

10 DCCE0009/1718/O - ERECTION OF 10 NO. ONE-BEDROOM FLATS AT LAND ADJACENT TO METHODIST CHURCH, EAST STREET, HEREFORD, HEREFORDSHIRE**For: Mr. & Mrs. James Per Ian Murray Associates, The Granary, Wormington Farm Barns, Nr Broadway, Worcester, WR12 7NL****Date Received: 31 July 2009
Expiry Date: 30 October 2009****Ward: Central****Grid Ref: 351261,239827**

Local Member: Councillor MAF Hubbard

1. Site Description and Proposal

- 1.1 The site is located on the north eastern side of East Street around 50 metres north west of the junction with St Ethelbert Street in Hereford City. Directly opposite the site is a row of small two storey cottages (Pulling Mews), immediately south east is the Methodist Church Hall which is a three storey flat roofed brick building. North west are a further row of two storey rendered elevation cottages and the rear of the site backs onto the rear gardens/courtyards of properties fronting St Owen Street.
- 1.2 The site itself is largely undeveloped and used as a car park. The exception being a single storey flat roofed building in the northern corner which will be demolished as part of the proposal. The boundaries with the exception of the road side are enclosed by a mixture of brick wall and corrugated fence panel with the road frontage enclosed by dilapidated railings. The site falls within Hereford City Conservation Area and is designated an Area of Archaeological Importance.
- 1.3 Outline Planning Permission is sought for the demolition of the existing single storey building and construction of 10 one bedroom flats. The application seeks approval for the means of access, appearance, scale and the layout of the development with only the landscaping of the site reserved for future consideration. The development comprises of a two storey block in the north west corner rising up to a three storey block continuing the East Street frontage and returning along the southern boundary stepping down slightly towards St Owen Street properties. The northern corner of the site is set out to a courtyard garden space for communal use. No parking is proposed.

2. Policies**2.1 Planning Policy Guidance:**

- PPS1 - Planning and Sustainable Development
- PPS3 - Housing
- PPG13 - Transport
- PPG15 - Planning and the Historic Environment

2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S2	-	Development Requirement
S3	-	Housing
S6	-	Transport
S7	-	Natural and Historic Heritage
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR5	-	Planning Obligations
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H13	-	Sustainable Residential Design
H14	-	Re-using Previously Developed Land and Buildings
H15	-	Density
H16	-	Car Parking
T6	-	Walking
T7	-	Cycling
T12	-	Existing Parking Areas
HBA6	-	New Development Within Conservation Areas
HBA7	-	Demolition of Unlisted Buildings Within Conservation Areas
ARCH1	-	Archaeological Assessments and Field Evaluations
ARCH7	-	Hereford AAI

3. Planning History

- 3.1 CE2007/2166/O – Block of 10 self-contained flats. Planning permission refused 19 August 2007.
- 3.2 The reasons for refusal concerned the scale, mass and design being unacceptable and detracting from the character of the Conservation Area. The design and scale would have an unacceptable impact on neighbouring properties residential amenity, no Section 106 Agreement was provided and no archaeological investigation was undertaken.

4. Consultation SummaryStatutory Consultations

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

Internal Council Advice

- 4.2 Traffic Manager:
No objection subject to conditions concerning the provision of secure cycle storage and a possible link from the site to Barroll Street investigated.
- 4.3 Conservation Manager - Historic Buildings:
The area is currently a car park and as a gap site is somewhat detrimental to the character of the area. We support the infill of this site and welcome the proposed creation of the courtyard space. We support the stepping up of the blocks but consider the Church Hall should be the dominant structure and new building should

sit slightly lower than this building. Other design changes are suggested such as to give the fenestration on the two storey block a horizontal rather than vertical emphasis and enhance other areas of the fenestration.

4.4 Conservation Manager - Archaeology:

I am satisfied that the likely damaging effects of the development can be satisfactorily mitigated by a combination of appropriate foundation design and archaeological investigation and therefore subject to conditions, I have no objection to the development.

4.5 Parks and Countryside Manager:

Comments awaited.

4.6 Children and Young People's Directorate:

No contribution is required as the proposal is for one bedroom flats only.

4.7 Senior Stock Librarian:

The Section 106 contribution could be used to enhance existing library stock.

5. Representations

5.1 Hereford City Council:

No objection.

