

MEETING:	PLANNING COMMITTEE
DATE:	7 April 2017
TITLE OF REPORT:	<p>163996 - CHANGE OF USE TO HIGH QUALITY PUBLIC OPEN SPACE AND A LANDMARK PUBLIC ART FEATURE. APPLICATION FOR A SKYLON TOWER, A 46M HIGH, VERTICAL, CORTEN STEEL LANDMARK FEATURE LOCATED WITHIN THE HEART OF SKYLON PARK, HEREFORD ENTERPRISE ZONE. AT JUNCTION OF THE STRAIGHT MILE AND B4399, ROTHERWAS, HEREFORD, HR2 6JL</p> <p>For: Mr Pearce per Mr Mark Martin, 5 The Triangle, Wildwood Drive, Worcester, WR5 2QX</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163996&search=163996
Reason Application submitted to Committee – Council Land	

Date Received: 13 December 2016 Ward: Dinedor Hill Grid Ref: 353327,237847

Expiry Date: 20 March 2017

Local Member: Councillor D Summers

1. Site Description and Proposal

- 1.1 Planning permission is sought for the erection of what is described as the Skylon Tower - a 46m high, vertical, corten steel landmark feature located within the heart of Skylon Park, Hereford Enterprise Zone. The design has been inspired by the original Skylon Tower built in 1951 to celebrate and mark the Festival of Britain by Painter Brothers Ltd of Hereford.
- 1.2 The 1951 version was a futuristic-looking, slender, vertical, cigar-shaped steel tensegrity (tension integrity) structure located by the Thames in London, which was designed to give the impression of floating above the ground.
- 1.3 The Design and Access Statement (DAS) describes the main purpose of the Skylon Tower now proposed is to provide a high quality, landmark feature that is visible from the surrounding transportation network and a focal point to enhance legibility within the Hereford Enterprise Zone (HEZ), known as 'Skylon Park'; which is located approximately three kilometres to the south east of Hereford city centre. It lies south of the River Wye SAC/SSSI, adjacent to Rotherwas Industrial Estate and close to Dinedor Hill.

- 1.4 The immediate setting to the proposed Skylon Tower will be a high quality public open space that provides a gateway arrival to visitors and occupants.

Application Site

- 1.5 The application site occupies the south-east corner of the road junction between the B4339 and The Straight Mile. It lies at approximately 49m AOD and is in an area identified as land adjacent to Plot C20. The application site is 0.81 acres (0.33 ha).
- 1.6 The planning application is for a gateway public realm feature into Skylon Park Enterprise Zone. The application site is 0.3309 hectares and consists of a tower art feature, reflection pool feature and soft landscape design.
- 1.7 The main feature, the tower, is proposed to be 46 metres high (151 feet) and 3.5 metres (11.5 feet) wide at the mid-point; clad in cor-ten steel and GRP lightweight skin. The design of the tower is intended to be to a contemporary design of the original Skylon.
- 1.8 The proposed design responds to the existing landscape features by retaining the only mature existing tree and enhancing bio-diversity through increased habitats and attenuation ponds.
- 1.9 The tower is set within a circular reflective pool forming the central feature to the public realm space. Radiating out from the pool is a starburst pattern that is reflected in both the paving and ornamental planting. This pattern is an artistic representation of Skylon Park logo.
- 1.10 Figure 1 is an OS extract showing Rotherwas and Skylon Park (Hereford Enterprise Zone) at the south-eastern edge of the city.

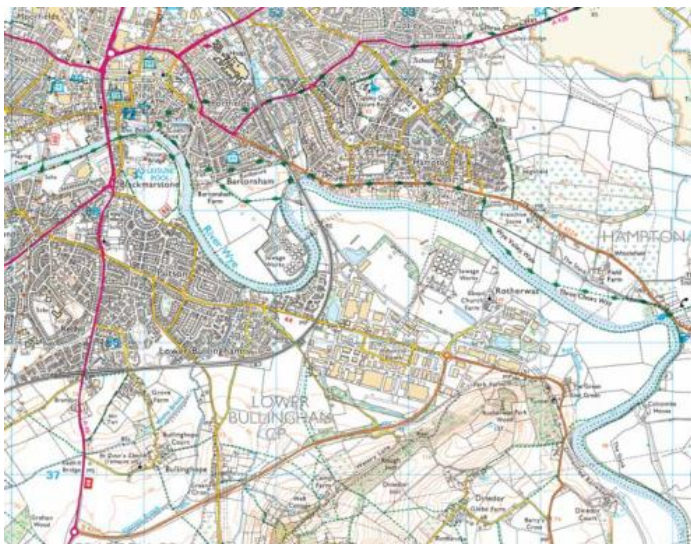


Figure 1 (above): OS extract showing Hereford and the Hereford Enterprise Zone

1.11 The DAS describes the key objectives of the design strategy as:-

- The provision of a gateway entrance and sense of arrival to Skylon Park
- To provide a wayfinding landmark within the Enterprise Zone as well as from Hereford City;
- To provide a high quality environment that presents a professional, attractive and welcoming setting to Skylon Park;
- To provide a destination public realm space in its own right that is educational, informative and represents a part of the sites history;
- To ensure good connectivity into the wider Skylon Park;
- To integrate the proposed landscape scheme into the wider masterplan of Skylon Park through a compatible and complementary palette of paving materials, street furniture and planting;
- To create opportunities for investment and long term revenue funding to make the scheme both viable and sustainable for the long term.

