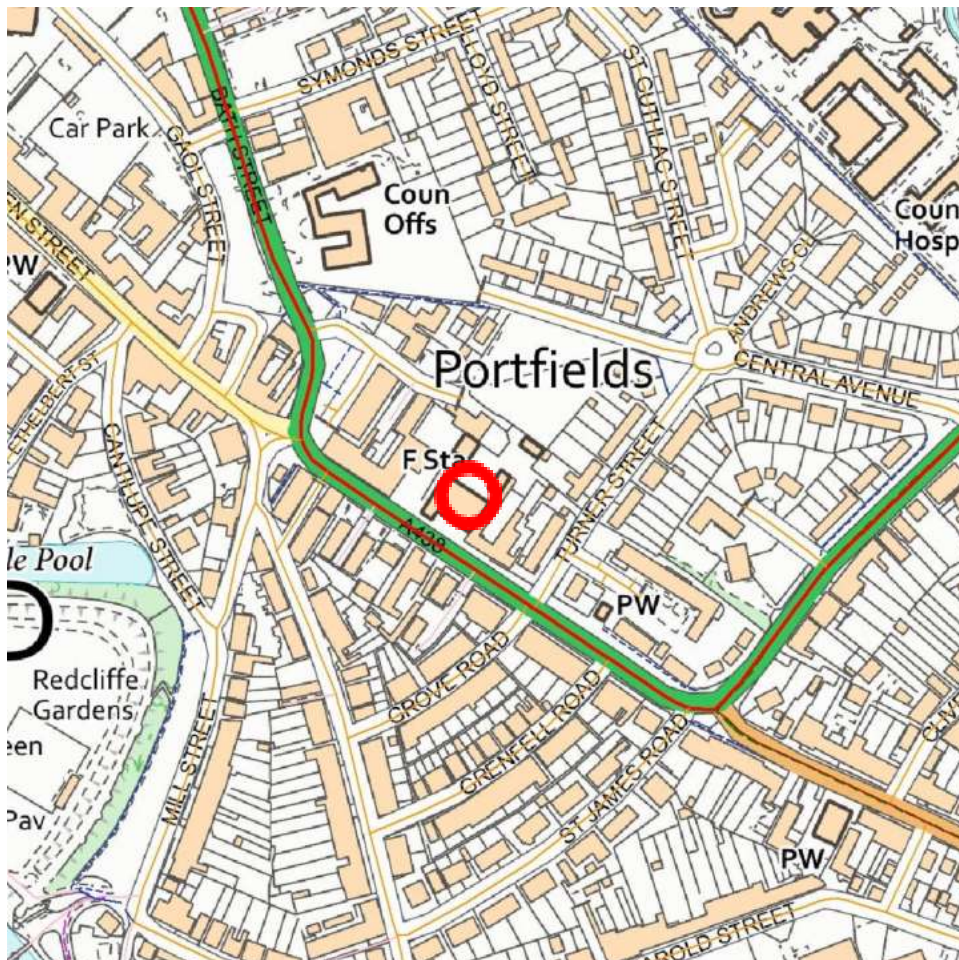


# DELEGATED DECISION REPORT

## APPLICATION NUMBER 223339

Hereford Fire Station, St Owen Street, Hereford, Herefordshire, HR1 2JW

<b>CASE OFFICER: Ollie Jones</b>		
<b>DATE OF SITE VISIT: 12 November 2022</b>	<b>TARGET DATE: 20 February 2023</b>	<b>CONSULTATION PERIOD END DATE: 25 January 2023</b>
<b>PARISH: Hereford Central</b>	<b>WARD: Hereford City</b>	



### 1. SITE DESCRIPTION

- 1.1 The application site relates to Hereford Fire Station, ½-mile to the southeast of Hereford's City Centre and to the northern side of the A438 (Hereford – Ledbury) St Owen's Street, outwith the Hereford Central Conservation Area. The site, roughly rectangular in shape, comprises 0.64-hectares and hosts the existing and operational fire station. The Fire Station originates from the mid 20<sup>th</sup>-Century and replaced the former facility on de Lacey Street. It comprises a 2-storey compliance range of 5-bays with roller-shutter doors and a larger block of 4-storeys. The building is faced in brown brick and occupies a T-shaped footprint with training tower and ancillary equipment and apparatus with parking positioned to the rear. The site is primarily accessed for pedestrians off St Owen's Street, and although there is a narrow vehicular access flanking the western side of the site, given its constraints the main ingress and egress for

operational appliances is taken from the rear of the site, via Daws Road onto the A438 Bath Street. To the west the site bounds a well-established tyre-shop with parking area and commercial units extending north. To the southeast along St Owen's Street are residential properties. To the north of the site is a carpark bound by a brick wall which serves a building in mixed commercial/residential use of Daws Road. The east of the site, in-part, abuts the boundary of residential properties along the western side of Turner Street.

## 2. PROPOSAL

- 2.1 This 'full' application seeks planning permission for the demolition of the existing fire station, training tower and associated ancillary buildings. Following this, the erection of a new four-storey fire station with training tower, associated car-parking and cycle-storage, at-grade external training area, re-fuel facility, sub-stations, telecommunications antenna, vehicular access and associated works. The replacement building would be 4-storeys, roughly following the footprint of the existing, with a reduced width wing to the west and a narrower, 4-bay appliance block. At the ground floor, the building would provide the main staff and visitor entrance of St Owen's Street, with inter alia, kit storage and the 4 'drive-thru' appliance bays. The first floor would comprise the watch room and office provision for the Watch Commander, District Commander and Station Commander, together with community rooms, office space with corridor overlooking the appliance bays. The second floor would provide staff rest rooms along with a gym, training and dining space (with kitchen) and community rooms. The third-floor would be recessed and thus benefitting from a reduced floor area; it would host additional office and meeting space with a small plant room. The roof would benefit from the provision of photovoltaic panels. The building would be predominately faced in red brick with window reveals and metal cladding to the recessed top-floor and a glazed curtain wall to the southwest entrance corner of the building. To the rear of the building would be a total of 15 parking spaces (which would include 4 for RTC parking), together with replacement raining tower and ancillary apparatus. The redevelopment of the site would enable appliance access off St Owen's Street given the increased width of the access road flanking the west of the site.

## 3. PLANNING HISTORY

PLANNING REFERENCE	DESCRIPTION	DECISION	DATE
None			

## 4. PRE-APPLICATION ADVICE

None

## 5. RELEVANT POLICIES

### Herefordshire Local Plan - Core Strategy (2011 – 2031)

- SS1** Presumption in favour of sustainable development
- SS4** Movement and transportation
- SS6** Environmental quality and local distinctiveness
- HD1** Hereford
- HD3** Hereford movement
- SS7** Addressing climate change
- SC1** Social and community facilities
- MT1** Traffic Management, highway safety and promoting active travel
- LD1** Landscape and townscape

- LD2** Biodiversity and geodiversity
- LD3** Green Infrastructure
- LD4** Historic environment and heritage assets
- SD1** Sustainable Design and energy efficiency
- SD2** Renewable and low carbon energy
- SD3** Sustainable water management and water resources
- SD4** Waste water treatment and river water quality

### **National Planning Policy Framework (NPPF)**

- Chapter 2** Achieving sustainable development
- Chapter 3** Plan Making
- Chapter 4** Decision-making
- Chapter 6** Building a strong, competitive economy
- Chapter 8** Promoting healthy and safe communities
- Chapter 9** Promoting sustainable transport
- Chapter 10** Supporting high quality communities
- Chapter 11** Making Effective use of land
- Chapter 12** Achieving well-designed places
- Chapter 15** Conserving and enhancing the natural environment
- Chapter 16** Conserving and enhancing the historic environment

## **6. CONSULTATIONS**

### **6.1 Area Engineer (Highways) –**

#### **6.1.1 6/2/23 - no objection subject to conditions;**

Prior to the occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling shall be submitted to the Local Planning Authority for their written approval. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the occupation of any of the dwelling houses hereby permitted. Thereafter these facilities shall be maintained;

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 and to conform to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Prior to the first occupation/use of the development hereby approved, a Travel Plan which contains measures to promote alternative sustainable means of transport for staff and visitors with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the local planning authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform to the

requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6.2 Landscape -

6.2.1 26/1/23 - comment;

The site is within the urban area of Hereford. The site is currently all built form and hard standing. While green infrastructure is encouraged as much as possible, it is clear that this is a very constrained site for the use.

