

AGENDA

Planning Committee

Date: **Wednesday 4 April 2012**

Time: **10.00 am**

Place: **The Council Chamber, Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

Ricky Clarke, Democratic Services Officer

Tel: 01432 261885

Email: rclarke@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Ricky Clarke, Democratic Services Officer on 01432 261885 or e-mail rclarke@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Planning Committee

Membership

Chairman	Councillor PGH Cutter
Vice-Chairman	Councillor BA Durkin
	Councillor PA Andrews
	Councillor AN Bridges
	Councillor PJ Edwards
	Councillor DW Greenow
	Councillor KS Guthrie
	Councillor J Hardwick
	Councillor AJ Hempton-Smith
	Councillor JW Hope MBE
	Councillor RC Hunt
	Councillor Brig P Jones CBE
	Councillor JG Lester
	Councillor MD Lloyd-Hayes
	Councillor G Lucas
	Councillor RI Matthews
	Councillor FM Norman
	Councillor GR Swinford
	Councillor PJ Watts

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

What is a personal interest?

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close personal association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interests, which you must register.

What do I need to do if I have a personal interest?

You must declare it when you get to the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

What is a prejudicial interest?

You have a prejudicial interest in a matter if;

- a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
- b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
- c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

What do I need to do if I have a prejudicial interest?

If you have a prejudicial interest you must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.

AGENDA

		Pages
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	NAMED SUBSTITUTES (IF ANY) To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3.	DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4.	MINUTES To approve and sign the Minutes of the meeting held on 14 March 2012.	1 - 10
5.	CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6.	APPEALS To be noted.	11 - 12
7.	N111899/O - PORTHOUSE FARM, TENBURY ROAD, BROMYARD, HEREFORDSHIRE An outline application for the erection of up to 127 dwellings (35% to be affordable) with all matters except access to be reserved for future consideration.	13 - 24
	Annex 1 - Porthouse Farm - Previous Committee Report	25 - 46
	Annex 2 - Porthouse Farm - Review of Noise Issues Associated with Proposed Residential Development and Bund at Porthouse Farm, Bromyard	47 - 88
8.	N111900/N - PORTHOUSE FARM, TENBURY ROAD, BROMYARD, HEREFORDSHIRE Retrospective planning application for the retention of an existing bund and its remodelling with appropriate engineering works and landscaping of the remodelled bund.	89 - 104
9.	S120530/FH - MIDHURST, KINGSTONE, HEREFORDSHIRE, HR2 9HD Erection of first floor extension to provide additional bedroom and shower room, erection of single storey extension to provide new entrance lobby and wc and construction of 2 bay carport.	105 - 108
10.	N120045/F - 54-56 NEW ROAD, BROMYARD, HEREFORDSHIRE, HR7 4AJ Proposed replacement of planning permission DMN/103066/F for a new four bedroom detached property with attached garage.	109 - 114
11.	N113363/F - KINGSLAND FIRE STATION, ARBOUR LANE, KINGSLAND, HEREFORDSHIRE, HR6 9RZ Demolition of galvanised drill tower and concrete base, removal of metal fence, erection of new galvanised steel fence, construction of new kerbed area. Construction of training tower consisting of three framed storeys and	115 - 124

roof. Construction of new metal clad building to house breathing apparatus facilities accommodation for training cage and for briefing.

12. DATE OF NEXT MEETING

Date of next site inspection - 24 April 2012

Date of next meeting - 25 April 2012

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Public Transport Links

- Public transport access can be gained to Brockington via the service runs approximately every 20 minutes from the City bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Vineyard Road near to its junction with Old Eign Hill. The return journey can be made from the same bus stop.

HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point **A** which is located in the circular car park at the front of the building. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.



Where possible this agenda is printed on paper made from 100% Post-Consumer waste. De-inked without bleaching and free from optical brightening agents (OBA). Awarded the Nordic Swan for low emissions during production and the Blue Angel environmental label

HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 14 March 2012 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor BA Durkin (Vice Chairman)

Councillors: PA Andrews, AN Bridges, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, AJ Hempton-Smith, JW Hope MBE, RC Hunt, Brig P Jones CBE, JLV Kenyon, G Lucas, RI Matthews, FM Norman, P Rone, GR Swinford and PJ Watts

In attendance: Councillors AM Atkinson and JG Jarvis

146. APOLOGIES FOR ABSENCE

Apologies were received from Councillors JG Lester and MD Lloyd-Hayes.

147. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors P Rone and JLV Kenyon attended the meeting as substitute members for Councillors JG Lester and MD Lloyd Hayes.

