

5A DCCE2007/0493/F - PROPOSED DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF NEW BUILDING TO PROVIDE COMMERCIAL (A3) UNIT AND SIX RESIDENTIAL UNITS ABOVE. PUBLIC CONVENIENCE AND REFERRAL UNIT, UNION STREET, HEREFORD, HR1 2BT

For: Bindi (London) Ltd. Daniel Forrest, Satchmo, 2 Broomy Hill, Hereford, HR4 0LH

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For: Bindi (London) Ltd. Daniel Forrest, Satchmo, 2 Broomy Hill, Hereford, HR4 0LH

Date Received: 16th February, 2007 Ward: Central Grid Ref: 51233, 4080

Expiry Date: 13th April, 2007

Local Member: Councillor D.J. Fleet

This application was deferred at the meeting of the Central Area Planning Sub-Committee on the 4th April, 2007 in order to carry out a Members' site visit. This site visit was carried out on the 17th April, 2007.

1. Site Description and Proposal

- 1.1 These applications seek planning permission and Conservation Area Consent for the demolition of an existing public toilet building and pupil referral unit, and the erection of a new block containing six residential units and a restaurant/café.
- 1.2 The application site falls within an Area of Archaeological Importance and is within the Central Conservation Area. The site is within a designated Secondary Shopping Frontage and is inside the Central Shopping and Commercial Area. The site is currently vacant and lies within a 19th Century terrace containing a mix of retail, food and drink, business and residential accommodation. The neighbouring property to the north is currently a cafe/hot food takeaway with residential accommodation above. To the south there is a retail unit with retail, storage, and ancillary office accommodation above.

- 1.3 The proposal involves the erection of a three storey property infilling the current frontage gap. To the rear the development drops to a single storey scale, reflecting the constraints posed by the neighbouring properties. The proposal provides for a restaurant/cafe use at ground floor level, with residential accommodation above. The proposal intends to provide 6 units of single bedroom accommodation.
- 1.4 The scheme has been substantially revised in light of new information relating to the internal arrangement of the neighbouring property to the north.

2. Policies

2.1 National Policy Guidance:

PPS1	-	Delivering sustainable development
PPS3	-	Housing
PPS6	-	Town centres and retail development
PPG15	-	Planning and the historic environment
PPG16	-	Archaeology and planning

2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S5	-	Town centres and retail
S6	-	Transport
S7	-	Natural and historic heritage
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
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	-	Sub-division of existing housing
TCR1	-	Central shopping and commercial areas
TCR2	-	Vitality and viability
TCR3	-	Primary shopping frontages
TCR4	-	Secondary shopping frontages
TCR6	-	Non-retail uses (Classes A2 and A3)
E5	-	Safeguarding employment land and buildings
T11	-	Parking provision
HBA6	-	New development within conservation areas
ARCH7	-	Hereford AAI

3. Planning History

- 3.1 DCCE2006/3936/F - Proposed demolition of existing buildings and construction of new build to provide A3 unit with 8 residential units above. Withdrawn 6th February, 2007.

- 3.2 DCCE2006/4013/C - Proposed demolition of existing buildings and construction of new build to provide A3 unit with 8 residential units above. Withdrawn 6th February, 2007.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objections subject to conditions.

Internal Council Advice

- 4.2 Traffic Manager: No objection. Requested provision of covered cycle parking.
- 4.3 Conservation Manager: No objections subject to conditions and informatives relating to conservation and archaeological matters.
- 4.4 Environmental Health Manager: No objection subject to conditions.

5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 Conservation Area Advisory Panel: Access to apartments of concern, as are the service arrangements.
- 5.3 Local Residents: Two letters of objection have been received from the following sources:
- S. Morley, 22 Union Street, Hereford;
 - Gabbs Solicitors on behalf of 21 Union Street, Hereford.

The comments raised can be summarised as follows:

- Loss of light to residential accommodation;
 - Obscuring of advertisement boards;
 - Loss of light to stock room, toilet facilities, and stairs adversely impacting upon property values and increasing electricity usage.
- 5.4 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. Officers Appraisal

- 6.1 It is considered that the following points represent the salient issues for consideration in this application:
- Principle of Development;
 - Design, Scale and Visual Amenities;
 - Residential Amenities;
 - Highway Issues.

