

**7 DCCE2006/1853/F - DEMOLITION OF EXISTING CAR SHOWROOM PREMISES AND ERECTION OF 5 ONE BEDROOM AND 3 TWO BEDROOM RESIDENTIAL DWELLING APARTMENTS. 92-94 ST OWENS STREET, HEREFORD, HEREFORDSHIRE, HR1 2QD**

**For: A.W. Marriot Ltd, Hook Mason, 11 Castle Street, Hereford, HR1 2NL**

**Date Received: 9th June, 2006**

**Ward: Central**

**Grid Ref: 51517, 39639**

**Expiry Date: 4th August, 2006**

Local Member: Councillor D.J. Fleet

## **1. Site Description and Proposal**

- 1.1 The site is located on the southern side of St Owen Street just west of the junction with Grove Road and opposite Hereford Fire Station. The majority of the site is laid out to hardstanding with the exception of a small single storey flat roofed building within the centre of the site. The site is presently being used for the display and sale of second hand cars in association with the Peugeot Garage on the northern side of St Owen Street in the immediate locality. Ground levels rise by approximately a metre from St Owen Street into the site and the boundaries are presently enclosed by a 1.8 metre high timber close boarded fence. The site is largely enclosed and overlooked by existing residential properties to the south and east and The Victory public house lies to the west.
- 1.2 Planning permission is sought for the demolition of the existing building on site and the construction of five one bedroom and three two bedroom apartments constructed in two two-storey blocks along the eastern boundary of the site. A new single vehicular access with associated pavements is to be created off St Owen Street with the provision of eight parking spaces and associated turning area, cycle and bin store and ancillary landscaping.

## **2. Policies**

### **2.1 Hereford Local Plan:**

ENV14	-	Design
H3	-	Design of new residential development
H4	-	Residential roads
H7	-	Communal open space
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
T11	-	Pedestrian provision
T12	-	Cyclist provision

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

S1	-	Sustainable development
S2	-	Development requirements
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR13	-	Noise
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H15	-	Density
H16	-	Car parking
H19	-	Open space requirements
E5	-	Safeguarding employment land
T6	-	Walking
T7	-	Cycling

## 3. Planning History

- 3.1 CE1999/1116/F - Proposed lighting of car sales area. Approved 3rd November, 1999.
- 3.2 HC970271AI - Non-illuminated fascia signs on internally illuminated pole sign. Advertisement consent approved.
- 3.3 HC960350PF - Demolition of all existing buildings, canopies and facilities, change of use and resurfacing of site as car sales area, erection of office building and 2 metre high fencing. Approved 2nd December, 1996.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Welsh Water: No objection subject to conditions.

### Internal Council Advice

- 4.2 Traffic Manager: The access should be in the form of vehicular crossing rather than a radiused kerb to give pedestrian priority, and the access would remain private. Once this is amended, no objection subject to conditions concerning the access construction and parking provision.
- 4.3 Petrol and Explosives Officer: We have records that three underground fuel tanks were prepared for cement fill, however there is no confirmation that the infill had taken place by the main contractor. I advise that further investigations should be undertaken to establish that they are safe before commencement of any works which can be satisfactorily controlled by condition.
- 4.4 Environmental Health and Trading Standards Manager: A noise assessment should be undertaken and appropriate noise protection be provided to the dwellings. This can be dealt with by a suitable noise condition.
- 4.5 Environmental Health - Pollution Officer: The site was formerly a petrol filling station and therefore there is the potential for contamination from leaking underground fuel

tanks and accidental spillages on the forecourt etc. Due to the potentially contaminated use a contaminated land investigation should be required to ensure that the site is suitable for use. The development is for a number of apartments rather than houses with gardens i.e. the development is less sensitive and therefore less onerous to mitigate against contamination in respect of human health. It would be reasonable to condition the application to require a contaminated land assessment.

