

12[A] DCCE2005/1271/F - DEMOLITION OF LISTED & NON-LISTED BUILDINGS,ERECTION OF TWO/THREE STOREY BUILDING TO PROVIDE NEW RETAIL USE, RESTAURANT AND 11 NO FLATS 51,52,52A,&52B, COMMERCIAL STREET & 3A,3B,&3C UNION STREET (AND LAND BETWEEN), HEREFORD, HEREFORDSHIRE

For: Woodbury Park Ltd per Glazzard Architects, Building C2, Perdiswell Park, Droitwich Road, Worcester, WR3 7NW

12[B] DCCE2005/1281/L - DEMOLITION OF LISTED & NON-LISTED BUILDINGS,ERECTION OF TWO/THREE STOREY BUILDING TO PROVIDE NEW RETAIL USE, RESTAURANT AND 11 NO FLATS 51,52,52A,&52B, COMMERCIAL STREET & 3A,3B,&3C UNION STREET (AND LAND BETWEEN), HEREFORD, HEREFORDSHIRE.

For: Woodbury Park Ltd per Glazzard Architects, Building C2, Perdiswell Park, Droitwich Road, Worcester, WR3 7NW

Date Received: 22nd April, 2005 Ward: Central

Grid Ref: 51171, 40062

Expiry Date: 17th June, 2005

Local Member: Councillor D.J. Fleet

1. Site Description and Proposal

- 1.1 The site occupies a double frontage bordering both Commercial Street and Union Street in the centre of Hereford City. More specifically, the site includes Nos 51, 52, 52a and 52b Commercial Street, the land to the rear (south) of these properties and No's. 3a, 3b and 3c Union Street. The majority of the Commercial Street frontage is occupied by a 18th Century, Grade II Listed three storey brick building under a pitched slate roof (Nos 52, 52a and 52b). This is presently sub-divided into three retail units at ground floor, a Chinese Restaurant at first floor and residential accommodation at second floor. No. 51 is also grade II listed and is believed to be principally 17th Century with an 18th Century facade and is two storey in height with a slate roof. This is presently used as Toni & Guy Hairdressers at ground floor with ancillary staff accommodation at first floor. North of No 51 is a 15th Century mediaeval hall, to the

rear of which is an attractive 19th Century soup kitchen and heptagonal building historically used as a bakehouse.

- 1.2 To the rear of these properties are a range of modern single and two storey extensions constructed over the last 30 years or so. One exception is the three storey building located to the rear of 51 Commercial Street. This was originally believed to have been constructed as a warehouse but now transpires to have been constructed as a dwelling in the mid-19th Century and subsequently re-used for various commercial uses. This building is also Grade II Listed by virtue of its relationship and location within the curtilage of listed buildings fronting Commercial Street. Immediately south of the site is the Grade II* Listed St Peter's Church.
- 1.3 Although presenting an impression of two independent buildings, Nos. 3a, 3b and 3c Union Street is in fact a single building dating from the late 19th/early 20th Century. Nos. 3b and 3c has a mock half-timber frontage with dormer windows at second floor. 3a Union Street has Elizabethan detailing including stone lintels and quoins around the windows and leaded glass and constructed from brick with a parapet flat roof design. The ground floor of these properties is sub-divided into three retail units along with an archway providing vehicular access to the rear. Only one unit is now being occupied and the upper floors are largely vacant and in some respects uninhabitable. South of 3a Union Street is a new two storey take-away restaurant constructed from brick and number 4-8 Union Street to the north is a three storey grade II listed Victorian brick terrace now occupied residentially and managed by a local Housing Association.
- 1.4 The majority of the central area of the site has most recently been used as a petrol filling station and vehicle repair garage and the planning authority is aware that the disused petrol tanks still remain below ground. The entire site lies within the Conservation Area, an Area of High Archaeological Importance, and the Central Shopping Area. In addition, the Commercial Street properties are designated Primary Shopping Frontage and Union Street is classified Secondary Shopping Frontage.
- 1.5 The proposal is for a mixed use development to create new retail units, a restaurant and residential flats. More specifically the proposal is for the alteration and renovation of the core of the listed buildings fronting Commercial Street to create the frontage for two retail units on two floors. The more modern extensions to the rear are to be demolished including the Grade II Listed dwelling to allow the construction of the new build retail on two floors extending off, and attached to, the rear of the Commercial Street Listed Buildings.
- 1.6 The existing properties on Union Street are to be demolished and replaced with a contemporaneously designed three storey building creating a new Chinese Restaurant at ground and part of first floor with a one bedroom flat on the remainder of the first floor and one No. 1 bedroom and one No.2 bedroom flat at second floor. A further eight one bedroom flats are to be provided at second floor above the retail units. This report covers both the Planning and Listed Building/Conservation Area Consent applications.

