

ENV2	-	Flood storage areas
ENV14	-	Design
H12	-	Established residential areas – character and amenity
H21	-	Compatibility of non-residential uses
E7	-	Development proposals for employment purposes
CON1	-	Preservation of buildings of architectural and historic interest
CON2	-	Listed buildings – development proposals
CON3	-	Listed buildings – criteria for proposals
CON4	-	Listed buildings – change of use
CON12	-	Conservation areas
CON13	-	Conservation areas – development proposals
CON19	-	Townscape

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S2	-	Development requirements
S7	-	Natural and historic heritage
DR1	-	Design
DR7	-	Flood risk
E7	-	Other employment proposals within an around Hereford and the market towns
HBA1	-	Alterations and extensions to listed buildings
HBA3	-	Change of use of listed buildings
HBA4	-	Setting of listed buildings
HBA6	-	New development in conservation areas

3. Planning History

- 3.1 HC970264LD & HC970263PF - Conversion of the stores into Rural Media Centre. Planning and Listed Building Consent approved 5th November, 1997.
- 3.2 DCCE2004/3847/F & DCCE2004/3848/L - Proposed studio/exhibition space. Planning and Listed Building Consent refused 29th December, 2004. The two refusal reasons are as follows:

DCCE2004/3847/F

- The listed store building together with the adjacent listed buildings that combine to form this attractive group (formerly occupied by the Dorset Ale Company) occupy a very prominent location within the conservation area. The proposed adaptations would by reason of their scale and appearance result in an overly dominant form of development that would detract from the established heirarchical character and setting of the listed buildings and would therefore fail to preserve or enhance the character and appearance of the conservation area. Accordingly the proposal would be contrary to Policies ENV14, CON2, CON3, CON4 and CON13 of the Hereford Local Plan.

The proposed adaptation of the building would by reason of the increased height associated with the introduction of a new first floor result in significant harm to the amenities of neighbouring occupiers and as such the proposal is considered to be contrary to Policies ENV14, H12 and H21 of the Hereford Local Plan.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: The site is located within the Flood Zone 3 (which identifies a 1% annual probability of flooding). The proposed change of use is not classed as a flood risk sensitive use and the Agency therefore has no objections to the proposed development.
- 4.2 English Nature: English Nature cannot see any particular impact arising from this development on the SSSI and SAC providing that no machinery or materials are stored by the riverbank during the construction phase.

Internal Council Advice

- 4.3 Traffic Manager: No objection.
- 4.4 Conservation Manager: Detailed comments provided which will be referred to in the Officer's appraisal. However the conclusion is as follows:

The applicant has consistently ignored the advice given by this department and in our view no improvement has been made to this proposal from the previous refusal. The proposal would alter the structure to such an extent that it would in effect lose the majority of its characteristics which make it worthy of listing and have a significant impact on the group value of the adjacent listed buildings. The proposal is therefore not acceptable as it is contrary to local plan policy and Government Guidance and should be rejected.

- 4.5 Public Rights of Way Manager: The proposed development will not appear to affect public bridleways HER32A and HER32B.
- 4.6 Archaeological Advisor: The application site is within the boundaries of the designated Hereford Area of Archaeological Importance although in this case there does not appear to be particular archaeological implications.

5. Representations

- 5.1 Hereford City Council: No objection to planning or Listed Building Consent.
- 5.2 One letter of objection has been received from Mrs E. Kelly, Tara, 14 Wye Street, Hereford, HR2 7RB. The main points raised are:
- One of the reasons for the refusal of the previous application was the introduction of a new first floor. These applications fail to address the previous refusal reasons.
 - We do not object to a studio/exhibition space and we did not object to the Media Centre approved in 1997 as this did not introduce a new first floor. The first floor is not necessary to save any artwork displayed from flooding as suggested by the architect as the artwork could be displayed above the flood risk height.
 - The public support for the existing studio relates to its renovation and use for the proposed purpose and not for the introduction of a first floor.
 - The sun loss analysis report submitted is incorrect.
 - Our land immediately west of the application building is private land and the ancient access land rights couldn't be enforced.

