

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	23 NOVEMBER 2022
TITLE OF REPORT:	<p>221224/F and 221225/L - PROPOSALS TO RENOVATE AND IMPROVE THE EXISTING PAVILION BUILDING ON CASTLE GREEN TO REMOVE NON-SYMPATHETIC 20TH CENTURY ADDITIONS, TO REPLACE WITH MODERN COMMUNITY FOCUSED MULTI-FUNCTIONAL SPACES, IMPROVED YOUTH CANOE FACILITIES AND REINSTATE HISTORIC PEDIMENT & PORTICO. AT THE PAVILION CASTLE GREEN, CASTLE STREET, HEREFORD, HEREFORDSHIRE, HR1 2NW</p> <p>For: Mr Nugent per Mr Oliver Steels, 66 Green Street, Hereford, Herefordshire, HR1 2QH</p>
WEBSITE LINKS:	<p>https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=221224&search-term=221224 https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=221225&search-term=221225</p>
Reason application reported to Committee – Council-owned property	

Date Received: 11 April 2022

Ward: Central

Grid Ref: 351169, 239565

Expiry Date: 9th December 2022

Local Members: Cllr Jeremy Milln

1. Site Description and Proposal

- 1.1 These applications seeks full planning permission and listed building consent for renovation and improvements to The Pavilion building on Castle Green in Hereford to remove unsympathetic 20th century additions and to replace with modern community focused multi-functional spaces, improved youth canoe facilities and to reinstate the historic pediment and portico.
- 1.2 The development is proposed by The Friends of Castle Green, an active community group who are committed to respecting the heritage of Castle Green. The application site comprises the existing 'pavilion' building lying at the south-western corner of Castle Green. The building is set out over three floors with a prominent outlook over the River Wye to the south-west and direct overview of Castle Green to the east. The Pavilion is connected to the south-east end of Castle Cliffe, a private residence and guest house. Pedestrian access leads from Castle Green in multiple directions to the city centre and St James and Bartonsham areas.
- 1.3 The application submission contains a range of supporting documentation-
 - Design and Access Statement
 - Heritage Assessment
 - Archaeological Assessment

Further information on the subject of this report is available from Mr Simon Rowles on 01432 260238

- Lighting Impact Assessment
- Noise Impact Assessment
- Construction Environmental Management Plan
- Demolition Method Statement
- Arboricultural Survey
- Flood Risk Assessment

1.4 The proposals, as described by the applicant, seek to both revitalise the historic core of the building whilst replacing unsympathetic 20th century additions with a “*coherent, high-quality, contemporary architectural intervention*”. The existing building is Grade II listed but is in need of modernisation and improved legibility to ensure ongoing usage. The objective is to safeguard the building as a hub of activity in the local community, with the alterations designed to embrace the setting, whilst reconfiguring the operational footprint to improve its public offering.

1.5 The constraints notably influencing the determination of this application include:-

- Area of Archaeological Importance – Hereford City
- Schedule Ancient Monument (SAM) – Hereford Castle
- Grade II listed building – Castle Cliffe Hereford Association of Youth Clubs Technical College Annexe (Castle Cliffe, 14 and 16 Castle Green)
- Grade II listed building – Nelson Column (situated on the Castle Green)
- Grade II listed building – The Victoria Bridge (lying to the south-east)
- Grade I listed building – The Wye Bridge (lying to the west)
- Grade I listed building – Hereford Cathedral (lying to the north-west)
- Castle Green Unregistered Park and Garden
- Hereford (Central) Conservation Area
- River Wye Special Area of Conservation
- River Wye Site of Special Scientific Interest

2. Policies

2.1 Herefordshire Local Plan - Core Strategy

SS1 – Presumption in favour of sustainable development
 SS6 – Environmental quality and local distinctiveness
 SS7 – Addressing climate change
 HD1 – Hereford
 HD2 – Hereford city centre
 SC1 – Social and community facilities
 LD1 – Landscape and townscape
 LD2 – Biodiversity and geodiversity
 LD3 – Green Infrastructure
 LD4 – Historic environment and heritage assets
 SD1 – Sustainable design and energy efficiency
 SD3 – Sustainable water management and water resources
 SD4 – Waste water treatment and river water quality
 MT1 – Traffic management, highway safety and promoting active travel

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

2.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and paragraph 33 of the NPPF require a review of local plans be undertaken at least every five years

in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan - Core Strategy was adopted on 15th October 2015 and a review was required to be completed before 15th October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the relevant policies have been reviewed, are considered consistent with the NPPF and therefore attributed significant weight.

2.3 National Planning Policy Framework (July 2021)

Section 2 – Achieving sustainable development

Section 4 – Decision making

Section 6 – Building a strong, competitive economy

Section 7 – Ensuring the vitality of town centres

Section 8 – Promoting healthy and safe communities

Section 12 – Achieving well-designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the historic environment

The NPPF, together with relevant documents and revisions, can be viewed via the link below:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

2.4 The associated Planning Practice Guidance (PPG) can be accessed through the following link:

<https://www.gov.uk/government/collections/planning-practice-guidance>

3. **Planning History**

3.1 There is no directly relevant planning history.

3.2 Pre-application advice (210150/CE) was however provided for “proposed extension and various other works”. The advice provided on 10th June 2021 is briefly summarised as follows.

There is huge potential to enhance The Pavilion in line with the aspirations explained in the submission, and at a higher level, policies are supportive of more efficient or enhanced use of existing destinations. The site is uniquely positioned to allow users to appreciate the riverside environment and there are clearly positive economic and social impacts associated with this.

