

MEETING:	PLANNING COMMITTEE
DATE:	12 OCTOBER 2011
TITLE OF REPORT:	<p>DMS/111901/F - DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF 3 STOREY BLOCK OF 6 APARTMENTS AT FRIARS HOUSE, 9 FRIARS STREET, HEREFORD, HR4 0AS</p> <p>DMS/111902/C - DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF 3 STOREY BLOCK OF 6 APARTMENTS AT FRIARS HOUSE, 9 FRIARS STREET, HEREFORD, HR4 0AS</p> <p>For: Mr Galvin, Perfection Homes Ltd per Mr Alex Whibley, Hook Mason Ltd 41 Widemarsh Street, Hereford, Herefordshire, HR4 9EA</p>

Date Received: 15 July 2011

Ward: St Nicholas

Grid Ref: 350630,240013

Expiry Date: 9 September 2011

Local Members: Councillors SM Michael and JD Woodward

1. Site Description and Proposal

- 1.1 The application site currently consists of a two storey rendered dwelling that sits on the corner of Friars Street and Cross Street. The dwelling is sited approximately 3 metres from the edge of the highway, and has a driveway and garage sited to its north. The three storey residential development Red Lion Court lies to the rear (East) of the site. The southern boundary of the site consists of the car parking that serves Red Lion Court. This is accessed via Cross Street. Lord Scudamore School car park is situated directly opposite the site to the west, and Cathedral Court, a recent modern development lies to the south. To the northern boundary is a detached two storey traditional dwelling and its associated curtilage and outbuildings.
- 1.2 The site lies within the defined urban settlement boundary of Hereford City, within the Conservation Area and within the Area of Archaeological Importance.
- 1.3 The proposal is for the demolition of the dwelling and erection of a three storey modern development consisting of three one bed flats and three studio flats. The existing dwelling has a footprint of 10.1 metres (frontage) by 7.5 metres over two floors. The eaves height is 4.4 metres and ridge height 7 metres. The distance from the rear of the dwelling to the rear

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

boundary is 1.8 metres at its closest point. The application includes an application for Conservation Area Consent for demolition of this existing dwelling.

- 1.4 The proposed building would be sited immediately adjacent to the highway at the front of the site and would have a footprint of 11.2 metres by 10.5 metres. The building would be flat roofed and hipped to the rear elevation. The maximum height of the roof would be 8.7 metres with the hipped section reducing to eaves of 7 metres. The building has been designed in a contemporary manner, and would use modern materials. The walls would be a self coloured render above the ground floor storey that would be a facing brick. The flat roof would be obscured by view from the street by parapets. The front elevation would have feature bay windows (aluminium powder coated window system) that project at first and second floor level by 0.9 metres. The closest distance to the rear boundary would be 1.3 metres (to adjacent garage). The back to back distance with Red Lion Court being 8 metres.
- 1.5 The building would have no windows in the north elevation, and those to the east (rear) would serve staircase and bathrooms and be obscure glazed. The windows in the south elevation facing Cathedral Court would also be obscure glazed.
- 1.6 The application has been accompanied by a daylight analysis diagram and street scene elevation. A draft Heads of Terms has also been submitted and is attached at the end of this report.

2. Policies

2.1 National Planning Guidance:

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPS5	-	Planning for the Historic Environment
PPG13	-	Transport

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S3	-	Housing
S7	-	Natural and Historic Heritage
DR1	-	Design
DR3	-	Movement
DR5	-	Planning Obligations
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H13	-	Sustainable Residential Design
H14	-	Re-using Previously Developed Land and Buildings
T11	-	Parking Provision
HBA6	-	New Development Within Conservation Areas
HBA7	-	Demolition of Unlisted Buildings Within Conservation Areas
ARCH7	-	Hereford AAI

3. Planning History

- 3.1 DMS/110001/F Proposed demolition of 9 Friars Street and construction of 6 flats.
DMS/110145/C Withdrawn 2 March 2011.

