

11A DCCE2006/1158/F - DEMOLITION OF REAR TWO STOREY EXTENSIONS AND CONSTRUCTION OF NEW EXTENSION TO PROVIDE LIVING ACCOMMODATION FOR 38 KEY WORKERS AND EXTENSION TO PUBLIC HOUSE. 57-59 COMMERCIAL ROAD, HEREFORD, HEREFORDSHIRE, HR1 2BP

For: Regimental Inns Ltd, Hook Mason Ltd, 11 Castle Street, Hereford, HR1 2NL

11B DCCE2006/1159/C - DEMOLITION OF REAR TWO STOREY EXTENSIONS FORMING ANCILLARY ACCOMMODATION TO THE EXISTING PUBLIC HOUSE PREMISES 57-59 COMMERCIAL ROAD, HEREFORD, HEREFORDSHIRE, HR1 2BP

For: Regimental Inns Ltd, Hook Mason Ltd, 11 Castle Street, Hereford, HR1 2NL

Date Received: 10th April, 2006 Ward: Central Grid Ref: 51380, 40197
Expiry Date: 5th June, 2006
BVPI Expiry Date: 10th July, 2006
Local Member: Councillor D.J. Fleet

1. Site Description and Proposal

- 1.1 The site is located on the southern side of Commercial Road approximately 50 metres south west of the junction with Union Walk. Neighbouring the site to the north east is Wetherspoon's Public House, south west is the Litten Tree Public House above which are 10 flats. To the rear of the site is a mixture of commercial uses including a second hand car sales area and offices along with semi-detached properties. A two storey brick and slated pitched roof building fronts onto Commercial Road with vehicular access obtained through an archway to the rear of the site. To the rear of the original public house are a series of two storey pitched roof extensions constructed predominantly from brick which extend out towards the rear of the site. The majority of the ground floor of the premises is currently used as a public house known as The Hop Pole the first floor being used as staff accommodation. To the rear of the site lies a small beer garden with a parking area for around 5 cars.
- 1.2 The site lies within Hereford City Conservation Area, the Central Shopping and Commercial Area and the frontage is designated as Secondary Shopping Frontage as identified in the Herefordshire Unitary Development Plan (Revised Deposit Draft). The site also falls within an Area of Archaeological Importance.

- 1.3 This report covers two applications. Firstly, Conservation Area Consent is sought to demolish the two storey extensions to the rear of the original building fronting Commercial Road. Secondly, full planning permission is sought for the construction of a new three and four storey development above and to the rear of the existing public house. The proposal comprises residential accommodation similar in form to Halls of Residence. This being clusters of en-suite bedrooms with a communal kitchen and living area and central circulation space comprising pods of accommodation totalling 38 bedrooms with a small communal outdoor amenity area. The existing parking area to the rear of the site is to be retained with parking available for 4 cars along with a turning area large enough for small service vehicles. The parking will be for the use of employees associated with the public house, the new residential accommodation being car free and specifically designed to provide accommodation for student nurses and clinical staff at the hospital but potentially available for teachers, police officers, fire officers, social workers, prison and probation staff.

2. Policies

2.1 Hereford Local Plan:

ENV14	-	Design
ENV15	-	Access for all
H3	-	Design of new residential development
H6	-	Amenity open space provision in smaller scheme
H7	-	Communal open space
H8	-	Affordable housing
H12	-	Established residential areas – character and amenity
H13	-	Established residential areas – loss of features
H14	-	Established residential areas - site factors
H22	-	Existing non-residential uses
H23	-	City Centre residential accommodation
CON11	-	Use of period materials
CON12	-	Conservation areas
CON13	-	Conservation areas – development proposals
CON14	-	Planning applications in conservation areas
CON16	-	Conservation area consent
CON18	-	Historic street pattern
CON19	-	Townscape
CON20	-	Skyline
CON35	-	Archaeological evaluation
T11	-	Pedestrian provision
T12	-	Cyclist provision

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S7	-	Natural and historic heritage
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR13	-	Noise

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
H19	-	Open space requirements
T6	-	Walking
T7	-	Cycling
HBA6	-	New development in conservation areas
HBA7	-	Demolition of unlisted buildings within conservation areas
ARCH1	-	Archaeological assessments and field evaluations
ARCH2	-	Foundation design and mitigation for urban sites
ARCH6	-	Recording of archaeological remains
ARCH7	-	Hereford AAI

3. Planning History

- 3.1 CE2001/0601/F - External alterations to front and side elevations, minor single storey first floor extension and the refurbishment and internal re-organisation of existing public house. Approved 10th May, 2001.
- 3.2 HC960374AI - Two externally illuminated O'Neills painted fascia signs, 1 externally illuminated projected sign, 1 internally illuminated projecting sign. Application undetermined.
- 3.3 HC960373PF - Alterations to front elevation and formation of beer garden to the rear of existing public house. Application undetermined.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No comment.
- 4.2 Welsh Water: No objection subject to conditions on foul and surface drainage.