4. **Consultation Summary**

Statutory Consultations

4.1 **Historic England**

Comments dated 5th July 2022

Historic England has no objection to the applications on heritage grounds. We have provided some advice and minor amendment comments above to assist in improvements to the design and conditioning should your authority be minded to grant planning permission.

Comments dated 6th May 2022

Historic England has concerns regarding the applications on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the

applications to meet the requirements of paragraphs 194, 195 and 199 of the NPPF. In determining these applications you should bear in mind the statutory duty of Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

4.2 Environment Agency

Flood Risk: The site is located in Flood Zones 1, 2 and 3 of the adjacent River Wye on the Flood Map for Planning (Rivers and Sea). There is third-party maintained natural high ground along the length of the riverbank from Wye Bridge to Victoria Bridge, providing an unknown standard of protection. We do not object to the proposed development. We have reviewed the Flood Risk Assessment by Corner Water Consulting and can confirm that it utilises the appropriate flood risk data provided by the Environment Agency including river levels generated from the River Wye model (2012) and historic flood levels.

Sequential and Exception Test Exemption: The proposed extension has an approximate footprint of 25sqm and therefore falls under the definition of a 'minor development'. As per the National Planning Policy Framework, the Sequential and Exception Tests do not need to be applied to minor developments and changes of use, except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site. As the proposed extension is classed as a minor development and the renovations to the existing building are to facilitate a change in use for some areas, the Sequential and Exception Tests are not required.

Finished Floor Levels: Following the EA guidance on climate change allowances for planning, flood risk assessments of less vulnerable developments should use the central 2050's climate change allowance (20% in this instance). The central 2050's nominal allowance for the River Wye is 600mm. It is advised that finished floor levels should be set no lower than 600mm above the 1% Annual Exceedance Probability (AEP) river flood level plus climate change. This 600mm freeboard takes into account any uncertainties in modelling/flood levels and wave action (or storm surge effects). The 1% AEP from the River Wye model is 51.54m AOD; and incorporating the 600mm climate change allowance is 52.14m AOD. With a 600mm freeboard, the requisite level is 52.74m AOD but in this instance the finished floor level is 53.36m AOD.

Loss of Floodplain and Cumulative Effects: The proposed renovations and construction will increase the footprint of the building by approximately 25sqm, with some of this loss of floodplain offset by the floodable void space. The nearest downstream building is located some 120m west within Flood Zone 2. Due to the wide an open nature of the floodplain at this location, there is a negligible increase in risk to nearby properties.

Flood Evacuation Management Plan: The PPG (paragraph 056) states that one of the considerations for safe occupation is whether adequate flood warning would be available to people using the development. Our involvement during an emergency would be limited to delivering flood warnings to users if they sign up to the Flood Warnings Service. We recommend you consult with your emergency planners and the emergency services to determine whether they consider the development safe.

Environmental Permit: The site is located within the vicinity of a Site of Special Scientific Interest and Special Area of Conservation. Due to these nearby sensitive receptors and proximity to the channel and location within the floodplain a Bespoke Flood Risk Activity Permit will be required.

4.3 **Welsh Water**

We would request that if you are minded to grant planning consent for the development that the conditions and advisory notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Welsh Water's assets.

4.4 **Natural England**

Summary: Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Internationally and nationally designated sites: The application site is within the catchment of the River Wye Special Area of Conservation (SAC), which is a European designated site; and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended). The site is designated at a national level as the River Wye Site of Scientific Interest (SSSI). In considering the European site interest, Natural England advises that you, as a competent authority, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

European site (River Wye SAC) –

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

River Wye SSSI –

Based on the plans submitted, Natural England considers that the development will not damage or destroy the interest features for which the site has been notified and has no objection.

Internal Council Consultations

4.5 **Historic Buildings Officer**

Objections summarised as follows:

Despite full and pro-active heritage support for an appropriately sympathetic conservation based re-generation scheme, both now and at pre-application stage, it is considered the proposed scheme, as submitted and subsequently amended, would result in harm to the significance of the listed building group, its setting, the setting of adjacent heritage assets, and the character and appearance of the Hereford Central Conservation Area, contrary to Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

As per paragraph 199 of the NPPF, the degree of harm in this instance is determined to be less than substantial. For the sake of clarity, case law has determined that this lesser degree of harm is to be considered a substantial objection in planning terms, as all harm to designated heritage assets is a serious matter. On this basis, the finding of less than substantial harm should be

afforded great weight in the planning balance. Where harm is identified, paragraph 200 requires clear and convincing justification be presented.

In addition, the scheme would fail to satisfy Policies LD1 and LD4 of the Core Strategy, namely, that proposals should demonstrate that local character has positively influenced design, scale and site selection, and that they protect, conserve and enhance assets, and setting, through sympathetic design which, where possible, emphasises original form and function.

Whilst there is place for contemporary interpretation in terms of design characteristics and materials for new additions such as those proposed, the key issues with this scheme relate to loss of original form and function in relation to the most significant parts of the building, and the scale of development in relation to the specific context of the building and site. Revisions to certain aspects of the scheme, based on detailed discussion held at meetings post-submission stage, would be required to sufficiently address heritage concerns and gain support.

Ultimately, from a heritage perspective, there is support to meet the aspirations expressed by the Friends of Castle Green Group, namely, to ensure financial viability, provide a café offering, provide flexible meeting and exhibition spaces, facilitate educational/training programmes, support music and the arts, and provide a focal point for local information and interpretation.