1.12 The site layout play is set out below at Figure 2:-

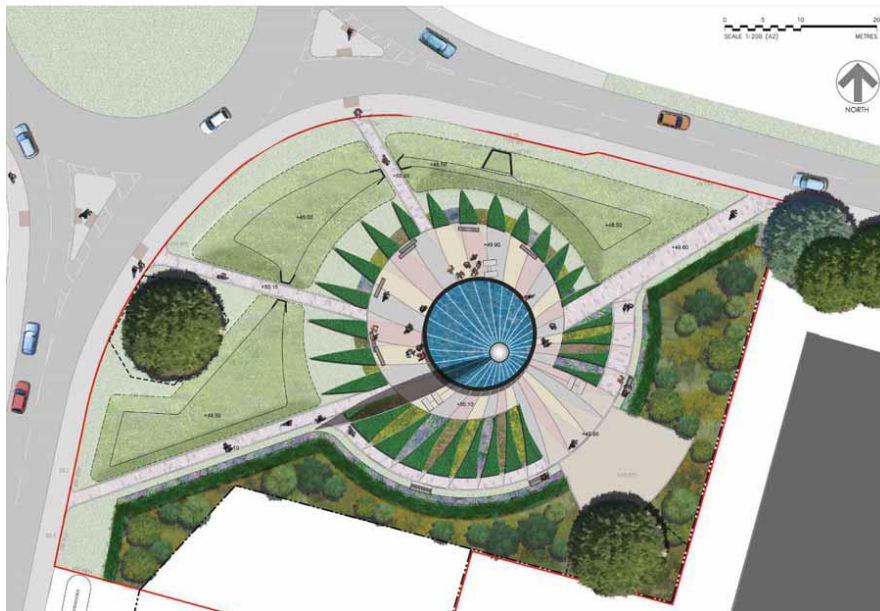


Figure 2: Site layout

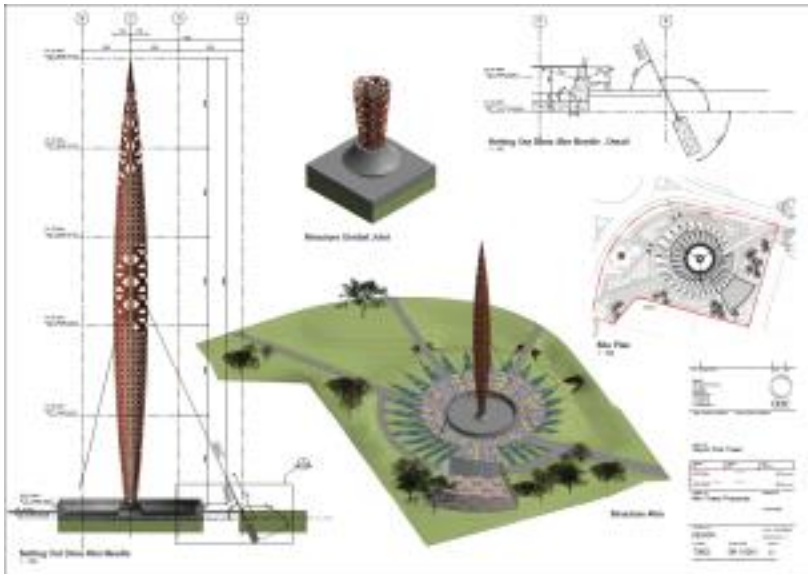
1.13 The original Skylon was 90 metres tall; almost double that now proposed. The DAS confirms the height of the proposed Skylon Tower has been considered with respect to its location and other historic landmarks within Hereford and the surrounding landscape. This height is comparable to Hereford Cathedral which is 50.3 metres tall (165 feet). The proposed tower is to be set lower at 46 metres high in order that it does not conflict with or detract from the Cathedral. At 46m Skylon Tower would be just over a third of the height of the London Eye (135m) and 1/7th of the Eiffel Tower (324m).

1.14 Lightning protection and an aviation warning light will be integrated. The preliminary design has considered a lightweight steel lattice welded panellised structure. The structure would be approximately 3.5m wide at mid-height with 3 number spiral stays fixed at that level. The 3 stays would be located at 1/3 points at 120 degrees and a radius of 11.5m with an angle of approximately 65 degrees to the ground. The preliminary design provides a structural central core frame solution with total steelwork

weight of approx. 5300kg excluding stays, connections and any cladding surface feature. The cladding surface finish material is a combination of patterned cor-ten steel at the base and top third with GRP skin occupying the middle section and top to reduce weight.

