

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>13 September 2017</b>
<b>TITLE OF REPORT:</b>	<p><b>164024 - RE-DEVELOPMENT OF FORMER COUNCIL OFFICES AT BATH STREET, HEREFORD INCLUDING CHANGE OF USE FROM B1 - BUSINESS TO C3 - DWELLINGHOUSES TO PROVIDE A TOTAL OF 75NO. APARTMENTS (COMPRISING 1 &amp; 2 BED APARTMENTS). RE-DEVELOPMENT INCLUDES PARTIAL DEMOLITION OF EXISTING BUILDINGS (AS INDICATED ON SUBMITTED DRAWINGS), CONVERSION OF AT FORMER COUNCIL OFFICES, 39 BATH STREET, HEREFORD, HEREFORDSHIRE, HR1 2HQ</b></p> <p><b>For: Herefordshire Housing Ltd per Architype, Upper Twyford, Hereford, HR2 8AD</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=164024&amp;search=164024">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=164024&amp;search=164024</a>
<b>Reason Application submitted to Committee – Council interest</b>	

**Date Received: 15 December 2016    Ward: Central    Grid Ref: 351479,239865**

**Expiry Date: 30<sup>th</sup> October 2017**

Local Members: Cllr L Tawn

**1. Site Description and Proposal**

- 1.1 The application is the Council's former Bath Street offices and associated car parking, located to the east of the ancient city walls and included within the eastern boundary of the Central Hereford Conservation Area; the conservation area boundary appears to cross Bath Street at this point with the deliberate intent of including the site. To the west of the site on the opposite side of Bath Street is the Scheduled Monument 'Hereford City Walls, Ramparts and Ditches.' The nearest listed buildings are to the west and south-west on St Owens Street. There are views across the cityscape from the site towards the upper parts of the Cathedral Tower and the spires of All Saints and St Peters.
- 1.2 The predominantly Victorian building on the site was originally constructed in several phases in the late 19<sup>th</sup>/ early 20<sup>th</sup> century as the Hereford Working Boys' Home and Industrial School. Before that the site was previously allotment land acquired specifically for the purpose from the Hereford Society for the Aid of the Industrious.
- 1.3 The site is served by two points of access; one allowing access to the front car park from Bath Street, the second accessing the rear parking area from Central Avenue. The site is bound by

Bath Street to the west, the public footpath with properties in Daw's Road to the south, Lloyd Street and Central Avenue to the east and office / community buildings to the north.

- 1.4 The application involves the partial demolition of the existing building, with conversion and extension to form a mixture of one and two-bed apartments. New residential development is proposed to the rear (east) of the retained/extended elements. These take the form of two apartment blocks set parallel to the boundary with dwellings in Lloyd Street but separated from this boundary by two rows of parking. The 'inner' apartment block is four-storeys (13.5m tall), the block closest to the Lloyd Street boundary is three storeys (10.5m). The figure below shows the proposed layout. The yellow indicates existing structure to be retained. The blue is the new build element. In broad terms, therefore, the approach is to retain the historic and most decorative elements of the existing building. Understandably these are present on the most public face of the building i.e. that looking onto Bath Street. It can be seen that the built element has four constituent parts; North Block, Central Block, South Block and East Block.



- 1.5 The application is accompanied by various supporting documents and drawings, including a Design and Access Statement (DAS), which describes the approach to development of the site. It states that:

*“The design has been informed by undertaking an analysis of the surrounding area and context and the opportunities and constraints of the existing buildings and site conditions. The layout has been informed by retaining the street facing elements of the existing buildings on the site, and extending or proposing new buildings for the site that provide a balance of building, outdoor amenity space and parking.”*

- 1.6 The statement explains that the existing buildings that are being proposed for retention have been chosen because they are a recognisable and valued landmark in the Hereford Street scene, they represent various stages in the development of the Working Boys' Home and are parts of the complex that are considered to be most suitable for conversion to residential. The scheme proposes retention of the most northerly wall (north block) as it is considered an attractive regular elevation with a regular rhythm that represents some of the stages in the

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

development of the buildings at Bath Street. It also means that all the elevations viewed from Bath Street are existing buildings creating a sense of enclosure of the site.

- 1.7 The application proposes 75 dwellings, with 28 of these dwellings to be affordable housing. The remaining 47 dwellings will be privately rented. The proposal is comprised of 31 no. 1 bedroom (2 person) apartments or maisonettes of typically between 50 - 57m<sup>2</sup>, and 44 no. 2 bedroom (3 person) apartments or maisonettes between 61 - 71m<sup>2</sup>.
- 1.8 The Central Block again sees the retention of the Bath Street facing element, with demolition to the rear and replacement with a two-storey extension. This, in effect truncated block, would consequently accommodate 8 apartments, including two in the roof-space.
- 1.9 The Southern Block sees a greater degree of retention. This element of the building was opened in 1895 and includes the Memorial Hall. This block would accommodate 4 apartments and 2 maisonettes. It is understood that the affordable housing will be located within these elements of the scheme.
- 1.10 The DAS describes how the location and layout of the Eastern Block has been informed by the need to provide units with either east or west facing accommodation to avoid units with only north facing rooms. It has been designed to *“efficiently sit on the site whilst trying to maximise the amount of units, parking and outdoor amenity space.”*
- 1.11 This block is formed of two separate buildings set apart with external access to each of the flats and has been set as far into the site as possible to increase the overlooking distances between the proposed building and the rear elevations of the properties on Lloyd Street. It has also been set at an angle that is approximately 45° to the closest property to the south with the windows kept to a minimum to avoid overlooking issues. This block makes up the balance of the 75 units and so houses a total of 47 apartments.
- 1.12 The Design and Access Statement states that unit layouts have been designed to meet the requirements of the Nationally Described Space Standards with all units designed as far as possible to have south, east or west facing habitable rooms. Units on the west side of the main block have balconies, the east side and the north block have Juliet balconies.
- 1.13 Parking is provided at a ratio of 1:1. Parking spaces are kept to the edges of the site, allowing the central parts of the site to be retained as landscaped grounds to be accessed by foot or cycle. Outdoor space is located principally within the central and circulation areas of the site, giving some defensible space to individual units but not separating them from the wider shared outdoor amenity spaces.
- 1.14 Where possible existing trees have been retained, most notably the recognisable Corsican Pine and Yew at the centre of the Bath Street boundary. The bin stores and services have been located adjacent to the vehicular entrances to the site for ease of access and to ensure minimal impacts on parked vehicles. Cycle storage is located across the site with secure storage close to units and visitor parking spaces.
- 1.15 Both of the existing vehicular access points to the site are to be retained, the access point off Bath Street is to be adjusted to accommodate access by a Refuse Collection Vehicle. There is no continuous motorised vehicular route connecting Bath Street to Central Avenue. The scheme is designed with pedestrian and cyclist permeability in mind and includes a proposal to incorporate and widen the existing public right of way to the south of the site to improve pedestrian and cycle access from Central Avenue to the City Centre.