2. Policies

2.1 Planning Policy Guidance:

- PPS1 - Delivering Sustainable Developments
- PPG3 - Housing

- PPS6 - Planning for Town centres
- PPG15 - Planning and the Historic Environment

2.2 Hereford Local Plan:

- ENV4 - Groundwater
- ENV8 - Contaminated land
- ENV14 - Design
- ENV15 - Access for all
- ENV17 - Safety and security
- ENV18 - External lighting
- H3 - Design of new residential developments
- H21 - Compatibility of non-residential uses
- H23 - City centre residential accommodation
- S1 - Role of the central shopping area
- S2 - Retail development within the central shopping area
- S5 - Primary shopping frontages
- S6 - Secondary shopping frontages
- S8 - Window displays
- CON1 - Preservation of buildings of architectural and historic interest
- CON2 - Listed buildings – development proposals
- CON3 - Listed buildings – criteria for proposals
- CON6 - Listed buildings – demolition
- CON7 - Listed buildings – condition on demolition
- CON10 - Under use of historic buildings
- CON12 - Conservation areas
- CON13 - Conservation areas – development proposals
- CON14 - Planning applications in conservation areas
- CON15 - Enhancement schemes
- CON16 - Conservation area consent
- CON17 - Conservation area consent – demolition
- CON18 - Historic street pattern
- CON19 - Townscape
- CON20 - Skyline
- CON24 - Shopfronts
- CON27 - Shopfronts – design
- CON28 - Shopfronts – materials
- CON29 - Advertising
- CON35 - Archaeological evaluation
- T11 - Pedestrian provision
- T12 - Cyclist provision
- T3 - Traffic calming

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft);

- S1 - Sustainable development
- S2 - Development requirements
- S3 - Housing
- S5 - Town centres and retail
- S6 - Transport
- S7 - Natural and historic heritage
- DR1 - Design
- DR2 - Land use and activity

- DR3 - Movement
- DR4 - Environment
- DR5 - Planning obligations
- DR10 - Contaminated land
- DR14 - Lighting
- H1 - Hereford and the Market Towns: settlement boundaries and established residential areas
- H3 - Managing the release of housing land
- H13 - Sustainable residential design
- TCR1 - Central shopping and commercial areas
- TCR2 - Vitality and viability
- TCR3 - Primary shopping frontages
- TCR4 - Secondary shopping frontages
- TCR6 - Non-retail uses
- TCR8 - Small scale retail development
- TCR9 - Large scale retail and leisure development
- T6 - Walking
- T7 - Cycling
- T16 - Access for all
- HBA1 - Alterations and extensions to listed buildings
- HBA2 - Demolition of listed buildings
- HBA4 - Setting of listed buildings
- HBA6 - New development within conservation areas
- HBA7 - Demolition of unlisted buildings within conservation areas
- HBA10 - Shopfronts
- ARCH1 - Archaeological assessments and field evaluations
- ARCH2 - Foundation design and mitigation for urban sites
- ARCH7 - Hereford AAI

3. Planning History

- 3.1 Numerous approvals exist for the site as a whole over the last thirty years or so for various alterations to the listed buildings, new signage and changes of use.

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency:

The site is situated on a minor aquifer which potentially provides a base flow to surface water in the area and/or a resource for supplying the area. The Environment Agency therefore consider this to be a potentially sensitive location with respect to the protection of controlled waters. Previous land uses including the former garage with underground petroleum tanks may have caused contamination of soil and groundwater. In order to ascertain the degree of the contamination and to avoid the possibility of contaminants being released into groundwater or surface water as the site is developed, further information is required including a desktop contaminated land study.

4.2 English Heritage:

The site is an assemblage of several plots in the historic heart of the Conservation Area. The uniting of these plots does not appear to be objectionable in principle - land to the rear was historically gardens and outbuildings rather than burgage plots or

another such layout of historical significance. We note the potential benefit to the city centre of having some larger retail units to ensure its continued vitality.

The demolition of the Union Street buildings would be regrettable as they do make a positive contribution to the character of the Conservation Area. Their loss would only be justifiable if the Council is convinced that the proposed new building is itself of sufficient quality to enhance the character of the Conservation Area more than the buildings that would be lost. We defer to the Council on this matter but have to say that this will be a finely balanced decision.

The interior of the upper floors of 52 Commercial Street retain much of the architectural and historic interest in their fabric, features and layout, including a fine 18th Century stair from first to second floor, many original doors, frames, architraves, skirtings and chimney pieces. Other features may be concealed behind linings and suspended ceilings on the first floor. The extent of stripping out implicit in the proposed scheme would not be appropriate but the detailed agreement of the design and scope of the works would have to await fuller access and investigation on vacation of the property. We do not envisage that this would affect the overall concept of the scheme, but it would require more retention of the historic room layout and internal features.

A greater understanding is also required on the 19th Century Listed Building to be demolished before a decision can be taken on its retention.

English Heritage recommends that further information is required on the outbuilding to be demolished and the internal works to 52 Commercial Street should be less disruptive. On that basis we must recommend refusal of the applications in their present form, but can review that advice given satisfactory further information. Comments awaited on the amended plans.

