

8 DCCE2007/2022/F - DEMOLITION OF EXISTING CAR SHOWROOM PREMISES AND ERECTION OF 12 ONE BEDROOM AND 9 TWO BEDROOM RESIDENTIAL APARTMENTS. 101-107, ST. OWEN STREET, HEREFORD, HEREFORDSHIRE, HR1 2JW

For: A.W. Marriott Ltd, Hook Mason Ltd, 11 Castle Street, Hereford, HR1 2NL

Date Received: 26th June, 2007

Ward: Central

Grid Ref: 51508, 39731

Expiry Date: 25th September, 2007

Local Member: Councillor MAF Hubbard

1. Site Description and Proposal

- 1.1 The site is located on the northern side of St Owen Street immediately west of Hereford Fire Station. Immediately to the north is Daws Road leading to Portfield House which is presently used as offices and west is Belle Vue Terrace, a row of 6 two-storey properties. Adjoining the site and also fronting St Owen Street are red brick and pitched slated roof properties predominantly two storey in height. The site was until recently occupied by Peugeot and used for the sale of new and second hand cars along with car servicing.
- 1.2 A number of single storey corrugated clad buildings predominantly occupying the western boundary of the site remain but the site is currently not used for any purpose. The boundaries are either enclosed by existing buildings or brick walls. Ground levels rise northwards into the site from St Owen Street. The south western corner of the site falls within Hereford City Conservation Area and the entire site is also designated as an Area of Archaeological Importance.
- 1.2 Planning permission is sought for the redevelopment of the existing site for residential purposes. The proposals entail the demolition of the existing garage buildings and construction of 12 one bedroom apartments and 9 two bedroom apartments in two blocks of accommodation. A single vehicular access is to be provided off St Owen Street serving a parking area to the rear of 22 spaces along with a cycle and bin storage. Seven of the units are also to be affordable housing.

2. Policies

- 2.1 Planning Policy Statement 1: Planning and Sustainable Development
- 2.2 Planning Policy Statement 3: Housing
- 2.3 Planning Policy Guidance Note 15: Planning and the Historic Environment
- 2.4 Planning Policy Guidance Note 16: Archaeology and Planning
- 2.5 Herefordshire Unitary Development Plan:

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S4	-	Employment
S7	-	Natural and historic heritage
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning obligations
DR13	-	Noise
H3	-	Managing the release of housing land
H9	-	Affordable housing
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H15	-	Density
H16	-	Car parking
H19	-	Open space requirements
E5	-	Safeguarding employment land and buildings
T6	-	Walking
T7	-	Cycling
T11	-	Parking provision
HBA6	-	New development in conservation areas
ARCH7	-	Hereford AAI
W11	-	Development - waste implication

3. Planning History

- 3.1 CE2006/2014/F - Demolition of existing car showroom premises and erection of 15 one bedroom and 7 two bedroom residential apartments. Withdrawn 22nd August, 2006.
- 3.2 CE2006/1859/C - Demolition of 99 St Owen Street to facilitate new residential development. Withdrawn 22nd August, 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objections subject to conditions on foul and surface water drainage.

Internal Council Advice

- 4.2 Traffic Manager: Secure cycle parking of insufficient size and more appropriate incorporated with the dwellings. Accessibility is questionable. Access to the street should also be a vehicular crossing rather than radius kerbs. Section 106 Agreements should also be sought towards sustainable transport.
- 4.3 Petroleum and Explosives Officer: The Public Health Act 1961 only deals with derelict petrol tanks which are believed to have been cement filled in 1996. The applicant should be cautious that diesel tanks may still be present in situ.

- 4.4 Strategic Housing Manager: Strategic Housing supports this application which includes 7 affordable units. This equates to 35% which meets our target as outlined in H9 of the Herefordshire Unitary Development Plan 2007. Strategic Housing would look for a mix of 1 and 2 bed apartments for rent. All the units must be built to housing corporation development schemes standards and lifetime homes without grants or subsidy as detailed in PPS3.
- 4.5 Forward Planning Manager: Paragraph 6.4.25 of Policy E5 of the Herefordshire Unitary Development Plan requires car sales areas to be reserved for this type of employment use. Paragraph 6.4.27 states the benefits to be gained from the removal of such businesses will need to be balanced against the wider advantages of retaining the site for present employment use.

