

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>27 FEBRUARY 2019</b>
<b>TITLE OF REPORT:</b>	<p><b>183841 - HYBRID APPLICATION INCLUDING A FULL APPLICATION FOR STUDENT ACCOMMODATION, COMPRISING 178 NO. BEDROOMS, INCLUDING HARD AND SOFT LANDSCAPING AND AN OUTLINE APPLICATION FOR A STANDALONE ANCILLARY COMMERCIAL ELEMENT AT CAR PARK, STATION APPROACH, HEREFORD,</b></p> <p><b>For: Cityheart Partnerships Ltd per Mr Andrew Bates, Office 16 (House 1, 2nd Floor), The Maltings, East Tyndall Street, Cardiff CF24 5EA</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=183841&amp;search=183841">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=183841&amp;search=183841</a>
<b>Reason Application submitted to Committee – Council Land</b>	

**Date Received: 17 October 2018**

**Ward: Widemarsh**

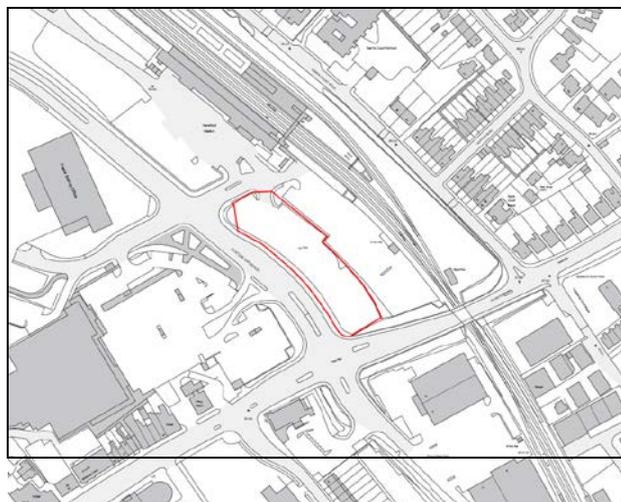
**Grid Ref: 351578,240441**

**Expiry Date: 1 March 2019**

Local Member: Councillor PA Andrews

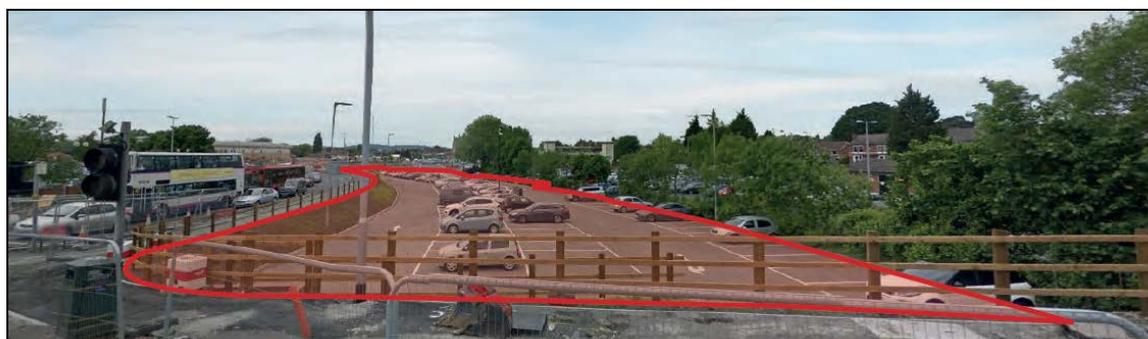
## 1. Site Description and Proposal

- 1.1 The application site lies to the northern side of the newly constructed link road that is known as Station Approach. The application site itself lies to the north of Hereford City centre and to the south east of the Hereford Railway Station. The station car park and railway line lie to the north east. Beyond this is Barrs Court Road that runs parallel with the railway line. Commercial Road lies to its south with the Morrison's store and car parking to the south west on the opposite site of Station Approach. An extract from the 'Location Plan' is inserted below.



Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

- 1.2 The site is currently used as a Council owned car park and is demarked by a timber post and rail fence. Access is from the north and the recently configured access to the station and its car park. The site lies at a lower level than the adjacent roads, but is the same level as the adjoining station car park, the boundary to which is formed by an existing fence and a number of trees. Prior to the construction, widening and reconfiguration of the city link road the site was part of a larger car park that had been formed following the demolition of the building that housed Rockfield DIY store.



*Image: Panoramic view from Commercial Road - from Design and Access statement*

- 1.3 The application is a Hybrid application (seeking planning permission part in full and part in outline) for the erection of a building for student accommodation, comprising 178 no. bedrooms, including hard and soft landscaping (full) and outline permission for a standalone commercial element on the area to the north.
- 1.4 The application was submitted in October 2018. Following a period of consultation, the applicants entered into further discussions with officers and statutory consultees to respond to the comments and objections raised. (These comments are detailed in section 4 below, dated November 2018). An amended scheme and supporting documentation was then submitted in January 2019. A full re-consultation has been undertaken and comments received on the amended plans are dated February 2019 in section 4 below.
- 1.5 The submission describes the applicant's vision as being for the development of the site to provide high-quality student accommodation within a highly sustainable location. The site is primarily to serve as accommodation for students of the Hereford College of Arts and as such the scheme has been designed to achieve a high quality of internal light and space both internally and externally for the display of artwork. The college has subsequently expanded on this vision in a statement contained within the Covering letter submitted with the revised scheme:

*The following statement has been provided by Hereford College of Arts regarding the design ethos for the development, along with the benefits the development will deliver for higher education in Hereford and the economic benefits for the wider City. The statement also expresses the College's commitment to the showcasing of student artwork on site:*

*"The ambition for this project is that Station Approach becomes a beacon building for Hereford, speaking to both the city's past and future. The site couldn't be better for HCA - mid way between its teaching and learning campuses and the city centre, it will give residential students easy access to all the social and cultural resources of the city and help connect them with the wider community.*

*Hereford's lack of purpose-built student housing puts off students who might otherwise move to the city for their higher education; it is hindering both the growth of HCA and the launch of NMiTE and a barrier to all the benefits a growth in student and graduate population would bring to the city's economic and cultural future.*

*Throughout the design process we have consulted closely with HCA and NMiTE to ensure that student well-being is at the heart of the layout and management of the building. This engagement has included a design workshop with students from both institutions actively involved in developing the design - a process that will continue. As part of that, there are exciting proposals for a large and high quality communal area on the ground floor which will include smaller zones for group and independent study, personal reflection, performance spaces and a fitness gym, games and entertainment zones and with the flexibility to quickly adapt the space for degree shows and exhibitions.*

*We have also focused on ensuring the building remains economic and affordable with room rental at the bottom end of that charged nationally for quality purpose-built accommodation in other student cities.*

*Importantly the building has been designed with the display of creative artwork internally and externally as intrinsic to the overall plan. This includes the ground floor social, exhibition and performance space that will always be visible through the front glazing and able to be opened to the public for events.*

*There will be large external display zones at either end of the building while, subject to obtaining consent and ongoing public consultation, external projection mapping can be used to bring the front of the building alive with still or moving images to celebrate local and national occasions. Additionally, plinths for 3D sculpture will be included on the open terrace in front of the building along with street furniture, some commissioned from the HCA Artist Blacksmithing course. With these internal and external flexible exhibition spaces built into the core design, the approach is entirely different to the 'add on a bit public art at the end' of some developments.*

*We are excited about the way creative display areas of the building will be used to express some of the distinctive features of Herefordshire, past and present, as HCA is already doing in the 'Showcase of Herefordshire' currently being designed for the European Parliament in Brussels".*

*In summary, the proposed development is key to Hereford being able to retain and further develop a competitive Higher Education offer. The enhancement of the Higher Education offer will, of course bring economic and social benefits to the wider City.*

*Hereford College of Arts has been seeking a purpose-built student accommodation scheme for a number of years. The College are confident that this development will greatly increase their ability to attract new applicants and grow their degree student community to 680 over the next five years. This aspiration / target is published in HCA's 'Strategy Overview 2018 - 2023' document.*

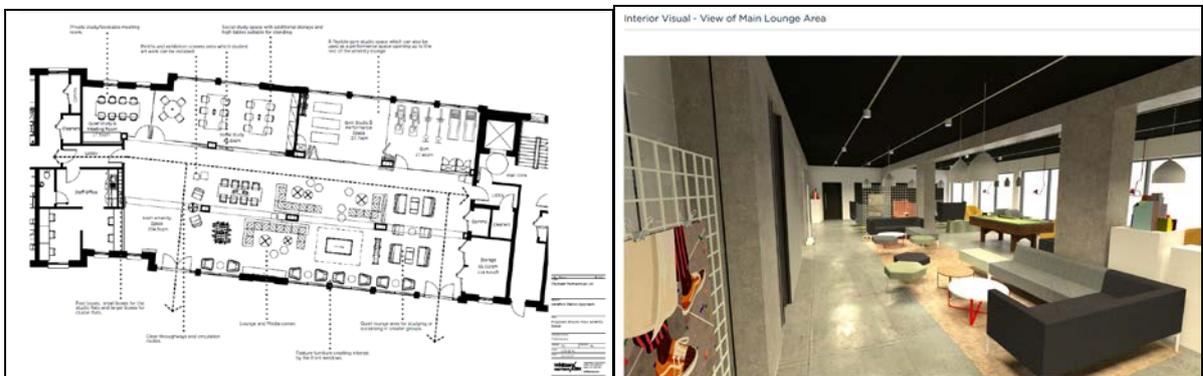
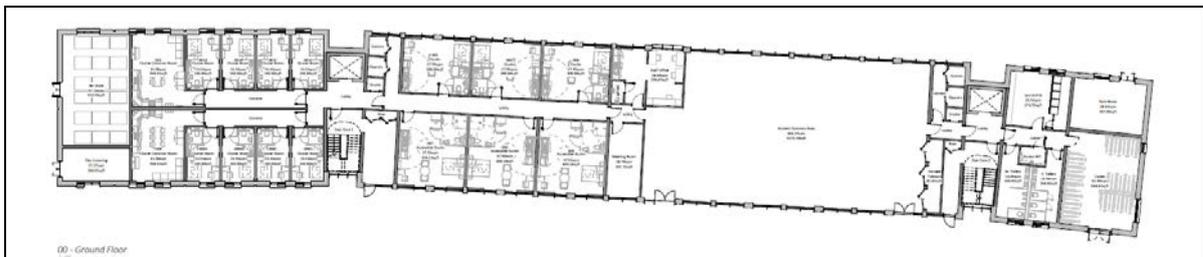
*The scheme is also key to the proposals to establish NMiTE as a new university in the City targeting students for vocational and employment based Engineering programmes with degrees initially validated by the University of Warwick. The proposed accommodation is likely to be shared between HCA and NMiTE initially.*

*The proposed development will also play a vital role, and a catalyst in the unlocking of development sites along the new Link Road, in accordance with the Council's aspirations. The development would also assist with bringing young people into the City centre to support its economic viability and the evening economy*

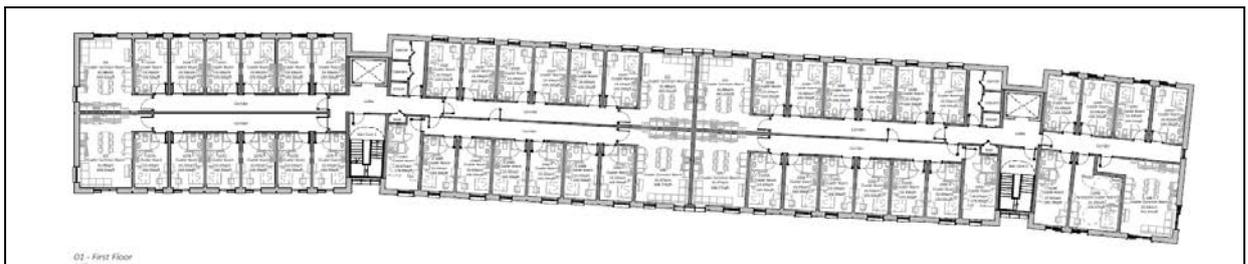
- 1.6 The proposed student accommodation consists of a mix of different types of residential accommodation which has been designed to meet the needs of the individual students. Accommodation consists of a mix of cluster rooms, which benefit from en-suite bathroom

facilities but share kitchen and socialising space within common rooms, and self contained studio rooms and accessible studios for those with particular needs. Provided below is a breakdown of the accommodation per floor:

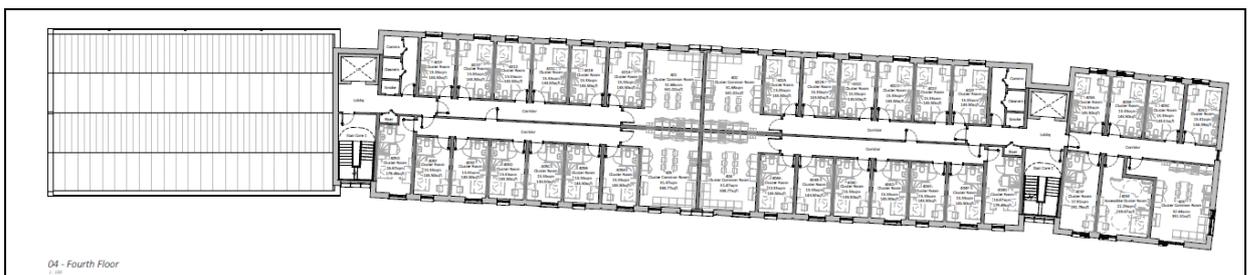
- 1.7 The ground floor comprises a total of 14 no. bedrooms comprising, 8 no. cluster rooms (which share two common rooms, 3 no. studios and 3 no. accessible studios). The ground floor also includes a student common area, a waiting area, along with, bin and cycle storage facilities, plant rooms and bathrooms, staff room and meeting room. How this common space may be used and laid out is explored within the *'Interior Design Concept proposal'* document extracts of which are inserted below:



- 1.8 First, second and third floors replicate each other comprising a total of 44 no. bedrooms, comprising 43 no. cluster rooms and 1 no. accessible cluster room and 7no. common rooms. Lifts provide access to the upper floors.

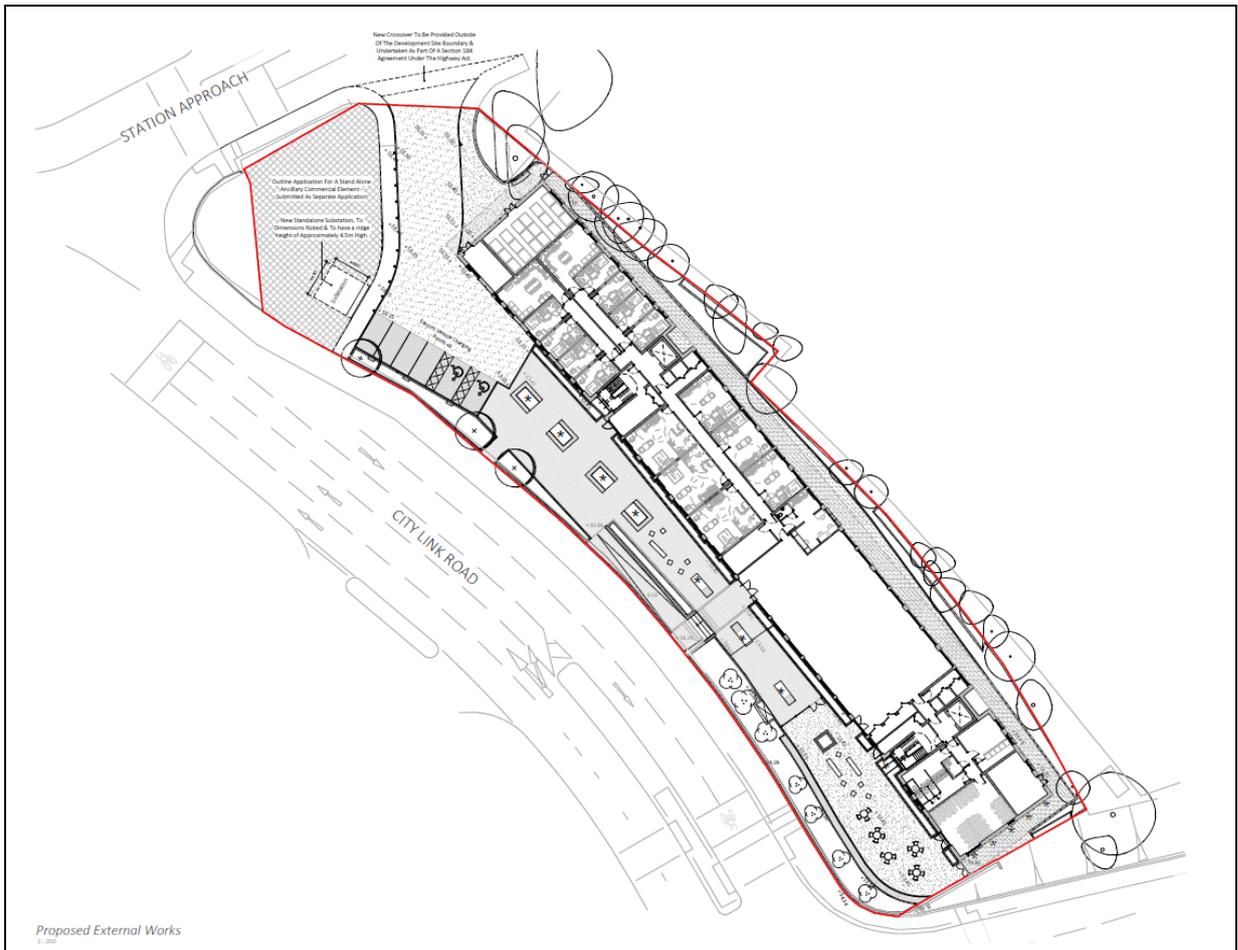


- 1.9 The fourth floor, reduces in numbers, reflecting the reduction in scale to the north of the building. This floor comprises a total of 32 no. bedrooms, comprising 30 no. cluster rooms and 1 no. accessible cluster room. The fourth floor also includes 5 no. common rooms.



Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

- 1.10 The building is sited to the east / rear of the site as detailed on the external works drawing inserted below. The front of the building will be formed by a hard landscaped area that makes provision for an area of seating and the display of artwork. The site also makes provision for 6 parking spaces and access for service vehicles. The revised external works layout drawing also includes a substation which is required to serve both the proposed student accommodation and the future commercial development on the site. Matters of hard and soft landscaping are also addressed and the details are explored in more depth later in this report.

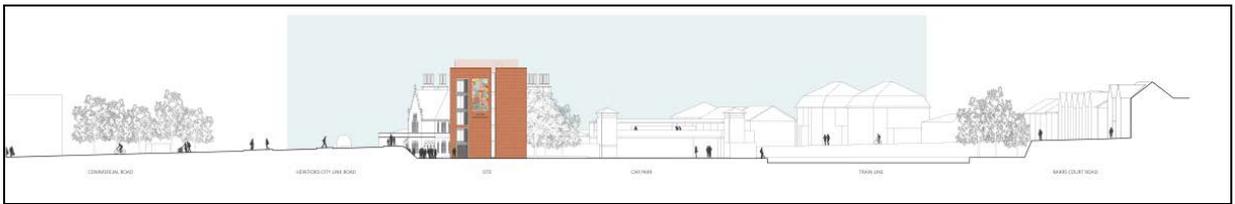


- 1.11 Turning to the external appearance of the building, this amended scheme represents a significant change in terms of design from that originally proposed in October 2018. The elevational plans are inserted below for ease of reference.
- 1.12 The building is approximately 96m in length and 18.8m in height to ridge at its highest point (central ridge). The element alongside Commercial Road is 16.6m in height, but as can be seen on the plan, the majority of the ground floor lies below 'street' level due to the topography of the site and its surrounds. The element of the building closest to the railway station (north) is around 15.9m in height.





- 1.16 The submission also addresses the matter of scale with an elevational drawing of the building from Commercial Road, with the dwellings on Barrs Court Road also detailed. An illustrative contextual drawing looking at this aspect from the other side of Commercial Road (KFC) also provides a useful tool to understand the scale of the proposed building.



