

**7A DCCW2007/2633/F - DEMOLITION OF EXISTING VACANT WAREHOUSE FOR THREE NO. TERRACED TOWN HOUSES AND ASSOCIATED PARKING FACILITIES AT WAREHOUSE AT LAND ADJACENT TO 47 BARTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 0AY**

**For: Mr. A.J. Chadd per Mr. C. Goldsworthy, 85 St. Owens Street, Hereford, Herefordshire, HR1 2JW**

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**For: Mr. A.J. Chadd per Mr. C. Goldsworthy, 85 St. Owens Street, Hereford, Herefordshire, HR1 2JW**

**Date Received: 17th August, 2007    Ward: St. Nicholas    Grid Ref: 50428, 39697**

**Expiry Date: 12th October, 2007**

Local Members: Councillors DJ Benjamin and JD Woodward

### **Introduction**

These applications were deferred at the meeting of the Central Area Planning Sub-Committee on the 19th December, 2007 in order to carry out a Members' site visit.

### **1. Site Description and Proposal**

- 1.1 The application site is located on the southern side of Barton Road between Nos. 47 and 57. No. 47 Barton Road to the east and No. 50 opposite are Listed Buildings and the site is located within the Conservation Area.
- 1.2 The proposal is to demolish the former warehouse and replace it with a terrace of three dwellings with underground parking. The new dwellings will be three storeys high with a private way along the road frontage providing pedestrian access to the dwellings. The access to the underground parking would be via the existing vehicular access serving the warehouse. A total of five car parking spaces together with secure motor cycle and bicycle parking spaces are proposed.

- 1.3 The design takes the form of a contemporary terrace of town houses incorporating render for the walls and a zinc roof. Balconies are proposed on the rear (south) elevation at ground floor level only.
- 1.4 This is a joint report dealing with the planning application for the three dwellings and the Conservation Area Consent application for the demolition of the existing warehouse.

## 2. Policies

### 2.1 National:

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPG15	-	Planning and the Historic Environment
PPS25	-	Development and Flood Risk

### 2.2 Herefordshire Unitary Development Plan 2007:

Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR7	-	Flood Risk
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking
Policy E5	-	Safeguarding Employment Land and Buildings
Policy T11	-	Parking Provision
Policy HBA4	-	Setting of Listed Buildings
Policy HBA6	-	New Development Within Conservation Areas
Policy HBA7	-	Demolition of Unlisted Buildings Within Conservation Areas

## 3. Planning History

- 3.1 DCCW2006/2744/F Demolition of existing vacant warehouse for three terraced town houses and associated parking facilities. Withdrawn 5th October, 2006.
- 3.2 DCCW2006/2738/C Demolition of existing vacant warehouse for three terraced town houses and associated parking facilities. Withdrawn 5th October, 2006.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Welsh Water: Raise no objections subject to conditions to ensure separate discharge of foul and surface water.
- 4.2 Environment Agency: Observations awaited.

Internal Council Advice

- 4.3 Traffic Manager: No objection but recommends conditions.
- 4.4 Conservation Manager (Ecology): Raises no objection subject to a condition to ensure bat bricks are used on the new build.
- 4.5 Conservation Manager (Historic Buildings Officer): The warehouse building detracts from the character and appearance of the adjacent buildings within the Conservation Area through its rundown appearance and industrial character.

As the roofline and style of the south elevation are modern in style and do not relate to the red brick buildings surrounding the site it does not seem necessary to clad the north elevation in red brick. A rendered finish to the same specification as that on the southern elevation would be more appropriate and honest. This would also link the development in terms of style with the neighbouring buildings of similar style.

**5. Representations**

- 5.1 Hereford City Council: No objection.
- 5.2 ESG Herefordshire Ltd: No objection.
- 5.3 Conservation Area Panel: No context given, difficult to see how this fits in, lack of good design, details confused front and rear elevations.
- 5.4 Four letters of objection have been received from Mr. R.J. Benjamin, 47 Barton Road, Hereford; L. Johnson & C. Hawkins, Red Roses, 57 Barton Road, Hereford; R. Griffiths, 50 Barton Road, Hereford and D. Jones, 36 Barton Road, Hereford.
- 5.5 A petition signed by 18 people has also been received.
- 5.6 The main planning points of the representations received are:-
  - 1. There is no footpath this side of Barton Road which is a very busy road.
  - 2. Vehicles already park on the pavement opposite and this will make the situation worse.
  - 3. The proposed impact on the setting of the Listed Building.
  - 4. Invasion of privacy of No. 47 with windows in side elevation and over rear garden from windows and balcony.
  - 5. Construction problems with building boundary walls.
  - 6. Re-development will impact on the stability of adjoining dwellings.
  - 7. Potential access to main services.
  - 8. Vehicular access concerns.
  - 9. Bats have been seen in the area.