4.3 Ancient Monuments Society:

We have no objection in principle to the idea of retail development spread in between the two street frontages but have some reservations about the proposals as submitted. These are as follows:

1. The proposals show the removal of most of the ground floor party walls between Nos 51 and 52 Commercial Street. We would prefer a scheme which would retain more of the historic property divisions, which presumably reflect the burgage plots of the mediaeval city.
2. The scheme removes the warehouse at the rear of No. 51. This is specifically mentioned in the list description and is an important part of the site which should be incorporated into the development if possible.
3. Two unlisted buildings in Union Street contribute to the character of the Conservation Area. In our view the proposed flat roof building with such a strong horizontal emphasis is not an appropriate replacement and seems unlikely to be an enhancement of the Conservation Area..

4.4 The Georgian Group:

It is the view of the group that the proposed works are unacceptable in terms of the alteration and loss of fabric and plan form of 51 and 52 Commercial Street. The degree of alteration to Nos. 51 and 52 would make the Listed Buildings no more than an adjunct to the new commercial development, it should be the case that the existing listed building is retained as is and any new buildings married in a sympathetic way to

it. This approach is not only damaging to the listed buildings but is also strictly against the guidance laid out in PPG15 para 3.12 and 3.15.

In terms of the replacement Union Street frontage, the proposed elevations do not contribute in any positive way to the overall street scene of Union Street, the use of strident architectural forms combined with modern and vaguely traditional materials presents too much of a contrast with the surrounding property. It is for these reasons that we strongly recommend the Authority refuse Listed Building Consent for this application.

4.5 Hereford City Partnership:

The Partnership is in agreement with the development as this will improve the city's retail offer. However, we feel that the rear service yard needs to be changed to provide safe and clean access for residents of the flats and also provide adequate storage for the commercial and domestic waste and vehicular access to the area by the waste contractors.

4.6 Chamber of Commerce: No comments received.

Internal Council Advice

4.7 Traffic Manager:

The opportunity should be taken to achieve pedestrian connectivity to Union Street and Commercial Street through the development. Contributions should be sought for highway improvements in the locality and secure cycle storage should be provided for the flats within the site.

4.8 Conservation Manager:

The information provided to justify the demolition of the listed dwellings/warehouse is unacceptable and the information provided within the design statement is misleading. In particular, Conservation Policy 6 and PPG15 state that listed building consent for the demolition or substantial demolition of a listed building will only be granted in exceptional circumstances. We contend that the building is capable of being successfully incorporated into a scheme and would add to the scheme. We recommend that this area of the proposal be reviewed.

The proposed new facade would be an appropriate response to the streetscape. The design is contemporary and picks up the horizontal emphasis with vertical features provided by the large window openings picking up the form of adjacent listed buildings. It is also subservient to this building. This aspect of the proposal is therefore acceptable.

The proposed refurbished facade to Commercial Street is in principle welcomed but we recommend that the design of the new shopfronts conform to Hereford City Council's Shopfronts and Advertisements Guide. The depth of the stallriser should be increased and the scale of the transom lights reduced to improve the overall appearance. The proposed lantern lights to the rear of No. 51 should be pitched at the same angle as the roof rather than flat which would allow light to defuse in a more interesting manner.

In terms of the internal alterations to the listed buildings, there are internal features such as door surrounds, skirtings, fireplaces etc that are worthy of retention within the proposed scheme. These buildings should not be gutted and existing sub-divisions retained. Further analysis is also required as to the age of No. 51 as parts of the

timber beams appear to be 17th rather than 18th Century. Some form of watching brief or exploration of the internal alterations is required. For example, the dividing wall between 51 and 52 behind the existing building line is over 1.5 metres thick and would appear to be medieval. The age of this feature should be discovered and incorporated within the scheme if found to be medieval. As currently submitted the scheme is contrary to development plan policies and therefore is recommended for refusal. Comments awaited on the amended plans.

4.9 Environmental Health - Petroleum and Explosives Officer:

The underground tanks at the site must be permanently made safe to this departments satisfaction. A Safety Method Statement must be submitted and approved by the Petroleum Officer prior to any work being undertaken within the vicinity of the tanks. This can be dealt with by condition.

4.10 Environmental Health/Landfill and Pollution Officer:

Due to the previous use of the site as a former petrol filling station and vehicle repair garage I recommend that a contaminated land condition is placed on the planning permission to require assessment of the site and any necessary remedial works to be undertaken to ensure the site is suitable for use. It is also recommended that conditions be imposed restricting the demolition and construction working hours along with a Method Statement to minimise dust emissions from the site during the construction phase.

4.11 Forward Planning Manager:

The site is located within the Central Shopping Area as defined in the Hereford Local Plan. Policy S2 stipulates that small scale retail development proposals within the Central Shopping Area including change of use proposals will be permitted. The proposed land use of Class A1 Retail fronting Commercial Street which constitutes a Primary Shopping Frontage satisfies Plan Policy S5. The proposals for Class A3 Food and Drink along the Secondary Shopping Frontage of Union Street would also be consistent with Plan Policy S6. Policy H23 encourages the provision of dwellings above retail units in the Central Shopping Area.

The site falls within the Central Conservation Area. Conservation Policy 15 regarding enhancement schemes identifies the frontage along Union Street as part of the Conservation Area that would benefit from enhancement. Such enhancement may embrace the maintenance and repair of individual buildings as well as improvements to the wider street scene.

