

MEETING:	PLANNING COMMITTEE
DATE:	16 MAY 2012
TITLE OF REPORT:	S120859/CD - PROPOSED SCULPTURE (HEREFORD BULL) ON STONE PLINTH ADJACENT TO THE OLD HOUSE, HIGH TOWN, HEREFORD For: Mr Hall per Mr Tony Cahill, 3 Thorn Business Park, Rotherwas Industrial Estate, Hereford, HR2 6JT
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=120859&NoSearch=True

Date Received: 20 March 2012

Ward: Central

Grid Ref: 351071,240039

Expiry Date: 21 May 2012

Local Member: Councillor MAF Hubbard

1. Site Description and Proposal

- 1.1 Planning permission is sought for the installation of a life-size bronze Hereford Bull sculpture immediately adjacent the north-west facing elevation of The Old House, High Town, Hereford. The Bull would sit on a 300mm tall, 6.5m diameter sandstone plinth and face North-west. It is secured to the plinth via threaded bolts, one attached to each leg. The sculpture itself is 2.8m long and stands 1.6m to the shoulder. There are five LED uplighters within the plinth.
- 1.2 Beyond the plinth it is proposed to relay reclaimed Yorkstone slabs. The proposal will require the clearance of existing street furniture in the form of 6 benches and 4 trees, one of which is dead. It has been confirmed that 3 of the trees will be replanted at a location to be confirmed.
- 1.3 The site is prominent within High Town and adjacent a landmark Grade I listed building in 'The Old House'. The site is also within the Central Conservation Area and the Area of Archaeological Importance.

2. Policies

- 2.1 National Planning Policy Framework Chapter 12: Conserving and Enhancing the Historic Environment.

Paragraphs 128, 129, 131 and 131.

- 2.2 Herefordshire Unitary Development Plan 2007:

S7	-	Natural and Historic Heritage
DR1	-	Design
HBA4	-	Setting of Listed Buildings
HBA6	-	New Development Within Conservation Areas
ARCH7	-	Hereford Area of Archaeological Interest
LA5	-	Protection of Trees, Woodlands and Hedgerows

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

3. Planning History

3.1 None relevant.

4. Consultation Summary

Statutory Consultations

4.1 English Heritage: We have no objection to this proposal, but we do advise that further consideration should be given to the provisions of the plinth.

Internal Council Advice

4.2 Traffic Manager: No objection.

4.3 Conservation Manager (Archaeology): Recommends that as best practice, a limited precautionary presence should be maintained as it is not believed it can be guaranteed that no disturbance of older deposits would take place. Recommends the imposition of the standard access condition.

4.4 Conservation Manager (Building Conservation): The public art strategy recommended in the Council's Streetscape Design Strategy has yet to be developed, so it is difficult to offer any considered opinion on the impact of this sculpture.

5. Representations

5.1 Hereford City Council: Although we have no objections to the principle, we regret the loss of the seating and we would like to see it replaced immediately elsewhere in High Town.

5.2 Hereford Civic Society: Objection.

Members of the Hereford Civic Society are concerned about the proposed siting of the bronze sculpture. Bearing in mind the busy nature of High Town it is considered that this large, impressive sculpture could, in fact, add to the street clutter. Surely such a noble beast should be presented on its own in a prominent position rather than along with the chairs, tables, caravans and stalls that often feature in High Town. It is of surprise to our Members that English Heritage has not objected to the extremely close positioning next to a Grade I listed building. Further there is concern that there is a proposal to remove living trees and there are no plans detailed to replace them. For these reasons we believe the application should be rejected.

5.3 The agent has confirmed that the existing seating will be removed and used elsewhere at some time in the future and that the plinth is not suitable as a formal seating area as it is not compliant with the Disability Discrimination Act.

5.4 The Design and Access Statement (DAS) submitted with the application confirms that the chosen site was subject to a number of public consultation events, with a replica being placed in a number of locations. The chosen site does not conflict with street trading areas nor does it affect the existing Traffic Regulation Order. The DAS suggests that the historic backdrop provided by The Old House is pertinent, particularly as the dwelling used to form part of Butcher's Row. The pennant sandstone that will be used for the plinth is that which has been used in the Widemarsh Street refurbishment and is specified on the Broad Street scheme currently under design.

