

MEETING:	PLANNING COMMITTEE
DATE:	7 December 2016
TITLE OF REPORT:	<p>162283 - DEMOLISH EXISTING BUILDING AND CONSTRUCT A NEW BOARDING HOUSE TO ACCOMMODATE 49 PUPILS, NURSE BEDROOM, HOUSEPARENT ACCOMMODATION, HOUSE TUTORS FLAT AND OVERNIGHT STAFF ROOM AT RECORDS OFFICE, HAROLD STREET, HEREFORD, HEREFORDSHIRE, HR1 2QX</p> <p>For: Mr Pizii per Dr Paul Harries, 1 Wilderhope House, Pountney Gardens, Belle Vue, Shrewsbury, SY3 7LG</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=162283&search=162283
Reason Application submitted to Committee – Council Land	

Date Received: 20 July 2016

Ward: Central

Grid Ref: 351794,239428

Expiry Date: 8 November 2016

Local Member: Councillor LC Tawn

1. Site Description and Proposal

- 1.1 Detailed planning permission is sought for the demolition of the existing building and construction of a new boarding house to accommodate 49 pupils, nurse bedroom, houseparents' accommodation, house tutors flat and overnight staff accommodation on the site of the former County Records Office, Harold Street, Hereford.
- 1.2 The site is located on the south-side of Harold Street in the residential area of St James and Bartonsham. The Army Reserve Centre is located to the immediate west, with dwellings opposite and to the south (Park Street) and east, in the form of No.70 Harold Street.
- 1.3 The site is currently occupied by a two storey building used previously by Herefordshire Council as the County Records Office. The building has been vacant since the beginning of January 2014. The proposed site is not within a Conservation Area, nor are there any Listed Buildings on the site or within its immediate vicinity. The site is located north of the River Wye (within 450 meters to the nearest point). It is located within Flood Zone 1.
- 1.4 The submitted Design and Access Statement, describes the proposal as follows:-

"The boarding house is to be used by pupils at Hereford Cathedral School. It will be their residence for 36 weeks of the year. The proposal is to accommodate 49 pupils. The arrangement is to allow for segregation of sleeping accommodation between male and female pupils. A mix of twin rooms and single rooms is to be provided. The proposal is required to accommodate a near equal split between boys and girls with associated social and dining

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

spaces together with a separate kitchen and dining area. Further accommodation is required for pastoral care: houseparent accommodation, house tutors flat, a nurse's bedroom and overnight staff room. A catering kitchen and a laundry are also to be provided within the building. Externally there is a requirement for space for relaxation and recreation for the pupils with a secure cycle shelter. The houseparent accommodation should have a private garden. Parking provision for full time staff is also required."

- 1.5 Vehicle access to the site is from Harold Street. There are two existing vehicle entrances, one to the north-west of the site frontage and the other at the north-east. The entrance to the north-west leads to a car park containing about 12 car parking spaces and 2 disabled parking bays. The entrance to the north-east was a staff only entrance with 3 parking bays. There is a pedestrian right of way to the west of the site for access to the Army Reserve Centre. In the northern part of the site there is an electrical sub-station. The northern boundary of the site, facing Harold Street, is marked with a low brick wall. This is generally about 500mm high, increasing to about 1500mm by north-east access. This results in poor visibility at this entrance. The east side is bounded by a low hedge and shrubbery. The west side is bounded by 2m high palisade fencing. Along the southern boundary of the site, facing the back of the terraced housing on Park Street, there is a red brick wall, about 2m high.
 - 1.6 Pedestrian access to the site is difficult as there is no pavement along the southern side of Harold Street. In addition there is no footpath on the opposite side of the road from Bartonsham Road junction heading east. A footpath is located adjacent to the north-west vehicle access from Bartonsham Road heading west.
 - 1.7 The existing building was partly constructed in the nineteenth century and partly in the twentieth century. The original U-shaped building was the County Militia Barracks, constructed in 1856 (as stated in the Hereford Rapid Townscape Assessment dated March 2010). This originally faced out towards a Parade Ground – now occupied by the Army Reserve Centre. At some point during the late 1960/70s the original building was extended to accommodate the archival store, which is embraced by the original wings.
 - 1.8 The original Militia Barracks building is two storey, with red facing brick walls and a series of slate hipped roofs. The extension is also in red brick with a pitched roof. In addition to the brick building, there is a single storey timber outbuilding to the south-west of the site.
 - 1.9 The building was not designed to operate as an archives centre (for several years it suffered from temperature/humidity control issues) and it was decided that the buildings at Harold Street did not comply with the national archives standard (BS5454). A new archive building was constructed at Rotherwas. At this point the existing building became obsolete and has remained unoccupied in the interim.
 - 1.10 The 'Hereford Rapid Townscape Assessment' refers to the character of the area neighbouring the proposed site as follows; Point 4.1 - *'Much of the area comprises small Victorian two-storey houses, including short terraces, on narrow plots, At several locations, particularly St James Road and parts of Harold Street and Park Street, larger Victorian detached and semi-detached houses occupy double plots. Most houses are of redbrick under slate roofs. Decorative and architectural elements include yellow and polychrome brick, and terracotta dressings, string courses, segmental brick arch lintels, keyed stucco lintels, bay windows and dormer windows'*.
- The Proposal
- 1.11 The proposed boarding house has an L-shaped plan. The longer part of the 'L' shape runs from north to south on the site, it runs parallel to the existing Army Reserve Centre. The shorter part of the 'L' runs east to west on the site and is set adjacent to the road. This plan form encloses a private amenity space within the scheme.

- 1.12 The Design and Access Statement confirms that the L-shaped plan arrangement is intended to preclude the overlooking of residential properties. The block facing towards no. 70 Harold Street is set about 19m from the eastern boundary of the site and about 29 metres from the house. The shorter wing - facing out toward Harold Street does not directly overlook the back gardens of the houses on Eign Road. This short block – facing south toward Park Street, is set about 28 metres from the Southern boundary of the site, and about 55 metres from the backs of the houses on Park Street.
- 1.13 Vehicle and pedestrian entry to the site is from Harold Street – adjacent to the Army Reserve Centre; the arrangement serving to retain the pedestrian right of way across the site. The houseparents' accommodation is the first part of the new boarding house that visitors approach from the street. It is sited at the junction of the two wings – it faces north toward Harold Street and it is provided with a garden – also facing onto Harold Street. Its position near to the main access reinforces the security of the site via passive surveillance. It has an independent entrance, doors that open onto the garden and, within the boarding house, doors that connect into the pupil areas on the ground and first floor.
- 1.14 Adjacent to the independent entry into the houseparents' accommodation is the main access to the boarding house. The student boarding house will have one principal access point which will allow controlled access into the building for all student and visitors – once past this point students enter a secure zone (including the external recreation space at the rear of the building). The entrance is located on the south-west elevation along a newly proposed footpath with safe pedestrian crossing.
- 1.15 Along the south-west elevation there is an independent access for kitchen and laundry staff and a controlled gate for access to secure cycle storage. There is also a 'forward' bin store in this location. The main bin and recycling store is adjacent to the second existing vehicle access to the site – in the north-east corner. The intention is to stop the use of this access for vehicles but to utilise it as a pick up point for refuse and re-cycling. All rubbish and re-cycling is to be brought to this access point for collection.
- 1.16 The accommodation within the building is arranged over three floors. The ground floor comprises shared facilities for the pupils, staff accommodation relating to pastoral care, a catering kitchen, a laundry and a plant room. The shared student accommodation consists of a dining/common room area along with two sick bays (one of which doubles as a nurses bedroom) and a bathroom. The staff accommodation consists of the ground floor of the houseparent's house, a house tutor's flat, and an overnight staff room with en-suite. Directly adjacent to the main entrance is the housekeeper's office – which acts as a controlled access point and reception. There is visitor WC adjacent to the entrance lobby and direct access to the study area in the houseparent house for meetings etc. There is also some student accommodation on the ground floor – which could be either for boys or girls depending on the take up relative to gender.
- 1.17 It is proposed that boys are accommodated on the first floor and girls on the second floor. On each of the two floors all rooms are serviced off a central corridor with 11 single en-suite rooms, 5 twin en-suite rooms and a shared study zone and kitchenette/social space to allow students to prepare snacks etc. on each floor.
- 1.18 The DAS records the aim of the project, in architectural terms, is to create an architecture which is rooted in its context yet contemporary in its execution. It is stated the approach has been to echo the proportions and materials of the surrounding buildings without directly copying them. It is suggested that this is achieved by using a similar palette of materials to those presently used in the local area with windows following a similar proportion to those in the neighbourhood – with a strong vertical emphasis. Re-constituted stone string courses have been introduced to provide horizontality and order the façade.

