

## **Statement on behalf of Chester Civic Trust**

Section 78 Appeal

### **Land rear of Telford's Warehouse, Raymond Street, Chester.**

Erection of 350 bedrooms student accommodation.

LPA ref: 13/03922/ful

PINS ref: APP/A0665/A/14/2217039.

#### **1.0 Introduction.**

This statement has been written by Andrew Pannell acting as chairman of the New Works Committee of the Chester Civic Trust.

I have a B.A. Honours degree in Urban and Regional Planning (Oxford Polytechnic 1976) and I have had 32 years experience working primarily in local government in planning policy, regeneration and development control. I was a chartered member of the Royal Town Planning Institute until I retired as a member in 2011. Since then I have been an active member of RTPI Planning Aid England and I am a registered examiner for neighbourhood plans in the Neighbourhood Planning Independent Examiners Referral Service.

#### **2.0 Planning Policy Context.**

It is not my intention to summarise all possible national and local planning policies that could possibly apply to this development, only to highlight those policies that in my opinion are substantially contravened by the proposed development, and could be used as reasons to dismiss this appeal.

NPPF paragraph 9 states that 'pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment.'

English Heritage, in their response dated 16<sup>th</sup> October 2013 on the design of the scheme at the time, stated that, '*in our view the scheme as currently proposed will not achieve this objective*', referring to paragraph 9 above. The view of the Civic Trust is that the amended scheme currently the subject of this appeal, will also not achieve this objective. The reasons for this are described in subsequent paragraphs.

NPPF paragraph 131 requires local planning authorities (LPAs) to take account of '*the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation*' and '*the desirability of new development making a positive contribution to local character and distinctiveness.*'

Paragraphs 132, 133, 134 and 135 describe the tests that should be applied when considering the potential harm of a proposed development on the significance of a designated heritage asset. The test is to weigh up the harm caused by a development to the significance of a designated heritage asset, including development within its setting, against the public benefit of the proposal, including its optimum viable use.

Another test in paragraph 137 is that LPAs should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to *enhance or better reveal* their significance. Therefore the proposed development needs to enhance not only the setting of the heritage assets but this part of the Conservation Area as a whole.

In my opinion, and for the reasons described below, the proposed development subject to this appeal causes substantial harm to the significance of the Chester City Conservation Area and the setting of the listed buildings adjoining the development site and in the Tower Wharf canal basin area. This harm is not outweighed by the public benefit of the proposal, including securing the optimum viable use for this vacant site consistent with Chester's regeneration policies. These are valid and strong reasons to dismiss this appeal.

Paragraph 58 of NPPF states that 'Development should respond to local character and history to reflect the identity of local surroundings and materials.'

Paragraph 60 states that 'it is proper...to seek to promote local distinctiveness'.

Chester District local Plan, policy ENV 37, states that development in Conservation areas will only be permitted where it will preserve or enhance its character and appearance.

In my opinion, and for the reasons described below, the proposed development fails to respond to the local character and history of the Tower Wharf area, does not reflect the identity of its surroundings. It also introduces alien materials. Therefore it does not promote local distinctiveness. Thereby it also fails to preserve and enhance the character and appearance of the Conservation Area. Based on the evidence for this view in the documents described below, these are valid and strong reasons to dismiss this appeal.

### **3.0 Character and Appearance of the Conservation Area and Significance of Heritage Assets.**

In order to determine whether the proposed development would adversely affect the character and appearance of the Conservation Area and / or harm the significance of the local heritage assets, it is necessary to describe what this is.

As stated in para. 4.70 and 4.71 of the LPA's appeal statement the Chester Characterisation Study recognises that the Tower Wharf is an area which *'plays an important role in the character of the City of Chester. Although the area has undergone considerable redevelopment, this has been sympathetic to local heritage, building on the key assets of the river and canal. The area is fast developing an identity of its own, but one which respects its past.*

Paragraph 4.71 records the area as containing *'an interesting mix of contemporary and Victorian buildings which generally sit in harmony with each other. Terraced properties are typically Victorian in age, brick built with traditional pitched slate roofs'*. Tower wharf is recognised as *'an important opportunity site and attractive canal side setting, overlooked by two fine listed buildings in active use and good state of repair.'* *'Level changes across Tower Wharf reinforce the prominence of Grade 11 listed Telford's public house and former Canal Company offices when viewed from Whipcord lane. The North Basin was evacuated in 1999 and re-opened in 2000, providing a focal point for the adjacent new residential development.'*

A well-informed and referenced description of the existing Conservation Area and heritage character and significance is given in paragraph 2.0 of the Chester Archaeological consultation. (P. Carrington. 28<sup>th</sup> December 2013).

