

7A DCNE2008/1492/F - CHANGE OF USE AND RE-DEVELOPMENT TO PROVIDE 2 NEW 1 BED RESIDENTIAL UNITS, 3 NO. A1 COMMERCIAL UNITS AND 1 NO. A3 UNIT AT 12 HIGH STREET, LEDBURY, HEREFORDSHIRE, HR8 1DS

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**For: Pajupa Design and Development Priory Lodge,
Worcester Road, Ledbury, Herefordshire.**

Date Received: 4 June 2008

Ward: Ledbury

Grid Ref: 71152, 37634

Expiry Date: 30 July 2008

Local Members: Councillors JK Swinburne, PJ Watts and ME Cooper

1. Site Description and Proposal

- 1.1 The application site is located to the rear of 12 High Street, Ledbury, within the Central Shopping and Commercial Area of Ledbury, as defined on the Herefordshire Unitary Development Plan Inset Map LED2, within a Conservation Area, and on a plot, which adjoins a primary shopping frontage.
- 1.2 The High Street frontage of the plot comprises a butchers shop (front) and to the side, a gated entrance, which provides access into the plot itself, along with additional access to the rear of the butchers and building generally. There are currently two number two bedroom flats within the existing building.
- 1.3 The application site comprises a Grade II Listed Building with a series of rear extensions and outbuildings. A timber framed town house, incorporating the butchers at ground level, provides frontage to the High Street, with 18th and 19th century extensions to the rear, along with a poor quality 20th century extension. The buildings are within a well defined plot, which follows the distinct burgage plot formation common within the centre of historic Ledbury, and is delineated by a brick wall. The site adjoins listed buildings on either side (High Street frontage), and to the rear is bordered by the garden curtilage of The Priory, which comprises a series of residential apartments.
- 1.4 In summary, the site is within the heart of Ledbury and within an historically important position.
- 1.5 The proposal is for a the change of use and redevelopment of the site, to provide a total of 4 number 1 bed residential units (net gain 2 residential units), 3 number A1 (retail) units and 1 number A3 (restaurant) unit.

2. Policies

2.1 National Planning Policy Guidance:

Planning Policy Statement 3	-	Housing
Planning Policy Statement 6	-	Planning for town centres
Planning Policy Guidance 15	-	Planning and the historic environment
Planning Policy Guidance 16	-	Archaeology and planning

2.2 Herefordshire Unitary Development Plan:

Policy S1	-	Sustainable residential design
Policy S3	-	Housing
Policy S5	-	Town centres and retail
Policy DR1	-	Design
Policy DR2	-	Land use and activity
Policy DR3	-	Movement
Policy H1	-	Hereford and market towns: settlement boundaries
Policy H13	-	Sustainable residential design
Policy H14	-	Re-using previously developed
Policy TCR1	-	Central shopping and commercial areas
Policy TCR2	-	Vitality and viability
Policy TCR5	-	Small scale retail development
Policy HBA1	-	Alterations and extensions to listed buildings
Policy HBA3	-	Change of use of listed buildings
Policy HBA4	-	Setting of listed buildings
Policy HBA6	-	New development within conservation areas
Policy HBA7	-	Demolition of unlisted buildings within conservation areas
Policy ARCH1	-	Archaeological assessments and field evaluations
Policy ARCH6	-	Recording of archaeological remains

3. Planning History

- 3.1 DCNE2004/0071/F - Change of use from Butchers shop to Tandoori/Balti Takeaway - Refused

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 The Council's Highways department makes no objection to the proposal. The Area Engineer notes, given the location and constraints of the site and the nature of the development and size and scale of the residential element, the lack of any on-site vehicular parking provision is considered acceptable, as is no on site secure bicycle parking provision.
- 4.3 The Council's Conservation Officer notes the significant Officer time that has been spent advising the applicant at the pre-application stage and comments the proposal will benefit and regenerate an interesting historical element within the centre of

Ledbury. The proposals are considered to preserve and enhance the character of the site and buildings, and in particular, give the Victorian buildings a new use.

- 4.5 The Council's Archaeological Advisor describes the site as being of great sensitivity and highlights its location within the core of the archaeological important urban area of Ledbury.
- 4.6 It is considered the scale and nature of the proposal will have a moderately severe impact upon archaeological issues. However, mitigation of the possible damaging effects is considered possible and as such, an archaeological condition is recommended and is included in my recommendation.
- 4.8 The Council's Environmental Health department has been consulted and comments are pending. Comments will be updated to Members at Committee.