In terms of streetscene and character, I note the location adjacent to the Conservation Area and the possible significance of the existing building. The proposed elevations are modern in comparison and will appear considerably larger in scale than most surrounding buildings. My colleagues in the Built Environment team will be best placed to advise on these issues.

6.3 Trees – no response.

6.4 Ecology –

6.4.1 19/1/23 - comment;

The site is within the River Wye SAC catchment and this proposed development triggers the legal requirement for a Habitat Regulations Assessment process to be carried out by the LPA, the final HRA 'appropriate assessment' completed by the LPA must be formally approved by Natural England PRIOR to any future planning consent being granted.

Sufficient and detailed information will be required to be submitted with any future outline or full applications to allow the authority to assess the proposal through its Duty of Care under NERC Act and Habitat Regulations. Natural England will also need to be a statutory consultee and will require sufficient information, like ourselves, to formally undertake a Screening Assessment for 'Likely Significant Effects' and then subsequently undertake a relevant Appropriate Assessment to determine and recommend relevant and appropriate Conditions to secure that the development(s) will have NO 'likely significant adverse effects' on the relevant SAC.

This HRA process needs to be completed based on all current requirements and considerations and on information supplied in support of this specific application and that is sufficiently detailed to allow any relevant conditions to be secured.

The HRA process must be completed with legal and scientific certainty and using a precautionary approach.

Notes in respect of HRA

The proposal is for the demolition of an existing three-storey fire station, training tower and associated ancillary buildings. Erection of a new three storey fire station, training tower, associated car parking and cycle storage, at-grade external training area, re-fuel facility, sub-stations, telecommunications antenna, vehicular access and associated works.

Foul water will be managed by the existing connection to the mains sewer.

No additional foul water flows will be produced by the development.

No additional surface water is likely to be created as the proposed development will not increase the existing non-permeable surface area for the site and the proposed use of permeable paving where appropriate. All surface water will be managed through the existing systems serving the site.

Subject to relevant Conditions being included on any consent granted there are no adverse effects on the integrity of the River Wye SAC (or River Lugg SAC) identified for this development.

Suggested condition:

Habitat Regulations (River Wye SAC) – Foul- and Surface Water

Foul water will be managed by existing mains sewer connection. No additional foul and surface water shall be created in relation to the development and all surface water will be managed through existing on site measures; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4.

Additional ecology comments

The Preliminary Ecology Appraisal by Wardell Armstrong (September 2022) and the Bat Roost Survey report (September 2022) are noted. These studies indicated that no protected species or habitats will be impacted by the development.

From supplied and available information, the LPA has no reason to consider that there are unlikely to be any effects on 'protected' species from the proposed development. The applicant and their contractors in respect of all site preparation and construction works have their own legal duty of care to wildlife protection as afforded by the Wildlife & Countryside Act that lies above any conditions the LPA could include; with any breach being investigated by the local Wildlife Crime Officer from West Mercia police. A relevant informative and relevant conditions are suggested for inclusion on any planning consent granted.

Wildlife Protection Informative

The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special "protected species" such as all Bat species, Great Crested Newts, Badgers and other wildlife that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that further advice from a local professional ecology consultant is obtained.

Suggested conditions:

Construction Environmental Management Plan

As part of the Mitigation and Enhancement Strategy a fully detailed and comprehensive Construction Environmental Management Plan (CEMP) including a specified 'responsible person' shall be supplied to the local planning authority for written approval. The CEMP shall be provided before any work; including demolition or site clearance begins or equipment and materials are moved on to site. The approved CEMP shall be implemented and remain in place until all work approved under both applications is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species, habitats and local intrinsically dark landscapes are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3.

As identified in the NPPF, NERC Act and Core Strategy LD2 and in support of the council's declared Climate Change and Ecological Emergency, all developments should demonstrate how they are going to practically enhance ("Net Gain") the Biodiversity potential of the area. To secure these enhancements a relevant Condition is suggested:

Nature Conservation – Biodiversity and Habitat Enhancement

Prior to any construction work above damp proof course a specification and annotated location plan for proposed biodiversity net gain enhancement features including significant and meaningful provision of 'fixed' habitat features including a range of bird nesting boxes, bat boxes (or similar roosting features) must be supplied to and approved in writing by the local authority. The approved scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that biodiversity net gain is secured and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3.

## 6.5 Building Conservation –

### 6.5.1 10/2/23 - comment;

The site lies outside the Central Conservation Area, but almost adjacent to the boundary of the conservation area, and is not directly adjacent to listed buildings, however is within the Area of Archaeological Importance.

The Fire station was constructed in 1951-54 replacing a former station on the former de Lacey Street by Birmingham Practise Nicol, Nicol and Thomas, and is understood to have a concrete or steel frame faced in brown brick with ashlar and concrete dressings. The 2 storey appliance range with modern roller shutter doors and a larger block of 4 storeys with basement to the west. It is noted that since its original construction the ornate lamps have been removed and a coat of arms.

I note that a request has been made to include this building on the statutory list and that Historic England have subsequently assessed the building and concluded that although well-built, it lacks the degree of special architectural interest for buildings of this type and date to justify a listing recommendation. As such the building is unlisted and outside a conservation area, and therefore demolition could occur outside the scope of a planning application subject to the strict criteria detailed in part 11 class B of Schedule 2 of The Town and County Planning (General Permitted Development) (England) Order 2015.

The permitted development that has been awarded to the site by The Town and County Planning (General Permitted Development) (England) Order 2015 is therefore a material consideration.

In considering the proposed replacement building, the relevant policies would be

SD1 of the Herefordshire Local Plan Core Strategy 2011 – 2031 requires that development proposals should:

Development proposals should create safe, sustainable, well integrated environments for all members of the community. In conjunction with this, all development proposals should incorporate the following requirements:

- ensure that proposals make efficient use of land - taking into account the local context and site characteristics;
- new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development, while making a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design;

This policy seeks to ensure that new buildings respect the local character and distinctiveness of an area to protect the unique qualities of Herefordshire. However it is also acknowledged that certain buildings by virtue of their purpose are designed primarily by their function, prisons being the obvious example. However this consideration would apply in this instance also, with the appliance range requiring to hold several large fire engines with easy access onto the highway network as when deployed time is often a consideration. The front elevation is therefore partially dictated by the use of the building. It is also acknowledged that whilst of recent construction, there have been changes in the equipment used in the provision of this emergency service and I note from the Design and Access Statement that the former appliance bays have been converted into double bays but there is only one functioning drive through bay, and with appliance access only via the rear of the site appliances reverse into the appliance bay. The proposal includes some demolition at the rear to enable better vehicular access to the rear which would assist in this situation.

