

# DELEGATED DECISION REPORT

## APPLICATION NUMBER 241471

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**Case Officer:** Ollie Jones      **Parish:** Hereford City      **Ward:** Widemarsh

**Proposal:** Proposed temporary change of use from general industrial (Use Class B2) to a fire station (Sui Generis) with associated vehicular access, car parking, external alterations and other works.

**Site Address:** Unit 22, Mortimer Trading Centre, Mortimer Road, Hereford, Herefordshire

**Site Visit:** July 2024      **Target Date:** 27 August 2024      **Consultation End Date:** 30 July 2024

**Summary of recommendation: - Grant planning permission subject to conditions.**

### 1. SITE DESCRIPTION

- 1.1 The application site relates to 'Unit 22' of Mortimer Trading Centre which comprises one of an agglomeration of industrial units formerly used as steel galvanisers / fabricators. It benefits from a lawful B2 use (163536 refers). It lies to the north of Mortimer Road, with access also gained from Perseverance Road and Burcott Road.

### 2. PROPOSAL

- 2.1 This application seeks planning permission for the change of use of the site (Unit 22) to a fire station (sui generis), together with associated vehicular access (from Mortimer Road) and Perseverance Road. The proposal would largely make use of the existing building, with the insertion of 2no. fire service vehicle access door to replace the existing roller-shutter doors. Other external alterations are proposed which include the provision of aluminium windows. The building would be re-configured to provide for vehicle storage and servicing, as well as office and welfare provision. There would be 10 on-call parking spaces within the yard to the fore of the building, as well as 4 operational and 2 district/station parking spaces.

### 3. PLANNING HISTORY

<b><u>Planning reference:</u></b>	<b><u>Description:</u></b>	<b><u>Decision:</u></b>	<b><u>Date:</u></b>
223339	Proposed 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-	Approved	13 April 2023

	fuel facility, sub-stations, telecommunications antenna, vehicular access and associated works.		
181989	Variation of a conditions 2 and 9 (163536/F) Drainage information supplied and plans varied.	Approved	10 July 2018
163536	Sub-division of building into 3 x units (1 x B2, 1 x B1 and 1 X D2 (trampoline arena) with A3 facilities on mezzanine floor) – Re-cladding of elevations and alterations to car park, access and footway	Approved	11 October 2017

#### 4. PRE-APPLICATION ADVICE

4.1 None

#### 5. RELEVANT POLICIES

##### Herefordshire Local Plan - Core Strategy

- SS1** Presumption in favour of sustainable development
- SS4** Movement and transportation
- SS6** Environmental quality and local distinctiveness
- SS7** Addressing climate change
- HD1** Hereford
- SC1** Social and community facilities
- E2** Redevelopment of existing employment land and buildings
- 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 4** Decision-making
- 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 and beautiful places
- Chapter 15** Conserving and enhancing the natural environment

## 6. CONSULTATIONS

6.1 HC Area Engineer (Highways) – comment; -

6.1.1 11/10/24 - The Local highways authority has considered the recently submitted updated information requested and makes the following comments.

### Staff and visitor access

The existing access to the site is at the end of Mortimer Road, a road that is mixed use of residential and some light industrial units, Mortimer Road has limited off road parking and at all times of day on street parking is common leading to a single lane road at many parts of the highway. The visibility in both directions from the junction is not provided but splays should be able to be achieved that are suitable to the local road speeds and condition. This is an established access already in use by light industrial traffic.

The access road then leads past an industrial unit and a trampoline park before leading to a gated access to the proposed temporary fire station and parking area. The access to the site and the proposed use would not lead to a significant increase in use of the access over the existing Class B 2 use and would be acceptable to the LHA.

### Parking

The parking provision outlined in drawing reference HFS-BBA-Z1-ZZ-DR-A-1006 indicates 16 parking spaces and whilst there are no specific parking levels in the Herefordshire Council highways design guide for this use, with the identified staffing levels and likely visitor numbers this would be acceptable.

Cycle storage on site is proposed as 6 spaces in the form of Sheffield stands, the LHA would like to see covered cycle storage but this can be secured via a planning condition should permission be granted.

### Fire Tender access and exit to the building

The change of use of the units will lead to a number of different vehicles needing to be stored in the building the transport statement provides swept path for fire tenders into various points of the building (drawing 08125-TR-A-0004) This indicates sufficient space for the efficient safe use of the building for the change of use.