In terms of the UDP, the site is located within the Central Shopping and Commercial Area under Policy TCR1. Policy TCR3 requires Primary Shopping Frontage to be dominated by Class A1 retail units which the scheme proposes. Policy TCR4 stipulates that Class A3 uses at ground floor within the Secondary Shopping Frontage will be permitted providing they would not result in a continuous frontage of more than two non-retail units and will not cause a proportion of non-retail uses in the relevant frontage to exceed 50%. This will need to be examined. There are exceptions to this policy if the premises are vacant or under used and it can be demonstrated that they are unlikely to be used for retailing. Policies S5 and TCR2 encourage housing above shops.

Chapter 7.7R of the Revised Deposit Draft UDP identifies a retail requirement of an additional 14-16,000 sq metres net of city centre comparison retail floorspace in the plan period, with a qualitative need for larger and suitably configured units to attract

modern multiple retailers within the Central Shopping and Commercial Area. The proposed development would provide approximately 2,300 sq/m (net) of floorspace. This combined with the existing units on the site with the additional use of the upper floor would provide a creditable increase in provision and provide more attractive and flexible units.

In summary, the proposal satisfies and promotes both national and local town centres policy. Much of the proposed site is currently under utilised for such a prominent town centre site, and a mixed use development of this nature would compliment such a site. There are issues surrounding conservation that will require consultation with the Conservation Department, if these issues can be overcome then the Forward Planning Department supports the proposal.

4.12 County Archaeologist:

An archaeological assessment and evaluation has been undertaken which has not revealed significant archaeological remains within the site. In view of this, archaeological conditions are recommended to allow a watching brief on the excavations and foundation depths and design.

4.13 CBA: No comments received.

4.14 Victorian Society: No comments received.

4.15 SPAB: No comments received.

5. Representations

5.1 Hereford City Council:

The city council objected to the original submission on the grounds that increased pedestrian linkage between Commercial Street and Union Street is required, the scheme should incorporate more residential and that the application might be considered premature due to the more wide ranging plans for the city block.

In response to the amended plans; Hereford City Council welcomes the proposed development and has no objection.

5.2 Conservation Advisory Panel:

1. The extra large retail space is welcomed and the need was agreed.
2. More information is needed concerning the listed building to be demolished.
3. Opening of the site would increase foot fall to the benefit of everyone and give extra window space.
4. New elevations to Union Street did not conform to the existing and the penthouse looks ugly and massing is wrong and the horizontality is not good.

The Panel is also concerned about the piecemeal way in which such proposals have been brought forward. It is important that if we are to get the development of the city right, all proposals within the Walled City are looked at objectively and considered collectively. The Panel presently recommend refusal and await further information. Comments awaited on amended plans.

5.3 Hereford Civic Society:

Whilst the revised scheme is an improvement, we do not feel the development is of sufficient quality or interest for this location. This site gives the opportunity to develop

an interesting mix of housing, retail and public spaces. Whilst the revised scheme goes some way towards this we believe that small retail units, greater public access and more housing would be a further improvement. The site is, with the present proposals, being overdeveloped, with poor access for servicing the shops while the public passageway and courtyard give all the appearance of these being the afterthought that they are.

The proposed elevation to Union Street does not, we feel, fit with the existing elevations on this frontage and should be reconsidered. We also hear rumours that the "Pride of India" restaurant is for sale, bringing this property into the development site would have many advantages.

We believe the application should be rejected.

5.4 Hereford Access for All Committee:

Lifts within the retail units and for the flats are noted with approval.

5.5 A letter has been received from Felicity Mackenzie, 50a Commercial Street who requests that a means of escape be provided via the development to the rear of her property.

5.6 Two letters of support have been received from Robin Elt, Director, Robin Elt Shoes, 1 Alvin Street, Gloucester and Alex Coppock, RRA Architects, Packers House, 25 West Street, Hereford. The main points raised are:

- As an existing tenant of this property for some two-and-a-half years I cannot applaud demolition/renovation of the buildings sufficiently. We have had repeated problems with the health and safety environment and ingress of sewage and other liquid items into the cellar. The buildings are well passed their sell by date.
- We welcome the creation of a courtyard and possible pedestrian link through the rear of the site as it will provide the opportunity for greater connectivity with other parts of the urban block at a later date and promote the idea of city living within Herefordshire.

5.7 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 proposals have been subject to several revisions and amendments in order to address concerns of your officers, consultees, City Council and other interested groups. The various amendments will be referred to in the course of the report. The key issues for consideration in the assessment of these applications are:

1. The principle of the development.
2. Demolition of the listed building.
3. Union Street re-development.
4. Alterations to the listed building.
5. Other matters.
6. Conclusion.