1.16 As well as the scheme drawings and DAS, the scheme is accompanied by:-

- Arboricultural survey
- Bat survey
- Ground investigation
- Heritage assessment
- Landscaping proposals
- Drainage strategy
- Sustainability strategy

1.17 The Council has screened the proposal and determined it is not EIA development.

## 2. Planning Policies

2.1 Herefordshire Local Plan – Core Strategy

The Development Plan for the area is, in the main, the Herefordshire Local Plan – Core Strategy. The relevant policies are outlined and discussed briefly below:-

2.2 The CS pursues three themes and twelve objectives under the headings of Social Progress, Economic Prosperity and Environmental Quality. These are, in my view, equivalent to the three roles of sustainable development described in the National Planning Policy Framework (NPPF). CS Policy SS1 imports a similar decision-making test to that set out at Paragraph 14 of the NPPF. In effect, development that accords with the CS should be approved without delay. Where policies are absent, silent or out-of-date, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in national policy taken as a whole or specific elements of national policy indicate that development should be restricted.

2.3 As per the NPPF, the delivery of sustainable housing development to meet objectively assessed need is a central theme of the CS. **Policy SS2** ‘Delivering new homes’ confirms that Hereford, with the market towns in the tier below, is the main focus for new housing development. In the rural areas new housing development will be acceptable “where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community.”

2.4 Equally it is clear that failure to maintain a robust NPPF compliant supply of housing land will render the housing supply policies of the CS and by extension adopted NDPs out-of-date. **Policy SS3** ‘Ensuring sufficient housing land delivery’ thus imposes requirements on the Council in the event that completions fall below the trajectory set out in Appendix 4.

2.5 **Policy SS4** is the strategic policy concerning movement and transportation, with developments designed and located to minimise the impacts on the transport network; ensuring that journey times and safe operation of the network are not detrimentally impacted. Where practicable, development should be accessible by and facilitate a genuine choice of modes of travel.

2.6 **Policy SS6** underpins the CS objectives surrounding environmental quality and local distinctiveness. The policy requires development proposals to be shaped through an integrated approach to planning the identified environmental components from the outset. Of relevance to this proposal are townscape and local distinctiveness, historic environment and heritage assets and local amenity. The final paragraph to SS6 refers to the advent of other development plan documents and their role, in time, in defining local distinctiveness. A Hereford Area Plan (HAP) will be produced to complement the CS and add detail at the Hereford City level, but the production of an Issues and Options Paper is unlikely to take place until the new year and it is

unlikely that the HAP will be in position to attract any weight for decision-making on planning applications for the foreseeable future.

- 2.7 **Policy SS7** outlines the measures that development proposals will be expected to take in helping address climate change.
- 2.8 Underpinning these policies are the ‘place-shaping’ policies relating to Hereford. HD1 underscores the apportionment of housing via strategic allocations, existing commitments and windfall opportunities. HD2 refers to Hereford city centre, which is defined by the ‘saved’ Unitary Development Plan map found in the CS Appendices (Appendix 1, P.8). HD3 ‘Hereford movement’ identifies measures to secure reduced reliance on the private motor-car.
- 2.9 MT1 is a criteria based policy outlining the aspirations around movement and echoes the objectives expressed in SS4 and HD3.
- 2.10 Of particular relevance to this proposal are the ‘Local distinctiveness’ policies LD1 Landscape and townscape, LD2 Biodiversity and geodiversity and LD4 Historic environment and heritage assets. LD1 requires that developments should demonstrate that character of the townscape has positively influenced the design, scale, nature of the proposal and site selection; whereas LD4 requires that developments should, where possible, enhance heritage assets and their settings in a manner appropriate to their significance. LD4 and the supporting narrative explain clearly that the policy is intended to apply equally to designated and non-designated heritage assets.
- 2.11 LD4 (2) asks that where opportunities exist, development proposals should contribute to the character and local distinctiveness of the townscape. Both LD1 and LD4 emphasise the importance of the approach taken within conservation areas.
- 2.12 SD1 ‘Sustainable design and energy efficiency’ is a criterion based policy covering a range of topics, including the requirement that residential amenity for existing and proposed residents is safeguarded. SD3 outlines water conservation measures, with specific water-consumption standards prescribed. SD4 deals with wastewater treatment and river water quality.

### **National Planning Policy Framework**

- 2.13 The NPPF contains guidance on a number of issues. Relevant in this case is the approach to decision-making where the complete demolition of a non-designated heritage asset is proposed and how that should be factored into the planning balance.
- 2.14 Chapter 12 of the NPPF is entitled “Conserving and enhancing the historic environment.”

The Chapter discusses heritage assets, which are defined in the glossary as:-

*“A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes, designated heritage assets and assets identified by the local planning authority (including local listing).”*

- 2.15 Paragraph 126 requires LPA’s to set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other risks. In doing so LPAs should recognise that heritage assets are “an irreplaceable resource” and should conserve them in a manner appropriate to their significance.
- 2.16 Paragraph 129 requires the LPA to identify and assess the particular significance of any heritage asset that may be affected taking account of the available evidence and expertise.

They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

- 2.17 Paragraph 131 defines 3 aspects that a local planning authority should take into account when determining planning applications:-
- *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
  - *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; &*
  - *The desirability of new development making a positive contribution to local character and distinctiveness.*
- 2.18 Paragraphs 132-135 then deal with the approach to decision-making according to the significance of the heritage asset and the degree of harm arising as a consequence of development. Paragraph 132 confirms that great weight should be given to the conservation of designated heritage assets. Paragraph 133 directs refusal, and is a restrictive policy, where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset. This is unless such harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss or where 4 exceptions criteria apply.
- 2.19 Paragraph 134 explains the approach to decision-making where less than substantial harm to the significance of a designated heritage asset would arise. It states that such harm should be weighted against the public benefits of the proposal, including securing its optimum viable use. 134 is thus also a restrictive policy i.e. the harm is considered in an unweighted balance as per the second part of the limb 2 test at NPPF paragraph 14.
- 2.20 Paragraph 135 sets out the approach where a non-designated heritage asset, in this case the existing building on site, is affected. It states as follows:-
- “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*
- 2.21 It can thus be seen, and as is recorded in the CS, that the impact of development proposals on non-designated heritage assets is a material consideration in the determination of planning applications. An important distinction arises, however, between designated and non-designated assets; it being the case that harm to designated assets should be considered in an unweighted balancing exercise via the limb 2 test at paragraph 14 i.e. it is not necessary to consider whether the harm or loss *significantly and demonstrably* outweighs the benefits.
- 2.22 135 directs, however, that a balanced judgement will be required. In such cases harm or loss will be a material consideration, but not of such weight (in most cases) in the planning balance as compared to where a designated heritage asset is involved. Scale of harm and significance of asset are the two critical factors.
- 2.23 Paragraph 137 requires local planning authorities to look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that *“preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.”*
- 2.24 Paragraph 138 recognises that not all elements of a conservation area will necessarily contribute to its significance, but also that the loss of a building (or other element) that makes a positive contribution to the significance of the conservation area should be treated either as

substantial or less than substantial harm as appropriate, taking into account the relative significance of the element affected and its contribution to significance as a whole.