5.2 Conservation Advisory Panel:

The principle is agreed in terms of scale, volume and number of units. The design is a concern and further details are required. The possibility of a pitched roof should be considered.

5.3 Letter from Andrew Morgan, Strategic Planner, West Mercia Constabulary requesting a contribution to cover the cost of increased demand on police infrastructure that the new development will create.

5.4 Seven letters of objection have been received the main points raised are:

- The development will overshadow Pulling Mews Cottages and significantly reduce the light received in these properties.
- Any development of the site should be limited to two storey only and of a traditional design.
- The development will overlook habitable rooms and private gardens within neighbouring properties.
- The three storey Church Hall adjacent to the site should not set the precedent for the scale of development on this site.
- The design will be an eyesore.
- The development will increase traffic in the area.
- The development will reduce sunlight.
- There will be considerable disruption, noise and dust during the demolition and construction.
- Construction traffic will cause disruption to local roads.
- No parking is proposed and only eight resident parking permits exist locally.
- The development will devalue local property.

- The scale of development will create a claustrophobic feel for this part of East Street.
 - The development will be out of keeping with the Conservation Area.
- 5.5 The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

6. Officer's Appraisal

6.1 The issues to be considered in the assessment of the application are as follows:

- 1) The Principle
- 2) Scale, Siting and Mass
- 3) Design and Appearance
- 4) Amenity
- 5) Section 106 and Other Matters
- 6) Conclusion

The Principle

6.2 The site is brown field land in Hereford City Centre also falling within the Central Shopping and Commercial Area. Policy H1 supports the principle of using such land for residential development subject to criteria within other policies in the Development Plan being met. The site is also an informal car park and Policy T12 supports the beneficial redevelopment of existing private parking areas within the city. The existing building to be demolished is of no particular merit and therefore there is no objection to its demolition. As such, the principle of the development is acceptable.

Scale, Siting and Mass

6.3 The development is designed to read as three separate modules when viewed from East Street. This is achieved through each block of accommodation being a different height and progressively stepped back from 50 East Street to the Methodist Hall. This assists in breaking up the mass of the street elevation and enables the development to follow the notional building line between the two neighbouring properties north west and south east of the site.

6.4 The principle of the East Street frontage being three storeys in part is not considered unacceptable in that it will assist in assimilating the development into the localised building context on this side of East Street. However, the overall height in design terms is a concern and the applicants have been requested to reduce the height so that the development as a whole is subservient to the three storey Methodist Hall. The three storey accommodation then returns along the south eastern boundary with the rear second floor flat being smaller in floor area to enable the development to step down towards the St Owen Street boundary. It is considered that the overall siting, scale and mass of the development is the appropriate solution for the site and will satisfactorily integrate with the streetscape.

Design and Appearance

6.5 A contemporary approach to the design has been adopted. This is considered the most appropriate format of development given the different styles and designs of properties in the area. Whilst the appearance will be different to anything else in the locality, this does not make it unacceptable. Indeed, the quality of the Conservation

Area is, in part, due to the diversity of architecture and a quality contemporary design will enhance this character.

- 6.6 The elevations are relatively simplistic but the form respects the rhythm of the existing streetscape with materials to match. The fenestration is also a modern interpretation of the generally symmetrical fenestration that exists within the historical properties within the locality. Minor design changes to the fenestration have been requested. Overall, the general design and appearance of the development is considered acceptable and will contribute positively to the character and appearance of the conservation area. It is also not considered there will be any adverse impact on the setting of nearby listed buildings.

Amenity

- 6.7 A number of residents have expressed amenity concerns. The proposal will inevitably have an impact on the amenity enjoyed by surrounding properties in that there will be an increased degree of overlooking and an impact on sunlight and daylight. However, in a high density urban context, both historically and with current developments, the residential standards that would apply to a suburban development often cannot be achieved and are not enforced by Inspectors on appeal.
- 6.8 In this regard, acceptable window to window separation will be achieved both to the rear and side elevations. Daylight and particularly sunlight will be affected for properties immediately to the west but the introduction of the courtyard garden will assist in reducing the impact over and above the existing situation where a building presently exists. However, the impact on number 50 East Street is currently being reviewed by the applicants. Ultimately, there is no disputing that the development will have an impact on localised amenity but it is not considered that this impact will be harmful warranting refusal of the application.

