

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	18 SEPTEMBER 2019
TITLE OF REPORT:	191123 - REPLACEMENT OF DEFECTIVE LATH AND PLASTER CEILINGS WITH WOOD WOOL SLABS AT CLERK TO THE JUSTICES, SHIREHALL, ST PETERS SQUARE, HEREFORD, HEREFORDSHIRE, HR1 2HP For: Mr Robert Scott, Property Services, Plough Lane Offices, Plough Lane, Hereford,
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=191123&search=191123
Reason Application submitted to Committee – Council owned property	

Date Received: 27 March 2019

Ward: Central

Grid Ref: 351249,239978

Expiry Date: 22 May 2019

Local Member: Councillor Jeremy Milln

1. Site Description and Proposal

- 1.1 The Clerk to the Justices building forms an integral part of the Shire Hall, a Grade II* listed building dating from the early C19th with mid C19th extensions. It occupies a prominent location facing St Peters Square and is within the Central Conservation Area and the Hereford Area of Archaeological Interest.
- 1.2 The application site itself concerns the ground floor of the building located to the rear of the Shire Hall and below the main hall which is more readily visible from Gaol Street.
- 1.3 The application is for Listed Building Consent and seeks consent to replace defective lath and plaster ceilings with wood wool slabs. The background to the submission results from the failure of the existing lath and plaster ceiling caused by the use and activities of the Assembly Hall above on the first floor
- 1.4 The works include taking down the existing acoustic suspended ceiling grid and removal of the existing lath and plaster ceilings; replacing the ceilings with a wood wool slab alternative breathable ceiling lining and the reinstatement of the acoustic suspended ceiling grid.
- 1.5 The application also advises that if at some future date the acoustic suspended ceiling grid is removed then the wood wool slabs could be treated with an appropriate decorative plaster finish.

2. Policies

- 2.1 The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the link below:-

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

LD4 - Historic Environment and Heritage Assets

- 2.2 The Hereford Area Plan is not yet at a stage where it can be afforded weight in decision making
National Planning Policy Framework

- 2.3 16 - Conserving and Enhancing the Historic Environment
National Planning Policy Guidance

- 2.4 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

3. Planning History

- 3.1 None relevant

4. Consultation Summary

Statutory Consultations

- 4.1 Historic England

Thank you for your letter of 3 July 2019 regarding further information on the above application for listed building consent. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.

Georgian Group

Firstly, may we express our disappointment that we were not consulted in regards to the removal of the historic ceilings at Shire Hall. Unauthorised removal of historical ceilings was undertaken, removing large amounts of fabric. It is concerning that a Local Authority would undertake such works without the necessary consent.

The application has been prepared in house, and is not of the required standard, especially as it concerns a grade II* building by Sir Robert Smirke. No LPA should accept such a light Heritage Impact Assessment. There is no consideration or analysis of the condition of the ceiling. We do not believe that the historical ceilings could not have been conserved in situ; the whole proposal appears to be a cost saving measure.

The application lacks an appropriate HIA, does not include any drawings, nor does it adequately address the specification of the proposed new ceilings. A report should also be undertaken from an independent source, to ascertain the condition of the ceilings.

The proposed works by virtue of their detrimental impact to the retained fabric and unsympathetic design would adversely affect the character and special architectural and historic interest of the listed building. The works would, therefore cause harm to the significance of the heritage asset contrary to paragraph 195/196 of Chapter 16 (conserving and enhancing the historic environment) of the National Planning Policy Framework 2019.

In line with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals, special regard should be given to the desirability of preserving the listed building, its setting and any of its features of special architectural or historic interest. As a result consent should not be given in this instance.

Until the above points are adequately addressed, we object to the current proposals.

Internal Council Consultations

4.2 Conservation Manager

Recommendations: Recommend approval. The proposals would not materially affect the significance of the listed building and as such would accord with policies within the adopted Herefordshire Core Strategy and revised NPPF

Background to Recommendations: The proposals are for the replacement of defective ceilings caused by impact from above. The building is grade 2* listed with the Architect being Robert Smirke. It is significant architecturally for its fine portico and internal spaces. As an assembly room and court building it also has strong communal value.

The construction of the ceiling joists is such that the use of a woodwool slab would be able to respond better to noise and vibration from above than might a traditional lath and plaster ceiling.

It would still have the advantages of being breathable and allow a degree of movement. It is also compatible with a lime plaster finish.

The spaces beneath the assembly room are in the lower order of significance and it is their spatial qualities which is of primary concern to a historian due to the later date of the fabric. As such it is felt that the building performance is the dominant consideration

Conservation Manager (response to updated Heritage Impact Assessment)

The revised heritage statement meets the requirements of proportionality in section 189 of the revised NPPF

5. Representations

5.1 Hereford City Council

The Application should not have been retrospective, considering the status of the building (listed), and that the applicant is Herefordshire Council. The Application amounts to a quick but damaging repair job, which could have been avoided if the appropriate bodies were consulted. Councillors were very disappointed that Herefordshire Council should allow an application like this to go ahead, when under the same conditions, this work from a different applicant would have surely been rejected. Councillors supported the objection made by the Hereford Civic Society.