The Technical note submitted reference 08125-0TR-01-B would be acceptable for the requested visibility Splays for the exit at Perseverance Road.

Drawing no. 08125-TR-A-0009 indicating the fire tender movements through the fence line crossing the PROW would be acceptable with visibility splays for pedestrians and cycles crossing of 2m x2m. This can be secured by an appropriate panning condition should planning permission be granted.

### No Objection with conditions

#### CAB- Visibility Splays

Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 1.2 metres back from the nearside edge of the adjoining carriageway (As accepted in submitted technical note) (measured perpendicularly) for a distance of 28m to the East and 35m to the West to the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

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.

CAB- pedestrian visibility splays at the crossing of the Public right of Way should be provided at 2m x2m to allow safe pedestrian movements across the new access.

#### CB2- Secure covered cycle parking provision

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.

#### CAI- Parking – single/shared private drives

Prior to the first occupation of the building change of use hereby approved an area shall be laid out within the curtilage of the property for the parking and turning of 16 cars which shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 6.1.2 23/7/24 - The local highways authority has considered the submitted application for the proposed temporary change of use of industrial unit to a temporary fire station with associated access, car parking and external alterations and makes the following comments.

The application has been supported by a travel plan and a travel statement which outlines the proposed access to the site, the internal layout of the proposed Fire station as well as the exit of the station in the case of emergency vehicles exiting the site.

### Staff and visitor access

The existing access to the site is at the end of Mortimer Road a road that is mixed use of residential and some light industrial units, Mortimer Road has limited off road parking and at all times of day on street parking is common leading to a single lane road at many parts of the highway. The visibility in both directions from the junction is not provided but splays should be able to be achieved that are suitable to the local road speeds and condition. This is an established access already in use by light industrial traffic.

The access road then leads past an industrial unit and a trampoline park before leading to a gated access to the proposed temporary fire station and parking area. The access to the site and the proposed use would not lead to a significant increase in use of the access over the existing Class B 2 use and would be acceptable to the LHA

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### Emergency calls and exit of fire tenders from site.

The transport statement in Figure 5-2 indicates that when an emergency call is made that the Fire tenders will exit the site via the car park to the South west and then link into Perseverance Road to allow quicker access to the main highway network and the A49, whilst the LHA accepts that this exit to Perseverance Road is included within the red edge of the site plan no details of visibility splays or Swept Path analysis have been submitted. This route would be preferable over the access to the East onto Mortimer road however further details of the proposed access are required before the LHA can confirm acceptance of the scheme. Further details should include access width, visibility splays, and swept path for the junction.

All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website.

6.2 HC Built and Natural Environment Team (Ecology) – comment; -

6.2.1 4/7/24 - The site is within 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.

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.

From the start of August 2023, there have been changes in the conservation status of the River Wye SSSI - downgraded to "unfavourable declining" by Natural England; and these comments have been completed based on this recent change and updated SSSI Impact Risk Zone information available from Natural England (River Wye SAC – bespoke buffer – Any discharge of water or liquid waste including to mains sewer). The applicant must demonstrate with scientific and legal certainty that the proposed development will create no significant nutrient pathways into the River Wye that may make the current situation worse or hinder any recovery.

#### Notes in Respect of HRA

The proposal includes 5 units of overnight/rest accommodation with associated additional foul water flows (nutrient pathways) created.

- The proposal is to manage all new foul water flows through the mains sewer connection.
- Mains sewer is considered as the best available option to ensure foul water management with minimal effect from nutrient pathways.
- At this location the mains sewer system is managed through the Welsh Water Waste Water Treatment Works at Hereford (Eign) that discharges in to the upper section of the 'Middle Wye'
- The Hereford WWTW has capacity to manage the additional flows created.
- The additional foul water flows can be considered as accommodated within the nutrient allowance secured through the current Core Strategy 'Hereford' housing allowances that were subject to a positive HRA process at the time the CS was adopted.

With all 'mitigation' embedded within the main project the required HRA appropriate assessment can be considered as being 'screened out' at Stage 1 and no consultation with Natural England is triggered.

Based on supplied and available information there are no other ecology comments made.

