

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>11 February 2020</b>
<b>TITLE OF REPORT:</b>	<p><b>184520 - REPLACE THE DEMOUNTABLE FLOOD DEFENCES WITH PERMANENT GLASS PANEL FLOOD WALLS AND FLOOD GATES. THIS AIMS TO REDUCE THE WHOLE LIFE COSTS OF THE DEFENCES AND REDUCE THE RISK OF FAILURE TO DEPLOY DURING FLOODING. THE NEW PASSIVE DEFENCES WILL BE LOCATED ENTIRELY ALONG THE WITHIN THE FOOTPRINT OF THE EXISTING DEFENCES, AND WILL BE DESIGNED TO FIT INTO THE EXISTING SUPPORTS. WHEN OPEN THE FLOODGATES WILL MAINTAIN CURRENT ACCESS ROUTES FOR PEDESTRIANS AND MAINTENANCE. AT LAND AT GREYFRIARS BRIDGE, HEREFORD.</b></p> <p><b>For: Mr Barker per Miss Eva Van Maren, Rightwell House, Bretton, Peterborough, PE38DW</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=184520&amp;search=184520">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=184520&amp;search=184520</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 12 December 2018**

**Ward: Hinton &  
Hunderton**

**Grid Ref: 350859,239534**

**Expiry Date: 14 February 2020**

Local Member: Councillor Kevin Tillett

## **1. Site Description and Proposal**

- 1.1 The application site comprises the existing flood defences located on the south side of the River Wye between Greyfriars Bridge and the tennis courts located at the north-west corner of the Bishops Meadow Playing Field.
- 1.2 The site lies within the Central Conservation Area and the Hereford Area of Archaeological Importance. There are a number of individual designated assets in close proximity to the flood defence. The Wye Bridge (Grade I and a Schedule Ancient Monument (SAM)), Riverside Court (Grade II), Tara House and the associated former barn and warehouse (Grade II) are located in close proximity. To the north and visible from the footpath that runs alongside the flood defences are Hereford Cathedral (Grade I), the Bishops Palace (Grade II\*) and Gwynne House and associated barn (both Grade II).

- 1.3 The River Wye is designated as a Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and Special Wildlife Site (SWS).
- 1.4 Planning permission was granted for the flood defences (The Hereford (Belmont) Flood Alleviation Scheme) in its current form pursuant to Application DCCE2006/2037/F and incorporated the provision of demountable panels and flood gates. The proposal (entitled Hereford Invest to Save by the applicant) seeks to replace the demountable panels with permanent glass panels. The permanent stainless steel framed panels would sit within the existing channel recesses (which are exposed when the demountable panels are not deployed) and between the existing brick piers that particularly characterise the design approach adopted for the original scheme. The existing horizontal cross-rail between the brick piers would be removed. The proposal also entails the introduction of 3 hinged flood gates (at the existing metal stepped river access and adjacent to the tennis courts) and 1 “flip up” gate atop the existing stepped embankment adjacent to The Warehouse (currently vacant offices). In addition the demountable section of the defence under the Greyfriars Bridge would be replaced by a low wall with glass panel.
- 1.5 The project was the subject of a Screening Opinion pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 which concluded that it did not amount to development requiring an Environmental Statement (5 December 2017)

## **2. Policies**

- 2.1 The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council’s website by using the following link:-

SS1 – Presumption in favour of sustainable development  
SS6 – Environmental quality and local distinctiveness  
SS7 – Addressing climate change  
MT1 – Traffic management, highway safety and promoting active travel  
LD1 – Landscape and townscape  
LD2 – Biodiversity and geodiversity  
LD4 – Historic environment and heritage assets  
SD1 – Sustainable design and energy efficiency  
SD3 – Sustainable water management and water resources

- 2.2 National Planning Policy Framework (NPPF)

The following sections are considered relevant to this proposal

Promoting healthy and safe communities  
Achieving well designed places  
Meeting the challenge of climate change, flooding and coastal change  
Conserving and enhancing the historic environment

- 2.3 National Planning Policy Guidance (NPPG)
- 2.4 Hereford Area Plan is at the drafting stage and accordingly cannot be given any weight in the decision making process
- 2.5 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)

### **3. Planning History**

- 3.1 DCCE2006/2037/F – Construction of flood defence walls and embankments together with strengthening existing walls between Greyfriars Bridge and Wyelands Close. Approved.

