

**10 DCCE2004/4338/F - CONSTRUCTION OF 23 FLATS WITH 20 CAR PARKING SPACES, LAND ADJACENT TO JOHN VENN BUILDING, GAOL STREET, HEREFORD****For: Golding Stores Ltd, JBD Architects, Mortimer House, Holmer Road, Hereford, HR4 9TA****Date Received: 20th December, 2004    Ward: Central    Grid Ref: 51368, 39951****Expiry Date: 14th February 2005**

Local Member:    Councillor D. Fleet

**1. Site Description and Proposal**

- 1.1 The application site comprises a 0.08 hectare plot, currently used for car parking. It lies between Bath Street which forms the eastern boundary and Gaol Street to the west. The U-shaped John Haider Building (formerly known as the John Venn Building) is located immediately to the south of the site whilst the northern boundary is defined by public car parking and premises occupied by S.A. Evans (Funeral Directors).
- 1.2 The site is on the edge of the inner city area sandwiched between the Central Shopping Area and the Established Residential Area which lie to the west and east respectively. It occupies a prominent location within the Hereford City Centre Conservation Area and the Bath Street frontage covers the remains of the city ditch which together with the buried remains of the city wall running north and south across the centre of the site is designated as a Scheduled Ancient Monument.
- 1.3 A road improvement line exists along the Bath Street frontage that would allow for sufficient width for a dual carriageway to extend from Commercial Street through to Ledbury Road.
- 1.4 Planning permission is sought for the residential development of the site in the form of two separate blocks addressing the Bath Street and Gaol Street frontages. A total of 23 apartments are proposed (20 no. 2 bed units and 3 no. 1 bed units) within part 4/5 storey blocks. The block facing Bath Street would be raised on columns to allow ground floor parking and to permit public views of the remains of the city wall (an interpretation board and artisan designed railings form part of the proposals). The residential element of this block would be created within the first, second and third floor block with the fourth floor being contained within a set back penthouse arrangement.
- 1.5 The Gaol Street block would be set back at ground floor level with three floors of residential accommodation over. Both blocks are set in board from the John Haider Building. A total of 20 car parking spaces is proposed within the centrally located paved communal area with secure cycle parking and refuse storage provided.
- 1.6 A contemporary design approach would be adopted incorporating the use of sandstone, render and titanium zinc cladding. A particular feature are the large glazed panels used on the east elevations of both blocks facing Bath Street.

1.7 The application is accompanied by a design statement that includes an Archaeological Evaluation.

## 2. Policies

2.1 Planning Policy Guidance:

PPG1	-	Planning Policy Guidance
PPG3	-	Housing
PPG13	-	Transport
Circular 6/98	-	Planning and Affordable Housing

2.2 Hereford & Worcester County Structure Plan:

T12	-	Car parking
T15	-	Pedestrians and cyclists
CTC5	-	Archaeology
CTC9	-	Development requirements
CTC15	-	Conservation areas
CTC18	-	Development in urban areas

2.3 Hereford Local Plan:

ENV14	-	Design
ENV15	-	Access for all
H3	-	Design of new residential development
H6	-	Amenity open space in smaller schemes
H7	-	Communal open space
H8	-	Affordable housing
CON12	-	Conservation areas
CON13	-	Conservation areas – development proposals
CON14	-	Planning applications in conservation areas
CON18	-	Historic street pattern
CON19	-	Townscape
CON20	-	Skyline
CON35	-	Archaeological evaluation
CON36	-	Nationally important archaeological remains
CON37	-	Other sites of archaeological interest
T1A	-	Commercial Road/Ledbury Road link
T5	-	Car parking designated areas
T12	-	Cyclist provision

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S6	-	Transport
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
H1	-	Hereford and the Market Towns: Settlement boundaries and established residential areas
H9	-	Affordable housing

H13	-	Sustainable residential development
H14	-	Re-using previously developed land and Buildings
H15	-	Density
H16	-	Car parking
H19	-	Open space requirements
T6	-	Walking
T7	-	Cycling
T11	-	Parking provision
T12	-	Existing parking areas
T16	-	Access for all
HBA6	-	New development within conservation areas
ARCH1	-	Archaeological assessments and field evaluations
ARCH2	-	Foundation design and mitigation for urban sites
ARCH5	-	Scheduled ancient monuments
ARCH7	-	Hereford AAI
ARCH	-	Enhancement and improved access to archaeological sites

## 2.5 Supplementary Planning Guidance:

Provision of Affordable Housing

## 3. Planning History

- 3.1 HC940490PF - Change of use of private car park to car sales lot and provision of temporary building. Approved 9th January, 1995.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 English Heritage do not wish to make any representations and recommend that the case should be determined in accordance with Government guidance, Development Plan policies and with the benefit of conservation advice locally.
- 4.2 Welsh Water raises no objection subject to conditions ensuring foul and surface water are drained separately and to ensure that surface water or drainage run off is connected into the public sewerage system.

