

7 DCCW2004/2667/F – PROPOSED DEVELOPMENT TO INCORPORATE 7 RETAIL UNITS AND 14 RESIDENTIAL UNITS AT BEWELL STREET CAR PARK, BEWELL STREET, HEREFORD**For: Berekdar Enterprises per Jamieson Associates,
30 Eign Gate, Hereford, HR4 OAB****Date Received: 13th August, 2004****Ward: Central****Grid Ref: 50887, 40070****Expiry Date: 8th October, 2004**

Local Member: Councillor D.J. Fleet

Members will recall this application was considered at the Central Area Planning Sub-Committee on the 30th June, 2004 where there was a resolution to refuse the scheme on the grounds that the building's height, design and scale were inappropriate to its location and would harm the character and appearance of the Hereford Central Conservation Area. Members were also concerned regarding the issues of car parking as the scheme contained no provision for parking or service vehicles off Bewell Street. Prior to the decision being issued following the meeting's resolution the applicant choose to withdraw the proposed scheme to reconsider the issues which had been raised.

This revised application is very similar to the scheme previously considered. To avoid unnecessary repetition the detail of the report below is very similar to that which was originally presented to Committee on the 30th June, 2004. The consultation summary and representation sections have been updated.

The applicant states that following Members' comments regarding the design and scale of the proposed development we have revisited the scheme in general. We believe the original solution to have been appropriate in plan form and density bearing in mind that the site is in the city centre. The height to second floor parapet levels was carefully set to relate directly to the parapet levels of All Saints Church and to the ridge line of the Bowling Green Public House adjoining. We have however lowered the overall height of the building by 900 millimetres which we believe will lessen the visual impact considerably bearing in mind the tight perspective when viewed from both ends of Bewell Street. In response to the comments made regarding landscaping, we have more accurately indicated both existing greenery and shown proposed landscaping to the first and second floor roof terraces and balconies. This will soften the elevations considerably and will enhance the building as a whole.

We have also reduced the overall size of windows to the east elevation such that these now comply with spread of flame regulations in the Building Regulations Act. These windows will also be obscured glazed as they give light only to kitchens and bathrooms.

Materials chosen are of the highest quality we believe with limestone panels to all the principal elevations and with western red cedar cladding panels to lighten the overall effect, these materials will blend happily with both the church opposite and Bewell Street.

UPDATE

The consultation process with the new application has been undertaken, however the level of response is significantly less than previously submitted. It is important that Members are aware of the comments on the scheme as originally submitted as many of those responses have a direct relevance to this proposal. One update with regard to representations is a letter received from All Saints Church who have made amendments to their original comments. They comment that following discussions with the applicant and in light of the revisions we are confident our initial reservations are no longer an issue and are fully supportive of the application. We wish to point out that the recent media publicity regarding access to the Bowling Green is not the fault or responsibility of any other body than the Bowling Club themselves. All Saints Church considered purchasing their former property when it first came up for sale several years ago. It was evident that the club was selling their access route to the bowling green. Clearly the club has been badly advised both on this matter and on the possible demolition of the building that formerly occupied the site. The problems of the bowling green should not be a reason to refuse consent of the above planning application.

Two further letters have been submitted by Hereford Bowling Club on this scheme which reiterate the concerns expressed on application DCCW2004/0950/F. They highlight that the development will seriously jeopardise the very existence of a 500 year old facility and should not be supported.

Updated Officer comments:

As stated above this application is almost identical to the previous application considered by the Central Area Planning Sub-Committee on the 30th June, 2004. As will be noted from the detailed report below Officers concluded that the scheme would make a positive contribution to this city centre location and recommended that planning permission was granted. Officers maintain that position with the revised scheme which lowers the height of the building and makes minor changes to its fenestration. On the issue of access and transportation, the Head of Engineering and Transportation has no objection to the scheme and confirms this site as being appropriate for zero parking provision. A condition is suggested to actually prevent car parking on site.

Officers conclude that the application is acceptable and will make a positive design contribution to the city centre. As such the recommendation remains as per the report of the 30th June, 2004 set out below.