2.25 The relevance of the foregoing is that CS Policy LD4, whilst attracting full weight, does not direct the decision-maker as to the 'next steps' when harm to an asset is identified. As recorded by Inspector Wildsmith in the Bartestree appeal (3051153) at paragraph 303 of his decision, it is necessary to refer to the NPPF for this guidance. This draw-back apart, the Inspector held that LD4 should attract full weight.

2.26 NPPG

2.27 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

### **3. Planning History**

3.1 142554/F - Proposed demolition of existing buildings and construction of a new fire station and training facility with associated access and landscaping works: Application Withdrawn

### **4. Consultation Summary**

#### Statutory Consultations

4.1 Historic England: Qualified comments in response to the amended proposals:-

The amendments set out the discussion and review of the initial proposals in which Historic England has been engaged and which have centred around the height, mass, form and scale of the two elements of the east block. The contextual analysis set out in the supporting information helps assess the contribution of the site to the Hereford City Centre Conservation Area and the impact of the proposals upon it.

While the overall height and scale of the east block remain unchanged, different materials, the reduction in floor area of the top storey, the introduction of a stepped 'eaves' line, the reduction and reworking of the balconies, deep window reveals, brick bonding and decoration all help to add texture and reduce the perceived scale of the building. The chosen approach to use a restrained design to provide a complementary but uncompetitive backdrop to the historic buildings means that details like the colour of the zinc cladding, location and materials of rainwater and soil drainage, design of fenestration, cills, lintels and weatherings all become critical elements in the design. Should you be minded to approve the application, the approval of these elements should be the subject of conditions to ensure that the proposed quality of design is achieved.

#### Recommendation

Historic England remains concerned about the overall scale of the east block and its impact upon the conservation area. We consider that it could result in less than substantial harm, however, we understand that there is a public benefit in achieving the number of affordable housing units the proposed development will provide. On balance therefore, should you consider that the harm is outweighed by the public benefit of the proposal, Historic England would not object to the application.

4.2 Welsh Water: No objection subject to conditions

## Internal Council Consultations

4.3 Conservation Manager (Principal Conservation Officer): No objection subject to conditions

### 1.0 RECOMMENDATIONS

Recommend approval subject to conditions: The proposals would accord with policies within the NPPF and adopted CS.

- LBC 17 - Contract for redevelopment before demolition.
- LBC 21 - Recording of demolished structures to EH level ½
- LBC 25 - Roof materials and colour.
- LBC 33 - Masonry details, samples and sample panel on site.
- LBC 38 - Details of heads and cills.
- LBC 40 - External Joinery details including colour.
- LBC 41 - Roof windows.
- LBC 45 - Rainwater goods.
- LBC 57 - External M&E services.

### 2.0 BACKGROUND TO RECOMMENDATIONS

#### Limitations

These comments relate only to listed buildings and historic areas, for advice on buried Archaeology or Scheduled Ancient Monuments please contact the Councils Planning Archaeologist, Julian Cotton.

#### Policy background

The Planning (LB&CA) Act 1990 states that it is a statutorily desirable object to preserve the character of appearance of an area. This is achieved either by a positive contribution or by development which leaves character or appearance unharmed, that is to say preserved.

Sections 137 & 131 of the NPPF seek positive improvement in Conservation Areas: LPAs should take into account "the desirability of new development making a positive contribution to local character and distinctiveness". and "sustainable development involves seeking positive improvements in the quality of the...historic environment...". and (section 64) that "Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area..."

### 3.0 COMMENTS

For any development the detail and materials will be key to its potential success, as such conditions for such aspects such as the edges of parapets, window openings etc will be fundamental. As such conditions for details of these elements and a brick sample panel will be required if the application is approved.

For the existing buildings the treatment and colour of windows will aid in revealing the interest and composition of the buildings. The use of colour is to be encouraged, particularly greens and blues which would be complimentary to the orange brick and would be typical of the period.

4.4 Environmental Health Manager: No objection from a noise and nuisance perspective subject to conditions, including the submission and agreement of a Construction and Demolition Management Plan.

4.5 Traffic Manager: No objection subject to conditions requiring agreement of the cycle parking arrangements and measures to ensure that the inter-visibility where the hedgerow and vehicular



access and public right of way are not obscured by the hedgerow proposed to the Bath Street frontage.

- 4.6 Conservation Manager (Archaeology): In relation to the previous proposal on this site [142554], I did not object, although I advised an archaeological recording condition. The site is not in the AAI, but the city wall is present to the west, over the inner ring road.

Whilst in no way understating the importance of the city wall, it is here largely a subterranean feature, to some extent less visual and appreciated than in other locations on the defended medieval circuit of Hereford. It also needs to be emphasised that hereabouts, as in many locations, the wall line is fossilised within an evolving urban context and needs to be seen in that light.

I note that a number of large modern structures have over the last decade or so been constructed outside of but within the broad setting of the city wall as it runs from Edgar Street to St Owens Street. I refer particularly to Hereford Magistrates Court, and the 'Debenhams' and 'Odeon' buildings on the livestock market site, all of which were close to prominent wall remains but involved no objection of substance.

In this sense, there is already sound precedent for this kind of construction work, and the bulk of the new build at Bath Street would of course be at the back of the plot (ie set even further back from the wall - line and partly masked by other structures). On balance, although the considerable height of the proposed "east block" is potentially a concern, I am not of the view that harm of substance would be occasioned to setting of the city wall here.

No objections, suggest standard condition E01/C47 as mitigation, were the proposal to be approved.

- 4.7 Conservation Manager (Trees):

The development proposals will require the removal of 6 individual trees, 1 group and 1 hedgerow. All of these were identified as low quality Category C. The impact of their removal has been stated as minimal due to the majority of these trees being located behind the existing buildings with limited public views.

The planting strategy plan (Illman-Young\_21619/04\_RevA\_Nov 16) shows that a total of 22 trees will be planted to mitigate the loss of the existing trees on site. Despite this, there are some other considerations.