## **5. Representations**

5.1 Hereford City Council: No objection.

5.2 Two letters of objection have been received from Hereford Civic Society and Mr Kenyan, the proprietor of The Spinning Dog Brewery. The main points raised are:

- I run a lively edge of city public house which has live music at weekends a large beer garden and external music speakers. The new proposed dwellings would be 15 feet from my beer garden and would be exposed to speakers and live music.
- My brewery is situated to the rear of the public house which on occasion emits smells although controlled and licensed by Herefordshire Council. I would not like to invite complaints from occupants of the properties as a result from noise or smells from the brewing process. If the development is built the properties should be sound insulated and triple glazed and made to pay for further sound insulation of the public house as may be required.
- The site involves the loss of employment land in the city centre.
- The proposal does not add to the street scene, appearance or amenities of this important approach to the city.
- This and other applications in the locality should be considered as a whole particularly with the wish of the fire station to relocate.
- The design and layout of the flats would not add to the quality of housing in this part of the city.
- Accommodation standards are poor and the layout results in awkward spaces that will be subject to vandalism.

5.3 A further letter of comment has been received from Mr. Chapman of 15 Grove Road, the comments as follows:

- Ground levels should be lowered to the historic level prior to the garage being demolished.
- There should be no access from the site through to the existing private footpath that runs round around the eastern and southern boundary.
- I query whether there is sufficient car parking to serve the units.

5.4 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 site is designated within both the Local Plan and Unitary Development Plan as established residential but the site is presently being used for employment purposes (car sales) which policy E5 of the Unitary Development Plan seeks to protect. However, the current use of the site is not site specific the scheme offers general benefits to the amenity of the area. Furthermore, most of the main dealerships have now relocated to sites off Centurion Way, which is a more sustainable pattern of

development as it promotes linked trips. As such, the principle of the loss of the use of the site as a car sales area along with the demolition of the existing building, which is of no architectural merit is considered acceptable.

- 6.2 The apartments would be provided in two blocks of accommodation, each of a two-storey height constructed from a mixture of brick and render under hipped tiled roof. The main building will follow the existing building line on St Owen Street and is to be of similar scale and design to other properties in the locality with the exception that the roof space is also to be utilised to create a further apartment. A smaller unit is proposed to the rear of the site along the western boundary to create a further three apartments. Again, this is of a traditional design and is sited so as to minimise any loss of amenity for existing properties. The siting, scale, design and materials of the proposed development are therefore considered acceptable and will compliment the general character of existing development in the locality.
- 6.3 One parking space per unit is to be provided which is considered acceptable given the location of the site and the fact that the units are all of one or two bedroom in size. No private gardens are proposed but a small area of ancillary landscaping or communal garden is identified. Again, as the properties are apartments and located on the fringes of the city it is not considered necessary to provide individual gardens. Other matters such as possible contamination of the site, boundary treatments and site levels raised by consultees and neighbours can be satisfactorily addressed by conditions.
- 6.4 The owner of the local public house has also expressed concerns regarding possible impact of noise or smells for the occupants of the apartments. The Environmental Health Manager is satisfied that there should not be any unacceptable noise disturbance but has nevertheless requested a noise survey to be undertaken which is dealt with by condition. There are also no openings proposed on the elevations facing the public house or its beer garden and the apartments to the front of the site face St Owen Street which is a busy road. As such, subject to condition requiring appropriate noise mitigation to be incorporated in the construction of the apartments, it is not considered that the amenity of the future occupants would be adversely affected by existing businesses or activities in the locality.
- 6.5 Minor amendments to the layout to revise the access along with changes to some of the architectural detail have been requested and amended plans are awaited. Therefore, subject to receipt of satisfactory amended plans, the proposal is considered acceptable.

#### **RECOMMENDATION:**

**Subject to the receipt of suitably amended plans, 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. 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. E01 (Restriction on hours of working).**

**Reason: To safeguard the amenities of the locality.**

**5. E02 (Restriction on hours of delivery).**

**Reason: To safeguard the amenities of the locality.**

**6. F01 (Scheme of noise attenuating measures).**

**Reason: To safeguard the amenity of the area.**

**7. Prior to the commencement of development, a Method Statement and Risk Assessment for the safe decontamination and if necessary, removal of the underground tanks shall be submitted to and approved in writing by the local planning authority. Tanks shall be made safe or removed in accordance with the approved details prior to the commencement of any other works on site.**

**Reason: In the interests and protection of the environment and harm to human health and Public Health Act 1961 and Health and Safety at Work Act 1974.**

**8. W01 (Foul/surface water drainage).**

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

**9. 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.**

**10. W03 (No drainage run-off to public system).**

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

**11. 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.**

**12. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:**

**a) a 'desk study' report including previous site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a**

conceptual model and a risk assessment in accordance with current best practice

b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors

c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: To ensure that potential contamination is removed or contained.