### **4. Consultation Summary**

#### Statutory Consultations

#### 4.1 Historic England – No Objection

The proposed replacement of the demountable flood defences with permanent glass panel flood walls and flood gates is within the Central Hereford Conservation Area, Hereford Area of Archaeological Importance, adjacent to the Scheduled Wye Bridge and in the setting of a number of listed buildings. A site meeting (May 2018) and pre-application advice (June 2018) was provided to the applicant and is reflected in the current application.

It is considered that the proposals will have a limited impact on the significance of the heritage assets.

If not required for safety reasons, Historic England would prefer to see crossrails removed from the scheme, as these inhibit views into and across the river and City Centre, which is a key feature of the Conservation Area. We would also advise that the gates and rails around the steps and ramp should be of one colour and complement the surround colour palette to help them visually diminish into the landscape.

#### Recommendation

Historic England has no objection to the application on heritage grounds. Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

#### 4.2 Natural England – No objection

#### 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.

#### Internationally and nationally designated sites

The application site is within the catchment of the River Wye which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The SAC is notified at a national level as the River Wye Site of Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest. Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each

European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

European site - River Wye SAC - No objection

Natural England notes that the HRA has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

The assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of information provided. Natural England concurs with this view.

River Wye SSSI - No objection

Based on the plans submitted. Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

4.3 Highways England offer no objection

Internal Council Consultations

4.4 Conservation Manager (Building Conservation) – No objection

We would not have any objections to the proposals as they would not harm the setting of heritage assets or the character and appearance of the Conservation Area.

4.5 Conservation Manager (Ecology) – No objection

Based on available information I can see no ecology concerns with the proposed works. There is no reason or available evidence to consider that these works will have any effects on, or disturbance to, protected species or local biodiversity.

The application is subject to Habitats Regulation Assessment – Natural England have indicated in their response that they have “No Objection” to the Appropriate Assessment provided by the applicant and this LPA has no reason not to adopt, and so does formally adopt, this existing HRA to discharge our legal duties.

4.6 Conservation Manager (Archaeology) – No objection

In principle, I have no objection to this proposal, which in itself would not in my view occasion harm to the historic environment.

However, if this application is approved, I think it essential that an effective long term programme of maintenance cleaning etc. is insisted upon and complied with. The transparency and general condition of the panelling must be assured.

4.7 Transportation Manager - No objection

Having reviewed the information provided the local highway authority has no objection to the proposals

4.8 Public Rights of Way Manager – No objection

The proposed work is to take place in close proximity to public bridleways HER32A and HER32B. If work is likely to endanger bridleway users, a temporary closure must be applied for.

#### 4.9 Land Drainage – No objection

We do not object to this planning application

#### 4.10 Herefordshire Council Health, Safety and Resilience Team – No objection

No objection to this application; there is benefit to having permanent barriers as opposed to demountable defences that need to be fitted in periods of adverse weather.

### 5. Representations

#### 5.1 Hereford City Council - Objection

Hereford City Council Planning Committee objected to Planning Application 184520, on the basis that the new flood defences are not in keeping with the areas aesthetics and would also draw attention from those with a proclivity to daubing graffiti on such surfaces. The area already suffers from high levels of graffiti due to the low amount of lighting and pedestrian traffic at night, and glass surfaces such as this would only serve as ideal space for more graffiti. The glass nature of the new defences is also out of touch with the local atmosphere; while the Left Bank is a modern structure, the riverside itself is of a quaint and rustic aesthetic, and is a quintessential 'Hereford' location, which would not be well served by clashing modern glass decoration. Councillors also expressed concern over how the glass would be cleaned, as it would likely be prone to algae growth.

#### 5.2 10 objections have been received (2 from the same local resident). The concerns can be summarised as follows:

- Cost saving justification for the permanent glass panels is not convincing
- Permanent glass panels would be distracting and reflective adversely affecting views to and from the Old Bridge and the north bank of the river
- Permanent glass panels would reduce enjoyment of/connection with the river
- Current structure was subject of extensive public consultation and provides a good balance between flood control and maintaining visibility of the river
- Glass surfaces will require frequent cleaning/maintenance and will be subject to algae build up and other deposits
- Will be a target for vandalism and graffiti
- Replacement of damaged glass panels will be far more expensive than current arrangements
- Adverse impact on views to the Cathedral and Bishops Palace
- Self cleaning glass requires regular flow of water to activate - will not function in more sheltered locations and will be susceptible to mould growth
- No wind survey undertaken
- Technically flawed proposal with no discernible public benefit
- Proposal will not enhance the setting of listed buildings or the conservation area and should be refused

#### 5.3 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=184520&search=184520](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=184520&search=184520)

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 adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) whilst the National Planning Policy Framework 2019 and associated National Planning Policy Guidance represent relevant material considerations.