1. Site Description and Proposal

- 1.1 The application site is located on the north side of Bewell Street in the heart of the Hereford Central Conservation Area. It is bounded to the west by the Bowling Green Public House, to the north by Hereford Bowling Green and to the east by the service yard belonging to Primark. The south of the site adjoins Bewell Street and is directly opposite All Saints Church which is a Grade II* Listed Building. The site itself has a gross area of 0.074 hectares and is currently used as a private car park for 30 vehicles although this use has not been formalised in terms of surface and boundary treatment or landscaping.
- 1.2 The application seeks full planning permission for the erection of a four storey building which will contain 7 retail units on the ground floor and 14 one and two bedroomed apartments above. The fourth floor would contain two penthouse apartments which are set back from the main building lines and will be covered with a "gull wing" style of

roof. As indicated the building would be finished with a mixture of limestone cladding and coloured render to the walls with a standing seam roof. The facades of the building would also contain elements of horizontal western red cedar rain screen cladding, powder coated aluminium windows and doors and glass and stainless steel balustrading. At its highest point (to the top of the penthouses) the building is 11.4 metres high, however the main block adjoining the Bowling Green Inn measures 9.1 metres in height which is similar to that of the ridge line of the public house.

- 1.3 As submitted there is no provision for any car parking or service delivery areas associated with the development.

2. Policies

2.1 Planning Policy Guidance:

- PPG1 - General Policy and Principles
- PPG3 - Housing
- PPG6 - Town Centres and Retail Development

2.2 Hereford and Worcester County Structure Plan:

- Policy CTC5 - Development affecting Archaeological Sites
- Policy CTC15 - Preservation, Enhancement and Extension of Conservation Areas
- Policy S1 - Criteria for Retail Development

2.3 Hereford Local Plan:

- Policy ENV14 - Design
- Policy ENV15 - Access for All
- Policy ENV16 - Landscaping
- Policy ENV17 - Safety and Security
- Policy H23 - City Centre Residential Accommodation
- Policy S1 - Role of Central Shopping Area
- Policy S2 - Retail Development within the Central Shopping Area
- Policy S3 - Bewell Street – Site for Small Scale Retail Development
- Policy CON2 - Listed Buildings – Development Proposals
- Policy CON3 - Listed Buildings – Criteria for Proposals
- Policy CON12 - Conservation Areas
- Policy CON13 - Conservation Areas – Development Proposals
- Policy CON14 - Planning Applications in Conservation Areas
- Policy CON18 - Historic Street Pattern
- Policy CON19 - Townscape
- Policy CON20 - Skyline
- Policy CON35 - Archaeological Evaluation
- Policy CON36 - Nationally Important Archaeological Remains
- Policy CON37 - Other Sites of Archaeological Interest
- Policy CON39 - Enhancement
- Policy T5 - Car Parking – Designated Areas
- Policy T6 - Car Parking – Restricted Areas

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft):

- Policy DR1 - Design

Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy S5	-	Town Centres and Retail
Policy S6	-	Transport
Policy S7	-	Natural and Historic Heritage
Policy TCR1	-	Central Shopping and Commercial Uses
Policy TCR2	-	Vitality and Viability
Policy TCR8	-	Small Scale Retail Development
Policy T11	-	Parking Provision
Policy T12	-	Existing Parking Areas
Policy HBA4	-	Setting of Listed Building
Policy HBA6	-	New Development within Conservation Areas
Policy HBA8	-	Locally Important Buildings

3. Planning History

- 3.1 SC990342/PF Erection of 5 no. retail units with 5 no. flats over. Approved 9th September, 1999.
- 3.2 SC990343/LE Demolition of shop. Conservation Area Consent 8th September, 1999.
- 3.3 CW2000/2193/F Minor amendments to 5 no. two storey accommodation units on first and second floor and substitution of 3 no. 1-bed wheelchair accessible units for 5 retail units, previously approved (SC990342PFW). Refused 9th October, 2000.
- 3.4 DCCW2004/0950/F Proposed redevelopment to incorporate 7 retail units and 14 residential units. Withdrawn 8th July, 2004.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency - the Environment Agency has no objection to the proposed development. Comments are also made with regard to sustainable drainage arrangements in an urban environment.
- 4.2 Welsh Water - has no objection to the grant of planning permission subject to conditions.
- 4.3 English Heritage - English Heritage would welcome the development of this site in principle and we would consider that the development proposed would achieve a significant townscape benefit for a nondescript part of Bewell Street. Accordingly English Heritage would judge that the proposed development would enhance the character and appearance of the Hereford Central Conservation Area. For the same reasons and in light of the analysis above the development would also improve the setting of All Saints Church, a Grade II* Listed Building and we consider that these benefits are successfully realized by the proposed design. We do have some reservations over materials and while we would not disagree with the principle of the

materials suggested, would suggest that that detail is carefully considered by the Local Planning Authority.

