

8 DCCE2006/3622/F - DEMOLITION OF THE REAR TWO-STOREY EXTENSIONS AND THE CONSTRUCTION OF A NEW EXTENSION TO PROVIDE HALLS OF RESIDENCE LIVING ACCOMMODATION AND EXTENSION TO THE PUBLIC HOUSE AT 57-59 COMMERCIAL ROAD, HEREFORD, HEREFORDSHIRE, HR1 2BP

**For: Regimental Inns Ltd. per Turner Holden,
Hawkridge House, Chelston Business Park,
Wellington, Somerset, TA21 8YA**

Date Received: 14th November, 2006 Ward: Central Grid Ref: 51380, 40197

Expiry Date: 13th February, 2007

Local Member: Councillor D.J. Fleet

1. Site Description and Proposal

- 1.1 The site is located on the southern side of Commercial Road approximately 50 metres south west of the junction with Union Walk. Neighbouring the site to the north east is Wetherspoon's Public House, south west is the Litten Tree Public House above which are 10 flats. To the rear of the site is a mixture of commercial uses including a second hand car sales area and offices along with semi-detached properties. A two storey brick and slated pitched roof building fronts onto Commercial Road with vehicular access obtained through an archway to the rear of the site. To the rear of the original public house are a series of two storey pitched roof extensions constructed predominantly from brick, which extend out towards the rear of the site. The majority of the ground floor of the premises is currently used as a public house known as The Hop Pole the first floor being used as staff accommodation. To the rear of the site lies a small beer garden with a parking area for around 5 cars.
- 1.2 The site lies within Hereford City Conservation Area, the Central Shopping and Commercial Area and the frontage is designated as Secondary Shopping Frontage as identified in the Herefordshire Unitary Development Plan (Revised Deposit Draft). The site also falls within an Area of Archaeological Importance.
- 1.3 Full planning permission is sought for the construction of a new three and four storey development above and to the rear of the existing public house. The proposal comprises residential accommodation similar in form to Halls of Residence. This being clusters of en-suite bedrooms with a communal kitchen and living area and central circulation space comprising pods of accommodation totalling 38 bedrooms with a small communal outdoor amenity area. The existing parking area to the rear of the site is to be retained with parking available for 4 cars along with a turning area large enough for small service vehicles. The parking will be for the use of employees associated with the public house, the new residential accommodation being car free and likely to be targeted at (but not exclusively for) accommodation for student nurses

and clinical staff at the hospital and students at the respective colleges where a current need for accommodation has been identified. A separate application for Conservation Area Consent to demolish the two storey extensions to the rear of the original building fronting Commercial Road has recently been approved.

2. Policies

2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S7	-	Natural and historic heritage
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR5	-	Planning Obligations
DR13	-	Noise
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H15	-	Density
H16	-	Car parking
H17	-	Houses in multiple occupation
H19	-	Open space requirements
T6	-	Walking
T7	-	Cycling
HBA6	-	New development in conservation areas
HBA7	-	Demolition of unlisted buildings within conservation areas
ARCH1	-	Archaeological assessments and field evaluations
ARCH2	-	Foundation design and mitigation for urban sites
ARCH6	-	Recording of archaeological remains
ARCH7	-	Hereford AAI

3. Planning History

3.1 CE2006/1158/F – Demolition of rear two storey extensions and construction of new extension to provide living accommodation for 38 key workers and extension to public house. Refused 10th July, 2006. Appeal lodged and Hearing scheduled for 25th January 2007. The reasons for refusal were:

- “1. It has not been demonstrated that the type of accommodation proposed is required as 'affordable' housing to meet the proven local need and therefore the proposal is contrary to Policy H8 of the Hereford Local Plan and H9 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and advice contained within Supplementary Planning Guidance entitled the Provision of Affordable Housing.
2. The development has inadequate parking and no rear access for general or emergency use. As such the development is contrary to Policies ENV17 and T11

of the Hereford Local plan and Policies H3, H14, S2, DR1, DR3, T6 and T11 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).”

- 3.2 CE2006/1159/C – Demolition of rear two storey extensions forming ancillary accommodation to existing public house. Refused 10th July 2006. Appeal lodged and Hearing scheduled for 25th January, 2007. The reason for refusal was:

“1. In the absence of a formal approval for the re-development of the site within the Conservation Area, the proposed demolition is considered unacceptable and contrary to Policies CON12, CON16 of the Hereford Local Plan and HBA7 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).”