6.3 Prior to assessing the acceptability of the proposal, and since there is reference made to the justification for this permanent panel arrangement in both the applicants submission and a number of the objections received, it is worth setting out why it has been brought forward. The following extract sets out the applicants rationale for the proposal which in broad terms is based upon maintaining the same level of protection whilst reducing the risks associated with a failure to deploy the demountable panels; reducing the costs associated with deploying or making ready to deploy the panels and enabling any savings to be directed towards flood protection and responding to other incident in Herefordshire:

*The Environment Agency is a public body sponsored by the Department for Environment, Food and rural affairs (DEFRA). The Environment Agency has the powers (but not a legal obligation) to manage flood risk from main rivers and the sea. The EA is also a Category 1 responder under the civil contingency's act.*

*Any savings in cost and manpower from these scheme improvements will enable the Environment Agency to further improve our operational response to the wider communities at risk to flooding in Herefordshire. The installation of a passive system will enable the Environment Agency to aid and assist in the operational response to flooding within Herefordshire.*

*The area defended by the scheme will benefit from the upgraded flood defences by providing a permanent and more resilient level of flood protection, thereby reducing the risk of flooding to the area defended by this scheme.*

*With both the demountable components and operatives being located off site there is always a risk of them not being deployed or operative being unable to attend site before a flood. The construction of the scheme improvements will eliminate these risks providing an in situ scheme.*

*Finally we always look to reduce the potential health and safety risks to both our operatives and members of the public during the deployment of the existing defences.*

*The Environment Agency has in place robust operational procedures for the deployment of the demountable defences. Through these scheme improvements we are striving to reduce those risks and continually improve how we deliver flood resilience to the community.*

*I hope this clarifies the Environment Agency's rationale for providing these scheme improvements which will provide a more resilient scheme to the 69 residential properties and 27 commercial properties already protected by the Hereford (Belmont) Flood Alleviation scheme. The improvements will provide substantial whole life cost saving to public expenditure for the remaining life of the scheme and release a substantial operational resource to respond to other*

*flooding incidents within Herefordshire and better manage both the publics and our operatives safety during times of flood.*

#### Heritage/Townscape Considerations

- 6.4 Whilst understanding the context for the application, this is not in itself under consideration but rather the environmental implications of replacing the demountable panels with a combination of permanent glass panels and flood gates. In this regard it is the sensitivity of the site in terms of heritage constraints that requires the closest scrutiny. The principle focus of concern relates to the section of the defence alongside the well-used footpath between the Wye Bridge and The Warehouse (currently closed)
- 6.5 Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Area) Act 1990 establish a legal obligation for any development that may affect a listed building or its setting or affect the character of a Conservation Area, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and the character and appearance or the designated area.
- 6.6 These principles are effectively addressed within CS policy LD4 which requires development proposals to protect, conserve and where possible enhance heritage assets and their settings in a manner appropriate to their significance.
- 6.7 Additionally, paragraphs 193-197 of the NPPF establish a heritage impact test to be applied where harm to the relevant heritage asset is identified.
- 6.8 A number of the objections have referred to the sensitivity of the location in terms of its visual relationship with listed buildings (in particular the Wye Bridge, also a SAM) and the impact of permanent panels upon views towards the Cathedral and the Bishops Palace. This sensitivity cannot be underestimated and has been given careful consideration in my assessment of the proposal. Counter to the concerns raised by the City Council and residents, it is noteworthy that Historic England and the Conservation Manager have not raised any objections with regard to the impact of this proposal. Historic England attribute only a limited impact on the significance of the heritage assets in the locality and the Conservation Manager considers that there would be no harm. With specific regard to the comments made by Historic England, it is confirmed that the existing cross rail between the brick piers of the defence wall would be removed with the permanent glass panels slotting into the exposed recessed channels designed to receive and support the demountable panels.
- 6.9 The permanent panels would have a height of 600 mm but importantly would not result in any increased height to the structure, sitting below the level of the existing brick piers. The stainless steel frame of the panel would be a combined height of 80 mm leaving a total of 520 mm of glass.
- 6.10 It is considered that the introduction of the permanent glass panels would enable the removal of the cross rail and the visible elements of the exposed recessed channels, which are not particularly aesthetically pleasing elements of the existing structure. This is reflected in the comments from Historic England and it is considered that this aspect of the proposal is a residual enhancement.
- 6.11 The presence of glazing alongside the River Wye is already noticeable at the Left Bank and in this regard further glazing is not considered to be especially alien or out of keeping. Notwithstanding this, the majority of the concerns raised in relation to the adverse impact of the permanent glass panels relate to the deterioration of the glazing overtime and/or the risk of graffiti and other acts of anti-social behaviour (scratching and the like). This concern is appreciated, but attention is drawn to NPPF paragraph 183 which advises that the focus of planning decisions should relate to whether the proposed development is an acceptable use of

land, rather than the control of separate control regimes. In this regard it is not considered that weight should be afforded to the reservations expressed about future maintenance arrangements; the feasibility of self-cleaning glass; criticisms of the financial justification or the risk assessment undertaken by the applicant. This cannot form part of the assessment of the impact of the development on the historic environment.