The benefits of gaining residential development in the area would therefore need to be balanced against the need to retain the employment land, one possibility could be for a mixed development of offices and apartments.

- 4.6 Conservation Manager: In principle the proposals are acceptable but we recommend that alterations could be made to improve the scheme. These include bringing a new build section next to 99 St Owen Street forward flush with No. 99, the introduction of reconstituted stone cills and arched detail above the windows and the brickwork of the traditional style elements, possible construction of cast iron railing to the front of the properties set back from the pavement, and details of the door surround to the facade need to be reviewed, chimney stacks and string courses should also be added to the traditionally designed elements.
- 4.7 Head of Environmental Health and Trading Standards Manager: Comments awaited.
- 4.8 Conservation Manager (Archaeology) – No objection subject to conditions.

5. Representations

- 5.1 Hereford City Council: Recommend refusal as it is not in keeping with the local area and is adjacent to the Conservation Area; it is also an over intensive development with too many flats, there needs to be clear provision for affordable housing within the development.
- 5.2 Conservation Advisory Panel: Good proposal and supported.
- 5.3 One letter of comment has been received from Hereford and Worcester Fire and Rescue Authority, the main points raised are:

We are not opposed to the development in principle but would like the Committee to consider the following points:

1. The submitted drawings do not identify the Drill Tower, Vehicle Workshops and Breathing Apparatus Maintenance Building, all of which are situated directly adjacent to the boundary of the site. The Drill Tower rises to about 8 metres in height and the Breathing Apparatus and Maintenance Building have compressors which can be in use 24 hours per day.
2. The proposed new access road is directly adjacent to the access to the Fire Station and the development is likely to increase traffic movements to and from the site.

3. All 4 storeys of the Fire Station face the application site and are extensively glazed and include lecture rooms and dormitories.
 4. Our premises operate 24 hours a day with emergency vehicles emerging or returning round the clock. There are also daily training activities and the periodic use of training smoke.
- 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 The proposal entails the demolition of the existing garage buildings and construction of 12 one bedroom and 9 two bedroom apartments along with the provision of 22 parking spaces, associated cycle and refuse storage areas. The key issues in the consideration of this application are as follows:

The Principle of Development

- 6.2 The site was until recently in employment use being used for the sale of new and second hand cars and servicing and maintenance of cars. Policy E5 of the Herefordshire Unitary Development Plan 2007 prevents the loss of existing employment land or buildings to non-employment uses unless there will be substantial benefits to residential or other amenity in allowing alternative forms of development, and the site or premises concerned can be shown to be unsuitable for other employment uses, including consideration of mitigation measures. Where such proposals are permitted, an alternative site should be found for the relocation of any existing businesses. In this regard, Peugeot are in the process of re-locating to premises on Centurion Way alongside the majority of the other car dealerships.
- 6.3 Whilst the site is currently vacant, it could clearly be used for car sales or an alternative employment use in the future. However, the predominant land use in the area is residential with the car garage use now being the anomaly (with the exception of the Fire Station). Planning permission having been recently approved for residential development immediately east of the Fire Station and south on a further former car sales site. As such, on balance, the visual and amenity benefits that arise from the sympathetic redevelopment of the site along with the analysis of the predominant land use in the area are considered sufficient justification to support the loss of the employment use in principle.

