

**6A DCCW2009/0077/F - DEMOLITION OF REDUNDANT COMMERCIAL PREMISES AND ERECTION OF 13 RESIDENTIAL DWELLINGS AT BARTON SIDINGS, HEREFORD, HEREFORDSHIRE, HR4 0AY**

**For: Scanmerge Ltd. per James Spreckley, MRICS  
FAAV, Brinsop House, Brinsop, Hereford,  
Herefordshire, HR4 7AS**

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FAAV, Brinsop House, Brinsop, Hereford,  
Herefordshire, HR4 7AS**

**Date Received: 13 January 2009      Ward: St. Nicholas      Grid Ref: 50422, 39770  
Expiry Date: 14 April 2009**

Local Members: Councillors DJ Benjamin and JD Woodward

**1. Site Description and Proposal**

- 1.1 This site is located immediately to the rear of Sainsbury's Supermarket, Barton Sidings, Hereford. The service road to the supermarket forms the northern boundary with a redundant printing works to the east and residential property to the south, some buildings of which are listed. To the west lies Sainsbury's service yard and a recent housing development.
- 1.2 The site contains industrial buildings which are now vacant and two former dwellings which it is understood have been more recently used as offices and store.
- 1.3 The site is within the Hereford City Conservation Area.
- 1.4 The proposal is to demolish and clear the whole site and replace with 13 dwellings of traditional design sited close to the service yard to Sainsbury's supermarket. The dwellings are 2½ storeys in height and 19 car parking spaces are proposed that equates to approximately 1.5 spaces per unit.

**2. Policies**

- 2.1 National:

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing
- PPG15 - Planning and the Historic Environment
- PPS23 - Planning and Pollution Control
- 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 DR5 - Planning Obligations
- 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

## 2.3 Supplementary Planning Document Planning Obligations

### 3. Planning History

- 3.1 DCCW2007/0699/F Demolition of redundant commercial premises and erection of 14 dwellings. Application Withdrawn.
- 3.2 DCCW2007/1282/C Demolition of existing redundant commercial premises. Application Withdrawn.
- 3.3 DCCW2008/0701/F Demolition of redundant commercial premises and erection of 13 residential dwellings. Refused 13 June 2008. Appeal withdrawn 24 October 2008.
- 3.4 DCCW2008/0708/C Demolition of redundant commercial premises and erection of 13 residential dwellings. Conservation Area Consent refused 13 June 2008. Appeal withdrawn 24 October 2008.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Welsh Water: No objection subject to conditions to ensure separation of foul and surface water.

#### Internal Council Advice

- 4.2 Traffic Manager: Raises no objection to the amended plan subject to conditions and S106 contributions.

- 4.3 Conservation Manager (Historic Buildings): This amended scheme is the result of much discussion in order to arrive at a suitable development for this site and will enhance what is currently an unused site detracting from the appearance of the Conservation Area. The design relates to neighbouring terraced houses and should improve the appearance of this part of the Conservation Area and link it visually with the neighbouring residential streets. The scale, massing, materials and design are all acceptable and in keeping with the neighbouring terraces to the south.
- 4.4 Conservation Manager (Ecology): I note the building's unsuitability and that no evidence of bats was found but the building has potential for nesting birds. I have no objection to approval of the applications subject to conditions.
- 4.5 Environmental Health Manager (Land Contamination): The site is being developed for a sensitive land use, i.e. residential dwellings as described in Planning Policy Statement 23: Planning and Pollution. According to our records the site was historically used as a builder's yard, therefore there is the potential for contamination at the site.

I would therefore recommend that should permission be granted, a contaminated land condition should be applied to the permission to require that a suitable contamination assessment is undertaken at the site to ensure the development will be suitable for use.

- 4.6 Environmental Health Manager (Noise): I have concerns regarding the use of this site for residential accommodation due to the potential for noise nuisance to be caused. The site is adjacent to the access road for deliveries to Sainsbury's supermarket and is also in close proximity to other potentially noise emitting businesses such as Travis Perkins Building Merchants.

However, the design of the buildings and layout of internal living space has reduced the likelihood of noise nuisance by having a lack of outside living space to the Northern elevation and placing the internal living areas to the South of the property and away from the potential noise sources. In addition, the use of glazing with a suitably high sound reduction index and mechanical ventilation should ensure that internal noise levels can be controlled.