#### 6.3 HC Environmental Health (Noise) - comment;

- 6.3.1 9/9/24 - This application is for a temporary change of use to enable the relocation of Hereford Fire Station for a period of 5 years, while the original site is redeveloped.

I note that the site lies in a predominantly industrial/commercial area, but residential properties exist along Mortimer and Perseverance Road, and those residents are already subject to noise from existing sources.

Therefore, while I don't object to this proposal, I would suggest the following conditions be added to any permission granted:

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) should be agreed with the local authority.

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.

6.4 HC Environmental Health (Contaminated Land) – comment; -

6.4.1 15/7/24 - Given the former uses of the site, a condition such as that below should be appended to any approval.

#### Recommended Condition

1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

a) A Preliminary Risk Assessment report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model, and a risk assessment in accordance with current best practice.

b) If the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to fully characterize the nature, extent, and severity of contamination. This should incorporate a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors.

c) If the risk assessment in (b) identifies unacceptable risk(s), a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of, and proposals to address, situations where contamination encountered during site works has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied.

On completion of the remediation scheme, the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details. This must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme, including the validation reporting, shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

3. If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### Technical Notes

Assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2019.

All investigations of potentially contaminated sites are required to undertake asbestos sampling and analysis as a matter of routine, and this should be included with any submission.

Where ground gas or vapour protection measures are required, they shall be validated in accordance with current best practice guidance.

6.5 HC Public Right of Way Team – no objection.

6.6 Canal and River Trust – comment;

6.6.1 5/7/24 - The Canal & River Trust is a statutory consultee in Article 18 and Schedule 4 Paragraph z(a) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The current notified area applicable to consultations with us, in our capacity as a Statutory Consultee, was issued to Local Planning Authorities in March 2023 for use from 1 April 2023. It comprises three zones that relate to notifications for different types and scales of proposed development.

This application falls outside the notified area for its application scale and location. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.

We are happy to comment on particular applications that fall outside the notified areas where there are relevant circumstances. If you would like the Canal & River Trust's comments in this case or any other, please clarify the reason for your consultation when you send it.

Should you have a query in relation to consultation or notification of the Canal & River Trust on planning applications, please email us at [planning@canalrivertrust.org.uk](mailto:planning@canalrivertrust.org.uk).

## 7. COMMUNITY REPRESENTATIONS

7.1 Hereford City Council – object; -

7.1.1 26/7/24 - Hereford City Council Planning Committee objected to Planning Application 241471. Councillors disagreed with the location of this temporary fire station as they could clearly see issues with the access/egress of the site. Access from Perseverance Road was deemed inappropriate as the road is too small for emergency vehicles, making it difficult for drivers to navigate, and the road often gets easily congested as it is surrounded by a number of

commercial outlets. Councillors strongly suggest using another site, such as one located in Rotherwas.

7.2 Public comments – site notices displayed adjacent to the site.

7.2.1 One representation received objecting to the application. The comments can be summarised as follows; -

- Drawings do not cover the area of potential impact.
- Concerns about effects on the protected Herefordshire and Gloucestershire Canal.
- No clarity on how long the planning is considered "temporary."
- Objection can be withdrawn if these issues are addressed.

7.2.2 One representation received making general comment (neither supporting nor objecting). The comments can be summarised as follows; -

- Concern about fire engines accessing Mortimer Road during emergencies.
- Road is often blocked by parked cars on both sides, affecting access for emergency vehicles.
- Current problems with lorries and industrial vehicles navigating the street.
- Issues with parking caused by parents dropping off/picking up children at the nearby nursery.
- Request for measures to address parking while supporting residents' parking needs.

The full comments are accessible via the Herefordshire Council website.

7.3 Cllr Andrews (Widemarsh) - No re-direction request received.

## 8. OFFICER APPRAISAL

### 8.1 Principle of development

8.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

8.2 "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."

8.3 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy. The National Planning Policy Framework (NPPF) is also a significant material consideration.

Policy HD1 of the Core Strategy articulates a vision for Hereford City, emphasising the need for healthy, safe, secure, low-crime, and sustainable communities that provide a diverse range of housing and employment opportunities. These communities should be well-supported by an array of facilities, green infrastructure, and public transport options.

8.4 The Hereford and Worcester Fire and Rescue Service (HWFRS) has identified that the existing Hereford Fire Station requires upgrading, as it is no longer fit for purpose and does not perform satisfactorily from either an economic or environmental perspective.