5. Representations

- 5.1 The Town Council recommends approval and offers no further comment.
- 5.2 Three letters of objection have been received from owner/ occupiers with The Priory, Worcester Road, Ledbury, HR8 1PL:

Mrs H Davies, Flat 1;
G Simons, Flat 3; and
Mr R and M Wolstenholme, Flat 4

The comments are summarised as:

- In general, welcome the restoration of the derelict buildings
 - Lack of details regarding retail and restaurant elements
 - Concern over fumes, smell and odours from the restaurant
 - Provision of outdoor area connected to the restaurant is adjacent to The Priory and will cause harm to the enjoyment of The Priory's garden
 - A3 unit should be located closer to The High Street
 - The boundary wall between the site and The Priory is damaged and needs restoring - concern this will become a 'short cut' without its repair
 - Concern how any development would be accessed and carried out
 - Shop units will bring people unnecessarily into the area
 - Given new smoking legislation, users of the restaurant will have to smoke in the outside garden area causing an unpleasant hazard for adjoining residents
 - No details on restaurant operation, hours etc
- 5.3 Further details following the above objections were received from the applicant. Following a second round of consultation with the above objectors, the following comments were received:
- Suggested restrictive hours of operation for the restaurant are satisfactory (one objector)
 - Suggested condition regarding the reinstatement of the boundary wall prior to the commencement of the development supported
 - Concern over the glazed 1st floor element of the restaurant and privacy/ overlooking that will result into The Priory gardens

- There are no commercial premises within this area and the residential nature should be respected
- Despite suggested restrictive hours condition, concerns remain over noise and disturbance
- Concern hours of operation could be modified or ignored
- Concerns remain over smells and odours

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

Introduction

6.1 The proposal represents a small-scale mixed-use regeneration scheme within the heart of Ledbury, proposing residential, retail and leisure facilities.

6.2 Principle planning benefits and objectives of such schemes are namely considered to be:

- Utilising brownfield sites
- Protecting and enhancing the vitality and viability of town centres
- Making the best use of land

6.3 In regards to this site, further potential benefits are considered to be:

- Enhancement of the conservation area
- Ensuring the long term future and viability of a Grade II listed building, located within an historic and prominent position within the townscape
- Contribution to the vitality and viability of Ledbury town centre
- Contribution towards range and choice of residential properties within Ledbury, especially at the 'starter' or 'entry' end of the market

6.4 The comprehensive redevelopment of this site is both welcomed, and in principal, supported by both national planning guidance and local Herefordshire Unitary Development Plan policies. This site is currently semi-derelict and under utilised, despite its location within both the core of the town centre's central shopping and commercial area, but also the Conservation Area. The proposal not only represents an investment in the area, but also brings back into use and life a significant historical area of Ledbury.

6.5 Given the detailed and varied nature of the proposal, and associated issues, each is taken in turn:

Ledbury Town Centre

6.6 The location lends itself to a mixed-use scheme of residential, retail and entertainment elements, as again supported by national and local planning policies. This mix of compatible uses is considered to further increase the range of facilities within Ledbury, further enhancing the town centre's vitality and viability. Ledbury already as a critical mass of similar sized and styled specialist A1 retail units, which collectively support each other and bring shoppers and visitors into the town centre.

- 6.7 These units will further increase and enhance that position, and add to Ledbury's range and collection of shops, and consequently, attraction as a shopping and tourist visitor destination. Given the units' size, they further lend themselves to the niche market and critical mass Ledbury has evolved in respect of specialty shops, many of which are located within listed buildings and/ or in mews or courtyard style developments. This combination of interesting shops, within attractive historic environments has clearly proven to be successful for both the individual businesses and Ledbury alike.
- 6.8 The proposed restaurant element is also considered, in principle, acceptable and complementary to the range of such provision within the town and the immediate location. This combination of retail and restaurant enhances the potential footfall into the site and use and utilisation of both elements by visitors to the complex.
- 6.9 The 2 number 1 bed residential units will increase the number of residential units within this complex to four. The mixed use of such sites is encouraged and considered complimentary to town centre locations, creating a 24 hour presence and diversity to these town centre areas, ensuring that they do not just operate and exist between the opening hours of shops, etc.
- 6.10 The nature of the proposed properties is sustainable, given their close proximity to the facilities and opportunities offered by Ledbury. In addition to the location and practicalities of this site, on site vehicular parking and secure cycle storage provision can be waived in lieu of the benefits this scheme brings overall.
- 6.11 The standard of accommodation provided is considered acceptable in regards to the floor space and amenity expected from a one-bedroom town centre flat.
- 6.12 Although not specifically 'affordable units', the residential element, by virtue of their size also bring some diversity, range and choice to the local property market, especially at the starter/ cheaper end of the sector. This scheme might also serve as a catalyst for the potential use of other upper floors within Ledbury town centre coming forward for residential use.
- 6.13 It is considered that the proposed scheme satisfies UDP policies S1, S3, S5, H13, H14, TCR1, TCR2, and TCR8

