

12 DCCE2005/3993/F - DEMOLITION OF OFFICE EXTENSION AND ERECTION OF 8 NO. ONE-BEDROOM FLATS AND 5 NO. TWO-BEDROOM FLATS AT BERROWS HOUSE, BATH STREET, HEREFORD, HEREFORDSHIRE, HR1 2HE**For: Biddle Properties per Jamieson Associates, 30 Eign Gate, Hereford, HR4 OAB****Date Received: 6th December, 2005 Ward Central Grid Ref: 51355, 40087****Expiry Date: 31st January, 2006****BVPI Expiry Date: 7th March, 2006**

Local Member: Councillor D.J. Fleet

1. Site Description and Proposal

- 1.1 The site occupies a corner position at the junction of Kyrle Street and Bath Street. A 2-storey flat roofed red brick building built as an extension of the adjoining building (Berrows House) presently occupies part of the site and is used as offices. The remainder of the site is hard surfaced but undeveloped with the boundary being enclosed by a brick wall following the edge of the pavement. Berrows House immediately to the north is a 5-storey red brick and pitched slated roof building which was until 1983 occupied by Hereford Times and is now used by a number of small businesses, charities and training providers. North of Berrows House is the Magistrates Court and south of the site fronting Bath Street is Wycliff Terrace, a row of 2-storey Victorian residences. To the rear (east) of the site is a vehicular access alongside which is the Hereford Baptist Church.
- 1.2 The site lies within the Hereford City Conservation Area and is designated an Area of Archaeological Importance. The site is designated as white land within the Hereford Local Plan but part of the site falls within the Central Shopping and Commercial Area as designated in the Unitary Development Plan.
- 1.3 Planning permission is sought for the demolition of the existing 2-storey flat roofed building and construction of a 5-storey residential development comprising 8 no. 1-bedroom flats and 5 no. 2-bedroom flats.

2. Policies

2.1 Planning Policy Guidance:

PPS1	–	Delivering Sustainable Development
PPG3	–	Housing
PPG13	–	Transport
PPG15	-	Planning and the Historic Environment

2.2 Hereford Local Plan:

ENV14	–	Design
ENV15	–	Access for all
H1	–	Sites for residential development
H3	–	Design of new residential development
H6	–	Amenity open space provision in smaller schemes
H7	–	Communal open space
H12	–	Established residential areas: Character and amenity
H13	–	Established residential areas: Loss of features
H14	–	Established residential areas: Site factors
CON12	–	Conservation Areas
CON13	–	Conservation Areas - Development proposals
CON16	–	Conservation Areas - Consent
CON17	–	Conservation Areas – Consent conditions
CON18	–	Historic street pattern
CON19	-	Townscape
CON20	–	Skyline
CON35	–	Archaeological evaluation
CON37	–	Other sites of archaeological interest
T11	–	Pedestrian provision
T12	–	Cyclists provision

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	–	Sustainable development
S2	–	Development requirements
S3	–	Housing
DR1	–	Design
DR2	–	Land use and activity
DR3	–	Movement
DR5	–	Planning obligations
H1	–	Hereford and the market towns: Settlement boundaries and established residential areas
H3	–	Managing the release of housing land
H13	–	Sustainable residential design
H14	–	Re-using previously developed plans and buildings
H15	–	Density
H16	–	Car parking
E5	–	Safeguarding employment land and buildings
T6	–	Walking
T7	–	Cycling
T11	–	Parking provision
HBA6	–	New development within Conservation Areas
HBA7	–	Demolition of unlisted buildings within Conservation Areas
ARCH1	–	Archaeological assessments and field evaluations
ARCH7	–	Hereford AAI

3. Planning History

CE2000/1978/F - Townscape enhancement scheme and replacement car parking.
Approved 3.12.01.

CE1999/3039/F - Change of use from residential letting agents' offices to computer training room and support offices. Approved 20.12.99.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water - No objection subject to conditions.