It was noted that moderate quality (Category B) Eucalyptus T2, will be retained and incorporated in to the design. Despite being identified as moderate quality, It is considered that this tree is out of character for the local area and it may be inappropriate to retain it. Therefore, there maybe an opportunity to remove and replace with a good specimen tree.

This is also the case with Sycamore (T3). This tree has been subject to a recent 'pollard' with only minor regrowth. The form and position of this tree offers no amenity value. It is considered that this pruning operation would have almost certainly impacted the trees overall health. There is potential for cavity formation at the pruning wounds (which are reasonably large) and the egress of fungal pathogens. When you consider the overall longevity of the tree and its contribution to a potential development, it may be better to replace the tree as part of the wider landscaping scheme for the site.

G1 (Pine/Yew) were identified as high quality (Category A). These trees are prominent within the local street scene and have good public amenity. However, I consider that the useful life expectancy of the understorey yew trees is compromised by the larger Pine trees. I consider

that there are opportunities to potentially removal of these smaller trees to allow the larger more prominent trees space to mature.

The linear lines of trees within the eastern region of the site (G5, T6-8) were identified as low quality (Category C) within the tree survey. It is considered that as a collective of trees these are better and do offer some amenity value. It is considered that there may be opportunities to incorporate these in to the design as they are early-mature in age and could contribute to the site for up to 20 years.

- 4.8 Children and Young People: No objection subject to S106 contribution towards St Thomas Cantilupe Primary School:-

St Thomas Cantilupe Primary School has a planned admission number of 30. As at the schools summer census 2017 three year groups are at or over capacity and a contribution is thus required.

Aylestone Secondary School has a planned admission number of 150. As at the schools summer census 2017 all Year groups have spare capacity and no contribution is required.

- 4.9 Housing Officer: The above application meets the affordable housing requirement as set out in the core strategy. The mix and tenure of 1 and 2 beds for social rent, private rent and affordable rent meets a need for the area giving a range of rental options in the town centre.

## 5. Representations

- 5.1 Hereford City Council: In response to the original proposals:

Although we have no objection, we wish consideration to be given to reduce parking capacity on this city centre site to improve landscaping. We also wish a condition to be included to use mature bushes and trees in the landscaping to achieve immediate screening of part of the site, rather than waiting for new planting to grow. We wish to see existing footpaths preserved and maintained, and for this to be covered by a planning condition. Finally, we feel the planning officer should check and verify the waste management site proposals, contained within the design of access statement are adequate.

Further comments:-

Hereford City Council Planning Committee has no strong objections to this planning application on the condition that the 12 parking spaces at the front of the proposed design (along the road facing Bath Street) are altered to trees or greenery, to protect the atmosphere of the area. There were also concerns over an increase of traffic.

- 5.2 Letters of objection have been received from eight correspondents – some of whom have written more than once. The content of the objections is summarised as follows:-

- The new build element is over-powering and out of keeping with the character of the local neighbourhood;
- The local area is characterised by predominantly two-storey inter-war housing. The four storey building proposed will be wholly out of place and result in loss of light and privacy to dwellings on Lloyd Street in particular; where gardens back onto the site;
- The new development will compromise views from existing dwellings to the rear of the site; some of whom enjoy views towards the Cathedral. These views will be lost and replaced by an ugly out-of-keeping building with flat roofs;
- Although accepting the site has been vacant, it was anticipated that it would be re-used as office accommodation. This use would be more suitable owing to the presence of on-site

parking and less invasive to adjoining residential property, which will now be subject to the potential for greater noise disturbance;

- The proximity of parking to residential property is a cause for concern. Noise and dust emissions are particularly worrying for those with pre-existing health conditions;
- The site is developed to too high a density. The existing infrastructure will not cope;
- Where will children go to school? Is there capacity locally?
- The flat roofs have a severe appearance, but could potentially be utilised for PV arrays?
- The form of the three-storey block overlooking Lloyd Street is unappealing aesthetically and will result in loss of sunlight due to its orientation relative to the rear gardens.

### 5.3 Hereford Civic Society – Comments in relation to the original proposals:-

Overall HCS is impressed with the approach taken and the retention of historic buildings being part of Hereford's history; and HCS is pleased to see that our proposals promoted in our magazine (PLACE -Winter 2014, Spring 2014, Spring 2016) have been adopted. It is with hesitation that we criticise a well respected firm of architects but have these reservations:

- Whilst there is an indication of scale on the drawings there is no scale bar from which to scale off. (This is common on most applications to HC and applicants should meet this requirement)
- It is difficult to see from the drawings which are new and which are existing walls, with similar coloured shading. The drawings are beautiful but it would be good to see the information more clearly.
- At the consultation meetings much was made of the contrast between new and old construction materials and the need to get that relationship right. Here we appear to have new buildings with similar bricks and details failing to mark the difference between new and old; especially the east block (which has Eastern Bloc undertones) complete with outside metal staircases. Contrasting brick colours between old and new might be an alternative.
- We fear there will be much opposition to the flat roofs and, whilst our committee has differing views, we wonder if a low curved metal roof might not be a suitable alternative, and probably at lesser cost.
- As this is a city centre development there is no need to have so much car-parking. Refer to (161545) (former burnt out buildings) which has consent for 19 flats but only five car parking spaces.
- If the above was taken into account then further tree planting, possibly with semi-mature specimens could be utilized.

Overall this project will be a positive development for the City showing that preserving the best of the past with new styles can work and continue our eclectic history. Congratulations to Herefordshire Housing for taking this approach, which won't have been the cheapest way forward, but it will contribute to the overall improvement of Hereford's built environment; which, in turn, benefits us all.

#### Comments in relation to the amended proposal:

The Hereford Civic Society supports this application including the latest amendments. It builds on the best of our history with contemporary new build, providing City centre living. This approach should be replicated throughout the City retaining our unique character yet looking forward.

- 5.4 The consultation responses can be viewed on the Council's website by using the following link: [https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=164024&search=164024nk:-](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=164024&search=164024nk:-)

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

## 6. Officer's Appraisal

6.1 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

*"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."*

6.2 The decision-maker should also be aware of the statutory duty imposed by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states as follows:-

*"In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Case law has established that preservation is equivalent to doing no harm.

6.3 The development plan is, for the purpose of this application, the Herefordshire Local Plan Core Strategy 2011-2031 (CS). The pursuit of sustainable development is a central tenet of the CS. In the language of the CS this means the pursuit of a series of objectives arranged under the headings 'social progress', 'economic prosperity' and 'environmental quality'. The parallel with the NPPF is clear. Indeed, Policy SS1 reflects the positive presumption in favour of sustainable development and the NPPF paragraph 14 decision-making process insofar as development according with the CS should be approved unless material considerations indicate otherwise. Where policies are silent or otherwise out of date, SS1 imports the two-limb approach set out in NPPF paragraph 14.

