

**6 DCCW2005/4047/F - PROPOSED 3-STOREY RESIDENTIAL UNIT COMPRISING OF 15 NO. FLATS AT 22-28 FRIARS STREET, HEREFORD, HR4 0AS****For: Mr. R.M. Sosna per Trevor Hewett Architects, 25 Castle Street, Hereford, HR1 2NW****Date Received: 12th December, 2005    Ward: St. Nicholas    Grid Ref: 50611, 39954****Expiry Date: 6th February, 2006****BVPI Expiry Date 13th March, 2006**

Local Members: Councillors Mrs. E.M. Bew and Miss F. Short

**1. Site Description and Proposal**

- 1.1 22-28 Friars Street, Hereford is located on the western side of Friars Street immediately north of Watkins Court and presently comprises three two storey houses together with a former car repair workshop. The site is rectangular and has a frontage onto Friars Street of 30.8 metres and a depth of 25 metres. The site lies outside the designated Conservation Area.
- 1.2 The proposal is to demolish all of the buildings on site and replace with 15 two bed apartments within a development of three storey height fronting Friars Street. Eight parking spaces and secure cycle storage would be provided to the rear. Materials proposed are a mixture of render, red cedar and brick with Rivendale slates for the roof. A gated entrance to the parking area and access to the apartments is proposed through the development. The design is contemporary in approach with the third storey located partly within the roof of the building.
- 1.3 A Flood Risk Assessment was submitted with the application and Heads of Terms relating to the recommended Section 106 Agreement are attached as an appendix to this report.

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

PPS1	-	Delivering Sustainable Development
PPG3	-	Housing
PPS6	-	Planning for Town Centres
PPG13	-	Transport
PPG15	-	Planning and the Historic Environment
PPG16	-	Archaeology and Planning
PPG25	-	Development and Flood Risk

**2.2 Hereford and Worcester County Structure Plan:**

Policy H14	-	Location of Growth
Policy CTC5	-	Archaeology
Policy CTC6	-	Conservation Areas

Policy CTC9	-	Development Requirements
Policy CTC15	-	Conservation Areas
Policy CTC18	-	Development in Urban Areas

### 2.3 Hereford Local Plan:

Policy H3	-	Design of New Residential Development
Policy CON12	-	Conservation Areas
Policy CON13	-	Conservation Areas – Development Proposals
Policy CON14	-	Planning Applications in Conservation Areas
Policy CON35	-	Archaeological Evaluation
Policy CON36	-	Nationally Important Archaeological Remains
Policy CON37	-	Other Sites of Archaeological Interest

### 2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy H1	-	Hereford and the Market Towns
Policy H2	-	Hereford and the Market Towns
Policy H3	-	Managing the Release of Housing Land
Policy H13	-	Sustainable Residential Development
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking
Policy E5	-	Safeguarding Employment Land and Buildings
Policy TCR1	-	Central Shopping and Commercial Areas
Policy TCR2	-	Vitality and Viability
Policy T5	-	Cycling
Policy T11	-	Parking Provision
Policy HBA6	-	New Development in 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 DCCW2005/1799/F Proposed three storey residential unit comprising of 15 no. flats. Withdrawn 13th July, 2005.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Welsh Water: Raise no objection subject to appropriate conditions.
- 4.2 Environment Agency: Comments awaited.

### Internal Council Advice

- 4.3 Traffic Manager: Recommends conditions.
- 4.4 Drainage Engineer: "I refer to the above applications and in particular to the Flood Risk Assessment dated 8th December 2005 prepared by Mr. W.J. Burton on behalf of the respective architects.

Paragraphs 2.4, 2.5, 2.6 and 2.7 of the FRA refer in part to a report/statement which I prepared initially to assist Mr. Burton in his original contact with the Environment Agency in the hope that a full FRA would not be necessary.

The report/statement to the EA is reproduced below:

*'Historically the Yazor Brook flowed through Whitecross, via a siphon beneath the disused railway line and then under Friars Street in culvert to the River Wye. In 1960 a relief surface water sewer was constructed upstream of the siphon thus taking the majority of flows directly to the river. This resulted in reducing flows through the siphon and the Friars Street culvert to 'overflow' rates only.*

*Available records show that the replacement surface water sewer is 42" in diameter and laid to an approximate gradient of 1:250 giving a theoretical capacity of 2cu.m/sec. As the capacity of the new chamber at the siphon is 3cu.m/sec this gives a theoretical overflow of 1cu.m/sec however this is unlikely to be achieved due to conditions within the siphon. Furthermore it was reported that there was insufficient capacity between the siphon and the Friars Street culvert to facilitate a discharge of 1cu.m/sec.*

*Herefordshire Council has no record of Friars Street or the surrounding area being affected by flood water from the Yazor 'overflow' and as the discharge rates are so low the watercourse has not been designated as critical within the Environment Agency's guidance on high level targets.*

*Other than perhaps some localised ponding it is difficult to see how Friars Street could be threatened by any serious flooding.'*

Based on my assessment of the situation I would suggest that the Flood Risk Assessment as prepared in support of the above applications is accepted."