Scale, Design and Layout

- 6.4 The scale of the development has been designed to harmonise with the general scale and character of development around the immediate boundaries of the site. The proportions, particularly in terms of the width of the properties fronting St Owen Street reflects the rhythm of the existing street frontage. The height and general scale progressively increases from No. 99 which is a three storey red brick and pitched roof property up to the corner building which will be four storey and comparable in height with the adjacent Fire Station. The St Owen Street frontage will also not be uniform again reflecting the irregular position of existing properties and adding further interest to the street scene. The four storey scale continues returning in alongside the access road leading to a further three/two storey block of accommodation to the rear of the site adjacent to the Fire Station. This block has been specifically stepped down from three to two storey to minimise its impact on Portfield House to the rear of the site.

- 6.5 The layout and siting of the development has been designed to minimise its impact on existing residential properties along the western boundary with only parking being proposed along this boundary. The rear of the larger block is also progressively stepped in from the western boundary to minimise any over bearing impact on existing properties and their gardens fronting St Owen Street.
- 6.6 The design of the development is split into two elements. Two new blocks of accommodation adjacent to 99 St Owen Street will have a traditional red brick and pitched roof design continuing the local vernacular in the immediate locality of the site. Additional detailing such as stone cills and brick arch lintels replicating adjacent properties has also been introduced. The corner element adjacent to the Fire Station along with the rear block of accommodation has a more contemporary appearance with a mixture of brick and render, larger areas of glazing and a curved metal standing seam sheeted roof. This will provide a subtle contemporary appearance to this part of the development responding to more modern buildings adjacent the site.
- 6.7 The general scale, layout and appearance of the development will enhance the appearance of the site and the setting of the Conservation Area whilst achieving an acceptable relationship and juxtaposition with neighbouring buildings and land uses.

Highway and Amenity Considerations

- 6.8 A single access point is proposed for the site, which is considered acceptable. The development will potentially increase vehicular movements to and from the site on to St Owen Street but the Traffic Manager raises no objection to this in capacity terms nor does he believe there will be any conflict with the safe operation of the adjacent Fire Station. 22 parking spaces are proposed along with the necessary turning and manoeuvring area which given the proximity of the site to the City Centre and associated public transport is considered satisfactory. In addition, cycle storage is proposed although additional storage may be required to ensure there is adequate cycle storage to serve each flat.
- 6.9 As detailed in para. 6.5, the design of the development has evolved to minimise the impact in terms of the buildings themselves on adjacent residential properties and offices. The rear block of accommodation adjacent to the Fire Station boundary would have a blank elevation adjacent to the Fire Station in order to minimise the impact of noise arising from the Fire Station. In addition, a condition is recommended requiring the design and construction of the development to incorporate additional noise attenuation measures to ensure the amenity of the occupants of the proposed accommodation is satisfactorily safeguarded.

Section 106 Matters

- 6.10 The Heads of Terms for the Section 106 Agreement are appended to this report and the requirements of the Section 106 have been formulated broadly in line with the Draft Supplementary Planning Document on Planning Obligations.
- 6.11 Thirty-five per cent of the total number of units would be affordable housing which equates 7 affordable units comprising 4 one bedroom units and 3 two bedroom units with 5 being available for rent and 2 for shared ownership purchase. This is in accordance with Policy H9 of the Herefordshire Unitary Development Plan.
- 6.12 No formal open space or play provision is being provided on site and therefore an off site contribution is sought for the enhancement of the existing open space, sport and

recreational facilities in the locality of the site. Contributions are also sought for enhanced educational and sustainable transport infrastructure along with a contribution towards public art, which is likely to be pooled with contributions sought from other developments and utilised to enhance the townscape and public realm in the locality. Part 6 of the Heads of Terms also requires the development to be sustainable and energy efficient in order to reduce its carbon footprint.

- 6.13 The proposal will result in the sustainable re-use of this brown field site for residential development in accordance with the adopted Unitary Development Plan policies and Government Guidance detailed in Planning Policy Statement 3 in particular. Other matters such as archaeology and the potential contamination of the site can be dealt with by condition. In terms of archaeology, the pre-determination site evaluation has already been undertaken which did not reveal anything of note on site. Therefore, the proposal is considered acceptable.