The Principle of the Development

- 6.2 The site lies within the Central Shopping Area as defined in the Hereford Local Plan and the Central Shopping and Commercial Area as described in the Unitary Development Plan (UDP). Commercial Street is a key retail frontage, which is supported from a policy perspective by its designation as Primary Shopping Frontage with Union Street being designated as Secondary Shopping Frontage. Policy S1 of the Local Plan and TCR1 of the UDP state that the Central Shopping and Commercial Area should be retained and protected as the prime focus for retail, leisure and commercial activity in order to ensure the continued vitality and viability of the city centre.
- 6.3 The retail floor space is to be divided into two units, each on two floors. Unit A is proposed to be 16,300 sq ft or 1520 sq metres and Unit B is proposed to be 8400 sq ft or 780 sq metres. Research undertaken as part of the preparation of the UDP has revealed a need for an additional 14-16,000 sq/m net of city centre retail floor space and more specifically, a need for larger and suitably configured units to attract modern multiple retailers within the Central Shopping and Commercial Area. Therefore, both the adopted local plan and the UDP support the principle of retail development as being the primary land use of the site. Moreover, the policies support the principle of larger retail units with bigger floor plates.
- 6.4 The proposal also incorporates an A3 restaurant on two floors, ancillary offices for the retail units and 11 flats above the restaurant and retail units. PPS6 indicates that for a town centre to be commercially attractive and vibrant both day and night a mixture of uses should be promoted. Likewise, PPG3 also promotes residential development in town centre locations and particularly above shops for the same reasons. Therefore, the principle of alternative uses of the site is also fully supported by development plan policies and government guidance.

Demolition of Listed Building

- 6.5 In order to accommodate the new build retail to the rear of the listed buildings fronting Commercial Street, the applicants propose the demolition of a stand-alone building to the rear of 51 Commercial Street. This building is constructed from brick under a pitched slate roof and is three stories in height. Both English Heritage and the Conservation Manager have objected to this aspect of the proposal partly due to the lack of justification. As a result, the applicants have undertaken a historical conservation analysis of the building to establish its date of construction and subsequent alterations, reason for construction and subsequent uses and relationship with other buildings. This is a factual assessment only, based on evidence gathered from various sources and is currently being assessed by English Heritage and the Conservation Manager.
- 6.6 The conclusions are that the building was constructed by Thomas Day as a dwelling some time between 1858 and 1871. The building was originally constructed as a single room on three floors. It was then extended sometime between 1937 and 1967 and more recently has been used for commercial purposes. It has not been used for any purpose since the mid 70's and is now in a poor state of disrepair although it is believed to still be structurally sound. The building is not accessible internally due to pigeon infestation. The report states that the building has some historic interest in association with 'Hereford Society for Aiding the Industrious' but is not architecturally distinctive or rare in terms of its construction or materials. It also advises that some

key features included in windows, doors and chimney stacks have been removed/replaced.

6.7 The report does not provide any specific opinions. However, based on the factual evidence available the report has identified that the building is a Victorian house typical of many other Victorian properties in Hereford and is likely to be listed by virtue of its location within the curtilage of other listed buildings rather than its particular architectural or historic merit. In view of this information it is considered that the building may be of less interest both individually and in terms of its relationship with surrounding buildings than originally thought. However, Members should be aware that this is your Officers opinion and may not echo comments from the Conservation Manager or English Heritage.

6.8 Conservation Policy 6 of the Hereford Local Plan lists a number of criteria under which possible demolition of a listed building must be assessed:

1. The importance of the building in terms of architectural and historic interest and rarity.
2. The features of the building which contribute to its listing.
3. The setting of a building and its contribution to a local scene.
4. The merits of alternative proposals for the site including the extent to which the proposed works would bring substantial benefits to the community.
5. The condition of the building and the cost of repair and maintenance in relation to its importance and value derived from its continued use.
6. The adequacy of efforts made to retain the building in use.

PPG15 entitled Planning and the Historic Environment also states that the Secretary of State would not expect consent for demolition to be given simply because redevelopment is economically more attractive to the developer than repair and reuse of the historic building. Therefore, the local and government policy explicitly states that significant justification is required for demolition of a listed building and a more economically attractive redevelopment of the site is not a reason in itself for supporting the demolition of the listed building. However, the merits of the alternative proposals including the community benefits are nevertheless a strong material planning consideration in this instance. Support cannot be given for the demolition of the building until further comments have been received from the Conservation Officer and English Heritage and further information in this regard will be reported to Members at Committee.

6.9 Finally, the applicants/developers have listed possible problems with trying to incorporate the building within the retail floor space which are as follows:

1. Seriously interrupt the open retail space of the proposed developments required by the national retailers, which have an agreement to occupy the units subject to planning permission.
2. Existing floor levels and headroom would be entirely different to those within the new retail floor space and existing listed buildings.
3. Existing windows to north east pose significant problems with overlooking and potential spread of fire through internal layouts.
4. Its isolation from other listed buildings mean its retention would have little or no context.
5. Unlike the buildings fronting Commercial Street and other buildings to the north, there is no obvious use to which the building can be converted.