## **5. Representations**

5.1 Hereford City Council: "Hereford City Council has considered this application and has no objection to the concept but has concern at the lack of on-site car parking provision."

5.2 Five letters of objection have been received from:

F.H. & E. Billingham, 11 Watkins Court, Old Mill Close, off Friars Street, Hereford.  
K. Chambers, Resident Manager, Watkins Court, Old Mill Close, Hereford.  
K. Kalyanimenon, 37 Watkins Court, Old Mill Close, Hereford.  
E. & L. Brown, 16 Watkins Court, Old Mill Close, Hereford.  
St. Nicholas Community Association, 6 Bedford Street, Hereford.

5.3 The main points raised are:

1. The site is too confined to cater for the development proposed.
2. The development will mean light restriction to kitchen area, lounge and bedrooms to occupants of 10, 20 and 30 Watkins Court.
3. Friars Street is very narrow and is already heavily trafficked.
4. Access through the archway could be a danger to traffic/pedestrians.

5. The proposal should be restricted to two storey as three storey is totally out of character to the surrounding area.
6. The building should be set back in line with Watkins Court.
7. The plan of the development should be reversed so that the stairwell is on the northern boundary.
8. Boundary treatment should be specified and include a brick wall enclosure to a height of 2.5 metres.
9. Parking provision should be appropriate to the number of apartments.

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 main issues relating to the proposal are:

- 1) The principle of developing the site.
- 2) Impact on adjoining residents and design.
- 3) Highways considerations
- 4) Design and street scene.
- 5) Flood risk.
- 6) Developer contributions.

### The Principle of Developing the Site

- 6.2 The site is contained within the urban area of Hereford City where policies support the regeneration and development of brownfield sites. The existing buildings on site are not considered worthy of retention and re-development is therefore considered acceptable in principle.
- 6.3 Hereford City Council's concerns in relation to density are noted but are not considered to be sustainable given the requirements of PPG3 to obtain improved density in city centre locations.

### Impact on Adjoining Residents

- 6.4 Since submissions of the application the scheme has been amended to cater for comments received from the Resident Manager at Watkins Court and the request to 'hand the building'. This has resulted in the stair tower being moved to the opposite boundary to Watkins Court and reduces the scale of the built form on the southern boundary. Objections to the site being developed with three storeys are not considered sustainable in view of the general scale of development that has occurred in the vicinity. It should also be noted that this site is to the north of Watkins Court and will therefore not restrict sunlight to that development.

### Design and Street Scene Impact

- 6.5 Watkins Court, which adjoins this site is predominantly three storeys and therefore the general scale of this proposal, which utilises elements of the roof space is also

considered acceptable and would complement the re-development that has already taken place in the area.

- 6.6 The contemporary design will also complement the street scene with a mixture of traditional materials including red brick, red cedar boarding under a Riverdale slate roof with kerne coated stainless steel dormers and recessed channels. The frontage will give the appearance of separate entrances, however all access, both pedestrian and vehicular will be through the gated entrance providing a safe and secure environment for the future occupants.

#### Highway Considerations

- 6.7 A reasonable footpath already exists at the frontage of the site and this will be consolidated with a new 1.8 metre wide footpath to link into footpaths either side. The Traffic Manager is also satisfied that the scheme is acceptable with the reduced parking provision together with cycle storage facilities in view of its city centre location. The access will have a pedestrian priority with dropped kerbs.

#### Flood Risk

- 6.8 The application includes a Flood Risk Assessment, the conclusions of which confirm that the site is not liable to flood during a 1 in 100 year event but recommend that ground floor levels are set 300mm above street level which will further enhance the natural standard of protection. The Council's Land Drainage Officer has assessed the Flood Risk Assessment and concurs with its findings and therefore subject to no adverse comments from the Environment Agency it is recommended that the proposal is acceptable on flood risk grounds.

#### Developer Contribution

- 6.9 The developer is proposing a contribution of £10,000 towards identified educational needs at the adjoining Lord Scudamore School.

### **RECOMMENDATION**

- 1) **The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of The Town and Country Planning Act 1990 to (set out heads of agreement) and any additional matters and terms as she considers appropriate.**
- 2) **Upon completion of the aforementioned obligation that the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission 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. **A06 (Development in accordance with approved plans).**  
**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.**

3. B01 (Samples of external materials).

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

4. D03 (Site observation – archaeology).

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

5. F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

6. F22 (No surface water to public sewer).

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

7. F48 (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.

8. G01 (Details of boundary treatments).

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

9. G04 (Landscaping scheme (general)).

Reason: In order to protect the visual amenities of the area.

10. G05 (Implementation of landscaping scheme (general)).

Reason: In order to protect the visual amenities of the area.

11. H05 (Access gates).

Reason: In the interests of highway safety.

12. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

13. H08 (Access closure).

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

14. H21 (Wheel washing).

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

- 15. H22 (Opening windows adjacent to the highway).

Reason: In the interests of highway safety.

- 16. H27 (Parking for site operatives).

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

- 17. H29 (Secure 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.