Principle of Development

- 6.2 The site lies within the Central Shopping and Commercial Area as designated in the Herefordshire Unitary Development Plan 2007. Furthermore Union Street is designated as Secondary Shopping Frontage. Policy TCR1 of the Unitary Development Plan state that the Central Shopping and Commercial Area should be retained and protected as the prime focus for retail, leisure and commercial activity in order to ensure the continued vitality and viability of the city centre. The proposal incorporates an A3 restaurant/café use and residential accommodation and therefore is a mixed-use development. PPS6 promotes mixed-use development in town centre locations and particularly above shops for the same reasons. PPS6 indicates that for a town centre to be commercially attractive and vibrant both day and night a mixture of uses should be promoted. As the proposal incorporates a restaurant/café with an active frontage onto Union Street, this in principle is also acceptable from a policy context. Policy TCR4 specifically considers Secondary Shopping Frontages and outlines criteria for compliance. This scheme will not allow for full compliance with this policy due to the extent of A3 and A5 uses in this frontage. However, this situation is complicated in this instance as the unit is currently used as a public toilet with a D1 use to the rear. In these circumstances, the introduction of a Class A use is welcomed since in part it bring about an enhancement of the site
- 6.3 This is a windfall site, that is to say that it is not specifically allocated for development within the Herefordshire Unitary Development Plan 2007. The Herefordshire Unitary Development Plan identifies that 40% of all housing anticipated to be built between 2006 and 2011 in Hereford would result from windfall sites such as this. Therefore, based on these figures the need for this additional housing is justified.

Residential Amenities

- 6.4 The adjacent property to the south is a retail unit with retail and ancillary space above. Windows are found in the side elevation of this property and these will be severely compromised as a result of this proposal. However, these are not residential openings and as such the protection afforded to them is substantially reduced to the extent that it would not warrant the refusal of planning permission in this case.
- 6.5 Turning to the north, residential accommodation is found above the existing café/takeaway unit. A single side window is found in the elevation facing the application site and this will be obstructed by the new development as proposed. Clearly this is of concern, however, this opening is a secondary window serving a room with a further larger opening in the front elevation facing Union Street. There will inevitably be a loss of light as a result of the effective blocking up of this window through this development proposal, however, as light will still be afforded to this accommodation it is considered that the impact will be within acceptable limits. Further openings are found to the rear, however, the design alterations introduced, and the relative positions of the existing and proposed units, are such that the impact will again be within acceptable limits. An extant permission for further extension work to the rear of No. 21 exists and the design of the proposal has been revised from the original submission (DCCE2006/3936/F) to ensure that the future amenities of this neighbouring site are protected.
- 6.6 Further south, Units 24-30 Union Street have recently secured planning permission for the use of the upper storeys for 8 residential apartments. Habitable windows at first floor level are found on one element of this scheme but, although in close proximity to

this new proposal, the relevant orientation is such that the relationships are considered acceptable for this city centre location.

Design, Scale and Visual Amenities

- 6.7 The proposal utilises a traditional design concept with a frontage which is intended to effectively integrate with the adjacent properties. Traditional shop front and window openings are proposed, with fenestration reflective of the neighbouring units. To the rear, modern touches are introduced but the scheme retains a generally traditional concept despite the constraints imposed by neighbouring properties. The site constraints, particularly the neighbouring properties. The scale is not considered excessive in this central location. A condition will ensure that high quality materials are used in the interests of retaining the character of the area. It is assessed that the scheme will integrate effectively into the street scene and will enhance the character and appearance of the Conservation Area.

Highway Issues

- 6.8 The application site is in a very central and sustainable location. It is therefore considered an appropriate location for a car free development. Goods, services, employment, and public transport interchanges are all within close proximity to this site and cycle parking is included within this proposal.

Other Issues

- 6.9 The obstruction of the advertisement panels attached to the side of Unit 22 is unfortunate but it is not considered to be a material planning consideration in this instance.
- 6.10 The archaeological implications of this proposal, having regard to the position of this site within the AAI, are protected through the inclusion of an appropriate condition to allow site investigation.
- 6.11 The demolition of the existing toilet block is not considered problematic, but the use of some of the stone from this building in the unit façade is welcomed. The pupil referral unit is a modern pre-fabricated structure of no merit.

RECOMMENDATION

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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 B01 (Samples of external materials).**

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

3 C04 (Details of window sections, eaves, verges and barge boards).

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

4 C05 (Details of external joinery finishes).

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

5 D01 (Site investigation - archaeology).

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

6 E17 (No windows in side elevation of extension).

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

7 E19 (Obscure glazing to windows).

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

8 F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

9 F37 (Scheme of odour and fume control).

Reason: In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in the locality.

10 F39 (Scheme of refuse storage).

Reason: In the interests of amenity.

11 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.

12 W01 (Foul/surface water drainage).

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

13 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.

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

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

15 W04 (Comprehensive & Integrated draining of site).

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

Informatives:

- 1 ND02 - Area of Archaeological Importance.**
- 2 HN01 - Mud on highway.**
- 3 HN05 - Works within the highway.**
- 4 N16 - Welsh Water Informative.**
- 5 N15 - Reason(s) for the Grant of PP/LBC/CAC**

The decision to grant planning permission has been taken having regard to the policies and proposals in the Herefordshire Unitary Development Plan 2007 set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Herefordshire Unitary Development Plan 2007:

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting The Hereford Centre, Garrick House, Widemarsh Street, Hereford (Tel: 01432-261563).