Site Constraints

- 1.15 The site itself is not subject to any landscape designation and lies within Flood Zone 2. The site of Rotherwas House (Scheduled Monument) lies 0.51km due north of the application site. Rotherwas Chapel (listed Grade II*) is also 0.51km due north of the application site, immediately adjacent Rotherwas House Scheduled Monument.
- 1.16 Hampton Park Conservation Area lies 1.2km north west of the application site and bounds a stretch of the northern side of the River Wye Special Area of Conservation / Site of Special Scientific Interest.
- 1.17 There are four areas of Ancient Woodland on the slopes of Rotherwas Park Wood, which is also unregistered historic parkland. These lie between 250m and 1km of the application site. There are also two Special Wildlife Sites within 0.7km of the site and several public rights of way within the site's zone of theoretical visual influence.
- 1.18 A number of key visual receptors were agreed with the Council. These have been assessed with a view to measuring in accordance with GLVIA guidance, the magnitude of visual effects associated with the development.
- 1.19 The application is accompanied by a Design and Access Statement, which incorporates a Landscape and Visual Impact Assessment, Flood Risk Assessment and drainage strategy, structural assessment and Phase 1 Ecology Survey.
- 1.20 The public realm design is circular and based upon the Skylon Park logo which is brought into the landscape through the paving design and formal planting layout. A series of circular shapes including a central paving plaza, planting design and potentially a water feature all incorporate elements of the logo pattern that forms a complimentary landscape within which the Skylon Tower sits.
- 1.21 A large, raised shallow water feature is located central to the site and acts as a plinth to Skylon Tower and discourages access to the base of the tower. The pool is made from a dark grey/ black polished concrete surface so that the water will reflect the tower. Wide edges to the water feature provide informal seating.
- 1.22 Figure 3 (below) shows the tower in elevation and relief, with a section through one of the 3 stays.



2. Policies

- 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. Other than during the construction phase, vehicular access is not intended on any basis other than for purposes of maintenance and SS4 is not considered any further.
- 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 yet to occur and the HAP does not attract any weight for decision-making on planning applications.
- 2.5 The ‘place-shaping’ policies relating to Hereford are not considered relevant in this context.

- 2.6 MT1 is a criteria based policy outlining the aspirations around movement and echoes the objectives expressed in SS4.
- 2.7 Of particular relevance to this proposal are the 'Local distinctiveness' policies LD1 Landscape and townscape, LD2 Biodiversity and geodiversity, LD3 Green infrastructure 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.
- 2.8 LD2 requires that schemes have appropriate regard to habitats and species of significance. LD3 sets out the approach to the protection and enhancement of green infrastructure.
- 2.9 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.
- 2.10 LD4 (2) asks that where opportunities exist, development proposals should contribute to the character and local distinctiveness of the townscape.
- 2.11 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 the drainage hierarchy and approach to flood risk.
- 2.12 Policy OS1 - Requirement for open space, sports and recreation facilities recognises that the provision of open space will arise in relation to retail and employment proposals where there is need to provide informal areas of amenity green space for the use of employees and visitors.
- 2.13 Policy OS2 – Meeting open space, sports and recreation needs, references the need for such provision to meet all applicable standards of quantity, quality and accessibility.

National Planning Policy Framework

- 2.14 The National Planning Policy Framework (NPPF) was published in March 2012 and supersedes all the previous Planning Policy Guidance Notes and Statements.
- 2.15 The NPPF does not change the statutory status of the Development Plan as the starting point for decision making." Proposals must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF represents a material consideration which should be taken into account in determining applications.
- 2.16 The NPPF states (paragraph 197) that in determining proposals, "...Local Planning Authorities should apply the presumption in favour of sustainable development."
- 2.17 The NPPF is framed as a positive and enabling document, seeking to facilitate sustainable development and growth. There is a clear commitment (paragraphs 18 – 19) to supporting and securing, rather than impeding, sustainable economic growth. The golden thread running through the NPPF is a 'presumption in favour of sustainable development'.
- 2.18 Applications for sustainable development should be approved wherever possible (paragraph 187), consistent with an overarching approach that demands a "presumption in favour" of sustainable development (paragraph 14). It advocates a proactive, creative and solution seeking approach to planning (paragraphs 17 and 187). National Legislation, Planning Policy and Guidance.
- 2.19 There is topic-based guidance covering a range of significant issues.

Of relevance to the case in hand are:-

- 2.20 Chapter 7 – Requiring good design. Good design is regarded as indivisible from good planning and should contribute positively to making places better for people. To this extent paragraph 64 confirms that applications for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions should be refused.
- 2.21 Chapter 8 – Paragraph 69 states that planning policies and decisions should aim to achieve places which promote “safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.”
- 2.22 Chapter 10 sets out the Government’s approach to climate change and flooding.
- 2.23 Chapter 11 deals with conservation and enhancement of the natural environment and Chapter 12 the historic environment. This chapter sets out the approach to decision-making where harm to significance is identified. This is important in the context that this substitutes for CS Policy LD4, which does not direct the decision-maker in such cases.

3. Planning history

- 3.1 Rotherwas Access Road – 2002
- 3.2 Hereford Enterprise Zone – the site falls within the boundary of the HEZ / Skylon Park, which was designated on 17th August 2011.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No comment
- 4.2 Natural England: 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.

- 4.3 Historic England: Qualified comment

Further to our response of 7 February 2017 a Heritage Statement (Nick Joyce Architects, March 2017) has now been submitted in support of the application. Historic England has concerns regarding the Heritage Statement as it does not address all the points raised in our letter of 7 February 2017 nor does it follow published industry standards and guidance.

