

MEETING:	PLANNING COMMITTEE
DATE:	14 MARCH 2012
TITLE OF REPORT:	<p>N113460/F & N113461/L - CHANGE OF USE FROM 3 BEDROOM HOUSE IN TO TWO NUMBER TWO BEDROOM FLATS AND INTERNAL ALTERATIONS TO SECOND FLOOR FLAT AT 43 BROAD STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DD</p> <p>For: Messrs Colin & Brian Davies, The Haven, Oldwood, Tenbury Wells, Worcestershire, WR15 8TA</p>

Date Received: 8 December 2011

Ward: Leominster North

Grid Ref: 349563,259309

Expiry Date: 16 February 2012

Local Members: Councillor P Jones CBE and FM Norman

1. Site Description and Proposal

- 1.1 The application site is located within the settlement boundary of Leominster, a market town, as defined on the Unitary Development Plan Proposal Map LEOM 2. The site comprises a Grade II listed three storey townhouse in a state of significant disrepair with a road frontage position on Broad Street, a principle route into and through Leominster. This location is a prominent position on the gateway into/ out of the historic town centre and central shopping and commercial area.
- 1.2 The building is a dwelling of late 18th century/ early 19th century origins comprising Stucco finish to ground floor; roughcast render finish at first and second floor;, and a shallow-pitched Welsh slate roof with a central brick ridge stack. External alterations to window details occurred in the 20th century. Remnants of the original timber frame are evident behind the Georgian exterior and façade.
- 1.3 The proposal is the change of use and subdivision of the existing three bedroom dwelling to form 2 two bedroom flats. This includes internal alterations and overall upgrading of the building. The application comprises a Full Planning application and a Listed Building Consent application, both of which are assessed and considered together in this report.

2. Policies

2.1 National Planning Guidance:

Planning Policy Statement 1: Delivering Sustainable Development
 Planning Policy Statement 5: Planning for the Historic Environment
 Planning Policy Statement 11: Transport
 Planning Policy Statement 25: Flood Risk and Development

2.2 Herefordshire Unitary Development Plan:

Further information on the subject of this report is available from Mr C Brace on 01432 261795

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S7	-	Natural and historic heritage
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	DR4 – Environment
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H17	-	Subdivision of existing housing
H18	-	Alterations and extensions
T8	-	Road hierarchy
T11	-	Parking provision
HBA1	-	Alterations and extensions to listed buildings
HBA3	-	Change of use of listed buildings
HBA4	-	Setting of listed buildings
CF2	-	Foul drainage

2.3 Other Material:

Environment Agency PPS25 FRSA (national) Advice, issued 24th January 2011

3. Planning History

- 3.1 DCNW2007/3061/F – Conversion of eight bedroom house into a three bedroom house and a number two bedroom flat with garages serving both proposed units – Approved with Conditions 22nd November 2007
- 3.2 DCNC2003/0853/L – Various external alterations, including repairs to brickwork, guttering, and render – Approved with Conditions 6th January 2004

4. Consultation Summary

Internal Council Advice

- 4.1 The Transportation Manager makes no objection to the proposal, however requests a condition is attached if permission is granted ensuring the retention of one car parking space per unit. This is included in the recommendation set out at the end of this report.
- 4.2 The Conservation Manger supports the application, noting that the listed building is in a significant and detrimentally poor condition in regards the building itself, and streetscene. The proposal not only restores this listed building but also safeguards it in the long-term with an appropriate use. Conditions are recommended if approval is granted. These are outlined in the recommendation, below.
- 4.3 The Development Manager Enforcement confirms complaints have been/ were received regarding the state and disrepair of this listed building from Leominster Town Council. Formal action under Section 215 of the TCPA has been held in abeyance due to the sale of the property to the new owners who have demonstrated a commitment to addressing the situation. This has included discussions and updates with both Enforcement and Conservation Officers.