All these outcomes can potentially be achieved within the historic building and an appropriately designed and scaled addition, but it is this latter aspect which is key if the historic integrity of the Pavilion is to be preserved and not eroded by an addition which has commercial benefit as its overriding aspiration, which may not feed directly back into supporting the building itself.

An extension of contemporary design which is subservient to the historic façade and maintains views of the building, and points of intervisibility between it and surrounding assets, should be achievable if there is a will to do so, and it is recommended this application be withdrawn so that meaningful revisions can be made.

4.6 **Archaeological Advisor**

This application proposes invasive works that will directly, and indirectly, affect some of the county's principal and most visited monuments. There remain a small number of concerns but, on balance, it is considered these can be negotiated, and that this proposal, with some appropriate modifications, could move forward to determination.

I have no objections to the proposal, but if it is approved, rigorous archaeological conditions will be necessary and must be complied with in full.

4.7 **Ecologist**

Comments dated 28/10/22

The detailed mitigation measures in respect of potential effects from both construction phase and future operation of the completed community asset can be secured by condition on any planning permission granted. Within mitigation secured there are no identified Adverse Effects on the Integrity of the River Wye SAC (or in respect of any protected species).

The planning case officer is fully aware of what conditions will be required and how best to secure all the relevant plans, documents and recommendations for implementation within the planning permission process and it is expected that the CEMP and all supporting detailed information, designs and specifications, lighting scheme as assessed in the technical report and limitation on operating hours will be included. Based on the above information and comments and subject to relevant conditions being included there are now no ecology objections.

Comments dated 17/10/22

Additional information is required. Further clarification is required in relation to the extent to which the building works might encroach into the River Wye itself, with a request made for details on how any concrete and cements products, or any wash out/run-off of potential contaminants, will be securely mitigated from entering the river under any normal maximum flows/water levels. In addition, the lighting report requires an update to ascertain spill onto the river waterbody itself and show any light from the roof terrace. In terms of lighting effects on commuting bats during the operational phase, clarification and detailed information / mitigation specifications, including detailed opening and set-up/clear down periods, is requested.

Comments dated 26/07/22

An Ecology OBJECTION raised as the application does not demonstrate compliance with Core Strategy LD2, (SS1, SS6, LD1 and LD3 also apply); the Conservation of Habitats and Species Regulations 2017 (as amended); NPPF; NERC Act 2006 obligations and considering the Council's declared Climate Change and Ecological Emergency.

Initial comments dated 12/05/22

Further information is required to inform HRA Appropriate Assessment and wider ecology.

4.8 Area Engineer

The site is located away from the highway network and the lack of vehicular access means that the access strategy will be focussed on active travel options for users of the site. The location of the site is such that this acceptable in principle. It is also noted that this building has had a number of uses in the past that would have equated to a similar trip generation, also relying on an access strategy based on active travel. When considering the active travel strategy for the site, the inclusion of secure cycle storage should be delivered if possible to allow those visiting the centre to cycle to the facility. This is particularly the case for the youth canoe facilities and the proposed pavilion renovation. It is acknowledged that these details can be secured via condition in the event that permission is granted. There are no objections from the local highway authority to the application, subject to this condition being considered.

4.9 Land Drainage Engineer

We have no objections to the proposed development. We note that the lowest threshold level of 53.36m AOD is sufficiently above the modelled 1 in 100 year plus climate change flood level of 52.14m AOD. Should the Council be minded to grant planning permission, a Flood Warning and Evacuation Plan should be provided within a suitably-worded condition.

4.10 Tree Officer

No objection subject to condition CK9 – 'Trees in accordance with plans'.

4.11 Landscape Officer

The site falls within the urban character area of Hereford City and the proposals are in keeping with this character. The changes proposed to the exterior of the building will be an improvement to the existing structure. My colleagues in the Built Environment Team are best suited to comment on the specific materials and any impacts to the setting of listed buildings and the un-registered park and garden. The Tree Officer and Ecologist will comment on the existing trees and habitats. The red line boundary, unfortunately, does not include any space for landscape improvements around the building, with the tarmac access road retained up to the new frontage. The riverside boundary will need to be in accordance with habitat and flooding requirements.

5. Representations

5.1 Hereford and Worcester Gardens Trust

The HWGT regards Castle Green as the most precious open space in the city of Hereford. Not only does it vibrate with antiquity but it is also one of the earliest public promenades in England. This is the only building on the Green; Castle Cliffe House representing the medieval usage of the site and the adjoining pavilion emblematic of nearly three hundred years of recreational activities. The HWGT applauds the progress made by the Friends of Castle Green to restore and adapt this scarred institutional building for its renewed role as the focus for public life on the Green. The café will undoubtedly be a great success and complement the social use of the rest of the building. The Friends and their architect have produced a very thoughtful scheme which generally enhances the Regency fabric, which among English styles of architecture is the most light-hearted brand of classicism. The most significant challenge here is to apply new character to the utilitarian structures added thoughtlessly to the canoe centre in the mid-20th century. This was a challenge which, on the whole, has been met successfully. The east elevation from across the Green produces an interesting composition with a touch of 1930s sea-side architecture. The west elevation from across the river also works well and the roof terrace with its inventive balustrade is a fine touch and on fine days this will become one of the most popular venues in Hereford; being such a cheerful sight for those perambulating the walks on both sides of the river. From the point of view of the terrace walk along the Castle Cliffe – one of the ‘principal walks in the Kingdom’ according to the earliest Hereford guide books – the south east elevation of the of the building is particularly sacred. The 1950s ensemble today is dull and depressing and new designs acknowledge this. The restoration of the c.1830 portico is well contrived and the steel framed windows continue the 1930s theme revealed on the east elevation. However, the treatment of building above the canoe store seems to lose its way a little. The copper cladding with its zigzag motif seems oppressive and the fenestration clashes with the original sash windows on the stuccoed range behind. Similarly, the utilitarian door giving access to the balustraded terrace seems out of place. Surrounded by stucco and classical pediments this modern intrusion seems awkward and intrusive when viewed from the terrace walks. Given that it masks the pilastered facade of the 1830s building something more overtly sympathetic should be considered. Apart from these minor criticisms this is an excellent scheme, which will make a major contribution to the polite lifestyle of Hereford and, hopefully, inaugurate a revival of Castle Green. In horticultural terms we look forward to a floristic climax, replicating the wonderful planting visible on Late Victorian and Edwardian postcards.