The requirement for water storage tank and diesel tank is acknowledged and has to be accommodated within the building.

As such it is accepted that in the case of a fire station it would not be possible to replicate local distinctiveness or vernacular in the design of such a functional building.

In terms of scale, height, proportions and massing of surrounding development, the proposed building is of a larger scale than the adjacent properties, however is of a comparable scale to the existing Fire Station. Drawing Number HFS-BBA-ZZ-ZZ-DR-A-3002 indicates the west elevation and illustrates the existing building in size and the proposed building. The new building has a slightly larger footprint, but the detached tall tower is to be demolished. The roof will be half a storey taller than existing, but recessed slightly further within the site. As such it is considered that the scale, height, proportions and massing is comparable to the existing building.

LD1 of the Herefordshire Local Plan Core Strategy 2011 – 2031 requires that development proposals should:

- demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas;
- conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including .....conservation areas; through the protection of the area's character and by enabling appropriate uses, design and management;

For the reasons addressed when assessing the proposal under policy SD1, it is acknowledged that the function of the building has to dictate its design and as such it cannot be considered that the character of the landscape and townscape has positively influenced the design. However, it could also be argued that no fire station would achieve that aim, but conversely all fire stations are of a similar functional design and are replicated in many towns and cities and recognisable by their design. Thereby the proposal is not introducing a design of building more prevalent in another part of the country, but a building whose function is readily identifiable.

Policy LD4 of the Herefordshire Local Plan Core Strategy 2011 – 2031 requires development proposals affecting heritage assets and the wider historic environment should:

Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible; where opportunities exist, contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas;

The proposal is outside the conservation area, but adjacent to the boundary. The new build is of a similar scale to the existing building, albeit is slightly taller. However the loss of the higher detached tower would enhance the view of the city's skyline when viewed from Turner Street, Central Avenue and out of the city when viewed from Daws Road, Bath Street. However whilst the tower is visible from these locations the fire station building is not. It would appear that the increase in height would not be readily visible from these locations. Nonetheless it is requested that the colour of the cladding should be conditioned with the preference for a slate colour to blend in with the roofscape of the city. A condition in respect of this would be requested.

The brown brick of the current building is noted and appreciated that it is of its time with other buildings constructed in that period also choosing that colour palette of brick. However the traditional brick of Hereford City is different. The brock buildings close to the site are noted, including the Ruabon style brocks with buff banding on the cross roads of St Owen Street and

Bath Street, which is repeated on the corner of St Owen Street and Grove Road. However, the adjacent property Stirling Court is not as distinct as Ruabon, however still having buff quoining details. It would be preferable for the new brickwork to take into account the local colour of the red brickwork. The introduction of buff brick banding or quoin details could be explored, however given the differences in the building design may not be appropriate and a simpler backdrop of one colour may be the preferred choice.

## Conclusion

The consideration Historic England Have provided in their assessment is duly noted, and whilst not now being included on the statutory list, their conclusion that this is a largely intact example of a provincial fire station that makes a contribution to the street scene is duly noted.

The demolition of buildings of character and quality is regrettable and not readily encouraged, and it is duly acknowledged that many fine buildings within Hereford city have been demolished for redevelopment in the historic past, albeit for good intentions for the future prosperity of the city, and potentially in hindsight it would have been preferable for them to have remained.

However in this instance the efforts made to find a suitable site for relocation of the fire station are noted, and the benefits of having a fire station within the city which contains a lots of fine architectural buildings is duly acknowledged.

Therefore considering all the information submitted, noting the similarities in the design and the public benefits for retaining the emergency service in the city, I would offer no objection to the proposal, but would request that the materials be submitted for consideration via a discharge.

Given the recent construction of the building being post 1947 and the research undertaken by Historic England in the consideration of the listing, it is not considered that a building recording will be required in this case. Nonetheless, it would be welcomed if any plans of the building, or record of its construction held by the owners could be donated to the Herefordshire Archive Service or Historic Environment Record in order that the paper records of the building reflecting this period of the city's construction could be retained within the city.

## 6.6 Archaeology

### 6.6.1 13/12/22 - comment;

The application site is fully within the designated Hereford Area of Archaeological Importance or AAI, in a particular zone that reflects the former St Owen Street 'suburb' of historic Hereford. The site is comparatively close to the location of the now-lost Church of St Owen, although it is not anticipated that below-ground remains associated with this church will be present.

Adjacent archaeological evaluations conducted some 15 years ago demonstrate the likely existence, within the fire station site, of some medieval occupation remains along the street frontage particularly. Having said that, I think it unlikely that remains will be present of such importance as to represent a significant constraint. In the circumstances, I have no objections, but would recommend an archaeological condition in order to achieve suitable mitigation under NPPF Para 205.

## 6.7 Environmental Health (Noise / Nuisance) –

### 6.7.1 14/2/23 - comment;

The site is currently a fully operational fire station. The proposal includes the demolition of the current fire station, construction of a new four storey fire station, auxiliary buildings and training tower. New plant and equipment will be installed as part of the scheme which will likely include a back-up generator, substation and air source heat pumps (ASHPs). Due to the proximity of sensitive noise receptors, an assessment was required in order to assess the impact on local residents and the likelihood of complaints arising.

A Noise Impact Assessment Report carried out using BS4142:2014 methodology has been provided by the applicant.

The industrial noise assessment method in BS 4142 is based on the difference between the measured 'background sound level' without the influence of any industrial noise source, and the 'rating level' of the industrial source, at the receiver location. BS4142:2014 states: "The significance of sound of an industrial and/or commercial nature depends upon both the margin by which the rating level of the specific sound source exceeds the background sound level and the context in which the sound occurs".

A background noise survey was carried out in September 2022. Details of the exact plant to be installed have yet to be decided, but are likely to include a substation, 3 ASHPs and a back-up generator. An initial noise emission assessment of the ASHPs and back-up generator has been undertaken by the applicant, based on typical noise data for these items and the resulting noise emission levels at nearby receptors, using CadnaA noise modelling software.

ASHPs: The report states that daytime noise level limits are predicted to be achieved at all noise sensitive receptors. However, during the night-time, properties to the north east of the fire station are modelled at being 3 dB over the plant limit in the worst-case. Therefore, mitigation measures will be required to prevent an adverse impact on nearby residents. Suggestions for mitigation (starting at source) have been provided within the report.

#### EMERGENCY GENERATOR:

The report states as follows:

'It is understood that the scheme will contain emergency back-up plant. This plant will only operate for short periods during in-frequent tests and during a power emergency. Due to its in-frequent operation, its noise impact would not correlate to plant operating regularly, for this reason a higher noise limit is generally tolerated for such plant. We therefore recommend an emergency plant rating level upper limit from the proposed development of 10 dB above the measured existing typical background sound level.'

The generator has the potential to cause a significant adverse impact on nearby residents, but little information has been provided. Further details are required and the rating level upper limit is to be agreed with the local authority.

#### SUBSTATION/SWITCHING HOUSE:

No details have been provided on likely noise impact. I suggest the following conditions are added to any permission granted:

Prior to the commencement of the development, further design details of all noise generating plant and equipment, including verification of noise levels and any required mitigation (in accordance with Noise

Impact Assessment Report - CPW Acoustics - ref. 210835), to be provided to the local authority.