5. Representations

Further information on the subject of this report is available from Mr C Brace on 01432 261795

- 5.1 The applicants have on the advice of Planning and Conservation Officers made a number of small revisions to the internal layouts of the proposed units. For information, objectors were re-consulted on these amendments.
- 5.2 Two letters or other representations have been received from owners/ occupiers of adjacent dwellings. Whilst these are not 'objections', both parties raise reasonable and relevant issues and concerns and essentially seek clarification and/ or assurances regarding the proposal
- 5.3 Mrs Arrowsmith and Mr Preece of Waterloo House, 41 Broad Street, Leominster, Herefordshire, HR6 8DD make the following summarised comments –
- In principle support the renovation and refurbishment of this listed building given its historic importance and current impact on the streetscene and own property
 - Concern over parking arrangements and restrictions on own and others parking rights and rights of access
 - Concerns over the capacity of sewerage and waste water system through the resultant increased use and burden on the system
 - Seeks assurances over fire protection between properties, including own
 - Concern over refuse and waste storage/ collection and provision thereof
 - Seeks assurances that works carried out will be done so in a professional, neighbour friendly manner in regards minimising disruption, appropriate working practices and disposal/ handling of hazardous substances and dust
 - Concern over noise from proposed uses and request of appropriate soundproofing mitigation is incorporated
- 5.4 Mr R Hargest of 2 Waterloo Mews, Vicarage Street, Leominster, Herefordshire, HR6 8DS makes the following summarised comments –
- Concerns over parking arrangements and impeding of existing residents parking and access
 - Concerns over increased use of parking/ access area of which maintenance is paid for by current owners of properties in 'The Mews' group of dwellings
 - Seeks assurances that works carried out will be done so within the curtilage of 43 Broad Street and carried out in a professional, neighbour friendly manner in regards minimising disruption, appropriate working practices and disposal/ handling of hazardous substances and dust
 - That suitability of tenants of these units will be carefully considered given the nature, needs of this area and residents
- 5.5 Leominster Town Council supports the application and encourages its approval. No other comments are offered.
- 5.6 Dwr Cymru/Welsh Water makes no objection to the application, however requests the inclusion of an Informative on any Planning Permission decision notice so issued. This is included in the recommendation set out below
- 5.7 The consultation responses can be viewed on the Council's website by using the following link:-
www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=113460
- Internet access is available at the Council's Customer Service Centres:-
www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

Introduction

- 6.1 The Local Planning Authority is extremely concerned regarding the condition of this Grade II listed building. It would not be an overstated point to say this frontage building is at risk, by virtue of its quite appalling state. It is emphasised that this situation is not the fault of the current owners or applicant.
- 6.2 The building needs a viable new sustaining use and in principle this scheme offers up a sound result, commensurate with the historic fabric.

Land Use and Location

- 6.3 The site is located in an established residential area within Leominster, adjoining other residential units to the North, South, and East. Furthermore the site is considered an edge of centre location, immediately adjacent to the defined town centre and 'Central Shopping and Commercial Area'. This is in principle a location where new residential development is directed as per national and local policies, and furthermore is considered a highly sustainable location for residential development. Residents hereabouts are likely to walk to the shops and facilities provided in Leominster from this location and have a lower dependency on using a private vehicle to go about many day to day activities.
- 6.4 New residential development in an existing residential area is in principle an acceptable land use. Consideration and regard are had to site specific characteristics including impact upon amenity, privacy, character, and highway issues. The third party representations summarised above seek clarification on, and mitigation against reasonable concerns the proposal could generate on this area and existing residential amenity.
- 6.5 The current lawful use of the building is as one three bedroom house and one two bedroom flat. It is considered there is no significant impact upon adjoining residential and amenity from this proposal, creating a net gain of one residential unit, given the exiting situation. Furthermore no new openings are proposed in the external elevations to compromise privacy.
- 6.6 The concerns regarding fire protection and sound proofing from noise are dealt with under Building Regulations. The applicant has confirmed in regards fire, an interlinked smoke detection system will be installed in each flat, along with complete one hour fire separation between the proposed and existing neighbouring properties. All works will have to be carried out to the approval and compliance with The Building Regulations 2000 Document B Fire Safety. It is noted no such protection between the application building, No.43 and the adjoining properties NO.41 and No.45 Broad Street currently exists.
- 6.7 In regards concerns over noise, The Building Regulations 2010 Document E Resistance to the Passage of Sound covers this issue, and the works will have to comply with this. Furthermore, the proposed layouts have located 'quieter' residential rooms – bedrooms, kitchen, adjacent to the party wall separating the application building and No.41 Broad Street. The lounge areas of the proposed flats front onto Broad Street, which itself is a significant noise source given the volume of traffic movements, nearby fire station, and a main pedestrian route from a large public car park into the town centre.
- 6.8 In this regard UDP policies S1, S2, S3, DR1, DR2, DR4, H1, H13, H14, and H17 are satisfied.