8.5 Consequently, in April 2023, planning permission was granted for the replacement of the existing Hereford Fire Station, located off St Owen's Street, east of Hereford's city centre

(reference 223339). The new facility will be modern and suitable for the demands of the 21st century.

- 8.6 According to Policy SC1 of the Core Strategy, development proposals that protect, retain, or enhance existing social and community infrastructure, or ensure the availability of new facilities as locally as possible, will be supported. The policy's supporting text clarifies that social and community facilities encompass those related to policing, criminal justice, fire, and ambulance services.
- 8.7 Given the spatial constraints of the current fire station site on St Owen's Street, there is a fundamental necessity for the fire service to temporarily relocate while the existing station is demolished and the new one constructed. This move is essential to maintain a safe and effective service, allowing operations to continue at full capacity during construction.
- 8.8 A site search and analysis were conducted to assess the suitability of various alternative sites. In September 2024, additional evidence was submitted in the form of a Temporary Site Search Report, identifying four alternative sites: land east of Mortimer Road; Foley Industrial Estate; Wyvern House on Netherwood Road in Rotherwas; and Victoria House on Eign Street. The sites were evaluated primarily based on factors such as cost, planning permission requirements, availability of car parking, utility access, and on-call turnout times. The report concludes that the application site, referred to as 'Option 2', is the most suitable due to its favourable on-call turnout times, adequate unit and yard space, and ease of adaptation to provide the necessary temporary accommodation. Conversely, the Rotherwas site was deemed unsuitable because of its southeast location, which would lead to unacceptable turnout times for the service.
- 8.9 Although it is acknowledged that the use of the application site would result in the temporary loss of some 'moderate' employment land, this loss is limited to a period of five years, after which the existing lawful B2 use could resume. Thus, the proposal is not expected to cause a significant overall reduction in the quality and quantity of employment land supply in the area. Notably, the broader industrial areas of Burcott Road and Mortimer Road contain substantial amounts of similar provision alongside other previously developed land. It is also important to mention that the adjoining unit to the south features a non-employment generating use in the conventional sense, hosting a trampoline arena that previously fell under Class D2 (assembly and leisure) but is now classified under Class E following the implementation of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.
- 8.10 While the proposal does not remove a non-conforming use, as the site retains a lawful B2 classification and the permission is only temporary, some consideration can be given to the immediate and localised benefits that the provision of a fire station in this location would bring. Furthermore, the development is not considered to result in the piecemeal loss of employment land, again due to the temporary nature of the permission.
- 8.11 In light of the application seeking temporary planning permission, a requirement for extensive marketing of the existing B2 use is deemed neither necessary nor reasonable, considering the extenuating circumstances. This proposal addresses an immediate need to enhance emergency services within Hereford and the surrounding area, which provides considerable public benefit. A condition would limit the duration of the permission, ensuring that the land and building revert to their former use once the temporary fire station is no longer needed.

8.12 As such, the proposal is considered acceptable in principle, according with the overall expectations of Policy HD1, SC1 and E2 of the Core Strategy, as well as the overarching objectives of the NPPF.

**Access, parking and highway safety**

8.13 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.

8.14 The Local Highway Authority has reviewed the updated information provided, which includes details on the access arrangement, parking, and vehicle movements related to the proposed temporary fire station. It is considered that the proposed use would not result in a significant increase in access usage beyond the existing lawful Class B2 use. Given the established access point at Mortimer Road, which already serves a mix of residential and light industrial uses, and despite limited off-street parking which can restrict access at times, the access arrangements are judged acceptable. Visibility splays have not been detailed, but it is anticipated that the required splays suitable to local traffic speeds can be achieved and secured by way of condition.

8.15 The route for emergency vehicles has been planned to prioritise efficient traffic flow and safety, while ensuring that the service can operate effectively. Emergency vehicles would exit westward via Perseverance Road and then onto the A49(T) when egressing/on-call, minimising potential conflicts with pedestrians and parked cars near to the adjacent trampoline arena, as well as negating the requirement to negotiate the constraints of Mortimer Road, which are fully understood. Returning vehicles however, would use Mortimer Road and this would help further in managing traffic and pedestrian interactions and ultimately, reducing the overall potential for conflicts.