Conservation and historic environment

- 6.14 Currently, the site is an under utilised historic asset in a poor state of repair. The proposed conversion of these buildings secures the long term future of the listed building with a suitable range of uses. The three different uses within the site ensure not only the upkeep of this area, but also enjoyment of this historic asset, which currently is not only in a substandard state, but also not accessible to the wider public.
- 6.15 The submission of full details regarding landscaping, window details, external lighting and access gate, has allowed a thorough appraisal of the scheme in regards to design and the historic environment. It is considered the scheme would not only preserve, but also enhance the conservation area and have a wider benefit to Ledbury's historic core and townscape generally.
- 6.17 The proposed scheme is considered to be in accordance with UDP policies DR1, HBA1, HBA4, HBA6, HBA7, and ARCH1.

Objections and comments

- 6.18 I note the objections raised by residents from the adjacent 'Priory' residential complex. In assessing this application and the issues raised, The Priory has been visited and the proposal assessed from this aspect.
- 6.19 I do not accept the proposal would have a significant detrimental impact upon the enjoyment of The Priory and its residential units; indeed a residential element is central to the proposed scheme and it is not considered these units would have an undue loss of amenity given the mix of uses proposed. A vibrant and 24 hour economy is encouraged in such areas; hence the general policy support for mixed use schemes within urban core areas at both national and local planning policy levels.
- 6.20 In regards to the restaurant, which has caused most concern, conditions regarding open hours, bin/refuge storage have been recommended in order to safeguard residential amenity generally in this area.
- 6.21 In principle a restaurant in this location is acceptable, and I accept the applicant's comments that currently this is 'speculative'. Precise details of the kitchen layout and potential user cannot be informed until the application is determined. Any subsequent tenant/restaurant type will be able to judge the suitability of the unit against the conditions attached.
- 6.22 The precise hours of operation restricted in condition no.6, below, are considered to both protect the residential amenity of the area, and also allow for the operation of a sustainable and successful business. Those hours prevent the introduction of a late night take away unit or restaurant/bar. Any proposed variation of those hours would be considered on the merits of any future application.
- 6.23 The boundary wall, which has also been commented on, is to be retained and no thoroughfare between High Street and The Priory is to be created. A condition requiring the boundary wall to be repaired prior to occupation of any of the units is recommended to safeguard as far as possible against this situation arising.
- 6.24 Outside of retail/restaurant opening hours, the access gate into the application site, fronting the High Street, will be locked and coded controlled access will apply.
- 6.25 In regards to the concerns raised over the loss of privacy and amenity from the first floor restaurant and its rear glazed element, I note the distance between this proposed elevation and the nearest facing elevation of The Priory, which is a blank elevation, is 22 metres (ground floor to ground floor distance is 19 metres). The distance from the proposed 1st floor glazed element to the nearest windowed elevation of The Priory is approximately 28 metres.

The boundary between The Priory and the application site is defined by a brick wall and planting, which includes mature trees and partially obscures the views between the plots. Given both sites location within a Conservation Area, the carrying out of works to, or the removal of, these trees requires written consent from the Local Planning Authority, and thus further protects the current position, boundary definition, and further mitigates any amenity impact of the proposal upon The Priory.

- 6.26 In regards to the loss of privacy and amenity within The Priory's garden curtilage, it is considered any overlooking will be minimal and restricted to a very small percentage of

the large curtilage area. It is understood that the garden area of The Priory is communal and 'open plan' in nature, with each apartment not having specific reserved private areas. It is considered that any impact upon the garden is minimal and that significant private garden area remains for the enjoyment of residents.

