has agreed to that works would commence with 12 months. This reflects the decision of the Council on 4 March 2009 to suspend (effective from 1 April 2009) the requirements of the 'Planning Obligations' Supplementary Planning Document (February 2008) in relation to residential developments of five dwellings or less, and consequently no contribution is required.

### Conclusion

- 6.20 Overall the proposal complies with the development plan 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)**
- 2. B01 Development in accordance with the approved plans**
- 3. C01 Samples of external materials**
- 4. F17 Obscure glazing to windows**
- 5. G09 Details of Boundary treatments**
- 6. G10 Landscaping scheme**
- 7. G11 Landscaping scheme - implementation**
- 8. H11 Parking - estate development (more than one house)**

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

9. **H05 Access gates**
10. **L01 Foul/surface water drainage**
11. **L02 No surface water to connect to public system**
12. **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.**

13. **H06 Vehicular access construction**
14. **H13 Access, turning area and parking**
15. **H09 Driveway gradient**
16. **I55 Site Waste Management**
17. **Prior to the commencement of development, a details of the construction of the turning head and timetable for the dedication of the land to Herefordshire Council shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.**

**Reason: To ensure a satisfactory form of development having regard to highway safety and policy DR3 of the Unitary Development Plan.**

**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**

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Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DMS/102805/F

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

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