10. The proposal impacts on the Human Rights of adjoining residents.

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. Officer's Appraisal**

6.1 This proposal seeks to remove a former brick built warehouse and replace with a terrace of three, three storey dwellings.

6.2 The planning application has been considered under the following:

1. Principle of Development
2. Design
3. Impact on Neighbours
4. Setting of Listed Building/Impact on Conservation Area
5. Highway Safety
6. Ecology
7. Human Rights

### Principle of Development

6.3 This former commercial site is located within the settlement boundary for Hereford City where re-development for residential purposes is broadly supported by Plan policy. The loss of the commercial use of the site is not considered unacceptable in this instance in view of its limited value in employment terms and the benefits of enhancing this predominantly residential environment. The principle of re-development is therefore considered to be acceptable.

### Design

6.4 A contemporary approach to the development is proposed with a split mono pitch zinc roof and rendered walls. Whilst this does not match the traditional brick and tile roof that characterises Barton Road it does provide a link in terms of style with other buildings in the vicinity. The Council's Historic Buildings Officer has reviewed the proposal and raises no objections to the amended design which provides for render on all walls. The front elevation is traditional in its form with appropriate door and window spacing and provides a vertical emphasis which matches the character of other buildings in the locality. The rear elevation provides a horizontal emphasis incorporating balconies taking advantage of the extensive views south towards the River Wye. This elevation has expanses of glass and exhibits a contemporary approach similar to more recent development in the area and specifically the Barton West development on the site of the former Antelope pub. These two main elevational treatments are considered acceptable and complement the townscape and Conservation Area setting.

### Impact on Neighbours

6.5 The concerns of the neighbours are noted, however the rear windows will only enable overlooking over the additional garden area immediately behind that property. In addition the balconies are only proposed on the ground floor and solid extending walls are proposed to maintain privacy. In addition the side (east) elevation only has one glazed ground floor window with the first and second floors having dummy windows for

design purposes. The ground floor windows will help provide surveillance over the access to the car parking area. Therefore whilst there will be a limited degree of overlooking associated with the proposal, this will not be at a level that is considered sufficient to warrant refusal of planning permission.

#### Setting of the Listed Building/Impact on Conservation Area

- 6.6 The proposal has been assessed in relation to the two Listed Buildings that are located opposite and to the east of the site together with its location within the Conservation Area. The Council's Historic Buildings Officer has assessed the existing building and considers that it detracts from the character and appearance of adjacent Listed Buildings and the Conservation Area. Furthermore it is considered that the amended scheme with the render finish will complement more recent development in the locality and provide an appropriate contrast with the more traditional red brick associated with older properties on Barton Road. It is considered that this proposal would enhance the character of the Conservation Area.

#### Highway Safety

- 6.7 The access to the underground parking area would be via the existing access but this arrangement would be improved by setting the new building back off the road. The Traffic Manager has considered the existing use which could continue or change to other permitted employment uses without planning permission and considers that the proposed access for this residential proposal to be acceptable in highway safety terms.

#### Ecology

- 6.8 A bat survey accompanied the planning application. The conclusions identify that the warehouse has been used very occasionally as a feeding perch only and that there is a low risk of bats being present in the building. Therefore the loss of the building will not have a detrimental effect on the bat population. Mitigation measures concerning demolition and bat habitat creation is recommended and included as a proposed condition.

#### Human Rights

- 6.9 Consideration has been given to the objectors rights under Article 8 of the Human Rights Act 1998 and particularly the right to respect for a private and family life. The planning system does provide for an appropriate assessment of these rights in the consideration of the planning application and as such it is not considered that the objectors' Human Rights would be breached by the granting of planning permission.

#### Conclusion

- 6.10 This proposal has been assessed in relation to its location within the Conservation Area, adjacent to Listed Buildings; highway safety; the amenity and privacy of adjoining neighbours together with their Human Rights under Article 8. The conclusion is that the scheme is acceptable and will provide an enhancement to the Conservation Area and not detract from the setting of the Listed Buildings. Highway safety has been assessed in relation to the lawful use of the site and the improvements proposed through this residential scheme. The Traffic Manager has confirmed that in consideration of these aspects a safe access can be achieved.

6.11 Finally, whilst privacy and amenity will be affected there will be no direct overlooking of neighbouring property. Furthermore the ecological value of the site will be mitigated by way of a condition.