- 1.17 The revised application submission is supported by the following documents:
- Conservation Officer Design Response Document (Addendum to the Design & Access Statement);
  - Landscaping Plan - Ecus Environmental Consultants Dwg No. LD-01 Rev E;
  - Energy Strategy Report Clarification (Ridge) (dated 21<sup>st</sup> December 2018);

- Highways & vehicular access / circulation - including revised Tracking Details Drawing (Dwg No. 69753-CUR-00-00-DR-TP-001-02) and Entrance Crossover Drawing (Dwg No. S2832-SK-CO-01 RevPI);
- Flood Risk - Response to the Environment Agency's letter dated 21st December 2018 including Supplementary Information to the MBCE Flood Risk Assessment Rev O October 2018;
- Drainage Strategy & Associated Plan and details
- Construction Environmental Management Plan (CEMP) (Construction Phase SHE Plan Hereford Student Accommodation Rev 2);
- Information regarding the need for the proposed student accommodation, the benefits the development will bring to Hereford and the commitment to showcasing student art on the site, including a Statement from Hereford College of Arts (within covering letter)
- Interior Design Concept Proposal.

## 2. Policies

### 2.1 Herefordshire Local Plan – Core Strategy

The following policies of the Herefordshire Local Plan – Core Strategy are relevant:

*SS1 - Presumption in Favour of Sustainable Development*

For decision-taking, SS1 requires that planning applications that accord with the policies in the Core Strategy (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans) be approved, unless material considerations indicate otherwise.

*SS4 - Movement and Transportation*

SS4 requires new development to be designed and located to minimise the impacts on the transport network and where practicable that development should be accessible by and facilitate a genuine choice of modes of travel including walking, cycling and public transport. Development proposals that generate high journey numbers should be in sustainable locations, accessible by means other than the private car.

*SS6 - Environmental Quality and Local Distinctiveness*

Development proposal should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, which includes settlement pattern and heritage assets.

*SS7 - Addressing Climate Change*

At a strategic level this will be achieved by focussing development to the most sustainable locations, but at a detailed level, ensuring design approaches are resilient to climate change impacts, including the use of passive solar design for heating and cooling and tree planting for shading. Developments must also, inter alia, demonstrate water efficiency measures to reduce demand on water resources.

*HD2 - Hereford City Centre*

This policy sets a vision for the city centre, Within the context of the urban village, reference is made to the identification of opportunities for new commercial, tourism, education (including tertiary facilities), leisure, health, civic and fire and police uses to meet identified need.

*HD3 - Hereford Movement*

HD3 sets out a range of measures to reduce reliance on the private motor car for short-distance journeys in particular and for improvements to public transport infrastructure enabling improved access and integration between bus and to rail services – a Hereford Transport Hub.

*SC1 - Social and Community Facilities*

Development proposals which protect, retain or enhance existing social and community infrastructure or ensure that new facilities are available as locally as possible will be supported. Such proposals should “be in or close to settlements, have considered the potential for co-location of facilities and where possible be safely accessible by foot, by cycle and public transport.”

Paragraph 5.1.37 identifies that some of the main social-economic outcome of the sustainable community strategy are to improve educational attainment, increase the number of young people entering education or training.

The policy states that the provision of improvement of higher education facilities and continuing enhancement of existing, or provision of new, training and skills facilities will be actively promoted.

*OS1 - Requirement for open space, sports and recreation facilities*

This recognises the need, when providing residential development, to consider the provision for open space, sports and recreation facilities

*MT1 - Traffic Management, Highway Safety and Promoting Active Travel*

This policy, in common with several others and a recurring theme within the CS, encourages active travel behaviour to reduce numbers of short distance car journeys and access to services by means other than private motorised transport. All development should be laid out to achieve safe entrance and exit, with appropriate operational space.

*LD1 - Landscape and Townscape*

Development should demonstrate that character of the landscape and townscape has positively influenced the design of the proposal, with incorporation of new landscape schemes to ensure development integrates appropriately into its surroundings.

*LD2 - Biodiversity and geodiversity*

Development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of the County. This includes the retention and protection of nature conservation site and habitats, important species, restoration and enhancement of existing biodiversity and geodiversity features and the creation of new biodiversity features and wildlife habitats.

*LD3 - Green Infrastructure*

Development Proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure such as the retention of existing green infrastructure corridors: protection of trees is relevant here. Enhancement is also sought along with integration with and connection to the surrounding green infrastructure network.

*LD4 - Historic Environment and Heritage Assets*

Development proposals should protect, conserve and where possible enhance heritage assets and their settings in a manner appropriate to their significance.

*SD1 - Sustainable Design and Energy Efficiency*

SD1 is a criteria-based policy requiring development proposals to create safe, sustainable, well integrated environments for all. Among other things, development should make efficient use of land and new buildings should be designed to maintain local distinctiveness, while making a positive contribution to the architectural diversity and character of the area. Developments should also utilise physical sustainability measures that include, in particular, orientation of building, the provision of water conservation measures, storage for bicycles and waste including provision for recycling, and enabling renewable energy and energy conservation infrastructure.

*SD3 - Sustainable Water Management and Water Resources*

This policy requires measures for sustainable water management to be an integral element of new development in order to reduce flood risk; to avoid an adverse impact on water quantity; to protect and enhance ground water resources and to provide opportunities to enhance biodiversity, health and recreation.

*SD4 - Wastewater Treatment and River Water Quality*

In order to support the attainment of river water quality targets for rivers within the county, developments should in the first instance seek to connect to the existing mains wastewater infrastructure network.

*ID1 - Infrastructure Delivery*

Although concerned principally with securing developer contributions towards critical infrastructure, ID1 confirms that provision for new and/or the enhancement of existing infrastructure, services and facilities to support development and sustainable communities, will be achieved through a co-ordinated approach.

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/info/200185/local\\_plan/137/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

## **2.2 National Planning Policy Framework (2018)**

The NPPF, revised in 2018, is a significant material consideration; particularly where relevant CS policies are absent, silent or out of date. That is not the case here, yet as the NPPF post-dates the CS it is necessary to consider the policies of the NPPF in accordance with paragraph 212 i.e. "The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication."

213 confirms that due weight may still be given to CS policies that pre-date the publication of the revised NPPF "according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

The following sections of the NPPF are considered to be relevant:

2. Achieving Sustainable Development
4. Decision Making
5. Delivering a Sufficient Supply of Homes
6. Building a Strong, Competitive Economy
8. Promoting Healthy and Safe Communities
9. Promoting Sustainable Transport
11. Making Effective Use of Land
12. Achieving Well-Designed Places
14. Meeting the Challenge of Climate Change, Flooding and Coastal Change
15. Conserving and Enhancing the Natural Environment
16. Conserving and Enhancing the Historic Environment

### 2.3 National Planning Practice Guidance

### 2.4 Planning Obligations Supplementary Planning Document

### 2.5 Draft Hereford Design Guide Supplementary Planning Document:

The principles in the design guide have been informed by engagement with key stakeholders through meetings and workshops. This process will continue with a formal six week consultation process commencing on 28 January 2019. Given its early stage of consultation it has very limited weight in the decision making process.

[https://www.herefordshire.gov.uk/consultations/article/10114/draft\\_hereford\\_design\\_guide\\_consultation](https://www.herefordshire.gov.uk/consultations/article/10114/draft_hereford_design_guide_consultation)

## 3. Planning History

- 3.1 P181974/A Proposed advertisement to show a visual interpretation of future development on the site.
- 3.2 P131240/CD - Redevelopment of site to provide a public car park with associated lighting, signage and parking meters. Approved 01/08/13
- 3.3 P130788/D - Prior notification of the proposed demolition of the former DIY Superstore. Allowed
- 3.4 P130405/D - Prior notification of proposed demolition of former DIY Superstore. Allowed

### Road applications

- 3.5 P170809/AM - Non-material amendments DMCE/092576/F – relocate toucan crossing at the North side of Prior Street and amend retaining wall at junction of City Link Road with A465 Commercial Road. Approved 23/03/17
- 3.6 P153105/AM - Proposed non-material amendment to planning permission DMCE/092576/F - Removal of temporary culvert, re-alignment of the permanent culvert. Approved 06/11/15
- 3.7 P150790/AM - Proposed non-material amendment to planning permission DMCE/092576/F (demolition of existing buildings and construction of new highway, cycleway, drainage, landscaping and associated works between the A49 (T) Edgar Street and A465 Commercial Road, Hereford, along with a new link to Unclassified Road 80332 Blackfriars Street and U80335 Canal Road, a new junction with Widemarsh Street and associated highway improvement works including to the junction of the A49 (T) Edgar Street and B4359 Newtown Road and the junction of A465 Aylestone Hill and C1127 Barrs Court Road, Hereford – Approved 23/03/15

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

## 4. Consultation Summary

### Statutory Consultations

#### 4.1 Historic England (November 2018)

The application site forms part of the setting of the Aylestone Hill and Central Area Hereford Conservation Areas and contributes to their significance in terms of their historical and evidential value although its current appearance makes a negative contribution to their aesthetic value. Historic England has no objection to the principle of development on the site but is concerned that the scale, mass, orientation and design of the proposed development represents a change in setting that will harm significance and offers no heritage benefits to outweigh this harm. Historic England is therefore unable to support the scheme in its current form.

#### *Historic England Advice*

The site is located between the Central Area Hereford Conservation Area and the Aylestone Hill Conservation Area with two further conservation areas to the northwest (Bulmer Garden Suburb) and east (Bodenham Road). The Scheduled remains of the medieval Blackfriars Friary lie to the west and the Grade II listed station building to the north.

In the medieval period the area in which the site is located was low-lying, open, marshy land beyond the city walls controlled by the religious houses of Blackfriars and St Guthlac and crossed by the Eign Brook and the medieval road to the Lugg valley and Bromyard. The road encouraged the growth of a small suburb beyond the walls in the post medieval period while the brook provided power for mills and later for industry. The industrial character of the area was confirmed by the construction here of the wharf and terminus of the Hereford and Gloucester Canal and the railway sidings and station. Suburban residential development skipped beyond this low-lying industrial area in the eighteenth century to the more attractive rising ground along the road up Aylestone Hill where large and medium sized houses set in their own grounds and gardens were laid out for prosperous Herefordians. In the late nineteenth and early twentieth century population growth was such that denser terraced housing infilled the areas between the earlier suburbs but much of the area between the city walls and the railway remained industrial.

This general history of development is clearly traceable in the morphology of the city core and its suburbs and in the structure, grain, density and texture of the cityscape and is protected by its conservation areas, listed buildings and scheduled monuments. These characteristics are experienced as you walk around the city but are more easily appreciated from higher vantage points looking into the city from outside and to best effect from the cathedral tower. From this vantage point the historical development of Hereford and much of the reason for its location are easily understood in the relationship of building form to landscape context. In very few cases is the pattern obscured by big footprint tall buildings. This reflects the high survival rate of historic fabric across the city and contributes to Hereford's status as an outstanding historic city.

The application site forms part of this context and so forms part of the setting of the designated assets around it. In its current form it contributes to their significance in terms of their historical and evidential value as the scale of development currently upon it does not obscure an understanding of their interrelationship. The site's poor appearance however, makes a negative contribution to their significance in terms of aesthetic value. The site thus presents opportunities for redevelopment that would improve its appearance and enhance significance but is of a scale and design that maintains its contribution to the historical and

evidential value of surrounding heritage assets. Paragraphs 192 and 200 of the NPPF specifically address this issue stressing the importance of new development making a positive contribution to local character and enhancing or better revealing the significance of heritage assets. Section 12 of the NPPF (paragraphs 127 and 130) on achieving well-designed places is also relevant in this respect and is echoed in the advice to Herefordshire Council provided by Historic England's Urban Panel which recognised the place-making opportunities presented by NMiTE. The Urban Panel's recommendations included the development of a clearly identifiable architectural language for 'Hereford University' buildings, a design code for new student accommodation and a city-wide masterplan to ensure that new development responds to the particularly high quality of Hereford's heritage with a specific recommendation on the importance of high quality design in improving the sense of arrival at Hereford Station.

In this context, Historic England has no objection to the principle of development on the site but is disappointed that the proposed building is of a scale, mass and orientation that will visually sever the Aylestone Hill Conservation Area from the Central Area Hereford Conservation Area, will obscure the historical relationship between them and result in harm to their significance. The building's combination of a big footprint and height are in sharp contrast with the scale and texture of the conservation areas and the listed railway station and will not, in our view, contribute positively to local character and distinctiveness. We do not find the colour palette of the brickwork convincing as a response to buildings that make a positive contribution to local character or contribute to the aesthetic value of the conservation areas. We are disappointed that the form and alignment of the proposed building and the limited works to public realm do not positively address the place-making potential of the site recognised in the Urban Panel's recommendations or required by Section 12 of the NPPF. We do not consider that the proposal offers any heritage benefits and are concerned that it results in harm that could be avoided by an alternative design for a reduced number of units. We are therefore unable to support the proposals in their current form.

### *Recommendation*

Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of sections 12 and 16 of the NPPF.

In determining this application you should bear in mind the statutory duty of sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and of preserving or enhancing the character or appearance of conservation areas., Also section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If, however, you propose to determine the application in its current form, please treat this as a letter of objection, inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

## **4.2 Historic England (February 2019)**

Thank you for your letter of 24 January 2019 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

## *Summary*

The amended plans do not address the key concerns raised in our letter of 13 November 2018. Therefore, while we have no objection to the principle of redevelopment on this site, we refer you to our concerns set out in letter above and object to the application on heritage grounds.

## *Historic England Advice*

Historic England welcomes the applicant's review of the design for this development, the colour palette, analysis of existing roofscape and greater level of information on landscaping provided. However, we are disappointed that advice offered at the meeting in your office on 28 November has not led to changes of an order that address our primary concerns regarding amount, scale, mass, orientation, height and design quality. We remain of the view stated in our letter of 13 November 2018 that the proposal offers no heritage benefits, results in avoidable harm to the designated heritage assets affected (and is not justified in terms of paragraphs 193, 194 and 196 of the NPPF), does not deliver the requirements of new development set out in paragraphs 127, 130, 192 and 200 of the NPPF and does not accord with our Urban Panel's recommendations to you in delivering the regeneration of this part of the city.

## *Recommendation*

Historic England objects to the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 127, 130, 192, 193, 194, 196 and 200.

In determining this application you should bear in mind the statutory duty of section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and of preserving or enhancing the character or appearance of conservation areas. Also section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account in determining the application. If you propose to determine the application in its current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

### **4.3 Environment Agency (December 2018)**

Thank you for referring the above application which was received on the 5 December 2018. We **object** to the proposed development, as submitted, and request further information as detailed below.

Flood Risk: The site proposed for the student accommodation is currently a car park and falls within Flood Zone 2 (Medium Probability as defined in Table 1 of the Planning Practice Guidance) of the Widemarsh Brook, classed as an ordinary watercourse, on our Flood Map for planning. The site lies on lower land compared to Station Approach and the A465 which run to the south and east of the site respectively. However, whilst the site is afforded protection by the Yazor Brook Flood Alleviation Scheme (FAS), the submitted Flood Risk Assessment (FRA) WSP Memo has confirmed significant depths of flooding across the site should the FAS not be operational (Blockage).

Sequential Test (ST): The NPPF details the requirement for a risk-based ST in determining planning applications. See paragraphs 157-158 of the NPPF and the advice within the Flood Risk and Coastal Change Section of the government's NPPG.

*The NPPF requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a ST. It states that 'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding'.*

Further detail is provided in the NPPG; 'Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test (ET) if required.

Section 4.1 of the submitted FRA seeks to address matters relating to the ST and confirms that your Council are seeking to promote the parcel of land for the proposed use. We are aware of your aspiration for the ongoing development of this part of Hereford City which we have been historically engaged with. We would leave your Council to consider and address the ST issue. Providing you are satisfied, we would make the following comments on the FRA. We would expect a robust assessment of flood risk to be provided as detailed further below.

Flood Risk Assessment: A FRA has been prepared by MBCE Projects Ltd (Rev 0 dated October 2018). However, it is currently inadequate as it does not fully address the flood risk to the site over the lifetime of the development from all forms of flooding. Also the FRA will need to demonstrate that flood risk elsewhere will not be increased as a consequence of the redevelopment of the site i.e. by impacting upon flood flow routes or reducing flood storage capacity. In fact section 2.1.1 of the FRA states that "a detailed model of the site had been requested from Herefordshire Council. At the time of writing this has not been provided". The FRA does contain some pre-application advice from Balfour Beatty in Appendix D and this also highlights that the site is located within an area of significant risk of surface water flooding. However, the FRA does not contain any modelled information for the Widemarsh Brook. We have not been approached for any pre-planning application advice, both for this site or the wider ESG redevelopment, which may have helped ensure a more robust submission.

The FRA is correct in that flood risk to this site will be reduced as a consequence of the upstream Yazor Brook Flood Alleviation Scheme (FAS) where some of the flows are diverted at Credenhill and channelled directly to the River Wye thus reducing flood risk in the City Centre. However, no undefended or defended modelled flood levels or flood maps have been included in the FRA or its appendices and it is therefore not possible to confirm whether the site is at flood risk including climate change impacts/a failure of the FAS and whether the finished floor level for the accommodation building is adequate.

Development Proposals: The proposed use would be considered 'More Vulnerable' as defined in Table 2 of National Planning Practice Guidance (student halls of residence). The design flood (1% flood level fluvial, plus climate change allowances) should be used to inform the consideration of flood risk impacts, mitigation/enhancement and ensure 'safe' development. For 'more vulnerable' development (as defined within Table 2 - Flood Risk Vulnerability Classification, Paragraph: 066 Reference ID: 7-066-20140306 of the NPPG) e.g. housing, the FRA should use the 'higher central' climate change allowance (35%) as a minimum to inform built in resilience; but demonstrate/aim to incorporate managed adaptive approaches/measures for the 'upper end' allowance (70%) where feasible.

The proposed building has 4 floors and the majority of the 178 student rooms are proposed on the upper floors. However, it is key that the finished floor level of the ground floor is set correctly so that internal flooding does not occur even in the worst case scenario e.g. extreme events or during a blockage of the FAS where more flows would be directed towards and inundate parts of the City Centre. This is of particular relevance as there are a number of student rooms, including 3 accessible studios, located on the ground floor. Appendix G of the FRA indicates that the ground floor will be set at 53.60mAOD but this is based on the assumption that there will be no flooding at the site. Our preferred ground floor use in the floodplain would be 'Less Vulnerable' uses - we note there are some uses of this type proposed in this application such as offices, launderette, storage etc

Paragraph 054 of the NPPG advises on how a development might be made safe from flood risk. Paragraph 039 provides detail on access and egress.

Again the FRA states that safe access and egress will be maintained at design storm events but does not contain any modelled flood information to demonstrate this or show how this risk would be managed.

WSP Memo: As a subsequent compliment to the FRA, WSP have produced a brief memo for the application (dated 14 November 2018) and this had been based on modelling of the Yazor Brook and includes the latest climate change allowances (35 and 70% for residential accommodation). However, page 3 of the memo confirms that the modelling takes into account a diversion of the Widemarsh Brook to the west of the site and an attenuation basin of the new link road, neither of which has been constructed yet.

Figure 1 shows that there is some flooding of the site when the FAS is in operation but depths of 900mm on the site in a 1 in 100 year plus 35% events when the FAS is blocked (Figure 2).

One concern in terms of the memo is the section entitled 'Other Considerations'. This highlights the deficiencies of the Yazor Brook modelling, including not having undertaken sensitivity analysis, and questioning whether the flows used are accurate. It also questions the benefit of the FAS and suggests that blockage scenarios will need to be carried out on a plot by plot basis for the Edgar Street Grid (ESG) developments but this application does not contain any blockage scenarios and how this may affect the site. It also goes on to confirm that other sources of flooding have not been considered and in line with national planning policy FRAs should consider all forms of flooding. This all adds to our concerns with the FRA in that the application has been made prior to fully understanding flood risk in the location. This is a major development as it is for a 178 unit student accommodation but there are questions about the current suitability of the modelling and therefore sustainability of the development.

