

**8 DCNC2007/3052/F - PROPOSED REDEVELOPMENT TO FORM RETAIL AND RESIDENTIAL UNITS AT BURGESS STREET GARAGE, BURGESS STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DE**

**For: D Sirrell and C. Morgan per Mr J.J. Rann J.J. Rann & Associates, The Wain House, Stretfordbury, Leominster, Herefordshire HR6 0QW**

**Date Received:**  
27th September 2007  
**Expiry Date:**  
22nd November 2007

**Ward: Leominster South**

**Grid Ref:**  
49575, 59127

Local Member: Councillor RBA Burke and Councillor RC Hunt

**1. Site Description and Proposal**

- 1.1 The application relates to a site located off Burgess Street within Leominster's town centre and also the boundaries of its conservation area. It has a narrow road frontage of 8 metres with existing buildings, currently used as offices, hard against the road to the west, whilst an open area currently used as a car park lies immediately to the east. This relatively narrow access opens out into a larger enclosed square courtyard beyond and is bounded by a combination of brick walls to the north, east and west, and the roadside buildings to the south. A modest office building occupies the north-eastern corner of this area, with a larger commercial building adjacent to the north-west.
- 1.2 The site is currently used commercially for car sales and valeting and the proposal sees this replaced with a residential development of up to 10 units with a retail unit occupying part of the frontage. It should be noted though that this application only deals with part of the site as planning permission presently exists for the re-development of the whole for a combination of residential, commercial and retail use. The application is therefore an amendment to an approved scheme and deals specifically with the enclosed square courtyard with the part of the site forming the road frontage remaining unchanged from the approved scheme. The application, therefore, proposes 8 residential units, as opposed to the 4 and 4 offices contained within that part of site under the approved scheme. The shop and 2 units above remain unchanged and fall beyond the scope of this application. In effect, if this application is approved, it is the applicant's intention to implement part of the approved scheme in combination with this.
- 1.3 The scheme proposes a mix of 1, 2 and 3 bed units arranged around a central courtyard with a covered access onto Burgess Street. These are simply designed using a combination of brick and render. The approved roadside building has a slate roof, whilst those contained within the site are predominantly finished with clay tiles, the precise details of which are to be agreed.

## 2. Policies

### Herefordshire Unitary Development Plan

S1 - Sustainable development  
S2 - Development requirements  
DR1 - Design  
DR2 – Land use and activity  
DR3 - Movement  
H1 Hereford and the market towns  
H13 – Sustainable residential design

H14 – Re-using previously developed land and buildings  
TCR1 Central Shopping & Commercial Areas  
TCR2 – Vitality and Viability  
HBA4 Setting of Listed Buildings  
HBA6 New Development within Conservation Area

### PPG 15 Planning & the Historic Environment

## 3. Planning History

- 3.1 NC2005/3175/F – Proposed re-development of site to form retail, office and residential units – Approved 02/11/05

## 4. Consultation Summary

### Statutory Consultations

- 4.1 None required.

### Internal Council Advice

- 4.2 Transportation Manager – In light of the previous permission raises no objection, subject to the imposition of a condition relating to cycle parking.
- 4.3 Conservation Manager – In light of the previous permission raises no objection to the proposal.

## 5. Representations

- 5.1 Leominster Town Council – Recommend refusal due to concerns about over-development of the site, the close proximity of residential property on Broad Street, the lack of amenities and sustainability. The council has no objection in principle to mixed development but feels that this proposal exceeds acceptable density.
- 5.2 One letter of objection has been received from J.D. Gallimore Solicitors, 10 Burgess Street, Leominster. In summary the author is concerned with the close proximity of the proposed development to the rear elevation of their property in comparison to the approved scheme to which no objection was raised. It also questions the density and layout of the proposals, again comparing them to the approved scheme. It suggests that the use of three storey buildings is inappropriate and concludes that the scheme is not an improvement on the permission that has been granted.

- 5.3 A further letter has been received from Mr & Mrs Moore, 17 Broad Street, Leominster who observe that one clear glass window would look directly onto their property.
- 5.4 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officer's Appraisal

- 6.1 The principle of development on this site has been accepted by the planning permission granted in 2005. It therefore falls to be considered whether this proposal is an improvement.
- 6.2 The previous permission granted was for six 2 bed units, 4 offices and a shop occupying three storeys. The combined footprint of the buildings amounts to 272.25 square metres arranged in two opposing blocks along the east and west boundaries. This layout was significantly influenced by the fact that the applicant had to allow for an access through the site for an adjoining landowner to the north.
- 6.3 The current proposal is much the same in terms of its form. It is also three storey and has an almost identical footprint of 274 square metres. The applicant has now financially compensated the adjoining landowner and the right of access across the application site no longer exists. This has allowed for the layout of the site to be re-configured into a courtyard with development along the north, east and west boundaries. Otherwise, the principal differences are as follows:
1. With the exception of the shop, the current proposal is exclusively residential with 10 units proposed. Two of these are, of course, above the shop and not part of the application.
  2. At its closest point, development will be 2.5 metres away from the rear elevation of 10 and 12 Burgess Street as opposed to 5 metres as approved.
- 6.4 In light of the fact that the footprints and form of the two developments are almost identical it is not considered that there is an issue in terms of density. It is acknowledged that there is a difference in the fact that some of the floor-space will be used as residential accommodation as opposed to offices but this does not change the perception of the density of the development as such.
- 6.5 It is considered that the arrangement of the buildings as a courtyard represents an improvement in terms of the built form of the development as a whole. The built elements relate to one another much better and gives a more spacious feel to the site. The compromise to achieve this is that the side elevation of one unit will now be within 2.5 metres of the rear elevation of 10 and 12 Burgess Street. This is north facing and does not contain windows serving habitable rooms. The proposed unit has a blank elevation. Notwithstanding this, a judgement has to be made as to whether this situation is so significantly worse to the approved scheme where a similar arrangement sees the side elevation 5 metres away. The difference between the two is considered to be negligible and does not amount to a reason to refuse the application.
- 6.6 The concerns raised relating to the existence of a window facing 17 Broad Street can be addressed through the imposition of a condition. A similar situation was satisfactorily dealt with in the approved scheme in this fashion.