Union Street Redevelopment

- 6.10 The scheme proposes the demolition of numbers 3a, 3b and 3c Union Street. Despite their appearance, it is believed that they are in fact a single building dating from the late 19th Century/early 20th Century. A mock Tudor half-timber façade has been applied to Numbers 3b and 3c giving this part of the building a separate identity. Whilst these buildings do contribute towards the character and appearance of the Conservation Area, it is not considered that they make such a positive contribution as to warrant their retention. The Conservation Officer supports this view. Any consent for demolition will be subject to the replacement building being of equal or enhanced value to the Conservation Area.
- 6.11 Rather than trying to replicate the buildings to be demolished or other buildings of merit in the locality, the developers have chosen to adopt a more contemporary approach with a relatively bold design in order to create a direct contrast with other buildings within Union Street and make an architectural statement. This, in principle, is an acceptable approach.
- 6.12 The scale and form has been designed to respect and flow with other buildings in the locality and particularly No. 4-8 Union Street immediately to the north, which is a late Victorian terrace house. Horizontal emphasis has been achieved through the use of a bold red sandstone façade at first floor punctured with symmetrically located window openings and balcony railings providing a degree of verticality to the design. The red sandstone is balanced at second floor with recessed penthouse flats capped with an overhanging canopy. Whilst the materials and design are very modern, the overall scale is subservient to adjoining listed buildings and consequently, their character and intrinsic merit will not be diluted or overpowered by the proposal. It is considered that the proposed design and materials will enliven this part of Union Street and will lead to a positive enhancement of the Conservation Area.

Alterations to Listed Buildings

- 6.13 In providing the new retail space, the listed buildings fronting Commercial Street are to be altered and renovated. This includes the opening up of ground and first floors by removing internal partitioning, dividing walls and parts of the rear elevation to create a more open plan retail floor plate, provision of three new shopfronts on Commercial Street and the general refurbishment of the buildings such as replacement/renovation of sash windows, re-roofing, new services e.t.c. Parts of the building are generally in a poor state of repair and in need of restoration and therefore the works generally proposed under this scheme are welcomed.
- 6.14 However, both the Conservation Officer and English Heritage have expressed concerns regarding the extent of 'stripping out' proposed particularly at ground and first floor. This not only relates to the removal of the dividing walls and internal partitioning but also the extent of removal of some of the original features such as skirting boards, architraves, doors etc. The applicants are happy to accept a condition to enable the planning authority and conservation officer to control and ensure the extent of 'stripping out' is minimised or where this is absolutely necessary, existing fabric is reused elsewhere within the listed buildings.
- 6.15 Notwithstanding this, the scheme still entails relatively significant alterations to the ground floor of the listed building. A number of original internal dividing walls and sections of the rear elevation of the building are to be removed to allow the free flow of

customers through the retail unit. In response to this concern the developers have reduced the amount of alterations particularly at first floor. At ground floor, where sections of wall are to be removed, the walls will be revealed below ceiling height in order that the historic room proportions are still defined. Whilst this is not an ideal situation and has generated an objection from both the Victorian and Georgian Societies, it is considered to be a satisfactory compromise and subject to conditions as outlined above, will safeguard the integrity of the listed buildings.

- 6.16 The designs of the new shop fronts have been amended to address the concerns of the conservation officer and to ensure they accord with the council's supplementary planning guidance on shopfronts. All features worthy of retention including the Tony and Guy shopfront, original cornice detailing and the ornate door serving the existing restaurant are to be retained. Whilst the specific detailing and materials including details of the advertisements will be controlled by condition, the design now respects the appearance and proportions of the listed building.

Other Matters

- 6.17 One of the principle amendments which has been negotiated is the incorporation of additional residential accommodation above the retail units. The number of flats has now increased from 3 to 11 comprising one No. two bedroom flat and 10 No. one bedroom flats. PPS6, Para 2.21 promotes mixed use developments in town centre locations including flats above shops as they increase activity, stimulating and contributing to the vitality and viability of a city centre such as Hereford. The size and type of accommodation proposed is appropriate for a town centre location and Highways are satisfied with the residential development being car free. This is subject to secure cycle storage being provided which the developers have now proposed through the amended plans.
- 6.18 A contemporary design has also been adopted for the flats above the shops with the exterior being clad with zinc, modern fenestration and cantilevered galvanised stainless steel access stairs. Each flat will have their own outdoor amenity space provided by balconies. A lift is now also proposed not only for the retail units but also to serve the flats making them potentially accessible for the less mobile, which is welcomed by the access committee. The flats are also essentially one storey, which ensures that the overall scale of the development will not be visible from outside of the site or more importantly, will not dominate the setting of adjoining listed buildings and particularly St Peter's Church.
- 6.19 Another amendment that has been negotiated is the creation of a possible pedestrian link off Union Street through the rear of the site, via a new internal courtyard with the possibility of linking in to Gilbies alley and through to St Peter's Square. Whilst this pedestrian link is unlikely to be forthcoming in the short term, the opportunity has been provided and facilitated through the development should agreement be reached between the relevant landowners in the future. This would also then create a more permeable development and replicate historic street patterns and passageways evident elsewhere in Hereford.
- 6.20 A rear service yard is provided which will incorporate an appropriate refuse storage and delivery loading/unloading bay to serve the retail units and restaurant. The new retail unit has been stepped away from the rear of 4 Union Street in order to minimise the impact of the development on the amenity of the occupants of these properties.