Prior to the commencement of the development, noise criteria for the operation of the back-up generator (including noise levels at nearest receptors, any required mitigation and testing regime) to be agreed with the local authority.

The BS 4142 rating level from all permanent building services (including substation and switch room) should not exceed a level equal to the representative background sound level, as provided in Noise Impact Assessment Report - CPW Acoustics - ref. 210835, with the exception of the back-up generator. A Noise Management Plan (NMP) is to be provided and agreed with the local authority prior to commencement of the development. The NMP must cover all noise-generating activities, including but not limited to, vehicles leaving the station (emergency response), training activities and jet washing. In addition to this, please include a section at the end of the plan covering other potential nuisances, such as smoke, odour and dust and ways to mitigate their effects on nearby residents.

A Construction Management Plan is to be provided and agreed with the local authority prior to the commencement of the development.

This shall include but not be restricted to the following:

Hours of operation;

The methods and materials to be used to ensure that the generation of noise is minimised;

The use of prefabricated materials wherever possible;

Regarding optimum site layout, noise generating activities to be located away from sensitive receptors;

and good housekeeping and management, to include:

- a) Review of plant and activities to ensure noise minimisation measures are in place and operating;
- b) Public relations, e.g. provision of telephone numbers for complaints, pre-warning of noisy activities
- c) including activities that might generate perceptible vibration,
- d) Controlling of site traffic and setting up of access routes away from sensitive receptors; and
- e) Provision of noise monitoring during activities likely to affect sensitive receptors;

Reasons: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies

SS6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-31

## 6.8 Welsh Water –

### 6.8.1 13/4/23 – comment;

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We can advise that Eign WwTW has a phosphate permit. This matter will need to be considered further by the local planning authority. Notwithstanding this, we can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

#### Conditions

Surface water flows from the development shall only communicate with the public (combined sewer / surface water sewer) through an attenuation device that discharges at a rate not exceeding 2 l/s.

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

The clean water scheme for the Diversion of the water main shall be implemented in accordance with the approved drawing titled Mains Diversion reference 001 prior to the occupation of the development.

Reason: To ensure that the proposed development does not affect the integrity of the public water supply system in the interests of public health and safety.

#### Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104

Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.

The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

In accordance with National Planning Policy Framework (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

6.8.2 24/3/23 - comment;

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We can advise that Eign WwTW has a phosphate permit. This matter will need to be considered further by the local planning authority. Notwithstanding this, we can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

#### Conditions

Surface water flows from the development shall only communicate with the public (combined sewer / surface water sewer) through an attenuation device that discharges at a rate not exceeding 2 l/s.

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

No development shall commence until a clean water scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the diversion of the water main and thereafter implemented in accordance with the approved details prior to the occupation of the development.

Reason: To ensure that the proposed development does not affect the integrity of the public water supply system in the interests of public health and safety.

#### Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104

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The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

In accordance with National Planning Policy Framework (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

6.8.3 23/12/23 - object;

A 3" public distribution watermain crosses this development site, with the approximate position being marked on the attached plan. In order to perform our Statutory Duty we have rights of access to our apparatus at all times. With respect to the 'Proposed Site Plan', it appears that the position of our asset will restrict the development to such an extent as to render it impractical. As such there will be undue risk to the development, the health and safety of its occupants, the health and safety of the operatives responsible to effect repairs as well as undue risk of pollution and detriment to the environment. We therefore OBJECT and respectfully request the application is refused.

6.9 Hereford and Worcester Fire and Rescue Service -

6.9.1 16/12/23 - comment;

With regard to the attached planning application, Hereford & Worcester Fire Rescue Service (HWFRS) Fire Safety Department would make the following comments:

If the proposed new building is subject to Building Regulations approval, then the Fire Service will be consulted by either Local Authority or Approved Inspector Building Control bodies, accordingly, for comments on Building Regulations requirements and matters to be addressed, under the Fire Safety Order (2005), once the building is occupied.

Fire Service Vehicle access must comply with the requirements of ADB 2019 Vol. 2 B5, section 15 & Table 15.1. In particular – there should be Fire Service vehicle access for a Fire Appliance to:

- 15% of the perimeter of the building
- Within 45 metres of every point of the footprint of the building
- Access road to be in accordance with ADB 2019 Vol. 1 Table 15.2

Water for firefighting purposes should be provided in accordance with: ADB 2019 Vol. 2 B5, section 16.

Please note that my comments relate only to the building construction, general site layout and accessibility for fire appliances and that others in HWFRS may look at different areas where the new proposals may have a potential impact. They may choose to comment separately on these issues.

## **7. COMMUNITY REPRESENTATIONS**

### **7.1 Hereford City Council -**

#### **7.1.1 17/1/23 - comment;**

No Objection from Hereford City Council Planning Committee, although there were some reservations regarding the retention of the building itself, as it posed a unique example of the City's 1950's architecture.

### **7.2 Hereford Civic Society -**

#### **7.2.1 13/1/23 - object;**

The present Hereford City Fire Station which the applicant plans to demolish was designed by Nichol, Nichol and Thomas in the early 1950s, a period of architecture under-represented in Hereford.

Nichol, Nichol and Thomas (NNT) are an internationally known Birmingham based firm of architects. The current building belongs to an oeuvre of international style buildings which made an enormous architectural contribution to the Region in the first half of the 20th Century. Many examples of NNT's buildings in the Centre of Birmingham are listed.

The building is worthy of being listed and with this aim, we understand The Twentieth Society are applying for it to be designated as such. The Hereford Fire Station was opened by the Home Secretary who stated "that The Citizens of Hereford should be proud of this new Fire Station". The present building makes a strong positive contribution to the street scene and it is felt that any new building on the site would not represent an improvement. The existing building should be kept. It is a building of notable quality on a major approach to the city centre/ the City's historic core. Its demolition would be a serious loss to the city. Because of the building's significance, the applicant should be required to supply a Heritage Impact assessment.

The applicant has previously claimed that a fire station in this location was not viable due to its position with very heavy traffic congestion to both North and South and North West of the City that would hamper call out timings. They also claimed the present location has access problems through the rear boundary and that noise disturbance to local residents on call-outs is an invasion of life style and lack of privacy.

When the Fire Service proposed acquiring/ demolishing the former Boys Home on Bath Road in 2014, it was claimed that their current Bath Street site was too small. Hereford Civic Society objected to the proposed demolition of the Boys Home, proposing instead its repurposing for social housing which Connexus has successfully accomplished.

A new site for the Hereford City Fire Station would obviate the need for demolition, rebuild etc with all the noise, dust, vibration to adjoining buildings and traffic congestion on St. Owen Street caused by construction traffic and building work on a congested site. It would also address the shortcomings associated with the current site which the Fire Service themselves have previously expressed and be planned to accommodate the needs of an expanding Hereford population for the coming 70 years. Hereford Civic Society would support a sympathetic

refurbishment of the current building, but understands the operational advantages of building on a new site, since this obviates the requirement for a temporary operational home during an extensive refurbishment or demolition/ construction of a replacement facility on the current site.

Reasons for our objection are as follows:

1. The Application is in conflict with Local Plan Policies LD4 for heritage assets and SS6 for failing to conserve and enhance distinctiveness.
2. The Application purports to address climate change but fails to provide an assessment of the carbon emissions associated with demolition and rebuild. It is also understood that the materials of the existing building, which represents a considerable embodied carbon load, would be reduced to rubble. Probably infill into the basement? Such action conflicts with Local Plan Policy SS7 for failing to minimise waste.
3. It is considered that the present Fire Station is structurally sound and is capable either to be upgraded to meet present day standards or repurposed. Perhaps as a restaurant with flats over or similar which would fit in with this area with its small business offices, pubs and the quiet residential area.