148. DECLARATIONS OF INTEREST

7. S111970/F - THE MILL RACE PUB, WALFORD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5QS.

Councillor DW Greenow, Personal, The Councillor holds a business account with one of the objectors.

Councillor JG Jarvis, Personal, The Councillor frequents the premise as a local resident.

Councillor JLV Kenyon, Personal, The Councillor owns a brewery who previously supplied the premise.

Councillor PGH Cutter, Personal, The Councillor is the Vice-Chairman of the Wye Valley AONB Board.

149. MINUTES

Councillor Watts requested that the wording 'to survive' be added to bullet point 3 of his closing statement in respect of minute number 140.

In response to a question, the Democratic Services Officer confirmed that there was no constitutional requirement for local ward members to submit their comments in writing but that they did act as a useful 'aide memoire' in preparing the minutes.

RESOLVED: That subject to the amendment detailed above, the Minutes of the meeting held on 21 February 2012 be approved as a correct record and signed by the Chairman.

150. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the return of Councillor Lucas to the Planning Committee after a period of absence due to ill health.

The Head of Neighbourhood Planning advised Members of a recent judgement in the Court of Appeal relating to a planning application at Sun Cottage, Garway. He advised that the Court concluded that the Council had failed to provide adequate reasons for the grant of the permission. The Council was also required to pay the claimant's costs although the planning permission itself was not quashed. It was therefore requested that a training session be arranged for all Planning Committee members and regular substitutes to address the issues raised by the case.

151. APPEALS

The Planning Committee noted the report.

152. S111970/F - THE MILL RACE PUB, WALFORD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5QS

The Senior Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

In accordance with the criteria for public speaking, Ms Coombes, the applicant, spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor JG Jarvis, the Leader of the Council speaking in his capacity as the local ward member, commented on a number of issues, including:

- The application related to a popular public house which fell within the Wye Valley Area of Outstanding Natural Beauty.
- There was not a shop in the village although the public house did have planning consent to open a small shop on the site.
- There was a village hall nearby which was often oversubscribed so the meeting facilities applied for would be welcomed.
- There was a need to improve tourism facilities throughout the County, the application would result in improved facilities for visitors to the area.
- The staff quarters applied for only resulted in a net increase of 1 room.
- The applicants had always worked closely with the local community; this had led to a number of previous applications being withdrawn.
- A number of the local residents had supported the application. There was also a petition of support within the public house which had gained a number of signatures.
- The main issue seemed to be around the site being deemed as in open countryside due to the settlement boundary falling within Coughton and not Walford.
- The forthcoming Parish Plan would be including this area for housing development as the Parish Council felt that it was not within the open countryside.

The debate was opened with a Member discussing the merits of the application. It was noted that the application was in compliance with Policies RST1 and RST2. It was felt

that there was a functional need for staff accommodation on the site to service the proposed additional accommodation block which meant the application was also in accordance with policy H7 of the UDP. It was also noted that the local residents would not be adversely affected due to the proposed screening.

The Locum Lawyer (Planning and Regulatory) noted that a motion had been tabled to approve the application contrary to the case officer's recommendation. She requested confirmation from the Member who had moved the motion that they were of the opinion that the application was in accordance with Policy H7 of the Council's Unitary Development Plan as there was, in their opinion, a functional need for the staff accommodation.

The Development Manager (Hereford and Southern Localities) concurred with the Locum Lawyer (Planning and Regulatory) and stated that Policy H7 of the UDP was key in determining the application and that Members had to decide whether they were of the opinion that the staff accommodation was necessary on the site.

Members confirmed that the accommodation was required and that the functional need was met, and therefore the application complied with Policy H7, they also confirmed that the other relevant policies were referred to in the Report.

The Locum Lawyer (Planning and Regulatory) noted that the Committee had made a judgement in respect of Policy H7 but advised them that there were other issues that needed to be considered. She advised Members that they may wish to consider issues such as the size and scale of the proposed development; the visual amenity of the area; and whether the residential amenity for the neighbouring residents could be addressed through the proposed screen.

The Development Manager (Hereford and Southern Localities) further advised that both the functional need and the impact on the AONB needed to be addressed. He noted that Walford was an established cluster of dwellings even though it fell outside the settlement boundary. He advised Members that a condition tying the business to the proposed dwellings would be required and asked for Members to consider any further conditions that they felt necessary.

The Councillor who had moved approval of the application confirmed that he was moving grant of the application for the reasons and on the basis of the policies, and with the conditions referred to above, and that the wording of the decision notice, and the wording and inclusion of any additional conditions in respect of the application be delegated to officers in consultation with the Local Ward Member and the Chairman of the Planning Committee.