- 6.12 Assuming an appropriate maintenance regime is put in place, it is not considered that the glazed panels would impair the appreciation of the Wye Bridge, the Cathedral and Bishops Palace nor the River Wye. In this regard, and on balance, I conclude that the proposal would not result in harm to the setting or significance of the individual designated assets that in turn contribute to the character and appearance of the Conservation Area. By extension, it would therefore preserve the historic environment, obviating the requirement to consider the public benefits of the proposal; satisfying the legal obligation to have special regard to the identified assets and according with CS policy LD4.
- 6.13 The provision of a part brick/part glazed wall under the section of the Greyfriars Bridge is not contentious in my view and similarly the combination of swing gates and flip up flood gate occupy less sensitive locations and will not have any noticeable visual impact.
- 6.14 In order to mitigate some of the concerns, a condition requiring details of the long term maintenance regime for the glass panels is recommended together with a requirement to agree the finish of the flood gates to ensure that they harmonise with their respective visual backdrops.

#### Biodiversity

- 6.15 The River Wye is designated as a Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and Special Wildlife Site (SWS). This combination of European, national and local designation requires due consideration although the potential impacts associated with these works is limited. This is reflected in the advice received from the Conservation Manager (Ecology) and Natural England.
- 6.16 The required Habitat Regulations Assessment has been undertaken by the Council (as the competent authority) and Natural England raises no objection.
- 6.17 In this regard no conflict with CS policies LD2 and SD4 is identified

#### Other Matters

- 6.18 Residents living alongside the river and with an outlook towards to the city centre have raised concerns about the potential impact upon their residential amenity associated with a permanent barrier. This appears to link to the concerns expressed about future maintenance since if the glass panels were kept in good condition, there would be no adverse impact. I find no basis upon which to require a wind analysis to be carried out for a structure of this relatively modest height.
- 6.19 No highway safety matters arise in the context of this proposal.

#### Conclusion and Planning Balance

- 6.20 The proposed development will maintain the existing level of flood protection to properties and businesses in the locality and having regard to the applicant submission will in the long term result in cost savings that can be targeted to other flooding incidents since it will not be necessary to deploy the same number of operatives to install the demountable barriers. Furthermore, it is submitted that there will be a reduced risk of flooding associated with any future failure to deploy the current defences. Counter to this, a number of objections shed doubt upon the savings/benefits associated with the proposal and express concern that the permanent



glass panels will adversely affect the character and enjoyment of the area and have a detrimental impact upon the setting of listed buildings.

- 6.21 On balance, the proper maintenance of the permanent glass panels would not in your officers opinion result in any adverse visual impact and would enable users of the footpath and residents to maintain a visual connection with the river and the views towards the City Centre. The Conservation Manager (Building Conservation) does not consider there to be any harm to the setting or significance of nearby heritage assets and whilst Historic England's comments might be regarded as attributing less than significant harm, no objection is raised and the benefits of removing the cross rail are recognised in their comments.
- 6.22 It is concluded that whilst there may be limited economic benefits associated with the proposal, the social benefits of maintaining the current levels of flood protection and reducing the risks associated with a failure to deploy the demountable barriers are noted. Whether the decision-maker agrees or not with these limited benefits, it is not considered that there is any environmental harm or harm to the character and setting of nearby heritage assets and certainly none that would outweigh the identified benefits. As such, the proposal can be characterised as sustainable development and accordingly recommended for approval

## **RECOMMENDATION**

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

1. **C01**
2. **C07 (drawing nos. ENV0000220C-TVO-MS-XX-DR-C-1400, 1401, 1402, 1403, 1404, 1405 and 1406)**
3. **Prior to the installation of the permanent glass panels, full details of their specification and a long term maintenance plan together with details relating to the deployment of the flood gates shall be submitted to and approved in writing by the local planning authority. The maintenance and deployment plan shall be strictly adhered to thereafter.**

**Reason: To ensure a satisfactory appearance and maintain flood protection in accordance with policies LD1, LD4, SD1 and SD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.**