Internal Council Advice

- 4.3 Traffic Manager: The application has some transport implications, given that there is no car parking proposed for the key workers, and only 4 car park spaces for the public house. The proposal would meet guidelines for a car free development as the site is close to the city centre services, hospital, retail shops, bus station and railway station. There are excellent public transport and pedestrian cycle links from the site to employment, commercial and recreational trip generators nearby. It is relevant that in Hereford, 27.8% of households have no access to a car or van (2001 Census) and only 51% of residents actually drive to work. Ownership of motor vehicles is lowest amongst single, young people, who would be the most likely occupants of the development. I have no objections subject to conditions in particular requiring additional cycle storage on site.

- 4.4 Conservation Manager - Archaeology: An archaeological evaluation of the site has now been completed and indicates the presence of archaeological remains on site. These remains however, whilst certainly significant, are not exceptional in their importance. Accordingly I have no objection to the development as proposed subject to acceptable archaeological mitigation being secured by a suitable archaeological condition.
- 4.5 Conservation Manager - Ecology: No objections subject to an informative note suggesting the applicants undertake a watching brief for the presence of bats and nesting birds during the demolition stage.
- 4.6 Conservation Manager: The buildings to the rear are not of any particular architectural merit and therefore their demolition is considered acceptable. The proposed new design follows the historic burgage plot style of development with a number of buildings of differing heights, which would be in keeping with the character of development within the Conservation Area. The design is restrained and not particularly exciting however given that this is an area of backland development this would be acceptable. The most important aspect of this scheme would therefore appear to be the choice of materials such as the brick and in particular the slates so that the building sits comfortably within the surrounding Conservation Area. The proposal is considered acceptable.
- 4.7 Environmental Health and Trading Standards Manager: Comments awaited on revised acoustic report.
- 4.8 Strategic Housing Manager: The definition of key workers listed within the application is based on national guidance and would not necessarily be seen by Strategic Housing as a key worker in the Herefordshire area, requiring affordable housing. Studies undertaken by the Housing Market Research Officer indicates that there is no evidence to suggest that key workers as defined nationally are disadvantaged and unable to access the housing market without financial assistance and therefore there appears to be no local evidence/need data to support the application for the identified group for the provision of affordable housing. It is also considered that shared accommodation is outdated and self-contained units are more acceptable and flexible at meeting a range of long term housing needs. In addition to the above, as the application is for 38 units, Strategic Housing would seek a 35% element of affordable housing from the development.

5. Representations

- 5.1 Hereford City Council: No objection to this application but has concerns of the lack of rear emergency route from the site in a south easterly direction.
- 5.2 Conservation Advisory Panel: Concern at the communal areas and servicing of the area. Design quality of the link to the rest of the town.
- 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 more modern two storey extensions to the rear of the existing public house are of no architectural or historic merit and therefore there is no objection to their demolition.

The building of interest, namely the original public house and particularly the façade onto Commercial Road is to be retained and restored.