- 6.27 The boundary wall, which has also been commented on, is to be retained and no thoroughfare between High Street and The Priory is to be created. A condition requiring the boundary wall to be repaired prior to occupation of any of the units is recommended to safeguard as far as possible against this situation arising.
- 6.28 Overall the proposals are welcomed and represents a relatively significant, albeit small-scale redevelopment mixed-use scheme within an important and attractive area of Ledbury. The enhancement and benefits from his scheme are considered numerous, not least the historic and conservation benefits, and it is considered the proposal accords with local and national policies.

RECOMMENDATION

In respect of DCNE2008/1492/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. Prior to the commencement of the hereby approved development, full written details and samples (where appropriate) of the following shall be submitted to the Local Planning Authority for written approval:**

**Bricks
Roof tiles
Slates
Rainwater goods, including finish
All external timber elements, including finish**

The proposal shall be carried out in strict accordance with the approved plans and thereafter maintained as such.

Reason: To preserve and enhance the character and appearance of the listed building and conservation area, in accordance with Herefordshire Unitary Development Plan policies DR1, HBA1, HBA4 and HBA6.

- 3. The development hereby approved shall be carried out in strict accordance with the approved 'Window Schedule', scales 1:50 and 1:20, received 31st July 2008, and thereafter maintained as such.**

Reason: To preserve and enhance the character and appearance of the listed building and conservation area, in accordance with Herefordshire Unitary Development Plan policies DR1, HBA1, HBA4 and HBA6.

- 4. External lighting for the development shall be carried out in strict accordance with the approved details, namely 'Eliarange' Grande four sided lantern(s)**

finished in 'black' as per specification details received 31st July 2008, and thereafter maintained as such.

Reason: To preserve and enhance the character and appearance of the listed building and conservation area, in accordance with Herefordshire Unitary Development Plan policies DR1, HBA1, HBA4 and HBA6.

5. The external gate for the development, as positioned facing High Street, Ledbury, shall be carried out in strict accordance with the approved gate details, including secure coded access mechanism, as received 31st July 2008, (metal finished painted 'black') and thereafter maintained as such.

Reason: To preserve and enhance the character and appearance of the listed building and conservation area and to safeguard the residential amenity of the locality, in accordance with Herefordshire Unitary Development Plan policies DR1, DR2, H13, HBA1, HBA4 and HBA6.

6. The A3 element in the development is restricted to the following hours of opening and operation:

- Monday - Friday 07:00 - 21:00
- Saturday 08:00 - 22:00
- Sunday 10:00 - 16:00
- Bank holidays 10:00 - 16:00

Reason: To protect the residential amenity of adjacent residential properties, in accordance with Herefordshire Unitary Development Plan policies DR2, H13 and TCR8.

7. Prior to the occupation and first use of any unit within the hereby permitted development, the rear boundary wall between the application site and The Priory shall be reconstructed, with materials, finish and method approved in writing by the Local Planning Authority's Conservation Officer and thereafter maintained as such.

Reason: To preserve and enhance the character and appearance of the listed building and conservation area, and safeguard the residential amenity of residents of The Priory, Ledbury, in accordance with Herefordshire Unitary Development Plan policies DR1, DR2, DR3, HBA1, HBA4 and HBA6.

8. The external flue shall be provided in strict accordance with the approved plans and details, Titled 'Elevations as proposed - east elevation/ west elevation/ roof plan', scale 1:100, numbered 9, received 31st July 2008 prior to operation of the restaurant and thereafter be maintained as such.

Reason: To preserve and enhance the character and appearance of the listed building and conservation area, in accordance with Herefordshire Unitary Development Plan policies DR1, HBA1, HBA4 and HBA6.

9. E02 (Archaeological survey and recording)

Reason: To allow for recording of the building/site during or prior to development and to comply with the requirements of Policy ARCH6 of

Herefordshire Unitary Development Plan. The brief will inform the scope of the recording action.

10. The A3 element in the hereby approved development is restricted to the following hours of opening and operation:

- Monday - Saturday 08:00 - 21:00
- Sunday 10:00 - 16:00
- Bank holidays 10:00 - 16:00

Reason: To protect the residential amenity of adjacent residential properties, in accordance with Herefordshire Unitary Development Plan policies DR2, H13 and TCR8.