The Locum Lawyer (Planning and Regulatory) advised Members that they would need to consider conditions relating to highways; lighting; flooding, landscaping and the privacy screen, as referred to in the report; as well as the conditions referred to by the Development Manager (Hereford and Southern Localities). The Committee agreed to include all of the conditions referred to.

The Committee continued to debate the application and were of the opinion that the application would also not have a negative impact on the AONB.

Members felt that the application for an accommodation block would result in a need for further supervision on the site and therefore the application for staff accommodation was fully justified. Members echoed the need for the proposed dwellings to be tied to the existing business.

In response to a question regarding the concerns raised by Walford Timber in respect of the application, the Senior Planning Officer advised that their primary concerns related to noise as a result of timber being moved around their site and the potential for complaints from this activity from people staying in the new accommodation block. They were concerned that this could impact on their business operations. In response to a further question the Senior Planning Officer advised that there was no impact on the setting of Goodrich Castle as a result of the proposed application.

One Member of the Committee raised concerns in respect of the location of the proposed accommodation block and to its proximity to Nelson Court. It was noted that there were no windows proposed in the façade facing Nelson Court and it was felt that there would be no impact on the residential amenity of the local residents as a result of the application.

Councillor JG Jarvis, the Local Ward Member, was given the opportunity to close the debate. He reiterated his opening remarks and added that the sewerage system was being replaced by the applicant which would be an additional benefit to the neighbouring residents. He therefore requested that the application be approved contrary to the case officer's recommendation.

Neither the Local Lawyer, representing the Monitoring Officer, or the Head of Neighbourhood Planning requested a further information report so the Committee proceeded to the vote.

RESOLVED

THAT planning permission be granted for the reasons set out above and with relevant policies referred to in the report, and with the conditions referred to above, and that the wording of the decision notice, and the wording and inclusion of any additional conditions in respect of the application be delegated to officers named in the scheme of delegation to officers and in consultation with the Local Ward Member and the Chairman of the Planning Committee.

153. S113131/F & S113132/C - VICTORIA HOUSE, 149-153 EIGN STREET, HEREFORD, HR4 0AN

The Head of Neighbourhood Planning advised the Committee that the application had been withdrawn from the agenda for further discussions between the applicant and the Planning Department.

154. N113460/F & N113461/L - 43 BROAD STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DD

The Senior Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors FM Norman and Brig. P Jones CBE, the local ward members, commented on a number of issues, including:

- The application was welcomed by the local residents.
- All issues had been addressed through appropriate conditions.
- The application would benefit the town of Leominster.

Members noted that the application had only come before the Committee as it had been submitted by a Council Officer employed in a politically restricted post. It was further noted that the application would have been approved under delegated powers had this not been the case.

Members noted that the site was opposite a busy car park on one of the main entrances to Leominster and they felt that the proposed renovation of the building would be an improvement to the listed building as it had fallen into a state of disrepair.

RESOLVED

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. F08 No conversion of garage to habitable accommodation**
- 4. F13 Restriction on separate sale**
- 5. H10 Parking - single house**
- 6. H15 Turning and parking: change of use - commercial**
- 7. I16 Restriction of hours during construction**

INFORMATIVES:

- 1. N16 Welsh Water Informative**

Approval of Listed Building Consent be granted subject to the following conditions:

- 1. D04 Details of window sections, eaves, verges and barge boards**
- 2. D05 Details of external joinery finishes**
- 3. D10 Specification of guttering and downpipes**
- 4. Prior to commencement of this Listed Building Consent, a schedule of remaining doors, architraves, skirtings, fireplaces and old floor boards with details of their retention, protection and re-use shall be submitted to the LPA for its written approval, and the subsequent works shall proceed in accordance with the details agreed.**

Reason: In order to safeguard the character and appearance of this Grade II listed building through the retention, protection, and appropriate re-use of The interior fittings which are a significant part of the special interest of the building

- 5. Prior to commencement of this Listed Building Consent, full written details and appropriate plans showing of the routes and external termini of mechanical, plumbing and electrical services shall be submitted to the LPA for its written approval, and the subsequent works shall proceed in accordance with the approved details.**

Reason: In order to safeguard the character and appearance of this Grade II listed building and the wider streetscene.