- 6.2 The site lies within the Conservation Area and is also within an Area of Archaeological Importance and therefore considerable care is required with any new development in this context. The new build element of the scheme has been designed to respect the scale and form of other buildings in the immediate locality surrounding the site. Immediately to the south is the imposing former mill building now used as the Litten Tree Public House at ground floor with residential accommodation above. This building provides the backdrop for the new development when viewed from Commercial Road. The scale and particularly the height has been specifically designed to be subservient to this building in order to create a gradual height increase from the two storey Wetherspoon's Public House building. The effect of which is that the new development will, with the exception of the pitched slated roof, not be prominent or even particularly visible from wider vantage points. The mass has also been diluted by breaking up the roof line and varying the width in order to break up the side elevations. Additional details such as large glazed full height panels and hardwood timber cladding will also assist in softening the impact of the predominantly brick elevations. Overall, it is considered that the scale, form, design and materials proposed for the development will harmonise sympathetically into the immediate context and the wider Conservation Area.
- 6.3 The proposal is to provide accommodation for what is described as key workers, the accommodation being primarily targeted at student nurses and other NHS clinical staff at the hospital but also being available for teachers, police officers, fire officers, social workers and prison and probation staff. Rather than self-contained units, the form of accommodation is akin to student halls of residence. Namely, clusters or pods of between 3 and 8 en-suite bedrooms centred around a communal circulation space with a shared kitchen and living room. The scheme comprising a total of 8 pods of accommodation. No proposal of this nature has come forward within Herefordshire previously but the applicants have undertaken their own market research including discussions with the hospital and colleges. This has revealed that there is a current shortage of student type accommodation within the city. For example, much of the former student nurses accommodation within the hospital grounds either no longer exists or is now being used as offices or other non-residential uses.
- 6.4 The type of accommodation proposed has generated an objection from Strategic Housing as it does not comply with the Council's definition of affordable housing neither has a specific need for this type of accommodation been proven through normal measures such as housing need surveys. This type of accommodation is unique for Herefordshire and therefore it is not surprising that no reference to this type of accommodation is made within the relevant development plan policies or Supplementary Planning Guidance on affordable housing. However, it is considered that providing the occupation of the accommodation is tightly controlled by condition or legal agreement it offers the opportunity to provide affordable city centre accommodation for Herefordshire's primarily young, workforce. Furthermore, the scheme ultimately falls below the threshold for the provision of conventional affordable housing as a unit is defined as being self-contained and consequently only 8 pods of self-contained accommodation are proposed. The Unitary Development Plan threshold for provision of affordable housing is in fact 15 self-contained units.
- 6.5 The Environmental Health Manager has requested further information including a further acoustic report to fully assess the impact of local sources of noise on the

amenity of the occupants. They do not, however, object to the application in principle and it is likely that with appropriate construction techniques such as acoustic insulation and double glazing, the amenity of the occupants can be safeguarded. Four parking spaces are to be provided for employees and deliveries associated with the public house but the proposed residential accommodation is to be car free. This is considered acceptable given the city centre location of the site and the nature of the accommodation proposed. This view is supported by the Traffic Manager who raises no objection to the principle of the development being car free provided a contribution is made towards sustainable transport initiatives in the locality. Details of this contribution are appended to this report as Heads of Terms for the Section 106 Agreement. The scheme will also incorporate a communal garden area, which although small, will provide a useable outdoor space for the occupants to have barbecues and the like. Finally the Council's Archaeologist has confirmed that the trial digs that have been undertaken have revealed some archaeological remains but they are not so significant as to thwart the development and therefore a suitable archaeological condition requiring further evaluation to be undertaken is recommended.

- 6.6 The scheme would provide a unique opportunity for Herefordshire to provide low cost city centre accommodation whilst protecting and enhancing the character and appearance of the Conservation Area.

RECOMMENDATION

- 1. Subject to there being no objection from the Head of Environmental Health and Trading Standards by the end of the consultation period.**
- 2. The Legal Practice Manager will be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and incorporating any additional matters he considers appropriate.**
- 3. The planning obligation shall be completed by 5th July, 2006 and upon completion of the aforementioned planning obligation that officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers:**

CONDITIONS – CE2006/1158/F

- 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 D01 (Site investigation - archaeology)

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

5 Prior to the commencement of the development the applicant shall provide a Method Statement in order to minimise the amount of dust and dirt emanating from the site during the demolition and construction phases. The development should be carried out in accordance with the agreed Method Statement.

Reason: To safeguard the amenities of the locality.

6 During the demolition and construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following hours: Monday to Friday 8am to 6pm, Saturday 8am to 5.30pm nor at any time on Sundays, Bank or Public Holidays unless otherwise agreed in writing with the local planning authority.

Reason: To protect the amenity of local residents.

7 No materials or substances shall be incinerated within the application site.

Reason: To safeguard residential amenity and prevent pollution.

8 Development shall not begin until the applicant/agent has provided for the prior approval of the local planning authority a parking policy/plan identifying where all demolition and construction traffic associated with the development will be parked and how the parking will be managed. The parking shall be in accordance with the approved policy/plan.

Reason: To prevent indiscriminate parking in the interest of highway and pedestrian safety.

9 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.

10 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.

11 G01 (Details of boundary treatments)

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

12 Within 3 months of commencement of work on the construction of the new development details to include scale plans shall be provided of the proposed communal garden area which shall include details of all hard and soft landscaping proposed. The approved details shall be completed prior to first occupation of the development hereby permitted.