Internal Council Advice

- 4.4 Head of Engineering and Transportation - has no objections to the proposed development.
- 4.5 Head of Environmental Health and Trading Standards - have no objection to the development subject to conditions regarding hours of operation and details of any fixed ventilation, refrigeration or other plant to be installed being submitted prior to its installation.
- 4.6 Chief Conservation Officer - has no objections subject to conditions ensuring satisfactory materials for the whole development are submitted to and approved in writing by the Local Planning Authority.

5. Representations

- 5.1 Hereford City Council – current application comments (9th September, 2004) – considered to over dominate and unsympathetic to historic surroundings – recommend refusal.
- 5.2 Fifteen private letters of objection were received on the previous application DCCW2004/0950/F. Four separate identical petitions provided by Hereford Bowling Club were also submitted which in total contain 158 signatures. The comments made are summarised below.
- 5.3 The objections raised relate almost solely to the access arrangements associated with this site and primarily the obstruction of the existing access to the bowling green. It is pointed out that the bowling club in this city centre location was established in 1484 and was the first or second built in the country and as such is of historical interest to the City of Hereford. The club brings an enormous amount of interest to Hereford from visiting teams of bowlers and the general public and so in turn provides hotels with trade etc. It is essential that the club maintain access to the green for vehicles to enable maintenance contractors to access the site as well as players, social members and visiting teams from all over the country.
- 5.4 Hereford Bowling Club point out that the land of the application has never been the bowling green car park. The car park which our members used is behind our boundary wall at the rear of the development site and access to it is across the development site via the green sliding doors in the boundary wall. This has been the situation for the past 20 years when a garden at the bowling club was converted into a small car park. During this time we have paid rent to various owners of the development site for access.
- 5.5 The bowling club go on to state there is no provision in the proposed development to maintain vehicular access for our members despite repeated assurances from the developer over the past few years to the contrary. The only entrance to the club premises and bowling green would be via our front door in Bewell Street. The maintenance of the green often involves contractors who bring machinery which is too large and too heavy to take through the club house itself and as such we will be unable to maintain the green to the standard required by the County and National Bowling Associations. In essence the bowling green would be landlocked.

- 5.6 The bowls club go on to state that the blocking of this vehicular access point would prevent medical emergency vehicles arriving on site should they be required and would mean that they were unable to remove paraphernalia such as green refuse bins from Bewell Street which would result in harm to the Conservation Area. Furthermore, the height of the development means there will be a loss of sunlight, possible implications for the grass on the bowling green and the green would be overlooked.
- 5.7 Other objections point out to the fact that there are no provision for deliveries or services within the development and no car parking for residents of the flats. The loss of this access would force the bowling club to close which is also the headquarters of Herefordshire County Bowling Association.

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 in the consideration of this application are the principle of the proposed development, the design of the proposed building, the impact of the development on the Conservation Area and adjoining listed building and the access and transportation issues associated with this scheme.
- 6.2 The Hereford Local Plan identifies this area as being suitable for small scale retail development under Policy S2. It is considered that Bewell Street provides an important link into High Town from Tesco's city centre store and therefore the development of retail units on the street frontage is welcomed. In respect of the proposed residential accommodation above the retail units, Policy H23 of the existing Local Plan allows this type of development providing it is in accordance with other Plan policies, particularly with regard to the impact on the Conservation Area. PPG6 (Town Centres and Retail Development) encourages and promotes mixed use development including flats above shops. They can increase activity within the city centre and contribute to the vitality and viability of other services. Similarly, PPG3 (Housing) also promotes residential development above shop uses. It is considered that the principle of development on this site incorporating retail on the ground floor and small scale residential units above sits comfortably with existing Development Plan policy and no objections are raised on this issue.
- 6.3 In this sensitive historic urban context, the design, siting and scale of the proposed building are critical considerations in dealing with this proposal. The site is currently in use for car parking although this has never been formalised and it retains a rather unsightly appearance. The historic urban pattern of development on the north side of Bewell Street has largely been lost which has degraded this part of the city centre in terms of townscape and environmental quality and it is considered that it is subsequently detracts from both the Conservation Area and adjacent listed buildings.
- 6.4 In this case the design solution proposed is characterised by a simple rectangular form with varied planes to the elevation on Bewell Street and bowling club to the rear. Detailed discussions have taken place with the Council's Chief Conservation Officer and English Heritage in terms of the modern form and detail of this building, and it is considered that the proposal addresses the sensitive townscape issues well in terms of form, scale and detail. The new building would have its greatest impact when viewed from the west at the entrance to Bewell Street where its mass will appear greatest adjacent to the existing public house. The stepping back of the building at first floor level will though help reduce the perceived mass significantly from both the street level

and with regard to all views of the building. Subsequently it is not considered that it would dominate or compete with adjacent structures to an unacceptable extent.