- 1.19 The DAS states further that the scheme is carefully proportioned to reflect the traditional architecture in the vicinity, and the pitched slate roofs offer a further connection to the context. While much of this vocabulary has a traditional resonance, a contemporary quality is sought by placing strong emphasis on the elements of the building. The DAS explains that the building comprises five distinct elements that make up the general massing. The two 3 storey residential wings, the 2 storey houseparent's accommodation (that is the size and has the scale of a house on the street elevation), the glazed link that brings together and sets apart the masonry elements on the street façade, and the strong horizontal element in white brick that defines the main entrance. The forms of these separate elements are very simple and arranged in such a way to offer contrasts of scale and mass. On the street facade the gable end of the houseparent's accommodation contrasts with the eaves line of the residential block to the east of the site. It is said that this echoes the manner in which gable ends break the eaves line in nearby streets.
- 1.20 Overall, the DAS concludes that the composition of the façade is intended to represent a contemporary approach that sits comfortably within the content and at an appropriate scale to the surrounds.
- 1.21 A comparison of building heights does not appear to have been included in the DAS. For the avoidance of doubt, the proposed building is considerably taller than the existing building. The application is accompanied by a detailed survey of the existing building and proposed elevations, which enable a ready comparison.
- 1.22 On the Battlefield Land Survey Ltd drawing 06, Elevation 1 is the west-facing principal façade of the former Records Office/Military Barracks. The existing building is 7.8m tall at the highest (ridge) point. With the exception of single-storey accretions the existing building is, where two-storey, uniformly 7.8m tall. The proposed boarding house is 11.7m at the highest point (excluding cowl) on this elevation and this height is carried through onto the 'wing'.
- 1.23 Perhaps the easiest reference point for comparison is the houseparents' accommodation. This is 8.1m to the ridge, which is 300mm taller than the existing building. This is the subordinate part of the scheme.
- 1.24 The archival storage building is the tallest part of the existing structure at 9m. This is 400mm lower than the 3-storey linking structure (not visible on the image). On the Harold Street elevation the existing building's flank elevation extends for 21.5m. The proposed building extends for 30m (excluding the entrance).
- 1.25 The DAS records that an "informal public consultation" was held at the Army Reserve Centre on Harold Street between 5.30 and 6.30 pm on Monday 20th June 2016. The event was publicised by Hereford Cathedral School who delivered leaflets by hand to 100 houses in the immediate vicinity of the proposed boarding house. These included houses in Harold Street that are in close proximity to the proposed site and houses on Park Street whose gardens are in close proximity to the proposed site.

2. Policies

Herefordshire Local Plan – Core Strategy

- 2.1 The Development Plan for the area is, in the main, the Herefordshire Local Plan – Core Strategy. The relevant policies are outlined and discussed briefly below:-
- 2.2 The CS pursues three themes and twelve objectives under the headings of Social Progress, Economic Prosperity and Environmental Quality. These are, in my view, equivalent to the three roles of sustainable development described in the National Planning Policy Framework (NPPF). CS Policy SS1 imports a similar decision-making test to that set out at Paragraph 14 of the

NPPF. In effect, development that accords with the CS should be approved without delay. Where policies are absent, silent or out-of-date, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in national policy taken as a whole or specific elements of national policy indicate that development should be restricted.

- 2.3 Policy SS4 is the strategic policy concerning movement and transportation, with developments designed and located to minimise the impacts on the transport network; ensuring that journey times and safe operation of the network are not detrimentally impacted. Where practicable, development should be accessible by and facilitate a genuine choice of modes of travel.
- 2.4 Policy SS6 underpins the CS objectives surrounding environmental quality and local distinctiveness. The policy requires development proposals to be shaped through an integrated approach to planning the identified environmental components from the outset. Of relevance to this proposal is townscape and local distinctiveness, historic environment and heritage assets and local amenity. The final paragraph to SS6 refers to the advent of other development plan documents and their role, in time, in defining local distinctiveness. A Hereford Area Plan (HAP) will be produced to complement the CS and add detail at the Hereford City level, but the production of an Issues and Options Paper is unlikely to take place until the new year and it is unlikely that the HAP will be in position to attract any weight for decision-making on planning applications for the foreseeable future.
- 2.5 Policy SS7 outlines the measures that development proposals will be expected to take in helping address climate change.
- 2.6 Underpinning these policies are the 'place-shaping' policies relating to Hereford. HD1 underscores the apportionment of housing via strategic allocations, existing commitments and windfall opportunities. HD2 refers to Hereford city centre, which is defined by the 'saved' Unitary Development Plan map found in the CS Appendices (Appendix 1, P.8). HD3 'Hereford movement' identifies measures to secure reduced reliance on the private motor-car.
- 2.7 MT1 is a criteria based policy outlining the aspirations around movement and echoes the objectives expressed in SS4 and HD3.
- 2.8 Of particular relevance to this proposal are the 'Local distinctiveness' policies LD1 Landscape and townscape, LD2 Biodiversity and geodiversity and LD4 Historic environment and heritage assets. LD1 requires that developments should demonstrate that character of the townscape has positively influenced the design, scale, nature of the proposal and site selection; whereas LD4 requires that developments should, where possible, enhance heritage assets and their settings in a manner appropriate to their significance. LD4 and the supporting narrative explain clearly that the policy is intended to apply equally to designated and non-designated heritage assets.
- 2.9 LD4 (2) asks that where opportunities exist, development proposals should contribute to the character and local distinctiveness of the townscape.
- 2.10 SD1 'Sustainable design and energy efficiency' is a criterion based policy covering a range of topics, including the requirement that residential amenity for existing and proposed residents is safeguarded. SD3 outlines water conservation measures, with specific water-consumption standards prescribed. SD4 deals with wastewater treatment and river water quality.

National Planning Policy Framework

2.11 The NPPF contains guidance on a number of issues. Relevant in this case is the approach to decision-making where the complete demolition of a non-designated heritage asset is proposed and how that should be factored into the planning balance.

2.12 Chapter 12 of the NPPF is entitled “Conserving and enhancing the historic environment.”

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

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

2.13 Paragraph 126 requires LPA's to set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other risks. In doing so LPAs should recognise that heritage assets are “an irreplaceable resource” and should conserve them in a manner appropriate to their significance.

2.14 Paragraph 129 requires the LPA to identify and assess the particular significance of any heritage asset that may be affected taking account of the available evidence and expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

2.15 Paragraph 131 defines 3 aspects that a local planning authority should take into account when determining planning applications:-

- *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; &*
- *The desirability of new development making a positive contribution to local character and distinctiveness.*

2.16 Paragraphs 132-135 then deal with the approach to decision-making according to the significance of the heritage asset and the degree of harm arising as a consequence of development. Paragraph 132 confirms that great weight should be given to the conservation of designated heritage assets. Paragraph 133 directs refusal, and is so a restrictive policy, where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset. This is unless such harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss or where 4 exceptions criteria apply.