4. Consultation Summary

Statutory Consultees

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

4.1 None.

Internal Council Advice

4.2 Traffic Manager: Recommends conditions and makes the following comments:

“I am concerned about the proximity of the building to the kerbline, particularly with the upstairs projecting windows, and this would benefit from setting back and for a footway to be provided along the frontage and dedicated as highways, or at least give a 450mm clearance to the kerb. I would comment that the building has been brought forward significantly from the existing building line, I also note that the application states there is no existing parking, but there is often vehicles parked on the frontage and there is also a garage to the side of the existing dwelling.

We would normally seek a proportion of parking provision at this location, however as the development proposed is car free and cycle parking is provided, I do not consider this is grounds for refusal.

Reinstatement of the kerbing around the highway perimeter of the site would be required.”

4.3 Historic Buildings Conservation Officer: “It cannot be claimed that this is the most elegant of contemporary buildings, and the chamfer to reduce overshadowing is a particularly clumsy expedient, at odds with its simple cubic form, but as Friars Street is a rather mixed context with no strong identity, it is unlikely to stand out as either better or worse than its neighbours. Recommends no objection and that standard conditions should be required.”

4.4 Archaeologist: “Whilst the site is within the designated Hereford Area of Archaeological Importance, my recent appraisal suggests that the impact is in fact of low archaeological potential and very disturbed. I have no recommendations to make.”

5. Representations

5.1 Hereford City Council: Has no objections to the proposed building design but are concerned about parking and traffic problems.

5.2 Letters of objection have been received from:

- Richard Gee, on behalf, Red Lion Court Limited.
- T Minton, 15 Red Lion Court.
- Pat Bendall (email only)
- Mrs L Thomson, 9 Chalgrove, Herongate, Shrewsbury.
- Mrs Barnacle, 17 Red Lion Court.
- Mr Barnacle, 17 Red Lion Court.

5.3 Comments can be summarised as follows:

- Statement that no car parking on site is untrue, there is parking on the front and at the side.
- Lack of car parking will lead to occupants and visitors parking on the private car parking spaces that serve Red Lion Court (including parking for carers of people that reside there).
- The area has parking restrictions (Double yellow lines) but this is not policed at evenings and weekends.
- This will add to traffic ‘chaos’ at school drop off and pick up times to the detriment of highways and pedestrian safety (School children).
- Concern about impact during construction (Construction traffic and congestion and loss of car parking spaces during build).

- Where would plant and machinery be stored during construction.
 - High Density / Overdevelopment of the site.
 - The proposed building would overshadow Red Lion Court and be overbearing.
 - The proposed building would lead to a loss of light to the living rooms / bedrooms that are all served by windows in the rear of the Red Lion Court building.
 - The building would result in overlooking and loss of privacy if windows were opened.
 - The building would be too high and is not in keeping with the character or scale of the existing buildings and would be detrimental to the character and appearance of the Conservation Area.
- The increased density of housing in the area is having a progressive negative impact on the environment for local residents
 - The site is in a Conservation Area and although one large building has been allowed, more should not.

5.4 The full text of these letters can be inspected at Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB and prior to the Committee meeting.

6. Officer's Appraisal

6.1 The key issues for consideration are as follows:

- a) Principle of Development
- b) Design and impact on the Conservation Area
- c) Impact on the amenities of adjoining residents
- d) Parking and Highways Safety
- e) Planning Obligations

6.2 The site lies within the settlement boundary of the City of Hereford. Policy H1 states that residential development is considered to be acceptable subject to meeting the criteria of the other relevant policies of the Unitary Development Plan.

6.3 The site lies within a part of the Conservation Area that is predominantly residential, with a mix of modern and traditional properties that front the highway. The proposed development is a modern design and would sit in a position that immediately fronts the highways. As such it would command a prominent position in the street scene, along with Cathedral Court. The design of the building has been chosen to reflect the contemporary nature of Cathedral Court, but in scale and size is significantly less than Cathedral Court to the south and Red Lion Court to the east.

