

10 DCCE2003/3716/F - TWO STOREY BUILDING TO FORM OFFICES. EXISTING BUILDING TO BE DEMOLISHED AT 97-98 EAST STREET, HEREFORD**For: Trustees of the Old Herefordian Fund per Jamieson Associates, 30 Eign Gate, Hereford, HR4 OAB****Date Received: 10th December 2003****Ward: Central****Grid Ref: 51049, 39941****Expiry Date: 4th February 2004**

Local Member: Councillor D.J. Fleet

1. Site Description and Proposal

- 1.1 Numbers 97/98 East Street are located on the southern side of East Street opposite the rear of the Booth Hall Public House. The existing building is of brick construction with two large openings on the ground floor which did have full height timber doors. One set of these has recently been removed to create a temporary access whilst works were being undertaken to buildings on St. John Street. There are two windows above these openings. The roof line of the property is consistent with the adjoining restaurant. To the rear of the building there is a gable with an open former wagon way with a window to both first and ground floors. Due to the configuration of boundaries and buildings the rear elevation has a reduced width. The site lies within the Central Conservation Area.
- 1.2 The proposal seeks to demolish the existing building and erect a new two storey building with the same ridge height as to the previous. The front elevation of the building has three openings at ground floor level with high level windows just below eaves level at first floor. A 2 metre wide pedestrian only walkway is proposed leading to the site to the rear of the building. This entrance would be gated.
- 1.3 The proposed use of the building would offer office space to both ground and first floor.
- 1.4 Initially the proposed plans showed a vehicular access to the rear of the site with car parking to eight parking spaces in the garden to the rear of 6 St. Johns Street. Due to a fundamental objection to the use of this access for vehicles due to highway safety implications, amended plans were submitted on the 31st March 2005. These omitted the vehicular access and parking from the scheme.

2. Policies**2.1 Planning Policy Guidance:**

- PPS1 - Delivering Sustainable Development
- PPG13 - Transport
- PPG15 - Planning and the Historic Environment

2.2 Hereford Local Plan:

Policy ENV14	-	Design
Policy S1	-	Role of the Central Shopping Area
Policy E9	-	Office Development in the City Centre
Policy CON12	-	Conservation Areas
Policy CON13	-	Conservation Areas – Development Proposals
Policy CON14	-	Planning Applications in Conservation Areas
Policy CON19	-	Townscape

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft);

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy TCR1	-	Central Shopping and Commercial Areas
Policy TCR10	-	Office Development
Policy H16	-	Car Parking
Policy HBA6	-	New Development within Conservation Areas

3. Planning History

- 3.1 CE1999/1153/C Demolition of existing building. Approved 14th March, 2003.
- 3.2 CE1999/1154/F Demolition of existing building and erection of new two storey building to form nursery for Cathedral Junior School. Approved 14th March, 2003.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water recommends conditions relating to foul and surface water drainage.

Internal Council Advice

- 4.2 The Transportation Manager has no comment to make on this application (amended plans).
- 4.3 The Conservation Manager makes the following comments:
- (Archaeology) raises the issue of the site being a sensitive site archaeologically. It lies within the Area of Archaeological Importance and possibly over the location of former Saxon defences. Further exploration is required and foundation design details may be required.
- (Historic Building Conservation) - the principle of demolition has been established under a previous application. Given the neutral contribution of the existing building to the Conservation Area it is questionable whether there are sufficient grounds for refusal of the application solely on the grounds that it fails to preserve or enhance.
- 4.4 The Forward Planning Manager makes the following comments:

The principle of demolishing this building and replacing it has been established by a previous application in 1999 for a nursery and education building in connection with the Cathedral School. The proposed office use in this location would conform to Policy ED9 of the Hereford Local Plan. Therefore there is no objection to the principle of this application.

5. Representations

5.1 Hereford City Council raises no objection to the proposal.

5.2 Letters of objection have been received from Malcolm Harrison (on behalf of Mr. and Mrs. Eddy, Orchid House, East Street) and from Hereford and City and County Conservative Club. These letters raised the following concerns:

- Lack of party wall agreement and discussion with neighbours.
- Objection to detailed design of proposal and impact on the character of the adjoining properties.
- Question need for further office accommodation in East Street.
- Impact of works on trade.
- Concern over roof materials to be used and impact on adjoining building.

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 issues for consideration in the appraisal of this proposal are:

- The principle of development.
- The impact of the development on the character and appearance of the Conservation Area.

6.2 The application site lies within the Central Shopping Area of Hereford City and within the Central Conservation Area. In 2003, applications for the demolition of the existing building and erection of an extremely similar building to be used as a nursery and education centre were approved with conditions. As such the principle of demolishing the existing building and replacing it with that now proposed has been established. The use of the building for office accommodation is also acceptable and clearly conforms with Policy ED9 of the Hereford Local Plan.

6.3 During this lengthy application process, careful consideration was given to the acceptability of a vehicular access through this site. This has now been omitted from the scheme and a 2 metre wide pedestrian access retained leading to the proposed residential development to the rear of the site. A condition to ensure this is retained for pedestrian use only is recommended. There is no objection to the use of the proposed building as an office development within the city centre, without off road parking. This conforms with the guidance and principles of PPG13 and concepts of sustainable

development. It is recommended that cycle racks be provided to the rear of the building to encourage the use of alternative methods of transport.

- 6.4 In terms of impact the style and design are considered to preserve the character and appearance of the Conservation Area and it is felt that a refusal on design grounds could not be sustained especially as the design and style of the building is extremely similar to that previously approved. In light of this it is considered that the proposed development would accord with the policies of the Local Plan and guidance contained within PPG15.
- 6.5 In respect of the objections received, whilst the comments make valid points in respect of the design and impact on the adjoining buildings, conditions are recommended to ensure that the roof materials harmonise with those on the adjoining building. Concerns regarding impact on the Conservation Area have been addressed above. Highway issues have been overcome by the removal of vehicular access. A condition relating to hours of construction is also recommended in the interests of the neighbouring properties. The onus is placed upon the applicant to arrange any party wall agreements and an Informative Note can be included, but this is not a planning matter that can be considered as part of the application.

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. A09 (Amended plans) (31st March 2005).**

Reason: To ensure the development is carried out in accordance with the amended plans.

- 3. B01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings.

- 4. Notwithstanding the approved drawings, details of the following shall be submitted to and approved by the local planning authority prior to the commencement of any works. The development shall be carried out in accordance with the approved details:-**

(a) Details of gates, including design, materials and finish.

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

- 5. C04 (Details of window sections, eaves, verges and barge boards).**

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

6. C05 (Details of external joinery finishes).

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

7. The access way shown on the amended plans shall be used for pedestrian use only and at no time shall be used for vehicular traffic.

Reason: For the purposes of clarification and in the interests of highway safety.

8. 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.

9. F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

10. F39 (Scheme of refuse storage).

Reason: In the interests of amenity.

11. H05 (Access Gates).

Reason: In the interests of highway safety.

12. 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.

13. D01 (Site investigation – archaeology).

Reason: To ensure the archaeological interest of the site is recorded.

14. 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

Informatives:

- 1. N03 - Adjoining property rights.**
- 2. N14 - Party Wall Act 1996.**
- 3. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.