6.4 In this case, a designated heritage asset is affected – the Hereford Central Conservation Area. In the event that harm to heritage assets is identified, CS Policy LD4 is silent as to how to approach decision-making. In such cases recourse is had to paragraph 134 of the NPPF and the unweighted planning balance. The correct approach to decision-making is to consider the second limb of Paragraph 14 first, in an unweighted balancing exercise. This is returned to below.

6.5 It is also the case that the Council cannot demonstrate a 5 year housing land supply with requisite buffer. This year's Annual Monitoring Report confirms a supply of 4.54 years. This is relevant insofar as the CS and NPPF both seek to boost significantly the supply of housing and confirm that housing applications should be considered in the context of the positive presumption. Although not particularly relevant to this case, policies relevant for the supply of housing should also be regarded as out-of-date. Officers consider the weight to be attributed to housing policies is less relevant in this case as there is no obvious conflict with adopted housing policies i.e. the scheme involves the redevelopment of a brownfield site in the centre of the largest settlement in the County. Accordingly, it may reasonably be concluded that the principle of development is supported by the terms of the CS and NPPF. The contribution that the scheme would make to the delivery of general needs and affordable housing is a significant material consideration telling in favour of the scheme.

6.6 Officers consider the main issues are as follows:-

- 1) The impact of the development upon the character and appearance of the Central Conservation Area in the context of the housing land supply shortfall.
- 2) The impact of the development upon the living conditions experienced by occupants of adjoining residential property.

### *The impact on the character and appearance of the Central Conservation Area*

- 6.7 The statutory duty imposed by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is set out above. Planning policies relating to development within Conservation Areas underpin the position in statute. CS Policy LD1 requires, *inter alia*, that development conserves and enhances the natural, historic and scenic beauty of important landscapes and features... including conservation areas. Policy LD4 (2) confirms that where opportunities exist, development should “contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas.”
- 6.8 NPPF paragraph 137 says that local authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably. Paragraph 138 recognises that not all elements of a Conservation Area will necessarily contribute to its significance. However, loss of a building (or other element) which makes a positive contribution to the significance of the conservation area should be treated either as substantial harm or less than substantial harm, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.
- 6.9 The NPPF also confirms that good design is a key aspect of sustainable development and indivisible from good planning. Paragraph 60 confirms that whilst planning should not “attempt to impose architectural styles or particular tastes... it is proper to seek to promote or reinforce local distinctiveness.” Paragraph 64 confirms that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.10 The Central Conservation Area is large, encompassing the historic city core and extending up Commercial Road and Widemarsh Street. In the vicinity of the application site it extends across Bath Street to include the application site and the adjoining properties, but not the inter-war residential development to the rear. Accordingly the characteristics of the Conservation Area are diverse. There are certainly elements of the built environment local to the application site that do not contribute to its significance.
- 6.11 The application site itself does contribute to the significance of the Conservation Area. The existing building is regarded as exhibiting sufficient social, historical and architectural interest such that it should be regarded as a building of local interest and non-designated heritage asset. However, it is vacant and in poor repair with boarded up windows, whilst modern elements (albeit well concealed from the main public vantage points on Bath Street), detract from the host. Moreover, the setting of the building is presently poor, being located within a public car park.
- 6.12 The scheme has been subject to negotiation both pre and post submission of the application. This has resulted in amendments to the detailed design and appearance, although the overall tenor of the proposal, insofar as retention and demolition and approach to the extensions and new build, has remained broadly consistent. Following the withdrawn application for a fire station (which would have necessitated wholesale demolition of the existing buildings); officers stressed the preference for a scheme that could utilise the more significant (in historic and architectural terms) elements of the existing building. Constructed in three phases, analysis confirms that those elements of the building that have the greatest value in historic, architectural and aesthetic terms are those fronting onto Bath Street. Accordingly, the scheme has been drawn up to retain these elements, but with extensions and new build designed to complement the retained and refurbished buildings. No objection has been expressed in relation to the demolition proposed.

- 6.13 The extensions to the retained elements of the north and central blocks are intended to be contemporary in design, with a simple form and restrained detailing. Indeed this approach is taken more generally to the new build elements; so as to avoid competition with the more intricately detailed elements of the original building.
- 6.14 The south and east elevations of the extension to the northern block are predominantly red brick on the ground and first floors of a type that is sympathetic to the existing brick colouring and has bands of blue dashed brickwork which is referenced from details of the existing buildings. The second floor is proposed to be of a grey zinc; intended to give the impression of a reduced scale relative to a building faced entirely in brick and tie in with the strategy developed for the new build elements. Areas of dashed patterned brickwork join the bands of dashed brickwork.
- 6.15 The north elevation of the northern block is predominantly comprised of the existing retained wall, with a new zinc clad element above and wrapping down the east end of the elevation with new brick element at ground floor level. The majority of the existing windows are to be retained, some will be blocked in with modern brickwork but clearly showing that there was once a window in that elevation.
- 6.16 The extension to the central block has a simple form and restrained detailing, and proportions of fenestration to match those of the adjoining existing building as elements of existing and proposed elevations will be read together. The walling materials are red brick (the same as the proposed north block) with dashed bands of blue brickwork to tie in with the bands of blue brick in the existing building. The roof covering will again be standing seam zinc roof of a colour that is similar to the colour of the existing adjacent slate roof.
- 6.17 The Design and Access Statement further confirms the location and layout of the largest new build element i.e. the free-standing 3 and 4 storey eastern block, has been informed by the need to provide units with either east or west facing accommodation to avoid units with only north facing rooms.
- 6.18 This block is formed of two separate buildings set apart with external access to each of the flats; the external access has been designed in order to allow as much natural daylighting as possible to penetrate between the blocks. It is set as far into the site as possible to increase the distance between the proposed building and the rear elevations of the properties on Lloyd Street. It has also been set at an angle that is approximately 45° to the closest property to the south with the windows kept to a minimum to avoid overlooking issues.
- 6.19 The top 2 storeys are maisonettes with a step back at the upper level to negate the need for upper level circulation and reduce the scale; this in response to Historic England's concerns in relation to the original composition. The block closest to the Lloyd Street and Central Avenue properties is three storey. Both blocks have flat roofs which have been chosen to keep the heights of the buildings as low as possible. This has been informed by a sectional study that explores the distance and view angles between the existing residential buildings and proposed building.
- 6.20 The red brick on the lower levels is of a type that is sympathetic to the colour of the existing buildings. Again, the elevations exhibit bands of blue dashed brickwork which is referenced from details of the existing buildings. The top floor of both elements is proposed to be of a grey zinc. This is intended such that the upper storey is read as an element of the roof-scape. There are areas of dashed patterned (red and blue, red and grey) brickwork at different areas on the elevation to add interest.
- 6.21 The windows have been given proportions that reference those of the existing building, but also are a size for good daylighting, and reducing the potential overheating because of the predominantly east and west facing rooms. Juliet balconies have been included on the east

elevation with balconies and roof terraces on the west elevation to improve amenity and to add relief to the elevation. The stepping back at the upper level creates a reduction in scale by setting back the top floor.