- 6.5 The contemporary form and detail will give a significant contrast with the historic environment but this will allow the historic trust structures (particularly All Saints Church, a Grade II* Listed Building) to stand apart and gives a greater sense of depth between the buildings. The materials proposed are integral to achieving the clean lines which are a fundamental part of the building's design and which in themselves enhance the building's architectural merit. This contrast in materials will again help add visual interest to the street scene and set the old apart from the new.
- 6.6 In terms of long distance views, the rear of the building will clearly be visible from the ring road as one looks to All Saints Church and the Bowling Green Club house but again the new building will stand apart from the listed building and both the Council's Conservation Officer and English Heritage feel that it will give definition within this urban context which is currently lacking. It is considered that the building will add interest to the skyline but will not obscure views of All Saints Church spire or detract from the setting of this important listed building. Glimpsed views at All Saints Street will also be significantly improved and the historic street pattern restored.
- 6.7 Very careful consideration has been given to both the design approach, the siting and the scale of the proposed building and Officers conclude that the proposed development with appropriately detailed materials and finishes will achieve significant townscape benefits in a currently nondescript part of Bewell Street. For these reasons the design is considered to be a positive enhancement to the character and appearance of the Hereford Central Conservation Area that will also help improve the setting of All Saints Church.
- 6.8 As Members will note from the representations, the access and transportation issues are of significant concern in the representations made on this application. Most notably, the loss of the access to the bowling green. This issue has been thoroughly considered by Officers, however it is clear that there is no adopted public right of way across the site to serve the bowling green and that the private agreement between the bowling club and the landowner is not a material planning issue. From representations received from the developer's solicitor, it would appear that the necessary legal contract and agreements have all been resolved and that the bowling club no longer have any rights to access the green from the current car park. Whilst this position is clearly regrettable, it must be stressed that it is not a material planning issue which can affect the consideration of this application. It is a private agreement between parties which has no bearing on a planning application to develop the site.
- 6.9 Having regard to the private issues over the access to the bowling green, the club now have only one point of entrance and exit through their existing club house. Whilst Officers will give every possible assistance to the club in identifying alternative potential access arrangements, it is not an issue which the Council can consider in determining this application.
- 6.10 Other access issues which have been raised relate to no provision for service deliveries or private parking arrangements for the 14 residential units proposed. In this city centre context, a car free development is considered to be acceptable having regard to all the services and amenities which are available associated with city centre living. With regard to service vehicles for the proposed retail units, the delivery provision will be similar to most of the retail units on Bewell Street which requires vehicles to park within the highway. Having regard to the constraints of the street

width and the importance of the design and siting of the proposed development, it is not considered that off street provision can be made available in this historic street context.

- 6.11 Given to the site's proximity to All Saints Church, an archaeological evaluation has been carried out as part of the consideration of this proposal. The majority of the features uncovered dated from the 16th century AD or earlier and many of them contained tap slag and smithy waste indicating the site was used for small scale iron working. It is considered that with appropriate conditions the archaeological issues have been satisfactorily resolved in this case and subject to further detailed conditions on the buildings foundations.
- 6.12 In conclusion, whilst the access to the bowling green is clearly a sensitive issue and one of some regret, it is unfortunately not an issue which the planning process can resolve on behalf of the club. When consideration is given to the planning issues associated with this scheme, it represents a proposal that complies with Development Plan policy and also can offer significant townscape enhancement and benefit to the historic Central Conservation Area. Through use of high quality materials and finishes, the proposed scheme could make a significant contribution to the locality and as such is supported by Officers subject to the conditions set out.

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. C02 (Approval of details).**

Reason: To safeguard the character and appearance of this building of special architectural interest.

- 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. E06 (Restriction on Use).**

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity.

7. F15 (Scheme of noise insulation).

Reason: To safeguard the amenity of the area.

8. F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

9. F18 (Scheme of foul drainage disposal).

Reason: In order to ensure that satisfactory drainage arrangements are provided.

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

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

11. F38 (Details of flues or extractors).

Reason: In the interests of the amenity of the area.

12. F41 (No burning of materials/substances during construction phase).

Reason: To safeguard residential amenity and prevent pollution.

13. G13 (Landscape design proposals).

Reason: In the interests of visual amenity.

14. H27 (Parking for site operatives).

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

15. 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.

Informatives:

1. HN22 - Works adjoining highway.

2. N03 - Adjoining property rights.

3. N04 - Rights of way.

4. N08 – Advertisements.

5. N12 - Shopfront security.

6. N15 - Reasons for the Grant of PP/LBC/CAC.

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.