7.3 Public comments – 2 objections have been received, the comments can be summarised as follows; -

- Alternatives site should be considered, rather the demolition and replacement.
- The building has heritage significance and should be listed.
- The building makes a positive contribution to the streetscene and the two nearby conservation areas.
- Contingency plans should be in place for the construction period to avoid adverse impact on the amenity of the area.
- Impact of the demolition and construction (noise, vibration and dust).
- Construction vehicles using Daws Road which is not suitable.
- Daws Road is not suitable for an increase in appliance use'.
- Insufficient car-parking.
- Use of the site is constrained by its size.
- Fuel tank poses risk to Portfield House given its close positioning.
- Insufficient precautions in terms of party wall with Portfield House

The full comments are accessible on the Herefordshire Council website via the following link; - [https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=223339](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=223339)

7.4 Cllr Jeremy Milln (Hereford Central) – updated via email dated 6 February 2023. No re-direction request confirmed via email dated 6 February 2023.

## 8. OFFICER APPRAISAL

### Principle of development

8.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the

Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 8.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and was updated in November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any applications. In this case the relevant policies have been reviewed and are considered entirely consistent with the NPPF and therefore can be attributed significant weight.
- 8.3 In outlining the vision for Hereford City, Policy HD1 of the Core Strategy, in the supporting text, states that Hereford should consist of healthy, safe, secure, low-crime and sustainable communities with a wide range of homes and employment opportunities for all, which are well-served by a range of facilities, green-infrastructure, and public-transport. The site lies outside of Hereford's city-centre in an edge-of-centre context with a mix of residential and commercial uses which is typical in such a setting. The principle of the proposal is based upon the existing lawful use of the site as a fire-station. It has been identified by the Hereford and Worcester Fire and Rescue Service (HWFRS) as being in need of up-grade given that it is not fit for purpose and does not perform satisfactorily from an economic and environmental perspective.
- 8.4 Policy SC1 of the Core Strategy states that development proposals which protect, retain or enhance existing social and community infrastructure or ensure that new facilities are available as locally as possible will be supported. It is noted that the supporting text to the policy states that social and community facilities include that which relates to policing, criminal justice, fire and ambulance services.
- 8.5 It is understood that consideration has been given to alternative sites for a 'replacement' Hereford Fire Station, but that these have been discounted. The minimum policy requirement as set by Policy SC1 is that development proposals protect and retain community facilities. Therefore, although officers do not dispute that there *could* be a site which would may be less spatially constrained, this has already been considered by the applicant. It is not for the LPA to consider more suitable uses for the site, given it benefits from an extant lawful use as a fire station.
- 8.6 In this case, the proposal would provide a modern, fit-for-purpose facility that would replace one that is outdated and below standard. As such, officers consider that the proposal is representative of an enhancement of the existing facility which serves not only Hereford City, but the wider rural hinterland.
- 8.7 Furthermore, Chapter 11 of the NPPF places emphasis on the importance of making use of previously developed land with Paragraph 120 setting out that great weight should be given in the decision-making process to making use of it for housing and other identified needs. Therefore, although some comments suggest a preference for the re-location of the site, the site benefits from an existing lawful use and as such, the redevelopment of the site is acceptable and otherwise preferable than making use of a greenfield site.
- 8.8 Noting concerns raised within the representations, should planning permission be forthcoming and the development implemented, a temporary re-location of the fire station would be required.

The LPA are not party at this stage to any discussions in terms of a temporary site – but the fire service are aware of the potential need for planning permission at an alternative site, for a temporary period.

- 8.9 With the above in mind, the proposed demolition and rebuilding of the fire station can be accepted in principle given it would accord with the relevant policy requirements relating to retaining valued community facilities and making efficient use of land.

**Siting, design and visual impact**

- 8.10 Policy SD1 of the Core Strategy requires that development proposals take into account the local context and site characteristics. Moreover, new building should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development, while making a positive contribution to the architectural diversity and character of the area.
- 8.11 Policy LD1 requires that proposals demonstrate that the character of the landscape and townscape has positively influenced the design, scale, nature and site selection of the development, as well as the protection and enhancement of the setting of settlements and designated areas.
- 8.12 Paragraph 130 of the NPPF states, inter alia, that planning decisions should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. It also stated that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 8.13 Although located on the periphery of the city-centre and within relative close-proximity to the eastern extremity of its conservation area, the immediate context is varied in terms of architectural diversity. The is bound to the east by low-rise commercial buildings which are functionally designed and befitting of their use whereas to the south and west there is a mix of housing stock from different eras – and not one prevailing character. Nevertheless, heights are strictly limited to three-storeys.
- 8.14 The proposal would lead to the demolition of the existing fire station and all other associated development and paraphernalia on the site, and the erection of a new four-storey building with associated development through the site. The building would bear some semblance to form of the existing building with a main roughly rectangular block with a slim wing to the west.
- 8.15 In the first instance, it should be recognised that the design of the building is clearly one which is predicated on its functional requirements. The overall layout and scale of the building has been influenced by what is identified as a requirement for the fire service at Hereford and this has been formulated when having regard to the size and constraints of the site. Because of this, and as a primary example – the front elevation of the building is dictated by the use of the building as a fire station, noting the three appliance bays. That said, the building would replace an existing fire station and as such, the proposal does not introduce a functional type building in an area whereby such a building would be out of place. Indeed, as touched upon in the forgone paragraphs, there is a mix of architectural styles in close proximity – including other functionally designed commercial buildings which can be expected in an edge-of-centre location such as this.

- 8.16 The scale of the proposed new station would see somewhat an increase in height and depth – compared to the existing building, although its width would be reduced to enable a widened access to the west of the site off St Owen’s Street. The fenestration presents the building with a vertical emphasis and this would contrast with the existing building – specifically when having regard to the prominently visible western elevation. However, noting the relatively limited height of the building and its depth – it would remain to read as well-proportioned within the site.
- 8.17 Its overall prominence with the street-scene would undoubtedly increase and this would be primarily as a result of its increased height, but also its design approach which takes a contemporary lead in terms of its form and the material palette – with extensive amounts of glazing proposed. That said, the building would maintain the existing set-back off St Owen’s Street. This would ensure that the existing sense of openness gained through the width of the road and set-back of neighbouring buildings, would be maintained – helping to maintain the existing edge-of-centre character.
- 8.18 Furthermore, the proposed replacement is considered to be such which would make a reasonably positive contribution to architectural diversity along St Owen’s Street and within Hereford City more generally. The feature glazed curtain walling to the prominent southwestern corner would effectively serve to break up the massing of the building and the a chamfered first and second-floor over-sailing the ground floor bays would respond innovatively to the mix-match building lines along St Owens Street and would provide an alternative approach to simple rectangular forms. The proposed materiality would reflect to that found locally through the use of facing red-brick and contemporary elements such as metal cladding which would again aid legibility of different parts of the building, reduce the sense of bulk and add some visual interest. The proposed building also includes some detailing including modest window reveals and feature recessed brickwork courses and this would also enhance the appearance of the building and its overall attractiveness within site’s context.
- 8.19 To the rear of the site and north of the main building would provide parking and turning areas, along with the training tower and associated infrastructure including fuel tank, jet-wash and back-up generator. It should be noted that the removal of the existing training tower would be considered positive given its height and bulk, with the replacement being lower in height and more ‘light-weight’ in appearance compared to the existing fully enclosed brickwork structure. This ancillary development would read as secondary and given its positioning to the rear of the building, would not adversely impact on the character of the area.
- 8.20 By virtue of the nature of the site and its functional requirements, the ability for meaningful soft landscaping is limited and indeed, of little benefit. That said, some ornamental hedgerow is proposed at the entrance to the building which would enhance the buildings overall appearance somewhat. Hardstanding across the site would be functional and appropriate with paving delineated for pedestrians. Further details could be secured by way of condition.
- 8.21 Taking the above into account, although notably larger in scale, the proposed development would provide a contemporary but generally well-considered and designed replacement of the existing fire-station which would - whilst invariably appearing functional in its design as would be expected, respond broadly in a positive manner to local distinctiveness and the wider context of the site in terms of surrounding development. As such, the proposal is judged to be in accordance with the requirements of Policy SD1 and LD1 of the Core Strategy, as well as the requirements of Paragraph 130 of the NPPF.