6.22 The image below describes the 300mm window reveal for instance; a feature referred to by Historic England as an important component of the scheme. A condition will be imposed requiring the prior approval of all window sections to ensure that the visual benefits accruing from such a detail (by way of shadow lines and greater depth to the elevation for instance) are realised.



6.23 The image below is taken from the Design and Access Statement and gives an indication of the relationship between the retained elements and the new. On the left-hand side is the end of the southern block. On the right-hand side is the Bath Street facing elevation of the eastern block, with patterned brickwork, depth of window reveal and setting back of the fourth floor evident. In the distance is the extension to the north block.



6.24 Historic England's comments in response to the amended proposals reflect the positive impacts that the design review has brought about:-

*"While the overall height and scale of the east block remain unchanged, different materials, the reduction in floor area of the top storey, the introduction of a stepped 'eaves' line, the reduction and reworking of the balconies, deep window reveals, brick bonding and decoration all help to add texture and reduce the perceived scale of the building. The chosen approach to use a restrained design to provide a complementary but uncompetitive backdrop to the historic buildings means that details like the colour of the zinc cladding, location and materials of rainwater and soil drainage, design of fenestration, cills, lintels and weatherings all become critical elements in the design. Should you be minded to approve the application, the approval of these elements should be the subject of conditions to ensure that the proposed quality of design is achieved."*

6.25 Historic England continues to express the opinion that the overall composition will result in less than substantial harm to the significance of the Conservation Area. Accordingly this harm, should the decision-maker agree with the Historic England perspective, goes into the unweighted planning balance prescribed by NPPF 134.

6.26 Against the Historic England opinion, the Council's own Principal Building Conservation Officer detects no harm to the significance of the Conservation Area. Subject to the imposition of a condition this view is shared by the Council's Archaeological Advisor. He does, however, reflect on the critical importance of detailed design should the project fulfil its potential and thus recommends a series of related planning conditions.

6.27 Hereford Civic Society expresses support for the scheme in the belief that it builds on the best of our history with contemporary new build, providing city centre living; an approach they believe should be replicated throughout the City, "retaining our unique character yet looking forward."

6.28 The design has, however, drawn criticism from a number of local residents. It has been described as out of character and scale with the surrounding area. However, as described above, the Conservation Area is large and diffuse and character analysis reveals a very broad spectrum, as one would expect, in terms of the characteristics of the built environment. There are large-scale civic buildings, offices and more tightly drawn, densely constructed traditional housing stock. There are also a number of 4 storey buildings within the Conservation Area, such that the four-storey block cannot be said to be without precedent.

6.29 In overall terms, officers are satisfied that the proposals have a clear design rationale; that is to complement the existing retained elements on Bath Street with a simple contemporary approach that does not compete with or detract from the more ornate architectural detailing of those elements. Very careful consideration has been given to the overall composition, including the choice of materials and it is evident that whilst detecting less than substantial harm, Historic England accept that the changes in relation to the eastern block in particular, have brought about significant improvements to the scheme.

6.30 To this extent, there is some modest disagreement between the heritage experts insofar as whether the proposal would cause harm to the significance of the Conservation Area is concerned. It is the Council's expert's view that the proposal would at least preserve the character and appearance of the Conservation Area i.e. causes no harm to significance. Officers are inclined to this view on the basis they consider the proposal to represent good, contextual design that has the ability to enhance the character and appearance of the Conservation Area in a manner consistent with CS Policies LD1 and LD4. On this issue, officers have attributed some weight to the benefits that will accrue in terms of the buildings' setting as a consequence of the carefully conceived landscape strategy.



- 6.31 In any event, even if Historic England's advice on this point is preferred, it confirms that such harm is less than substantial and needs to be put into the unweighted balance against the public benefits of the scheme. This is returned to in the planning balance below.

*Impact on living conditions*

- 6.32 The second main issue relates to the impact of the proposals upon the living condition upon the occupants of nearby residential property. Principally these are the dwellings backing onto the application site in Lloyd Street to the east and those to the south on Daws Road.
- 6.33 It is a core planning principle of the NPPF that developments should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and building (paragraph 17). The Core Strategy emphasises this point at Policy SD1, which requires that development should safeguard residential amenity for existing and proposed residents.
- 6.34 Taking the proposed residents first, officers are content that the scheme, although high-density, delivers a satisfactory living environment. Nationally prescribed space standards are met, living accommodation is well lit and ventilated. There is adequate parking for cycles and cars and storage within each unit. Public open space is well conceived and permeability through the site is enhanced such that good access is afforded to other local public open space.
- 6.35 Concerns expressed by neighbours, principally in Lloyd Street, revolve around disturbance during the construction phase (noise and dust) and issues arising post-completion i.e. loss of privacy and sunlight as a consequence of the scale and massing of the eastern block. Further concerns are raised in relation to the positioning of the car parking around the periphery of the site, with attendant noise issues and loss of amenity arising from the blocking of existing views towards the Cathedral.

*Issues arising during construction*

- 6.36 It is acknowledged that a large-scale construction project will cause noise disturbance and also that there will be potential for dust. Officers understand this is a cause for concern for those living locally with pre-existing health conditions. Officers have sympathy with these views. However, it is not considered that such issues would warrant rejection of the scheme. Rather, it is recommended that planning conditions be imposed in relation to working hours and measures taken to mitigate construction noise and suppression of dust; as per the Environmental Health Officer's comments above. Accordingly, officers are satisfied that impact arising during the construction phase are capable of mitigation to a satisfactory extent.

*Issues arising post-construction*

- 6.37 Some residents have expressed concern at the loss of view towards the Cathedral. However, loss of such private views is not a material planning consideration. In any event, given the intervening built form, such views are unlikely to be continuous or unfettered.
- 6.38 Concern has also been expressed in relation to loss of privacy and sunlight; the eastern block being orientated to the west of Lloyd Street, with the consequent concerns in respect of the loss of afternoon and evening sunlight.
- 6.39 The drawing below is taken from a cross-section drawing submitted with the application at the request of officers. It demonstrates the separation distance between the eastern block and dwellings on Lloyd Street. These dwellings have rear gardens that measure in the region of 23 metres (75 feet). The distance between the buildings (east-facing elevation of the eastern block and rear (west-facing) elevation of the dwellings on Lloyd Street is 42.2 metres (138 feet).