5.2 Support was expressed by 14 local residents

These matters are summarised to include the rejuvenation of this iconic building; enhancement of the canoe club facilities; the contemporary design quality; sympathetic nature of the proposal relative to the historic setting; boost to the local economy through jobs and a visitor attraction; positive impact on mental health and wellbeing for those living locally; social benefits associated with the enhanced community spaces and connection to the Castle Green; removal of ugly 20th century additions and restoration of period features such as the portico/pediment; a safe place to enjoy the river and its tranquillity; making better use of an underutilised facility and providing potential for educational benefits; provision of accessibility to all through the WC and lift facilities; and the successful mechanism for separating the new from the old via a glazed link.

5.3 The consultation responses can be viewed on the Council’s website using the following links:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=221224&search-term=221224
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=221225&search-term=221225

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

Policy context and principle of development

6.1 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."

6.2 In this instance, the adopted development plan is the Herefordshire Local Plan – Core Strategy. The National Planning Policy Framework (NPPF) is also a significant material consideration. The Hereford Area Plan (HAP) was intended to set out detailed proposals to ensure the delivery of the targets for the City in the adopted Core Strategy. However, following the decision to update the Core Strategy, a decision was taken to stop work on the HAP.

6.3 The general principle of enhancing the use and accessibility of The Pavilion with a view to making it an attractive multi-use riverside destination as part of the 'Stronger Hereford: Town Investment Plan', is afforded support at a strategic level, under Policy HD2 of the Core Strategy. This promotes a wide range of opportunities to enhance Hereford's role and whilst this does not refer specifically to The Pavilion or the River Wye, it offers support to proposals that will provide new and improve existing attractions that protect, conserve and enhance heritage assets.

6.4 In addition, Policy SC1 of the Core Strategy addresses proposals that are looking to retain and enhance existing social and community facilities. Upon review, no tension is apparent with this policy, and opportunities have been taken to promote accessibility on foot, cycle and public transport and to provide publicly accessible toilets where practical.

Design, visual amenity and built heritage (above ground interest)

6.5 The Pavilion at Castle Green is a Grade II listed building which adjoins Castle Cliffe; it has 13th - 14th century origins relating to the Hereford Castle complex, but the majority of its extant historic fabric relates to 18th, 19th and 20th century phases of development. The Building Conservation Officer's comments helpfully set out the various extant building phases and ascribe a level of significance to each one from an external perspective. It is situated within the Central Conservation Area, the Castle Green Unregistered Park and Garden, and at the south-western edge of the Hereford Castle SAM. The Building Conservation Officer's comments identify a range of other heritage assets within 350m of the site, with the majority sharing a common setting.

6.6 The earliest building phase remaining with a sufficient degree of completeness is the southern range (added in 1829). This has the highest level of significance based on its architectural, aesthetic, historical and associational merits. Although somewhat obscured by later additions, its eastern facade retains many of its architectural features, including pilasters, architrave, blind niche, and both ground floor windows; all of which are important to its integrity and legibility.

6.7 Areas to the north of the 1829 addition have a lower level of significance due to the degree of change experienced during the 20th century. However, the refaced stone gable has merit as it has remained relatively unaltered and presents its own aesthetic character which has some material continuity with Castle Cliffe; whilst the portico remains as a strong visual presence at ground level, albeit in its infilled form, and a reminder of its earlier incarnations. Internally, the southern range retains its original layout and much of its historic fabric, including sash windows, window panelling, canted bay windows, staircase, timber flooring, plasterwork and room proportions. Whilst the 1920's adaption of the Keeper's Cottage retains its aperture treatments and impressive room proportions, other features and fabric of importance may remain obscured behind existing surface finishes. Elements of negative value which harm significance, include the flat-roof extension above the enclosed portico and the extension to the riverbank lavatory block

area. Nonetheless, even in its altered form, the building makes a positive contribution to setting and its footprint remains largely as depicted in 19th century mapping.