RECOMMENDATION

- 1) **The Head of Legal and Democratic Services 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 any additional matters and terms that he considers appropriate.**

- 2) **On completion of the aforementioned planning obligation the officers named in the Scheme of Delegation to Officers 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)).**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **B02 (Matching external materials (extension)).**

Reason: To ensure the external materials harmonise with the existing building.

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

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

4. **E02 (Restriction on hours of working).**

Reason: In order to protect the amenity of occupiers of nearby properties.

5. **F01 (Scheme of noise attenuating measures).**

Reason: To safeguard the amenity of the area.

6. **W01 (Foul/surface water drainage).**

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

7. **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.

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

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

9. **Non Standard (Contamination condition).**

10. **E17 (No windows in side elevation).**

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

11. **F48 (Details of slab levels).**

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

12. **F39 (Scheme of refuse storage).**

Reason: In the interests of amenity.

13. **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.

14. **H29 (Secure covered cycle parking provision).**

Reason: To ensure that there is adequate provision for secure covered cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

15. **G04 (Landscaping scheme (general)).**

Reason: In order to protect the visual amenities of the area.

16. **G05 (Implementation of landscaping scheme (general)).**

Reason: In order to protect the visual amenities of the area.

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

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

18. **No development including demolition shall take place until a site Waste Management Plan has been implemented in accordance with details which have first been submitted to and approved in writing by the local planning authority.**

Reason: In the interests of pollution prevention and waste minimisation and management.

Informatives:

- 1. N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 2. N19 - Avoidance of doubt.**

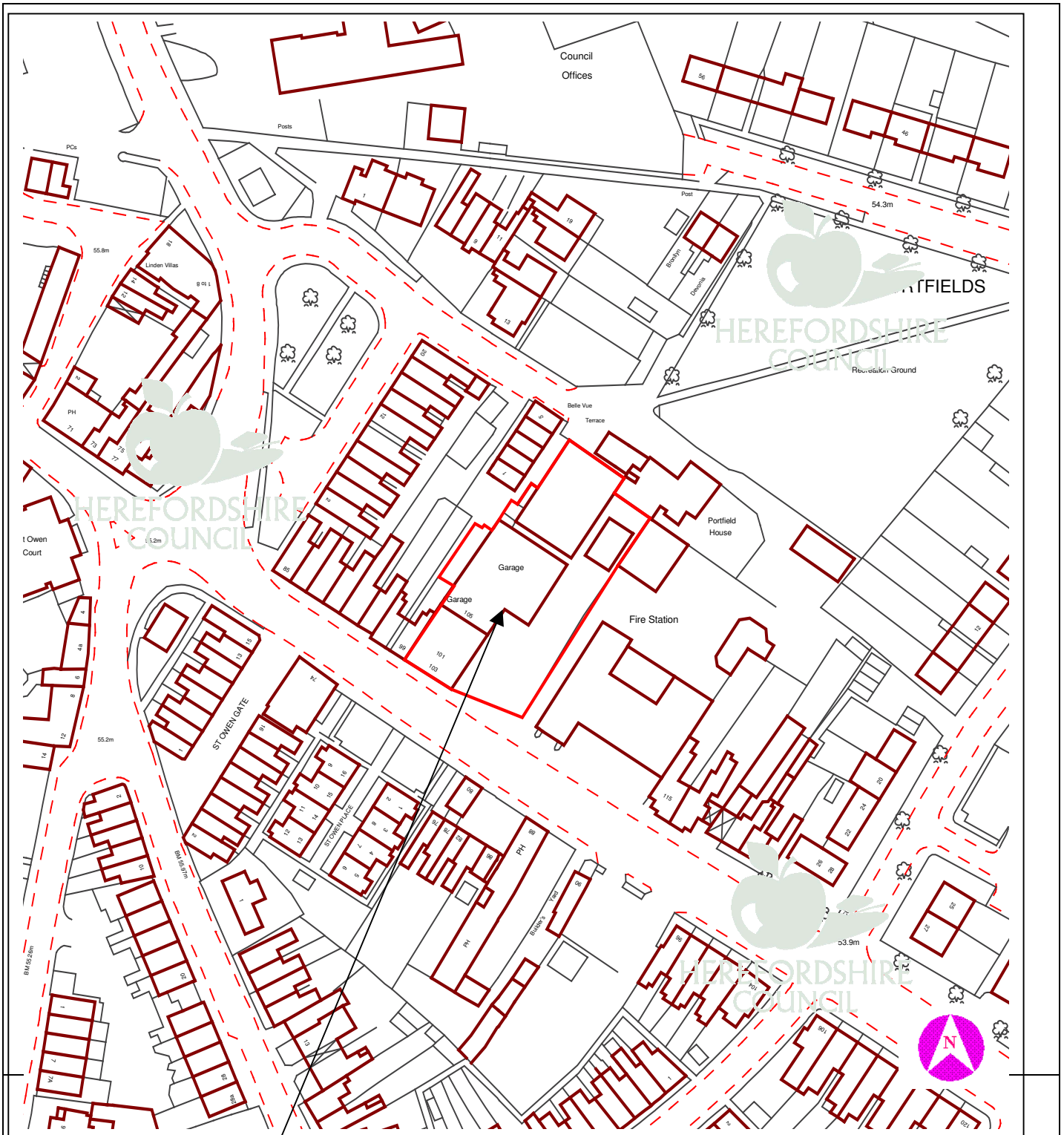
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