I therefore have no objections to the application subject to conditions.

- 4.7 Children's Services, Open Space/Recreation and Community Services: All identify an impact and therefore request contributions in accordance with the Supplementary Planning Document Planning Obligations.
- 4.8 Economic Regeneration Manager: This is a non-conforming use on a 0.2hectare (half acre) site containing a large industrial building attached to a line of smaller and older buildings with open storage yards to the front and rear. The extant UDP shows this site zoned as an established Residential Area (Policy H1) and housing has also recently been built on an adjacent site and permitted on another.

Our commercial property records show that this property has been on the register as an available leasehold property since April 2006, and has appeared in ten quarterly register publications. In what is nearly three years, over forty businesses have been sent details of the site and a further five have requested details. However the site is hidden from view from both the Barton Road behind the backs of housing, wedged

behind the rear of the large Sainsbury's supermarket and is now accessed off Barton Yard a long road running from the Whitecross Road. It may well be its increasingly run down appearance and location that reduces its appeal to potential occupants.

However, as part of the wider picture it does provide 464 sq m (5,000 sq ft) of industrial floorspace north of the river, where there is a shortage of employment accommodation. Whilst we appreciate that it is a non-conforming use, we would prefer to see the existing use remain, and so we object to this current planning application.

- 4.9 Forward Planning Manager: The application site is located within an established residential area where policy H1 applies. Residential development will be permitted in such areas where compatible with the housing design and other policies of the plan. PPS 3 encourages the intensification of land in such locations.

However, the site is currently a commercial site and reference to Policy E5 states that current employment land should be safeguarded and any other proposals would be generally resisted, unless, as section 1 of the policy states: 'there would be substantial benefits to residential or other amenity in allowing alternative forms of development', as the site is a small redundant commercial site it would seem to satisfy part 1 of Policy E5.

The proposal includes the provision of a total of 13 dwellings, on a site area extending to 0.2ha, resulting in a density of 65 dwellings per ha which slightly exceeds the requirements within Policy H15, however the surrounding residential area is also of high density therefore the levels stipulated within the proposal will be appropriate for the area. The thresholds relating to affordable housing inclusion, as in Policy H9, have not been breached; there is therefore no requirement for affordable provision.

Car parking provision does not breach the levels stipulated in Policy H16, where it states that a maximum of one and a half spaces per dwelling can be provided, where the proposal is allowing one space per dwelling with an additional two spaces for visitors.

The proposed site is located within a conservation area, Policy HBA6 states that development must preserve and enhance the character and vitality of the area, and the type and scale of the proposal must complement those which presently exist, the plans included in the application show this therefore seem to comply with this policy. These amended plans have also seemed to rectify the problems associated with noise and residential amenity, which were flagged up as a problem in the previous application.

This proposal in principle is acceptable and does comply with the Policies within the UDP.

## **5. Representations**

- 5.1 Hereford City Council: This application should be refused as an over intensive development of this site. Fewer houses would be acceptable with S106 monies going towards improving youth facilities.
- 5.2 Conservation Area Panel: This is a poor quality design, no detail in the brick work. This is an inner city site no mixed development. Concern that appears to be car orientated. Lack of landscape detail. Recommend refusal on design grounds.

5.3 Hereford Civic Society: This application is considered by members of our society to be seriously flawed and represent over development of a small site. In particular:

- There are too many car parking spaces (we understand there are standards but these could be relaxed a little in this city location).
- There is very little by way of amenity space.
- Mechanical ventilation - against all developing policies on environmental matters.
- Very cramped accommodation (less than Parker Morris standards) likely to lead to slums of the future.
- According, we object to this application.

5.4 Five letters of objection/representation have been received, the points raised are:-

- Concern that light would be blocked from the windows of adjoining dwellings.
- No indication of boundary treatments. Previously six foot wall was promised and is required if development is approved.
- Concerns regarding the height and mass of the proposed development which will seriously affect the skyline and features of Barton Manor, a listed building.
- Impact on amenity of adjoining property by overlooking.
- Noise levels and vandalism have increased since the new flats at the rear of Sainsbury's have been built and this will increase with this development.
- More traffic on Station Road and Grimmer Road with low levels of on site parking.
- If approved Station Road needs to have residents parking.