155. S102272/F - LAND AT TANYARD LANE, ROSS ON WYE, HEREFORDSHIRE, HR9 7BH

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet. He advised Members that 2 of the conditions had been reworded and that full details of the amendments were contained within the update sheet.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PGH Cutter, the Chairman speaking in his capacity of local ward member, commented on a number of issues, including:

- The application relating to the housing development had previously been considered by the Southern Area Planning Committee.
- The Members of the Committee were very clear at that time that they were happy to grant permission as long as the roundabout was in place first.
- Access to the site was the main issue due to the high speed of traffic along the highway.
- The residents of Chatsworth Close were concerned about the proposed access for construction traffic.
- Persimmon Homes had recently recorded profits of £148,000,000 so cost should not be the primary issue.
- The roundabout was a small cost but would protect the amenity of the nearby residents.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor AM Atkinson, the other local ward member, commented on a number of issues, including:

- The other local ward member's comments were echoed.
- Initially the application had seemed reasonable.
- Traffic travelled at high speeds and therefore safety was a concern.
- HGV vehicles would have great difficulty entering the site through the proposed access.
- The proposed access was too close to the neighbouring dwellings and would affect their amenity.

The Committee discussed the application and voiced their concerns in respect of it. They felt that the impact on the residents of Chatsworth Close was unacceptable. They also had concerns in respect of issues of highway safety due to vehicles entering the site onto from a fast flowing road.

Regarding the highways issues, Members were of the opinion that it was unreasonable to expect HGV vehicles to pass the entrance of the site before being forced to use the roundabout at the bottom of the road before entering the site from a southern location. It was further noted that HGV vehicles would find it difficult to manoeuvre the roundabout. Members felt that this condition would be extremely difficult to enforce or police.

The Development Manager (Hereford and Southern Localities) advised Members that the possible loss of amenity to the neighbouring residents appeared to be a reasonable

and sound reason for refusing the application however he had concerns in respect of refusing the application on highway grounds due to neither the Traffic Manager or Highways Agency objection to the application.

Following the advice the Member who had moved the original motion amended it to remove the reason for refusal relating to highway concerns.

Members continued to discuss the impact the application would have on the neighbouring residents, it was noted that the proposed hoardings looked inadequate and would offer little reduction in noise from the site. The issue of the show home was also raised with Members questioning how visitors to the show home would enter the site if the proposed access was solely for construction vehicles.

In response to a question, The Locum Lawyer (Planning and Regulatory) advised the Committee that if two reasons for refusal were included the Council would have to defend both reasons at any appeal. If the inspector felt that there was insufficient technical evidence in respect of the second reason for refusal, the applicant could be awarded their costs of appealing on that one ground.

The Democratic Services Officer offered guidance to the Committee in terms of the constitutional issues regarding motions. He made particular reference to paragraph 4.1.16.12 of the Council's Constitution regarding relevant amendments to motions.

Following the guidance an amendment to the motion was made which added a second reason for refusal based on highway grounds, as well as the original reason which related to the loss of amenity to the neighbouring residents.

Councillors PGH Cutter and AM Atkinson, the Local Ward Members, were given the opportunity to close the debate. They reiterated their opening remarks and respectfully requested that the application be refused.

A vote on the motion to refuse the application on highway grounds as well as the loss of amenity to the neighbouring residents was lost. The Committee therefore voted on the substantive motion based solely on the loss of amenity to the neighbouring residents which was carried.

RESOLVED

THAT planning permission be refused for the following reason:

- 1. The granting of the application would result in a loss of amenity to neighbouring residents.**

156. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 11.35 am

CHAIRMAN

PLANNING COMMITTEE

Date: 14 March 2012

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

S111970/F - PROPOSED EXTENSION TO EXISTING PUB WITH 10 BED ACCOMMODATION AND 2 STAFF DWELLINGS AT THE MILL RACE PUB, WALFORD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5QS

For: Eagle Inns Ltd, Ruardean Works, Varnister Road, Nr Drybrook, Gloucestershire, GL17 9BH

ADDITIONAL REPRESENTATIONS

The applicant has submitted the following:

We feel that your report does not reflect the situation correctly with regard to the relocation of the existing staff accommodation to make way for the function room. There is an existing 3 bedroom flat within the pub.

The reason for relocating the staff accommodation is that our proposal includes conversion of the existing staff accommodation contained within the pub building into a function room which can be used for meetings, seminars, conferences, training and private dining. This space will allow us to attract local businesses, clubs and committees to use the room which will provide additional revenue, during the week when it's usually quiet, so we can work towards improving our profitability to hopefully operate a viable business.

The proposed staff accommodation is essential to attract and house staff to work within the business. Please note that we currently employ 19 staff members and this is equivalent to 11 full time staff positions. This will increase once the accommodation block is constructed. Without this staff accommodation it is difficult to attract staff because most other pubs offer accommodation for guests and staff. It is also essential for staff to be located on site to deal with any issues that the guests might have during the night. Also, in order to offer the customer good quality accommodation it is necessary to have staff on site to deal with any customer issues during their stay typically during the night, and to be on call early morning to prepare breakfasts for the guests. In order to deal with staff holidays, sickness and busy periods it is necessary to have 2 members of staff on site so therefore a minimum requirement of 2 staff flats is required for the business to successfully operate.