2.17 Paragraph 134 explains the approach to decision-making where less than substantial harm to the significance of a designated heritage asset would arise. It states that such harm should be weighted against the public benefits of the proposal, including securing its optimum viable use. 134 is thus also a restrictive policy i.e. the harm is considered in an unweighted balance as per the second part of the limb 2 test at NPPF paragraph 14.

2.18 Significantly, in this case, Paragraph 135 sets out the approach where a non-designated heritage asset is affected. It states as follows:-

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

2.19 It can thus be seen, and as is recorded in the CS, that the impact of development proposals on non-designated heritage assets is a material consideration in the determination of planning applications. An important distinction arises, however, between designated and non-designated assets; it being the case that harm to designated assets should be considered in an unweighted balancing exercise via the limb 2 test at paragraph 14 i.e. it is not necessary to consider whether the harm or loss *significantly and demonstrably* outweighs the benefits.

2.20 135 directs, however, that a balanced judgement will be required. In such cases harm or loss will be a material consideration, but presumably not of such weight (in most cases) in the planning balance as compared to where a designated heritage asset is involved. Scale of harm and significance of asset are the two critical factors.

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

2.22 National Planning Practice Guidance

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

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

3. Planning History

3.1 None relevant

4. Consultation Summary

4.1 Welsh Water: Recommend conditions

4.2 Traffic Manager: Proposal is unacceptable but can be made acceptable by way of the following amendments to the deposited application, as discussed at pre application stage:-

Inclusion of a turning and loading/unloading area for service/delivery vehicles within the site. Provision of low level build out (to accommodate vehicle crossings) for pedestrians on north side of Harold Street between parking bays at proposed crossing point to reduce crossing distance and establish pedestrian waiting area with visibility past parked vehicles.

Proposal would then be acceptable, subject to the following conditions and / or informatives:-

CAE CAL CAZ CB2 and informatives I05 and I45

4.3 Environmental Health Manager (Contamination): Recommends conditions

4.4 Conservation Manager (Ecology): More information required.

I note at this stage that an ecological survey has been carried out on the buildings in question. The buildings are extensive and fall within a reasonable bat foraging zone as identified in the report. The report finds *the "likelihood of bats using the buildings to be small ..."* but *"recommends that a precautionary activity survey be carried out between May and September to confirm the absence of bats"*. Given that the buildings are to be demolished I would agree that activity surveys are necessary and if the surveys have been done I would be obliged if they could be forwarded to me. Without such surveys unidentified impacts of the development proposals on protected species or habitats cannot be ascertained. This information is required in order for mitigation to be devised for any impact from the demolition and cannot be left as a reserved matter or conditioned in case such mitigation affects any approved scheme.

4.5 The proximity to the River Wye SAC should be borne in mind and a Construction Environmental Management Plan should be secured by condition as follows:

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. The Plan shall be implemented as approved.

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).

4.6 Land Drainage Officer

Overall Comment

We recommend that the following information is provided prior to the Council granting planning permission for this development, agreement with Welsh Water / Dwr Cymru regarding the proposed management of surface water and discharge rates into the existing 'main sewer', calculations relating to the critical storm duration and rainfall rates and that the site is free from surface water flooding in a 1:1 year, 1:30 year and a 1:100 year + climate change rainfall event.

4.7 However, should the Council be minded to grant planning permission, we recommend that the submission and approval of detailed proposals for the management of disposal of foul water and surface water runoff from the development is included within any reserved matters associated with the permission / suitably worded planning conditions. The detailed drainage proposals should include:

- Provision of a drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- Calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year

event and up to the 1 in 100 year event and allowing for the potential effects of climate change;

- Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with an appropriate increase in rainfall intensity to allow for the effects of future climate change;
- Evidence that the Applicant is providing sufficient storage and appropriate flow controls to manage additional runoff volume from the development, demonstrated for the 1 in 100 year event (6 hour storm) with an appropriate increase in rainfall intensity to allow for the effects of future climate change;
- Evidence that the Applicant has sought and agreed permissions to discharge foul water and surface water runoff from the site with the relevant authorities;
- Evidence that the Applicant has sought and agreed allowable discharge rates for the disposal of foul water and surface water runoff from the site with the relevant authorities;
- Demonstration that appropriate pollution control measures are in place prior to discharge.
- Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems.

5. Heritage Responses

5.1 A very significant material consideration arising with this application is the proposed demolition of existing buildings on site. Consultation responses that focus on this single issue are set out below together for ease of reference. They include:

- The response of the Conservation Manager (Historic Buildings), Herefordshire Council;
- The response of the Woolhope Club;
- The response of the Victorian Society;
- The response of the Bartonsham History Group;
- The response of the Hereford Civic Society.

This section culminates in the Historic England response to the application made by a local interest group to add the building to the statutory list i.e. designate it a listed building.

5.2 Conservation Manager (Historic Buildings): Objection

It is proposed to provide a new boarding house and associated spaces for 49 pupils and various staff. Several pre-application discussions have been held and formal advice has been provided.

5.3 The application site lies to the south-east of Hereford City Centre in an area of attractive mid-Victorian dwellings. The area is outside the Hereford Central Conservation Area. There are no nationally listed buildings on the site and none in the vicinity that would be affected by the proposed new use on the site. This is due to the intervening buildings and the distance of the listed buildings from the site.

5.4 There is, however, the 1856 Militia Depot and the former archive building currently on the site. Whereas the archive building is not considered to be visually or historically important, the Militia Depot building is considered to be of Local Importance in heritage terms. Pre-application advice was to retain the 1856 building whilst allowing the demolition of the 20th century archives building.

- 5.5 The site lies in the midst of a residential area except for the TA Centre which is immediately to the west and occupies part of the former parade ground. A right of way exists across the site to allow access to this neighbouring building.
- 5.6 The proposal indicates that all the existing buildings, and some trees, would be removed from the application site in order to enable the construction of two, three-storey buildings, a three-storey glazed link and a two-storey element for the corner of the overall L-shaped footprint.
- 5.7 Core Strategy Policy LD4 relates to the Historic Environment and heritage assets. Heritage assets can be formally designated or not. The Policy requires that development should “protect, conserve, and where possible enhance heritage assets and their settings”.
- 5.8 Clearly the proposals have a substantial impact on the Locally Important Militia Depot in that it would be completely lost to demolition. The Design and Access Statement does indicate that some analysis of the existing building has taken place, however the social history and meaning has been minimised. The justification for the removal lies with the apparent inability to comply with the applicant’s brief whilst retaining the building, rather than the building having little or no value. This is not considered to be acceptable, especially as the pre-application advice was very clear on the subject.
- 5.9 From a heritage perspective, a new use for the building is clearly required; however the achievement of a new use for the site should not involve the loss of the heritage asset. An alternative new use should be identified. This is particularly the case when the heritage asset is in a good state of repair, has only had minor modifications in its 160 year life and contains internal spaces that are generous and non-limiting for alternative uses.
- 5.10 In terms of the NPPF the Militia Depot must be considered, at present, under Paragraphs 131 and 135 (relating to non-designated heritage assets). Para. 131 requires:
- “In determining planning applications, local planning authorities should take account of:*
- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - *the desirability of new development making a positive contribution to local character and distinctiveness.”*
- 5.11 The application does not indicate that the scheme would put the heritage asset to viable uses consistent with their conservation, nor has it recognised the positive contribution that could be made by the historic building. It is also considered that the proposed new building would not make a positive contribution to the local character and distinctiveness, despite the analysis carried out on buildings in the vicinity.
- 5.12 Paragraph 135 states:
- “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*
- In this case the scale of harm is very high as the Depot would be completely lost.
- 5.13 The design for the replacement building has seemingly been routed in an analysis of the domestic architecture in the local street surrounding the site, however in transferring that information into the scheme the detailing and flair and softness of the mid-Victorian architecture

has been lost. The scale of the building and in particular the height is in excess of the immediate dwellings and would tower over the local buildings. It is acknowledged that there are three-storey and 2.5-storey dwellings in the wider locality but not on the roads immediately round the site such that they contribute to the character of the area.