- 3.3 CE2001/0601/F - External alterations to front and side elevations, minor single storey first floor extension and the refurbishment and internal re-organisation of existing public house. Approved 10th May, 2001.
- 3.4 HC960374AI - Two externally illuminated O'Neills painted fascia signs, 1 externally illuminated projected sign, 1 internally illuminated projecting sign. Application undetermined.
- 3.5 HC960373PF - Alterations to front elevation and formation of beer garden to the rear of existing public house. Application undetermined.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No comment.
- 4.2 Welsh Water: No objection subject to conditions on foul and surface drainage.

Internal Council Advice

- 4.3 Traffic Manager: The proposal would meet guidelines for a car free development as the site is close to the city centre, hospital, bus and railway station. It is also conveniently located for shops. It is relevant that in Hereford, 27.8% of households have no access to a car or van (2001 Census) and only 51% of residents actually drive to work. Ownership of motor vehicles is lowest amongst single, young people, who would be the most likely occupants of the development. I have no objections subject to conditions in particular requiring additional cycle storage on site.
- 4.4 Conservation Manager - Archaeology: Although archaeological remains have been demonstrated by a field evaluation to be present on site, they are insufficiently important to merit their absolute preservation in situ. Accordingly I have no objection to the development as proposed subject to acceptable archaeological mitigation being secured by a suitable archaeological condition.
- 4.5 Conservation Manager - Ecology: No comments received.
- 4.6 Conservation Manager: The existing public house is a good example of this type of Victorian commercial premises. Designed by W.E. Bitten for the industrial aid society it makes a positive contribution to the Conservation Area and would be considered to be of local interest. The buildings to the rear are of lesser interest. From a design

viewpoint; the scheme would appear appropriate for the Conservation Area. The choice of materials is crucial to ensure the development fits in with the surrounding built environment.

- 4.7 Environmental Health and Trading Standards Manager: The acoustic report concludes that acceptable noise levels can be achieved inside the proposed accommodation with the use of suitable double glazing in conjunction with specialist ventilation units. It does not however give details of noise levels produced by these ventilation units but I am advised by the consultant that the levels should be within acceptable criteria. I therefore suggest that a condition is attached requiring approval of a scheme of noise insulation works that will achieve the standards set in the documents produced by the Building Research Establishment and BS8233 1999 referred to in the report.
- 4.8 Strategic Housing Manager: No adverse comments.

5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 Conservation Advisory Panel: Concern at the communal areas and servicing of the area. Design quality of the link to the rest of the town.

Two letters of support have been received from Gregg Brunt, Estates and Capital Planning Manager for Hereford NHS and Richard Heatley, Principal at Herefordshire College of Art and Design. The main points raised are:

- The NHS Trust has recently closed two floors of its residential block as they no longer provide the appropriate standard of accommodation and the Trust now only provide accommodation on site for those workers who have to be on site as part of their contract.
 - The Trust is a major employer with over 1500 staff with intakes of new junior staff twice a year.
 - Whilst the Art College has no accommodation of its own, it has to place a growing number of students in private rented accommodation. Student numbers have increased by 60% over the last two years, many of which come from outside the County and require accommodation.
 - We are finding it increasingly difficult to find suitable and sufficient accommodation and therefore welcome the creation of more student accommodation to rent.
- 5.3 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

This application is a re-submission following the refusal of a similar scheme in July 2006. The reasons for refusal are detailed in Sections 3.1 and 3.2 above.

- 6.1 The more modern two storey extensions to the rear of the existing public house are of no architectural or historic merit and the buildings to be demolished are largely screened behind other buildings around the site. Consequently the Conservation Area Consent application for the demolition has been approved subject to conditions controlling the methodology of demolition in order to protect the visual amenity of the

area. The building of interest, namely the original public house and particularly the façade onto Commercial Road is to be retained and restored.