### Internal Council Advice

- 4.3 The Traffic Manager recommends that planning permission be refused since the proposal conflicts with a highways improvement line and also advises that the parking provision falls short of the required minimum.
- 4.4 The Conservation Manager raises no objection in principle but comments that the success of this scheme depends upon a high standard and quality of detail, materials and finishes. It is advised that the site is one of particular archaeological sensitivity but having regard to the evaluation undertaken no objection is raised subject to standard conditions relating to site investigation and submission of foundation design details.
- 4.5 The Chief Forward Planning Officer comments that whilst the proposal would contribute to the vitality and viability of the city centre, the main concern relates to the lack of provision for affordable housing.

- 4.6 Head of Strategic Housing Services requests provision of 35% affordable dwellings (8 in total) referring to the lower threshold of 15 dwellings identified in the Herefordshire Unitary Development Plan (Revised Deposit Draft).

## 5. Representations

- 5.1 Hereford City Council raise no objection in principle but have concern at the likelihood of increased traffic and in particular as a result of access and egress to and from the site.
- 5.2 One letter of objection has been received from M.R.P. Churchman, Property Controller of Dignity (on behalf of S.A. Evans, Funeral Directors) raising the following concerns:
- proximity to our property and significant loss of light
  - no elevations should overlook our property due to the sensitive nature of our business
  - parking provision appears to be on the light side
  - conditions should be imposed in respect of working hours and noise levels during the construction period.
- 5.3 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officers Appraisal

- 6.1 The key issues for consideration in the determination of this application are as follows:
- (a) the principle of residential development;
  - (b) the impact upon the character and appearance of the Conservation Area;
  - (c) implications for the Scheduled Ancient Monument (city defences);
  - (d) provision of affordable housing;
  - (e) highways, parking and access issues; and
  - (f) the impact upon the amenities of neighbouring occupiers.

### Principle of Residential Development

- 6.2 The site lies within the settlement boundary for Hereford located on white land adjacent to the Central Shopping Area and an Established Residential Area and as such proposals for residential development would broadly accord with Policy H23 of the Hereford Local Plan, subject to compliance with more detailed policy criteria. The scheme as proposed incorporates a total of 23 units of accommodation (20 two bed units and 3 one bed units) on a relatively small site and represents a highly efficient re-use that would be supported by PPG3, which encourages a greater intensity of development in sustainable city centre locations with good public transport accessibility. Policy H15 of the emerging Unitary Development Plan indicates that sites in Hereford should achieve a density of at least 50 dwellings per hectare and the proposal is certainly consistent with this and the density achieved within the John Haider Building.
- 6.3 In terms of other matters of principle it is acknowledged that the site is constrained by a long standing road improvement line between Commercial Road and Ledbury Road and that this is identified in the Local Plan. However in line with fundamental changes in Government guidance the improvement line is not protected by UDP policy and since there are no specific design proposals for a link road scheme or plans relating to

an alternative sustainable transport project for this site it is not considered that significant weight can be afforded to this issue. It is advised that the development of this particular site would not be viable if the old road improvement line were preserved.

- 6.4 The site is not specifically allocated for any purpose in the Local Plan but its present use as a private car park is a relevant consideration is as much as Government guidance and emerging UDP Policy T12 would actively encourage the redevelopment of the car park for alternative beneficial use.
- 6.5 In light of the above it is suggested that there would be no grounds for objecting to the principle of residential development on the application site, subject to compliance with detailed policy requirements which are set out below.