11. No storage of plant, machinery or materials shall take place within or on the land associated with The Priory, Worcester Road, Ledbury, HR8 1PL, nor shall works or access to works of the hereby permitted development take place through, via or upon land associated with The Priory, Worcester Road, Ledbury, HR8 1PL, except for the works specified in planning condition 7 of this approval.

Reason: To protect the residential amenity of the occupants of The Priory, Worcester Road, Ledbury, in accordance with Herefordshire Unitary Development Plan policy DR2.

12. The external landscaping of the approved development shall be carried out in strict accordance with the approved details and materials as specified on approved plan titled 'Landscape plans as proposed', drawing no's . 14 and 16, scale 1:100, received 31st July 2008 and paving specification details titled 'Old Riven' - Autumn Cotswold, received 31st July 2008

Reason: To ensure the satisfactory appearance and setting of the Grade II Listed Building and the integration of the scheme within the Conservation Area, in accordance with Herefordshire Unitary Development Plan policies DR1, HBA1, HBA4 and HBA6.

Informatives:

1. N15 - Reason(s) for the Grant of Planning Permission
2. N19 - Avoidance of doubt - Approved Plans

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

RECOMMENDATION

In respect of DCNE2008/1493/L:

That Listed Building consent be granted subject to the following conditions:

1. **D01 – (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.

2. **Prior to the commencement of the hereby approved development, full written details and samples (where appropriate) of the following shall be submitted to the Local Planning Authority for written approval:**

**Bricks
Roof tiles
Slates
Rainwater goods, including finish
All external timber elements, including finish**

The proposal shall be carried out in strict accordance with the approved plans and thereafter maintained as such.

Reason: To preserve and enhance the character and appearance of the listed building and conservation area, in accordance with Herefordshire Unitary Development Plan policies DR1, HBA1, HBA4 and HBA6.

3. **The development hereby approved shall be carried out in strict accordance with the approved 'Window Schedule', scales 1:50 and 1:20, received 31st July 2008, and thereafter maintained as such.**

Reason: To preserve and enhance the character and appearance of the listed building and conservation area, in accordance with Herefordshire Unitary Development Plan policies DR1, HBA1, HBA4 and HBA6.

4. **External lighting shall be undertaken in strict accordance with the approved details, namely 'Eliarange' Grande four sided lantern(s) finished in 'black' as per specification details received 31st July 2008, and thereafter maintained as such.**

Reason: To preserve and enhance the character and appearance of the listed building and conservation area, in accordance with Herefordshire Unitary Development Plan policies DR1, HBA1, HBA4 and HBA6.

5. **The external gate shall be provided in strict accordance with the approved gate details, including secure coded access mechanism, as received 31st July 2008, (metal finished painted 'black') and thereafter maintained as such.**

Reason: To preserve and enhance the character and appearance of the listed building and conservation area and to safeguard the residential amenity of the locality, in accordance with Herefordshire Unitary Development Plan policies DR1, DR2, H13, HBA1, HBA4 and HBA6.

6. Prior to the occupation and first use of any unit the rear boundary wall between the application site and The Priory shall be reconstructed, with materials, finish and method approved in writing by the Local Planning Authority's Conservation Officer and thereafter maintained as such.

Reason: To preserve and enhance the character and appearance of the listed building and conservation area, and safeguard the residential amenity of residents of The Priory, Ledbury, in accordance with Herefordshire Unitary Development Plan policies DR1, DR2, DR3, HBA1, HBA4 and HBA6.

7. The external flue shall be provided in strict accordance with the approved plans and details, Titled 'Elevations as proposed - east elevation/west elevation/roof plan', scale 1:100, numbered 9, received 31st July 2008 prior to operation of the restaurant and thereafter be maintained as such.

Reason: To preserve and enhance the character and appearance of the listed building and conservation area, in accordance with Herefordshire Unitary Development Plan policies DR1, HBA1, HBA4 and HBA6.

8. E02 (Archaeological survey and recording)

Reason: To allow for recording of the building/site during or prior to development and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan. The brief will inform the scope of the recording action.

9. The external landscaping of the approved development shall be carried out in strict accordance with the approved details and materials as specified on approved plan titled 'Landscape plans as proposed', drawing no's . 14 and 16, scale 1:100, received 31st July 2008 and paving specification details titled 'Old Riven' - Autumn Cotswold, received 31st July 2008

Reason: To ensure the satisfactory appearance and setting of the Grade II Listed Building and the integration of the scheme within the Conservation Area, in accordance with Herefordshire Unitary Development Plan policies DR1, HBA1, HBA4 and HBA6.