6.4 The existing dwelling has no historic or architectural merit and makes no significant contribution to the character of the area. There is no objection to the loss of this building and as such there is no objection to the Conservation Area Consent Application for its demolition in accordance with policy HBA7 of the Herefordshire Unitary Development Plan. Policies H13 and HBA6 of the Herefordshire Unitary Development Plan seek to ensure that new development respects the townscape and context of the site. The building is of a relatively modest scale, which provides a successful transition between the traditional dwelling of No. 7 Friars Street, Red Lion Court to the rear and Cathedral Court to the east. The materials would complement those of the surrounding developments. As such the proposed development would preserve the character and appearance of the Conservation Area, in accordance with the requirements of Policy HBA6 of the Herefordshire Unitary Development Plan and PPS5 – Planning for the Historic Environment. Conditions in relation to materials (including window details) would be required.

6.5 One of the key concerns about developing this site relates to the impact on the amenities of the adjoining residents. The previous application was withdrawn due concerns about impact.

In response to this concern, the footprint, height and scale of the building has been reduced and a daylight analysis has been undertaken and provided as part of the application. This clearly demonstrates that the light to the ground floor windows of Red Lion Court would not be affected by the proposed building. The rear section of the roof has also been designed as a hip to reduce impact.

- 6.6 The presence of the existing dwelling and its boundary walls to the rear of Red Lion Court are quite imposing existing features. It is considered that the proposed building, despite its increase in height would not be of a scale and position that would impact on the amenities of the residents to an extent that would adversely affect residential amenity. The eaves height of the hipped section of the roof being at the same height as the existing dwelling, sloping at a 45 degree angle to the flat roofed section that would be 1.6m higher than the existing dwelling. The distance from the windows at Red Lion Court to the rear of the proposed building would be 9.3 metres, with the new building being only 0.6 metres closer to Red Lion Court than the existing dwelling.
- 6.7 A site visit was undertaken from within Red Lion Court, and it is acknowledged that the existing building, and its proximity to the existing building could be considered overbearing, especially to those on the ground floor, the proposed building would have little additional impact and as such would not warrant a reason for refusal of this application.
- 6.8 Concern was also raised regarding the impact on number 7 Friars Street and in particular the close proximity to the side elevation of the dwelling and its windows. The building has now been pulled off the boundary giving a 2.3 metres gap between the two properties, widening to 2.6 metres at the rear. The proposed building would be approximately 1.2 metres closer to number 7, and would be 1.5 metres higher than the existing dwelling. Again, this proposal has been carefully considered, especially as the building line would also move forward but it is concluded that the proposed building would not have such an adverse impact on the amenities of this property as to warrant a reason for refusal.
- 6.9 All windows to the rear and side elevations are proposed to be obscure glazed. A condition can ensure this, as well as ensuring they are either fixed shut or top hung. This would protect the amenities of the occupants of Red Lion Court, Cathedral Court and 7 Friars Street.
- 6.10 Having regard to the above, the proposed development is considered to comply with Policies DR1 and H13 subject to the appropriate conditions.
- 6.11 Another concern raised by local residents relates to highway safety and parking issues. Red Lion Court has parking available to its residents accessed via Cross Street, immediately adjacent to the application site. This is private parking that would not be available to residents. The scheme is car free. Cycle parking would be provided within the site. Car free development is not always desirable, as it can lead to indiscriminate parking on the highway or in the immediate area. The streets surrounding this site are all restricted with double yellow lines, but there is a pay and display parking along Friars Street. Because parking is so restricted, with very little opportunity to park nearby, these properties are unlikely to be desirable for persons with a vehicle, and weight has to be given to the fact that these properties offer excellent access to alternative means of transport with quick and direct pedestrian links to the town centre. As such, it would be difficult to defend the position that the proposed accommodation does not provide parking on site.
- 6.12 Subject to conditions in relation to the reinstatement of the kerbs and the provision of cycle parking within the site, the proposal is considered to comply with the requirements of Policies DR3 and H13 of the Herefordshire Unitary Development Plan.
- 6.13 Local residents have also raised concern about the potential for impact during construction. Whilst some disturbance would be expected, a construction method statement, including

details of demolition (dust control etc), parking for site operatives and times of construction would be required. A condition is recommended.