- 6.8 The heritage concerns are acknowledged in relation to the scale of the café extension; the roof form and inclusion of a roof terrace; the loss of a blind' niche architectural feature; the portico fenestration and mezzanine level seen within; external materiality and conserving listed building details; the impact of inserting a lift on historic fabric and sub-division of the kitchen and reading room spaces; as well as the use of spaces within the listed building and operational aspects of the café/exhibition/artists spaces. Although your Officer attaches varying degrees of harm to these matters, the merit of the issues raised and the great weight to be attributed to overall 'less than substantial' harm to this heritage asset overall is not disputed. That said, it is considered that the benefits of the proposal appear to have been undervalued in the heritage appraisal, particularly in terms of the gains associated with removal of the unsightly modern additions.
- 6.9 Turning to the wider setting and the current sense of tranquillity that prevails in this riverside location in the conservation area, the addition of a roof terrace may serve to erode that quality. Nonetheless, a condition regarding operational hours can limit any adverse impacts and the findings of the noise impact assessment were "*negligible effect*". In relation to the experience when approached on foot from the south-east, it is possible to experience the riverscape towards Wye Bridge and this would be impinged upon to some degree at close range. Historic England has commented that whilst there is an element of harm to setting, this is comparatively limited. A greater degree of harm arises by virtue of impact on views of The Pavilion whilst crossing the Victoria Bridge and intervisibility being eroded by the extension proposed.
- 6.10 A planning balance, taking a holistic view of social, economic and environmental considerations, including the direct harm to assets and harm to setting is set out within the conclusions drawn below. It is also considered that conditions can be used to limit the harm arising to some degree. For instance, a condition is to be recommended requiring information relating to the condition of historic fabric internally and externally and an associated schedule of remedial works and specification for any sound insulation for practice spaces and other events. A further condition is recommended in respect of the two new kitchens, to secure details of ventilation and mechanical extraction including design and precise locations.
- 6.11 Taking a wider design perspective on the application, the scheme represents a bespoke and architect-led approach to the renovation and extension of a building that is in need of attention and investment. Improvements have been secured to the scheme as part of the application process and whilst this has not resolved the heritage concerns identified by the Building Conservation Officer, the proposal still represents a good standard of design; notably adopting a lightweight appearance and sense of visual separation to conserve some of the significance of the southern range in views along the riverside walk and whilst crossing Victoria Bridge. Moreover, the restoration of the pediment to the portico is welcomed and given proportionate weight as a benefit of the scheme.
- 6.12 In relation to design and materiality comments provided by Historic England, initial concerns have been substantively addressed. The position of the proposed structure in relation to the river has been addressed through setting it back relative to the projection of the adjacent elevation of the southern range. Moreover, a condition can be used to address concerns that the use of stone to match that in historic components may cause confusion in interpretation when the site is viewed from the south river bank. As the use of stone is preferred in this riverine setting, the applicants propose to use shallower slips of matching stone, with two courses to each of the adjacent historic courses, to differentiate new from old. The condition will require a sample panel to be prepared prior to commencement of works on this elevation.

Archaeological interest

- 6.13 The proposal involves the removal of non-sympathetic 20th century additions that include the extensions on the east side of the building, the removal of the portico infill and the removal of

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addition above the portico. The site lies within the extent of Hereford Castle, a medieval castle that occupies the location of a former monastic site and was later landscaped to form a public park. Much of the area of the castle is a scheduled monument (NHL ref. 1005530) that was designated in 1960. The proposal is located within the scheduled monument and will require scheduled monument consent in addition to planning permission.

- 6.14 The Pavilion is perched above the River Wye in a particularly prominent and sensitive location. The buildings that are affected by this proposal are butted against Castle Cliffe House (HER ref. 7292), a surviving part of the castle structure and one of the oldest residences in the city. The entirety of the application site, indeed much of historic central Hereford, is formally designated as an Area of Archaeological Importance (AAI). The sensitivity of the location means almost any change here has the potential to harm the historic environment.
- 6.15 Following pre-application discussions, the applicants have provided extensive archaeological documentation to explain and justify the changes contemplated. The submitted documentation comprises the archaeological component of the Heritage Assessment, the detail given in the Archaeological Assessment and the indicative metrical data provided at various points in the supplied plans and elevations. The documentation is of good quality and adequate for the purposes of paragraph 194 of the NPPF, concerning the requirement to supply a level of detail sufficient to understand the potential impact of the proposal upon significance.
- 6.16 Given the detail already supplied, particularly the level of confidence that can now be attached to the depositional history of the riverbank here, further information is not essential at this stage. Clarification has been provided in relation to the potential need for ground reduction that may be necessary within the existing building and the groundworks that might be needed in relation to drainage and other service infrastructure. The principal foundation works that will be required (new pads and associated ground beams) are adequately described in the documentation, and if subject to full archaeological mitigation, will be acceptable in practice. The potential for impact from construction access and facilitation of work has also been addressed through a CEMP, demolition method statement and associated drawings. It will nonetheless be necessary to include a pre-commencement condition requiring an updated and definitive CEMP.
- 6.17 Your Officer is satisfied, taking on board the specialist consultee responses, that conditions can be imposed to require suitable high level archaeological intervention, in accordance with both national and local policy including paragraph 205 of the NPPF. Given that the site is partly scheduled, there is a need for Scheduled Monument Consent to be obtained.

Ecology and HRA assessment

- 6.18 The initial ecological issues have, through a collaborate process, been resolved through the application process. In relation to the Habitat Regulations, the site lies directly adjacent to the River Wye SAC. Based on supplied information, any additional foul water flows created by the development are likely to in the majority be generated by existing residents or users of overnight holiday accommodation within the SAC catchment. All foul water will continue to be managed by a mains sewer connection managed through the Eign WWTW. In relation to surface water, no significant additional flows were identified. Based on this, effects from both foul and surface water flows were screened out at Stage 1 of Appropriate Assessment.
- 6.19 In relation to the potential for additional noise and lighting, through increased and intensified use of the building, the supplied lighting and noise reports demonstrate with scientific certainty that there will not be a material increase in noise and light impacting the River Wye SAC, including the river surface and immediate surrounds, despite additional glazing and a roof terrace. The timing of use, as proposed, can be controlled by a suitably worded condition. The proposal thereby safeguards light and noise sensitive species such as fish and otters and no adverse effects were thereby identified on the SAC designation in these respects.