The memo goes on to suggest different finished floor levels for the proposed student accommodation building. This includes 54.80mAOD which was used in the ESG modelling which would involve raising the site by up to 1.7 metres. However, as this is well above all of the modelled scenarios (Table 2) it does continue that the finished floor level may be reduced and still be deemed appropriate. This could be either 54.0mAOD or 53.7mAOD. We presume these supersede the flood level of 53.60mAOD in the FRA? Clarification on floor levels is therefore required to inform a safe development.

In addition to the above concerns, the FRA/memo does not assess the potential impacts of raising the site (ground levels) by over a metre. Presumably there will be no impact on fluvial flood risk if the site does not lie in the defended 100 plus 35% defended extent? What about other flood risk reduction measures? Impact with other sources? (We note Balfour Beatty suggested there is a significant risk of surface water flooding).

## Flood Warning and Evacuation Plan

The NPPG (paragraph 056) states that one of the considerations for safe occupation is whether adequate flood warning would be available to people using the development.

We do not normally comment on or approve the adequacy of flood emergency response and flood evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users if they sign up to the Flood Warnings Service.

The NPPG places responsibilities on LPAs to consult their Emergency Planners with regard to specific emergency planning issues relating to new development. We would advise that you take account of the guidance within NPPG Paragraph: 057 Reference ID: 7-057-20140306.

We would advise that the Flood Warning and Evacuation Plan should identify a flood level that will initiate evacuation of people and vehicles, and any subsequent closure of the building/car park. This trigger level should be when the access/egress is still 'dry' i.e. flood-free, to avoid any question of what is an acceptable level of flood risk to occupants.

The FRA does state that an evacuation plan, and the demonstration of safe access, should be agreed with Herefordshire Council, and their Emergency Planners which is especially important due to the current proposed ground floor sleeping accommodation. However there is no further detail within either the FRA or Memo; although separate correspondence from your colleague, Peter Gebbie (Emergency, Resilience & Business Continuity Advisor) is noted.

Flood Warning Contributions: In this instance, to make the development acceptable in planning terms, the management of flood risk to the development, including safe access and egress, relies on the provision of our Flood Warning Service. We have a flood gauge on Three Elms. In this instance we would seek a contribution of £5,000, from the applicant, towards maintaining and operating this service.

It is reasonable that planning permission should be subject to an appropriate unilateral undertaking requiring a financial contribution to provide this contribution to maintain and improve this service/system.

Note: As the memo states, a meeting did take place between Herefordshire Council, WSP, Balfour Beatty and the Environment Agency but the design criteria listed in Table 1 of the memo was not agreed. We sought updated modelling to be produced and some clarification prior to agreeing the design parameters. This has not yet been received.

We have had no pre-application engagement on this application site, or recent discussion on the wider ESG area. As such, we concur that we have not formally agreed to the ESG assessment criteria in Table 1 of WSP's memo particularly on the potential off site impacts of redeveloping ESG on third party land and showing flood risk impacts and reduction are understood. It is recommended that engagement recommences to allow an understanding of this key area of development in flood risk planning terms.

Notwithstanding the above, we are aware of the work in relation to further modelling on the key watercourses in Hereford which is currently being undertaken as part of the Integrated Catchment Strategy (ICS). This work may help to further inform flood risk in the city. However, as submitted, the FRA and associated Memo do not represent a robust assessment of flood risk.

The proposal is considered contrary to the NPPF and your adopted local plan Policy SD3 as submitted. We will be in a position to comment again on the flood risk issues once the above points have been clarified.

Meeting and/or detailed document review: Should the applicant wish to discuss the proposals further or for us to review technical reports, outside of the formal statutory process, this will be chargeable in line with our cost recovery service.

#### 4.4 Environment Agency (February 2019)

I refer to additional information received in support of the above application and, specifically, our current objection on flood risk grounds. We have reviewed the additional information in the form of Geraint John Planning's letter of 23 January 2019, the Supplementary Information to the MBCE FRA (Rev 0 dated October 2018), the updated memo from Balfour Beatty dated 13 February 2019 and MBCE's FRA Addendum Rev2, and are in a position to **remove our objection**. We would recommend the following comments and condition be applied to any permission granted.

**Flood Risk:** As previously stated the site proposed for the student accommodation is currently a car park and falls within Flood Zone 2 (Medium Probability as defined in Table 1 of the Planning Practice Guidance) of the Widemarsh Brook, designated ordinary watercourse, on our Flood Map for planning. The site lies on lower land compared to Station Approach and the A465 which run to the south and east of the site respectively.

I taking into account the flood risk vulnerability of land uses and applying the Exception Test (ET) if required.

**Sequential Test (ST):** The NPPF details the requirement for a risk-based ST in determining planning applications. See paragraphs 157-158 of the NPPF and the advice within the Flood Risk and Coastal Change Section of the government's NPPG.

The NPPF requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a ST. It states that *'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding'*.

Further detail is provided in the NPPG; 'Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, Section 4.1 of the submitted FRA seeks to address matters relating to the ST and confirms that your Council are seeking to promote the parcel of land for the proposed use. We are aware of your aspiration for the ongoing development of this part of Hereford City which we have been historically engaged with. We would leave your Council to consider and address the ST issue. Providing you are satisfied, we would make the following comments on the FRA.

**Flood Risk Assessment:** As previously stated, the proposed use would be considered 'More Vulnerable' as defined in Table 2 of National Planning Practice Guidance (student halls of residence). The design flood (1% flood level fluvial, plus climate change allowances) should be used to inform the consideration of flood risk impacts, mitigation/enhancement and ensure 'safe' development. For 'more vulnerable' development (as defined within Table 2 - Flood Risk Vulnerability Classification, Paragraph: 066 Reference ID: 7-066-20140306 of the NPPG) e.g. housing, the FRA should use the 'higher central' climate change allowance (35%) as a minimum to inform built in resilience; but demonstrate/aim to incorporate managed adaptive approaches/measures for the 'upper end' allowance (70%) where feasible.

Following receipt of the FRA addendum we are satisfied that the proposed finished floor level of 53.60m AOD will be adequate to protect the development from fluvial flooding. This is 870mm above the 100 year plus 70% climate change modelled flood level with the upstream Flood Alleviation Scheme (FAS) in operation as provided in Balfour Beatty's memo. It is also 820mm above the 1 in 1000 year modelled level (residual risk scenario) and the building would remain dry (albeit with a reduced freeboard) with a total blockage of the upstream FAS. We are therefore satisfied with a level of 53.60m AOD. This is key given that there is More Vulnerable uses proposed on the ground floor including accessible unit living accommodation.

In our previous response we also raised a concern that the modelling assumed that a diversion of the Widemarsh Brook upstream of the site had already taken place when in reality this has not been undertaken (although is in Balfour Beatty's programme of works). However, we understand that the Yazor Brook modelling assumes ground levels on the plot adjacent to the diverted section are raised so if this diversion did not take place there should be additional flood storage available. Again, the proposed finished floor level also reduces the concerns about the diversion not taking place. We have also raised concerns that the Yazor Brook modelling has not included the usual robustness and sensitivity tests (e.g. channel roughness, flows, blockage scenarios) you would expect with hydraulic modelling. Again given the fact that this site lies in Flood Zone 2 on our Flood Map for Planning, and the flood outlines shown in Figure 1 and 2 of Balfour Beatty's Memo of 13 February 2019, we are satisfied that the proposed development will not be at risk. MBCE have produced topographic evidence to suggest that a blockage of the Widemarsh Brook culvert upstream of Morrison's (at Canal Road) and downstream of the site at Commercial Road would not impact upon the development.

**Condition:** Finished floor levels shall be set no lower than 53.60m AOD as stated in MBCE's Flood Risk Assessment Rev 0 dated October 2018 unless otherwise agreed in writing by the LPA.

**Reason:** To protect the proposed dwellings from flood risk for the lifetime of the development

It should be emphasised that this approach has been accepted in this instance given the relatively low flood risk to this plot on the Edgar Street Grid development and the precautionary finished floor level. This approach would not be acceptable on some of the other plots where we would expect robust modelling with suitable sensitivity tests and modelled blockage scenarios to be undertaken. We understand that WSP will shortly be producing further robustness and sensitivity testing on the modelling following a recent meeting.

**Safe Access, Flood Warning and Evacuation Plan:** The NPPG (paragraph 056) states that one of the considerations for safe occupation is whether adequate flood warning would be available to people using the development.

We do not normally comment on or approve the adequacy of flood emergency response and flood evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users if they sign up to the Flood Warnings Service.

The NPPG places responsibilities on LPAs to consult their Emergency Planners with regard to specific emergency planning issues relating to new development. We would advise that you take account of the guidance within NPPG Paragraph: 057 Reference ID: 7-057-20140306.

We would advise that the Flood Warning and Evacuation Plan should identify a flood level that will initiate evacuation of people and vehicles, and any subsequent closure of the building/car park. This trigger level should be when the access/egress is still 'dry' i.e. flood-free, to avoid any question of what is an acceptable level of flood risk to occupants.

We are aware from the meeting held on 13 February 2019, and the FRA Addendum Rev 2, that discussions have been held with the Emergency Planner to form a suitable Flood Evacuation and Management Plan. It is not our remit to approve such plans though we recommend that such a plan had been approved by the Emergency Planner prior to occupation of the building. The plan should include full details of proposed awareness training and procedure for evacuation of persons and property (including vehicles), training of staff; and method and procedures for timed evacuation. It should also include a commitment to retain and update the Plan and include a timescale for revision of the Plan.

**Flood Warning Contributions:** In this instance, to make the development acceptable in planning terms, the management of flood risk to the development relies on the provision of our Flood Warning Service. We have a flood gauge on Three Elms. In this instance we would seek a contribution of £5,000, from the applicant, towards maintaining and operating this service.

It is reasonable that planning permission should be subject to an appropriate unilateral undertaking requiring a financial contribution to provide this contribution to maintain and improve this service/system.

**Foul Drainage:** We would have no objection to the connection of foul water to the mains foul sewer, as proposed. The LPA must ensure that the existing public mains sewerage system has adequate capacity to accommodate this proposal, in consultation with the relevant Sewerage Utility Company.

#### 4.5 **Welsh Water (November 2018)**

We have reviewed the information submitted as part of this application with particular focus on the Flood Risk Assessment October 2018 Rev 0 and the Utilities Report dated 11/10/2018 which shows the proposed foul and surface water drainage arrangement. We draw your attention to the fact that the proposed development is to be located in very close proximity to a 1200mm public combined sewer with the approximate position being marked on the attached Statutory Public Sewer Record, although we note that the applicant has undertaken a survey to accurately locate the sewer. Due to the size, depth of the sewer being 6 - 6.5m and the volume of sewage it conveys we define this as an asset of strategic importance and one that needs careful consideration as part of any development activity.

We are working proactively with the applicant and their engineers to assess the health and safety aspects of any new structure in this location to ensure that effective protection measures are provided and that sufficient access is maintained in the event that we need to excavate to comply with our duties to repair or maintain the sewer network.

Our involvement to date have centred around discussing options and assessing proposals to design out the risk of building in close proximity to a large diameter sewer that ranges from 6 - 6.5 meters in depth across the proposed site. We have not yet reached a position where our concerns have been fully satisfied and we continue to engage proactively and a further meeting is scheduled for Friday 23 November.

In light of the above we are not in a position to provide a comprehensive or substantive response to the planning application and seek your co-operation to allow an extension so that these discussions can continue. Once we are in a position to comment further we will respond again formally in due course.

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

## 4.6 Welsh Water (February 2019)

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

We write further to our previous letter dated 16/11/2018 in direct response to the further/amended information which has been submitted following constructive dialogue between ourselves, the applicant and their representatives. The discussions have revolved around the measures taken to protect the 1200mm public combined sewer which crosses through the proposed development site at a depth of between 6.5 meters and 5 meters across the site.

We refer specifically to drawing numbers S2862-SKWWS01 Revision P8, S2862-SKWWS02 Revision P8, S2862-SKWWS03 Revision P2, S2862-WWDS-101 Revision P3 and PL115 Revision B. Whilst there are elements of the technical drainage strategy which are still to be refined and agreed we can accept the broad principles of the proposal. Therefore we can offer our support to the determination of the application and confirm that we are content for discussions to continue and for these outstanding matters to be addressed post determination subject to your cooperation to impose suitable conditions.

With regards to surface water disposal the application form and Flood Consequence Assessment report it is unclear as to the destination off site discharge. The FCA indicates this will be to a public sewer, however it is not clear whether this is to a surface water sewer which has an outfall to a culverted watercourse or combined sewer. If the discharge is to the public surface water sewer in the adjacent road Welsh Water is owned by Glas Cymru – a ‘not-for-profit’ company’ then we are satisfied to accept the proposed discharge rate of 44.1 l/s (ie which equates to the current discharge from the existing site).

Finally, the current potable water network in this area does not have the required capacity to accommodate the proposed development, however a scheme is underway and due to the extent of works required we anticipate that these works will be completed by 31st March 2020. Therefore any occupation should coincide with the completion of these works.

In light of the above if you are minded to grant planning permission we request that the following **Conditions** and **Advisory Notes** are included within any subsequent consent.

### Conditions

- Notwithstanding the submitted plans, no development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how the site will be effectively drained; the means of disposal of surface water and indicate how foul flows will communicate to the public sewerage system. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further surface water or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

- The approved building shall not be brought into beneficial use earlier than 31st March 2020, unless the upgrading of the potable water network that would serve the development has been completed and written confirmation of this has been received by the Local Planning Authority.

Reason: To ensure satisfactory mains water supply is available to properties at all times

#### 4.7 **Network Rail (November 2018)**

Thank you for your email dated 26 October, together with the opportunity to comment on this proposal.

After studying the proposals detailed in the application, Network Rail **objects** to the above application in its current form. The red line plan submitted shows the applicant's ownership is incorrect, the applicant has included a section of land in our ownership (see attached plan which shows Network Rail's ownership in Green). Network Rail has not been served with the correct notice as land owner which invalidates this application.

Network Rail is likely to withdraw any objection if an acceptable solution can be found and the applicant removes our land from the redline plan. Once we have received the amended plans, we will then be in a position to submit our comments, until then, our objection will remain.

#### 4.8 **Network Rail – (December 2018)**

Further to our email dated 16 November objecting to the above proposal, after confirmation that the land in question is not within Network Rail's ownership, I can confirm that Network Rail formally withdraws its objection.

Notwithstanding the above, I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

It should be noted that any works on site must not disrupt the day to day operation of the station and prevent access to the station for passengers.

As the station Hereford (Barrs Court) is listed grade II, the impact this development may have on the setting of the station should be assessed.

#### FORMER BR LAND

The development is located on an area of land previously under the ownership of Network Rail. Often these sites are sold and are subject to a demarcation or covenant agreement which may include particular rights in relation to the safe operation of the railway and associated infrastructure. It must be considered that Network Rail has access rights over the development site; access must not be blocked or restricted at any time. The applicant must comply with all post sale covenants in the demarcation agreement and understand the implications this will have on the implementation of this development.

Any representations made are without prejudice to those rights and obligations and on the basis that they do not imply that Network Rail's approval under the demarcation agreement will be given for the proposed development or for any part of it.

#### FOUNDATIONS

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

#### DRAINAGE

All surface water drainage should be directed away from Network Rail's land to the public mains system. Soakaways are not acceptable where the following apply:

- Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground
- Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure
- Where the works could adversely affect the water table in the vicinity of Network Rail's structures or earthworks.

#### GROUND DISTURBANCE

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

#### FENCING

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

#### SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

#### PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

#### EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

#### SIGNALLING

The proposal must not interfere with or obscure any signals that may be in the area.

#### NOISE

Network Rail would remind the council and the applicant of the potential for any noise/vibration impacts caused by the proximity between the proposed development and the existing railway, which must be assessed in the context of the National Planning Policy Framework (NPPF) and the local planning authority should use conditions as necessary. The current level

of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains. There is also the potential for maintenance works to be carried out on trains, which is undertaken at night and means leaving the trains' motors running which can lead to increased levels of noise. We therefore strongly recommend that all future residents are informed of the noise and vibration emanating from the railway, and of potential future increases in railway noise and vibration.

#### LANDSCAPING

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

#### PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

#### LIGHTING

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

#### SAFETY BARRIER

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

#### SECURITY OF MUTUAL BOUNDARY

Security of the railway boundary will require to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Engineer.

#### ACCESS POINTS

Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction.

In order to mitigate the risks detailed above, the Developer should contact the Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is [assetprotectionwales@networkrail.co.uk](mailto:assetprotectionwales@networkrail.co.uk). The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

#### 4.9 **Network Rail (February 2019)**

Thank you for your email dated 24 January, together with the opportunity to comment on this proposal.

Whilst there is no objection in principle to this proposal I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

It should be noted that any works on site must not disrupt the day to day operation of the station and prevent access to the station for passengers.

As the station Hereford (Barrs Court) is listed grade II, the impact this development may have on the setting of the station should be assessed.

#### FORMER BR LAND

The development appears to be located on an area of land previously under the ownership of Network Rail. Often these sites are sold and are subject to a demarcation or covenant agreement which may include particular rights in relation to the safe operation of the railway and associated infrastructure. It must be considered when Network Rail has access rights over the development site; access must not be blocked or restricted at any time. The applicant must comply with all post sale covenants in the demarcation agreement and understand the implications this will have on the implementation of this development.

Any representations made are without prejudice to those rights and obligations and on the basis that they do not imply that Network Rail's approval under the demarcation agreement will be given for the proposed development or for any part of it.

#### FOUNDATIONS

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

#### DRAINAGE

All surface water drainage should be directed away from Network Rail's land to the public mains system. Soakaways are not acceptable where the following apply:

- Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground
- Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure
- Where the works could adversely affect the water table in the vicinity of Network Rail's structures or earthworks.

#### GROUND DISTURBANCE

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

#### FENCING

If not already in place, the Developer/applicant **must** provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

## SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

## PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

## EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

## SIGNALLING

The proposal must not interfere with or obscure any signals that may be in the area.

## NOISE

Network Rail would remind the council and the applicant of the potential for any noise/vibration impacts caused by the proximity between the proposed development and the existing railway, which must be assessed in the context of the National Planning Policy Framework (NPPF) and the local planning authority should use conditions as necessary.

The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains.

There is also the potential for maintenance works to be carried out on trains, which is undertaken at night and means leaving the trains' motors running which can lead to increased levels of noise.

We therefore strongly recommend that all future residents are informed of the noise and vibration emanating from the railway, and of potential future increases in railway noise and vibration.

## LANDSCAPING

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

## PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

## LIGHTING

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

## SAFETY BARRIER

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

## SECURITY OF MUTUAL BOUNDARY

Security of the railway boundary will require to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Engineer.

## ACCESS POINTS

Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction.

In order to mitigate the risks detailed above, the Developer must contact the Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is [assetprotectionwales@networkrail.co.uk](mailto:assetprotectionwales@networkrail.co.uk). The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

### 4.10 **Natural England (February 2019) - NO OBJECTION**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's advice on other natural environment issues is set out below (see in full on website)

#### **Internal Council Consultations**

### 4.11 **Service Manager Built and Natural Environment comments: Historic Buildings Conservation (November 2019)**

#### **Recommendations:**

Recommend Refusal/Request More Information: In their current form the proposals would cause less than substantial harm to the setting of the Grade 2 listed station and in terms of design would not take full advantage of the opportunities presented by the site. As such policies 130 and 196 of the NPPF would apply.

The building should allow a clear transition and mediation between the character and scale of development to the East and West. It should help to create a sense of arrival with a clear definition of the character of Hereford City for visitors arriving at the station and ideally contribute to the legibility of the townscape and the distinctiveness of Hereford as a place.

Street scene type elevations, such as those included within the D&A statement, if provided as part of the application would aid in the communication of the scheme.