- 6.21 Due to the previous use of the site as a petrol filling station and vehicle repair garage, the site may well be contaminated. As a result, Environmental Health and the Environment Agency have requested conditions to ensure that the possible contamination of the land is thoroughly investigated and appropriate mitigation undertaken prior to any development commencing on the site. This can be satisfactorily dealt with via conditions. Similarly, the preliminary archaeological investigation undertaken has revealed minimal archaeological interest and therefore this matter can also be adequately dealt with via conditions.
- 6.22 The applicants have also agreed to provide a financial contribution towards possible Conservation Area and Highway improvements in the vicinity of the site. It is envisaged that if Planning and Listed Building/Conservation Area Consent is approved such contributions would be used towards CCTV cameras on Union Street and Union Passage, improved lighting and possible resurfacing of Union Passage and part of Commercial Street to the frontage of the site, removal of brick planters and provision of new street furniture on Commercial Street, traffic calming on Union Street and a possible conservation 'feature' on Commercial Street. The townscape improvements would be undertaken alongside the wider re-furbishment proposals for the centre of Hereford. This is not intended to be an exhaustive list of how or where the money could be used and other relevant and necessary projects may materialise. The sums, which have been negotiated, are £70,000 for townscape improvements and £40,000 for highway improvements. This would be secured by a Section 106 or other appropriate legal agreement should permission be approved.

Conclusion

- 6.23 The proposal will lead to the redevelopment of this important town centre site for a mixed use development, the principle of which is fully supported by local and national policies. The architectural and historic merit and general appearance of the listed buildings fronting Commercial Street will be satisfactorily safeguarded and the proposed renovation works will ensure their long-term use and survival. The proposed Union Street redevelopment will provide a much needed uplift to this part of the Conservation Area and with the addition of possible financial contributions, will lead to an enhancement of the Conservation Area. The new retail units along with the residential accommodation above will increase the vitality and viability of the commercial and shopping area both during the day and in the evenings. Therefore, subject to Conservation Officer and English Heritage being broadly satisfied with the principle of demolishing the Victorian listed house and the alterations to the Commercial Street listed buildings, the proposals are considered acceptable.

RECOMMENDATION

1. **Subject to there being no objection from English Heritage and the Conservation Manager at the end of the consultation period the County Secretary and Solicitor be authorised to complete a planning obligation or unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure financial contributions towards:**
 1. **Conservation Area/townscape improvements**
 2. **Highway related improvements on Union Street.**

And any additional matters and terms as she considers appropriate.

2. On completion of the aforementioned planning obligation or unilateral undertaking the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers:

Conditions – DCCE2005/1271/F

- 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 **A06 (Development in accordance with approved plans)**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

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

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

- 4 **D01 (Site investigation - archaeology)**

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

- 5 **D03 (Site observation - archaeology)**

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

- 6 **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.

- 7 **Prior to commencement of development the applicants shall provide a Method Statement in order to minimise the amount of dust and dirt emanating from the site during the construction phase. The construction works shall be carried out in accordance with the agreed Method Statement.**

Reason: To safeguard the amenities of the locality.

- 8 **F16 (Restriction of hours during construction)**

Reason: To protect the amenity of local residents.

- 9 **F32 (Details of external lighting)**

Reason: To safeguard local amenities.

- 10 **F41 (No burning of materials/substances during construction phase)**

Reason: To safeguard residential amenity and prevent pollution.

- 11 Development approved by this planning permission shall not be commenced unless:**

a) A desk top study has been carried out which shall include the identification of previous site use, potential contaminants that might reasonable be expected given those uses and other relevant information and using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors have been produced.

b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to the receptors associated with the proposed new use, those uses that will be retained (if any) and other receptors on and off the site that may be affected, and**
- refinement of the Conceptual Model, and**
- the development of a Method Statement detailing the remediation requirements.**

c) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment undertaken.

d) A Method Statement detailing the remediation requirements using the information obtained from the Site Investigation has been submitted to the local planning authority. This should be approved in writing by the local planning authority prior to that remediation being carried out on the site.

Reason: To ensure that the proposed site investigations and remediation will not cause pollution of the environment or harm to human health.

- 13 The development of the site should be carried out in accordance with the approved Method Statement.**

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health.

- 14 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority, for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of that Method Statement.**

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health.

- 15 Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and report shall also be detailed in the report.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed to an appropriate standard.

- 16 A Method Statement and Risk Assessment for the safe removal of the underground petrol tank shall be submitted to and approved in writing by the local planning authority. The tank shall be removed in accordance with the approved Risk Assessment and Method Statement.

Reason: In the interest of protection of the environment and harm to human health under the Public Health Act 1961 and Health and Safety at Work Act 1974.

- 17 H21 (Wheel washing)

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

- 18 H27 (Parking for site operatives)

Reason: In the interests of highway safety.

- 19 Prior to the commencement of the construction of a new retail units, details including scaled plans, and a schedule of materials and details of the proposed signage for the new shopfronts on Commercial Street shall be submitted for approval in writing by the local planning authority. The new shopfronts and signage shall be installed in accordance with the approved details prior to occupation of the development hereby permitted.

Reason: To enable the local planning authority to control the specific detail and materials for the shopfronts in the interests of safeguarding the character and appearance of the listed building and Conservation Area.