- 5.14 The use of brick, slate and stone would be acceptable, however the almost brutal appearance shown on the elevation drawings indicates that it is the manner of its use that would be out of character in this context. It is interesting that the white bricks proposed for the front elevation highlight the kitchens as well as the entrance. The front elevation still faces onto the former parade ground and not the street, which will mean that the white bricks will not have the impact indicated by the drawings as they face the TA building next door. This orientation has no historic basis as it would be a new building so the opportunity to re-orientate the site has not been taken. This is also the situation with other layout details internally where the trunk room is on the south side with other spaces that do not need natural light. The plans do not appear to capitalise on the proposed loss of the historic asset.
- 5.15 In conclusion, the proposal is considered to be contrary to Policy LD4 and Paragraphs 131 and 135 of the NPPF. The loss of the heritage asset is not considered to be acceptable and the design of the proposed replacement building is also not considered to respond adequately to the character of the area.

In short a very strong objection is raised to this proposal.

5.16 Woolhope Club: Objection

The Executive Committee of the Woolhope Club urges Herefordshire Council to refuse this application on the following grounds:

1. We support the views of many local residents and the Bartonsham History Society who are opposed to the demolition of an important historic building, which contributes character to their area.

2. The building makes a significant contribution to the Harold Street townscape. It is a similar age to many houses in the surrounding streets and shares the same sub-classical style. The proposed three storey building is out of place in terms of scale, style and materials. It appears to be an off-spring of the Widemarsh Street multi-storey car-park.

3. We notice in the applicant's design statement there is a preliminary design for building that integrates with the existing structure, replacing the Old Record Office extensions on the east side of the historic building with a new residential block. The Council should insist that the applicant perseveres with this early design, which makes good use of the original 1856 building.

4. The present writer has written-up the story of the building and made some tentative assessment of its historical significance. This is attached to this letter and has been adopted by the Bartonsham residents who attended a meeting at the Volunteer on Friday 26th August. This was subsequently sent to Historic England in Bristol as part of a formal application to get the Old Barracks listed. The HE application number is 1439059.

- 5.17 We urge the Council to refuse the present application, insist that the existing building be utilised in any development proposal and await the outcome of the residents application for listing.

**the assessment referred to in 4. above is available on the website.*

5.18 Victorian Society: Objection

Thank you for consulting the Victorian Society on this application. We **object** to the demolition of the former Militia Depository, which would needlessly and harmfully deprive the area of a locally significant historic building. The former Militia Depository was constructed in 1856 to the design of *John Gray*, a notable architect of the period who was responsible for a number of significant buildings in and around Hereford. It is a handsome and imposing edifice, befitting of its original purpose as a military storage and, later, as a barracks. The building is mentioned in the revised Buildings of England volume, underlining its interest in the local context. In light of its historic and architectural interest the Depository must be considered to be a non-designated heritage asset. In accordance with paragraph 135 of the NPPF its demolition is therefore a material consideration in determining this application.

- 5.19 We **object** to the demolition of the Depository, which would divest the area of one of its most important buildings – an impressive and well preserved example of the work of noted architect *John Gray*, one with great adaptability and potential for reuse – and a significant manifestation of local history. The loss of the building would undermine the area’s unique sense of place and identity and should be resisted.
- 5.20 It is a core principle of the national Planning Policy Framework that heritage assets are conserved “*in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations*”. Paragraph 131 of the NPPF states that local planning authorities should take account of the “*desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation*”. It highlights also the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality. Paragraph 132 stresses that “*great weight*” should be given to the preservation of heritage assets.
- 5.21 Herefordshire Council’s Local Policy LD4 states that development proposals affecting heritage assets and the wider historic environment should “*protect, conserve and, where possible, enhance heritage assets and their settings in a manner appropriate to their significance*”, should “*contribute to the character and local distinctiveness of the townscape or wider environment*” and should “*use the retention, repair and sustainable use of heritage assets to provide a focus for wider regeneration schemes*”.
- 5.22 Paragraph 5.3.27 of the Adopted Core Strategy emphasises that developments “*should embrace the historic environment rather than regard it as a constraint. Utilising existing locally distinctive heritage assets within wider regeneration proposals can help create new developments that integrate positively with their surroundings, and can reinforce existing cultural and social characteristics*”.
- 5.23 We note the pre-application advice provided by the Council to the applicant that recommended the retention of the historic building as part of any redevelopment of the site, advice that we endorse and echo. In addition to the fact that the Depository is in a good state of repair, having been in use until recently, it is of a form and type that would lend itself to a variety of new uses. Finding a viable and appropriate new use for the building should not prove unduly challenging.
- 5.24 In light of the above, we **object** to this application, which fails to comply with local and national planning policy, and urge you to **refuse** it consent. I would be grateful if you could inform me of your decision in due course.

5.25 Bartonsham History Group: Objection

I have been asked to comment on this application on behalf of the Bartonsham History Group (BHG). The BHG is a local community based history group interested in particular the local and social history of Bartonsham. We organise history walks, talks, pop-up exhibitions, research and run a local history website for the area.

5.26 Our comments are as a result not only of discussions and research amongst the BHG but also as a result of a public meeting which we held at the Volunteer Inn on 25th August. This was attended by 20 local residents and clearly demonstrated a significant level of local interest and concern.

Summary:

5.27 It is the considered view of the Bartonsham History Group that the Old Barracks are of important local historical and cultural significance. Therefore, we ask for this application, which involves the complete demolition of the building, be refused.

5.28 We strongly support the views of the Planning Officers in their pre-application consultation (Design and Access Statement Section 4) that the applicant should be encouraged to accommodate the proposed end use without the need for wholesale demolition.

5.29 It will always be the case that incorporating and adapting existing buildings for new purposes is challenging and may involve additional expense. However, we feel that the local significance of this building fully justifies the effort required. We do not accept the applicant has fully explored the possibilities but has chosen to take the easy option to go for complete demolition.

Background:

5.30 (Historical research based on the existing work of David Whitehead of Hereford and used with his consent). The existing building was originally known as the Militia Depository and shows a birth date of 1856 on a keystone over its entrance. It was designed as a block-house - seven bays by five - under a low pitched slate roof with a central open courtyard. It has the appearance of a modest late Georgian country house; its plainness reflecting its utilitarian purpose. The design by local architect John Gray (1796-C.1862) has managed to deliver an elegant simplicity within what was a tight budget. It sits well within the Victorian street scene that grew up around it.

5.31 As its name suggests it was designed as a storage depot for military equipment but as time passed it became known as the Barracks, perhaps providing transitory accommodation for volunteers being transferred to professional regiments or service overseas. The west facade remains as it was built with a central two storey porch, flanked by slightly projecting two bay wings. The porch was provided with military-looking rifle slots - now filled in - the one architectural embellishment that indicates its purpose. In addition, there are faint dark bull's eyes painted regularly on the west wall at about four feet from the ground either side of the porch. These would have been painted for sighting practice when the Herefordshire Rifle Volunteers were founded in 1859.