This states, *' We consider it is vital to re-emphasise the main existing characteristics of the area as it is to these that the design of a successful scheme must respond; the gently sloping terrain, still partly undeveloped, the generally low-rise townscape of largely 19<sup>th</sup> century terraced housing, and the breadth of the canal basins; all of these factors contribute to a generally open aspect with views across the area from the city centre to the canal and Whipcord Lane and vice versa; they also contribute to a strong sense of (extramural) place. The designated heritage assets – Telford's Warehouse, Diocesan House, Taylor's Boatyard and associated structures - are prominent landmarks in this landscape, despite their modest mass and height because of their open settings and locally elevated positions'*.

The appeal site itself was always a wharf area whose only permanent building was a modest one storey block. There is no historical precedent for a very large structure on this site.

#### **4.0 The potential harm of the proposed development to the character and heritage of the Conservation Area.**

In their letter of 16<sup>th</sup> October 2013, EH described the setting and character of the Tower Wharf area in similar terms as the Chester Archaeological Society quoted above. They considered that the scheme would be harmful because *'the scale and massing of the current proposals appear overwhelming in terms of the relationship with the canal and associated listed buildings, such as Telford's Warehouse and Taylor's boatyard and fails to reflect the low rise character and finer grain of the adjoining townscape'*.

EH concluded that, *'We therefore believe that the overall impact of the proposed design would be harmful to the character and appearance of the conservation and settings of the relevant listed buildings.'*

Chester Civic Trust (CCT) also does not consider that the amended scheme, now the subject of this appeal, is sufficiently different from the scheme that was the subject of objection by English heritage (EH) in their letter dated 16<sup>th</sup> October 2013, to overcome EH's initial policy objections.

The views of the LPAs conservation officer J.R Healey on the amended scheme also demonstrate the potential harm that the scheme will have.

He stated that, *'The removal of a storey from blocks A and B represent progress towards a more satisfactory scheme, however there remain significant concerns over the impact of Block A in respect of its impact on the settings of the listed buildings comprising Telford's Warehouse and Raymond and Diocesan Houses, all historically associated with the operation and administration of the canal, and also the more general impact on the character and appearance of the conservation area, particularly given the prominence of the site when viewed across the broad area of water space; its impact on views from the City Walls and its role as a link that provides continuity between the two clusters of canal related historic buildings and linkage to the newly developed North Basin.'*

Again the CCT does not believe the more recent amendments made to the scheme now the subject of this appeal can possibly overcome such fundamental objections.

CCT also agrees with the assessments of harm in the appeal statement by the Chester Canal Heritage Trust and the Inland Waterways Association (Chester and Merseyside Branch), as set out in paragraphs 7.1 to 7.7 of the statement.

In summary these are as follows:

- The appellant's scheme disregards the canal frontage on the ground floor of block A and turns its back on it with inappropriate ground floor uses.
- The scheme does not respect the open nature of the Tower Wharf area and particularly the scheme's immediate surroundings.
- The scheme is of excessive height compared to the area's historic character, listed buildings and surroundings and proposes an unsympathetic mix of building materials.
- The excessive height of the scheme creates an overbearing frontage to the canal.
- The scheme will dominate the view and destroy the harmonious visual balance of the existing waterscape at Tower Wharf.
- The proposed mix of brick, metal cladding, glass and 'natural timber cladding' is over fussy and introduces two materials that are alien to the area.

The proposed blank frontage to the canal at block A will destroy any possibility of making the canal side from Telford's Warehouse to the North Basin development, a vibrant location for shop, restaurants, and other commercial uses that will attract visitors and residents. This is because the existing vacant commercial units on the ground floor of the North Basin flats will be cut off from activity around Telford's Warehouse. Therefore the scheme will fail to enhance the Conservation Area and fail to help to regenerate the area, as envisaged by Council planning and regeneration policy as set out in the Chester District Local Plan, the Chester One City Plan and the Chester Waterways Strategy.

## **5.0 Conclusion**

Therefore the Chester Civic Trust considers that the potential harm of the proposed development to the character of Chester City Conservation Area and to the setting and significance of its heritage assets is sufficient to outweigh any public benefit that the scheme may have. It is therefore contrary to national and local planning policy and the appeal should be dismissed.

Andrew D. Pannell. 12<sup>th</sup> January 2015