#### Impact on the Conservation Area

- 6.6 The existing site is considered to detract from the general character and appearance of the locality, which is characterised by a rather non-descript openness dominated by surface car parking. It is recognised that the site occupies a very important and highly prominent location on the edge of the city centre and that its redevelopment therefore offers an opportunity to considerably enhance the townscape.
- 6.7 A contemporary design solution has been submitted, which incorporates high quality materials (dressed sandstone, coloured render, tinted glazing and titanium zinc). The scale of the proposed development has been informed by the John Haider Building, which although unlisted represents a locally important landmark building. The proposed development would in effect incorporate a maximum of 5 storeys of accommodation within two blocks addressing both street frontages but despite the number of storeys, the overall massing of the building would be limited by the combined open/set back nature of the ground floor and the in-board setting of the top storey on the Bath Street block.
- 6.8 The subservient positioning of eaves lines and fenestration is such that the individual blocks would not appear overly dominant when viewed in conjunction with the John Haider Building and the introduction of the centrally positioned glazed elements on the Bath Street and internal courtyard elevations provides both an architectural statement and a vertical emphasis that would generally serve to reduce the perceived bulk of the building.
- 6.9 In longer distance views from Commercial Road, the rather unsightly end elevations and communal stairs serving the John Haider Building would be removed with the zinc cladding serving to break up the end elevations of the proposed blocks. Furthermore the erection of high quality 'artisan designed' railings along the principal Bath Street frontage would through careful control over detailing introduce a further enhancement to the site and surroundings.
- 6.10 It is suggested that the site offers an opportunity for a high quality contemporary development to lift the character and appearance of the locality and it should be noted that the scheme is supported by the Conservation Manager and that no objections have been received from English Heritage who advise that a well executed scheme could have a considerable benefit to this rather fragmented part of the city centre fringe.

Scheduled Ancient Monument

- 6.11 The site has significant archaeological value in view of its location within the Area of Archaeological Importance and since the eastern part forms part of the Scheduled buried remains of the city defences.
- 6.12 A detailed archaeological evaluation has been undertaken by the applicant indicating the presence of a substantial thickness of rampart material at a depth of approximately 0.8 metres with the most sensitive archaeological deposits being apparent in the western half of the site, whilst the eastern half has been extensively developed during the Victorian period leading to a conclusion that archaeological deposits here will have been destroyed up to the edge of the city ditch.
- 6.13 The proposal incorporates the provision of an archaeological interpretation board on the Bath Street frontage which will improve public perception of the line of the city defences and it is also advised that Scheduled Ancient Monument Consent has been granted subject to strict adherence to conditions that would incidentally be covered by the standard archaeological conditions proposed in the recommendation below.
- 6.14 The evaluation and findings have been considered by the Conservation Manager who raises no objection to the permanent development of the site subject to the submission of a detailed programme of archaeological work and foundation design.

Affordable Housing

- 6.15 Government guidance contained in PPG3 and Circular 6/98 provides information in relation to the provision of affordable housing Circular advice states that affordable housing should be sought on suitable sites for development in excess of 25 units or on sites of 1 hectare or more. Neither threshold is triggered by this proposal.
- 6.16 Policy H8 of the Hereford Local Plan does not prescribe any form of threshold. Set against this adopted policy, Policy H9 of the emerging UDP seeks to impose a lower threshold limit of 15 units and above. It is advised that this policy can only be accorded limited weight and should not be used to judge the current application since the advice in Circular 6/98 is clear that the local planning authority can only seek affordable housing at lower thresholds than that set out in guidance when that threshold has been the subject of a development plan process.
- 6.17 Furthermore, the proposal represents a particularly high quality design and a very efficient use of the land that would be seriously compromised by the provision of affordable housing within the scheme. It is worth noting at this stage that a proposal for 4 dwellings on the site would satisfy the density requirements of PPG3 and clearly this would not trigger any affordable provision. Neither would it constitute an efficient use of land. In the context of the above, it is advised that affordable housing provision is not a realistic option and should not be sought in relation to this particular proposal.

Highways, Parking and Access

- 6.18 The relevance of the existing road improvement line has been considered earlier in the appraisal and as such this section will deal more specifically with the issue of access and parking provision. The City Council has identified concerns in relation to increases in traffic to the site and the Traffic Manager suggests that parking provision falls short of the required minimum spaces for this location.