5.32 The building as it stands is an excellent example of a mid-Victorian militia depot, which must have once existed in every shire in the country but few remain today. Its domestic character epitomises the civilian context in which young men from the community were recruited to serve their country. For over a century many young men, drawn from the farming communities along the Welsh Border, passed through this building and saw active service in the remotest parts of the world. Many never returned home. The building is associated with a significant aspect of Victorian history. Here in Hereford we have evidence in the Militia Depot of the beginning of the story. The role of volunteer forces is often neglected in the official histories of the regular regiments of the British army. This is redressed in the survival of this building.

5.33 The Old Barracks has been well maintained by Herefordshire Council and so should be expected that it could be adapted or incorporated for future purposes.

5.34 We therefore urge that every effort is made to retain, as much as possible, of this unique part of Herefordshire history. It is modest and in keeping with the Victorian neighbourhood that it is part of It is therefore of local significance to its community.

Application Design Statement:

5.35 1. We were disappointed that the applicant's Design Statement does only include very limited information on the history of the building and its significance to the local community and culture. This we feel is a significant omission and has led the applicant away from fully considering the retention of the building.

2. We fully agree with the Pre-Application Advice provided to the applicants "that the applicant should be encouraged to accommodate the proposed end use without the need for wholesale demolition."

3. We feel the arguments presented as to why this is not possible are weak. They boil down to pedestrian access and segregation of sleeping quarters. These we believe can be solved by further design changes. We would expect more creativity from an organisation well used to utilising and preserving historic parts of the city.

4. Further Pre-Application consultations have been aimed at finding a reason for complete demolition rather than seeking ways to avoid it. These we feel lead to opportunities wasted to fully consult the local community. The Community is mostly supportive for the change of use but are unhappy for the replacement of a historic old building with something so out of keeping.

Hereford Civic Society

5.36 Hereford Civic Society members are divided on this application. The overall design is considered acceptable and will replace the current rather unhappy mixture of styles. If this application is approved then:-

- better access to the site is clearly needed.
- A full history of the building to be recorded together with photographs, to be deposited at HARC, before demolition commences.

A sizeable proportion of members would like to see the building retained for its historical context.

HERITAGE ENGLAND RESPONSE TO APPLICATION FOR LISTING

Assessment

5.37 CONTEXT AND BACKGROUND

Historic England has received an application to assess the Militia Barracks in Hereford for listing. There is a live planning application for the demolition of the building and its replacement with a new structure. The building does not stand within a conservation area.

5.38 HISTORY AND DETAILS

The Militia Barracks building in Hereford was built in 1856 to designs by John Gray, County Surveyor for Herefordshire between 1842 and 1861, and is shown as barracks with a parade ground on the First Edition Ordnance Survey map of 1888, although it is understood that the building may originally have been built as a depository. The building remained in military use until the mid-C20, when it became the record office for Herefordshire. This use is understood to have ceased c.2014, since when the building has been unused.

The building is of two storeys, built of brick under a slate roof, with a nine-bay principal façade which faces west over the former parade ground. The central bay projects with an arched entrance at ground floor with narrow slits to either side and a date stone above showing 1856. The outer two bays of this facade also project slightly, and there is a continuous platband between ground and first floor. There are sash windows under cambered heads throughout, and to the rear a large, mid-C20 extension which infills the rear courtyard, where a single storey linking wing has been lost. Comparison with historic photographs shows that chimney stacks have been lost across the whole building, and modern photographs show that parts of the roof structure may have been rebuilt.

5.39 ASSESSMENT

The Principles of Selection for Listing Buildings (DCMS, March 2010) sets out the criteria used when assessing buildings for designation. Further guidance can be found in the Historic Selection Guide for Military Structures (2011), which notes that key considerations for this building type include architectural quality, degree of alteration and group value with other related structures. The former Militia Barracks building in Hereford is clearly of some historic interest as a mid-C19 military building, in use at a time when the construction of such buildings was taking place across the country as Britain's imperial commitments grew. The building was designed by the county surveyor, John Gray, and is a simple yet dignified composition in brick. The building's simple character can be argued to reflect its function, however for military buildings of this date good architectural quality is required to merit listing at a national level. The building has little in the way of architectural expression, and its style is somewhat old fashioned for the 1850s. Comparisons with listed examples show that they tend to be earlier in date, such as the 1757 Barrack Block at Chatham, Kent (NHLE 1410725), or possess much stronger architectural quality, such as the Former Barracks in Grantham, Lincolnshire (NHLE 1062467). The Hereford building's claims to special interest are further lessened by the alterations which have taken place, including the loss of all chimney stacks, the loss of the rear single storey wing and the large extension which infills the rear courtyard.

On balance, whilst the former Militia Barracks is a building of strong local interest, it does not possess the special interest required to merit listing at a national level.

5.40 REASONS FOR DESIGNATION DECISION

The former Militia Barracks in Hereford, built 1856 by John Gray, is not recommended for listing for the following principal reasons:-

- Architectural interest: while of pleasing character, the building is unremarkable in the national context and does not possess the interest required for a building of this date to be listed;
- Alterations: the alterations which have taken place have lessened the building's interest.

5.41 CONCLUSION

The former Militia Barracks in Hereford is clearly of strong local interest as a surviving mid-C19 military building, but is not considered to possess the special interest required for statutory listing.

6. Representations

6.1 Hereford City Council: No objection

The history of the existing building should be appropriately memorialised within the new building

6.2 A total of 27 neighbour letters have been received, as well as a separate comment from the St James and Bartonsham Community Association. This is reproduced below:-

I am writing on behalf of the St James and Bartonsham Community Association (CA) to object to this application. I sit on the Executive Committee. The Bartonsham History Group are affiliated to the CA and have submitted their comments. Our objection centres on the transport proposals.

St James historically suffers from excessive vehicle speed in narrow and congested Victorian streets. This is at its worst during the 'school run' periods. Although the whole area now has a 20mph speed limit, this is widely ignored, and this can be seen in the submitted Transport Plan, where the 85th Percentile speed was recorded as 24mph. Much of the traffic passing through St James during the 'school run' periods is made up of vehicles travelling to and from the Cathedral School Castle Street campus and this is more concentrated in the mornings. This creates significant problems, not only from speeding, but also at the Harold Street/Green Street crossroads, where large numbers of parents and children on foot are crossing en-route to St James School.

Ward Councillors Jim Kenyon and Len Tawn have seen this problem first hand when they shared the duties of the 'lollipop lady' recently whilst she was on holiday. As far back as 2001, CA led plans were afoot to improve the safety of this junction, but they were vetoed by an incoming cabinet member and we have been unable to revive them.

The Transport Plan makes no firm commitment as to how pupils will move between the boarding house and the Castle Street Campus. It gives a walking distance and time, but those pupils themselves would have to negotiate the dangerous Harold Street junction. More likely is that pupils and support staff will be shuttled to and fro via minibus, hence the permanent parking for 3no minibuses on the site layout proposal. This would add further to the transport burden of the area and would not be acceptable.

Previous development of the campus saw a planning condition requiring a transport plan but we saw no evidence of this being implemented. The CA have attempted to engage with the School in the past over the transport impact, to little effect. At one stage we understood the Cock of Tupsley was to be a transport hub, with parents dropping off children to be minibussed into Castle Street. Again we see little evidence of this on the ground.

Our view is that the transport issue need further clarification and improvement. We do not want dirty diesel minibuses shuttling back and forth, impacting on the health and amenity of residents. There is an opportunity here to introduce clean electric vehicles, which can easily be recharged via PV panels within the development. Obviously, we would prefer pupils to walk, but we accept that this will not always be possible. There is also the opportunity to use the site as a hub for parents to drop off their children to reduce the number of vehicles passing through St James. They can then be shuttled to Castle Street in clean electric minibuses or indeed walk or cycle. Until such time as the applicant provides a more cohesive, sustainable and less damaging transport plan, we object to the application.