Historic England believes that the proposed Skylon Tower and associated landscaping will have an adverse impact on the significance of both the site of Rotherwas House Scheduled Ancient Monument (National Heritage List for England UID: 1014880); and Dinedor Camp Scheduled Ancient Monument (NHLE UID: 1001758) through further development within their settings, such that the tests of paragraph 134 of the National Planning Policy Framework should be considered as part of the decision making process.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We recommend that the application should be determined in accordance with national and local policy guidance. Your authority should take these representations into account in determining the application.

4.4 Civil Aviation Authority: No response

4.5 MOD & Defence Estates: No objection

Thank you for consulting Defence Infrastructure Organisation (DIO) on the above proposed development.

This application relates to a site outside of Ministry of Defence safeguarding areas. I can therefore confirm that the Ministry of Defence has no safeguarding objections to this proposal.

4.6 NATS: The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

Internal Council Advice

4.7 Traffic Manager: No objection

Approval In Principle from BBLP will be required for the tower structure and a suitable condition to this effect attached to any permission granted. The cost of such application and the checking procedure to be met by the developer.

Any works within the highway limits will need Section 278 agreement.

I would also suggest conditioning of a Construction Method Statement.

4.8 Conservation Manager (Landscape): No objection

The application is for a sculptural feature of 46 metres in height located within the Skylon Park Hereford Enterprise Zone part of the Rotherwas Industrial Estate.

I have read the submitted Design and Access Statement as well as the LVIA within it. As the conclusion within the report states, clearly there is a balance to be struck between providing a high quality landmark feature within this urban landscape whilst at the same time avoiding the introduction of an incongruous feature which will be discordant with the natural landscape of the wider setting.

I am satisfied that a detailed assessment of the visual effects of the proposal has been carried out as part of the report. Pre-application advice was sought from HC to identify potential visual receptors as well as establishing the scope of the assessment. A helium balloon flown at the two proposed heights of the sculpture also provided a definitive understanding as to the extent of the visual effects of the proposal.

I also note from the D & A that consideration has been given to the height of the proposal in relation to the two historic city landmarks and the height relationship between the proposal and the surrounding open countryside, in particular Dinedor Hill and Rotherwas Park Wood. Having seen the viewpoints within the report as well as walking the surrounding elevated landscape, I agree with the findings that within the immediate urban landscape the effects are likely to be

beneficial. Within the wider open countryside the effects will not be of a level which is substantially adverse, primarily because, as stated within the report, the proposal will only be visible above the horizon for a distance of less than 614m.

In terms of the design of the sculptural feature itself as well as the landscape design at its base, I have a number of queries; some fundamental to the design and some of a more minor nature:

- The D & A states the proposal will be clad in patterned corten steel at the base and the top third of the structure. GRP skin will occupy the middle section and the top. It would be useful to have a better understanding of these materials – in terms of how they relate to each other, how these materials weather and the finished effect both at eye level and from a distance.
- The D & A states that the mast stay blocks can be full or partially buried – given that the purpose of the blocks is purely functional I would recommend the blocks be completely buried.
- I note that within the hard landscaping plans a variety of colours are incorporated into the paved area; I would recommend the use of a subtle colour palette in this instance in order to avoid detracting from the sculptural feature. The report states that the colours have been selected to complement the wider masterplan of the Skylon Park it would therefore be helpful to see a copy of the masterplan to understand how the design relates to the wider park.
- The plans indicate the retention of a field maple on site, the RPA of which would need to be shown on the landscaping plans with measures for its protection during the construction phase.

4.9 Conservation Manager (Ecology): No objection subject to conditions

Thank you for providing the additional survey evaluation requested. I have read the report on potential aerial impacts of the Skylon on bats and birds and I concur with its findings. In particular I welcome the measures proposed for avoidance and mitigation of these potential impacts together with enhancement measures for the site. With suggestions for boundary habitat creation for bat foraging and with the best available lighting for the tower it affords some mitigation for the species affected. Together with the guy markers, this provides a bespoke mitigation framework for the development which I believe would work. I am content that, at this stage, any approval can be conditioned with works pending receipt of a mitigation and habitat enhancement plan. The mitigation proposals encapsulate the expected impacts but I believe there should be a period of monitoring during which the success or otherwise of the mitigation can be assessed.

Consequently, I would suggest the following two non-standard conditions be added to any approval given:

The recommendations set out in the ecologist's reports from Midland Ecology dated November 2016 and March 2017 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a species mitigation schedule and habitat enhancement scheme should be submitted to, and be approved in writing by, the local planning authority, and the scheme shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

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).

In addition to this I also recommend that a non-standard compliance* condition requiring a period of monitoring after construction is also attached to any approval as follows:

A period of at least one year of ecological monitoring should be established unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. On completion of the monitoring, confirmation of the success or otherwise of the mitigation measures should be made to the local planning authority in writing together with any photographic evidence of the measures implemented.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

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).

*A compliance condition allows works related to the condition to commence and then to be discharged on completion.

4.10 Conservation Manager (Archaeology): No objection

The location of the proposed development was evaluated a decade ago and was demonstrated to be of low potential for below-ground archaeological remains. Also (the representation of Historic England notwithstanding), I am of the view that in this significantly industrial context, there would be few concerns regarding any harm to the settings of heritage assets in the wider environs. The considerable size of the proposed structure is noted, but I do regard it as appropriate for its location as regards the historic environment.