Internal Council Advice

- 4.2 Traffic Manager: Details of the servicing access are required along with on-site cycle storage facilities. As the development is proposed to be car free, the development should be excluded from the right to residents' parking permits to avoid further burden on the existing system by this proposal. A contribution of £1500 per unit should also be sought for highway and public transport related initiatives in the locality.
- 4.3 Conservation Manager: This is an interesting architectural solution to a potentially difficult site. It is subservient to the important adjacent building and also reflects the verticality of the original design with its fenestration. The design is contemporary, interesting and relates and responds to its surroundings and therefore in principle we believe that it would be acceptable. However, we believe that the proposed boundary wall to the facade would be detrimental to the development. This is because it wraps around the end of the former mill building and therefore is visually disruptive to its overall composition. We recommend that the boundary wall to the facade be reviewed.
- 4.4 County Archaeologist: 'The application proposes a development of appreciable scale within the designated Hereford Area of Archaeological Importance. Although outside the medieval defended circuit of Hereford, the site is sufficiently close to the City Ditch Alignment to be of considerable interest. Important remains were encountered on the Magistrates Court site adjacent, and it is anticipated that further site remains will be present on this site. In accordance, therefore, with Conservation Policy 35 of the Hereford Local Plan, and Sections 21-22 of PPG16, I advise that the application should not be determined until the applicants have provided the results of an archaeological evaluation. It is the applicant's responsibility to commission such an evaluation in good time and to a sufficient standard. The results of the evaluation would assist in making of an appropriate planning decision and there may subsequently be a need for further archaeological responses.
- 4.5 Forward Planning Manager:

In the adopted local plan the site is located on 'white land' and therefore has no specific land use designation. Policy H23 stipulates that development proposals involving the provision of residential accommodation within the city centre will be permitted provided that such proposals are in accordance with relevant conservation and other policies. The land is not safeguarded for employment use, so as such, there are no bespoke policies within the Local Plan to prevent the change of use from office to residential.

In the emerging UDP, part of the site, which constitutes the existing flat roofed building, is located within the central shopping and commercial area to which Policy TCR1 applies. The remainder of the site is 'white land', where applications are judged upon their individual merits. TCR1 stipulates that the CSCA should remain the prime focus

for retail, leisure and commercial activity. The remainder of the site is 'white land', where applications are judged upon their individual merits.

Policy TCR11 stipulates that proposals involving the loss of existing offices within Hereford city centre will only be permitted where: 1) it can be demonstrated that there is no demand or need for floorspace; or 2) the replacement development and/or land use is of acknowledged benefit to the centre concerned.

Upon inspection of the commercial property register, there does appear to be an adequate supply of office space. The proposal would involve a change of use from offices to residential for part of the site, resulting in the loss of 220 sq/m of office space from a total of approx 2200 sq/m. It is perceived that a large majority of businesses relocating from the ESG proposals would be seeking industrial premises as opposed to offices.

The part of the building that will potentially be lost is of little architectural merit. It is located on an important gateway to the city, where recent developments such as the Magistrates Court have improved the visual impact and setting of the area. The proposed development would look to enhance the character of the central Conservation Area.

There are potential issues surrounding the loss of employment land. If Economic Development can dispel such concerns then the proposal would be acceptable in policy terms. Redevelopment of this gateway site would be beneficial to the setting of the area.

- 4.6 Head of Economic Development: Although the proposal may be against policies which seek to protect central office space, on balance this will not have a major effect as there are other office spaces available around the centre, and have been for some time.
- 4.7 Private Sector Housing: A number of units have bedroom egress into an area of higher fire risk, i.e. kitchen and living room area. Advice needs to be sought to resolve this issue.

5. Representations

- 5.1 Hereford City Council 'The Council has considered the application and does not support the application. The proposed elevations and cladding are wholly unsympathetic and do not harmonise with the adjacent buildings in the locality.'
- 5.2 Conservation Advisory Panel: Accepted but for possible horizontal band linking the wall and the whole ground floor.
- 5.3 Access Committee: Noted with approval.
- 5.4 One letter has been received from Mair Granthier, Secretary of Hereford Baptist Church:

'Our main area of concern is about provisions that will have to be made for car drivers attending the church during the construction phase of the building. Our only means of entry to our property is via the Kyrle Street Gates.'