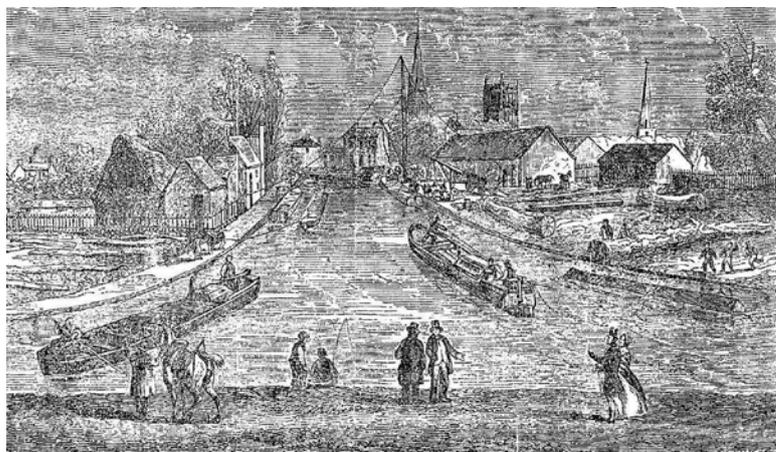
### Background to recommendations:

The site is situated between the Hereford and Aylestone Hill Conservation Areas. To the North West of the site lies Hereford Station, a grade 2 listed building dating from 1855.

Pre-application discussion have taken place, however due to unexpected discovery of additional site constraints and the need to keep to programme for the proposals these were unfortunately cut short in order to bring forward the planning application. These comments are therefore very much a continuation of the pre-application process and are intended both to advise the applicant as well as to provide heritage advice to the Local Planning Authority.

Whilst not entirely atypical of a city (for example Bristol Temple Meads) the separation of the listed Railway Station from the city is an opportunity for redevelopment of the land between it and the city centre. The forecourt is currently something which doesn't contribute to the significance of the building and as part of the wider proposals for a transport hub in this location, the opportunity exists for development around the site to create an environment which is welcoming, creating a sense of arrival, but also one which relates to the history of the site and the character of architecture and townscape in the wider city.

Hereford retains a legible medieval street pattern. The area to the North of the city is one which has the capability to link the station building to the commercial centre and expand the town. The Old Market Development shows how this can be successfully achieved by considering the scale of buildings and creating a legible series of streets and spaces which respond to the character of the existing city, whilst creating a new, distinct layer in the history of Hereford. The development between the Old Market and the railway station has the capability to continue this success and create a clear definition of Hereford as a place upon the arrival to the city and the start of a legible route into the city centre.



Above: An engraving of the canal basin shortly after it opened in 1845

Historically this area was known as Widemarsh and was largely uninhabited due to its marshy nature. The coming of the railway and canal created an area of industry and warehousing in what was a sparsely populated area. On and around the site there were historically canal wharfs and timber merchants as well as other light industries. A nolle plan of the city clearly shows the area as it currently is, an area of opportunity where creating a transition between the dense urban spaces of the city centre and the housing of Aylestone Hill, whilst extending the urban form of the city towards the north would be advantageous. Currently the area is one of car parks and the type of buildings more currently experienced outside of a City Centre.



© Donald Insall Associates 2018

### Comments:

Overall there are a number of features of the design which, when combined, give the impression of overpowering the station building and would not respond strongly to creating a sense of place. The architectural approach, massing and composition are all factors which could mitigate these factors.

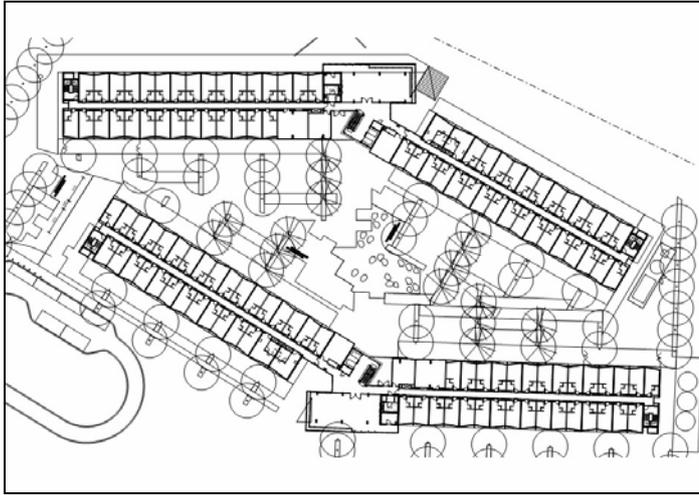
- **Architectural Language:** There is the opportunity to relate the approach taken to the scale of buildings in the wider area, their materiality and local distinctiveness. There are some elements which appear unresolved. For example, the vertical slot gives the impression of a Crenel but isn't fully defined and the linking elements could be more defined by having greater transparency and set back. In terms of distinctiveness and being of Hereford as a place, the building could either take cues from buildings in the area or use characteristics in a more abstract way to create its own personality.
- **Massing:** There are theoretically a number of approaches to massing which could have been used. Several of these would be discounted due to the presence of a mains sewer on much of the site. For example, having a series of deeper blocks running north/south would be precluded for this reason. However the design doesn't commit to one particular approach to its massing. It is felt that either a carefully designed series of blocks or a strong linear feature as approaches could both potentially work. If the current approach is retained and adapted, we would recommend placing the building on piloti, this would enhance the appearance of the buildings linearity. If the approach of a series of separate blocks with stronger articulation is used, reference should be made to the buildings within the centre, however it is felt that an overly literal approach would not be successful as there needs to be a transition between the different character areas of the city.
- **Directionality:** It is felt that there is an opportunity for making each end different (and each side too?) to reflect the different character of each side of the building. The orientation of the building and the character of the site to each side may also be a factor. For those rooms facing south and the road, acoustics and solar gain/glare may be factors which need to be considered. The Western elevation may need to respond more to the Station and the urban space created by its forecourt. The Eastern end may need to respond to views from Aylestone Hill and Commercial Road.

- Plan Form: Would recommend either a straight building or one with a clear, defined kink (see attached sketch.) There is a danger the slight kink would look like a surveying error and detract from the design of the building.
- Materials: The light colour brick unfortunately doesn't relate strongly to context, it may be that this represents the tonality of stone buildings such as the cathedral. Whilst not as fundamental as the massing or architectural language to the success of the scheme, if the materials proposed had a clear rationale and supported the aim of reinforcing local distinctiveness, this would contribute to a building which would have a positive impact upon its environment.
- Distinctiveness: The site offers the opportunity to create a sense of place, a sense of arrival and a sense of what it means to be in Hereford. A building with a distinct personality, responding to the cues of buildings around it and in the wider area. A building with a distinct character would not only help to define the station forecourt and the arrival in Hereford as a place, but it would also make clear the aspirations new University.

For the small building:

- It looks like the idea is for a small modern vernacular building, perhaps relating to lineside huts and signal boxes on railway lines or the type of structure which might have been associated with the canal wharf and sawmills previously on the site? It is felt that the defining idea for the building needs to be drawn out so that the design can then follow on from it.
- The idea of a single, small architectural object is a good one, however it is felt that the single storey element may need refinement – could this be a simple glazed box like pavilion (like Philip Johnson's Glass House perhaps?).
- In the buildings current form it is not felt that the design if fully resolved, for example the proportions of the openings to the single storey element appear domestic. This and the scale of the openings may be at odds with the context of the student accommodation and station building.
- Street scene type elevations would be beneficial in understanding how the building relates to both the new building and the railway station.





The building above (Monash University Housing, by BVN.) shows how greater articulation of the façade, a clear architectural language, directionality and definition of the ends of building can provide a successful building. The articulation is something which could help respond to local distinctiveness. Depending upon the massing strategy chosen, a more linear approach could also work well, provided that it is mindful of context.

The Birmingham Foyer building by Ian Simpson Architects (below) shows how such a building can be composed to respond well to the scale of the buildings around it. The raising of the building on piloti minimises the apparent height and the façade is different on each side, with a more solid elevation facing the road.





The scheme below by Sheppard Robson for St Andrews University, shows how large scale buildings can be successfully integrated into an area, the second photo showing how it fits into the urban grain of the city.





Broadcasting place, Leeds, by Fielden Clegg Architects. Whilst the tower element is perhaps out of scale for the site in Hereford, this scheme shows how building heights and massing can relate to the scale of buildings around them and help to create spaces between buildings. The Architectural language is also distinctive.

4.12 Service Manager Built and Natural Environment comments:  
**Historic Building Conservation (February 2019)**

Recommendations:

We note that significant efforts have been made to improve the design of the building, however we would still have a concern over the height at the North Western end. As such it is felt that the proposals would cause less than substantial harm to aspects of the setting of the Grade 2 listed station which contribute to its significance and any harm should be weighed against any public benefits of the proposals. As such policy 196 of the NPPF would apply.

If subsequently approved at committee we would recommend that the following conditions are imposed. This does not imply a recommendation for approval

- External materials, details and samples
- Details of heads, cill and reveals of window openings
- External Joinery details
- Landscape scheme
- Details of any solar shading.
- Details of rainwater goods, external plant, vents etc.

Background to recommendations:

These comments should be read in conjunction with previous consultation responses to the proposals which cover in more detail the significance of nearby buildings and the context of the site.

Comments:

There has been some improvement in the design, notably the materiality is more 'of Hereford' and the building has more directionality, responding to the station forecourt. There are minor details which may need resolution, for example the junction of pitched roofs with the lift/stair cores. The massing is improved, however from the street scene/contextual elevations there is still a concern about height at the Western end of the building. Treatment of the fenestration is also much improved. Whilst the building doesn't have a strong architectural personality, it does make some effort to respond to context in the references to warehouse and industrial buildings. That the north elevation is more recessive than the south is welcomed as this minimising any potential dominance over the housing set above the railway lines towards Aylestone Hill.

The Railway Station is significant architecturally, historically and communally. It is a statement of the aspirations and prosperity of Hereford and the railway company at the time of

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

construction. The design reflects the growth of railways in England in the mid C19. The building has a relatively small scale for a city, being of two storeys with projecting gables, although the floor to ceiling heights are relatively large. Railway buildings are liminal places, they are locations for the start and finish of journeys and the point of entry into a town or city. The space in front of the station and the experience of it is closely related to the significance of the building as this point of arrival in Hereford. Whilst the site is not within a Conservation Area and there is no statutory protection for the setting of a Conservation Area, policies within the NPPF allow this to be a planning consideration. Whilst there would still be some impact upon the experience of the Conservation Area, it is felt that with the change in design, the main issue would be height and the impact upon the experience of the station forecourt and the experience of the architectural significance of the station building.

4.13 Service Manager Built and Natural Environment comments:  
**Archaeology Comments (November 2018)**

The site proposed for this prominent new building is in far eastern extremity of the strategic 'ESG' re-development zone, close to the southern corner of the listed Hereford railway station. I use the term 'close' advisedly: to be clear, the development would neither be "next to" or "in front of" the railway station. Currently a deeply terraced-down car park, the site in recent memory was associated with a large retail warehouse, and in more distant memory by a variety of industrial and transport related structures and features. The history and archaeology of this area, summarised in the submitted heritage assessment, was previously appraised in considerable detail as part of the ESG process.

In my view, although the submitted heritage assessment does contain a number of errors, its general content and conclusions are sound. I am also of the view that sufficient knowledge already exists regarding the potential below ground impact of the development for there to be no requirement for (e.g.) a field evaluation in this particular case. In the circumstances, I consider that sufficient good information is already available regarding the significance of the heritage assets that would be affected in the environs of the development. In truth, no more raw data is needed at this stage, and it would be disproportionate to seek it.

That being said, there may well be some potential issues as regards (for instance) the creation of this kind of tall structure so near to a historic access point for the city, and within eyeshot of a number of conservation areas. As is normal, I would defer to any comments the principal building conservation officer makes in those respects, although it does seem to me that given the previous history of the site, the general character of the near locality, and the specific positioning of the principal new build, there would be no compelling objection in principle here. The more weighty issues and possible objections are likely to involve the details of design and execution. It is obvious from comments already received that the form of the new building is causing concern.

The closeness of the site to the functioning railway station, and the development's coincidence with the main pedestrian thoroughfare (such as it is) to the ancient city centre, are key considerations here. I do feel that the submitted heritage assessment, and the application more generally, insufficiently acknowledge the importance and relevance of this. As was justifiably pointed out in the recent Historic England Urban Panel Review, the current 'experience' of entering Hereford from the station across the Link Road is far from satisfactory. It might reasonably have been expected that the application would make some attempt to address this wider conundrum, but it does not. In fact, it may potentially be viewed as contributing to the issues.

As the application fully acknowledges, the site is a 'gateway' site, representing a clear *opportunity* for a significant dividend as regards the historic environment. That being so, I think it entirely reasonable in this case to now seek appreciable enhancement to the link road crossing etc., secured by means of additional design changes / commuted sums of money

under Section 106 (or some other form of appropriate agreement or obligation). For instance - although it is not for me to suggest specifics - a new footbridge might ultimately be appropriate here, or an underpass, or indeed another suitable and agreed arrangement that would aid pedestrian permeability through and appreciation of this gateway.

Were some clear benefits to the historic environment to be provided by this proposal, then the application could be viewed much more in the light of NPPF Para 202 (enabling development), and could accordingly be viewed as sustainable beyond the normal policy position.

Conclusion.

No objection in principle, but further information / commitments sought.

4.14 Service Manager Built and Natural Environment comments:  
**Archaeology (February 2019)**

Having regard to the amended details supplied and representations you have already received (in particular but not limited to the comments made by the principal building conservation officer 08/02/2019) I can confirm that I accept the further design information / changes and have no objections to what is proposed.

I trust that my 14/11/2018 suggestion that appropriate monies be provided from this scheme [to enhance the historic environment locally] is still being given due consideration.

4.15 Service Manager Built and Natural Environment comments:  
**Landscape (November 2018)**

Further landscape design information is required as the application material is conceptual and does not provide the level of detail and therefore evidence of deep thought warranted for a development of this significance and its setting.

In principle, the concept to provide a contemporary living hub with gathering places; areas for students artistic expression; green space and general urban public life is a step in the right direction, more evidence is required to substantiate and validate these ideas and make it relevant to its place and setting, and take into consideration the scale of the building.

*'The issue of good urban design is not about some abstract ideal, it's about creating the right conditions to make places work'*

The Councillor's Guide to Urban Design, CABE

The site constraints (noise, circulation, safety, and setting) need to be carefully considered to make a public realm that is responsive, comfortable and liveable for the participants (residents and visitors), and the wider audience (The large number people who move to and from the station; from Morrisons and passers by such as vehicles, bicycles and pedestrians). This development has a both a private and public responsibility given its location has an important role to connect people and be 'front of house' in line with the sense of arrival attributed to the Hereford Railway Station.

*Relevant Policies:* Herefordshire Local Plan, Core strategy 2011-2031

- SS6 - Environment Quality and Local Distinctiveness
- LD1 - Landscape and Townscape
- LD2 - Biodiversity and Geodiversity
- LD3 - Green Infrastructure

*Recommendations*

*Scale and vertical green infrastructure*

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

Consider large mature trees with subsequent root provisions (sub surface cell structure system or sufficient soil zones) to allow for trees of stature that complement the scale of the building and the existing tree structure.

The Welsh Water infrastructure is a potential constraint (however is at considerable depth), so all endeavours should be made to maximise the opportunities that do exist and look to other design strategies that could be applied to achieve vertical planting to support the scheme. This may include green walls, structures with climbers, landscaped mounds and tall hedges.

*Comfortable places*

Consider the proximity of the outdoor space and roads and determine how an increased density of green infrastructure with insertions of hard space (seating, gathering and art collections), could create a more intimate residential environment that mitigates noise and pollution.

*High quality design and materials*

A development of this significance warrants a high quality of design and palette of materials.

*Accessibility (Ramp)*

Consider using a 1:21 ramp to avoid handrails and integrate into a soft landscape condition or use a step/ramp as a potential seating 'amphitheatre' space. The more the functional requirements are seemingly integral into the design, the landscape will have a stronger sense of purpose and harmony.

*Detailed plans and schedule (Soft landscape)*

Provide soft landscape plan and schedule of planting and trees with species and proposed planting sizes.

*Detailed plans and drawings (Hard landscape)*

Provide hard landscape plan (with levels) and detailed drawings of existing conditions and proposed landscape design to demonstrate material selection, colours and interfaces.

4.16 Service Manager Built and Natural Environment comments:

**Landscape (February 2019)**

The comments from the Landscape Officer, dated 16/11/2018 still stand in principle.

Review of amended drawing:

- Landscape Proposal Illustrative Strategy Plan, Rev E, dated 22/01/2019

Comments for the revised scheme (Refer to figures 1 to 3) include:

1. Tree structure to reflect the scale of the street, building and public realm. (Observe the surrounding context and use the tree species to enhance a strong character. Consider Plane Trees and Pines.
2. Consider the importance of the existing stand of Plane Trees (figure 3) in place making. (It could be made into a place for people to sit while waiting for a train).
3. Consider the wider context and how this could add value for the development, station and streets.
4. Make it greener. It looks hard for a place of living.
5. Confirm if Welsh Water infrastructure is a real constraint. Are there precedents of planting/trees over/near Welsh Water or similar easements?



Figure 1: Consider the context, scale relationships and place making.

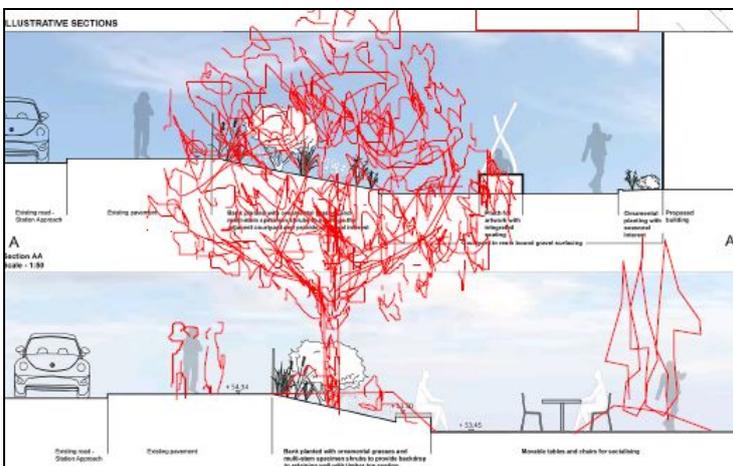


Figure 2: Consider the scale relationship between the streets, building and public realm.



Figure 3: Consider the value of the stand of Plane Trees in place making for the residents and station users.

4.17 Service Manager Built and Natural Environment comments:  
**Tree Officer (November 2018)**

This part of Hereford has high levels of traffic and an extremely low level of green infrastructure, I see this as an opportunity to improve the canopy cover and improve the street scene. The Design and Access and Landscape Concept Plan statement does elaborate on current proposals for soft landscaping.

To avoid trees being dwarfed by the building it would be preferable to have a mix of large and medium trees planted at the front of the building. This will help to break up the façade of the building which appears to be similar in colour to the road and footways, adding some vibrancy visual interest.

Selecting trees/varieties with a conical form should be considered to avoid possible contact with the building. The aspect on this side of the site is south/south westerly and it would be prudent to select species which are tolerant to hot urban conditions.

The larger specimens should also be semi nature nursery stock to ensure that there is immediate visual impact.

To date there is little information with regards to species selection; information is required to elaborate on the species choice taking into account comments made. Sub terrain infrastructure should be taken into consideration demonstrating how the trees can be facilitated by for example cellular structures and root barriers.

Taking my comments into consideration would help the project comply with Herefordshire Core Strategy LD1 & LD3.

4.18 Service Manager Built and Natural Environment comments:  
**Tree Officer (February 2019)**

Tree Losses

Adjacent to the main entrance to the site/car park there is a group of semi mature London Planes. These trees are significant features at a site where there is a lack of high amenity trees and their retention and protection must be maintained. It appears on the plans that one of the trees (see pic) is to be removed unnecessarily, it is referenced as T4 in the Tree Report, category B in accordance with BS5837:2012. I am of the opinion that this tree can be retained by way of facilitation pruning to keep it away from the building. It is unlikely that there will be any root activity in the area of the car park due to the adverse subterranean conditions meaning that there is minimal chance that any building footprint will impinge on the tree, below ground.