4.11 Conservation Manager (Historic Buildings): Support

- In summary the proposals would create a high quality way-marking point in a landscape of modern industrial units set amongst the remnants of a former Ordnance Factory. The scale of the proposals mean that the primary impact would be in the immediate area. The proposals would have limited inter-visibility with other heritage assets, however it is felt that any minor harm to the interpretation of the setting of nearby assets has in part already been compromised by the industrial development and the proposals are for an item which would improve the visual appearance of the area, outweighing any residual harm. Policies 137 , 134 and 131 of the NPPF apply.
- The amended Heritage Statement complies with the requirements of NPPF Section 128

- We would recommend that conditions are imposed to ensure the execution of the proposals is of the necessary high quality so that the potential enhancement mitigating any minor harm takes place.
- Of most interest in terms of heritage assets are:
 - Rotherwas Chapel.
 - The former Ordnance Factory. Not only are the individual buildings of value, but the interpretation of the layout and use of the site. Whilst such sites are of limited aesthetic beauty the impact of a large influx of workers to Hereford and the involvement of the site in the events of WW1 and its aftermath cannot be underestimated.
- Whilst the Skylon would be a change to the immediate environment it is not necessarily a negative one. Whilst it may cause very minor harm to the interpretation of the setting of Rotherwas Chapel, it is not an object which is a detractor in the way perhaps an industrial chimney might. It is an iconic design which strong associative imagery of the hopefulness of the post war years in the face of austerity.
- It should be noted that the immediate context of the proposals is a rather bleak industrial landscape.
- These comments only relate to historic buildings and areas. We would recommend that the Council's Planning Archaeologist, Julian Cotton is contacted for advice regarding scheduled monuments and buried archaeology.

4.12 Economic Development Manager: Support

From an economic development perspective I have the following comments to make on the above application.

The proposed structure attempts to reflect the original Skylon Tower which was an integral feature of the 1951 Festival of Britain. The original Skylon was made in Hereford by Painter Brothers and represented a significant engineering and design challenge.

The use of the Skylon name for the Hereford Enterprise Zone represents the linkage between Hereford's engineering and entrepreneurial history and the intent for the Enterprise Zone to support the development and growth of a new cadre of these types of businesses.

The structure itself has the potential to act as a significant piece of public art that will gain national and perhaps international attention and assist in the branding and marketing of the enterprise zone. It will help build the story of Hereford's engineering and manufacturing expertise and will have a beneficial impact from an inward investment perspective.

Additionally the structure and its setting will provide a high-quality public open space for existing and future employees based within the enterprise zone and wider Rotherwas area and will complement the landscaping works to be conducted along the straight mile and elsewhere within the estate.

As a consequence, and from an economic development perspective, I recommend support of the application.

4.13 Land Drainage: No objection subject to conditions.

4.14 Environmental Health Manager (Contamination): Recommends conditions

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

5. Representations

5.1 Dinedor Parish Council: No objection

5.2 Lower Bullingham Parish Council (adjoining): Objection. The Skylon is totally out of character for the area, doesn't reflect the local industrial heritage of Rotherwas and loss of visual amenity.

5.3 Hampton Bishop Parish Council (adjoining): No response

5.4 Hereford and Worcester Garden Trust: No response

5.5 Shobdon Airfield: No response

5.6 Six letters of support have been received. The content is summarised as follows:-

- This feature would visually enhance and benefit the Rotherwas Estate as well as supporting the concept of three dimensional artwork in a public space;
- The scheme is directly relevant to the manufacturing history of the area and links back to the original 1951 Festival of Britain Skylon, built by Painter Bros.
- The scheme will enhance the area, give the Enterprise Zone the branding and profile it needs. It will be an engaging and exciting addition to a fairly anonymous industrial environment.
- The scheme will provide high-quality public open space that would benefit existing and future employees.
- There is a case for the structure to be taller, but the design has clearly had regard to the constraints.

5.7 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=163646&search=163996

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

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

6. Officer's Appraisal

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

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

6.2 In this instance the Development Plan for the area comprises the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies, referred to at section 2, are relevant. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms that proposals that accord with the policies of the CS (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise. SS1 also imports an equivalent of the NPPF paragraph 14 'test' where relevant policies are out-of-date, stating that permission will be granted unless material considerations indicate otherwise – taking into account whether "any adverse impacts of granting permission

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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.

- 6.3 SS6, supported by LD1 and LD4 – discussed above, requires that proposals should be shaped through an integrated approach to planning relevant environmental components from the outset, and based on sufficient information to determine the effect upon each. In this case, the relevant environmental components are the landscape within which the proposal would be seen and appreciated and within this landscape, the impact of the proposal upon specific elements of importance or interest; including the local listed buildings, scheduled monuments and public rights of way.
- 6.4 Having regard to the policies described above, I consider the **main issue** to involve an assessment of the proposal's impact on the character and appearance of the area.
- 6.5 The application site falls within an area long-since designated for employment use. The CS predecessor (Herefordshire Unitary Development Plan 2007), safeguarded the wider area for employment-related use. The CS does likewise and the designation of the Hereford Enterprise Zone (HEZ) underscores the strategic approach to the promotion of Rotherwas and the Enterprise Zone as the focus for employment development in the county.
- 6.6 Recent HEZ related-development is apparent in the area surrounding the application site alongside more established industrial premises. The site is also bounded on two sides by highways; the Rotherwas Access Road and Straight Mile (Holme Lacy Road). There is also significant mature landscaping along highway corridors and the steep slopes to Rotherwas Park Wood and Dinedor Hill provide an elevated backdrop to the site in views from the north.
- 6.7 The application is accompanied by a Landscape and Visual Impact Assessment, the scope of which was agreed with the Council's Landscape Officer in advance. This included the identification of 13 representative viewpoints as set out below:-



Figure 7.3 Key Visual Receptors

Assessment of Visual Impacts

- 6.8 One of the key purposes of the installation is a function as waymarker within Skylon Park. In order to fulfil this objective the tower is necessarily tall and the height chosen was informed by

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the stationing of a balloon at 46 metres, with a marker at 26m on the tether to provide an alternative height for reference.