We note that Policy H7 allows exceptions to restricting residential accommodation in countryside where:

"it is a replacement for, comparable in size and scale with and on the same site as an existing building with established residential use rights"

We do accept that there is a net increase of one bedroom but we would argue that the relocation of the accommodation is comparable in size and scale due to the limited increase of provision of only one

bedroom and do not consider this small gain has any impact. Our interpretation of the policy is that the proposal should fall within it

NO CHANGE TO RECOMMENDATION

S102272/F - VARIATION OF CONDITION 20 OF PLANNING PERMISSION DCSE2008/0095/F REGARDING ROUNDABOUT JUNCTION DELIVERY AT LAND AT TANYARD LANE, ROSS ON WYE, HEREFORDSHIRE, HR9 7BH

For: Persimmon Homes South Midland per RPS Planning & Development, Highfield House, 5 Ridgeway, Quinton Business Park, Birmingham, B32 1AF

OFFICER COMMENTS

Condition 2 has been improved from that originally proposed by establishing that no dwelling shall be occupied until such time as the roundabout has been constructed and is available for use as the sole means of access into the site for all traffic.

Condition 3 has been revised such that the terms of erection of the hoardings are clearly established for the avoidance of any doubt.

The reasons for both conditions have not been altered but are set out below for reasons of clarity.

CHANGE TO RECOMMENDATION

Condition 2

Within 12 months of the commencement of the development hereby approved, or upon completion of the 40 dwellings identified on plan drawing no.1, whichever is the sooner, the roundabout shown on drawing no. 50390/100 Rev.C shall be constructed and certified as complete by the local planning authority and it shall thereafter be the only means of vehicular access for construction traffic and future occupiers of the development hereby approved. No dwelling shall be occupied and no work shall commence on the 41st dwelling until the roundabout is available as the sole and permanent means of access to the site.

Reason: In the interests of highway safety and the amenity of local residents and to conform with Policies DR3 and T11 of Herefordshire Unitary Development Plan.

Condition 3

Before the temporary construction access is first brought into use the hoardings as specified in the letter dated 23 December 2010 shall be erected in accordance with drawing no.1. The hoarding shall be retained for the duration of the use of the temporary construction access hereby approved.

Reason: In the interests of the amenity of local residents and to conform with Policy DR3 of Herefordshire Unitary Development Plan.

MEETING:	PLANNING COMMITTEE
DATE:	4 APRIL 2012
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not a key decision

Recommendation

That the report be noted

APPEALS RECEIVED

Application No. S 113187/F

- The appeal was received on 28 February 2012.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr G Spratling.
- The site is located at land to the rear of 42 Grandstand Road, Hereford, HR4 9NB.
- The development proposed is the erection of one dwelling and garage.
- The appeal is to be heard by written representations.

Case Officer: Ms Kelly Gibbons on 01432 261781

APPEALS DETERMINED

None to report.



MEETING:	PLANNING COMMITTEE
DATE:	4 APRIL 2012
TITLE OF REPORT:	<p>N111899/O - AN OUTLINE APPLICATION FOR THE ERECTION OF UP TO 127 DWELLINGS (35% TO BE AFFORDABLE) WITH ALL MATTERS EXCEPT ACCESS TO BE RESERVED FOR FUTURE CONSIDERATION AT PORTHOUSE FARM, TENBURY ROAD, BROMYARD, HEREFORDSHIRE,</p> <p>For: Ms Harrison per Mr John Cornwell, Oakview House, Station Road, Hook, Hampshire, RG27 9TP</p>
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=111899&NoSearch=True

Date Received: 14 July 2011

Ward: Bromyard

Grid Ref: 365239,255362

Expiry Date: 13 October 2011

Local Members: Councillors A Seldon and JG Lester

1. Background

- 1.1 This planning application was reported to the Planning Committee on 1 February 2012. Attached, as **Annex 1** is a copy of that report (amended to include the update report to that earlier Committee).
- 1.2 The application was deferred to enable the issue of noise to be addressed in more detail. Specific concern had been expressed by Members as to noise from the Polytec open yard where forklifts trucks operate on a 24 hour basis moving metal stillages.