8.16 The proposal includes 16 parking spaces which is commensurate with anticipated staffing levels and visitor numbers, despite Herefordshire Council's Highways Design Guide not specifying standards for such a use. The proposal also includes six cycle storage spaces using Sheffield stands. Although there is a preference for covered cycle storage, the proposed is considered to be sufficient in this instance for a temporary period.

8.17 The change of use would necessitate on-site storage for various emergency vehicles. A swept path analysis confirms there to be adequate space for safe vehicle manoeuvring within the site. Furthermore, the interaction between emergency vehicle movements and the public right of way has been addressed, with visibility splays of 2-metres x 2-metre at the PRow crossing being secured by way of condition.

8.18 With the above in mind and subject to the required details as discussed being secured by way of planning condition, the proposal is considered acceptable in access and highway safety terms. The proposal is therefore considered to accord with Policy MT1 of the Core Strategy and the principles outlined in the NPPF.

**Siting, scale and design**

8.19 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.

- 8.20 In this instance the proposal would make use of an existing industrial building. Although some external alterations are proposed to meet the operational requirements of the service, these are relatively minor in nature and would not have any discernible impact on the building's utilitarian appearance.
- 8.21 Similarly and as a result of the above – the proposal would not adversely impact, or lead to any discernible change to the industrial character of the area.
- 8.22 The proposal is therefore considered to raise no conflict with Policy SD1 and LD1 of the Core Strategy.

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

- 8.23 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.
- 8.24 The application site is located within an industrial area and benefits from an existing lawful and established B2 use. It is noted that residential properties can be found along both Mortimer Road and Perseverance Road. Although the Council's Environmental Health Team recommend the submission of a Noise Management Plan, to be secured by condition, this is not considered necessary or reasonable given the extensive industrial uses which prevail within the wider locale. The use of the site as a fire station for a temporary period is not considered such which would give rise to any persistent impacts on residential amenity which would be harmful, or out of character.

#### **Ecology and impact on the River Wye Special Area of Conservation (SAC)**

- 8.25 The application looks to reuse an existing industrial building with low ecology/ biodiversity value and the re-use of the building does not raise any concerns in this regard.
- 8.26 The application is exempt from the Biodiversity Net Gain condition (as set out in Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) given that it would impact less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat.
- 8.27 The proposed development is located within the River Wye SAC catchment and foul water management would be via mains sewer to the Hereford Waste Water Treatment Works, which has confirmed capacity for additional flows. Given that the nutrient pathways are mitigated within the project the application can be screened out at Stage 1 of the Habitat Regulations Assessment (HRA), negating the need for an 'appropriate assessment' and consultation with Natural England.
- 8.28 The proposal is therefore considered to accord with Policy LD2 and SD4 of the Core Strategy.

**Flood risk and drainage**

8.29 Although it is acknowledged that some of the surrounding local highway network is located within Flood Zones 2 and 3, the site itself is not at risk of flooding. The proposal would deal with surface water by existing on-site features (with the development not increasing impermeable surfaced areas) and foul water by way of a mains connection, as required. The proposal is therefore considered to accord with Policy SD3 and SD4 of the Core Strategy.

**Other matters**

8.30 Policy SD1 also requires consideration of matters in respect of any adverse impacts arising from contaminated land and ensuring that the appropriate remediation measures are undertaken.

8.31 The site is that of former galvanisers before which it was also seemingly part of a gasworks. These may be considered potentially contaminative uses. Insufficient information has been considered which fully considers the potential risk to human health. Given the nature of the proposed use which includes welfare facilities, including overnight accommodation for staff, a pre-commencement condition is considered to meet the requirements of Paragraph 55 of the NPPF, and notice has been served on the applicant as required by the Town and Country Planning (Pre-commencement Conditions) Regulations 2018. Following extensive discussions, the applicant has confirmed their agreement to the pre-commencement condition.

8.32 The proposal would not impact on the route of the Herefordshire & Gloucestershire Canal and involve the re-purposing of an existing industrial building, which would be returned to its former existing lawful years after a period of no longer than 5 years from the date of any grant of planning permission.