5.2 Hereford Civic Society

This application is unlawful as the work has already commenced. Indeed it has already been largely completed and therefore the application needs to be resubmitted as a retrospective. Hereford Shire Hall is a nationally important historic building by an architect of considerable standing. The lathe and plaster ceilings are part of the original fabric of the building and are therefore important contextually. It is perfectly possible to remediate any areas of defective plaster-work using proprietary fixings from above and this should be (should have been) carried out. Assessment of the plaster-work by a suitable conservation architect would be (have been) the first step. A proportional risk-management based approach should be (have been) used consistent with the approach taken for the retention of original plaster-work in grade I and II* buildings elsewhere. There is plenty of experience of this approach and in repair of historic plaster-work available. Accordingly Hereford Civic Society strongly objects to the application.

5.3 The consultation responses can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=191123&search=191123

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

Background

- 6.1 The part retrospective nature of the application has raised some concerns. In summary the works that have been undertaken following the collapse of part of the ceiling below the Assembly Hall took place without formal consent, but what is clear from the submission is that the applicant sought the specialist advice of the Principal Building Conservation Officer and Historic England before carrying out initial works. Accordingly whilst the part retrospective nature of the application is unfortunate, the works have proceeded on the basis that the alternative ceiling solution was considered by the specialist advisers to be acceptable..
- 6.2 Further to these concerns, a meeting took place with senior managers and Councillor Milln on 24 May 2019 where the specific nature and extent of works were discussed and there has been a further exchange between the applicant and Councillor Milln (3 July) where a number of key points and concerns were clarified and a number of "Lessons Learned" are recorded.
- 6.3 Whilst this background is not specifically relevant to the assessment of the proposal, it is important for the Committee to understand the context for the application before considering the policy implications.

Procedural and Legal Framework

- 6.4 In the first instance it is necessary to confirm that Herefordshire Council is not the determining authority in this case. Due to the listed status of the building and because the property is owned by the Council, the Secretary of State for Digital, Culture, Media and Sport has this responsibility, but requires a resolution from the Council upon which to base the decision. As such the recommendation below reflects this procedural requirement.
- 6.5 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:
"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

- 6.6 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS).
- 6.7 Further to this In line with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals, special regard should be given to the desirability of preserving the listed building, its setting and any of its features of special architectural or historic Interest.

Relevant Policy and Guidance

- 6.8 CS Policy LD4 - Historic environment and heritage assets requires development proposals affecting heritage assets to protect, conserve and where possible enhance the asset and its setting in a manner appropriate to its significance. In addition the National Planning Policy Framework (NPPF) establishes the principle of proportionality in terms of the level of detail required to assess applications (paragraph 189) and prescribes that *great weight should be given to the asset's conservation* irrespective of the magnitude of any harm that is identified (paragraph 193). The guidance is clear that appropriate justification is required for any works to listed buildings and that dependent upon how substantial that harm is, there is a requirement to weigh the harm against the public benefits of the proposal.

Assessment

- 6.9 It is abundantly clear from the consultation responses received that there are fundamental differences of opinion as to the acceptability of this proposal; the justification for the proposed works; and the harm that has/would be caused as a result of the continuation of the works to the ceiling. There is also much criticism of the retrospective nature of the application. The Civic Society are clear in their view that retention and remediation were a possibility but this view is not shared by the Principal Building Conservation Officer who considers that the ceiling was defective and that as a result of the collapse, there was an opportunity to address the issue through the use of an alternative solution that would retain the essential spatial characteristics of the publically accessible parts of the building which are considered to be of greater importance than the spaces beneath. It is also recognised that the ceilings that have been removed were not original (indeed some of the lath and plaster ceilings were replaced in 2016) and this is an important consideration in terms of the assessment of the significance of harm. Furthermore in his view the wood wool slab solution would allow for greater flexibility that would respond better to the noise and vibrations associated with the use of the Assembly Room above, to which the collapse of the original ceiling has been attributed.
- 6.10 The objection from the Georgian Group is acknowledged but the absence of an objection from Historic England is also notable in my view. In this case, Historic England have deferred consideration of the application to the Council's specialist conservation advisor.
- 6.11 In reaching my recommendation, I have considered all of the views expressed, but on balance, have given more weight to the advice of the Principal Building Conservation Officer underpinned by the comments from Historic England. It is also worth noting that the revised Statement of Heritage Impact confirms that the area of the existing lath and plaster ceiling and coving below the stage and rear stage area will be retained in situ.
- 6.12 In this regard, the work that is proposed is justifiable and would satisfactorily conserve the character of the building in accordance with the aims of CS policy LD4. It is considered that the harm that has been caused to the building is less than substantial and having regard to the assessment provided by the Principal Building Conservation Officer, the magnitude of harm is very much at the lower end of the spectrum of less than substantial harm, such that I consider the public benefits of securing a more suitable and better performing ceiling solution and enabling the building to be brought back into beneficial use by enabling the delivery of

Council services outweighs any harm caused such that I am minded to recommend a resolution to approve this application.