Reason: To ensure a reasonable standard of communal amenity space is available for future occupants of the development.

- 13 All windows and glazed areas on the south west elevation shall be glazed with obscure glass, details of which shall be submitted for the approval in writing of the local planning authority within 2 months of commencement of work on the construction of the new development. The glazing to be used shall be in accordance with the approved details.**

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

- 14 The accommodation hereby permitted shall be occupied as halls of residents (groups of up to 8 en-suite bedrooms arranged around communal living and circulation areas) and limited to a person or persons solely or mainly working, or last working, in the county of Herefordshire in one of the occupations listed below, or a widow or widower of such a person, and to any resident dependents.**

- 1. Nurses and other NHS clinical staff.**
- 2. Teachers in schools and in further education and Sixth Form Colleges.**
- 3. Police Officers.**
- 4. Prison and probation service staff.**
- 5. Social workers, educational psychologists and occupational therapists employed by local authorities.**
- 6. Whole time junior fire officers and retained firefighters (all grades).**

The development shall not be occupied in any other manner or for any other use including any other use within Class C1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

Reason: To ensure the accommodation remains affordable and available in perpetuity for occupation with the identified key workers.

- 15 Within 2 months of the commencement of the construction of the development hereby permitted, details shall be provided of the criteria to be used for determining the identity of prospective and successive occupiers of the accommodation and the means by which such occupancy shall be managed and enforced. A detailed record of occupancy shall be maintained and made available to the local planning authority for inspection upon reasonable request.**

Reason: To ensure the accommodation remains affordable and available in perpetuity for occupation by the identified key workers.

- 16 W01 (Foul/surface water drainage).**

Reason: To protect the integrity of the public sewerage system.

- 17 W02 (No surface water to connect to public system)**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

18 W03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

Informatives:

- 1 HN01 - Mud on highway**
- 2 HN04 - Private apparatus within highway**
- 3 HN05 - Works within the highway**
- 4 A watching brief should be kept during the works for the presence of bats as well as nesting birds. If found to be present during the work, operations should cease and an ecologist licenced by English Nature for bat surveys should be engaged to determine the species, populations and impact of the works together with mitigation and compensation. The presence of nesting birds should also be evaluated throughout the works and if revealed or potentially disturbed by the development the Herefordshire Council's Ecologist should be notified. Works should avoid disturbance to the nests, young, eggs, adults and nesting area.**
- 5 ND02 - Area of Archaeological Importance**
- 6 N15 - Reason(s) for the Grant of PP/LBC/CAC**

CONDITIONS – DCCE2006/1159/C**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.

4 Prior to the commencement of the development the applicant shall provide a Method Statement in order to minimise the amount of dust and dirt emanating from the site during demolition phase. The demolition shall be carried out in accordance with the agreed Method Statement.

Reason: To safeguard the amenities of the locality.

4 During the demolition and construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday to Friday 8am to 6pm, Saturday 8am to 5.30pm nor at any time on Sundays, Bank or Public Holidays unless otherwise agreed in writing with the local planning authority.

Reason: To protect the amenity of local residents.

5 D01 (Site investigation - archaeology)

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

6 F40 (No burning of material/substances)

Reason: To safeguard residential amenity and prevent pollution.

7 Development shall not begin until the applicant/agent has provided for the prior approval of the local planning authority a parking policy/plan identifying where all demolition and construction traffic associated with the development will be parked and how the parking will be managed. The parking shall be accordance with the approved policy/plan.

Reason: To prevent indiscriminate parking in the interest of highway and pedestrian safety.

8 C14 (Signing of contract before demolition)

Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9 C16 (Detailed scheme of demolition operations)

Reason: To minimise the risk of damage to the existing building.