**9. CONCLUSION**

9.1 In conclusion, the proposed use of the site for a temporary fire station is considered acceptable in principle as it would provide a temporary solution to enable the continued effective operation of the fire station while the existing is demolished and replaced. The proposed loss of employment land would be temporary and would be outweighed by the demands for a temporary site, where a selection of limited alternative sites have been discounted for their suitability. The proposal satisfactorily access, parking, and highway safety issues and the minor alterations to the existing industrial building would be appropriate with the character of this industrial area. The impact on residential amenity are anticipated to be minimal, although concerns with respect to human health because of known contamination issues can be managed by way of planning conditions. As such, the proposal is considered to accord with the Core Strategy and National Planning Policy Framework and there are no material considerations which indicate that a decision should be made, other than for approval.

**10. RECOMMENDATION; - Grant planning permission subject to conditions**

Standard	
1	The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2	The development shall be carried out strictly in accordance with the approved plans;

	<p>Location Plan Proposed Site Plan (HFS BBA Z1 ZZ DR A 1006 P03) Ground Floor GA Plan (HFS BBA Z1 00 DR A 2101 P05) Proposed GA Elevations (HFS BBA Z1 ZZ DR A 3101 P03) Site Access Arrangements (08125-TR-A-0009)</p> <p>Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.</p>
<b>Pre-commencement</b>	
3	<p>No development shall take place until the following have been submitted to and approved in writing by the local planning authority:</p> <p>a) A Preliminary Risk Assessment report, which must include:</p> <p>Details of previous site uses and uses of adjacent sites. Potential contaminants associated with those uses. Possible sources, pathways, and receptors. A conceptual model and a risk assessment following current best practices.</p> <p>b) If the risk assessment from (a) confirms a possible significant pollutant linkage(s), a comprehensive site investigation must be undertaken to:</p> <p>Fully characterize the nature, extent, and severity of contamination. Develop a conceptual model of all potential pollutant linkages. Assess the risk to identified receptors.</p> <p>c) If the site investigation in (b) identifies unacceptable risks, a detailed remediation scheme must be submitted in writing, specifying:</p> <p>Remedial works and measures necessary to avoid risks from contaminants or gases when the site is developed.</p> <p>Provisions to address unforeseen contamination discovered during site works. Any additional contamination encountered must be fully assessed, and an updated remediation scheme must be submitted to the local planning authority for written approval.</p> <p>Reason: In the interests of human health and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.</p>
<b>Other stage / prior to first use</b>	
4	<p>Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 1.2 metres back from the nearside edge of the adjoining carriageway As accepted in submitted technical note) (measured</p>

	<p>perpendicularly) for a distance of 28m to the East and 35m to the West to the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.</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>
5	<p>Before any other works hereby approved are commenced, pedestrian visibility splays at the crossing of the Public right of Way should be provided at 2m x2m to allow safe pedestrian movements across the new access.</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>
6	<p>The Remediation Scheme, as approved in Condition (1) above, must be fully implemented before the development is first occupied. Upon completion of the remediation, the developer shall provide a validation report confirming that all works were completed according to the agreed details. This report must be submitted and agreed in writing by the local planning authority before the development is first occupied. Any changes to the scheme, including the validation reporting, must be agreed in writing with the local planning authority before such works are undertaken.</p> <p>Reason: In the interests of human health and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.</p>
<b>Post occupancy monitoring and management / Compliance Conditions</b>	
7	<p>If, during development, contamination not previously identified is found, no further development (unless otherwise agreed in writing with the local planning authority) shall proceed until the developer has submitted an amended Method Statement detailing how this unexpected contamination will be managed. This amendment must be approved in writing by the local planning authority.</p> <p>Reason: In the interests of human health and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.</p>
8	<p>The use of the land and buildings as a temporary fire station (sui generis) permitted by this planning permission shall be limited to a period of five (5) years from the date of this permission, after which the use shall cease, and the land and buildings shall be restored to their lawful Class B2 use within three (3) months, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure the development is used for the approved purpose only for a limited period and to protect the character and amenity of the area, in accordance with Policies HD1, E2, SC1, SD1, and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.</p>

**Informatives:**

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**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?	No
➤ Does any part of this report require redaction before publishing to website - please highlight?	No

**Informatives**

Signed: *Ollie Jones* Dated: 16 October 2024

**TEAM LEADER'S COMMENTS:**

**DECISION:** PERMIT  REFUSE



Signed:

Dated:

16 October 2024