- 6.9 Reference to local distinctiveness is largely academic with a proposal such as this. This is on the basis the project is designed with the intent that it is visible; albeit the design is also intended to be aesthetically pleasing and appropriate within the context. To this extent, the visual impact of the proposal has been assessed at the viewpoints shown on the image above above; these being agreed with the Council in advance. They include assessment from the city; (Key Visual Receptor (KVR) 1 is the top deck of the multi-storey car park on the Old Livestock Market development). From this location views of the proposal are considered unlikely to be achieved and the magnitude of effect is none.
- 6.10 KVR 2 is from Green Crize Road at the bridge crossing of the Rotherwas Access Road (B4399). The magnitude of visual effect from this viewpoint is predicted as minor on the basis the proposal would result in a small change to a wide-ranging view from this point.
- 6.11 KVR3 is a view east along Holme Lacy Road to the west of the railway bridge. This is one of the principal approaches to the Enterprise Zone. From this viewpoint the LVIA describes the magnitude of change as negligible and the nature of visual effects are considered neutral.
- 6.12 KVR4 is again along Holme Lacy Road, next to the entrance to the Thorn Offices. From here the upper section of the tower would be partially visible above the mature tree line. The magnitude of change is accepted as being minor (as per the LVIA); the visual effects slightly beneficial.
- 6.13 KVR5 is another view from within the Enterprise Zone, on Vincent Carey Road. From this point the size, scale and change would cause a significant change to a small proportion of this near distance view, but that even in this case the visual effects would be slight beneficial. This is on the basis that the proposal would represent a high quality vertical element that will enhance the character of the Enterprise Zone.
- 6.14 KVR6 is a representative viewpoint of a road user on the Rotherwas Access Road (B4399) 0.5km from the site. The magnitude of change from this viewpoint is regarded as minor and the effects as slight beneficial.
- 6.15 KVR7 is a representative viewpoint from the approach to the Grade II* listed Rotherwas Chapel. The sensitivity of this receptor is very high. The magnitude of change, due largely to the existing visual detractors in the foreground (existing industrial units) is minor and the predicted visual effects slight adverse.
- 6.16 KVR8 is on Chapel Road where the National Cycle Route 44 emerges. The sensitivity is medium, the magnitude of change moderate and the predicted visual effect slight adverse. This is due principally to the semi-rural backdrop and overriding character at this particular location within the Enterprise Zone.
- 6.17 KVR9 is a viewpoint on Straight Mile Road from the east and is representative of the view of road users. The proposal would represent a moderate magnitude of change from this viewpoint, with predicted effects that are slight beneficial. The upper section of the tower would be visible beyond the mature trees, but not uncomplimentary of the character of the area.
- 6.18 KVR10 is from the Sustrans footbridge over the R. Wye SAC/SSSI. The sensitivity of the receptor is considered high. From here the tower will be partially visible, albeit seen against the backdrop of Rotherwas Park Wood. The magnitude of change is predicted as negligible and the predicted visual effects are negligible adverse, in that the development would introduce a barely perceptible additional urbanising element into this semi-rural view.

- 6.19 KVR11 is a view from the rear of residential properties on Hampton Park Road in the conservation area. The sensitivity of the receptor is categorised as very high. From this viewpoint the magnitude of change is predicted as moderate and that the predicted visual effects are moderate adverse. Whilst the tower will not break the skyline from this perspective, it will introduce an urbanising element into the semi-rural view of Dinedor Hill/Rotherwas Park Wood.
- 6.20 KVR12 is a representative viewpoint from PRow HB1; which forms part of the Wye Valley Walk leading onto the Three Choirs Way. The viewpoint is adjacent the River Wye. This is regarded as a viewpoint of very high sensitivity. From this viewpoint the LVIA records that the tower will not be visible and the effect is thus neutral.
- 6.21 Finally, KVR13 is a representative viewpoint from public footpath HER 16; also on the Three Choirs Way. This is adjacent the River Wye at a distance of just under 1km from the site. Again, there is no view from this viewpoint and the visual effects are considered neutral.
- 6.22 The landscape officer has visited the site and walked the surrounding elevated landscape and agrees with the findings that within the immediate urban landscape the effects are likely to be beneficial. Within the wider open countryside the effects will not be of a level which is substantially adverse, primarily because its height notwithstanding, the tower will not be visible above the horizon over a substantial distance.
- 6.23 The queries raised by the landscape officer in her comments at 4.8 are addressed via planning conditions. These include the requirement to submit samples of the construction materials for the tower itself and paving. The agent has commented that in selecting materials for the Skylon Tower it was felt that cor-ten steel would be more relevant and appropriate in representing the look and feel of the industrial past of the Hereford site than potential equivalents e.g. stainless steel which has a more polished and reflective quality. Visitors to the site will experience this metal cor-ten finish from the base to approximately the first ten to fifteen metres. At that point the material will change to GRP which is a light weight but similarly strong and low maintenance material. The GRP is non-reflective and its texture can be matched to that of the cor-ten.
- 6.24 Subject to these conditions, officers are of the opinion that the proposal does not conflict with relevant landscaping policies, but is indeed representative of good, locally distinctive design that will create a high-quality public open space at the heart of the Enterprise Zone in accordance with LD1, SD1 and OS2.