- 6.2 The site lies within the Conservation Area and is also within an Area of Archaeological Importance and therefore considerable care is required with any new development in this context. The new build element of the scheme has been designed to respect the scale and form of other buildings in the immediate locality surrounding the site. Immediately to the south is the imposing former mill building now used as the Litten Tree Public House at ground floor with residential accommodation above. This building provides the backdrop for the new development when viewed from Commercial Road. The scale and particularly the height is subservient to this building in order to create a gradual height increase from the two storey Wetherspoon's Public House building. The effect of this is that the new development will not be prominent or even particularly visible from wider vantage points. The mass has also been diluted by breaking up the roof line and varying the width in order to break up the side elevations. Additional details such as large glazed full height panels and hardwood timber cladding will also assist in softening the impact of the predominantly brick elevations. Overall, it is considered that the scale, form, design and materials proposed for the development will harmonise sympathetically into the immediate context and the wider Conservation Area.
- 6.3 The proposal is to provide rented accommodation similar to student halls of residence. This being a sui-generis use rather than a Class 'C' residential use. The accommodation is proposed in the form of clusters or pods of between 3 and 8 en-suite bedrooms centred around a communal circulation space with a shared kitchen and living room. The scheme comprising a total of 8 pods of accommodation. No proposal of this nature has come forward within Herefordshire previously but the applicants have undertaken their own market research including discussions with the hospital and colleges. This has revealed that there is a current shortage of low cost accommodation within the city and particularly that suitable for transient usage. For example, much of the former student nurses accommodation within the hospital grounds either no longer exists or is now being used as offices or other non-residential uses. A similar form of accommodation was approved last year as part of the development at the Royal National College for the Blind and it is considered that subject to appropriate controls this form of accommodation would provide for a broader range of accommodation at the lower end of the housing market.
- 6.4 The revised proposal has also not generated an objection from Strategic Housing, as was the case with the applications refused last year. In fact, there have been no objections whatsoever to the application. The key issue is therefore considered to be how the accommodation is managed rather than the type or format of the accommodation proposed. This issue can be dealt with by condition and or restrictions imposed within the proposed S106 Agreement, a matter which is still under discussion at the time of writing.
- 6.5 Four parking spaces are to be provided for employees and deliveries associated with the public house but the proposed residential accommodation is to be car free. This is considered acceptable given the city centre location of the site and the nature of the accommodation proposed. This view is supported by the Traffic Manager who raises no objection to the principle of the development being car free provided a contribution is made towards sustainable transport initiatives in the locality. Details of this contribution are appended to this report as Heads of Terms for the Section 106 Agreement. A contribution towards townscape improvements in the locality of the site

is also currently being discussed with the applicants but this does not form part of the heads of Terms at this stage.

- 6.6 The scheme will also incorporate a communal garden area, which although small, will provide a useable outdoor space for the occupants to have barbecues and the like. The accessibility of the site accords with current Building Regulations in terms of disabled access and means of escape. A secondary rear access has been investigated but the applicants do not own the land to provide this pedestrian/vehicular access and ultimately this is not a matter that would warrant refusal of planning permission subject to compliance with other legislation.
- 6.7 The Environmental Health Manager is satisfied that the amenity of the occupants of the development can be safeguarded with appropriate acoustic insulation and noise attenuation measures. The Council's Archaeologist has confirmed that the trial digs that have been undertaken have revealed some archaeological remains but they are not so significant as to thwart the development and therefore a suitable archaeological condition requiring further evaluation to be undertaken is recommended.
- 6.8 There have been no objections to the application from consultees or third parties and the only reason the application is before Members is due to the need for a legal agreement. The proposal provides the opportunity to create a different but affordable form of residential accommodation to that currently available in the city ideally suited to Herefordshire's student population or young professional workforce whilst protecting and enhancing the character and appearance of the Conservation Area. It is acknowledged that this proposal is effectively identical to the scheme refused by Members in July 2006. However the applicant has refined the supporting information and your Officers have taken the opportunity to reconsider the nature of the accommodation proposed. The result is a form of accommodation that whilst basic would appear to be in demand. The proposed accommodation satisfies Building Regulations and with the Environmental Health Manager and as such is recommended for approval.

RECOMMENDATION

- 1. The Legal Practice Manager will be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and incorporating any additional matters he considers appropriate.**
- 2. The planning obligation shall be completed by 5th February 2007 and upon completion of the aforementioned planning obligation that officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers:**

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. B01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings.

4. **D01 (Site investigation - archaeology).**

Reason: To ensure the archaeological interest of the site is recorded.