RECOMMENDATION

That subject to consideration of any additional comments that may be received that raise material planning considerations, that the Planning Committee resolve to approve the works proposed and that the application is referred to the Secretary of State for Digital, Culture, Media and Sport for determination subject to the conditions below and any other further conditions considered necessary

- 1. CE7 - Standard Historic Building Conditions
- 2. C07 - Development in accordance with approved plans (WQAB-001 and the updated Statement of Heritage Impact received on 26 June 2019)

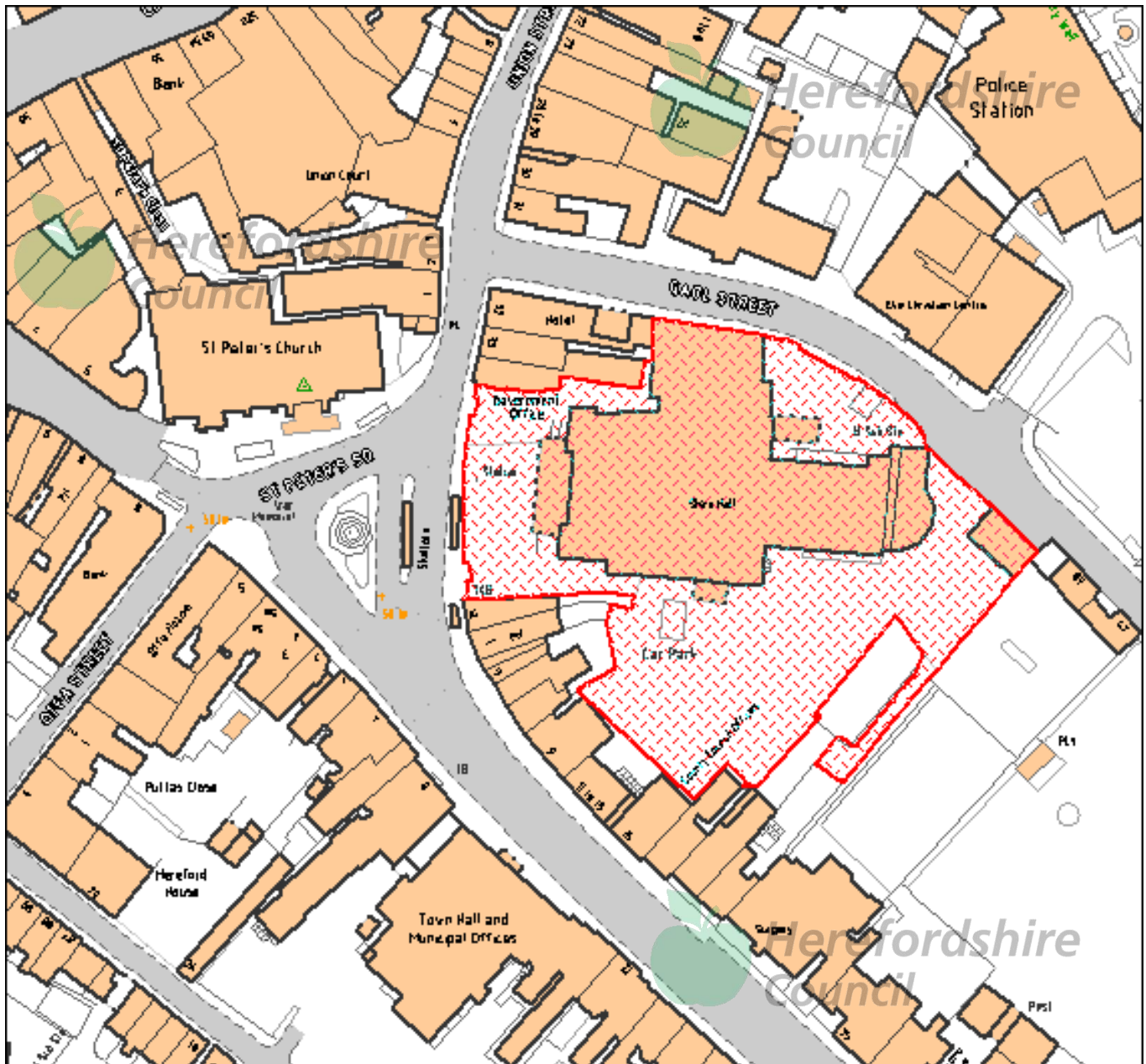
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 191123

SITE ADDRESS : CLERK TO THE JUSTICES, SHIREHALL, ST PETERS SQUARE, HEREFORD, HEREFORDSHIRE, HR1 2HP

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