Section 106 and Other Matters

- 6.9 All one bedroom flats are proposed which in an urban location such as this, is considered acceptable. No car parking is proposed. If approved, a Section 106 is required to prevent the future residents or tenants of the development from being eligible for local residents parking permits in order to discourage car ownership and usage. In addition, secure cycle storage is proposed integral with the building to further encourage sustainable modes of transport. The Traffic Manager raises no objection to the development being car free.
- 6.10 A Section 106 has also been agreed in accordance with the adopted Supplementary Planning Document on Planning Obligations (SPD) which secures contributions for sustainable transport, off site sport and recreation and localised library facilities. The Heads of Terms are appended to this report. The Heads of Terms does not include a contribution for the Police as this does not fall within the adopted SPD. An archaeological investigation has also been carried out and the Council's Archaeologist is satisfied that any impact on archaeology can be mitigated and controlled with appropriate conditions.

Conclusion

- 6.11 Subject to revisions on the height of the three storey development fronting East Street to ensure it is more subservient to the adjacent three storey Methodist Hall, it is considered the proposal will preserve and enhance the character and appearance of

the Conservation Area, will satisfactorily safeguard the amenity of neighbouring properties and is therefore considered acceptable.

RECOMMENDATION

Subject to the receipt of suitably amended plans slightly reducing the height of the two three storey blocks and minor design changes, 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. **A02 Time limit for submission of reserved matters (outline permission).**
2. **A03 Time limit for commencement (outline permission).**
3. **A04 Approval of reserved matters.**
4. **A05 Plans and particulars of reserved matters.**
5. **B07 Section 106 Agreement.**
6. **C01 Samples of external materials.**
7. **D02 Approval of details.**
8. **E01 Site investigation - archaeology.**
9. **E04 Submission of foundation design.**
10. **F10 No balconies/roof amenity area.**
11. **F17 Obscure glazing to windows.**
12. **G11 Landscaping scheme - implementation.**
13. **H27 Parking for site operatives.**
14. **H29 Secure covered cycle parking provision.**
15. **I16 Restriction of hours during construction.**
16. **I51 Details of slab levels.**
17. **I56 Sustainable homes condition.**

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMCE/091835/O

SITE ADDRESS : LAND ADJACENT TO METHODIST CHURCH, EAST STREET, HEREFORD, HEREFORDSHIRE

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

Planning Application - DCCE0009/1718/O

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008

Construction of 10 one bedroom flats

Land adjacent to 50 East Street and St Johns Methodist Church Hall
Hereford, HR1 2LU

1. The developer covenants with Herefordshire Council, in lieu of a deficit in the provision of play, sport and recreation facilities to serve the development to pay Herefordshire Council the sum of £1,930 for public open space and £4,080 for sports (contribution based around the requirements of policy H19 of the UDP and Sport England Sports Facilities Calculator). The money shall be used by Herefordshire Council for the provision of new and the enhancement of existing open space, play, sport and recreational facilities in Hereford City. The contribution includes 15 years maintenance costs.
2. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £14,650 for off site highway works and improved sustainable transport infrastructure (excluding that required to facilitate the development i.e. new access arrangements, cycle storage). The developer shall also covenant with Herefordshire Council to prevent the future occupiers of the development from being eligible for residents parking permits within the city centre (parking zones to be agreed)
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 signage
 - b) Traffic Regulations Order(s) to reduce speed limits and impose localised parking restrictions
 - c) Contribution to improved bus service
 - d) Contribution to Safe Routes for Schools
 - e) Improved bus shelters/stops in the locality of the application site
 - f) Improve lighting to highway routes leading to the site
 - g) Improved pedestrian and cyclist connectivity with the site
 - h) Improved pedestrian and cyclist crossing facilities
 - i) Initiatives to promote sustainable transport
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £1200 towards the enhancement of existing community library facilities in Hereford City.
5. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, 2 and 4 for the purposes specified in the agreement within 10 years of the date of this agreement, and unless otherwise agreed in writing with the Council, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.

6. The developer covenants with Herefordshire Council to pay Herefordshire Council an additional administration charge of 2% of the total contributions detailed in this Heads of Terms to be used toward the cost of monitoring and enforcing the Section 106 Agreement.
7. All of the financial contributions shall be Index linked from the date of the permission and paid on or before commencement of the development unless otherwise agreed in writing with the Council.
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.

Russell Pryce - Principal Planning Officer
24th July 2009