- 5.3 The applicants have also submitted a planning statement which incorporates reference to relevant development plan policies and government guidance a sun path analysis to demonstrate what impact the proposal is likely to have on the neighbouring amenity. This statement also includes 20 completed comment sheets from various interested parties such as Herefordshire College of Art and Design, Hereford City Partnership, Hereford Civic Society and local estate agents all providing support for the proposed use. A brief design statement has also been provided to explain and justify the proposals in more detail. Both of these documents will be referred to in the Officer's appraisal.
- 5.4 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 These applications have been submitted following refusal of similar proposals on 29th December, 2004. The amendments to the plans are as follows:
- Removal of lantern style light feature and lowering of the main ridge by 200mm resulting in a total height reduction of 1350mm;
 - Removal of the door and window at ground floor of the western elevation and construction of a new party wall at ground floor along with the provision of obscure glazing in the western elevation at first floor.
- 6.2 The application has also been brought to the Central Area Planning Sub-Committee as a result of a request from a Local Member due to concerns regarding parking, as Wye Street is shortly to become residents parking only. Secondly due to the fact that it is a listed building and to ensure that the proposals are compatible with other buildings in the area and thirdly due to the fact that the site is in a flood risk area and to therefore ensure this has been taken into account by the applicants.
- 6.3 It should firstly be clarified there is no objection to the re-use of this warehouse building (formerly used by the Dorset Ale Company) as a studio/exhibition gallery. There is also public support for the use of the building for this purpose and the objector raises no objection to the use.
- 6.4 There are two main issues relevant to the assessment of this application:
1. The impact of the alterations on the character and appearance of the listed building and conservation area;
 2. The impact of the alterations on the amenity of adjoining property

The impact of the alterations on the character and appearance of the listed building and conservation area

- 6.5 There is no objection in principle to adopting a modern approach to listed buildings or to development proposals in Conservation Areas. However, the introduction of an entirely new first floor will significantly alter the form and appearance of this single storey warehouse building. It is considered that this level of alteration would remove the historic and architectural qualities that contribute towards the listed status of the building. The use of glazing for the first floor does provide a more lightweight appearance to the alterations thereby assisting in softening the massing of the first floor. The removal of the lantern light also reduces the dominance of the roofscape.

However, the overall height reduction is marginal (200mm) and it is not considered that these amendments or the use of lightweight materials are sufficient to remove the negative impact referred to above or overcome the previous reason for refusal. Consequently, the impact on the listed building is unacceptable.

- 6.6 The proposed introduction of a first floor will also alter the group appearance particularly with regard to the hierarchical relationship between the building to be altered and the two adjoining listed buildings. They presently form an attractive group with the host building subservient in scale and design. Whilst this subservience will remain, the introduction of the first floor dilutes the existing clear hierarchical relationship as well as the quality of the vistas of the group of buildings from Wye Bridge and the facades.
- 6.7 The building also occupies a prominent position within the conservation area. The introduction of an entirely new first floor for the full length of the building with the change in material proposed will increase the dominance of the building within the conservation area. Consequently, it follows that due to the conclusion arrived above the proposal will also fail to preserve or enhance the character and appearance of the conservation area as it represents an unacceptable form of development.
- 6.8 The design and planning statements submitted by the applicants suggests that they have failed to recognise the architectural and historic merit of the warehouse both individually and in group value terms. Reference is made to the building as 'no more than a boundary wall in part roofed over' or 'a listed stone wall'. The building is clearly far more than a listed stone wall. Elsewhere, it is stated that 'the development is fully reversible and will not impact upon the listed building'. It is difficult to see how the provision of an entirely new first floor will not have an impact on the host listed building.
- 6.9 Conservation Policy 1 of the Hereford Local Plan requires full and beneficial use of all listed buildings be secured wherever possible. This can be achieved through the use of the existing building. Conservation Policies 2, 3 and 4 however, require that special regard is had to the desirability of preserving listed buildings or their settings and any features of architectural and historical interest and ensuring any new use is compatible with the buildings individual qualities. Conservation Policy 13 states that development, which does not preserve or enhance the Conservation Area, will not be permitted other than in exceptional circumstances. This policy advice is echoed in advice contained within Planning Policy Guidance Note 15. Therefore, given the above comments and the conflict with adopted planning policy, the proposal is unacceptable on both listed building and conservation area grounds.