5.5 No other comments have been received.

- 5.6 The consultation responses can be viewed on the Council's website by using the following link:-
www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

Internet access is available at the Council's Customer Service Centres:-
www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

- 6.1 The application is for a piece of public art, within the Central Conservation Area, immediately adjacent the Grade I listed 'Old House'. It is my view that the key issues in the determination of this application are an assessment of the impact of the development upon 1) the character or appearance of the Conservation Area; and 2) the setting of the adjoining Grade I listed building.

Planning Policy Framework

- 6.2 The National Planning Policy Framework (NPPF) advises that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise (NPPF paragraph 129).
- 6.3 In determining planning applications, paragraph 131 of the NPPF advises that local planning authorities should take account of, amongst other things, the "desirability of new development making a positive contribution to local character and distinctiveness." This sentiment is echoed by Herefordshire Unitary Development Plan Policy DR1 (Design).
- 6.4 Herefordshire Unitary Development Plan Policy HBA6 states that development within conservation areas will not be permitted unless it preserves or enhances its character or appearance. This is reflective of The Listed Building and Conservation Areas Act, which places a duty on Councils to consider the impact of development within conservations areas upon the character or appearance of such areas. Policy HBA4 directs the decision-maker to refuse development proposals which would "adversely affect the setting of a listed building." The impact of the proposal should be judged in terms of scale, massing, location, detailed design and the effects of its uses and operations.
- 6.5 The Hereford Bull is synonymous with the County and one of its most instantly recognisable symbols. Accordingly it is difficult to disagree that such a sculpture has relevance to this area in the broadest sense. Likewise it is clear that the formal application was preceded by public consultation events and necessary consideration of the impact upon other competing uses within High Town.
- 6.6 In this case the physical impact is comparatively local, although there will be a range of views down High Town and Commercial Street, and by virtue of its scale The Old House will, in my view, remain the indisputable focus. The position of the sculpture is such that it will be largely hidden on approach from St Peters Street. Although trees and seating will be removed, I note the Council's Streetscape Design Guide is not adopted, and in any event I am not convinced that the trees are worthy of retention. I consider the impact upon the appearance of the conservation area to be neutral and that the proposal is thus in accordance with Policy HBA6.
- 6.7 The Conservation Officer has not offered direct comment on this issue, although there is no objection offered per se. English Heritage, the Government body with over-arching responsibility for the protection of nationally significant heritage assets has no objection to the proposal, but does question the need for a plinth. Having regard to the specialist advice received, and in line with NPPF paragraph 129, I feel it reasonable to conclude that the development proposal would not adversely affect the setting of the listed building in

accordance with Policy HBA4 of the Herefordshire Unitary Development Plan. Moreover, although some may feel the link is tenuous, I accept that others may share the view that the location, adjoining a dwelling formerly part of Butcher's Row, might lend the piece added relevance.

- 6.8 I note concern expressed at the loss of the public seating area. Although I am reassured that the seating will be used elsewhere, I am conscious that this does not necessarily meet the City Council's request that it be re-sited immediately. Nonetheless, this in itself is not a reason for withholding planning permission. The removed trees will be replanted within the public open space off Old School Lane.
- 6.9 The Council's Archaeological Advisor recommends the imposition of a site observation condition and has requested that notification of commencement be given 14 days prior to work starting on site. This is in order that an on-site presence can be guaranteed, as recommended by Policy ARCH7.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans (drawing nos. 551600/C/001 – Site Clearance and Earthworks; 551500/C/002 – Plinth Detail; 551600/C/003 – Bull installation and Proposed Lighting; 551600/C/004 – Location Plan and General Arrangement)**
- 3. E03 Site observation - archaeology**

Reason for Approval:

- 1. The proposal was considered having regard to the statutory provisions of The Planning (Listed Building and Conservation Areas) Act 1990, Policies HBA4, HBA6, LA5 and ARCH7 of the Herefordshire Unitary Development Plan and the guidance contained in the National Planning Policy Framework.**

Having due regard to the above, the Council concludes that the development would not adversely affect the setting of the adjoining Grade I Listed Building and would preserve the character and appearance of the Conservation Area in accordance with Policies HBA4 and HBA6 of the Herefordshire Unitary Development Plan. The imposition of a site observation considered is considered to address the potential archaeological interest of the site as one within the area of Archaeological Interest would secure compliance with Policy ARCH7.