- 6.20 Turning to construction and demolition processes, the CEMP document (as amended) has been accepted by the Council's Ecologist and considers an appropriate range of effects, including terrestrial effects and impacts on the aquatic/associated habitats related to the River Wye SAC. This was essential due to the proximity of the works to the river, including demolishing existing structures and sub-ground construction works to create new structural walls and a canoe chute.
- 6.21 The HRA appropriate assessment subsequently prepared by the Council's Ecologist was issued to Natural England as part of the requisite consultation process. The 'no objection' response received sets out agreement to the conclusions of the appropriate assessment. Conditions are recommended to ensure compliance with the CEMP and supporting information, designs and specifications; the lighting scheme as assessed in the technical report; and operating hours.
- 6.22 The comments for lighting/noise in respect of the HRA process apply equally to potential effects on the known local bat populations that utilise the river corridor area and Castle Green open space for foraging and commuting as part of their core sustenance zone. Again, appropriate safeguards and certainty has been secured through the technical reports to demonstrate that there would be no effect on bat foraging or commuting.
- 6.23 In relation to the bat survey report by Arbtch (dated 14/06/22), utilising surveys within the first half of optimal survey season, this does not record any bat roosting within the existing building. As species recorded in the area, including Soprano Pipistrelles, are known to opportunistically move roosts during the summer maternity season, all works to areas with potential bat roosting features should always be progressed on a precautionary basis, including during autumn and winter as potential hibernation-over wintering bats may be present. Although the LPA has no reason to include a specific bat protection condition, a condition is justified to require the bat roosting mitigation/enhancement specified in the bat report to be incorporated into a wider Biodiversity Net Gain scheme, including bird nesting features.

Other matters

- 6.24 Turning to highway safety, the site is located away from the highway network and the lack of vehicular access means that the access strategy will be focussed on active travel options for users of the site. The location of the site is such that this acceptable in principle given the lawful existing use of the building, which would also rely on active travel. No objections were raised by the local highway authority subject to a cycle parking condition being applied.
- 6.25 With regard to residential amenity, it is considered that the proposal would have no significant bearing on the use of Castle Cliffe, a private residence and guest house; based on the findings of the noise report and subject to a condition restricting operational hours.
- 6.26 In relation to flood risk, there are no objections to the proposal, notwithstanding the location of the site adjacent to the river. The lowest threshold level of 53.36m AOD is above the modelled 1 in 100 year plus climate change flood level (with 600mm freeboard) of 52.74m AOD. A Flood Warning and Evacuation Plan (FWEP) should nonetheless be provided within a suitably-worded condition, as recommended by the Land Drainage Engineer.
- 6.27 Finally, for the purposes of sustainability and policies concerning climate change, improving upon the existing building performance is an important aspect of the works. It is evident that the proposed floor plan arrangements will ensure rooms can continue to be naturally purge ventilated throughout, with the main public spaces benefitting from mechanical extract and heat recovery ventilation where required. Such systems present energy efficient space heating / cooling and fresh air cycling within the building, working in conjunction with the grant funded Water Source Heat Pump installed in the basement. A brise-soleil would be used to provide solar shading and maintain ambient conditions in the new café space.

Conclusion and planning balance

- 6.28 In considering this application, careful regard has been had to the statutory duties of the Council in respect of conserving listed buildings and their settings, maintaining the character and appearance of the conservation area and safeguarding the interest features of the River Wye SAC. The objection raised by the Council's Building Conservation Officer was of particular concern in arriving at a recommendation for approval. However, a holistic view has been taken of the social, economic and environmental aspects of the proposal.
- 6.29 This is in accordance with the advice found at paragraph 202 of the NPPF, insofar as where a development proposal leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.30 In support of the Officer recommendation, the benefits alluded to in local representations are reinforced. It is also stressed that the scheme has been found to be acceptable by all other statutory/technical consultees, notably Natural England, Historic England and the Council's Archaeology Advisor and Ecologist. From a built heritage perspective, whilst observing the various harms cited, the amended scheme would conserve the integrity of the historic parts of the building from important aspects through its carefully evolved design and by reason of the fact it would secure the removal the unsympathetic mid to late 20th century additions. Although the roof form and terrace, and to some extent the external materials, may well divide opinion, your Officer takes the view that this contemporarily designed structure will acceptably harmonise with the building, whilst introducing an important multi-functional community space.
- 6.31 As a result of the works, the long-term viability of this community facility would be enhanced, likely ensuring that enjoyment of The Pavilion by the local community will be secured for future generations. The works would provide an economic boost to the area and environmentally the scheme would protect the significance of Hereford Castle SAM and avoid adverse impacts on the River Wye SAC and associated protected species. Once implemented, the scheme would leave the site in a more socially inclusive and welcoming state than it is currently found.
- 6.32 In light of the foregoing, notwithstanding the great weight to be given to the identified 'less than substantial' harm to heritage assets, the proposal accords with the development plan read as a whole, which is not outweighed by any other material considerations. It is therefore recommended that planning permission and listed building consent be granted.