2. Representations

- 2.1 Since the Planning Committee on 1 February 2012, further representations have been received.
- 2.2 Three further letters of OBJECTION have been received. They do not raise any matters not expressed by the other objectors (see Annex 1 paragraph 4.1).
- 2.3 Five further letters of SUPPORT have been received. In addition to the points previously made (see Annex 1 paragraph 4.2), they make the following points:-
 - There is no interest in the site for industrial use;
 - The Linton site is preferable for employment land as it has direct access onto the A44
 - Bromyard has a shortage of suitable labour – the reason why Polytec Holden (and Holden Aluminium) employ workers from Eastern Europe;
 - There is no indigenous labour on which to draw;
 - Employment development upon this land would create traffic and pollution problems;

Further information on the subject of this report is available from Mr R Close on 01432 261803

- Housing on this land, in contrast would benefit local traders & boost school populations providing more resources and security;
- More people residing in Bromyard may assist in revitalising aspects of the town social and cultural life;
- The proposed new housing may have a more beneficial effect on Bromyard's economy and well being than industry which is unlikely to materialise; and
- Unless there is some urgent economic regeneration of the town in the form of new residents, one cannot foresee Legges of Bromyard being able to remain in the town, in the forthcoming years.

2.4 The Bromyard and Winslow Town Council has written again to request an increase in the financial contribution towards CCTV coverage from £6,150 (index linked) to £16,150 (index linked) and to request a financial contribution towards Queen Elizabeth Humanities College.

3.0 Officer Appraisal

Noise

3.1 With respect the issue of noise, professional independent expert consultants (RPS) have been engaged and their detailed report is attached as **Annex 2** to this report. It is worth noting that they consider both of the acoustic / noise reports accompanying the planning application to be “.. professional and fit for purpose. Measurement and assessment appears to have been undertaken in accordance with current good practice” (paragraph 3.2 of the RPS report). However, a few areas were identified as requiring further examination. In summary, RPS considers that appropriate mitigation measures can be secured to ensure that the occupiers of the proposed houses would enjoy a satisfactory level of amenity (paragraph 6.7).

3.2 I would draw Members specific attention to the following elements of the RPS report:-

- Paragraph 3.6 that recommends a change to condition 7 of the original report to Committee;
- Paragraph 3.11 that recommends attaching a condition preventing the use of tonal reversing alarms to vehicles within the Polytec site. This would effectively require the fitting of a white noise reversing alarm such as the bbs-tek “white sound warning system”;
- Paragraph 5.13 that recommends the erection of a 6 metre high timber acoustic fence along the northern boundary of the Polytec site (at the base of the bund on the “industrial side”); and
- Paragraphs 5.17 & 5.18 that recommend a condition that would secure double glazing and ventilation to certain dwellings.

3.3 It is the recommended 6 metre high acoustic fence and the non-use of tonal reversing alarms that would primarily provide the noise mitigation with respect the activities within the open yard (i.e. the forklift trucks moving the stillages). The 6 metre high timber acoustic fence would be a significant structure. However, it would screen the open yard of stillages that are not in themselves an attractive feature. Furthermore the bund as proposed to be remodelled would partially obscure the acoustic fence. Landscaping of the bund would assist in softening the visual impact of this fence further. Therefore it is considered that such an acoustic barrier can satisfactorily be integrated into the landscape. With the provisions of the acoustic fence, the bund would no longer fulfill an acoustic function but would still provide a landscape function.

3.4 Other significant points within the RPS report that I would draw Members attention to are:-

- The garden areas would not suffer from an unacceptable level of noise (paragraphs 5.21 and 5.22); and
- No noise which would significantly affect the application site, either during the day or night was observed from any facility other than the Polytec site (paragraph 4.9);

Further information on the subject of this report is available from Mr R Close on 01432 261803

- 3.5 As a consequence it is considered the noise mitigation measures proposed would ensure that a satisfactory level of amenity would be enjoyed by future occupiers of the proposed development.
- 3.6 In addition, to the noise issue Members raised a number of other matters at the Planning Committee on 1 February 2012 that are addressed below.

Affordable Housing

- 3.7 The Housing Needs and Development Team of the Places and Communities Directorate confirm that there is a need in Bromyard for 107 affordable houses. The proposed development would secure up to 44 affordable houses. This is considered to be a significant benefit of the scheme. The delivery of affordable housing is identified as a priority within Herefordshire Council's Corporate Plan 2011-14.

Vacant Business Units in Bromyard

- 3.8 For Members information, research since the Planning Committee on 1 February 2012 has revealed some business units being marketed in Bromyard and its immediate surroundings. These include Unit 2/3 Porthouse Farm Industrial Estate (144.23 sq m), units of varying size at Collington Works and small office units in two buildings in Rowberry Street.