5. **Prior to the commencement of the development the applicant shall provide a Method Statement in order to minimise the amount of dust and dirt emanating from the site during the demolition and construction phases. The development should be carried out in accordance with the agreed Method Statement.**

Reason: To safeguard the amenities of the locality.

6. **During the demolition and construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following hours: Monday to Friday 8am to 6pm, Saturday 8am to 5.30pm nor at any time on Sundays, Bank or Public Holidays unless otherwise agreed in writing with the local planning authority.**

Reason: To protect the amenity of local residents.

7. **No materials or substances shall be incinerated within the application site.**

Reason: To safeguard residential amenity and prevent pollution.

8. **Development shall not begin until the applicant/agent has provided for the prior approval of the local planning authority a parking policy/plan identifying where all demolition and construction traffic associated with the development will be parked and how the parking will be managed. The parking shall be in accordance with the approved policy/plan.**

Reason: To prevent indiscriminate parking in the interest of highway and pedestrian safety.

9. **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.

10. **H29 (Secure 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.

11. **G01 (Details of boundary treatments).**

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

12. **Within 3 months of commencement of work on the construction of the new development details to include scale plans shall be provided of the proposed communal garden area which shall include details of all hard and soft**

landscaping proposed. The approved details shall be completed prior to first occupation of the development hereby permitted.

Reason: To ensure a reasonable standard of communal amenity space is available for future occupants of the development.

13. All windows and glazed areas on the south west elevation shall be glazed with obscure glass, details of which shall be submitted for the approval in writing of the local planning authority within 1 month of commencement of work on the construction of the new development. The glazing to be used shall be in accordance with the approved details.

Reason: In order to protect the amenity of adjacent properties.

14. The accommodation hereby permitted shall be occupied as halls of residents (groups of up to 8 en-suite bedrooms arranged around communal living and circulation areas) and the development shall not be occupied in any other manner or for any other use.

Reason: For the avoidance of doubt and to ensure the accommodation remains in a format that will ensure it is affordable.

15. Within 2 months of the commencement of the construction of the development hereby permitted, details shall be provided of the mechanism by which the accommodation is to be managed. The accommodation shall be managed in accordance with the approved details.

Reason: In the interests of residential amenity.

16. W01 (Foul/surface water drainage).

Reason: To protect the integrity of the public sewerage system.

17. W02 (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.

18. W03 (No drainage run-off to public system).

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

19. The applicant shall submit for the prior written approval of the local planning authority a scheme of noise attenuating/insulation measures to achieve standards set in the document produced in the Building Research Establishment and BS8233 1999 detailed in the revised noise impact assessment report dated 16th June 2006 and received by the local planning authority on 21st June 2006. The development shall be carried out in accordance with the approved plans and shall not be occupied until the attenuation/insulation works have been completed.

Reason: To safeguard the amenity of the occupiers of the development hereby permitted.

Informatives:

- 1. **HN01 - Mud on highway.**
- 2. **HN04 - Private apparatus within highway.**
- 3. **HN05 - Works within the highway.**
- 4. **A watching brief should be kept during the works for the presence of bats as well as nesting birds. If found to be present during the work, operations should cease and an ecologist licensed by English Nature for bat surveys should be engaged to determine the species, populations and impact of the works together with mitigation and compensation. The presence of nesting birds should also be evaluated throughout the works and if revealed or potentially disturbed by the development the Herefordshire Council's Ecologist should be notified. Works should avoid disturbance to the nests, young, eggs, adults and nesting area.**
- 5. **ND02 - Area of Archaeological Importance.**
- 6. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 7. **The applicant/developer is advised that the occupants of the development hereby permitted may not be entitled to resident sparking permits.**