Heritage Matters

- 6.25 Historic England originally recorded concern at the absence of a heritage assessment, in the absence of which they considered there was insufficient information on which to base an informed opinion as to heritage impacts.
- 6.26 The applicants subsequently submitted an assessment which has been considered by Historic England and the Council's Principal Conservation Officer. Historic England retains concerns in respect of the Scheduled Ancient Monuments Rotherwas House and Dinedor Camp. These are designated heritage assets of the highest significance.
- 6.27 Nonetheless, Historic England confirms that the degree of harm to significance falls within the purview of paragraph 134 of the NPPF i.e. less than substantial. The subsequent specialist advice of the Council's Conservation Officer confirms that the proposal would result in very minor harm to or loss of significance of Rotherwas Chapel, but this is in the context of existing industrial development. He comments as follows:-

"Whilst the Skylon would be a change to the immediate environment it is not necessarily a negative one. Whilst it may cause very minor harm to the interpretation of the setting of

Rotherwas Chapel, it is not an object which is a detractor in the way perhaps an industrial chimney might. It is an iconic design which strong associative imagery of the hopefulness of the post war years in the face of austerity.

It should be noted that the immediate context of the proposals is a rather bleak industrial landscape.”

- 6.28 The Conservation Officer thus places the harm to the significance of above-ground heritage assets as very minor, which can reasonably be interpreted as placing the harm at the lower end of the less than substantial spectrum.
- 6.29 In respect of the site of the respective Scheduled Ancient Monuments, the Council's Archaeological Advisor has no objection and whilst noting the considerable size of the proposed structure, regards the tower as appropriate for its location as regards the historic environment.
- 6.30 On this basis only very minor heritage harm is identified and this goes into the unweighted planning balance at NPPF 134, which states that less than substantial harm should be weighed against the public benefits of the proposal. The planning balance is returned to below.

Other Matters

- 6.31 The potential for the tower to adversely affect flight lines of migratory birds has been assessed and assessed as minimal. The Council's Ecologist has had regard to the collision assessment report and concludes that the mitigation, provided it is secured by condition, is acceptable. The scheme is thus held to accord with CS Policy LD2.
- 6.32 Subject to conditions the Land Drainage consultants have no objection and there are no objections from the MOD or Civil Aviation Authority.
- 6.33 The comments of the Transportation Manager in respect of obtaining 'Approval in Principle' from the Council's Highways Contractor are noted, but cannot be subject to a condition of any forthcoming planning permission. This is something the applicant will have to address separately.
- 6.34 Hereford Civic Society has written to support the proposal in principle, but have asked why the tower could not be located upon the adjacent roundabout. In response the applicant has confirmed that the roundabout was considered as a potential location, but discounted on the basis it would likely be objectionable to the highway authority for reasons of distraction. Moreover, and equally significantly, is the fact that a location upon the roundabout would not then support the wider aspiration that is the delivery of high-quality publicly accessible open space. Moreover, relatively little is lost in terms of the tower's function as waymarker by being slightly off-set from the roundabout.

7. Conclusions

- 7.1 The assessment above concludes that the proposal will not result in significant adverse visual effects or adverse impacts on landscape character. Rather, within the context of the site and its environs, officers consider the proposal has the potential to fulfil its stated objectives i.e. delivery of a high-quality piece of public art with associated open space for visitors and employees working within the HEZ. In this respect the scheme is held to accord with CS Policies OS1 and OS2.
- 7.2 It is concluded that the proposal does not conflict with the relevant CS policies or national guidance. In fact, the scheme is held to accord with LD1 and an assessment of the heritage impacts concludes that the proposal would lead overall to very minor harm to the significance of the identified relevant heritage assets. Accordingly this harm must be factored into the planning

balance as described by NPPF 134 i.e. an unweighted balance between harm to significance versus the public benefits.