RECOMMENDATION

- a) **221224/F – That planning permission be granted subject to the following conditions and any other conditions (amendments) considered necessary by officers named in the scheme of delegation to officers:**

1. **C01 – Time limit for commencement (full permission)**
2. **C07 – Development in accordance with the approved plans**

ES017 E(0)001 – Site Location Plan and Site Plan
ES017 P(0)001A – Proposed Block Plan and Site Plan
ES017 P(0)002C – Proposed Sub Ground Floor Plan
ES017 P(0)003B – Proposed Ground Floor Plan
ES017 P(0)004B – Proposed First Floor Plan
ES017 P(0)005B – Proposed South East Elevation
ES017 P(0)006B – Proposed South West Elevation
ES017 P(0)007B – Proposed North East Elevation

ES017 P(0)008B – Proposed Section AA
ES017 P(0)009B – Proposed Section BB
ES017 P(0)010A – Proposed Outline Sub Ground Floor Structure Plan
ES017 P(0)022 – Proposed Site Plan and Visibility of Georgian Façade
ES017 P(0)024 – Copper Cladding Precedent
ES017 P(0)025 – Proposed Site CMP: Demolition/Crane Use
ES017 P(0)026 – Proposed Site CMP: General Works
ES017 P(0)027A – Proposed Site Scaffold Layout
ES017 P(0)028A – Proposed Canoe Chute Details

3. The development hereby permitted shall be carried out in strict accordance with the Lighting Impact Assessment (Rev. P02) by Services Design Solution Ltd dated 26th October 2022 and associated appendices (as also updated). At no time shall any external lighting except that approved within these documents be installed or operated in association with the approved development without the prior written approval of the local planning authority.

Reason: To safeguard the amenity of the area and to ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2017, National Planning Policy Framework, NERC Act 2006 and Herefordshire Local Plan - Core Strategy policies SD1, LD1, LD2, LD3 and LD4.

4. The approved Construction Environmental Management Plan (v2) dated October 2022 and updated appendices / supporting CMP plans, and the Demolition Method Statement dated 16th June 2022, shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.

Reason: To protect the significance of the Hereford Castle SAM site and to ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2017, National Planning Policy Framework, NERC Act 2006 and Herefordshire Local Plan - Core Strategy policies LD1, LD2, LD3 and LD4.

5. The community focused multi-functional spaces hereby permitted shall not be open to the public/customers outside the hours of 0800 to 2200 Sundays to Thursdays and 0800 and 2300 Fridays and Saturdays.

Reason: To safeguard the amenities of the locality and to ensure that all species and the local intrinsically dark riverside setting are protected having regard to the Conservation of Habitats and Species Regulations 2017 (as amended), Wildlife & Countryside Act 1981, National Planning Policy Framework, NERC Act 2006 and Herefordshire Local Plan - Core Strategy policies SS6, SD1 and LD1-3.

6. C48 – Archaeological survey and recording
7. C50 – Groundworks and foundation design
8. CB2 – Secure covered cycle parking provision
9. CDD – Evacuation management plan
10. No surface water from any increase in the roof area of the building and/or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy.

11. **Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the Arbtech - Tree Protection Plan (TPP 01).**

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

12. **The bat roosting mitigation/enhancement measures specified in the Bat Survey Report prepared by Arbtech dated 14th June 2022 shall be incorporated into a wider Biodiversity Net Gain scheme (including bird nesting features) to be submitted to and approved in writing by the local planning authority prior to first use of the development. The approved scheme shall be implemented and maintained in full hereafter unless otherwise approved in writing by the local planning authority.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2017 (as amended), National Planning Policy Framework, NERC Act 2006, Herefordshire Local Plan - Core Strategy policy LD2.

13. **CBK – Restriction on hours during construction**

INFORMATIVES:

1. **IP2 – Approval following revisions**
2. **I01 – AAI notification**
3. **I17 – Need for prior scheduled monument consent**
4. **The site is located within the vicinity of a Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). Due to these nearby sensitive receptors and proximity to the channel and location within the floodplain a Bespoke Flood Risk Activity Permit will be required from the Environment Agency.**
5. **I25 – Council ownership**

- b) **221225/L – That listed building consent be granted subject to the following conditions and any other conditions (amendments) considered necessary by officers named in the scheme of delegation to officers:**

1. **CE7 – LBC time period**
2. **C07 – Works in accordance with the approved plans**

**ES017 E(0)001 – Site Location Plan and Site Plan
ES017 P(0)001A – Proposed Block Plan and Site Plan
ES017 P(0)002C – Proposed Sub Ground Floor Plan
ES017 P(0)003B – Proposed Ground Floor Plan
ES017 P(0)004B – Proposed First Floor Plan
ES017 P(0)005B – Proposed South East Elevation**

ES017 P(0)006B – Proposed South West Elevation
ES017 P(0)007B – Proposed North East Elevation
ES017 P(0)008B – Proposed Section AA
ES017 P(0)009B – Proposed Section BB
ES017 P(0)010A – Proposed Outline Sub Ground Floor Structure Plan
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ES017 P(0)026 – Proposed Site CMP: General Works
ES017 P(0)027A – Proposed Site Scaffold Layout
ES017 P(0)028A – Proposed Canoe Chute Details

3. With the exception of any site clearance and groundwork, no further works shall take place until details and/or samples of materials to be used externally on walls, roofs and fenestration have been submitted to and approved in writing by the local planning authority. The details to be submitted shall include colours and finishes. The works shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policies SS6, SD1 and LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4. A detailed schedule of works, informed by appraisal of the current condition of historic fabric internally and externally, shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. No work shall be carried out other than in accordance with the approved schedule. All existing original features shall be retained in situ unless it is specifically shown on the approved plans that they are to be removed.