Informative:

1 N15 - Reason(s) for the Grant of PP/LBC/CAC

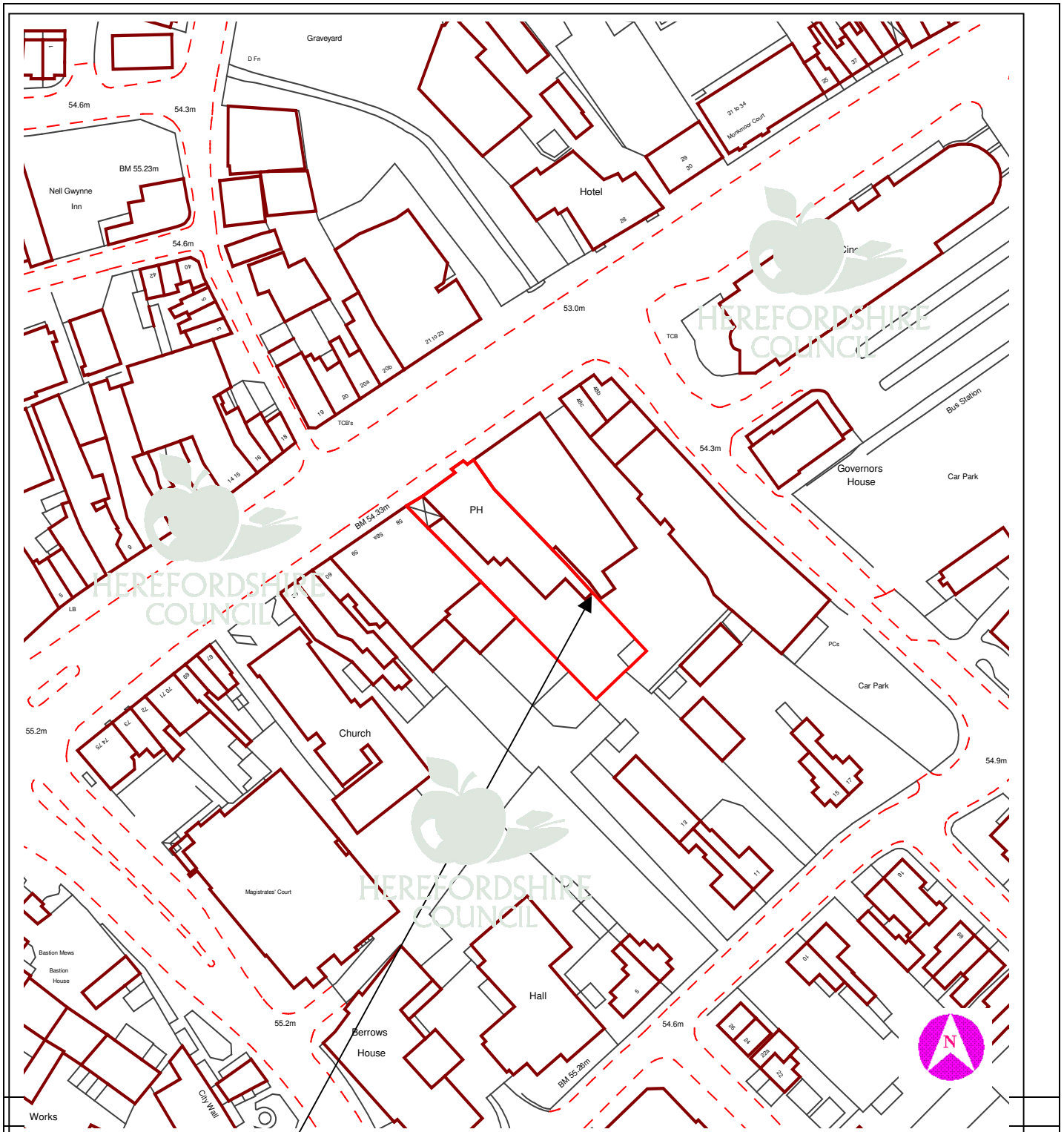
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



APPLICATION NO: DCCE2006/1158/F

SCALE: 1 : 1250

SITE ADDRESS : 57-59 Commercial Road, Hereford, Herefordshire, HR1 2BP

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

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

Planning Application – DCCE2006/1158/F
Car free key worker residential development

At Rear of The Hop Pole Public House, Commercial Road, Hereford

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £1500 per bedroom being a total contribution of £54,000 for improved transportation infrastructure in the locality of the application site which sum shall be paid on or before the commencement of development.
2. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Traffic calming and improved safety signing
 - b) Contribution to improved bus service
 - c) Improved bus shelters/stops
 - d) Improve lighting to highway routes leading to the site
 - e) Improved pedestrian and cyclist connectivity with the site
 - f) Improved cycle parking facilities
 - g) Improved pedestrian crossing facilities
3. 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 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.
4. 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.
5. The developer shall complete the Agreement within 12 weeks of the date the application is registered as valid otherwise the application will be registered as deemed refused.

Russell Pryce - Principal Planning Officer
Peter Yates - Development Control manager

10th April 2006