- 6.7 It is therefore concluded that the proposal represents an improvement over and above the planning permission that has been granted. Accordingly it is considered to improve the character and appearance of the conservation area. It accords with the Herefordshire Unitary Development Plan and the guiding principles of PPG15 and is recommended for approval.

## **RECOMMENDATION**

**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 the Conservation Area**

- 4 - C05 (Details of external joinery finishes )**

**Reason: To safeguard the character and appearance of the Conservation Area.**

- 5 - E16 (Removal of permitted development rights )**

**Reason: In order that the local planning authority can consider the implications of any further development.**

- 6 - E18 (No new windows in specified elevation )**

**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 - F17 (Scheme of foul drainage disposal )**

**Reason: In order to ensure that satisfactory drainage arrangements are provided.**

- 10. The scheme hereby approved shall be in lieu of the concurrent part of the scheme approved under application reference NC2005/3175/F, namely 4 office units, cottages 1, 2 & 3 and a maisonette, and shall otherwise be implemented in conjunction with the approved shop and two 2 bed flats of the same permission.**

**Reason: In order to define the terms of this permission.**

**Informative(s):**

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

Decision: .....

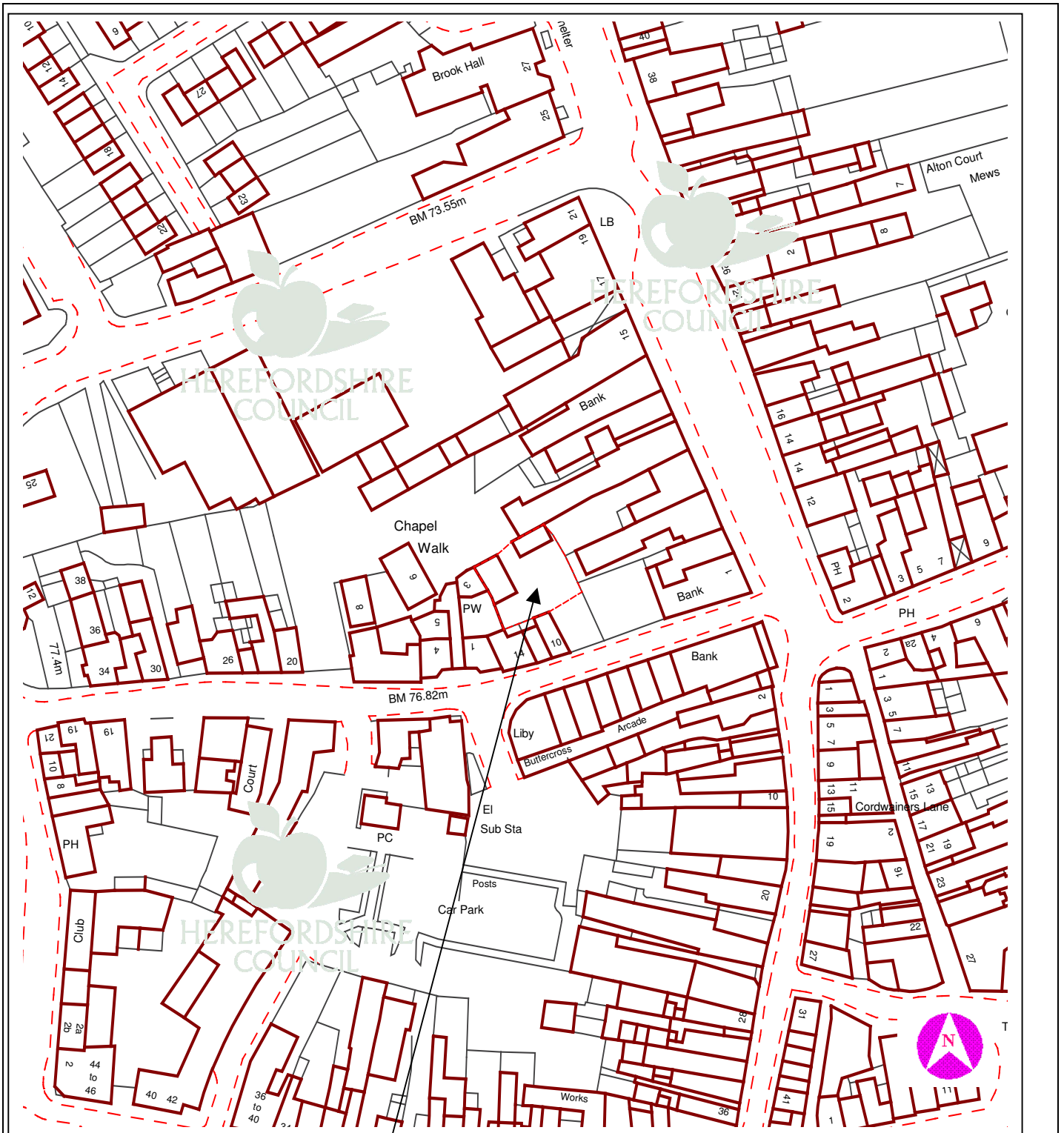
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**Background Papers**

Internal departmental consultation replies. ....

AB/NH 29/11/07



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**APPLICATION NO:** DCNC2007/3052/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Burgess Street Garage, Burgess Street, Leominster, Herefordshire, HR6 8DE

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