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 The main issues to consider are:

1. The Principle of Development
2. Loss of Employment Land
3. Conservation Area and Setting of Listed Building
4. Design and Layout and Highway Issues
5. Noise and Contamination
6. Ecology
7. Planning Obligations

The Principle of Development

- 6.2 The site is located within the established residential area for Hereford City as identified by the Herefordshire Unitary Development Plan where re-development proposals can be permitted provided they are:
- a) consistent with housing provision and other policies of the plan, and
  - b) respects the character and appearance of the area and protects existing and proposed residential amenity.

The site's location within the settlement boundary is commensurate with housing provision and the design is compatible with other traditional dwellings in the vicinity. The amended scheme has overcome previous concerns.

Loss of Employment Land

- 6.3 Policy E5 seeks to protect employment land from redevelopment unless there are benefits in allowing other forms of development and the site is unsuitable for employment uses. Although residential development adjoins the southern boundary no case has been put forward that the site's location is not acceptable for employment purposes through amenity concerns. A marketing exercise was undertaken by the applicants in late 2006 and early 2007 and despite enquiries no formal offer was received. However with the emerging ESG development land north of the River Wye is extremely limited and accordingly the Economic Regeneration Team have raised an objection to the loss of the site. It should however be noted that the site is vacant and has been since 2006. Therefore an alternative use can be considered.

Conservation Area and Setting of Listed Building

- 6.4 The site has been fully assessed by the Council's Conservation Manager (Historic Buildings) who confirms that the existing site detracts from the Conservation Area and that the proposed redevelopment would enhance the Conservation Area and provides a visual link with the adjoining residential development. This therefore needs to be balanced against the loss of employment land raised above. The proposed development is to the rear of the Listed Building with a substantial buffer zone and within an urban setting. Therefore the proposed development will have no impact on the setting of the Listed Building.

Design and Layout and Highway Issues

- 6.5 The design is compatible with the traditional dwellings in the area and is considered to be acceptable. The amended layout respects the constraints of the site and seeks to develop around the boundary with an inner parking courtyard area. This approach is considered acceptable and no objections to the design or layout are made. The access and parking details are acceptable subject to appropriate conditions. The density of the development equates to approximately 65 dwellings to the hectare which in relation to its position near the City Centre is considered acceptable.

The layout also respects the adjoining southern boundary of the site thereby providing acceptable separation distances between existing and proposed dwellings.

Noise and Contamination

- 6.6 The site lies immediately adjacent to the main service delivery route for Sainsbury's Supermarket and Travis Perkins. The noise report submitted with the planning application identifies that over a 24 hour period the high noise level is relatively consistent and falls into Noise Exposure Category NEC C as identified in PPG24. As a result the development has been planned to ensure that all windows on the rear elevation will be fixed and non-opening. The internal layout complements this restriction to ensure that habitable rooms are focussed to the front of the dwellings. The Council's Environmental Health Manager also confirms that subject to appropriate conditions the proposal is acceptable.

Ecology

- 6.7 The Council's Ecologist has reviewed the survey submitted with the application and is satisfied that the site could be developed subject to appropriate conditions which are included in the recommendation.

Planning Obligations

- 6.8 In accordance with the Council's Supplementary Planning Document the impact of the development has been assessed and contributions have been agreed for Recreation, Highways, Community Services and Children's Services. The Draft Heads of Terms are appended to this report.

Conclusion

- 6.9 The site is identified in the Herefordshire Unitary Development Plan as being within a residential area and residential development adjoins to the southern and eastern boundaries. This is a vacant employment site which has been marketed as such for nearly three years. There has been no offer made and this time period is more than acceptable in terms of assessing whether there is a demand for the site for an employment use. The development will not harm either the Conservation Area or the nearby Listed Building and the appearance of both the site and the surrounding area will be enhanced.

Finally, the impact of the development on the area has been considered against the Planning Obligation Supplementary Planning Document and the applicant has confirmed acceptance of the Draft Heads of Terms.

**RECOMMENDATION**

**In respect of DCCW2009/0077/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. B03 (Amended plans) (5 March 2009).**

**Reason:** To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

**3. C01 (Samples of external materials).**

**Reason:** To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

**4. F14 (Removal of permitted development rights).**

**Reason:** In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.

**5. The glazing to the northern elevation of the buildings shall be installed to a minimum standard of  $Rw + Ctr = 40dB$ . The glazing on any other elevation on site should be installed to a minimum standard of  $Rw + Ctr = 38dB$ .**

**Reason:** To protect the residential amenity of the area and to comply with Policy DR13 of the Herefordshire Unitary Development Plan.