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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

I also consider that the line of trees on the northern boundary is on the whole not appropriate for the change of use. These are large trees with broad spreading canopies that will regularly encroach towards the building, requiring regular pruning. I propose that all of these trees, T5-T27 should be removed and replaced in similar numbers with species which are appropriate for confined spaces.

#### New Trees

I appreciate that the location of the drain puts constraints on the amount of planting and containers have been considered. I don't completely object to this concept but I would like to see a detailed landscape plan which shows the size of containers and trees, both should be large in scale.

As can be seen on the overlaid plans, planting near the northern end of the site is located away from the location of the drain. There are products available that are capable of containing and directing roots so that they can be kept separate from infrastructure. I would urge that such products are researched so that permanent tree planting can be included in the design. If it transpires it is possible then I refer to my previous comments on planting at the front of the building and why there is a need for planting in this part of the city.



So far more trees are being removed to facilitate the design than are being put back; this is contrary to CS strategy LD1 & LD3. As a Herefordshire Council project greater effort needs to be made to improve the green infrastructure of Hereford City.

#### 4.19 Service Manager Built and Natural Environment comments: **Ecology (December 2018)**

##### HRA / drainage

The site falls within the River Wye SAC catchment and within the River Wye SAC Impact Risk Zone “any discharges of water or liquid including to mains sewer” - and so this application is subject to a formal Habitat Regulations Assessment (HRA) process by this local planning authority (LPA) as the competent body in consultation with Natural England.

The initial Habitat Regulations Screening Assessment identifies foul water and surface water as ‘likely significant adverse effects’. The applicant has indicated in the planning application that foul and surface water output will be dealt with by existing mains sewer.

*Subject to the required Habitat Regulations Appropriate Assessment being approved by Natural England and these methodologies being subject to relevant implementation Conditions on any planning consent granted, there are NO unmitigated likely significant adverse effects on the River Wye (River Lugg) SAC identified.*

Suggested Conditions are inserted at recommendations section below.

4.20 **Service Manager Built and Natural Environment comments:  
Open Spaces Planning Officer (November 2018)**

These comments relate to the provision of Hereford University student accommodation and ancillary facilities.

Core Strategy OS1 - requires the provision of appropriate open space, sports and recreation facilities for:

- Residential institutions including student accommodation.

The need for open space, sports and recreation will be considered on a site by site basis. On site provision will need to be integral to the functioning of the development. Off site may be sought where appropriate on an equally beneficial basis.

In this instance users of this type of accommodation will need access to either on or off site amenity green space for informal recreation. There is very little in the way of public open space in the vicinity of this proposal. I would therefore advise that as this proposal develops, some form of community garden space is included on-site to allow students informal recreation opportunities within close proximity to their living accommodation. Access to good quality green space helps improve health and well-being.

4.21 **Transportation Manager Comments (October 2018)**

It is understood that the application comprises a full application for a 178 bedroom student accommodation and an outline application for a standalone commercial unit. A Transport Statement accompanies the planning application, however, no swept path analysis plans are provided. The local highway authority (LHA) has concerns regarding the servicing of the site, principally refuse collections and deliveries to the commercial unit. It should be demonstrated that a refuse vehicle can enter the site, park adjacent to the bin store (whilst not blocking the access/egress), turn safely within the site and exit onto the public highway in a forward gear.

Concern is also raised about all of the cycle parking being contained within one secure room. How would security be managed? Consideration should be given to creating a number of smaller rooms so that security is easier to control, for example one room per floor.

A Management Plan (travel plan) should also be provided which sets out how the management company intends to manage the arrival/departure days when students move in and move out at the beginning and end of the term/academic year. This should include where parents/students will park and how they will transport their belongings to the site.

Due to the low usage of the access it would be preferential to have a crossover rather than a junction to give priority to pedestrians, therefore the drawing should be amended. The crossover should be constructed to highway standards to accommodate HGV usage.

Until such information is received the LHA cannot comment further on the application

4.22 **Transportation Manager Comments (February 2019)**

Further to my previous comments on the planning application vehicle tracking has been received which is acceptable and the access has been changed to a vehicle crossover which is considered to be an acceptable arrangement.

However, a Management Plan detailing how the moving in and moving out of students will be managed has not been provided as requested. There could potentially be 178 students moving in or out over one weekend at the beginning and end of each term and therefore how

this will be managed, especially considering the minimal on-site car parking, is an important consideration and the local highway authority is unable to fully comment on the application without such information.

In addition, as previously commented on, the cycle parking is still provided in one large room which will discourage use due to security concerns. If cycle parking is to be provided in one room with the whole building having access then individual cycle lockers should be provided rather than Sheffield stands. Alternatively the cycle parking should be provided in a number of rooms to reduce access to each room, for example, one room per floor with only those students residing on that floor being given access to that particular room.

Informatives: I09, I45, I08, I05, I54, I51, I41, I36  
Conditions: CAE, CAL, CAP, CAZ, CB2, CB3

#### 4.23 **Transportation Manager (February 2019) additional comments**

The local highway authority are pleased to have received a draft Arrivals Procedure document although it is disappointing that it hasn't been progressed further with discussions having already taken place with neighbouring car parks and agreements in principle received regarding their use.

The document sets out the basic principles and procedures that will be applied during the arrival day/weekend. However, the effectiveness of the plan relies on the use of neighbouring car parks and how close those car parks are to the accommodation. If the car parks are some distance away (i.e. over a 5 minute walk) the plans as they stand may be over-ambitious in terms of the number of students arriving during a one hour period, the number of staff on duty and the speed at which students can check-in and move their belongings into their rooms. Should planning permission be granted the local highway authority would wish to approve the final version of the Arrivals Procedure document prior to the completion of the building and at least six months prior to students moving in.

The local highway authority are also still disappointed to see that our comments regarding the cycle parking arrangements have not been taken on-board. One large room with all 178 students having access to all bicycles will deter students from bringing their bicycles, even with CCTV. Should planning permission be granted, as part of the Travel Plan for site, cycle parking use should be monitored and the annual travel survey should identify any barriers to cycling.

#### 4.24 **Waste Management Comments (November 2018)**

Access for the refuse collection vehicle (RCV): The area is serviced by a 26 tonne RCV. Access needs to be suitable for a vehicle of this size and weight, with adequate turning to allow the RCV to enter and exit the site in forward gear. Vehicle tracking should be provided to show, in principle, that the RCV can access and turn within the site.

Location of the bin store:

The distance to the bin store from an external door to the building is over the recommended carry distance of 30 metres. This is not in accordance with "Guidance Notes for storage and collection of domestic refuse and recycling" or ADEPT Making Space for Waste 2010 (section 3.6.1). If waste is to be taken to the bin store by a building management team what arrangements would be put in place to ensure carrying and lifting requirements are suitable?

Collection point of bins:

The D&A statement states bins will be placed out for collection by building management however the collection point of the bins has not been included on the site plans. For 4 wheeled bins this should be within 10 metres of where the RCV can safely access.

4.25 Environmental Health Officer Comments:  
**(Housing) – (November 2018)**

I have no adverse comments

4.26 Environmental Health Officer Comments:  
**Housing – (February 2019)**

After reviewing the amended above planning consultation I would like to provide the following comments in relation to Housing Standards:

We do ask for all planning applications to comply with Herefordshire Council's General Amenity and Facility Standards which has been attached to this email. However we are specifically concerned with the 'Kitchen' section of the Amenity Standards (page 2 of 6 ).

As such we would like to put forward that the 'Kitchen' section in the Amenity Standards (page 2 of 6) is a condition for the Station Approach planning application.

4.27 Environmental Health Officer Comments:  
**Noise and Nuisance – (November 2018)**

My comments are with regard to potential noise and nuisance issues that might arise from development. Noise attenuation

The applicant has supplied a noise impact assessment which examines the impact of existing road and rail traffic noise on the proposed student accommodation. The report does not take into account future potential road traffic noise as a result of a likely increase in road traffic along the link road and also the redevelopment of the adjacent site to the west. (The report in figure 2.1 has rather distorted the risk diagram - the actual ProPG guidance would place the site as a medium risk site)

The report concludes that due to the ambient transport noise in the vicinity open windows cannot be relied upon as the primary source of background ventilation for the large majority of proposed habitable areas. The assessment concludes that for the noise to be sufficiently attenuated to achieve the desirable standards set out in BS8233 windows will need to be kept closed and openable for purge ventilation only. A glazing specification is supplied for the north east, south west and north west elevations with an enhanced specification for double glazing to the south east windows and acoustic trickle vents specified to all windows in habitable rooms.

Our department does not generally support proposals for residential development where the majority of bedrooms have to have their windows closed to achieve satisfactory noise mitigation. We encourage the use of an Acoustic Design process and consideration of how the layout and design of a site can be organised such that transport noise is mitigated. In these circumstances however, this is a city centre brownfield development and we do not object to this proposal on noise grounds and are not of the opinion that there is much more scope to alter the design and layout (- save for additional kitchens to be placed as a buffer to the south east elevation to increase noise attenuation). We do recommend however, that due to the high likelihood of increased road traffic noise in the vicinity, the glazing specification for the south east elevation be used for the north and south western elevations also.

### *Ventilation and Overheating*

The report recommends acoustic trickle vents, the effectiveness to be checked by a mechanical services engineer to before designs are finalised to ensure the minimum requirements of Part F of the Building Regulations are complied with.

With the ability to open windows, occupants will be able to purge ventilate their rooms. However, thermal comfort conditions may not be achievable, and overheating may occur especially to the south western elevation of the property without additional mechanical or other ventilation. The applicant's noise report identifies in para 4.3 'Open windows cannot be relied upon as the primary source of background ventilation' but the applicant has not supplied details of how proposed thermal comfort arrangements in these circumstances are to be provided. Para 2.7.2 h) of the ProPG guidance specifies that 'reasonable steps should be taken to minimise overheating during summer months through good design' (Use of good design to overcome this such as acoustically treated overheating vents or use of screens over windows to screen out daylight and heat at peak hours would not yet appear to have been considered).

### *Recommended conditions*

The proposed double glazing for all bedrooms and cluster rooms at all elevations at the property to be enhanced 10/12/6 double glazing with acoustic trickle vents.

Prior to the commencement of works and before the building design is finalised the effectiveness of the proposed acoustic trickle vents is to be checked by a mechanical services engineer and a report supplied in writing to demonstrate that the minimum requirements of Part F of the Building Regulations are complied with. An assessment must also be provided as to the risk of overheating using CIBSE TM59 to ensure the predicted temperatures inside the bedrooms and cluster rooms achieve overheating compliance criteria.

Prior to the occupation of any of the apartments hereby approved a Validation Test (with an approved method statement) of the sound attenuation works shall be carried out and the results submitted to and approved by the local authority. The Validation Test must demonstrate that the noise levels contained in BS8233:2014 can be achieved. In bedrooms the scheme must achieve noise levels of 35dB LAeq between the hours of 07:00 and 23:00 and 30dB LAeq between the hours of 23:00 to 07:00. In living/resting rooms the scheme must achieve a noise level of 35dB LAeq between the hours of 07:00 and 23:00. In the event that these noise levels are not achieved, then a further scheme of sound attenuation works capable of achieving the specified noise levels to be submitted and approved by the local authority must be installed before the use is commenced and thereafter retained.

Reason: In the interests of securing adequate noise mitigation such that living conditions are acceptable and in accordance with Policy SD1 of the Herefordshire Local Plan Core Strategy 2011-2031.

#### **4.28 Environmental Health (Air Quality)**

Please find my comments below, relating to the above application in respect of Air Quality.

The location of the proposed development is in close proximity to the junction of Commercial Road and the new City Link Road, it is also close to train station and the proposed Transport Hub. Therefore this location may be subjected to elevated levels of nitrogen dioxide and particulates associated with vehicle emissions.

Further consideration may also be required to the likely increase in traffic along the City Link Road. My understanding is that there is shortly to be a consultation on public realm

improvements on Newmarket Street and Blueschool Street; this may relate to reducing the traffic flows along these dual carriageway sections. Currently I am unclear on how this may impact on traffic flows on the City Link Road and surrounding road network.

In conclusion, should planning permission be granted for this development. A suitably worded condition should be applied to the permission to require:

- That an air quality assessment should be undertaken to determine likely impact of air quality on the persons occupying the development.
- Should adverse impacts be identified by the air quality assessment, mitigation measures should be proposed.
- Any mitigation measures proposed may need to consider other environmental impacts such as noise and adequate ventilation.

#### 4.29 Environmental Health (Contaminated Land)

I refer to the above application and would make the following comments in relation to contaminated land and human health issues.

The application has been submitted with the following report together with that which precedes it:

"Phase II Ground Investigation Report for Station Approach Car Park, Hereford." Prepared by GIP Ltd., Dated 12th October 2018, ref: KCS/27404B.

The report identifies the site to be suitable for its intended use on the basis of the investigation undertaken to date subject to some mitigation measures. Nevertheless, there are some minor technical questions which I think should be addressed by the specialist in due course which I have outlined below. I would add however, the information submitted to date is sufficient to allow for the development to be conditioned in the interim.

1. *The Conceptual Site Model (CSM) is used to inform and address uncertainties with regard to risks from contamination. As such, the boreholes, trial pits or whatever approach adopted should be targeted and guided by the findings of the Phase 1 report which precedes the intrusive investigation. And whilst the Phase 1 and Phase 2 CSM mention the previous use of the site as a 'garage' with the potential for tanks (and thereby likely associated infrastructure if present), the intrusive investigation does not seem to have been designed to look for these or address the uncertainty.*

In this instance, it appears the boreholes were primarily designed to target the proposed buildings and areas of hardstanding. This rationale seems to be on the basis of geotechnical requirements rather than geo-environmental (although the information is nevertheless useful in informing the risks).

Where there is more uncertainty, the sampling and investigation should be scoped to recognise and address this and thereby increase confidence that significant contamination or risks are unlikely to remain on site.

Given the above I'd ask whether the site has been suitably characterised by the number of boreholes which form the investigation and whether alternative and additional approaches should be adopted to supplement that carried out to date.

2. *As a point for information only, the protection measures recommended in the report will need to be validated in general accordance with C735 in due course. In a similar manner, any asbestos affected areas will also need validation when remediated or mitigated.*

With the above in mind I'd recommend the following precautionary condition be appended with a recognition that the majority of works have been completed by submission of the reports provided. It is recommended to address the remaining technical uncertainties to ensure reassurance can be provided.

Following further discussion with the applicants they confirmed that they would progress as follows:

#### Option 1:

In order to investigate the former garage area further, through which the sewer runs, a series of shallow trial pits to, say, 2m or 3m (dependant on sewer depth) below ground level could be undertaken to obtain samples for environmental testing. We recommend that this should be undertaken once the surface hardstanding has been removed and other utilities (e.g. electric) are decommissioned so that any petroleum hydrocarbon staining of the soils may be visible and access is fully available.

The findings would then be provided in a supplementary interpretive report to submit to planning. We would also recommend in our report that a watching brief is given to the site development contractors and if any olfactory or visual evidence of hydrocarbon contamination is found, or any fuel tanks, that they contact ourselves for further advice and way forward.

A condition is recommended (as suggested in section 6 below)

## **5. Representations**

### **5.1 Hereford City Council (November 2019)**

Hereford City Council Planning Committee strongly object to Planning Application 183841. Councillors cited numerous design flaws with the proposed building, stating that a building in this location should be more appealing to the eye and reflect Hereford's character, rather than be a rushed project which will stand as an eyesore for both visitors and residents alike in the years to come. Councillors also commented that the proposed building is too tall for the area, and as a result the views of the City from Aylestone Hill would be decimated. Hereford Train Station – one of the City's more admired buildings in an architectural sense – would be hidden behind a building of cheap and hurried design. Councillors regarded this as overdevelopment of the site, as the building would effectively turn the area into an extremely busy residential location, where there is currently no living accommodation whatsoever. Although Councillors believe this project to be in the wrong location – commenting that there are numerous other locations for university student accommodation – if the proposed building were to be built it would need an aesthetic redesign and reduction in height in order for Councillors to consider giving their approval

### **5.2 Hereford City Council (February 2019)**

No objection from Hereford City Council Planning Committee in regards to Planning Application 183841. Councillors were pleased with the alterations to the proposed building's roof (which was a key item in their previous objections), and though there were still concerns over the height of the building, Councillors felt that the amendments made were satisfactory.

### **5.3 Wye Valley NHS Trust (November 2018)**

Detailed comments have been received that can be seen online at:

<https://myaccount.herefordshire.gov.uk/documents?id=53e872fd-e751-11e8-888e-0050569f00ad>

The summary and conclusion are detailed below:

31. Having considered the cost projections, and phasing of capacity delivery we require for this development it is necessary that the Trust receive 100% of the above figure prior to implementation of the planning permission for the development. This will help us to ensure that the required level of service provision is delivered in a timely manner. Failure to access this additional funding will put significant additional pressure on the current service capacity leading to patient risk and dissatisfaction with NHS services resulting in both detrimental clinical outcomes and patient safety.

#### *Summary*

32. As our evidence demonstrates, the Trust is currently operating at full capacity in the provision of acute and planned healthcare. It is further demonstrated that although the Trust has plans to cater for the known population growth, it cannot plan for unanticipated additional growth in the short to medium term. The contribution is being sought not to support a government body but rather to enable that body to provide services needed by the occupants of the new development, and the funding for which, as outlined above, cannot be sourced from elsewhere. The development directly affects the ability to provide the health service required to those who live in the development and the community at large.

33. Without contributions to maintain the delivery of health care services at the required quality, constitutional and regulatory standards and to secure adequate health care for the locality, the proposed development will put too much strain on the said services, putting people at significant risk. Such an outcome is not sustainable.

34. One of the three overarching objectives to be pursued in order to achieve sustainable development is to include b) **a social objective** – to support strong, vibrant and healthy communities ... by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being:" NPPF paragraph 8.

35. There will be a dramatic reduction in safety and quality as the Trust will be forced to operate over available capacity as the Trust is unable to refuse care to emergency patients. There will also be increased waiting times for planned operations and patients will be at risk of multiple cancellations. This will be an unacceptable scenario for both the existing and new population. The contribution is necessary to maintain sustainable development. Further the contribution is carefully calculated based on specific evidence and fairly and reasonably related in scale and kind to the development. It would also be in the accordance with Council's current development plan:

36. Current development plan

#### *Policy ID1- Infrastructure Delivery*

*“Provision for new and/or the enhancement of existing infrastructure, services and facilities to support development and sustainable communities, will be achieved through a co-ordinated approach.*

*Where necessary, in addition to planning conditions for essential on-site design requirements and critical infrastructure, developer contributions towards strategic infrastructure through s106 agreements and/or a future Community Infrastructure Levy (CIL), will be secured in accordance with national planning policies and other relevant legislation.*

*A Planning Obligations Supplementary Planning Document (SPD) will provide details of the type and scale of obligations that may apply.”*

Chapter 8 of the NPPF elaborates paragraph 8 in paragraph 92, which directs that:  
*To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

- a) ... ;*
- b) ... ;*
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;*
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*
- e) ... .*

Further, the Planning Practice Guidance (‘PPG’) provides that:

*Local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in local and neighbourhood plans and in planning decision making. Public health organisations, health service organisations, commissioners and providers, and local communities should use this guidance to help them work effectively with local planning authorities in order to promote healthy communities and support appropriate health infrastructure.*

*Paragraph: 001 Reference ID: 53-001-20140306*

The PPG goes on to suggest that information about the impact of a development on the demand for healthcare services[1]:

*... should assist local planning authorities consider whether the identified impact(s) should be addressed through a Section 106 obligation or a planning condition.*

*...Paragraph: 004 Reference ID: 53-004-20140306*

Conclude: In the circumstances, it is evident from the above that the Trust’s request for a contribution is not only necessary to make the development acceptable in planning terms it is directly related to the development; and fairly and reasonably related in scale and kind to the development. The contribution will ensure that Health services are maintained for current and future generations and that way make the development sustainable.