**Impact on setting of heritage assets and Hereford's Central Conservation Area**

- 8.22 Policy LD4 of the Core Strategy states that development proposals affecting heritage assets and the wider historic environment should protect, conserve and where possible enhance heritage assets and their setting in a manner appropriate to their significance. Inter alia, the policy goes on to state that where opportunities exist, development should contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas.
- 8.23 Policy SS6 states that development proposals should be shaped through an integrated approach to planning a range of environmental components from the outset, including the historic environment and heritage assets. The NPPF also sets out extensive guiding principles at Chapter 16 relating to the historic environment.
- 8.24 Statutory duties are also set out under the Planning (Listed Buildings and Conservation Areas) Act 1990; Section 66 (1) requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In relation to any building or other land in a conservation area, Section 72 requires a general duty for any of the planning functions under the Planning Acts that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.
- 8.25 An application was made by a third-party to Historic England (HE) to determine whether the existing building would be eligible for listing, given concerns with respect to its demolition in context of the perceived level of significance attributed to it. Comments provided by The Hereford Civic Society, as well as a small number of other local representations note concerns relating to the significance of the building and have been duly noted.
- 8.26 Notwithstanding the above, HE's formal response concludes that the building, as a result of lacking sufficient degree of architectural interest, falls short of listing in terms of its historic significance when having regard to the criteria. The Council's Principal Building Conservation Officer shares the opinion that the existing building can be attributed limited heritage significance and as such, there are no in-principle concerns related to its proposed demolition and indeed, the erection of replacement building.
- 8.27 The application site lies outwith the Hereford Central Conservation Area, albeit lies a short distance away from its eastern boundary. Although the replacement building would be somewhat larger than the existing, it would be comparable overall. The removal of the existing tall and bulky training with a reduced height replacement would enhance views from Turner Street towards the city, opening views of the sky-line. The increase in scale of the building would not discernibly impact on the setting of the conservation area and the replacement building should not be notably more visible or prominent than the existing.
- 8.28 Subject to material details as otherwise already sought, it is not considered that the proposed redevelopment of the site would result in any harm to the setting of designated heritage assets – including the Central Conservation Area. The proposal is therefore considered to accord with the requirements of Core Strategy Policy LD4, as well as the principles as set out within the NPPF.

**Archaeology**

8.29 The site lies within the designated Hereford Area of Archaeological Importance. As set out within the comments from the Council's Archaeology Advisor, although it is unlikely that the remains present will be of such importance to represent a significant constrained, a pre-commencement condition is recommended to secure a survey and recording in accordance with the requirements of Core Strategy Policy LD4, as well as the principles as set out within the NPPF at Paragraph 205.

### **Access and highways**

8.30 Policy MT1 of the Core Strategy sets out that development proposals should demonstrate the local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that the traffic impacts can be managed to acceptable levels – to reduce and mitigate any adverse impacts.

8.31 In discussing the principles relating to the highways impact of development, Paragraph 111 of the NPPF makes it clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

8.32 It is noted that some comments have indicated that the location of the site is unsuitable and that alternative sites should be sought. In this case, it is not for the LPA to consider the suitability of the location for the use of the site as a fire station – as this is a lawful use. Rather, it is to consider the impacts of the redevelopment and therefore in highways terms, whether there would be a change in volume and nature of traffic movements and/or access arrangements – which may have an adverse effect on the safe and efficient flow of the local highway network.

8.33 The current station benefits from lawful accesses off St Owen's Street and Daws Road, a narrow road leading off Bath Street and connecting the rear of the fire station site. At present, there is only a single 'drive-through' appliance bay, and with the only access point being via Daws Road (given the current access to the west of the building too narrow), appliances are generally required to reverse into the bays from St Owen's Street.

8.34 The proposal would look to retain the existing accesses, although it would include the widening of the access off St Owens Street due to increased setting in of the proposed replacement building from the eastern boundary. This would allow this to be used by appliance vehicles and two-way traffic, reducing the reliance on Daws Road which is narrow and close to residential properties / businesses – namely Portfield House. Together with the provision of four 'drive-through' appliance bays, this would also negate the need for continued appliance reversing off St Owen's Street. The parking arrangements to the rear of the site would remain to be located in a rather ad-hoc manner, although this is a reflection of the irregularity of the site's shape. That said, the submitted plan adequately demonstrates that with this parking provision – large appliances would still have sufficient room to manoeuvre on-site.

8.35 In combination, these amendments to the existing layout would allow for a more efficient flow of vehicle movements through the site, and would reduce the need for appliances to use the narrow access off Daws Road – although this would still be an option.

8.36 Given the existing lawful use of the site, it is not considered that the replacement would lead to any discernible intensification which could not be adequately accommodated by the existing accessed and the wider local highway network.

8.37 It is noted that some concern has been raised by nearby adjoining properties with respect to the impact of the demolition and construction phase, especially with respect to the use of Daws Road for construction vehicles. Although this is a lawful point of access and is used by appliance vehicles on a regular basis, officers appreciate the potential change in nature of traffic movements here, should permission be granted and the building demolished and replaced. With this in mind, a condition requesting the submission of a construction management plan is recommended, secured by way of a planning condition.

8.38 With the above in mind, the proposal is considered to accord with the requirements of Policy MT1 and the principles as set out within the NPPF since it has been demonstrated that the redevelopment of the site would not result in any alteration or intensification existing traffic movements which would lead to an unacceptable impact on the local highway network.

#### **Impact on residential amenity**

8.39 Amongst other requirements, Policy SD1 of the Core Strategy seeks to ensure that development would not prejudice the amenity of existing or future occupiers. There are a number of contributing factors which can determine the acceptability of a residential relationship but in this case, noise, dust, smell, overlooking and overshadowing would likely require considering in determining the change in relationship which may arise from the proposal.