**6. Mechanical ventilation should be installed at all properties to reduce the need to open windows. Ventilation units should comply with the Noise Insulation Regulations and an Agreement Certificate should be submitted to the local planning authority prior to the occupancy of the dwellings.**

**Reason:** To protect the residential amenity of the area and to comply with Policy DR13 of the Herefordshire Unitary Development Plan.

**7. G09 (Details of boundary treatments).**

**Reason:** In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

**8. G10 (Landscaping scheme).**

**Reason:** In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

**9. G11 (Landscaping scheme - implementation).**

**Reason:** In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

**10. H11 (Parking - estate development (more than one house)).**

**Reason:** In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.



**11. 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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.**

**12. H21 (Wheel washing).**

**Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.**

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

**Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.**

**14. H29 (Secure covered 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 and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.**

**15. I15 (Scheme of noise insulation).**

**Reason: To safeguard the amenity of the area and to comply with Policy DR13 of Herefordshire Unitary Development Plan.**

**16. I16 (Restriction of hours during construction).**

**Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.**

**17. I22 (No surface water to public sewer).**

**Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding so as to comply with Policy DR4 of Herefordshire Unitary Development Plan.**

**18. I33 (External lighting).**

**Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan.**

**19. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:**

- a) A 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways**

and receptors, a conceptual model and a risk assessment in accordance with current best practice.

- b) If the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors.
- c) If the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval;.

**Reason:** To ensure that potential contamination of the site is satisfactorily assessed and to comply with Policy DR10 of the Herefordshire Unitary Development Plan.

- 20. The Remediation Scheme, as approved pursuant to condition no. 19 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the local planning authority in advance of works being undertaken.

**Reason:** To ensure that potential contamination is removed or contained to the satisfaction of the local planning authority and to comply with Policy DR10 of the Herefordshire Unitary Development Plan.

- 21. I51 (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 so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.

- 22. K4 (Nature Conservation – Implementation).

**Reason:** To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 of Herefordshire Unitary Development Plan.

- 23. B07 (Section 106 Agreement).

**Reason:** In order to provide (enhanced sustainable transport infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing) in accordance with Policy DR5 of the Herefordshire Unitary Development Plan.

**Informatives:**

- 1. N02 - Section 106 Obligation.
- 2. N19 - Avoidance of doubt - Approved Plans.
- 3. N15 - Reason(s) for the Grant of PP/LBC/CAC.

In respect of DCCW2009/0085/C:

That Conservation Area Consent be granted, subject to the following conditions:

- 1. DO1 (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. D13 (Signing of contract before demolition).  
Reason: Pursuant to the provisions of section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to comply with the requirements of Policy HBA2 of Herefordshire Unitary Development Plan.
- 3. D17 (Notification of Commencement).  
Reason: In order to ensure compliance with Section 7 and 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to comply with the requirements of Policy HA1, HBA2 of Herefordshire Unitary Development Plan.