Informatives:

1. N15 - Reason(s) for the Grant of Planning Permission
2. N19 - Avoidance of doubt - Approved Plans

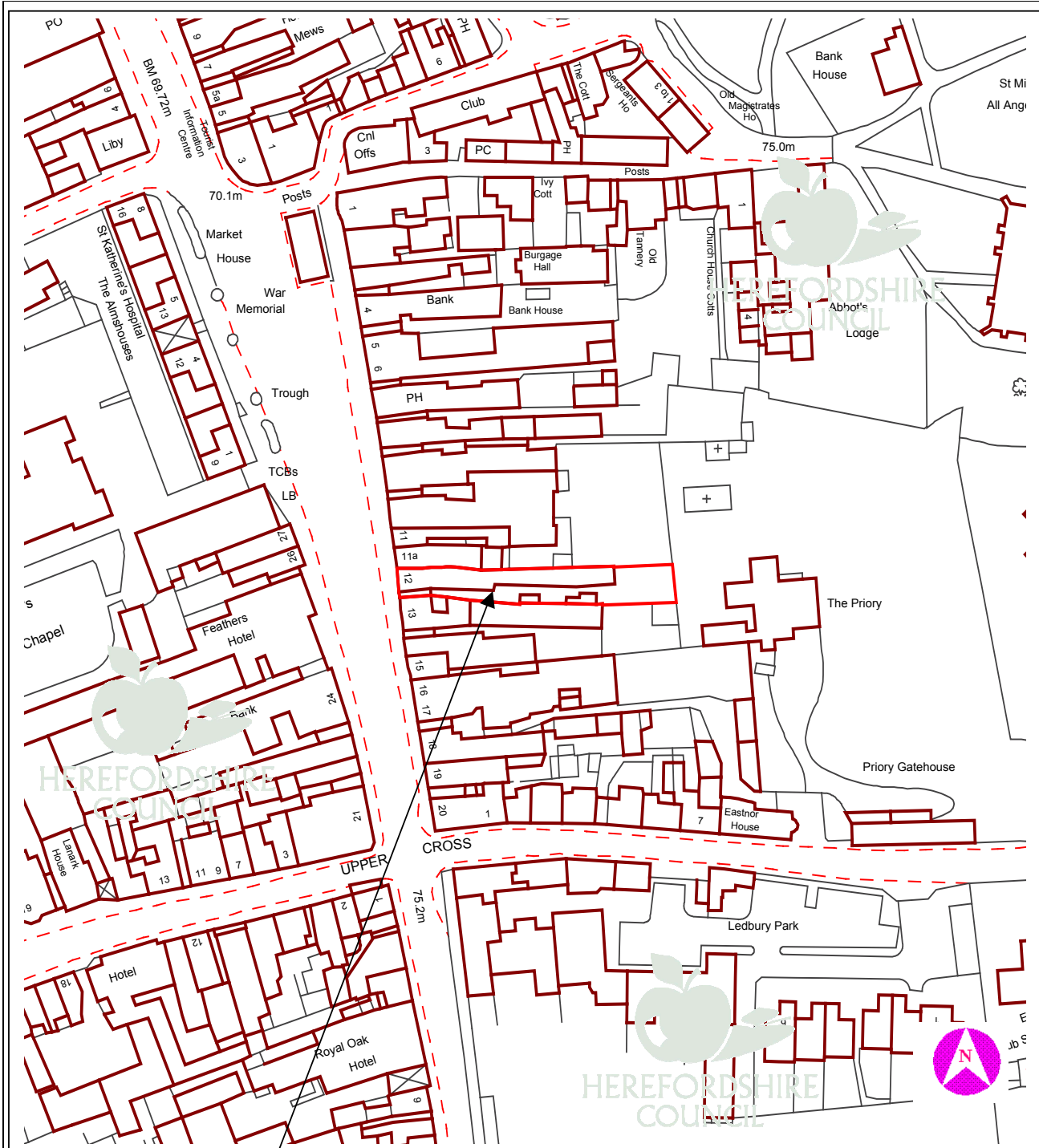
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NOS: DCNE2008/1492/F and DCNE2008/1943/L

SCALE : 1 : 1250

SITE ADDRESS : 12 High Street, Ledbury, Herefordshire, HR8 1DS

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