Standard of Accommodation Provided

- 6.9 The proposed flats have a habitable space of 73 sq metres and 89 sq metres. The existing flat on the third floor has for comparison purposes, a habitable space of 89 sq metres. The proposed flats are considered to provide a good standard of accommodation comprising two bedrooms, bathroom, kitchen, and lounge. The layouts maximise the internal space, and advance quality of residential amenity through locating bedrooms at the rear away from the noisy Broad Street frontage.

- 6.10 The proposal will result in a significant upgrade and improvement of the buildings energy efficiency through exceeding the energy efficiency standards specified in The Building Regulations 2010 Document L1A Conservation of fuel and power in new dwellings. Other sustainable measures include installation of dual flush toilets, low capacity showers, and combination boilers.
- 6.11 Although not 'affordable' through legal agreement or condition, these units will be more affordable having regard to their size, form, and location.
- 6.12 In this regard UDP policies S1, S2, S3, DR1, DR2, DR4, H1, H13, H14, and H17 are satisfied

Heritage and Conservation

- 6.13 The Government's objectives regarding the historic environment are set out in Planning Policy Statement 5. It is recognised that intelligently managed change may be necessary to ensure and maintain an asset for the long term. As such wherever possible, it is desirable and preferred that such assets are put to a use which is both viable and consistent with the conservation of the asset.
- 6.14 The building as a whole was originally a large town storey house, with accommodation including eight bedrooms provided over its three storeys. The third storey has already been converted into a self contained two bedroom flat through Planning Permission DCNC2007/3061/F. The further subdivision of the building, resulting in three two bedroom flats is considered an acceptable and appropriate use.
- 6.15 The exterior of the building will be unaffected and it will still read as a single dwellinghouse, thus preserving its original character. Furthermore, the restoration and repair of the building – this combining significant external and interior works – will enhance the listed building and the setting of the adjacent listed buildings.
- 6.16 The internal works do not impinge upon the listed building in a detrimental manner and result in suitable subdivision of space. Partitions removed are of no historic value, and those inserted can be removed. The internal works are therefore reversible and acceptable as the character and special interest of this listed building is preserved.
- 6.17 In this regard UD Policies S1, S2, S7, DR1, DR2, DR4, H17, HBA1, HBA3, and HBA4 are satisfied and complied with.