- 6 N19 - Avoidance of doubt.**

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Subject to no further material planning objections being raised that Conservation Area Consent be granted subject to the following conditions:

- 1. C01 (Time limit for commencement (Listed Building Consent)**

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Informatives:

- 1. D01 – Site investigation – archaeology.**
- 2. N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 3. N19 - Avoidance of doubt.**

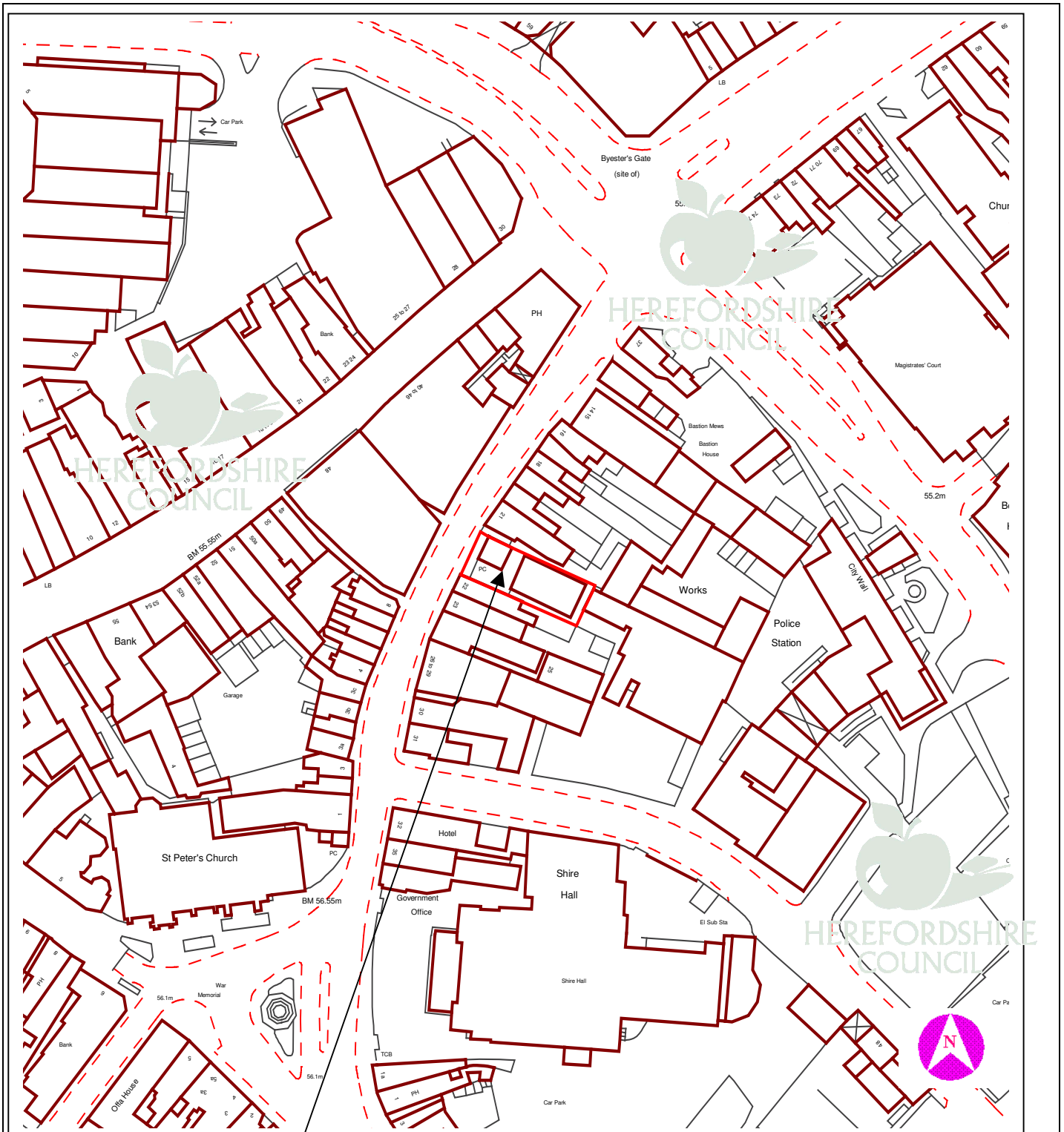
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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SCALE : 1 : 1250

SITE ADDRESS : Public convenience and referral unit, Union Street, Hereford HR1 2BT

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