- 7.3 In your officer's opinion, the heritage harm attracts, in the context of this industrial allocation, very modest weight in the overall balance and is outweighed by the public benefits of the scheme.
- 7.4 The scheme does not affect a valued landscape, would not exacerbate flooding or drainage-related issues and with mitigation will not adversely affect migratory birds or other ecological interests.
- 7.5 With regard to the decision-making approach to decision-making set out at SS1 and NPPF 14, it is concluded that the very minor heritage harm is outweighed by the public benefits of the proposal and that this test is passed. There are no other adverse impacts to put into the preweighted balance such that when the limb 1 test is applied, this is also passed.
- 7.6 This leads officers to the overall conclusion that the scheme is representative of sustainable development and in accordance with the provision of the adopted Development Plan and other material considerations. It is thus recommended that planning permission should be granted subject to conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **C01 - Time limit for commencement (full permission)**
2. **C06 - Development in accordance with the approved plans**
3. **C13 - Samples of external materials**
4. **C96 - Landscaping scheme**
5. **C97 - Landscaping scheme - implementation**
6. **Construction Method Statement**
7. **The recommendations set out in the ecologist's reports from Midland Ecology dated November 2016 and March 2017 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a species mitigation schedule and habitat enhancement scheme should be submitted to, and be approved in writing by, the local planning authority, and the scheme 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 with Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

8. A period of at least one year of ecological monitoring should be established unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. On completion of the monitoring, confirmation of the success or otherwise of the mitigation measures should be made to the local planning authority in writing together with any photographic evidence of the measures implemented.

Reason: 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).

Reason: To comply with Policies LD2 and LD3 of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

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

a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment so as to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy.

10. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment so as to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy.

11. **The Remediation Scheme, as approved pursuant to condition no. 10 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.**

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment so as to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy.

INFORMATIVES:

1. **Statement of positive and proactive working**
2. **I09 Private apparatus within highway**
3. **I51 Works adjoining highway**

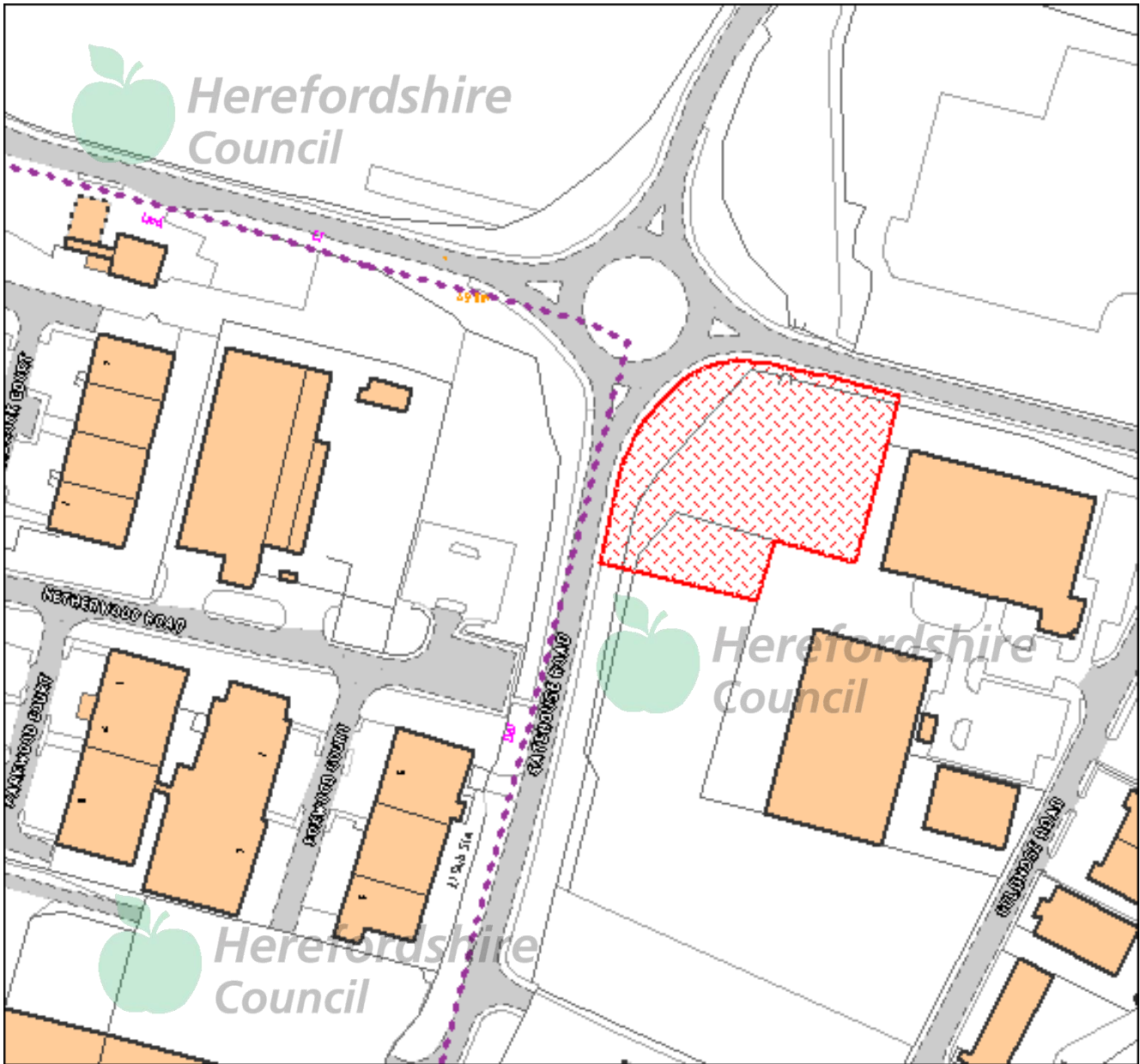
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 163996

SITE ADDRESS : JUNCTION OF THE STRAIGHT MILE AND B4399, ROTHERWAS, HEREFORD, HR2 6JL

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