Highways

- 6.18 The site has pedestrian access to the ground floor flat directly from Broad Street, whilst the first floor flat, and existing second floor flat are accessed from the rear and served by an internal staircase formed within an existing internal passageway. Vehicular access and parking which serves all three flats is located off Vicarage Street, which runs in a North Easterly direction behind the buildings fronting Broad Street.
- 6.19 A condition ensuring the retention of one garage per flat is recommended in order that adequate parking in conjunction with the proposal exists. The garages are required by this condition to be solely for the storage and garaging of motor vehicles/ bicycles and use as ancillary residential accommodation is prevented. Given the town centre proximity location one parking space per unit is considered adequate. Visitors have the benefit of parking being provided in the Broad Street public car park located immediately opposite.
- 6.20 The third party representations regarding the parking and access rights are a civil matter. Notwithstanding that, a constructive dialogue between the applicant and concerned residents

has occurred on this issue. As a result, it is proposed that appropriate directional signage will be erected. The appropriateness of such signage and demarcation would be controlled by a condition. Furthermore the applicant proposes a clause in any tenancy agreement that any tenant and/ or their visitors of whom they have responsibility that continually fail to comply with the parking regulations will be refused renewal of their tenancy. It is stressed this would be an agreement and contract outside Planning's jurisdiction; however such an approach is advanced by the applicant and supported by the concerned third parties.

6.21 In this regard, UDP policies DR3, H13, H17 and T8 are satisfied.

Sewerage/Flooding

6.22 The application is located within Flood Zone 2 and 3, as defined on the Environment Agency's flood zone mapping, however is on the extreme edge of this defined area. Nevertheless a Flood Risk Assessment has been completed. The first floor flat is above the flood risk level, and in regards the ground floor flat measures to reduce the impact of any flood event include all electrical outlets to be positioned 450mm above finished floor level, and existing external door to be sealed against water egress. It is agreed and accepted that the raising of the ground floor levels would undermine the character of the listed building.

6.23 Given all of the above, and the fact the existing lawful use of the building includes a three bedroom dwelling utilising the ground floor area, suitable mitigation measures are proposed and furthermore there is a negligible impact upon flood risk.

6.24 In the absence of any objection from Dwr Cymru/Welsh Water and their assertion, via the applicant that 'the property is not recorded as being at risk of internal flooding due to overloaded public sewers', it would appear third party concerns on this issue could be a result of inappropriate materials being disposed of via the sewerage system.

6.25 In this regard UDP policies S1, S2, S3, DR1, DR2, DR4, DR7, H13, H17, and CF2 are satisfied and complied with.

Conclusion

6.26 The proposal secures the restoration and refurbishment of an 'at risk' Grade II listed building, supplying additional units of accommodation to the county's housing mix in a viable and appropriate manner which is compliant with national and local planning policies.

6.27 The reasonable concerns of adjoining residents are either addressed through planning conditions recommended to the grant of planning permission, or through other legislation.

6.28 On the basis of all of the above representations and consideration of the planning application against national and local planning policies approval with conditions is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. F08 No conversion of garage to habitable accommodation**
- 4. F13 Restriction on separate sale**

- 5. H10 Parking - single house
- 6. H15 Turning and parking: change of use - commercial
- 7. I16 Restriction of hours during construction

INFORMATIVES:

- 1. N16 Welsh Water Informative

Approval of Listed Building Consent be granted subject to the following conditions:

- 1. D04 Details of window sections, eaves, verges and barge boards
- 2. D05 Details of external joinery finishes
- 3. D10 Specification of guttering and downpipes
- 4. Prior to commencement of this Listed Building Consent, a schedule of remaining doors, architraves, skirtings, fireplaces and old floor boards with details of their retention, protection and re-use shall be submitted to the LPA for its written approval, and the subsequent works shall proceed in accordance with the details agreed.

Reason: In order to safeguard the character and appearance of this Grade II listed building through the retention, protection, and appropriate re-use of The interior fittings which are a significant part of the special interest of the building

- 5. Prior to commencement of this Listed Building Consent, full written details and appropriate plans showing of the routes and external termini of mechanical, plumbing and electrical services shall be submitted to the LPA for its written approval, and the subsequent works shall proceed in accordance with the approved details.