#### **5.4 West Mercia Police (Charles Naylor) – November 2018**

I do not wish to formally object to the proposals at this time.

There are opportunities to design out crime and/or the fear of crime and to promote community safety within the build and it’s immediate site area, of what is potentially an important build for Hereford. Therefore should the proposals gain planning approval, I request that the following informative be placed upon said approval; The applicants should aim to achieve Secured by Design (SbD) award status for this development. SbD is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment. The scheme has a proven track record in crime prevention and reduction. The principles and standards of the initiative give excellent guidance on crime prevention through the environmental design and also on the physical measures. Details can be found at [www.securedbydesign.com](http://www.securedbydesign.com)

#### **5.5 Letters of objection have been received from 13 persons / organisations as follows:**

- Mr Palgrave
- Mrs N Geeson
- Mr Milln

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

- Mr Mee
- Mr Faulkner
- Mr Straker
- Mr Bothamley
- Ms Stevens
- Mr Jones
- Mr Mee
- Ms Joll
- Mr J Hunter- Tod
- Hereford Civic Society

These letters raise the following issues / are summarised below:

## 5.6 *Design / Appearance*

- The proposed building is an unimaginative and unattractive block that is out of keeping with surrounding buildings of status, especially Hereford Station that is Grade II listed and in the Aylestone Hill Conservation Area
- Building will look out of place next to the landmark architecture of the station.
- A four-storey building will be intrusively visible high above neighbouring buildings although there is a staff office, there does not seem to be provision for a live-in warden to take care of student pastoral support issues, such as illness, or pranks (e.g. fire alarms being set off).
- Building is too large in area, too high and out of scale for this site.
- The architecture for what would be a major addition to the city's buildings is poor and monotonous. No real consideration has been given to its relationship with the railway station, the new health centre, the proposed transport hub or the adjacent Aylestone Hill conservation area.
- Any proper environmental design appears lacking;
- The applicant's new drawings are essentially the same scheme as the previous. An egregious slab of prefabricated modules piled up, bolted together and dressed with brick-effect panelling and a pastiche warehouse roof stuck too close to the railway station. The scheme fails so many of the criteria set out in the NPPF it is barely worth listing them
- It fails the key tests of sustainability, mass, form, place-making, impact upon listed buildings and accessibility
- It is destined to fail the principles of the new Hereford City Design Code, currently in draft. I would add that it is also troubling to see visualisations clearly intended to manipulate less informed opinion. Among them are disingenuous impressions the building would be set in tree'd parkland and there are mischievously scaled 'context' elevations in an attempt to fool the viewer the applicant's sixty plus foot high proposal is barely higher than the Station when it would be almost twice as tall.
- It has minimal Eco credentials - it needs more than a few token trees.
- Ignores the advice of the Council's own conservation officer, and is an old fashioned 70's style block.
- The building is too tall It is aesthetically unpleasing- especially given that this is a gateway into Hereford - in huge contrast to the dignified Victorian buildings.
- Our (Hereford Civic Society) view is that the SPD should now be regarded as material to the determination of this application.
- In this context it is disappointing the 183841 application makes no reference to the findings of the Urban Panel, hosted by Historic England, which visited Hereford in October 2017 dealing with the public realm in the area of the listed railway station and how the sense of arrival and welcome for visitors to Hereford has become so compromised by the 'over-engineered' City Link Road, hard landscaping and the poor quality built environment locally. The design of the

- student block fails to help repair this damage; indeed it risks making the transport situation worse by limiting the space for vehicles servicing the Hub and the Station
- Hereford Civic Society note the view of Hereford Council's own expert officers, confirming the observations of Historic England's Urban Panel, the proposal fails to deliver a sense of arrival, fails to define the character of Hereford City, fails to contribute to the legibility of the townscape and fails the test of distinctiveness.
- Why is there to be a separate commercial enterprise within the boundary of this scheme, rather than space for delivery vehicles etc.? What sort of enterprise is envisaged?
- Hereford Civic Society believes this is because the City lacks a reference framework for planning and design and because it doesn't sufficiently appreciate its own cultural language and how that is best applied in new buildings. Good planning follows civic principles, most of which are reflected by the Raynsford Review, and indeed even in the 2018 National Planning & Policy Framework (NPPF). HCS is likely to support schemes which make a positive contribution in most of the following areas that is they demonstrate an intelligent consideration of:
  - energy efficiency in terms of orientation,
  - thermal mass and insulation (eco minimalistic) logical lay out in respect landscape and context use of local skills and materials the form and setting of adjacent buildings creation of strong communities creation of a strong sense of place and identity enhancement of conservation and appreciation of historic fabric architectural/design merit sustainable transport provision affordability and accessibility layout of interior spaces and circulation routes design relating to use and functionality utility as honestly expressed by character and form construction and detailing appropriate to situation civic contribution
  - social, cultural, environmental or economic benefit best fit to local/ community need(s) opportunities for environmental enhancement location in relation to amenities
  - procurement route (volume housing, small dev, conversion, social or bespoke) design life, favouring schemes which will last and age well aesthetics and proportion
- Unfortunately Application 183841 fails too many of these guiding principles and accordingly Hereford Civic Society lodges a strong OBJECTION to the scheme. Let us look at the reasons for this in detail.

### 5.7 *Amenity*

- A noisy environment - not conducive to study. In an area of poor air quality - putting student's health at risk Students may also be at risk from poor security.
- Impact of noise pollution and air quality due to proximity of the road (building and open space) transport hub would introduce even more pollutants. A safe, clean relaxation area should be essential
- Site is exposed to noise from Link Road and railway and pollution from the nearby traffic not the best location for student accommodation.
- Anticipate noise may increase from students holding parties – impact on local residents and those arriving at the station (poor impression of Hereford)
- Increase number of young people living in the centre with easy access to pubs / clubs thus potential for antisocial behaviour (including potential for drug use)

### 5.8 *Layout and location*

- The site is not large enough for the size of building proposed. There is not enough amenity space around the building for its proposed use and being sited between the Station Approach and the railway the external space available can hardly be termed an amenity.
- The site is clearly completely inappropriate for dense domestic occupation sandwiched as it is between the main sewer and a car park with an outlook over the city link road and the railway lines with no meaningful green space at all.

- The proposed building is located in the wrong place. Surely it should be on the country bus station at the rear behind the old Odeon and this site at the station should be developed as a lower and less intrusive multi-storey car park serving both the transport hub (when it comes) and traffic from the north east of the county.

## 5.9 Highways / Parking / connectivity

- Inadequate parking (6 spaces / 172 students) – they may use station parking impacting upon commuters
- Replacing much needed council car parking used by shoppers, local workers and nurses who need parking close to their place of work for night shifts. Potential for use for medical centre.
- Provision of only 6 car parking places on-site associated with 6 recharging points seems discriminatory, favouring those students fortunate enough to own an electric vehicle.
- Students will all be encouraged to use bicycles, but there is no regard to parking for those students who cannot use bikes, plus deliveries, building maintenance vehicles, waste collection etc.
- Provision of a single “room” for bike storage means that too many students will be trying to find their bike and use the same single exterior door at peak times. This will be inefficient and wasted time spent queuing will be annoying. Nor is there an easy exit from the site for cyclists
- How will arrival / departure be managed?
- Students encouraged to use cycles but is road network set up for this? How will it effect the junction? What routes will they be encouraged
- Referred to in JUDP Minutes March 2018 below:  
The new University has left it late to prepare student accommodation for an intake in 2019. The Joint University Delivery Board have put Minutes of some of their meetings on the Herefordshire Council website:  
[https://www.herefordshire.gov.uk/downloads/download/580/joint\\_university\\_delivery\\_board\\_judb\\_documents](https://www.herefordshire.gov.uk/downloads/download/580/joint_university_delivery_board_judb_documents)  
*“AN stressed that discussions have been held numerous times about the tight timescales for turning around potential accommodation sites, i.e. for any sites starting from scratch there will be 12 months of planning works required prior to submission of a planning application. It will then take three months for the application to be determined. There is a real concern that the team are running out of time to deliver the required accommodation.”*  
*“An stressed that the cycle links in and around the city need to be improved, as do those that lead to Rotherwas. We also need to look at how to make the city more cycle friendly so that drivers are aware of and considerate to cycle users. Options need to be looked at for less able bodied students that are unable to use bikes, i.e. golf buggies, etc. Locations need to be identified for where students can leave bikes whilst attending teaching spaces. Potentially a lot of students will bring their own bikes so storage solutions need to be factored into university locations.” (AN = Alistair Neill, Chief Executive of Herefordshire County Council)*
- Parking Spaces. With this development there is no adequate parking for the students and this with put further pressure on nearby streets and roads where parking has become increasingly difficult. (e.g Hopton Road (just off Barrs Court Road)) and as the Council give permission to sub-divide large nearby dwellings more cars add to our parking problems. Unless you force students to only use cycles as a means of transport, it will inevitably further frustrate long term residents unable to find parking, have goods delivered and emergency services finding difficult to answer 999 calls.
- No pedestrian access to Commercial Road. Given that the blocks' student residents will have to make frequent trips on foot to the campus facilities on Venns Lane, it seems wholly illogical that a pedestrian link.

- Access to Colleges. The route to the colleges and the City centre are already inadequate when consideration of the numbers of students arriving by train and bus are taken into account.
- No parking for student cars
- The site would be much more sensibly planned in the context of the Transport Hub (relocated coach and bus station, cycle hire, TiC and other facilities).

#### 5.10 *Other*

- Site ownership. As the site belongs to HC there is a potential conflict of interest which must be carefully monitored.
- Content of application. It is a 'hybrid' application with a commercial development proposed on the corner of the link road. This should be excluded and dealt with separately and later when the layout of the transport hub is known
- Consultation and community involvement: this has been inadequate with the public meeting on 8th October appears to have been kept deliberately low key with no proper publicity. To invite just a few local residents and councillors and then state that there are no objections is nonsense. There should be a further wider and adequate period of consultation before the application is considered as it must be questionable whether what has taken place so far meets statutory requirements.
- Wrong site The logical location for this huge building is on the Network Rail car park adjacent to the railway line, rather than being sited on the land formerly occupied by the Rockfield DIY store. Land swops have been done before.
- The EA's objection on the grounds of flood risk as assessed against climate change and the risk of failure of the Yazor FAS rule it out.

5.11 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=183841&search=183841](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=183841&search=183841)

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**

### **Policy context and Principle of Development**

6.1 Section 38 (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 In this instance the Development Plan for the area is the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies are relevant and will be explored below. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms that proposals that accord with the policies of the CS will be approved, unless material considerations indicate otherwise.

6.3 The NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

6.4 Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to,

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes. Whilst policy H3 of the Core strategy broadly seeks to secure this range of housing, there is not specific reference to student accommodation.

- 6.5 Nonetheless, a specific need has been identified by the Art College and by NMiTE to provide purpose built and affordable accommodation for students. This will, in turn, support the aims of policy SC1 of the Herefordshire Local Plan – Core Strategy in supporting the improvement of the higher education facilities, which will, in turn provide employment opportunities and enhancement of existing provision. There are also widely accepted economic benefits associated with residential development within the city centre – supporting the shops and services.
- 6.6 In addition, outline permission is sought for a commercial unit that is intended to be a kiosk that will compliment the use of the building or nearby transport hub. The small scale nature of the intended building, that is sited on a fairly limited plot, is considered to be acceptable subject to future design considerations.

### ***Location and Accessibility***

- 6.7 As detailed above, Core Strategy policies SS4 and MT1 encourage active travel behaviour to reduce the number of short distance car journeys and access to services by means other than private motorised transport. All development should be laid out to achieve safe entrance and exit, with appropriate operational space. Policy SC1 is supportive of proposals that enhance provision of such community facilities in locations that *“are in or close to settlement and safely accessible by foot, by cycle and public transport”*
- 6.8 This sites location is located adjacent to the city centre, and does offer the opportunity for good accessibility as explored within the Transport Statement. It is considered that the pedestrian facilities in the vicinity of the site, connecting the site to Hereford City Centre and to the College campus are of a high quality and provide safe and direct connections to local public transport links, facilities and services in the area. The layout includes direct pedestrian links onto Station Approach, with vehicular access being limited to the access to the north. No car parking is available for students, but 2 spaces will be available for students that are mobility impaired. All 6 spaces feature electric charging points.
- 6.9 The revised submission has addressed technical concerns about the construction of the access and the servicing of the building (Deliveries and waste management) to the satisfaction of the Transportation Manager. The Transportation Manager has however raised some additional ‘operational’ queries and concerns about the management of ‘arrival and departure’ of students given the minimal amount of parking and also the practicality of the cycle parking provision as this is all within one room within the building. A draft document that addresses the issues of arrival and departures has been submitted and the contents are broadly acceptable. However, some further refinement is required and as such a condition is suggested to ensure that a plan is submitted and in place before first occupation. It is acknowledged that any disruption locally is likely to be very limited over a short period and will need to be carefully managed.
- 6.10 Both the Transportation Manager and other representation raised concern about the cycle parking. Sufficient cycle parking is provided, and issues raise relate to operational matters that will need to be carefully considered and reviewed. A travel plan condition is suggested, and the applicants are advised that this matter is one that also needs some refinement and careful consideration.
- 6.11 Officers are satisfied that the proposed development is sited in a position that is acceptable and supports the aims and requirements of the polices SS4, SC1 and MT1 of the Core

Strategy and the guidance contained within the National Planning Policy Framework in that site is sustainably located, would not adversely affect the safe and efficient flow of traffic on the network, provides for safe entrance and exit, with appropriate operational manoeuvring space whilst encouraging alternative means of transport. As detailed, conditions are suggested to ensure that transport matters during construction phases and during operation are addressed and managed appropriately.

## Flood risk and Surface Water drainage

- 6.12 Policies SD3 and SD4 of the Core Strategy seek to ensure that matters of flood risk and drainage are considered having regard to the requirements contained within the National Planning Policy Framework.
- 6.13 The site proposed for the student accommodation is currently a car park and falls within Flood Zone 2 (Medium Probability as defined in Table 1 of the Planning Practice Guidance) of the Widemarsh Brook, designated ordinary watercourse, on the EA Flood Map for planning. The site lies on lower land compared to Station Approach and the A465 which run to the south and east of the site respectively.
- 6.14 The NPPF (paragraphs 157 – 159) details the requirement for a risk-based Sequential Test in determining planning applications. The NPPF requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a Sequential test. It states that ‘Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding’.
- 6.15 The application submission has not undertaken any assessment in relation to the sequential test, making the assumption that as the site is being ‘promoted’ by the Council therefore no further work is required. Officers have however considered the requirements in respect of the development, and sites that may be available, in a location that would be acceptable and available. As can be seen from the plan inserted below, much of the remaining land to the north east part of the city, that allows for good connectivity to the college and city, lies either within flood Zone 2 or Flood Zone 3.

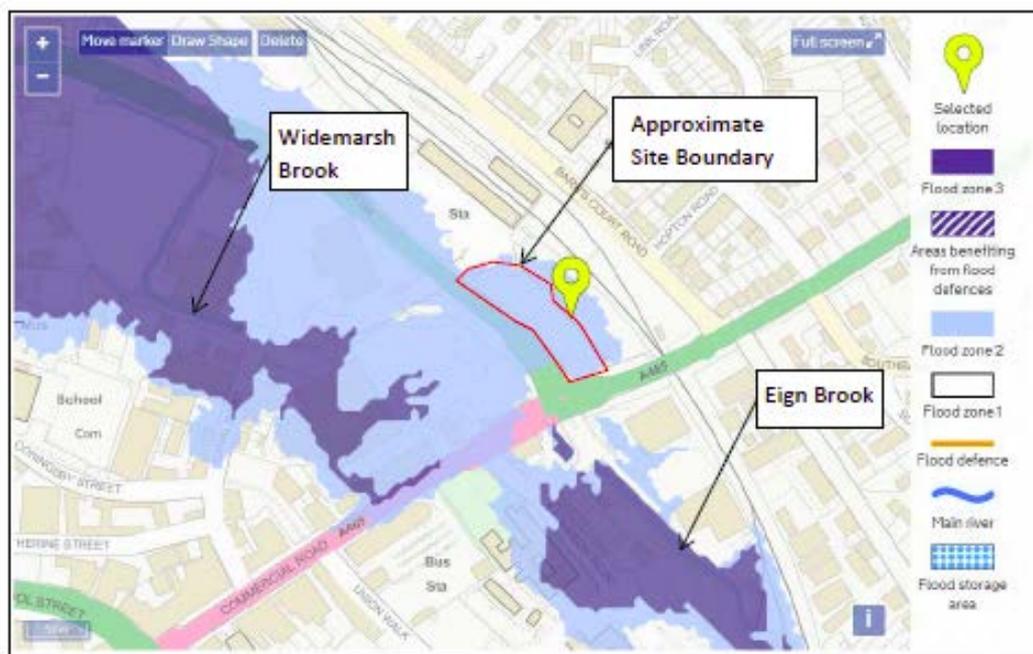


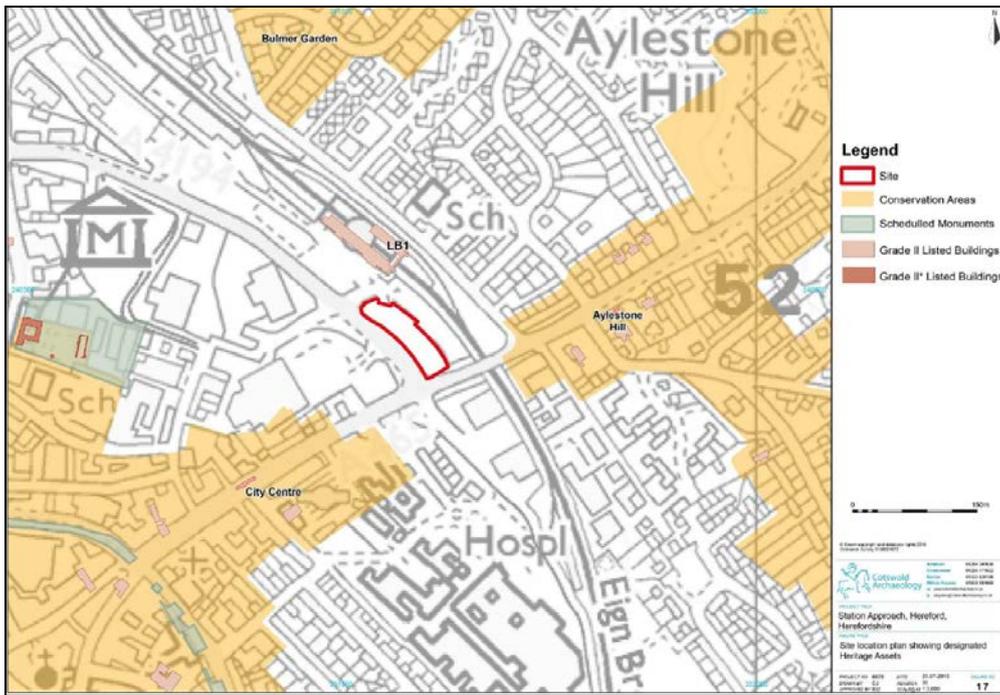
Figure 1.1: Published Flood Map for Planning



- 6.22 Welsh Water have now confirmed that information which has been submitted following constructive dialogue between the parties revolving around the measures taken to protect the 1200mm public combined sewer which crosses through the proposed development site at a depth of between 6.5 meters and 5 meters across the site, has addressed concerns raised. There remain a number of issues that require some further refinement and clarification, but Welsh Water have recommended a condition that addresses this matter to their satisfaction.
- 6.23 As detailed below condition and informative notes are recommended but I would conclude that the management of foul, surface and land drainage can be satisfactorily accommodated and as such the requirements of policies SD3 and SD4 can be met. It is also noted that a condition is recommended in respect of available water supply.
- 6.24 Policy SD3 also deals with water consumption and a planning condition is thus recommended to address this requirement.
- 6.25 Officers are satisfied that the principle of development is acceptable, and that technical matters can be resolved. Key however to the acceptability of this development is the environmental objectives as detailed within the Core Strategy and the National Planning Policy Framework (2018). The key issues are:
- Heritage and Design
  - Landscape and Trees
  - Biodiversity
  - Amenity– Noise and air quality
  - Contaminated Land

### ***Heritage and design***

- 6.26 Polies LD1 and SD1 of the Core Strategy are also policies that require demonstration that character of the landscape and townscape has positively influenced the design of the proposal, with incorporation of new landscape schemes to ensure development integrates appropriately into its surroundings and maintain local distinctiveness.
- 6.27 Policy LD4 requires that development proposals affecting heritage assets and the wider historic environment should, protect, conserve and where possible enhance heritage assets and their setting in a manner appropriate to their significance through appropriate management, uses and sympathetic design. Where opportunities exist, they should contribute to the character and local distinctiveness of the townscape or wider environment.
- 6.28 The application is supported with a Heritage Statement that identifies the designated and non designated heritage assets within a wider study area. This study can be read online at: <https://myaccount.herefordshire.gov.uk/documents?id=4d549817-d8fa-11e8-888e-0050569f00ad>
- 6.29 As can be seen on the extract plan below, the application site does not lie within a Conservation Area but there are a number of Conservations Areas in the vicinity of the site . There are also a number of Listed Buildings within the vicinity including the Grade II listed railway station to the north of the application site. The closest Scheduled Ancient Monument to the proposed development is Blackfriars Friary to the west.