Section AA  
1:200

6.40 The east-facing elevation of the eastern block is below. There are 16 openings on each floor; including 7 full-height openings serving living and dining areas, 2 windows serving kitchens and 7 serving bedrooms. This pattern is consistent across the three floors.



Elevation C-C'

- 6.41 In terms of privacy impacts, officers are satisfied that the separation distances, which are far in excess of the recommended 21 metres, will safeguard residential amenity. At 10.5 metres tall the three storey element of the eastern block is not, in the view of officers, disproportionate in the context and the four-storey element is set further into the site directly behind the three-storey block and thus largely shielded from the view of residents on Lloyd Street.
- 6.42 In terms of loss of light, the proposal would not breach the 25 degree 'rule' i.e. a line taken from the cill of ground floor windows in the potentially affected properties at 25 degrees of elevation towards the development proposal.
- 6.43 Concerns in respect of the proximity of parking to the common boundary are noted, but regard should be had for the fact that the majority of the undeveloped parts of the site are or have been in constant use as office and/or public car parking. Officers accept that a residential use may result in more frequent movements and movements throughout the day and into the evening. However, this is not considered a robust basis upon which to resist the application in the context of the edge of city centre location. Moreover, parking is kept to the minimum practicable at one space per property and a restriction imposed to prevent future occupiers from being eligible for Zone 1 parking permits for adjoining residential streets.
- 6.44 Officers also consider the relationship between the development and other neighbours acceptable. The south-facing end elevation of the east block has comparatively few windows and those serve bedrooms as opposed to principal habitable accommodation.

6.45 Overall, officers are satisfied that the development will not give rise to unacceptable impacts but will, in accordance with SD1, safeguard residential amenity for existing residents.  
Other matters

#### Ecological impacts

6.46 The application is accompanied by a Bat Report, conducted by suitable qualified professionals. The report is based upon dawn and dusk activity surveys. No bats were recorded entering or leaving the buildings on site, and it is concluded that no further survey work is required in support of the application. However, it is recommended that the stripping of the existing building be undertaken under the supervision of an ecological clerk of works.

6.47 The Council's Ecologist is content that the appropriate survey work has been undertaken but has requested that more provision is made for bat and bird (swifts) nest boxes. This can be secured via an appropriately worded ecological mitigation and enhancement planning condition. With this condition in place, officers are content that the scheme fulfils the requirements of LD2.

#### Landscaping

6.48 The application is accompanied by detailed proposals for the landscaping of the site. The drawing below is the illustrative masterplan. It denotes the retention of the pine on Bath Street and establishment of hedgerow around the site periphery and various shared and private areas within the site itself.



6.49 On the Bath Street frontage it is proposed that ornamental hedge and tree planting give a defined and greener road boundary, obscuring car parking but allowing views of the retained elements of the existing building. Within the car park, improved paving and access, along with colourful and seasonal ornamental shrub and herbaceous planting is intended to provide an appropriate entrance and arrival space for residents and visitors.

- 6.50 On the southern boundary planting will provide a screen to the boundary to enhance the setting of the new building and provide separation from the public footpath. The central area is served by a footway moving through the communal garden area from which side paths spur to provide access to and from private terraces. Overall, officers consider that the landscaping scheme is well conceived and complementary to the setting of the buildings and so accords with CS Policies LD1, LD2 and LD3.

#### Highways and Transportation

- 6.51 The scheme has met with no objection from the Transportation Manager. Existing access points are utilised, with requisite parking and cycle parking. The scheme responds to CS Policy MT1 by also taking the opportunity to improve the existing public right of way running parallel to the site's southern boundary. The scheme complies with CS Policy MT1.

#### S106

- 6.52 Draft Heads of Terms have been agreed with the developer in terms that are compliant with the CIL Regulations. These terms include a contribution of £32,250 (index linked) towards the catchment primary school St Thomas Cantilupe, a contribution of £6,000.00 (index linked) to provide waste and recycling bins for the dwellings and £46,530 (index linked) towards outdoor sports facilities.
- 6.53 In order to prevent undue pressure on existing arrangements, the developer will also covenant with Herefordshire Council to restrict occupiers of the units from applying for parking permits in Zone 1 of Hereford City. The S106 will also regulate eligibility for occupation of the affordable units and management of the on-site public open space.
- 6.54 On this basis the scheme is considered to accord with CS Policy ID1 – Infrastructure Delivery.

### **7. The Planning Balance**

- 7.1 The scheme is for residential redevelopment of brownfield land in a sustainable urban location in the context that the Council cannot demonstrate the requisite supply of housing land. The presumption in favour of sustainable development is thus engaged. However, the site is located within the Central Conservation Area and regard must be had to the statutory duty as regards preservation and enhancement of the character and appearance of the Conservation Area.
- 7.2 Sustainable development is sought across three dimensions; the environmental, economic and social. In this case, the economic benefits of the scheme are those arising from the construction phase and the underpinning of construction and related jobs. Thereafter benefits will potentially accrue from an increase in the resident population and associated expenditure on local goods and services, thus underpinning the vitality and viability of the city centre.
- 7.3 In social terms the scheme would deliver affordable and market housing for which there is a demonstrable need. The evidence base suggests that the need for affordable and market 1 and 2 bed units in the Hereford City area is large and unmet. This is a significant material consideration telling in favour of the scheme, particularly in the context of the Government's requirement that local authorities should act to boost the supply of housing where there is unmet need.
- 7.4 The main points of contention in this case relate to the environmental role. The Government's advisors in respect of the historic environment recognise the positive elements of the redesigned scheme, but nonetheless consider that the scale of the eastern block – the four-storey element in particular – means that less than substantial harm to the significance of the Conservation Area will accrue. This, however, is countered by the expert advice from the

Council's own heritage experts and the view of the Civic Society; both of whom find no such harm to significance.