4. **Prior to the installation of any of the flood gates hereby approved details of the materials and external appearance to be used in their construction shall be submitted to an approved in writing by the local planning authority.**

**Reason: To ensure a satisfactory appearance in accordance with policies LD1, LD4 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.**

5. **CBK -Restriction of hours during construction**
6. **CAT - Construction Management Plan**

## **INFORMATIVE:**

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It**

**has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

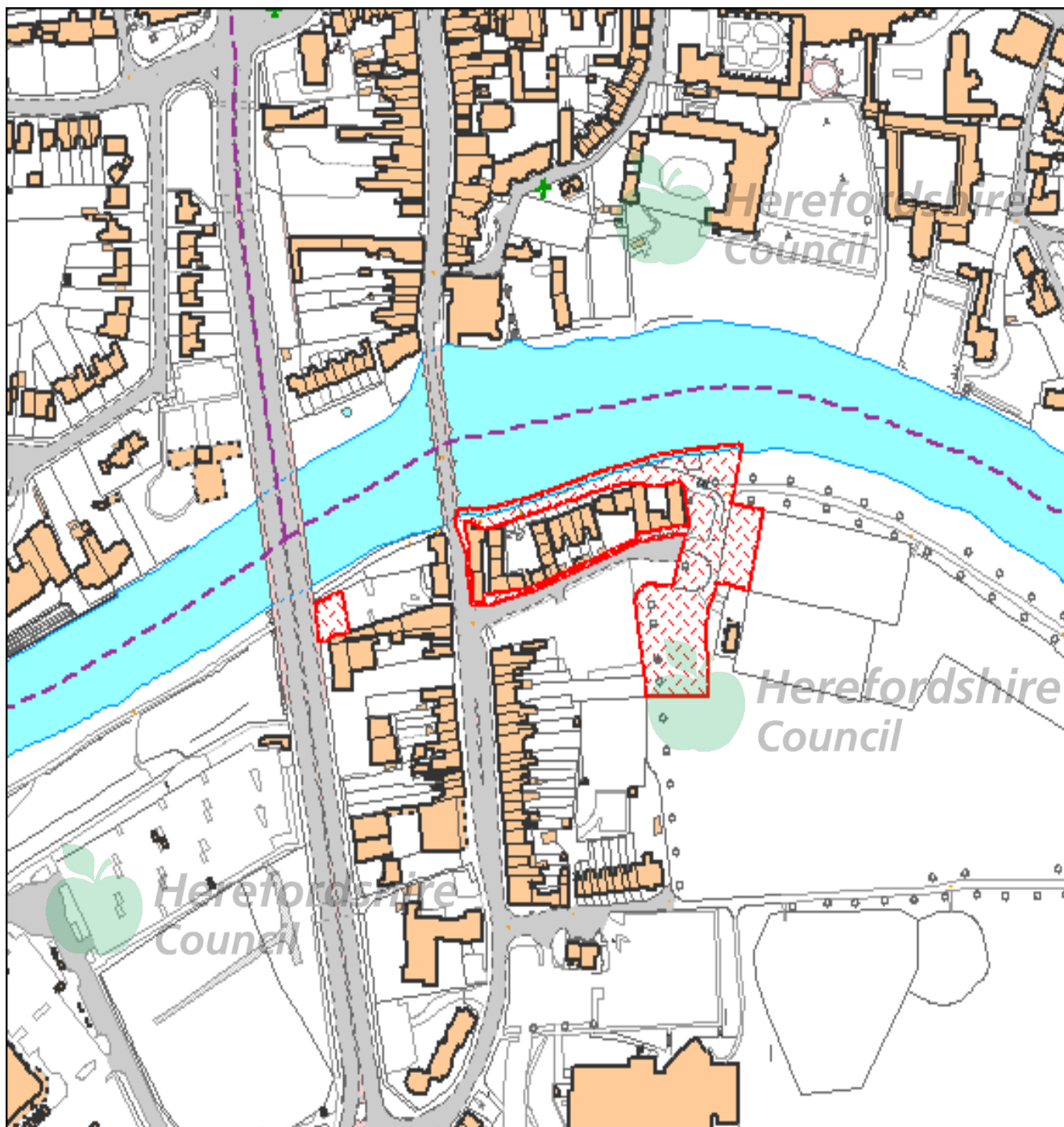
Decision: .....

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## **Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 184520

**SITE ADDRESS :** LAND AT GREYFRIARS BRIDGE, HEREFORD

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Further information on the subject of this report is available from Mr Simon Withers on 01432 260612