- 18. Footway to be minimum 2 metres width fronting the development.

Reason: In the interest of pedestrian safety.

- 19. Access to be in the form of dropped crossing, not radiused kerbs, to give pedestrian priority.

Reason: In the interest of pedestrian safety.

**Informatives:**

- 1. HN01 - Mud on highway.
- 2. HN04 - Private apparatus within highway.
- 3. HN05 - Works within the highway.
- 4. HN10 - No drainage to discharge to highway.
- 5. N02 - Section 106 Obligation.
- 6. N15 - Reason(s) for the Grant of PP.

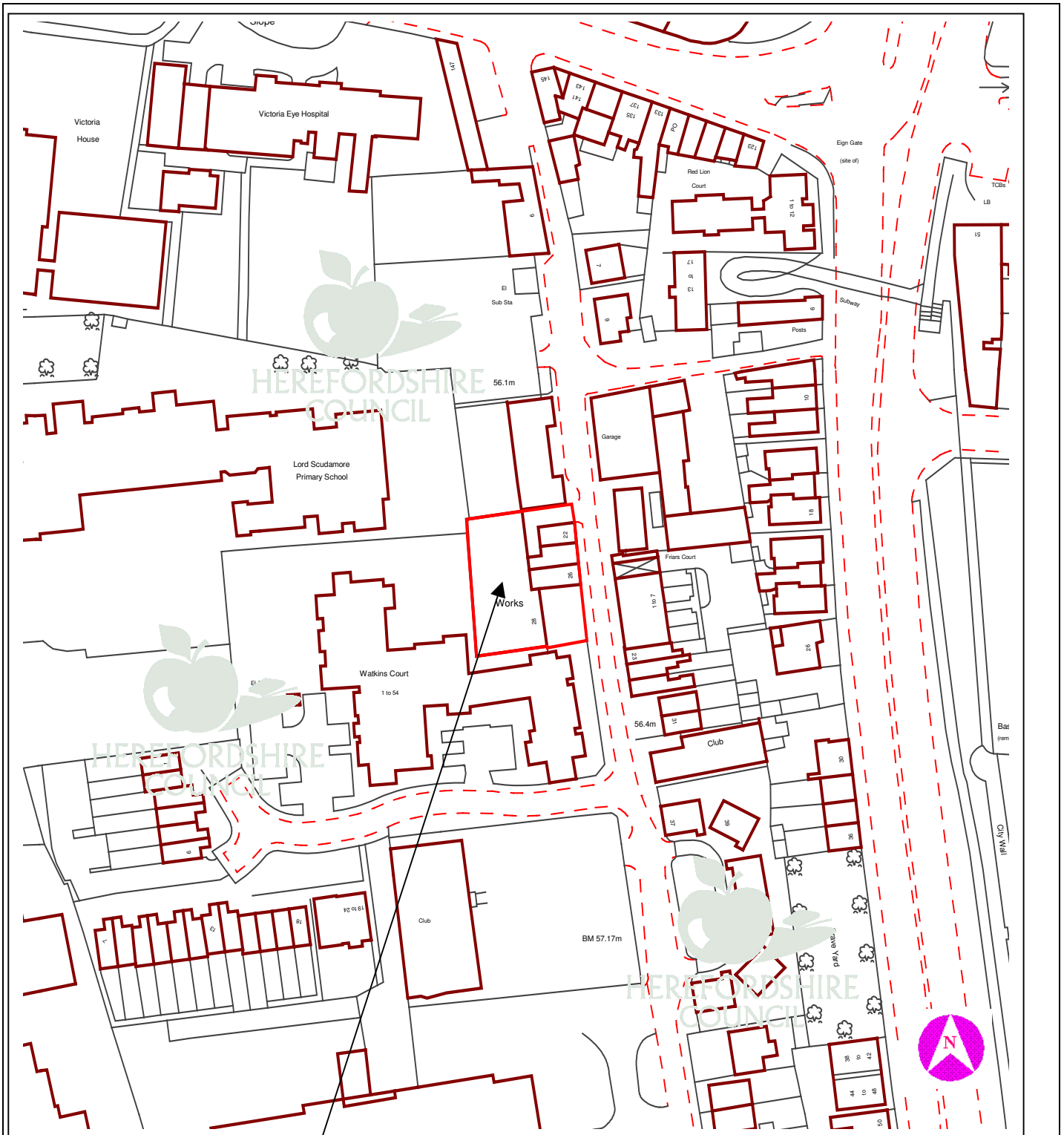
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2005/4047/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 22-28 Friars Street, Hereford, HR4 0AS

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## **APPENDIX**

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

**Planning Application – CW2005/2005/4047/F  
Residential development for 15 two bedroom flats  
At 22-28 Friars Street, Hereford.**

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £10,000 to provide education facilities and improvements at Lord Scudamore Primary School, Hereford which sum shall be paid on or before the commencement of development.
2. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purposes specified in the Agreement within 5 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.
3. 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.
4. The developer shall complete the Agreement by 13th March 2006 otherwise the application will be registered as deemed refused

K.Bishop January 2006