- 6.30 As detailed by Historic England, the application site forms part of the setting of the Aylestone Hill and Central Area Hereford Conservation Areas and contributes to their significance in terms of their historical and evidential value although its current appearance makes a negative contribution to their aesthetic value. Historic England has no objection to the principle of development on the site but objected initially due to the scale, mass, orientation and design of the proposed development that represents a change in setting that will harm significance and offers no heritage benefits to outweigh this harm.
- 6.31 As can be seen from the consultation responses above, detailed objections were also raised by the Councils Building Conservation Officer raised to the originally submitted scheme.
- 6.32 The applicants then engaged in discussions with the both the Councils Historic Buildings Conservation Officer and Historic England. A summary of these discussions has been submitted as an addendum to the Design and Access Statement and can be seen at: <https://myaccount.herefordshire.gov.uk/documents?id=e3988ab3-1f1e-11e9-ab65-0050569f00ad>
- 6.33 As a result, an amended scheme was submitted. Historic England maintain their objection to the proposed scheme in that the amended plans do not address the key concerns raised in their letter of 13 November 2018.

*They state:*

*Historic England welcomes the applicant's review of the design for this development, the colour palette, analysis of existing roofscape and greater level of information on landscaping provided. However, we are disappointed that advice offered at the meeting in your office on 28 November has not led to changes of an order that address our primary concerns regarding amount, scale, mass, orientation, height and design quality. We remain of the view stated in our letter of 13 November 2018 that the proposal offers no heritage benefits, results in avoidable harm to the designated heritage assets affected (and is not justified in terms of paragraphs 193, 194 and 196 of the NPPF), does not deliver the requirements of new development set out in paragraphs 127, 130, 192 and 200 of the NPPF and does not accord with our Urban Panel's recommendations to you in delivering the regeneration of this part of the city.*

*Historic England objects to the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 127, 130, 192, 193, 194, 196 and 200.*

*In determining this application you should bear in mind the statutory duty of section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and of preserving or enhancing the character or appearance of conservation areas. Also section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.*

6.34 Paragraph 127 and 130 relate to the section of the NPPF that relates to ‘achieving well designed places’

127. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience

130. 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, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

6.35 Turning to the part of the NPPF that considers ‘Proposals Affecting Heritage Assets’ paragraphs 192, 193, 194, 196 and 200 are quoted as being relevant.

192. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

200. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably

6.36 It is also noted that the Hereford Civic Society and other representations made have also raised concerns and objection about the design, scale and mass of the building and its impacts upon the setting of the heritage assets.

6.37 The Councils Building Conservation Officer notes that *there has been some improvement in the design, notably the materiality is more 'of Hereford' and the building has more directionality, responding to the station forecourt. There are minor details which may need resolution, for example the junction of pitched roofs with the lift/stair cores. The massing is improved, however from the street scene/contextual elevations there is still a concern about height at the Western end of the building. Treatment of the fenestration is also much improved. Whilst the building doesn't have a strong architectural personality, it does make some effort to respond to context in the references to warehouse and industrial buildings. That the north elevation is more recessive than the south is welcomed as this minimising any potential dominance over the housing set above the railway lines towards Aylestone Hill.*

6.38 The station is acknowledged as a key point of arrival for visitors and as such the experience of the station forecourt is a key aspect of its setting which contributes to its significance. This matter is explored in the urban panel review, a document referred to in third party representations received. This document provides some advice to Herefordshire Council addressing in particular how the 'sense of arrival' at Hereford Station might be improved, including;

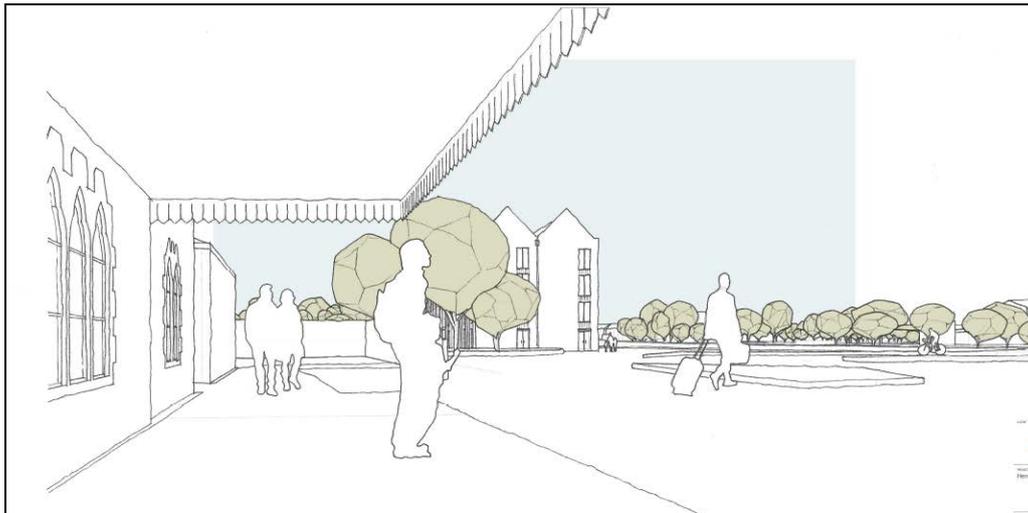
- As part of the investment in the public realm, priority should be given to the creation of a high-quality public space in front of the station.

- Following the principles adopted between Old Market and Widemarsh Street, consideration should be given to how a more pleasant pedestrian route might be developed from the station to the City Centre.
- The legibility of the City Centre for those arriving at the Station needs to be improved

This document can be viewed online at:

<https://content.historicengland.org.uk/content/docs/committees-panels/urban-panel-review-paper-hereford-oct17.pdf>

- 6.39 Officers acknowledge that the Railway Station is significant architecturally, historically and communally. The space in front of the station and the experience of it is closely related to the significance of the building as this point of arrival in Hereford. The application submission has also sought to demonstrate that this matter has been considered in the design approach and a contextual drawing details this:



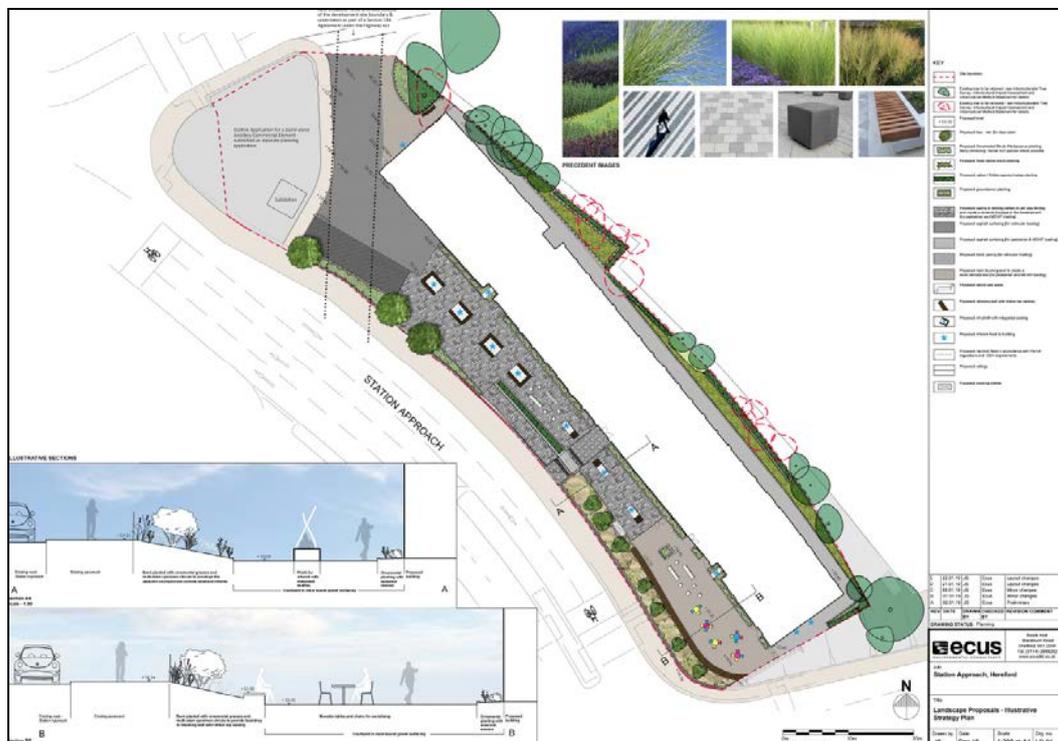
- 6.40 Whilst the site is not within a Conservation Area and there is no statutory protection for the setting of a Conservation Area, policies within the NPPF allow this to be a planning consideration. Whilst there would still be some impact upon the experience of the Conservation Area, officers maintain that despite the change in design, the main issue relates to the height and the impact upon the experience of the station forecourt and the experience of the architectural significance of the station building.
- 6.41 A reduction in scale and height of the building was explored during discussions with the applicants and their architects / agents but a reduction in height and mass would result in a reduction in room numbers and the schemes viability would be compromised. As such, a decision, based on the submitted scheme must be progressed.

## Archaeology

- 6.42 Turning to buried heritage assets (archaeology) the Councils Archaeologist has confirmed that he is content with the information and conclusions of the Heritage report and is of the view that sufficient knowledge already exists regarding the potential below ground impact of the development for there to be no requirement for (e.g.) a field evaluation in this particular case. In the circumstances, I consider that sufficient good information is already available regarding the significance of the heritage assets that would be affected in the environs of the development. The requirements of policy LD4 of the CS and guidance contained within the NPPF are met.

## Landscape and Trees

- 6.43 The design approach as a whole also includes further detail on how landscaping (hard and soft) would influence the effect of the development on the street scene and settings of the heritage assets. As detailed above, the overall landscape approach is one that is broadly supported given the constraints of the site such as the sewer and limited circulation space. This is detailed on the plan below.



- 6.44 However, both the Councils Tree Officer and Landscape Officer raise further queries and request in respect of tree retention / replacement. Options are limited to provide a substantial tree cover / mitigation and it is noted that some trees lie outside of the application site (with Network Rail Land), as such the species and siting will be important as will ongoing maintenance. Conditions are recommended to address issues and secure a successful and appropriate landscape scheme that would also take into account the requirements that are detailed in the responses from Network Rail.

### **The approach to decision making – Heritage**

- 6.45 Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required, when considering development which affects a listed building or its setting:

*“to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

- 6.46 It follows that the duties in section 66 do not allow a local planning authority to treat the desirability of preserving the setting of listed buildings merely as material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm “considerable importance and weight”.
- 6.47 Importantly, this does not mean that an authority’s assessment of likely harm of proposed development to the setting of a listed building or to a conservation area is other than a matter

for its own planning judgement. Nor does it mean that an the authority should give equal weight to harm that it considers would be limited or “less than substantial” and to harm that it considers would be “substantial”.

- 6.48 Paragraphs 193 - 196 of the NPPF (2018) 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 193 confirms that great weight should be given to the conservation of designated heritage assets. Paragraph 195 is a restrictive policy and directs refusal 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 all 4 stated exceptions criteria apply.
- 6.49 Paragraph 196 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 weighed against the public benefits of the proposal, including securing its optimum viable use. 196 is thus also a restrictive policy.
- 6.50 Accordingly it is necessary for the decision-maker to judge, on the evidence before them and having particular regard to expert heritage advice, whether the proposal in this case represents substantial harm to or total loss of significance of the Grade II Railway Station (in which case paragraph 195 directs refusal unless the scheme achieves substantial public benefits that outweigh the harm) or whether the harm falls within the purview of paragraph 196; in which case it is necessary to weigh the less than substantial harm against the public benefits in an unweighted planning balance. Even if harm is less than substantial, it is absolutely clear that such harm weighs heavily in the planning balance – the fact that it is not necessary to demonstrate that harm significantly and demonstrably outweighs the benefits gives weight to paragraph 196 as a restrictive policy.
- 6.51 As detailed above, the Statutory bodies do not expressly conclude that the proposed works would lead to less than substantial harm, but it could be concluded from their comments (that raise concern about design approach and refer to paragraph 196 rather than 195) that they are taking the same approach as the Councils advisor and are concluding less than substantial harm and that paragraph 196 would apply. As such the public benefits arising from the scheme must be weighed accordingly, with that weight a matter for the decision-maker.
- 6.52 While Policy LD4 of the Core Strategy does require heritage assets to be protected, conserved and enhanced, and requires the scope of the work to ensure this to be proportionate to their significance, it does not include a mechanism for assessing how harm should be factored into the planning balance. As a result, and in order to properly consider the effects of development on heritage assets, recourse should be had to the NPPF in the first instance. Officers return to this matter later in the report.

## **Amenity**

- 6.53 Policy SD1 and guidance contained within the NPPF of the CS also requires that developments safeguard residential amenity for existing and proposed residents and seeks to ensure that new development does not contribute to or suffer from adverse impacts arising from noise, light or air contamination. The site is located adjacent to a busy main road and both issues need to be considered.
- 6.54 Representations raise the issue of the sites location adjacent to the busy highway (Station Approach / Commercial Road), the railway line and the potential transport hub to the north. Officers would accept that the location may therefore be subjected to elevated levels of nitrogen dioxide and particulates associated with vehicle emissions. Further consideration may

also be required to the likely increase in traffic along the City Link Road. Further consideration is also required in respect of the noise impacts and how these might be mitigated and how any mechanical ventilation may be used.

- 6.55 The technical officers have provided details responses and recommended conditions and officers are confident that a technical solution can be found that will address any issues raised or identified once further investigation and testing has been undertaken. These conditions are considered reasonable and necessary to ensure that the requirements of policy SD1 are met.
- 6.56 These matters can only be dealt with 'mechanically' in the internal elements of the building. Concerns have also been noted about how the open space may be affected. This is where landscaping will be an important element to help mitigate and enhance the experience of the users.
- 6.57 Concerns have also been raised about amenity impacts from the use to local residents, however it is noted that the building will be managed by the facility. Matters raised about noise, drug and alcohol are noted, but are not considered to be matters that can be controlled through this planning permission.

### **Contaminated Land**

- 6.58 Policy SD1 and guidance contained within the NPPF also seeks to ensure that matters relating to contaminated land are addressed. Initial studies have been undertaken and submitted and some further testing is required. A condition is suggested that ensures that the additional testing is undertaken, reported and any contamination is remediated in the interests of human health.

### **Biodiversity**

- 6.59 The application is accompanied by an ecological appraisal and the Council's Ecologist does not raise concerns over and above this. They are also satisfied that the drainage strategy for surface water management control can be successfully managed and should present no additional biodiversity issues. Conditions are required to ensure that the terms of the HRA are met. Biodiversity protection and enhancement 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.

### **Planning Obligations**

- 6.60 Policy ID1 of the Herefordshire Local Plan – Core Strategy seeks to secure provision for infrastructure to support development. In this instance contributions are sought by the Wye Valley NHS trust (hospital) and the Environment Agency towards the flood alert systems.
- 6.61 The Council (as landowner) cannot covenant with itself (as local planning authority) to enter into a s.106 agreement. In two-tier authorities, an alternative is to enter into an agreement with the relevant 'other' tier of local authority, but that option does not exist in Herefordshire. Legal advice has been sought. In respect of the financial contributions required (as per the attached draft Heads of Terms), payments of money cannot be secured by condition. It is therefore proposed that this is dealt with by the imposition of a condition providing that no development shall take place until evidence has been provided to the satisfaction of the local planning authority that provision will be made for local infrastructure. It is anticipated that a draft section 106 agreement will be prepared and agreed with the local planning authority, and that the evidence to be submitted pursuant to the condition will take the form of a clear and unambiguous statement made on behalf of the Council to the effect that it will adhere to the terms of this agreement. The statement will also provide that any purchaser will be required to enter into the section 106 agreement in the event the Council decides to dispose of the land.

Advice tends to the view that the 'clear and unambiguous' statement will be likely to be in the form of a resolution of the Council's cabinet, which would provide public, minuted evidence of the Council's intent to honour the obligations in the section 106 agreement.

## The Planning Balance

- 6.62 The scheme is for the provision of a purpose built student accommodation to support higher education in the city and outline permission for an associated commercial premises on land fronting Station Approach. This development relates to the redevelopment of brownfield land on the edge of the city centre in a location that is accessible by and capable of facilitating a genuine choice of modes of travel including walking, cycling and public transport. The proposal would comply with the requirements of H3 in providing a specific residential need, SC1 in support of the growth of post 16 educational opportunities and SS4 of the Herefordshire Local Plan – Core Strategy in terms of siting.
- 6.63 Sustainable development is sought across three objectives; 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 plus the associated financial and employment benefits from spending / support of the city centre shops, business and services.
- 6.64 In social terms the scheme would deliver a purpose built, accessible service that will reflect current and future needs in supporting the growth of an existing higher education facility and NMITE as it grows and develops.
- 6.65 The main points of contention in this case relate to the environmental role. In this respect the site's proximity to the Grade II listed Hereford Railway Station and the statutory duty "*to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*" are noted and taken account of in the planning balance. In addition the impacts upon the setting of the identified conservation areas are also key.
- 6.66 Historic England raise an objection to the proposed development, identifying concerns in respect of the amount, scale, mass, orientation, height and design quality of the development. In their opinion the proposal offers no heritage benefits, results in avoidable harm to the designated heritage assets affected (and is not justified in terms of paragraphs 193, 194 and 196 of the NPPF), does not deliver the requirements of new development set out in paragraphs 127, 130, 192 and 200 of the NPPF and does not accord with our Urban Panel's recommendations to you in delivering the regeneration of this part of the city.
- 6.67 The Council's own advisors raise their own concerns about scale and height and the impacts of this on Grade II Listed Station as well as the impacts upon the setting of the Conservation Area, albeit this matter raises less concern.
- 6.68 Nonetheless, it is agreed that the proposed development will result in harm. This harm is considered to be less than substantial harm to the significance of the asset. Therefore the correct approach to decision-making is to weigh this harm 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.
- 6.69 Taking all of the above into account, officers consider that the public benefits arising from the scheme outweigh the less than substantial harm to the significance of the setting of the Grade II listed Building. This conclusion is based on the following rationale:-
- The proposal will provide a modern, purpose built form of residential accommodation that will provide for a specific need within the city. It has been architecturally designed to

address some very specific site constraints, but has been significantly amended to take into account the concerns raised and to take better account of the local character and townscape.

- It is a sustainably located brownfield site, in an accessible location and provides facilities that will meet the needs of the educational facility.
- There is no harm arising in relation to other technical matters as discussed above, and although the design-related comments from Historic England and the Principal Building Conservation Officer's comments are noted, officers are of the opinion that the form of development, with appropriate mitigation in the form of landscaping result in a development that is acceptable in the context.