Informative:

- 1. The developer is asked to note the minimum of 5 days' written notice of the commencement of any development that should be served on the County Archaeology Service as per the requirements of condition The developer is advised to contact Mr Julian Cotton (County Archaeological Advisor) on 01432 383350.**

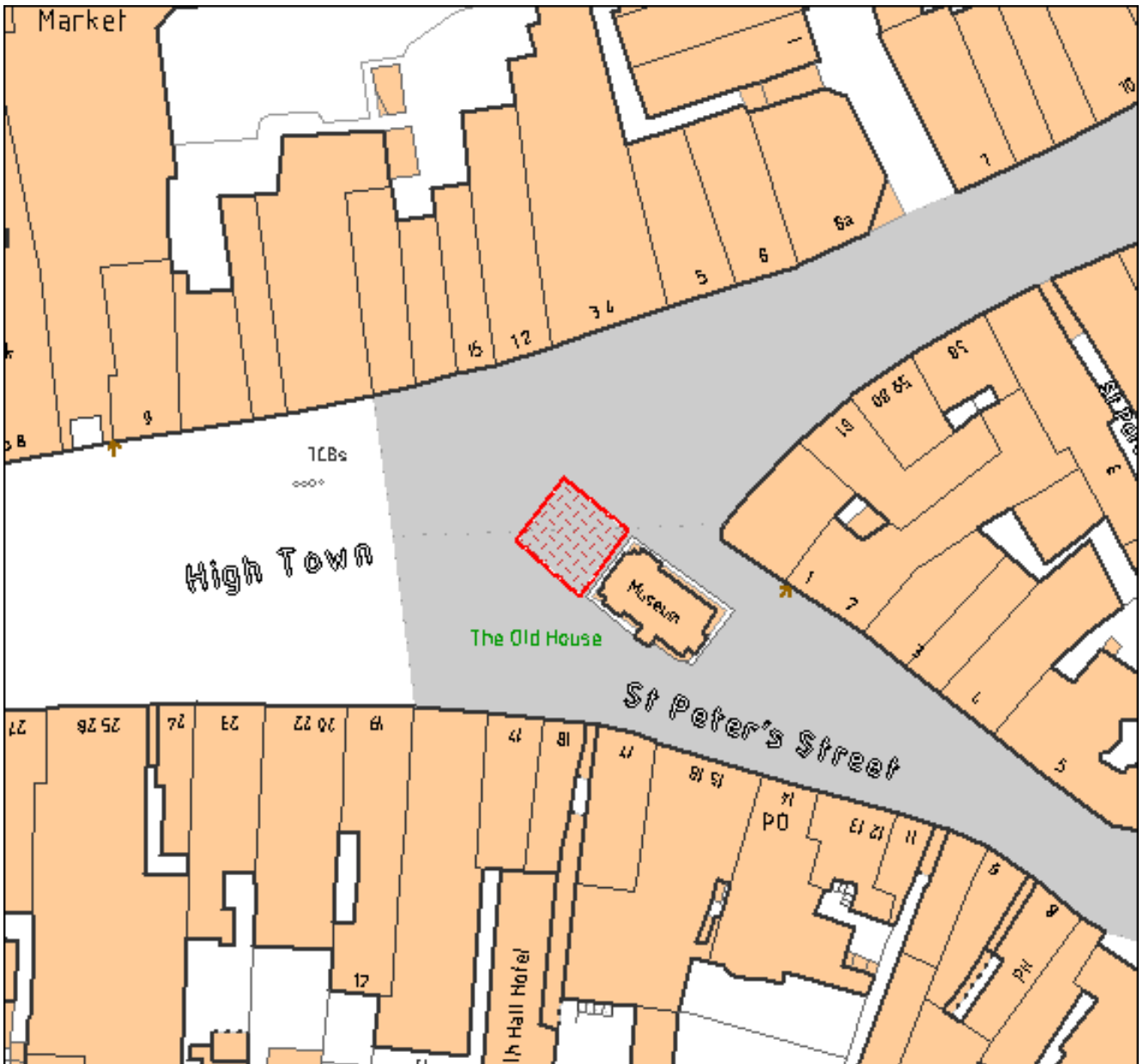
Decision:

Notes:

Background Papers

Internal departmental consultation replies.

Further information on the subject of this report is available from Mr E Thomas on 01432 260479



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APPLICATION NO: S/120859/CD

SITE ADDRESS : ADJACENT TO THE OLD HOUSE, HIGH TOWN, HEREFORD

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