5.5 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 following represent the main issues to be considered in the assessment of this proposal.

- 1) Principle of development
- 2) Scale, design and appearance
- 3) Highway issues
- 4) Other matters
- 5) Conclusion

Principle of development

6.2 The site has no land use designation and is classified as white land within the adopted Development Plan where applications are judged on their individual merits. The existing office buildings fall within the Central Shopping and Commercial Area within the Unitary Development Plan, with the remainder of the site again being white land. The land on the southern side of Kyrle Street is, however, classified as an Established Residential Area. As such, the principle of residential development on the white land is compliant with policy and would compliment the neighbouring established residential areas.

6.3 The only issue in terms of the principle is therefore the loss of office building on site. In this regard, Policy TCR11 of the Unitary Development Plan states that:

'Proposals involving the loss of existing offices within Hereford City Centre will only be permitted where 1) it can be demonstrated there is no demand or need for the floor space, or 2) the replacement development and/or land use is of acknowledged benefit to the centre concerned.'

6.4 The Head of Economic Development has confirmed that there is an adequate supply of office space within the city and consequently, they do not object to the proposal. However, the fact that the offices are currently in use would indicate that there is a demand for their retention as offices, notwithstanding that there is vacant office space elsewhere in the city. The principle of losing the office space is therefore only acceptable if the proposed development is considered to be of acknowledged benefit to the locality. This benefit could be assessed in terms of the visual or architectural merits of a proposal as well as a community or social benefit.

Scale, design and appearance

6.5 Berrows House, whilst not listed, is somewhat of a landmark building within the locality. The continued visual dominance of Berrows House is therefore considered to be a primary objective in the development of the site. The proposal achieves this by being subservient in height, having only a lightweight glazed link with Berrows House and stepping the Bath Street elevation back to allow and retain clear vistas of Berrows House when travelling from a southerly direction. As with the new Magistrates Court, it is nevertheless considered that a relatively substantial building is required to complement the scale of Berrows House, particularly given the prominence of the site.

Therefore, the basic scale and footprint harmonises with other buildings in the locality without being too overpowering.

- 6.6 The design complements that of Berrows House by retaining a strong vertical emphasis through the careful mix of materials and the centrally located glazed lift tower. The massing is broken up through the interchange between balconies, glazed sections and red tiles, which are a contemporary alternative to bricks. The southern elevation has a more bold and imposing appearance akin to how the southern elevation of Berrows House would have appeared prior to the construction of the 2-storey office extension. However, the impact of this elevation is softened through the form following the curvature of the pavement creating an interesting contrast to the angular form of other buildings in the locality.
- 6.7 The principal material is proposed to be terracotta tiles broadly matching the colour of a traditional Hereford red brick but approximately double the size. These areas are broken up through the use of planar glazing and coloured sand cement render giving the development a contemporary appearance but at the same time, not appearing too stark in its context.
- 6.8 Minor concerns exist with the position and height of the boundary wall to the frontage of the development in that it will obscure views of the development at pavement level and disrupt the visual relationship with Berrows House. Discussions are ongoing with the architects as to how this can be resolved and the attached recommendation reflects this.

Highway issues

- 6.9 The development is proposed to be car free as no off-street parking is proposed. Furthermore, the Council is now considering preventing the occupants of car free developments from being eligible for residents' parking permits. The principle of a car free development in this city centre location is only considered acceptable if the applicants assist in discouraging the occupants from utilising or even owning a private car.
- 6.10 It is considered reasonable and necessary that the applicants provide a financial contribution of £1500 per unit to assist in the promotion of integrated transport initiatives in the locality and provide the occupants of the development a genuine and alternative option to a private car. This contribution will be provided by way of a legal agreement under section 106 of the Planning Act and a draft heads of terms are appended to this report. Amended plans are also awaited identifying secure covered on-site cycle parking as requested by the Traffic Manager.