St James and Bartonsham Community Association

6.3 The content of the 27 letters of objection is summarised as follows:-

- Objection to the demolition of an historically significant building, with deep rooted connection with the local area and the county as a whole;
- The building is an increasingly rare example of its type; a purpose built military barracks. It is a monument to the many volunteer servicemen of the C19/20th;
- An asset such as this should be preserved and restored for the benefit of future generations who may otherwise be unaware of the social history;
- The building is in good repair and would appear to be capable of sensitive conversion to a more appropriate use;
- The applicants have disregarded the advice of the Council, who stated at the pre-application stage that the building should be retained;

- The fact that the existing building is not suitable for the end use does not, in itself, justify demolition. A more suitable site should be found;
- Where as the existing building compliments its surrounds, the proposal is vastly out of scale and would dominate a settled, well-established residential area giving rise to loss of privacy;
- The site is at a notorious pinch point on narrow local roads which are already used for rat-running to Castle Street. Pedestrian access is poor and visibility splays are not readily achieved;
- The ecological value of the site would be reduced. There is evidence of bats using the site for roosting;
- Trees on site make a valuable contribution to the amenity of the area and should not be removed;
- The local infrastructure is insufficient to support the development;
- There is the potential for disturbance arising from the 49 students and traffic issues at the beginning and end of term time;
- The public exhibition was poorly advertised. Many local residents were unaware of the 1 hour long event;
- There is concern that the property was not actively marketed, which has effectively ruled out the potential for a redevelopment that utilises the existing building.

6.4 The consultation responses can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=162283&search=162283>

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>

7. Officer's Appraisal

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

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

7.2 Having regard to the Development Plan and other relevant material considerations I am of the view that the main issues in the determination of this application are as follows:-

- a) The effect of the proposed development on the non-designated heritage asset; the 1856 John Gray designed Hereford Militia Barracks;
- b) Its effect of the character and appearance of the surrounding area;
- c) Its effect on areas of ecological or nature conservation interest;
- d) Other matters raised by consultees and interested persons, including the effect of the proposed development on the safety and convenience of users of the nearby highways, and its effect on the living conditions of nearby residents;
- e) Whether the appeal proposal should be seen as representing sustainable development, in the terms of the Framework;
- f) How the planning balance, involving the benefits and dis-benefits of the proposed development, should be assessed.

The effect of the proposed development on the non-designated heritage asset; the 1856 John Gray designed Hereford Militia Barracks;

7.3 The report, at section 3, sets out the responses received from the Conservation Manager and interest groups, including the Victorian Society and local history groups. With the exception of the Hereford Civic Society, who are non-committal, there is strong objection to the demolition of

the non-designated heritage asset. It being recorded elsewhere in this report, it is not necessary within this appraisal to rehearse the building's social and architectural history.

- 7.4 In my view, however, the assessment of the Conservation Manager and others is reflected in the Historic England response to the listing description which describes the building as exhibiting "strong local interest." That the local interest is, according to Historic England, "strong" as opposed to moderate or less, is material to the '135' balanced judgement; it being the case that the 135 judgement demands a balanced judgement having regard to the scale or any harm or loss and the significance of the heritage asset.
- 7.5 In my view, therefore, and recognising that the asset is not designated, the building can be regarded as significant in the local context. The building was designed by a well-known architect, of socio-historic interest, has scarcity value and is in a reasonable state of repair. Whilst I recognise that C20 additions and later alterations have diminished the overall composition, what remains of the original 1856 structure is readily discernible as such and should, in my view, be placed at the higher end of the "significance spectrum" insofar as non-designated heritage assets are concerned. Having concluded that the building is a significant non-designated heritage asset it falls to consider the extent of the loss or harm. In this case, the loss or harm (whichever term is applied), is absolute. The complete demolition of the building cannot be described otherwise.
- 7.6 Thus, in terms of harm or loss, it is axiomatic that it is at the high end of the harm/loss spectrum. This harm/loss relates to a non-designated heritage asset that due to its social history and scarcity (particularly in the local context), is placed towards the upper end of the significance spectrum.
- 7.7 I am of the view, therefore, that the total loss of this comparatively scarce non-designated heritage asset should be attributed significant weight in the planning balance as an adverse impact. Whilst I recognise the asset is not designated, I don't believe that it is the intention that whether the building is designated or non-designated is the only factor of relevance to an assessment of significance. I accept fully that the hierarchical approach set out in LD4 and NPPF indicates that designation is a factor influencing significance and I agree. However, in this case the subject building is a building that although unremarkable architecturally, exhibits significance through its historical association with the armed forces and military volunteers in Herefordshire and beyond. I note at this point the letter of representation noting the naming of the public house on Harold Street: The Volunteer.
- 7.8 Taking the consultation responses into account, including the Historic England letter which concludes the building isn't worthy of listing but is of "strong local interest" and having regard to CS Policy LD4 and NPPF guidance at Chapter 12, I consider that the building is of significant local interest and given the scale of loss is absolute, the heritage impact must be described as a significant material consideration weighing against the scheme in the overall planning balance. Accordingly I find conflict with CS Policy LD4. In making this assessment I am conscious that the limited marketing of the building makes it difficult to reach any conclusion in respect of there being the potential for viable re-use of the building. The lack of evidence on this point is, in my view, in further conflict with LD4 and NPPF guidance and weighs further against the scheme in the planning balance.

The effect on the character and appearance of the surrounding area

- 7.9 LD1 and LD4 require that development proposals contribute to the character and local distinctiveness of the townscape. This is further reflected in SS6 and SD1. The NPPF records that good design is indivisible from the pursuit of sustainable development. Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

7.10 The design for the replacement building is routed in an analysis of the domestic architecture in the local streets surrounding the site. However, and in common with the Conservation Manager and numerous objectors to the scheme, I am concerned that the proposal does not exhibit the detailing, flair, softness and locally predominant scale of the mid-Victorian architecture. The scale of the building and in particular the height is in excess of the immediate dwellings and would, in my view, represent a dominant and overbearing impact in the street-scene. I acknowledge the presence of 2.5 and 3-storey dwellings in the wider locality, but these are not found on the roads immediately around the site.

7.11 For further analysis I draw on the comments of the Conservation Manager:-

“The use of brick, slate and stone would be acceptable, however the almost brutal appearance shown on the elevation drawings indicates that it is the manner of its use that would be out of character in this context. It is interesting that the white bricks proposed for the front elevation highlight the kitchens as well as the entrance. The front elevation still faces onto the former parade ground and not the street, which will mean that the white bricks will not have the impact indicated by the drawings as they face the TA building next door. This orientation has no historic basis as it would be a new building so the opportunity to re-orientate the site has not been taken. This is also the situation with other layout details internally where the trunk room is on the south side with other spaces that do not need natural light. The plans do not appear to capitalise on the proposed loss of the historic asset.”

7.12 Paragraphs 1.22 – 1.24 (above) outline a comparison of the scale and massing of the proposed building relative to the existing and gives an indication of the increase in height and breadth. Although the DAS concludes that the design would sit comfortably within the local context, I hold the alternate view. To my mind, the increase in scale and mass would, as per the consultation responses, result in a dominant and overbearing structure within the local context. I agree with the Conservation Manager’s observations in respect of the near brutal appearance of the elevations.

7.13 It follows from the last sentence of the quote above, that the Conservation Manager is wholly unconvinced that the loss of the heritage asset is justified in terms of the architecture of the proposed replacement structure. In fact, the harm to the character and appearance of the area described, adds further weight to the argument in retention of the existing structure. Accordingly I find conflict with CS Policies SS6, LD1, LD4 and SD1 and consider this weighs heavily against the proposal.