**Informatives:**

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

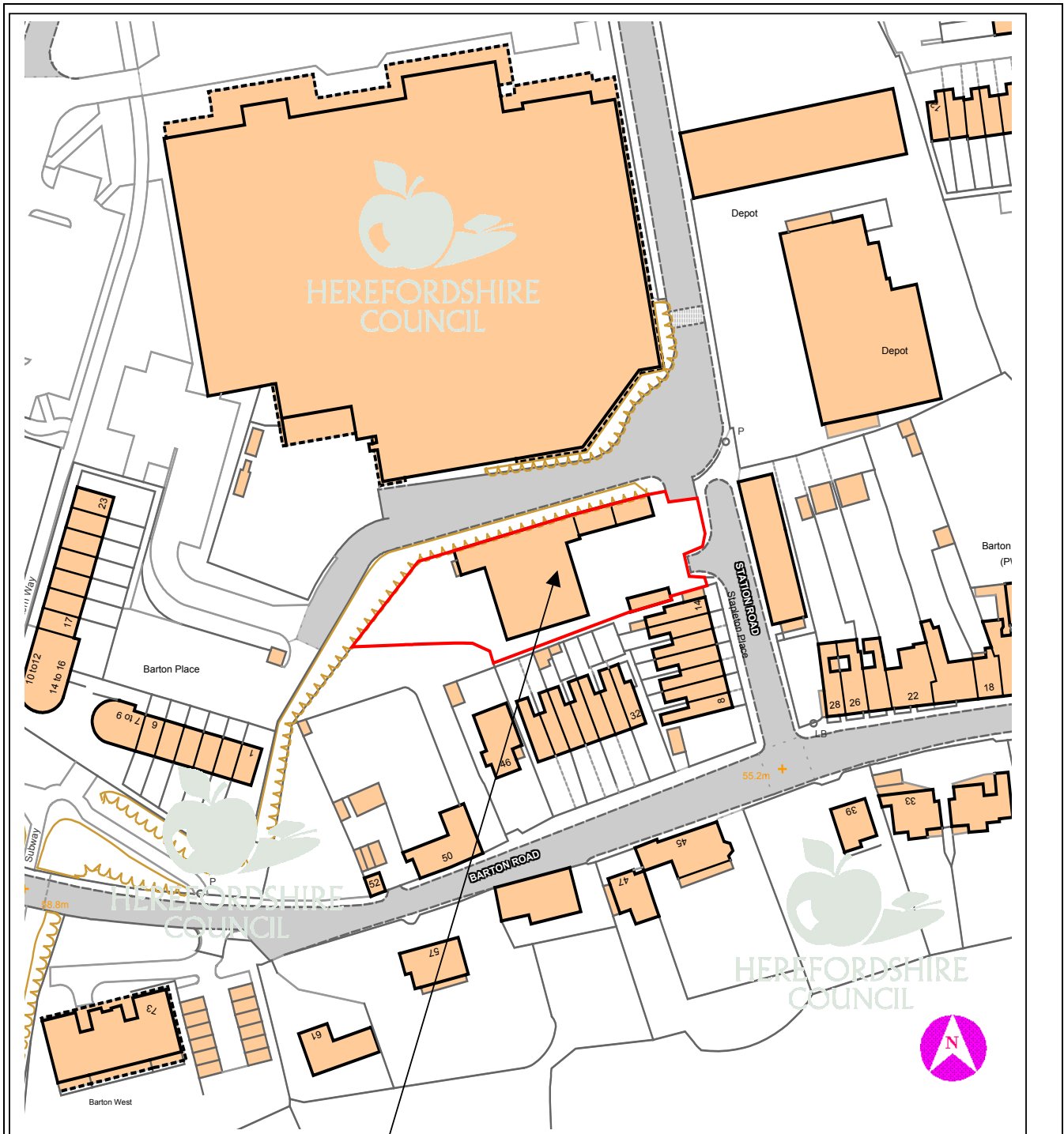
Decision: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NOS:** DCCW2009/0077/F & DCCW2009/0085/C

**SCALE :** 1 : 1250

**SITE ADDRESS :** Barton Sidings Hereford, Herefordshire, HR4 0AY

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*This document has been prepared against the criteria set out in the Supplementary Planning Document on 'Planning Obligations' which was adopted in April 2008.*

## **HEADS OF TERMS**

### **Proposed Planning Obligation Agreement**

### **Section 106 Town and Country Planning Act 1990**

**Planning Application: DCCW2009/0077/F**

**Proposal: Demolition of redundant commercial premises and erection of 13 residential units.**

**Site: Barton Sidings, Barton Road, Hereford, HR4 0AY**

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £51,845 to provide enhanced educational infrastructure. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £30,195 to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
  - Traffic calming and improved signage
  - Localised highway improvements
  - Hereford Park and Ride
  - Contribution to improved bus service
  - Contribution to Safe Routes for Schools
  - Improved bus shelters/stops in the locality of the application site
  - Initiatives to promote sustainable transport
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £25,397 to provide enhanced formal or informal recreational or public open space. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £2548 towards the provision of enhanced Library facilities. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
5. In the event that Herefordshire Council does not for any reason use the sums referred to in paragraphs above, 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.
6. The sums referred to in paragraphs 1, 2, 3 and 4 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.

7. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
8. 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.
9. The developer shall complete the Agreement by (a date to be agreed) otherwise, the application will be registered as deemed refused.

Kevin Bishop  
17 February 2009