Other matters

- 6.11 The proposal will create 8 no.1-bedroom flats and 5 no. 2-bedroom flats. This is a reasonable mix in that there is a higher proportion of smaller, more affordable 1-bedroom than 2-bedroom flats. The occupants of the 1-bedroom flats are also less likely to own or have the need for a private car. However, the total number of units falls below the threshold outlined in policy H9 of the Unitary Development Plan for the provision of affordable housing.
- 6.12 The County Archaeologist has requested an archaeological evaluation to be undertaken prior to determination of the application. If this evaluation is not available

and adequate time given to assess the findings of the report within the timescales available for the determination of the application, in line with advice within Planning Policy Guidance Note 16 entitled Archaeology and Planning, it is unlikely that the application can be supported. The applicants are currently working on the preparation of this report.

- 6.13 A separate Conservation Area Consent application for the demolition of the existing office has been requested and is likely to be submitted shortly. However, the absence of a Conservation Area Consent application should not prevent the determination of this application.
- 6.14 A financial contribution may also be required towards improved educational infrastructure for the schools within the catchment area of the site. This contribution would be £1000 per 2 bedroom unit. The occupants of the one bedroom units are less likely to have children and consequently, no contribution could be justified in respect of these units. Further comments are awaited from education with regard to this matter.

Conclusion

- 6.15 The proposal, whilst making a bold architectural statement on this prominent site, also recognises and respects the scale, form and detailing of other buildings in the locality. The proposal will be a positive enhancement of the character and appearance of the Conservation Area and consequently, justifies the loss of the office space in this instance. Therefore, subject to the outstanding issues being satisfactorily resolved, the proposal is considered acceptable in accordance with the relevant Development Plan policies and Government guidance.

RECOMMENDATION

- 1) **Subject to the applicants providing an appropriate archaeological evaluation and the County Archaeologist raising no objection following receipt and assessment of this evaluation by 1 March 2006;**
- 2) **Subject to receipt of satisfactory amended plans identifying revision to the boundary treatment and the provision of secure cycle storage by 1st March 2006; and**
- 3) **Subject to the applicant providing a suitably completed and signed Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 by 1 March 2006 in accordance with the Heads of Terms set out in Appendix 1 to this report, and any additional matters considered appropriate and necessary by the Local Planning Authority:**
- 4) **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.**

- 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) (add: ‘... to include details of the glazing and balcony enclosures)

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

4 - G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

5 - G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

6 - E01 (Restriction on hours of working)

Reason: To safeguard the amenities of the locality.

7 - Any conditions deemed necessary by the County Archaeologist

8 - W01 (Foul/surface water drainage)

Reason: To protect the integrity of the public sewerage system.

9 - W02 (No surface water to connect to public system)

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

10 - W03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

Informative:

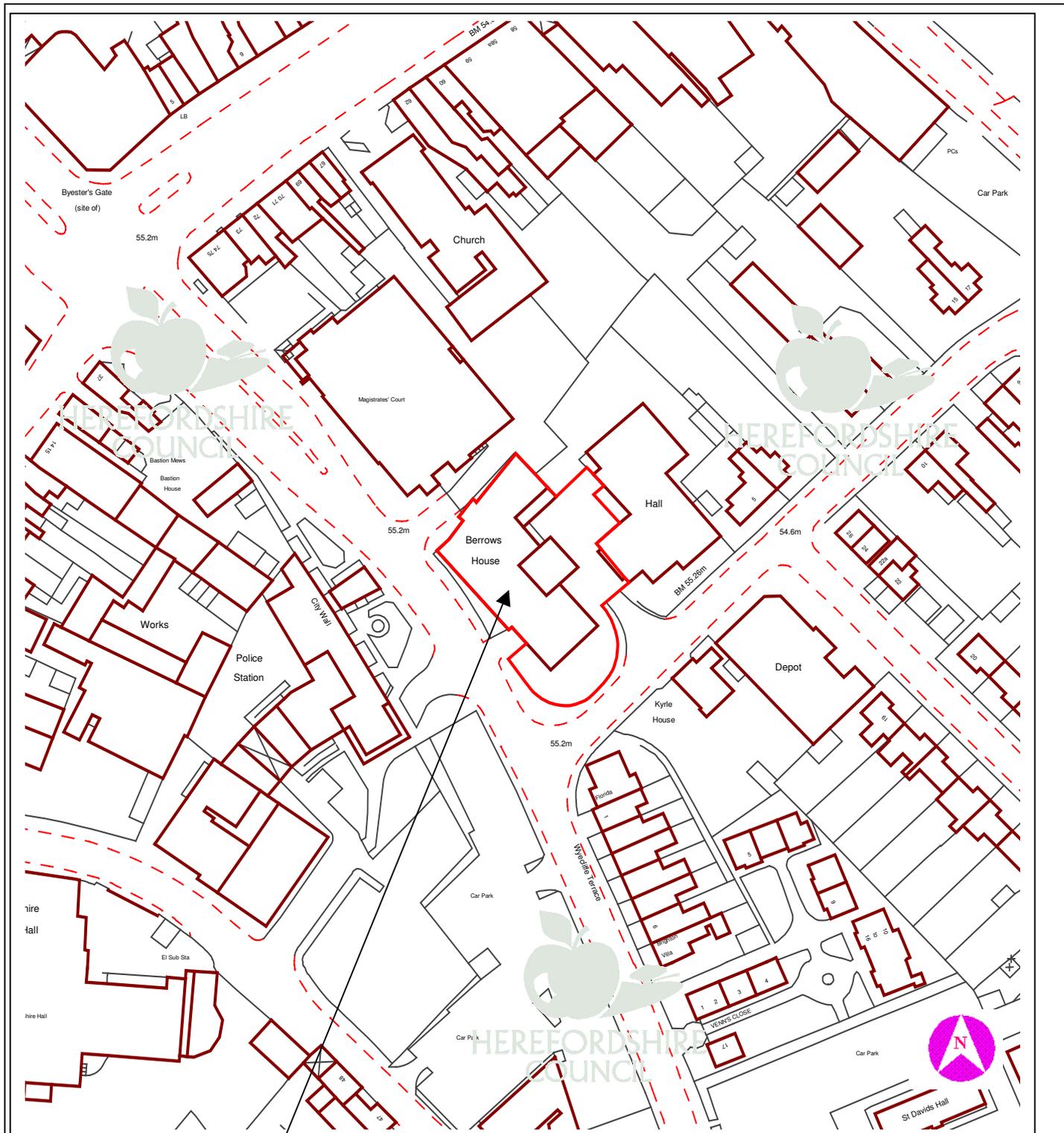
1 - N15 - Reason(s) for the Grant of Planning Permission.

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2005/3993/F

SCALE : 1 : 1250

SITE ADDRESS : Berrows House, Bath Street, Hereford, HR1 2HE

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DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement

Section 106 Town and Country Planning Act 1990

Planning Application – DCCE2006/3993/F

- Car free residential development of 8 no one bedroom flats and 5no two bedroom flats

At Berrows House, Bath Street, Hereford

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £5,000 to provide enhanced educational infrastructure for the nursery, primary and secondary schools within the catchment area of the application site which sum shall be paid on or before the commencement of the development.
2. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £19,500 for improved transportation infrastructure in the locality of the application site which sum shall be paid on or before the commencement of development.
3. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Traffic calming and improved safety signing
 - b) Contribution to improved bus service
 - c) Contribution to Safe Routes for Schools
 - d) Improved bus shelters/stops
 - e) Improve lighting to highway routes leading to the site
 - f) Improved pedestrian and cyclist connectivity with the site
 - g) Improved cycle parking facilities
 - h) Improved pedestrian crossing facilities
4. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1 and 2 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
5. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
6. The developer shall complete the Agreement by 1st March, 2006 otherwise the application will be registered as deemed refused.

Russell Pryce - Principal Planning Officer
Peter Yates - Development Control manager

24th January, 2006