Reason: To safeguard the architectural and historic interest and character of the listed building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

5. All routes for mechanical and electrical services and drainage shall be arranged to be visually unobtrusive and cause the minimum disturbance to historic fabric. Details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant sections of works. These shall include types, sizes and positions of soil and vent pipes, waste pipes, rainwater pipes, boiler flues and ventilation terminals, meter boxes, exterior cabling and interior fittings such as radiators, electrical socket outlets and switchplates. The works shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with Policy LD4 of the Herefordshire Local Plan - Core Strategy , the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. No works in relation to the new stonework shall commence until a sample panel(s) of all new facing stonework has been provided on site at a minimum size of 1m x 1m and showing the proposed stone types, sizes, colour and texture; and pointing mortar mix, joint thickness and finish profile. Confirmation of the materials and methods shall be approved in writing with the Local Planning Authority and carried out accordingly. The approved sample panel(s) shall be retained on site until the work is completed.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

- 7. No works shall commence in relation to the new timber door onto the roof terrace until precise details of its joinery have been submitted to and approved in writing by the Local Planning Authority. These shall include 1:2 details and sections and 1:20 elevations; the method & type of glazing; and the colour scheme/surface finish. The works shall be carried out in accordance with the approved details.**

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with Policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

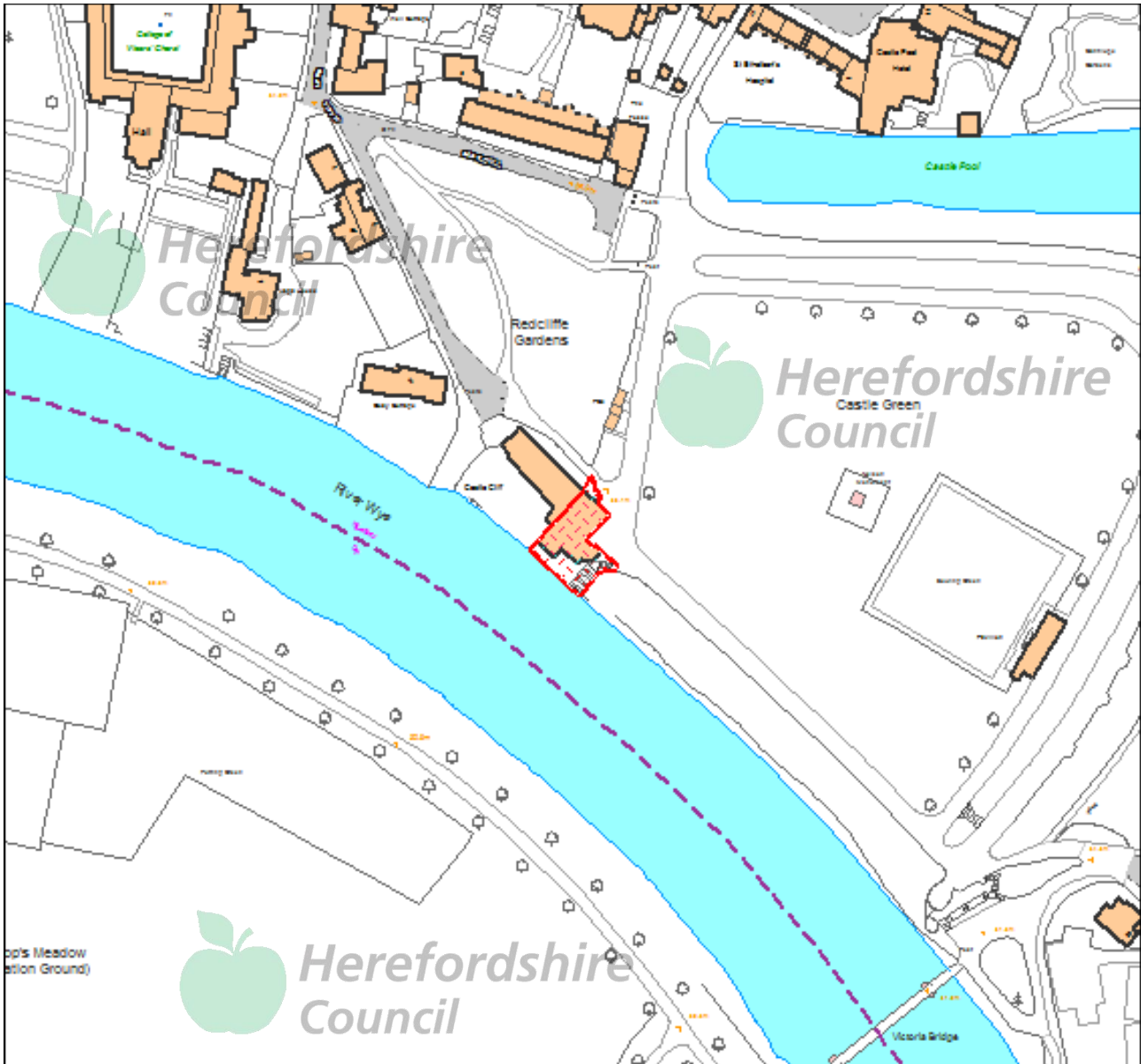
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 221224/F / 221225/L

SITE ADDRESS : THE PAVILION CASTLE GREEN, CASTLE STREET, HEREFORD, HEREFORDSHIRE, HR1 2NW

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Further information on the subject of this report is available from Mr Simon Rowles on 01432 260238