Highways

- 3.9 It is recommended that a condition be attached securing the closure of the existing vehicular means of access and the provision of the two new vehicular means of access prior to commencement of any of the building operations.
- 3.10 Whilst the speed limit along Tenbury Road past the application site is in the national limit (i.e. 60mph), it is likely that if the application is approved, steps can be taken to lower the limit to a more appropriate value for a road adjoining a residential site. This is done through a Traffic Regulation Order, which is subject to consultation, and various criteria must also be met (e.g. number of accesses per 500m; current speeds on the road; usage by pedestrians etc). It is unlikely that the criteria would be met prior to development approval.
- 3.11 The proposed access points have sufficient visibility splay dimensions to be acceptable without the speed limit being lowered.

Publicity of Planning Application

- 3.12 For information purposes, Members are informed that all those business premises on the northern side of the road into the Porthouse Farm Industrial Estate were advised by letter of the planning application and two site notices were displayed along that specific road.

Draft Heads of Terms

- 3.13 With regard the further views of the Bromyard and Winslow Town Council with respect the Draft Heads of Terms, attention is drawn to paragraph 5.40 of the report to the Planning Committee on 1 February 2012 (see Annex 1). In addition, the People's Services Directorate state:-

"Queen Elizabeth Humanities College have recently reduced their planned admission numbers as they were aware that the children were not coming through the system to fill the school and have therefore removed teaching spaces in order to achieve this. As a little exercise I have looked at the number of children coming through the system in the primary sector that can be

considered to be their feeder primary children. Obviously it is never that clear cut and parents with children in the catchment area can express a preference and send their children to alternative schools. However, historical information would suggest that 90% of the children attending Queen Elizabeth come from within their own catchment and that the school consistently take in around 65% of all children from their catchment.

- 3.14 Based on current numbers on roll it is unlikely that the school will fill to capacity even with this new development taking place. Even if the development was for 127 4+ bedroom houses we would only expect 28 children of secondary age to be created from the development. Not all these children will be the same age and therefore we have to assume that the spread of ages will be even resulting in 5-6 children per year group. The school would therefore need to have at least 74 children in any one year group currently or anticipated in the future in order for us to justify a contribution for the school. Based on the numbers on roll in the feeder primary schools and the percentages identified above, I cannot see this figure being reached.”
- 3.15 The Council's Commissioning Officer (CCTV) has obtained an up-to-date quote for the CCTV coverage (i.e. 6 cameras fully fitted). The quote is £9,250. I therefore recommend a change to the figure clause 7. of the Heads of Terms from £,6150 (index linked) to £9,250 (index linked).

Summary

- 3.16 In the light of the above, it is considered that the recommendation for approval should remain. Members' specific attention is drawn to recommended conditions 7, 16, 26, 27, 28 and 29.

RECOMMENDATION

Subject to the prior completion of a Section 106 legal agreement in accordance with the Draft Heads of Terms attached as Annex 1 to the report to Planning Committee on 1st February 2012 with the amendment to the figure in clause 7. to £9,250 (index linked), the Assistant Director Economic, Environment & Cultural Services be DELEGATED POWERS TO GRANT OUTLINE PLANNING PERMISSION subject to the following conditions:-

1. **The development shall not commence until approval of the following reserved matters has been obtained from the Local Planning Authority:-**

- **Layout**
- **Scale**
- **Appearance**
- **Landscaping**

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

Reason: No such details have been submitted and in accordance with Section 92 of the Town and Country Planning act 1990.

2. **The finished floor levels of all the dwelling houses shall be set a minimum of 600mm above Q1000 flood level at each river station section (sections referred to in Appendix H of the Flood risk Assessment Report 1577 dated 26th June 2009).**

Reason: To protect the development from flooding, in accordance with policy DR7 of the Herefordshire Unitary Development Plan 2007.

- 3. There shall be no raising of ground levels within flood zone 3, the 'high risk', 1% annual probability flood plain.**

Reason: To protect the development from flooding, in accordance with policy DR7 of the Herefordshire Unitary Development Plan 2007.

- 4. Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-**

**Full details of foul sewerage disposal arrangements
Full details of surface water drainage arrangements
Full details of land drainage arrangements**

The development hereby permitted shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved detail and thereafter maintained as such.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system, in accordance with policies DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.

- 5. With regard the details required to be submitted pursuant to condition 4 above, no surface water or land drainage run-off shall be discharged, either directly or indirectly, to the public sewerage system.**

Reason: To protect the integrity of the public sewerage system, to prevent hydraulic overloading of the public sewerage system and ensure no detriment to the environment, in accordance with policies DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.