- 6.70 Details of materials and finishes will be key, and conditions to secure these and the appropriate landscaping and biodiversity enhancement will be secured by condition to ensure compliance with policies SD1, LD1, LD2 and LD4.
- 6.71 Officers recognise that there are a number of technical matters, namely, noise mitigation and attenuation, ventilation (air quality) and drainage that require some refinement, but are satisfied that the solutions are achievable. As such, conditions are suggested that will ensure that the development accords with the relevant core strategy policies and the guidance contained within the NPPF.
- 6.72 There are a number of operational matters that also need to be resolved, such as 'arrival and departures' and travel plans. Again, conditions are suggested to ensure that these matters are carefully conceived, implemented and open to review.
- 6.73 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. That being recognised, absent any other harm, the recommendation can only be for approval on the basis that the scheme complies with the Development Plan when read as a whole.

## RECOMMENDATION

**That planning permission be granted subject to the following conditions and any other conditions considered necessary by officers named in the scheme of delegation to officers:**

**1. C02 Time limit for submission of reserved matters (outline permission)**

Application for approval of the reserved matters (for the proposed ancillary commercial element as areas detailed on drg no. only) shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990

**2. C03 Time limit for commencement (outline permission)**

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last reserved matters to be approved, whichever is the later.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

**3. C04 Approval of reserved matters**

Approval of the details of the layout, scale, appearance, access and landscaping (hereinafter called "the reserved matters") for the proposed ancillary commercial element as detailed on drg no. shall be obtained from the local planning authority in writing before any development is commenced.

Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 4 CNS** Pursuant to condition 1, the reserved matters application for the proposed ancillary commercial element shall include all details of all external plant (such as commercial kitchen exhaust ventilation / air conditioning)

Reason: To ensure that the impact upon the amenity of residents can be properly considered having regard to the requirements of policy SD1 of the herefordshire local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

**4. C06 - Approved Plans**

**Pre-commencement Conditions (any works)**

**5 CNS – Legal / Contributions**

No development shall take place until evidence has been submitted to and approved by the local planning authority demonstrating to its satisfaction that suitable arrangements have been made for the provision of;

- the provision of healthcare services at Hereford County Hospital
- the provision of a Flood Warning System

Reason: To ensure that suitable mitigation is provided in respect of the effects of the development on local infrastructure having regard to the requirements of policy ID1 of the Herefordshire Local Plan – Core Strategy

**6 CNS – Drainage Scheme (Surface and Foul Water)**

Notwithstanding the submitted plans, no development shall commence (other than ground investigation) until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how the site will be effectively drained; the means of disposal of surface water and indicate how foul flows will communicate to the public sewerage system. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further surface water or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment having regard to the requirements of policy SD3 and SD4 of the Herefordshire Local Plan – Core Strategy

**7 Nature Conservation – Ecology protection & CEMP**

Prior to commencement of development, a Construction Environmental Management Plan shall be submitted for approval in writing by the local planning authority and shall include:

Timing of the works, details of storage of materials and measures to minimise the extent of dust, odour, noise and vibration arising from the demolition and construction process, establishment of Tree Root Protection Areas, in accordance with BS:5837 (2012) and the tree survey and arboricultural report (Ecus Ltd, September 2018).

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

## **8 CNS – Contaminated Land**

Prior to the commencement of development a timetable that details the undertaking of additional survey work (identifying any other works also being undertaken at that time / phasing) and completion of reports, that addresses the following requirements, shall be submitted to and approved in writing by the local planning authority:

- a) completion and submission of a 'desk study' 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), then an investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating 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 deal with situations where, during works on site, contamination is encountered which 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.

Works and submissions shall be carried out in accordance with the approved timetable.

Reason: In the interests of human health having regard to the requirements of policy SD1 of the Herefordshire Local Plan – Core Strategy and the guidance contained within the National Planning Policy Framework (2018)

## **9 CNS – Construction Management Plan**

Prior to the commencement of works (other than ground investigation) to each phase (accommodation and commercial) a construction and waste management plan has been submitted to and approved in writing by the local planning authority.

The Plans shall include, but not be limited to:

- Site waste management Plan
- Construction lorry routes
- Site compound location
- Access, turning area and parking for delivery vehicles, including hard-surfaced areas
- Emergency / site contacts during the construction period
- Parking provision for construction workers
- Measures to promote sustainable means of transport for construction staff with respect to the construction site

Works shall be carried out in accordance with the approved Construction Management Plan for each phase and any amendments or alterations during the construction phases should be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety, residential amenity having regard to Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy

## **10 CNS – Tree Protection**

No works shall commence on site or site huts, machinery or materials brought onto the site, before adequate measures have been taken to prevent damage to those trees/hedgerows that are to be retained. Measures to protect those trees/hedgerows must include:

a) Root Protection Areas for each hedgerow/tree/group of trees must be defined in accordance with BS5837:2012 – Trees in Relation to Design, Demolition and Construction. Recommendations, shown on the site layout drawing and approved by the Local Planning Authority.

b) Temporary protective fencing, of a type and form agreed in writing with the Local Planning Authority must be erected around each hedgerow, tree or group of trees. The fencing must be at least 1.25 metres high and erected to encompass the whole of the Root Protection Areas for each hedgerow/tree/group of trees.

c) No excavations, site works or trenching shall take place, no soil, waste or deleterious materials shall be deposited and no site huts, vehicles, machinery, fuel, construction materials or equipment shall be sited within the Root Protection Areas for any hedgerow/tree/group of trees without the prior written consent of the Local Planning Authority.

d) No burning of any materials shall take place within 10 metres of the furthest extent of any hedgerow or the crown spread of any tree/group of trees to be retained.

e) There shall be no alteration of soil levels within the Root Protection Areas of any hedgerow/tree/group of trees to be retained.

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework. The commencement of development in advance of these measures may cause irreparable damage to features of acknowledged amenity value.

## **Pre-commencement conditions (specific elements / phases)**

### **11 CNS – Additional Details (external appearance)**

With the exception of any site clearance and groundwork, no further development shall take place until the following details are submitted to and approved in writing by the local planning authority.

- External materials, details and samples
- Details of heads, cill and reveals of window openings
- External Joinery details
- Details of any solar shading.
- Details / samples of rainwater goods, external plant, vents etc (including finish colour)

Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy [and the National Planning Policy Framework.

### **12 CNS - Nature Conservation - Mitigation and Enhancement**

With the exception of any site clearance and groundwork, no further development shall take place until detailed biodiversity enhancement scheme should be submitted to and be approved in writing by the local planning authority, and shall include: Details of landscape planting scheme to include native tree and shrub planting, and wild flower planting areas/species of benefit to insect pollinators.

Provision of additional habitat for nesting birds and bats, including swift boxes and bat boxes eg. Schwegler woodcrete nest boxes, to be installed under ecologist guidance.

No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative (DEFRA/NPPF Guidance 2013).

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

### **13 CNS – Landscaping Scheme**

With the exception of any site clearance or ground works no further development shall commence on site until a landscape design has been submitted to and approved in writing by the Local Planning Authority. The details submitted should include:

#### Soft landscaping

- a) A plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, species and canopy spread, together with an indication of which are to be retained and which

are to be removed.

- b) A plan(s) at a scale of 1:200 or 1:500 showing the layout of proposed tree, hedge and shrub planting and grass areas.
- c) A written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment.

#### Hard landscaping

- a) Existing and proposed finished levels or contours (topographical plan and datum point outside of the site)
- b) The position, design and materials of all site enclosure (e.g. fences, walls)
- c) Car parking layout and other vehicular and pedestrian areas
- d) Hard surfacing materials
- e) Minor structures (e.g. play equipment, street furniture, lighting, refuse areas, signs, cycle parking etc.)
- f) Location of existing and proposed functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating routes, manholes, supports etc.)
- g) Any retained historic features and proposals for restoration

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### **14 CNS – Noise / Ventilation**

With the exception of any site clearance and groundwork, no further development shall take place until the following details relating to noise, ventilation and air quality are submitted to and approved in writing by the local planning authority:

- Report detailing the proposals in relation to the use of trickle vents for ventilation purposes and the effectiveness / impacts on noise attenuation.
- An assessment that considers the effects of overheating using CIBSE TM59 to ensure the predicted temperatures inside the bedrooms and cluster rooms achieve overheating compliance criteria.

Reason: In the interests of the amenity and living conditions of occupiers having regard to the requirements of policy SD1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the NPPF

#### **15 CNS – Sub Station – Noise Attenuation**

Prior to the commencement of any works to the proposed electricity sub station, details of the sound power levels of the plant to be operated within the sub-station and details of the structure of the building for noise attenuation purposes shall be submitted to and approved in writing by the local authority. (Depending on the information provided the applicant may be requested to supply a noise impact assessment according to BS4142).

Works shall be undertaken in accordance with the approved details prior to the first use of the substation hereby approved.

Having regard to the amenities of residents in accordance with the requirements of policy SD1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the NPPF

## **Pre-occupation Conditions**

### **16 CNS – Landscape / shared space Maintenance**

Prior to the first occupation of the building hereby permitted a scheme of landscape maintenance for a minimum period of 10 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason: In order to maintain the visual amenities of the area and to conform to Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

### **CAE – Access**

### **17 CAL – Turning / Parking**

### **18 CB2 – Cycle Parking Provision**

### **19 CB3 - Travel Plan**

### **20 CE6 - Water Efficiency**

### **21 CNS – Contaminated Land**

The Remediation Scheme, as approved pursuant to condition no. (X) 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, which 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 having regard to the requirements of policy SD1 of the Herefordshire Local Plan – Core Strategy and the guidance contained within the National Planning Policy Framework (2018)

### **22 CNS – Contaminated Land**

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 having regard to the requirements of policy SD1 of the Herefordshire Local Plan – Core Strategy and the guidance contained within the National Planning Policy Framework (2018)

### **23 CNS – Flood Evacuation Plan**

Prior to the first occupation of the development, a Flood Evacuation Management Plan shall be submitted to and approved in writing by the local planning authority in consultation with the local authority Emergency Planning Officer.

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

The Plan shall include full details of proposed awareness training and procedure for the erection of any mitigation measures, evacuation of persons and property, training of staff and method and procedures for evacuation. It shall also include a commitment to retain and update the Plan and include a timescale for revisions of the Plan.

Reason: To minimise the flood related danger to people in the flood risk area in accordance with Policy of the SD3 of the Herefordshire Local Plan and guidance contained within the National Planning Policy Framework

## **Compliance Conditions**

### **24 CBK – Restriction of hours during construction**

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00 pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

### **25 CNS – Finished Floor Levels (Environment Agency)**

Finished floor levels shall be set no lower than 53.60mAOD as stated in MBCE's Flood Risk Assessment Rev 0 dated October 2018 unless otherwise agreed in writing by the LPA.

To protect the proposed dwellings from flood risk for the lifetime of the development having regard to the requirements of policy SD3 of the Herefordshire Local Plan – Core Strategy and

### **26 CNS – Potable Water**

The approved building shall not be brought into beneficial use earlier than 31st March 2020, unless the upgrading of the potable water network that would serve the development has been completed and written confirmation of this has been received by the Local Planning Authority.

Reason: To ensure satisfactory mains water supply is available to properties at all times – having regard to the requirements of policy SD3 of the Herefordshire Local Plan – Core Strategy.

### **27 CNS – Double Glazing / Noise Attenuation**

All bedrooms and cluster rooms at all elevations shall be enhanced 10/12/6 double glazing with acoustic trickle vents unless alternative noise report / assessments and mitigation strategies are submitted to and approved in writing by the Local Planning Authority.

Reason: To mitigate against anticipated increased road traffic noise on the new Link Road (Station Approach) and to protect the amenities / living conditions of occupiers having regard to the requirements of policy SD1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

## **28 CNS - Habitat Regulations (River Wye SAC) – Surface Water**

Surface water will be managed via mains sewer as stated in the planning application and this shall be maintained hereafter as approved unless otherwise agreed in writing by the Local Planning Authority.

*Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2 and SD3.*

## **29 CNS - Habitat Regulations (River Wye SAC) – Foul Water Management**

All foul water shall be managed by mains sewer as stated in the planning application and this shall be maintained hereafter as approved unless otherwise agreed in writing by the Local Planning Authority.

*Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2018) and Herefordshire Council Core Strategy (2015) policies LD2 and SD4.*

## **30 CNS – Species and Habitat Enhancements**

The recommendations for species and habitat enhancements set out in the recommendations of the Preliminary Ecological Assessment report (Ecus Ltd., September 2018) should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved.

Prior to commencement of the development, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to inspect the site and implement the measures recommended to ensure there is no impact upon protected species (nesting birds, reptiles and amphibians) by demolition of the building and clearance of the area.

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

## **31 C97 – Landscape Implementation**

The soft landscaping scheme approved under condition x above shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period. The hard landscaping shall be completed prior to the first occupation of the development hereby permitted.

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**INFORMATIVES:**

1. **Positive and Proactive 2**
2. Advice from West Mercia Police:

The applicants should aim to achieve Secured by Design (SbD) award status for this development. SbD is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment. The scheme has a proven track record in crime prevention and reduction. The principles and standards of the initiative give excellent guidance on crime prevention through the environmental design and also on the physical measures. Details can be found at [www.securedbydesign.com](http://www.securedbydesign.com)

3. **I45 - Works Within the Highway**
4. **I09 - Private Apparatus within Highway**
5. **I08 - Section 278 Agreement**
6. **I05 - No Drainage to Discharge to Highway**
7. **I54 - Disabled Needs**
8. **I51 - Works Adjoining Highway**
9. **I41 - Travel Plans**
10. **I36 - Annual travel Plan Reviews**

# HEADS OF TERMS

## Proposed Planning Obligation Agreement Section 106 Town and Country Planning Act 1990

Planning application: **P183841/CD4**

Site address:

**Car Park, Station Approach, Hereford**

Planning application for:

**Hybrid application including a full application for student accommodation, comprising 178 no. bedrooms, including hard and soft landscaping and an outline application for a standalone ancillary commercial element**

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1<sup>st</sup> April 2008, and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended).

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£41,208.14** (index linked) to provide infrastructure at Hereford Hospital. The sum shall be paid on or before the commencement of development.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£5,000.00** (index linked) as a Flood Warning Contribution. The management of flood risk to the development, including safe access and egress, relies on the provision of the Environment Agency Flood Warning Service. The sum shall be paid on or before the commencement of development.

S106 – mechanism for delivery

The Council (as landowner) cannot covenant with itself (as local planning authority) to enter into a s.106 agreement. In two-tier authorities, an alternative is to enter into an agreement with the relevant 'other' tier of local authority, but that option does not exist in Herefordshire. Moreover, in the context that the Council may not intend sell the site, there isn't scope to impose a condition requiring the purchaser to enter into a section 106 agreement once the land is sold by the Council.

In respect of the financial contributions required (as per the attached draft Heads of Terms), payments of money cannot be secured by condition. It is therefore proposed that this is dealt with by the imposition of a condition providing that no development shall take place until evidence has been provided to the satisfaction of the local planning authority that provision will be made for local infrastructure. It is anticipated that a draft section 106 agreement will be prepared and agreed with the local planning authority, and that the evidence to be submitted pursuant to the condition will take

the form of a clear and unambiguous statement made on behalf of the Council to the effect that it will adhere to the terms of this agreement.

The statement will also provide that any purchaser will be required to enter into the section 106 agreement in the event the Council decides to dispose of the land. Advice tends to the view that the 'clear and unambiguous' statement will be likely to be in the form of a resolution of the Council's cabinet, which would provide public, minuted evidence of the Council's intent to honour the obligations in the section 106 agreement.

Proposed planning condition;

No development shall take place until evidence has been submitted to and approved by the local planning authority demonstrating to its satisfaction that suitable arrangements have been made for the provision of;

- the provision of healthcare services at Hereford County Hospital
- the provision of a Flood Warning System

Reason: To ensure that suitable mitigation is provided in respect of the effects of the development on local infrastructure.

**Yvonne Coleman**

**Planning Obligations Manager**

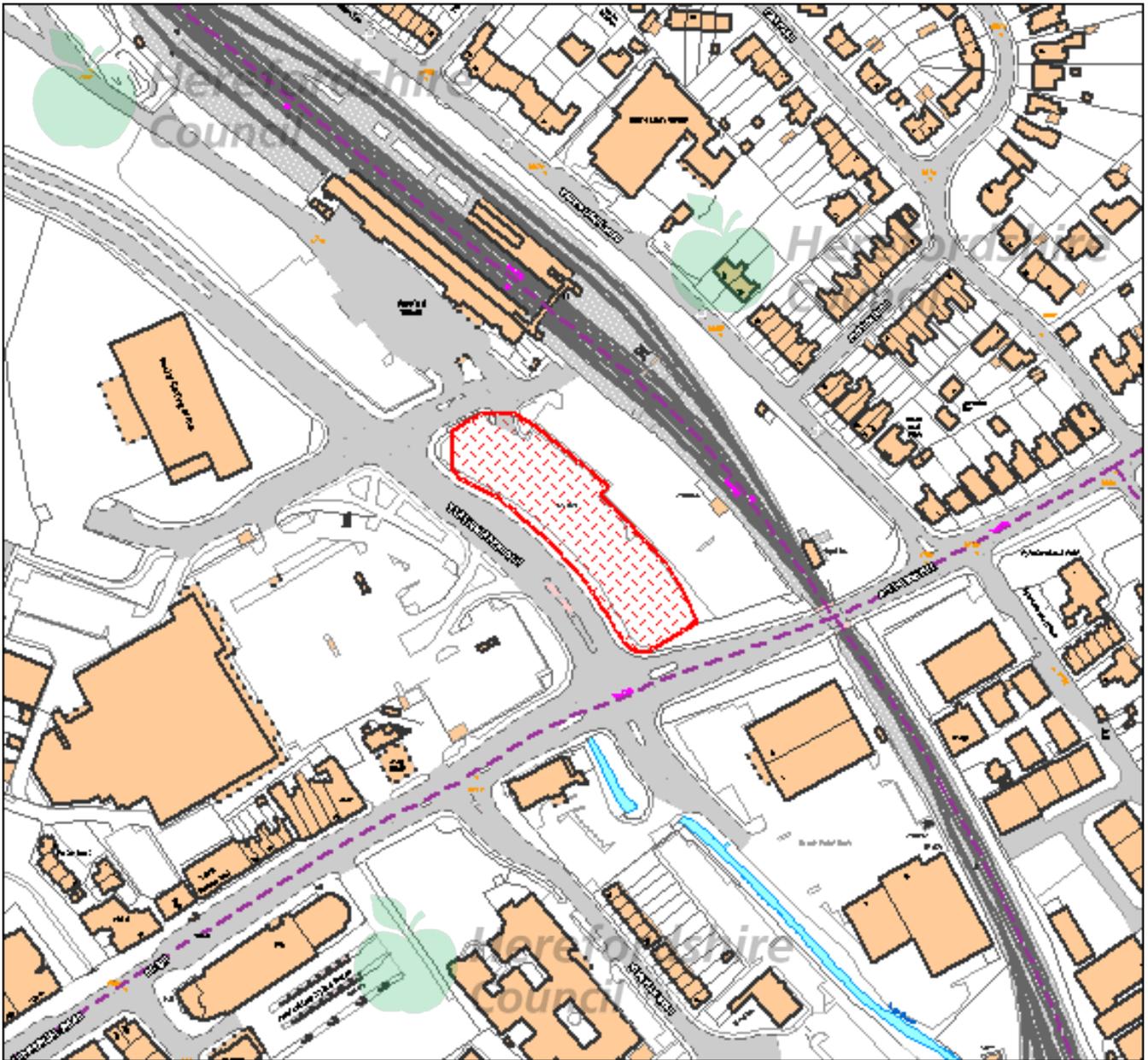
**30 January 2019**

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 183841

**SITE ADDRESS :** CAR PARK, STATION APPROACH, HEREFORD

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781