- 6.14 The proposed development would also be subject to financial contributions as per the requirements of the SPD – Planning Obligations. The Draft Heads of Terms is attached to this report and is considered to be acceptable having regards to the SPD and Policy DR5 of the Herefordshire Unitary Development Plan.
- 6.15 Having regard to the above, the proposed development is considered to be of a scale, size and design that respects the character and appearance of the Conservation Area and locality. The impact of the proposal has been carefully considered and it is concluded that the proposed building would not adversely impact on the amenities of the adjoining properties in accordance with Policies DR1 and H13 of the Herefordshire Unitary Development Plan. The absence of parking provision has also been considered but given the sustainable location of the application, is acceptable. The proposal therefore complies with the relevant policies of the Herefordshire Unitary Development Plan and is recommended for approval subject to the appropriate conditions.

RECOMMENDATION

In respect of DMS/111901/F:

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. B07 Section 106 Agreement**
- 4. C01 Samples of external materials**
- 5. No development whatsoever shall take place 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. Demolition Method Statement (including methods of dust suppression).**
 - ii. The hours when building operations will occur. (Note: In any event the local planning authority will not allow any process to be carried out and/or machinery to be operated beyond the following times: Monday-Friday 7.00 am-6.00pm, Saturday 8.00am-1 pm nor at any time on Sundays, Bank or Public Holidays).**
 - iii. The hours, between which deliveries can be received, taking into account school drop off and pick up times and therefore avoiding times of peak congestion on the local highway network.**
 - iv. The parking of vehicles of site operatives and visitors.**
 - v. The loading and unloading of plant and materials.**
 - vi. Storage of plant and materials used in constructing the development.**
 - vii. 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.

- 6. Prior to the occupation of the development hereby permitted, the kerb forming the boundary with Friars Street shall be reinstated to a specification submitted to and approved in writing by the local planning authority.**

Reason: In the interests of highway safety and the amenity of the locality having regard to Policies DR3 and H13 of the Herefordshire Unitary Development Plan.

- 7. I49 Implementation of measures to deal with contaminated land**
- 8. I51 Details of slab levels**
- 9. H29 Secure covered cycle parking provision**

Informatives:

- 1. HN05 Works within the highway**
- 2. HN10 No drainage to discharge to highway**
- 3. N03 Adjoining property rights**
- 4. N11C General**
- 5. N14 Party Wall Act 1996**
- 6. N15 Reason(s) for the Grant of PP/LBC/CAC**

In respect of DMS/111902/C:

That Conservation Area Consent be granted subject to the following conditions:

- 1. D01 Time limit for commencement (Listed Building Consent)**
- 2. D13 Signing of contract before demolition**

Informative:

- 1. 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 NOS: DMS/111901/F & DMS/111902/C

SITE ADDRESS : FRIARS HOUSE, 9 FRIARS STREET, HERFORD, HR4 0AS

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**HEADS OF TERMS
PROPOSED PLANNING OBLIGATION AGREEMENT**

Section 106 Town and Country Planning Act 1990

Planning Application: DMS111901/F

Proposal: Demolition of existing building and construction of storey block of 6 apartments (3 x 1 no. Bed Apartments and 3 x Studios)

Site: Friars House, 9 Friars Street, Hereford, HR4 0AS

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £3276 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.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £720 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.
3. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1 and 2 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.
4. The sums referred to in paragraphs 1 and 2 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.
5. 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.
6. 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.

Kelly Gibbons, September 2011