The effect on areas of ecological or nature conservation interest

7.14 The Ecologist’s comments record the need, as recognised in the survey accompanying the application, for further surveys at the appropriate time of year to determine the presence, or otherwise, of European protected species. The Council’s ecologist has confirmed that such survey work cannot be a requirement of a condition and in the absence of such information, planning permission should not be granted.

7.15 I understand the concern to relate to the potential use of the site by bats; European protected species, which according to LD2, should be afforded the highest degree of protection. In the absence of the requisite information, the application is recommended for refusal on this issue alone.

7.16 The arboricultural assessment accompanying the application confirms the removal of a number of trees, including one Category B pine tree. Having regard to CS Policies LD1, 2 and 3 I consider that the loss of this tree (and associated trees of lesser value) constitutes a modest dis-benefit of the scheme.

Other matters raised by consultees and interested persons, including the effect of the proposed development on the safety and convenience of users of the nearby highways, and its effect on the living conditions of nearby residents;

- 7.17 The interested parties raise concerns in relation to the potential increase in traffic generation. The Council's Transportation Manager expresses concerns with the proposal as submitted, but considers the issues raised are capable of being mitigated, such that subject to appropriate detailing a conditional recommendation for approval might ensue. His view is that with the build-out and pedestrian priority measures described, the residual cumulative impacts of the development are not likely to be severe.
- 7.18 I have had regard to objections that cite a likely increase in traffic. When compared to the sites vacant state this is undeniably true. However, I am mindful that the lawful use of the site is as a repository for the County Archive and associated office space. Against the lawful use, therefore, I am not convinced that the use proposed would increase the level of vehicular and/or pedestrian movements to and from the site. In reaching this conclusion I am mindful of the applicant's assurance that none of the students would have recourse to their own private motor car. Moreover, I am not convinced that the use would give rise to unacceptable traffic impacts at the start and end of the school term. It cannot be stated categorically that all students will arrive and / or depart the site via the private motor car. There is no firm evidence either way, but certainly none to confirm categorically that the impact would unduly and adversely impact the local road network when compared to the historic lawful use. Accordingly I conclude that the transport impacts are neutral in the planning balance.
- 7.19 Concerns have also been expressed locally in relation to the impacts on the living conditions of residents whose houses are in close proximity to the site. As above, both SD1 and NPPF require schemes to deliver good standards of amenity for existing and proposed residents.
- 7.20 Dealing first with dwellings to the north on Harold Street and Eign Road, I do not consider there to be any significant adverse impacts arising. At the junction of Bartonsham Road and Harold Street is Hastings Court. No.1 has a first floor bay window in the SW-facing elevation. This is at a distance of 28m from the houseparents' accommodation and 30m from the boarders' accommodation. In a suburban context I don't find this relationship unacceptable.
- 7.21 Properties on Eign Road have rear gardens extending to Harold Street, with the effect that the built environment is characterised by an assortment of garaging and garden fences. Dwellings fronting onto Eign Road, including Nos.54, 56 and 58 are far enough distant to not suffer any adverse consequences.
- 7.22 The nearest dwelling on the NE side of Harold St is no.89, which appears to have been constructed on the site of garaging associated formerly with a dwelling on Eign Road. This is far enough removed and of an orientation that means it will not be adversely affected.
- 7.23 No.70 Harold Street occupies a triangular site and shares the application sites eastern boundary. It is aligned with the principal elevation parallel to the road and rear-facing windows facing SW. The main building block would have a total of 10 bedroom windows at first and second floor looking towards No.70 and its private garden, which is predominantly to the rear of the house. The distance to the common boundary at this point is 20m. The distance to the corner of the dwelling is 27m.
- 7.24 Windows in the SE-facing elevation of the boarding accommodation wing are in closer proximity to the boundary, but bedroom windows in the first and second floor windows are fewer (6 in total) and orientated to look down the common boundary as opposed to directly towards the garden space. In terms of overlooking, having regard to the number of windows, orientation

and distances involved, I do not perceive the amenity of the occupiers of No.70 to be unduly affected.

- 7.25 The Army Reserve Centre is to the W/SW. I do not consider there to be any adverse impact on the continued use of this facility as a consequence of the proposals. The layout maintains the right of access.
- 7.26 To the south, the site shares a common boundary with properties on Park Street. These properties have long gardens, such that No.91, which overlaps to the greatest extent with the application site, is approximately 25m from the end elevation of the proposed building. Although the existing building is slightly further from the common boundary, there are more windows in the SE facing elevation of the building as existing than as proposed. Windows in the elevation nearest the common boundary are to light the respective corridors as opposed to living accommodation. In my view these could be treated with obscure glazing to prevent overlooking. The impact would thus be mitigated.
- 7.27 In terms of overbearing impact and loss of light, I am conscious that the building is to the north of properties on Park Street and would not result in over-shadowing of private garden space.
- 7.28 In assessing the relationship with No.70, I have also had regard to the relationship with the existing building. It is my view that owing to distance and orientation the proposal would not unduly affect living conditions at No.70 in terms of overshadowing or loss of light.
- 7.29 It should be noted that conclusions reached in terms of the overbearing nature of the scheme in relation to the street-scene as set out above are not the same as those reached in relation to the impact on living conditions at adjoining property.
- 7.30 Finally, I am not convinced that the use of the building as boarding accommodation would be liable to result in unacceptable anti-social behaviour. In land-use planning terms I am content that the use is compatible with adjoining uses and am mindful that separate legislation exists to address any nuisance arising from day-to-day activities.

Whether the proposal should be seen as representing sustainable development, in the terms of the Framework;

- 7.31 Both the CS and NPPF make it plain that the purpose of the planning system is to contribute to the attainment of sustainable development. In terms of the Core Strategy these are explained via objectives grouped under the headings of social progress, economic prosperity and environmental quality. In the language of the NPPF these are the economic, social and environment roles; each of which should be pursued jointly and simultaneously.

The economic role

- 7.32 The NPPF requires that significant weight should go to economic benefits associated with development proposals. In this case it is unclear as to the extent that the resident population would contribute to the local economy, although it is reasonable to assume that there would be some expenditure locally. There is also the contribution that the execution of the proposal would make to the construction sector. However, I am conscious that these are not unique to this development proposal.
- 7.33 I am also conscious of the advice in the CS and NPPF. 5.3.24 of the CS confirms that the historic environment is a major contributor to economic development. I note also an absence of assessment of the impact of demolishing a significant, albeit non-designated, heritage asset. It seems, nonetheless, that this loss is capable of weighing against the proposal in economic terms such that the overall impact is, in my view, neutral.

The social role

- 7.34 In my view the social benefits arising from the scheme are difficult to quantify. The social benefits arising from the provision of affordable and market housing where there is a demonstrable shortfall, are not evident here.
- 7.35 On the evidence available, however, I do attach weight, in social terms, to the loss of a significant non-designated heritage asset, which weighs heavily against the scheme.

The environmental role

- 7.36 The impact on the historic environment is assessed above as representing a significant material consideration that weighs heavily against the proposal. In the context of the CS and NPPF, great weight should be given to the asset's conservation. The scheme does not achieve this and nor is there evidence that potential re-use of the asset has been considered; certainly no marketing of the site appears to have been undertaken and it is not possible, therefore, to determine whether there are other potential uses for the site that retain the heritage asset.
- 7.37 The proposal would also have an adverse impact on the character and appearance of the area, which must be factored into the planning balance.
- 7.38 In relation to trees I am of the view that the loss of some of the trees on site is capable of mitigation through an appropriate planting scheme. However, there remains uncertainty in respect of the likely presence, or otherwise, of European protected species. This uncertainty in the context of LD2, NPPF and other relevant statutory provisions, is a significant material consideration weighing against the scheme.
- 7.39 Having regard to the above, I am of the view that the scheme does not fulfil the environmental role of sustainable development, which weighs heavily against the scheme.