- 6.19 The proposal limits access to one point from Gaol Street and since the development will result in significant loss of existing parking spaces it is maintained that the level of traffic using the local road network will decrease. The specification of the access in terms of visibility meets identified standards, leaving the proposed number of spaces provided on site as the only outstanding issue.
- 6.20 The applicant considers that the proposed 20 spaces in addition to the provision of secure cycle parking and easy pedestrian access to public transport and other services is adequate. It is suggested that the 20 spaces will be designated to the equivalent number of two bedroomed units whilst the one bedroomed ground floor units in the Gaol Street block could make use of the immediately adjacent public car parks if necessary. It has been made clear in negotiations that the increase in the number of parking spaces or a reduction in the number of units in order to meet the Traffic Manager's requirement of one space per unit would compromise the viability of the scheme.
- 6.21 In seeking to balance the lower and upper thresholds for parking provision outlined in Government guidance and emerging policies it is advised that this particular scheme strikes an acceptable balance that would not result in unacceptable nuisance parking or a reduction in highway safety in the locality.

#### Neighbouring Amenity

- 6.22 Immediately to the north of the Gaol Street block is the two storey premises of a well established funeral directors. The property has two windows in the side elevation which serve a reception and waiting area. The existing building is currently surrounded on all sides by surface car parking and as such the introduction of the proposed four storey block will result in a loss of daylight into the windows identified above. However it is considered that the greater benefits attributable to the successful development of the application site would outweigh these concerns and as such the loss of daylight to this commercial premises which stands somewhat isolated and out of keeping with the locality is not considered in its own right to warrant the refusal of planning permission.
- 6.23 The John Haider Building and its residents would not be materially affected by the proposal in view of the relative orientation and juxtaposition of the two buildings. The open courtyard of proposed layout is such that daylight will still be available to the communal stairway of the John Haider Building and furthermore habitable rooms within the existing building face outwards and will not be affected.
- 6.24 Conditions ensuring no windows are installed in the north facing elevations of the Gaol Street block and restricting hours of construction are proposed in order to address identified concerns.

#### **RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

- 1 A01 (Time limit for commencement (full permission) )**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

- 2 B01 (Samples of external materials )**

**Reason: To ensure that the materials harmonise with the surroundings.**

- 3 Notwithstanding the approved drawings, details of the following shall be submitted to and approved in writing by the local planning authority prior to the commencement of development:**

- (a) specification of the 'artisan designed' railings to the Bath Street frontage;**
- (b) detailed specification relating to the tinting of the glazed screen walls and windows serving the residential units hereby approved;**
- (c) the position and design of the archaeological interpretation board;**
- (d) details of rainwater goods and their positions.**

**Reason: To ensure a satisfactory appearance upon completion of the development**

- 4 D01 (Site investigation - archaeology )**

**Reason: To ensure the archaeological interest of the site is recorded.**

- 5 D04 (Submission of foundation design )**

**Reason: The development affects a site on which archaeologically significant remains survive. A design solution is sought to minimise archaeological disturbance through a sympathetic foundation design.**

- 6 E18 (No new windows in specified elevation )**

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

- 7 F16 (Restriction of hours during construction )**

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

- 8 Foul and surface water discharges must be drained separately from the site and no surface water or land drainage run off shall be permitted (whether directly or indirectly) to discharge into the public sewerage system.**

**Reason: To protect the integrity of the public sewerage system and prevent hydraulic overloading in the interests of health and safety of existing residents and the wider environment.**

- 9 G13 (Landscape design proposals )**

**Reason: In the interests of visual amenity.**

- 10 G15 (Landscaping implementation )**

**Reason: To ensure the site is satisfactorily landscaped.**

- 11 H07 (Single access - outline consent )**

**Reason: To ensure the safe and free flow of traffic using the adjoining highway.**

- 12 H13 (Access, turning area and parking )**



**Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.**

**13 H21 (Wheel washing )**

**Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.**

**14 H27 (Parking for site operatives )**

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

**15 The cycle parking areas identified on the approved plans shall be installed prior to the occupation of any residential units on hte site and retained thereafter.**

**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.**

**INFORMATIVES:**

- 1 N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 2 ND01 - Scheduled Monument Consent**
- 3 ND02 - Area of Archaeological Importance**
- 4 ND03 - Contact Address**
- 5 HN01 - Mud on highway**
- 6 HN05 - Works within the highway**
- 7 N01 - Access for all**
- 8 N03 - Adjoining property rights**
- 9 N07 - Housing Standards**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.