## **RECOMMENDATION**

**In respect of DCCW2007/2633/F:**

**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. E16 (Removal of permitted development rights).**

**Reason: In order to protect the amenity of neighbouring residential property.**

- 4. E18 (No new windows in specified elevation).**

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

- 5. F16 (Restriction of hours during construction).**

**Reason: To protect the amenity of local residents.**

- 6. F22 (No surface water to public sewer).**

**Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.**

- 7. 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.**

- 8. G01 (Details of boundary treatments).**

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

- 9. The recommendations set out in the ecological report dated July 2007 shall be followed unless otherwise agreed in writing with the local planning authority. At least three bat bricks shall be built into the new properties, the location to be agreed with the local planning authority. Prior to development, a full working method statement should be submitted to the local planning authority and implemented as approved.**

**An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation works.**

**Reason: To ensure all species of bat and their roosts are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural habitats, & c.) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 within the Herefordshire Unitary Development Plan 2007.**

**10. H06 (Vehicular access construction).**

**Reason: In the interests of highway safety.**

**11. H09 (Driveway gradient).**

**Reason: In the interests of highway safety.**

**12. 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.**

**13. H27 (Parking for site operatives).**

**Reason: To prevent indiscriminate parking in the interests of highway safety.**

**Informatives:**

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

**In respect of DCCW2007/2634/C**

**That Conservation Area Consent be granted subject to the following condition:**

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

Decision: .....

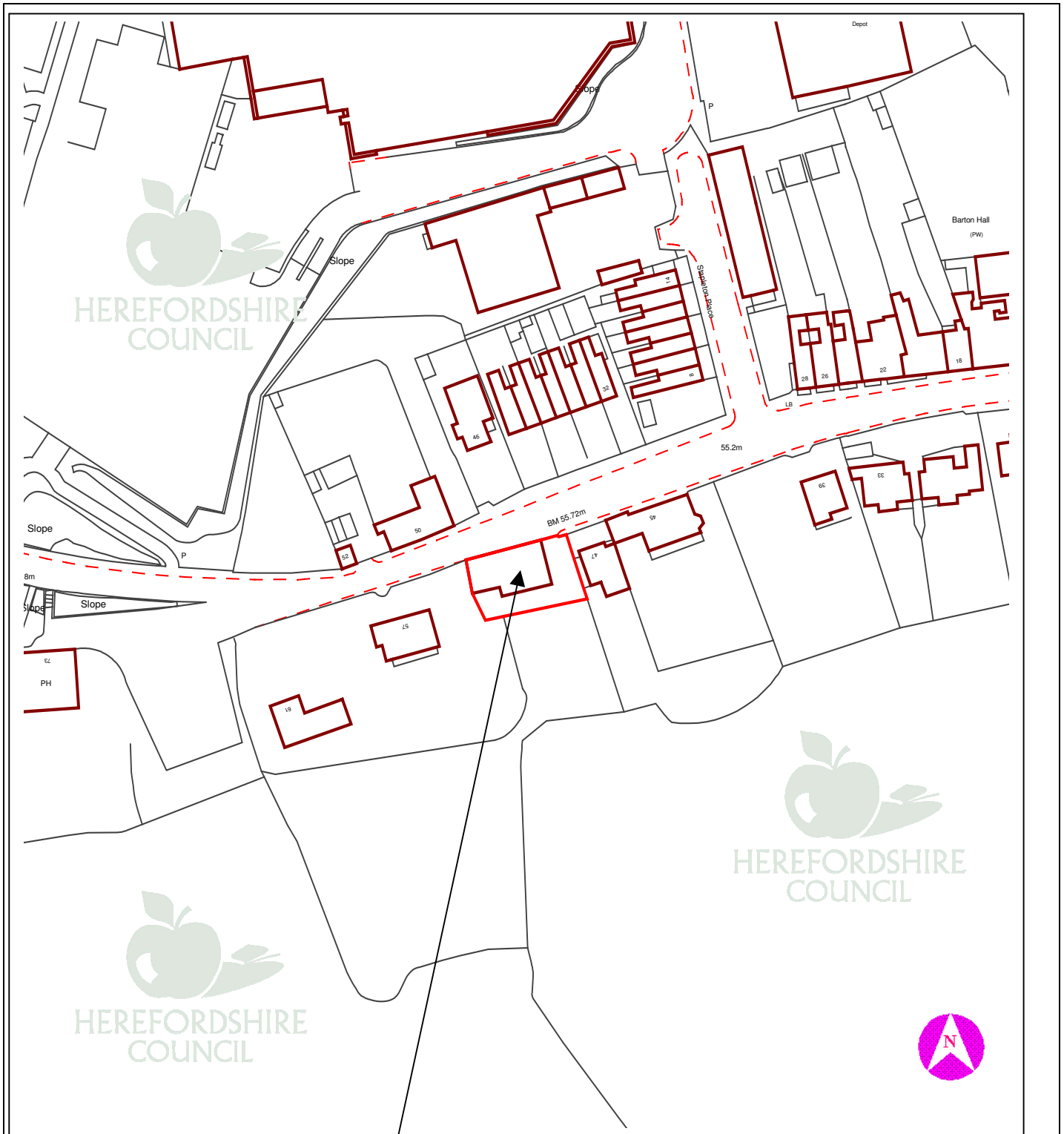
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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NOS:** DCCW2007/2633/F & DCCW2007/2634/C

**SCALE :** 1 : 1250

**SITE ADDRESS :** Warehouse at land adjacent to 47 Barton Road, Hereford, Herefordshire, HR4 0AY

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