How the planning balance, involving the benefits and dis-benefits of the proposed development, should be assessed.

- 7.40 NPPF 135 draws a distinction between the approach to decision taking where designated and non-designated heritage assets are involved. In this case the significance, in non-designated terms, is high and the loss is absolute. This contributes to a finding of non-fulfilment of the environmental and social roles, with further weight added as a consequence of the proposed building's impact on the character and appearance of the area and the requirement for further evidence in respect of protected species.
- 7.41 My findings in relation to other matters are recorded above, but in summary I consider the economic role to be fulfilled in part and unmet in part.
- 7.42 I have had regard to the main benefits of the proposal as listed in section 9 of the Design and Access Statement, but these do not alter my conclusions. I disagree that the evidence base supports the statements concerning 'regeneration' and also that the proposal represents 'contextual design'. The social and residential benefits are reduced by the lack of evidence concerning the viability of uses that might retain the historic structure. Likewise there is no strong evidence in respect of a beneficial reduction in traffic movements and I don't perceive the movements associated with the historic use to be so significant that a reduction would carry much benefit and consequent weight in the planning balance in any event.
- 7.43 The removal of one access is something that might come about with a redevelopment proposal that maintains the existing building and on-site parking represents a pre-requisite mitigating the development's impact as opposed to a benefit.

- 7.44 Taken as a whole, therefore, I am of the view that the purported benefits cannot outweigh the identified adverse impacts when applying the planning balance as required by SS1 and NPPF 14. As a consequence I recommend the scheme for refusal.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The development would result in the total loss of the former Hereford Militia Barracks; a non-designated heritage asset of significant local interest. Having regard to the balanced judgement set down at NPPF paragraph 135, which includes consideration of the scale of loss and significance of the asset, the Local Planning Authority concludes that proposal is contrary to Herefordshire Local Plan – Core Strategy Policies LD4 and SD1 and guidance set out in Chapter 12 of the NPPF. The development proposals would fail to fulfil the environmental and social roles of sustainable development and are not held, therefore, to represent sustainable development.**
- 2. The development would result in the construction of a 3-storey building of an appearance, scale and massing that would appear stark and discordant in the local context. The Local Planning Authority does not consider that the scheme demonstrates that the character of the surrounding townscape has positively influenced the design and scale of the development proposal. Accordingly the scheme is held contrary to Herefordshire Local Plan – Core Strategy Policies LD1 and SD1 and guidance set out in the NPPF; which confirms that poor design, which fails to take the opportunities available for improving the character and quality of an area, should be refused. The development proposal is not, therefore, considered to fulfil the social and environmental roles of sustainable development and does not, therefore, represent sustainable development.**

Having regard to Reasons for Refusal 1 and 2, and the approach to decision-making prescribed by Herefordshire Local Plan – Core Strategy SS1 and NPPF paragraph 14, the harm arising in the environmental and social dimensions significantly and demonstrably outweighs the benefits of the scheme. The Local Planning Authority concludes that the proposed development is not sustainable development and should be refused accordingly.

- 3. In the absence of full activity surveys, the presence or otherwise of European Protected Species cannot be determined at this stage. Accordingly, the Council cannot be satisfied that the scheme would protect nature conservation sites and habitats in the terms set out at Herefordshire Local Plan – Core Strategy LD2 and the NPPF at paragraph 118. European protected species are afforded the highest level of protection by the planning system and in the circumstances; the potential impacts mean that the scheme is not representative of sustainable development.**

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 and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason(s) for the refusal, approval has not been possible.**

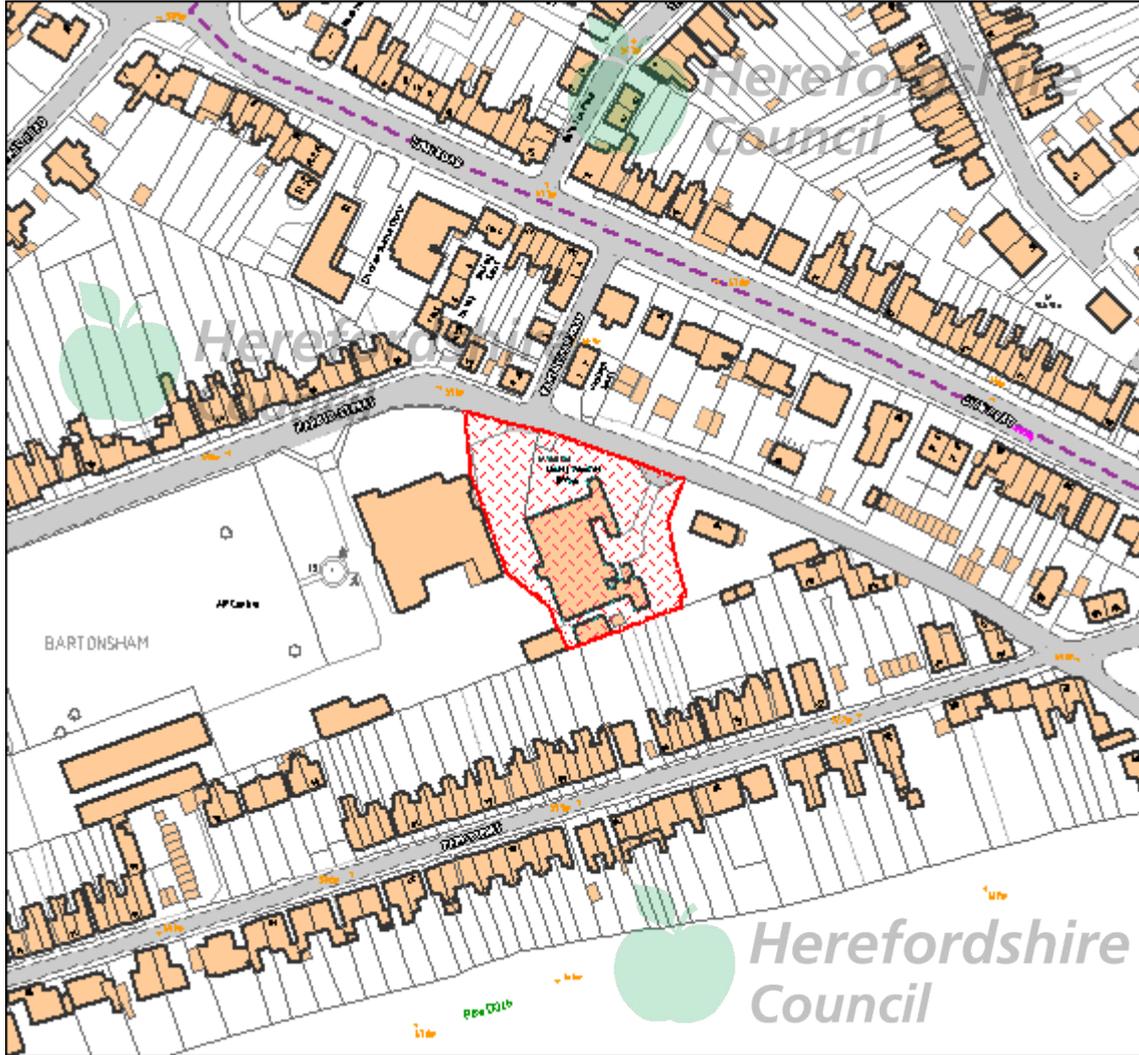
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 162283

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