- 7.5 For decision-making contradictory advice from experts in the same field is potentially problematic. However, if Historic England's advice is preferred i.e. one agrees that less than substantial harm will arise, then this harm needs to be weighed against the public benefits arising from the scheme in an unweighted balancing exercise. It is not necessary for the harm to significance to demonstrably and significantly outweigh benefits for refusal to ensue – this is the application of a restrictive policy – which NPPF 134 is.
- 7.6 Taking all of the above into account, officers consider that even if the Historic England advice is preferred, the public benefits arising from the scheme outweigh the less than substantial harm to the significance of the Conservation Area. This conclusion is based on the following reasons:-
- The proposal will redevelop a sustainably located brownfield site which in its current format is a detractor from the character and appearance of this part of the Central Conservation Area;
  - The proposal will result in the beneficial re-use and refurbishment of elements of the existing building (a non-designated heritage asset in its own right), which make a positive contribution to the significance of the Conservation Area. The scheme therefore retains, in accordance with LD4 and SD1, those existing elements of the building that contribute to significance;
  - The proposal will boost the supply of affordable and market dwellings, in a sustainable edge of city centre location, for which there is evident unmet demand;
  - Economic benefits arising from the sustainable redevelopment of the site will contribute to the vitality and viability of the city centre;
  - There is no harm arising in relation to other matters as discussed above. The scheme provides financial contributions in compliance with the CIL Regulations that will offset its impact in respect of education, formal sports and waste provision and has due regard to the living conditions of adjoining residential property.
- 7.7 Accordingly, officers are content to recommend the scheme for approval on the basis that the application of the unweighted planning balance indicates that the public benefits arising from the scheme outweigh the less than substantial harm to significance. This can only mean that undertaking the pre-weighted limb 1 planning balance results, in the absence of other harm, in the same outcome i.e. that planning permission should be granted.

## **RECOMMENDATION**

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any other further conditions considered necessary

- 1. A01 - Time limit for commencement (full permission)**
- 2. C08 - Amended plans**
- 3. C13 - Sample of external materials**
- 4. LBC 17 - Contract for redevelopment before demolition.**

5. **LBC 21 - Recording of demolished structures to EH level ½**
6. **LBC 25 - Roof materials and colour.**
7. **LBC 33 - Masonry details, samples and sample panel on site.**
8. **LBC 38 - Details of heads and cills.**
9. **LBC 40 - External Joinery details including colour.**
10. **LBC 41 - Roof windows.**
11. **LBC 45 - Rainwater goods.**
12. **LBC 57 - External M&E services.**
13. **E01 - Site investigation archaeology**
14. **C90 - Protection of trees/hedgerows that are to be retained**
15. **C95 - Details of boundary treatments**
16. **C96 - Landscaping scheme**
17. **C97 - Landscaping scheme - implementation**
18. **CAL - Access, turning area and parking**
19. **CB2 - Secure /covered cycle parking provision**
20. **CAC - Visibility over frontage**
21. **CAZ - Parking for site operatives**
22. **CBK - Restriction of hours during construction**
23. **CCB - Scheme for refuse storage**
24. **CD2 - Habitat enhancement scheme**
25. **CD4 - No surface water/land drainage to connect to public system**
26. **CE6 - Efficient use of water**
27. **Construction environmental management plan**

#### **INFORMATIVES:**

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, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

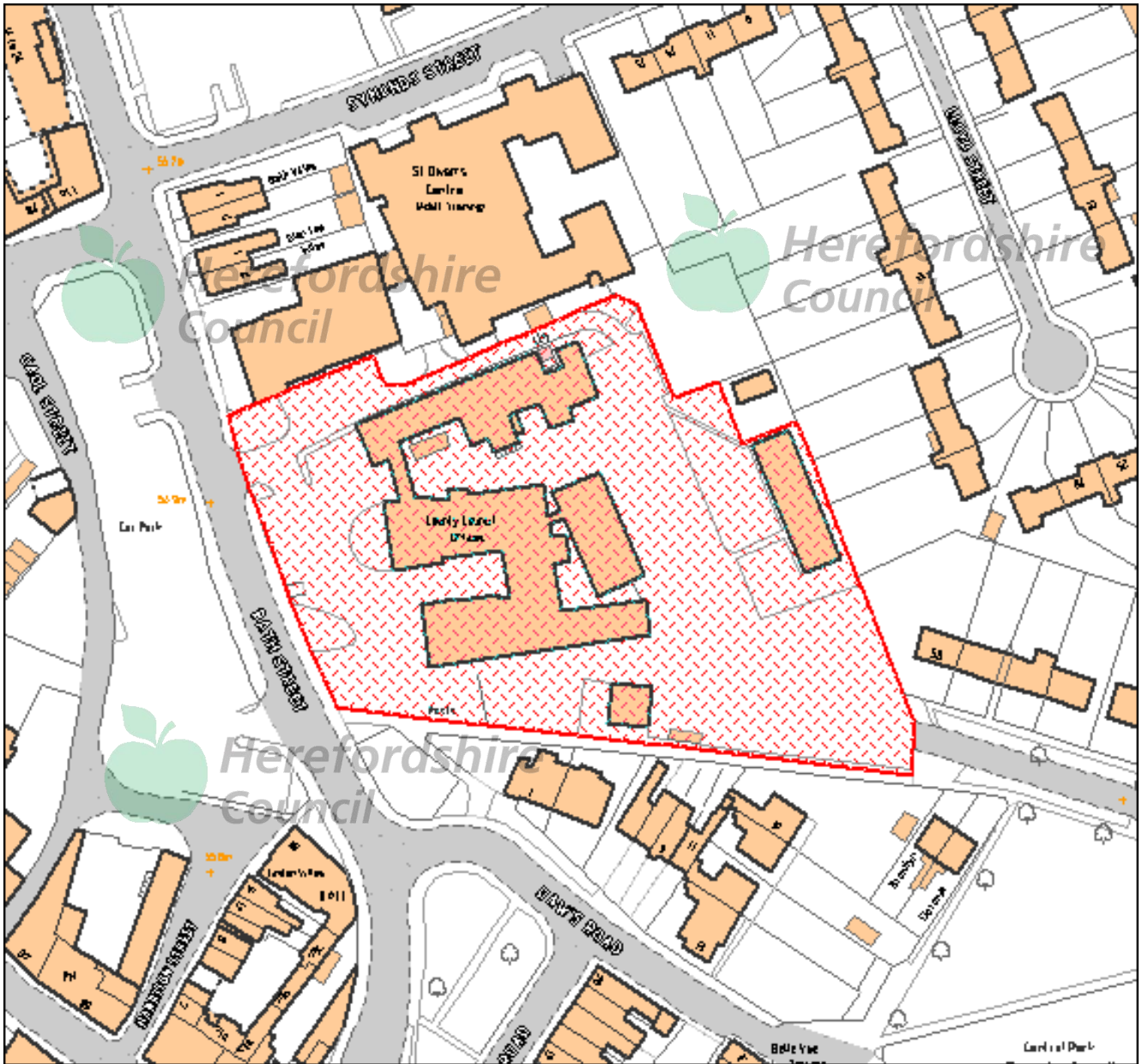
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 164024

**SITE ADDRESS :** FORMER COUNCIL OFFICES, 39 BATH STREET, HEREFORD, HEREFORDSHIRE, HR1 2HQ

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Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479