8.40 The application site is located within an edge-of-centre location and because of that association, there a wide range of uses within relative close proximity to the site. To the west of the site is a tyre shop (B2 use), whereas to the immediate east the site is bound by 'Stirling Court' – a row of 5no. terraced houses which are located to the rear of No. 115 St Owens Street, the latter also forming 4no. self-contained residential flats. It's noted that No.1 – 5 Stirling Court abut the eastern boundary of fire-station site. At present, to the rear/northwestern elevation each dwelling benefits from one horizontal ground floor window which serves a kitchen/dining room, and a vertical window serving the stairwell between the first and second floor roof accommodation. At present, none of the ground floor windows benefit from any outlook given the existing fire station building and the single-storey element which flanks the eastern boundary. Following the demolition of the existing building and the erection of the replacement building, the four northernmost dwellings at Stirling Court would have additional outlook from the ground floor windows. It is noted that there is an existing party wall along the boundary – the windows are situated level with this so there would be *some* increased outlook onto the fire station yard and some additional natural daylight. It is noted that car-parking is proposed directly in front of these windows. Clearly, there is a balance to be struck in this instance, between opening up the provision of increased natural daylight and the potential for some overlooking / light pollution from headlights. In this case, given the wall would be retained – it should serve to negate any adverse impacts from light pollution and indeed any notable overlooking. Stirling Court was built with the fire station mind and openings on this elevation are largely likely to be for ventilation purposes more than amenity – with the southeastern elevation affording Juliet balconies. Therefore, the redevelopment of the site is not considered such which would give rise to any demonstrable harm to Stirling Court as to justify refusal of the application on this basis.

8.41 Similarly, although the replacement building would be larger in scale – it should not have any further discernible adverse impact on the amenity of No. 115 St Owen's Street in terms of overlooking or overshadowing.

- 8.42 The relationship between Portfield House and the site should not notably change as a result of the redevelopment of the site. Parking would be located close to the boundary, as well as the replacement training tower. Furthermore, concerns have been raised with respect to the location of the fuel tank close to the boundary. Revised plans have swapped the location of the fuel tank with the jet-washer, so that the former is located further from the boundary of Portfield House. The Health and Safety Executive are the regulator / enforcement authority responsible for workplace health, safety and welfare for Fire and Rescue Services, as allocated through the Health and Safety (Enforcing Authority) Regulations 1998 (EA Regulations). There is existing legislative and operational guidance for both new and existing fuel tanks. Paragraph 188 of the NPPF makes it clear that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions where these are subject to separate regimes. With this in mind and noting the requirements that planning decisions should assume that these other regimes will operate effectively, officers are sufficiently content that any potential risk associated with the positioning of the proposed fuel tank can be satisfactorily mitigated and addressed through other legislation and associated guidance.
- 8.43 To the rear of the site, some associated development is proposed which may lead to some noise generation beyond that which currently exists. This would include plant equipment, jet-wash and back-up generator and substation. The application has been accompanied by a Noise Impact Assessment which has correctly been carried out in accordance with BS4142:2014 methodology. The Council's Environmental Health Team have reviewed the submission and note that in some cases mitigation measures would be required and in some cases, further details with respect to the proposed specification details. This detail, along with a noise and construction management plan can be secured by way of planning conditions.
- 8.44 The redevelopment and continued use of the site as fire station should not lead to any notable alteration of relationships with properties to the west of the site (tyre shop) and those on the opposite (southern) side of St Owen's Street.
- 8.45 With the above in mind, subject to the provision of further details and mitigation with respect to noise, a construction management plan along with a safeguarding condition restricting the hours of the demolition and construction phase of the development, the proposal is considered to be one which can be appropriately accommodated without causing any long-term or otherwise unacceptable impacts on the amenity of neighbouring properties. The proposal is therefore judged to be in accordance with Policy SD1 of the Core Strategy, as well as the principles as set out within the NPPF at Paragraph 130.
- Ecology, drainage and impact on the River Wye Special Area of Conservation (SAC)**
- 8.46 Policy LD2 of the Core Strategy requires development proposals to conserve, restore and enhance the biodiversity assets of Herefordshire.
- 8.47 The application has been supported by a Preliminary Ecological Appraisal (PEA) which indicate that no protected species or habitat would be impacted by the development. Given the nature of the development which would include extensive demolition, a safeguarding condition is recommended which would look to secure a Construction Environmental Management Plan (CEMP). A further condition is recommended which would seek to secure the required biodiversity net gain. Otherwise, the applicant is reminded of their legal duty of care towards the protection of wildlife in the United Kingdom.

- 8.48 It is noted that the application site is not located within an area at risk of flooding and the size of the site is not such which would require the application to be accompanied by a Flood Risk Assessment (FRA).
- 8.49 The application site lies within the hydrological catchment of the River Wye Special Area of Conservation (SAC). Therefore, there is a requirement for a Habitat Regulations Assessment (HRA) to be undertaken by the LPA as the 'competent authority'. Sufficient and detailed information is required to allow the authority to assess the proposal through its Duty of Care under NERC Act and Habitat Regulations.
- 8.40 Foul Water is proposed to be managed through connection to the local mains sewer and confirmation from Dwr Cymru Welsh Water have confirmed that this is practical and possible and that the local network has sufficient capacity. In terms of surface water, the proposed redevelopment of the site would not give rise to any increased non-permeable surfaces and it is confirmed that on-site measures would be used to manage surface water flows.
- 8.51 With the above in mind, the Planning Ecology Team have reviewed the submission and concluded that subject to conditions, there would be no adverse effect on the integrity of the River Wye SAC.

#### **Other matters**

- 8.52 In an initial consultation response, Dŵr Cymru Welsh Water (DCWW) advised the LPA of a distribution watermain which transcends the application site and that they reserve the rights of access to the apparatus at all times. It was advised that the positioning of the watermain with respect to the footprint of the proposed replacement building would be such which would prevent maintenance and arguably more critically, pose a demonstrable health and safety risk.
- 8.53 The developer has since advanced discussions with DCWW and in turn, a diversion of the watermain has been agreed. DCWW have since recommended a clean water scheme, which would include the provision of the diversion, to be secured by way of a planning condition appended to any approval. With this, officers are content that the development would not prejudice the safe and effective supply of clean water provided by the existing watermain running through the site.
- 8.53 Matters raised within the received representations relating to party wall concerns are noted. However, party wall agreements are subject to separate legislation and is not encompassed within the Town and Country Planning Act 1990 (as amended).
- 8.54 There are no known identified sources of contamination which would pose a risk going forward, noting the nature of the existing and proposed use of the site. As such, safeguarding conditions are not considered necessary in this case.

#### **9. CONCLUSION**

- 9.1 The application site lies within a highly sustainable location but fundamentally, would replace an established lawful building used as part of the operational Hereford Fire Station. The building is an important community facility and its retention and ongoing use is considered appropriate in this location and supported by the relevant prevailing policies contained within the development plan. The development would contribute to some economic and social objectives in terms of short term construction jobs and longer terms gains of the site being within a sustainable edge-of-centre location, making effective use of previously developed land. The development is

considered such which not result in any discernible harm to the setting of the nearby conservation area or heritage assets, and the design response, whilst contemporary and introducing increased bulk and massing overall – would contribute positively to the streetscene and wider character of this area of Hereford. The design approach and layout would also safeguard the amenities of neighbouring properties. No adverse impacts have been identified with respect to drainage or ecology, including in terms of the River Wye SAC. In the round, the proposal is considered to be representative of a sustainable form of development, and is accordingly recommended for approval subject to conditions to re-inforce the critical aspects of the development.