The impact of the alterations on the amenities of adjoining property

- 6.10 The only private amenity space enjoyed by the occupants of the attached three storey Georgian house is the enclosed courtyard area immediately west of the application building. The present situation is such that the low form and height allows a reasonable amount of light to travel through to the garden area and provides some relief from the dominance of the other enclosing buildings forming the southern and western boundaries. The applicants have addressed the potential for loss of privacy through overlooking of this area by removing the openings at ground floor and proposing the solid party wall and proposing the use of some form of obscure glazing at first floor. These alterations are welcomed. However, they do not overcome the overbearing and somewhat oppressive impact that the introduction of a first floor would have on the use of this rear garden and to a lesser extent, the use and enjoyment of

rear habitable rooms. Furthermore, even though obscure glazing is proposed, any person using this rear garden area would have the perception of being overlooked. It is therefore considered that the proposal would adversely affect amenity of the adjoining property.

Conclusion

- 6.11 The principle of the use and conversion of the building is fully supported. However, the level of alteration proposed and particularly the introduction of a full first floor fail to safeguard the individual architectural and historic qualities of this warehouse building, its subservient relationship and group value with adjoining listed buildings or a satisfactory level of amenity for the occupiers of the adjoining property in terms of the use of the rear garden. As such the proposal is considered unacceptable and contrary to the relevant local plan and the Unitary Development Plan policies and guidance contained within Planning Policy Guidance Note 15.

RECOMMENDATION

DCCE2005/0436/F

That planning permission be refused for the following reasons:

- 1. The listed store building together with the adjacent listed buildings that combine to form this attractive group (formerly occupied by the Dorset Ale Company) occupy a very prominent location within the conservation area. The proposed adaptations would be reason of their scale and appearance result in an overly dominant form of development that would detract from the established heirarchical character, appearnace and setting of the listed buildings and would therefore fail to preserve or enhance the character and appearance of the conservation area. Accordingly the proposal would be contrary to Policies ENV14, CON2, CON3, CON4, CON12 and CON13 of the Hereford Local Plan, policies S7, DR1, HBA1, HBA3, HBA4 and HBA6 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and advice contained within Planning Policy Guidance Note 15 – Planning and The Historic Environment**

The proposed adaptation of the building would by reason of the increased height associated with the introduction of a new first floor result in harm to the amenities of neighbouring occupiers and as such the proposal is considered to be contrary to Policies ENV14, H12 and H21 of the Hereford Local Plan and policy E7 of the Herefordshire Unitary Development Plan (Revised Deposit Draft)

DCCE2005/0440/L

That listed building consent be refused for the following reason:

- 1. The listed store building together with the adjacent listed buildings that combine to form this attractive group (formerly occupied by the Dorset Ale Company) occupy a very prominent location within the conservation area. The proposed adaptations would by reason of their scale and appearance result in an overly dominant form of development that would detract from the established heirarchical character, appearance and setting of the listed buildings and would therefore fail to preserve or enhance the character and appearance of the conservation area. Accordingly the proposal would be**

contrary to Policies ENV14, CON2, CON3, CON4, CON12 and CON13 of the Hereford Local Plan, policies S7, DR1, HBA1, HBA3, HBA4 and HBA6 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and advice contained within Planning Policy Guidance Note 15 - Planning and The Historic Environment.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.