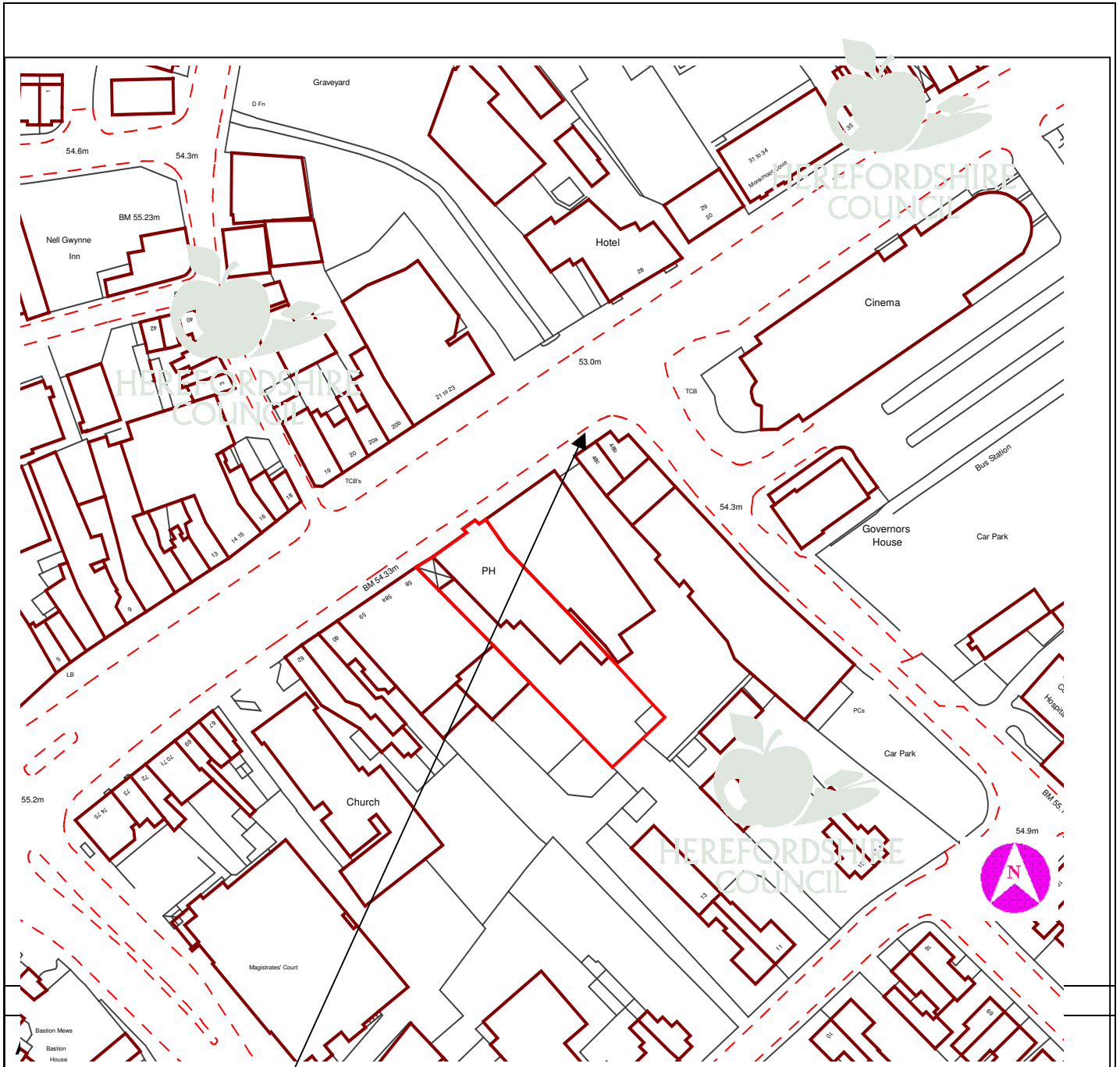
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



SITE ADDRESS : 57-59 Commercial Road, Hereford, Herefordshire, HR1 2BP

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

Planning Application – DCCE2006/3622/F
Car free halls of residence style residential development

At Rear of The Hop Pole Public House, Commercial Road, Hereford

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £1500 per bedroom being a total contribution of £54,000 for improved transportation infrastructure in the locality of the application site which sum shall be paid on or before the commencement of development.
2. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Traffic calming and improved safety signing
 - b) Contribution to improved bus service
 - c) Improved bus shelters/stops
 - d) Improve lighting to highway routes leading to the site
 - e) Improved pedestrian and cyclist connectivity with the site
 - f) Improved cycle parking facilities
 - g) Improved pedestrian crossing facilities
3. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 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 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.
5. The developer shall complete the Agreement within 12 weeks of the date the application is registered as valid otherwise the application will be registered as deemed refused.

Russell Pryce - Principal Planning Officer
4th January 2007