**10. RECOMMENDATION: Grant planning permission subject to the conditions as set out below;-**

<b>Standard</b>	
1.	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.</p>
2.	<p>The development hereby approved shall be carried out strictly in accordance with the approved plans as set out below; -</p> <p>HFS BBA ZZ 00 DR A 1001 P02  HFS BBA ZZ 00 DR A 2000 P05  HFS BBA ZZ 00 DR A 2000 P01  HFS BBA ZZ 00 DR A 7801 P01  HFS BBA ZZ 00 DR A 7803 P01  HFS BBA ZZ 00 DR L 1020 P02  HFS BBA ZZ 01 DR A 2001 P04  HFS BBA ZZ 02 DR A 2002 P06  HFS BBA ZZ RF DR A 2004 P04  HFS BBA ZZ ZZ DR A 3001 P02  HFS BBA ZZ ZZ DR A 3002 P02  HFS BBA ZZ ZZ DR A 3004 P02  HFS BBA ZZ ZZ DR A 4001 P02  HFS BBA ZZ ZZ DR A 4002 P02  HFS BBA ZZ ZZ DR A 4003 P02  (Received: 8 December 2022)</p> <p>HFS BBA ZZ 03 DR A 2003 P04  (Received: 29 December 2022)</p> <p>HFS BBA ZZ ZZ DR A 3003 P02  (Received: 21 March 2023)</p> <p>HFS BBA ZZ 00 DR A 1010 P08  (Received: 25 March 2023)</p> <p>Reason: To ensure adherence to the approved plans and to protect the general</p>

	character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.
<b>Pre-commencement</b>	
3.	<p>Prior to the commencement of the development, further design details of all noise generating plant and equipment, including verification of noise levels and any required mitigation (in accordance with Noise Impact Assessment Report - CPW Acoustics - ref. 210835), to be provided to the local authority.</p> <p>Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy.</p>
4.	<p>Prior to the commencement of the development, noise criteria for the operation of the back-up generator (including noise levels at nearest receptors, any required mitigation and testing regime) to be agreed with the local authority.</p> <p>Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy.</p>
5.	<p>Prior to the commencement of the development, a Construction Management Plan is to be provided and agreed with the Local Planning Authority.</p> <p>This shall include but not be restricted to the following:  Hours of operation;  The methods and materials to be used to ensure that the generation of noise is minimised;  The use of prefabricated materials wherever possible;  Regarding optimum site layout, noise generating activities to be located away from sensitive receptors;  and good housekeeping and management, to include:</p> <ol style="list-style-type: none"> <li>a) Review of plant and activities to ensure noise minimisation measures are in place and operating;</li> <li>b) Public relations, e.g. provision of telephone numbers for complaints, pre-warning of noisy activities</li> <li>c) including activities that might generate perceptible vibration,</li> <li>d) Controlling of site traffic and setting up of access routes away from sensitive receptors; and</li> <li>e) Provision of noise monitoring during activities likely to affect sensitive receptors;</li> </ol> <p>Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy.</p>
6.	No development shall commence until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:

	<ul style="list-style-type: none"> <li>- A method for ensuring mud is not deposited onto the Public Highway</li> <li>- Construction traffic access location</li> <li>- Parking for site operatives</li> <li>- Construction Traffic Management Plan</li> <li>- Siting of construction compound / office / material storage</li> </ul> <p>The development shall be carried out in accordance with the approved details for the duration of the construction of the development.</p> <p>Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.</p>
7.	<p>No development shall commence or materials or construction equipment brought onto site until, and as part of the Mitigation and Enhancement Strategy, a fully detailed and comprehensive Construction Environmental Management Plan (CEMP) including a specified ‘responsible person’ is supplied to the local planning authority for written approval.</p> <p>The approved CEMP shall be implemented and remain in place until all work approved under both applications is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: To ensure that all species, habitats and local intrinsically dark landscapes are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife &amp; Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3.</p>
8.	<p>No development shall commence until the developer has secured the implementation of a programme of archaeological survey and recording to include recording of the standing historic fabric and any below ground deposits affected by the works. This programme shall be in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority and shall be in accordance with a brief prepared by the County Archaeology Service.</p> <p>Reason: To allow for recording of the building/site during or prior to development and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy. The brief will inform the scope of the recording action and the National Planning Policy Framework. The commencement of development in advance of such approval could result in irreparable harm to any identified heritage asset.</p>
<b>Pre-occupancy or other stage</b>	
9.	<p>With the exception of site clearance and groundworks, no further development shall commence until a landscape scheme shall be submitted and approved in writing by the local planning authority. The scheme shall include a scaled plan</p>

	<p>identifying:</p> <p>a) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.</p> <p>b) All proposed hardstanding and boundary treatment.</p> <p>The development shall be carried out in accordance with the approved details and completed prior to first use of the development hereby approved.</p> <p>Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework</p>
10.	<p>With the exception of any site clearance and groundwork, no further development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.</p>
11.	<p>Prior to any construction work above damp proof course a specification and annotated location plan for proposed biodiversity net gain enhancement features including significant and meaningful provision of ‘fixed’ habitat features including a range of bird nesting boxes, bat boxes (or similar roosting features) must be supplied to and approved in writing by the local authority. The approved scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: To ensure that biodiversity net gain is secured and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife and Countryside Act 1981, National Planning Policy Framework NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3.</p>
12.	<p>Prior to the first use of the development hereby approved, a Travel Plan which contains measures to promote alternative sustainable means of transport for staff and visitors with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the local planning authority upon reasonable request.</p>

	Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.
13.	<p>Prior to the first use of the development hereby approved, full details of a scheme for the provision of covered and secure cycle parking facilities shall be submitted to the Local Planning Authority for their written approval. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the use of the development hereby permitted. Thereafter these facilities shall be maintained in perpetuity.</p> <p>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 and to conform to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.</p>
<b>Post occupancy monitoring and management / Compliance Conditions</b>	
14.	<p>Foul water will be managed by existing mains sewer connection. No additional foul and surface water shall be created in relation to the development and all surface water will be managed through on site measures; unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4.</p>
15.	<p>Surface water flows from the development shall only communicate with the public (combined sewer / surface water sewer) through an attenuation device that discharges at a rate not exceeding 2 l/s.</p> <p>Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.</p>
16.	<p>During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00 pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.</p> <p>Reason: To protect the amenity of local residents and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.</p>
17.	<p>The clean water scheme for the Diversion of the water main shall be implemented in accordance with the approved drawing titled Mains Diversion reference 001 prior to the occupation of the development.</p> <p>Reason: To ensure that the proposed development does not affect the integrity</p>


	of the public water supply system in the interests of public health and safety
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### Informative Notes

IP2	Application approved following amendment
	The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as all Bat species, Great Crested Newts, Badgers and other wildlife that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that further advice from a local professional ecology consultant is obtained.
	The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of <a href="http://www.dwrcymru.com">www.dwrcymru.com</a>
	The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
	All waste generated from the site and proposed development must be disposed of in accordance with the Construction Waste and Environmental Act 2021 and all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.
	If during the course of the development unexpected contamination not previously identified is found to be present at the site, this should be dealt with in an appropriate manner in liaison with the Local Authority’s Environmental Health Team.

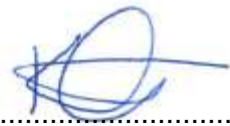
### FINAL APPLICATION CHECKS

➤	Habitat Regulation Assessment process undertaken:	Yes
➤	Pre-commencement conditions agreed with applicant / agent:	Yes
➤	Ward Councillor contact made?	Yes
➤	Redirection request received?	No
➤	Extension of time obtained (if necessary) and PA6 added?	Yes
➤	Does any part of this report require redaction before publishing to website - please highlight?	No

Signed:  ..... Dated: 13 April 2023

**TEAM LEADER'S COMMENTS:**

**DECISION:**



**PERMIT**

**REFUSE**

Signed: ..... Dated: 13<sup>th</sup> April 2023