APPLICATION NO: DCCE2007/2022/F

SCALE : 1 : 1250

SITE ADDRESS : 101-107, St. Owen Street, Hereford, Herefordshire, HR1 2JW

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

Planning Application – DCCE2007/2022/F

- Residential development of 15 No one bedroom and 7 No two bedroom units

At St Peters Garage Site, St Owen Street, Hereford.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £14,000 to provide enhanced educational infrastructure/facilities for the nursery, primary and secondary schools within the catchment area of the application site which sum shall be paid on or before the commencement of the development.
2. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £38,500 for off site highway works and improved public and sustainable transport infrastructure to serve the development which sum shall be paid on or before the commencement of development.
3. 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) Safe Routes to school
 - e) Improve lighting to highway routes leading to the site
 - f) Improved pedestrian and cyclist connectivity with the site
 - g) Improved cycle parking facilities
 - h) Improved pedestrian crossing facilities
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £12,000 for public art in the locality of the application sites which sum shall be paid on or before the commencement of the development.
5. The developer covenants with Herefordshire Council to pay £25,300 towards the cost of new or enhancement of existing open space, play, sport and recreation facilities in lieu of such facilities being provided on site, which sum shall be paid on or before the commencement of the residential development.
6. The design and construction of the development shall include energy efficiency measures to reduce the carbon footprint of the Development. The Development shall meet level three of the Code for Sustainable Homes: A step change in sustainable home building practice design produced by The Department for Communities and Local Government dated December 2006 or equivalent standard as may be agreed in writing with the local planning authority.

The developer shall provide a pre and post construction independent assessment detailing compliance with the agreed standard.

7. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, 2, 4 and 5 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.
8. The developer covenants with Herefordshire Council to provide 7 affordable units comprising four one bedroom units and three two bedroom units. These units shall be "Affordable Housing" which meets the criteria set out in Section 5.5 of the Unitary Development Plan 2007 and related policy H9 or any statutory replacement of those criteria and that policy. The mix of tenure shall be 5 rented units and 2 shared ownership units. None of the Affordable Housing shall be occupied unless the Herefordshire Council has given its written agreement to the means of securing the status and use of these units as Affordable Housing. All the affordable housing units shall be completed and made available for occupation prior to the occupation of more than 50% of the other residential units on the development.

9. All financial contributions shall be Index linked and paid on or before commencement of the residential development unless otherwise agreed with Herefordshire Council.
10. 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.
11. The developer shall complete the Agreement by 17th September, 2007 otherwise the application may be registered as deemed refused.

Russell Pryce - Principal Planning Officer

6th August, 2007