Informative:

- 1 N15 - Reason(s) for the Grant of PP

Conditions – DCCE2005/1281/L

- 1 C01 (Time limit for commencement (Listed Building Consent))

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 C02 (Approval of details)

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

3 C14 (Signing of contract before demolition)

Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4 C15 (Salvage recording)

Reason: To enable a record to be made of this building of historical and/or architectural interest.

5 C16 (Detailed scheme of demolition operations)

Reason: To minimise the risk of damage to the existing building.

6 Prior to the carrying out of any works/alterations to the listed buildings fronting Commercial Street, the developer shall provide for approval in writing by the local planning authority an investigative schedule including timescales for the proposed 'stripping out' works to the listed buildings. The stripping out shall be carried in accordance with the agreed schedule and timescales. The developer shall afford access to the local planning authority/conservation manager at all reasonable times in order to observe and record the investigative works.

Reason: To ensure the architectural and historic interest of the listed buildings are recorded and safeguarded as necessary.

Informative:

1 N15 - Reason(s) for the Grant of LBC/CAC

Decision:

Notes:

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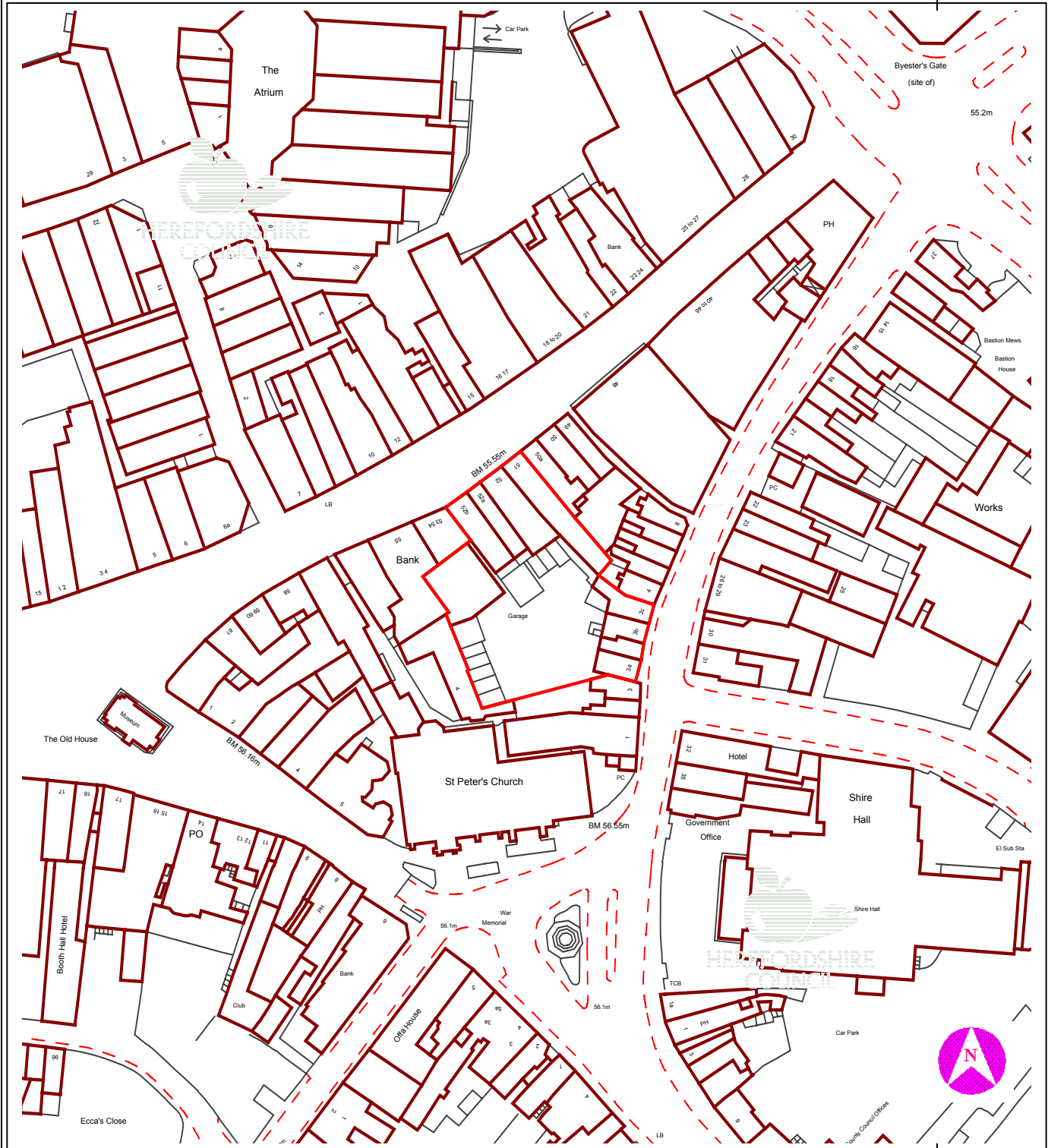
Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2005/1271/F

SCALE : 1 : 1250

SITE ADDRESS : 51,52,52a,&52b, Commercial Street & 3a,3b,&3c Union Street (and Land Between), Hereford, Herefordshire.

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