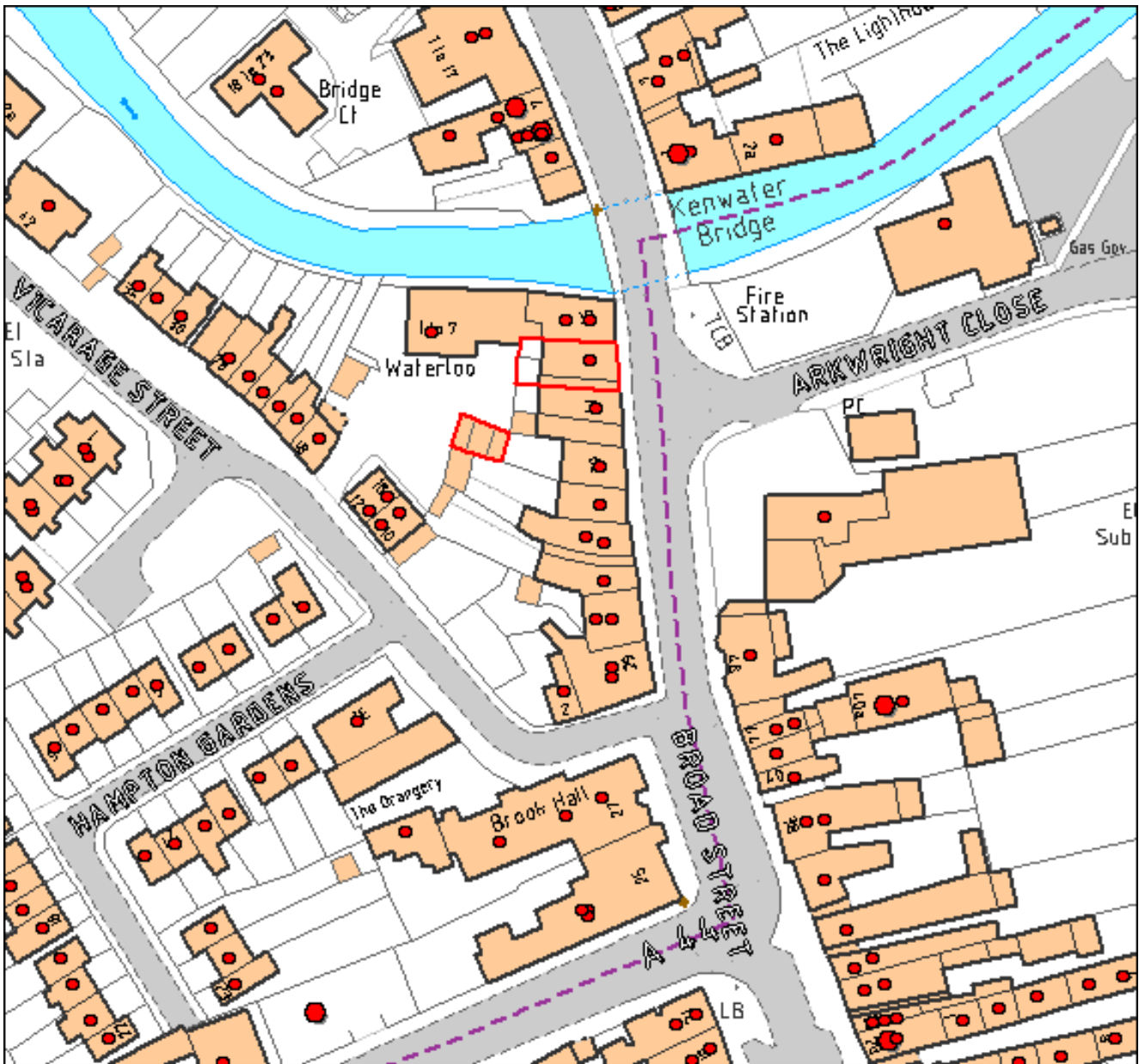
Reason: In order to safeguard the character and appearance of this Grade II listed building and the wider streetscene.

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: N113460/F & N113461/L

SITE ADDRESS : 43 BROAD STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DD

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