13. The Remediation Scheme, as approved pursuant to Condition 12 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the local planning authority in advance of works being undertaken.

Reason: To ensure that potential contamination is removed or contained.

14. G01 (Details of boundary treatments).

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

15. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

16. H11 (Parking - estate development (more than one house)).

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

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.

Informative:

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

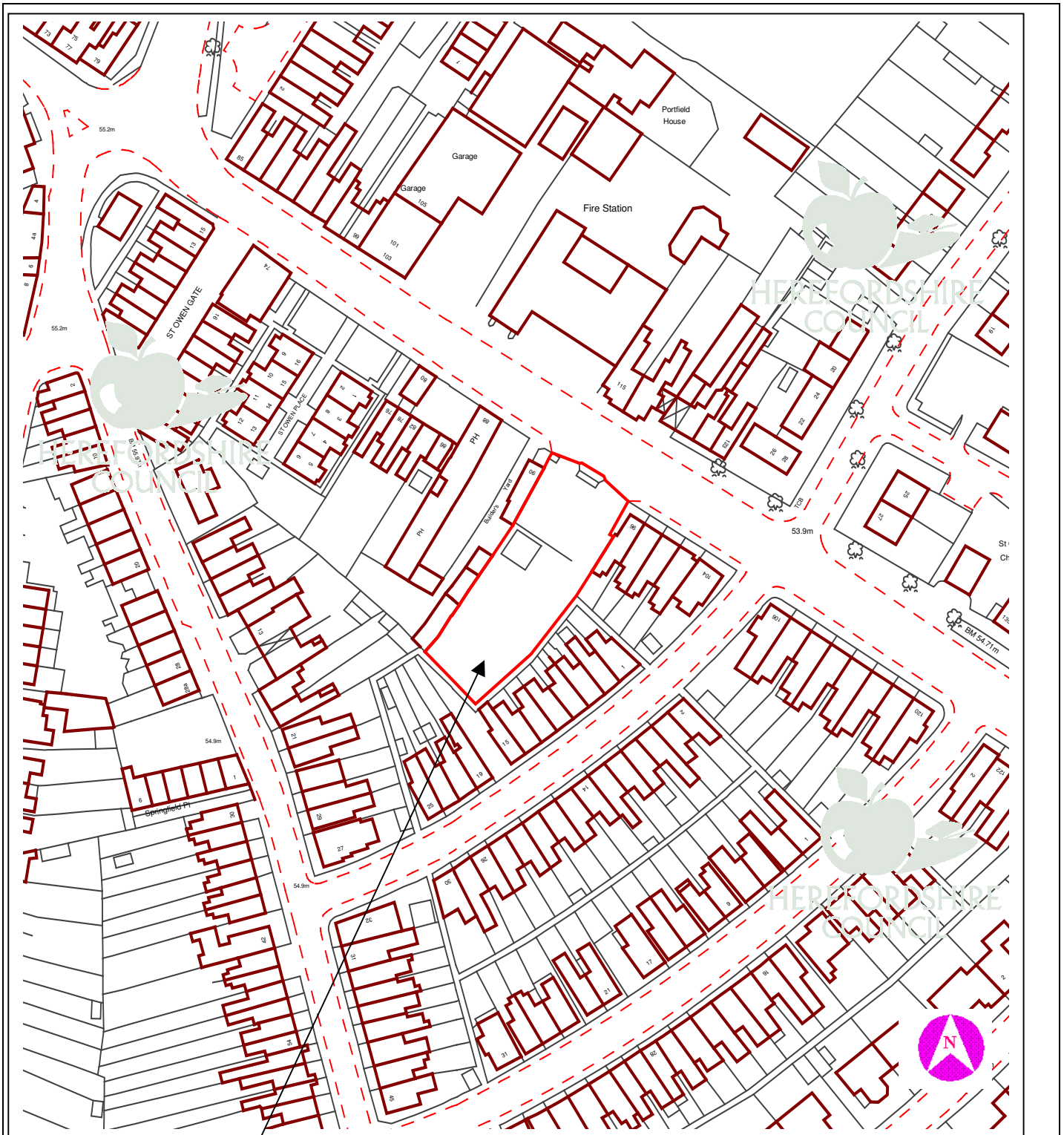
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2006/1853/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 92-94 St Owens Street, Hereford, Herefordshire, HR1 2QD

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