- 6. With regard the details of foul sewerage disposal arrangements required to be submitted pursuant to condition 4 above, no more than 7 litres per second shall be discharged into the public sewerage system, thus requiring an on-site pumping station. The scheme shall be implemented with this restricted flow and thereafter maintained as such.**

Reason: To protect the integrity of the public sewerage system, to prevent hydraulic overloading of the public sewerage system and ensure no detriment to the environment, in accordance with policies DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.

- 7. The scheme of noise attenuating measures proposed for the Polytec-Holden facility by Colin Waters Acoustics and submitted as part of the application, including:-**

- Digester Fan - Acoustic Louvre Air - In & Out, Blockwork Enclosure**
- Paint Dryer Fan - Acoustic Louvre Enclosure End Intake – 2 sides & Top Acoustic Panel Enclosure**
- Extract next to Paint Dryer - Exhaust attenuator upgrade**
- Compressor House 'A' - Acoustic Louvre's & Acoustic Louvre Door**
- Compressor House 'B' - Acoustic Louvre's & Acoustic Louvre Door**
- Chemical Mixer Extract - Exhaust Attenuator**
- Dust Extractor - Acoustic Panel Surround & Exhaust Attenuator**

shall be completed prior to the first occupation of any of the dwelling houses and thereafter maintained to the satisfaction of the Local Planning Authority.

All other individual noise sources associated with fixed plant on the Polytex Holden site shall be installed and maintained so that they emit to the external environment no more than 50 dB Laeq SPL sound pressure level as measured at 4 metres from the individual noise source.

A rating level of 35 dB LAr,Tr using the methodology prescribed by BS 4142 'Method for Rating Industrial Noise affecting mixed residential and industrial areas' shall not be exceeded at the facade when measured at ground and upper floor level at any dwelling on the site.

Reason: To ensure that the occupiers of the dwellinghouses enjoy a satisfactory level of amenity in compliance with policy DR13 of the Herefordshire Unitary Development Plan 2007.

8. 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. 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 in accordance with policy DR10 of the Herefordshire Unitary Development Plan 2007.

9. The Remediation Scheme, as approved pursuant to condition number 8 above, shall be fully implemented before 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 in accordance with policy DR10 of the Herefordshire Unitary Development Plan 2007.

10. No building operation shall take place until the regraded bund permitted by planning permission DMN/111900/N has been completed. Thereafter this bund shall remain in-situ and be maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure that the occupiers of the dwellinghouses enjoy a satisfactory level of amenity in compliance with policy DR13 of the Herefordshire Unitary Development Plan 2007.

- 11. The hedgerow along the western boundary of the site on the eastern side of the Tenbury Road shall be retained as shown on the approved plans.**

Reason: The roadside hedgerow is considered to be of both landscape and ecological value, to accord with policy LA5 of the Herefordshire Unitary Development Plan 2007.

- 12. The details of layout required to be submitted pursuant to condition 1 above shall show the entirety of the residential development, including the dwelling houses, gardens, roadways, pedestrian routes, cycles routes, outdoor playing space, open space and equipped children's play space, confined to the allocated housing site as defined on the Proposals Map to the Herefordshire Unitary Development Plan 2007.**

Reason: To ensure that there is no unjustified encroachment of development into the open countryside or onto employment land in accordance with policies H7 and E5 of the Herefordshire Unitary Development Plan 2007.

- 13. The details of layout required to be submitted pursuant to condition 1 above shall show the entirety of the provision of a shared pedestrian/cycleway route along the approximate route of the former railway line adjacent to the eastern boundary of the site.**

Reason: To ensure that there is adequate permeability through the development and to enhance both cycle and pedestrian routes, in accordance with policies T6 and T7 of the Herefordshire Unitary development Plan 2007.

- 14. The details of layout required to be submitted pursuant to condition 1 above shall include the provision of outdoor playing space, open space and equipped children's play space in accordance with policies H19 and RST3 of the Herefordshire Unitary Development Plan 2007.**

Reason: In accordance with policies H19 and RST3 of the Herefordshire Unitary Development Plan 2007.

- 15. Prior to commencement of the development hereby permitted protective fencing in accordance with the advice contained in Section 9.2 of BS5837 comprising vertical and horizontal framework of scaffolding (well braced to withstand impacts) supporting either chestnut cleft fencing or chain link fencing in accordance with figure 2 of BS5837:2005 shall be erected at the furthest extent of the root protection areas to the seven trees protected by way of a Tree Preservation Order and the furthest extent of the roots of the roadside hedgerow that is to be retained. Once these protective measures have been erected but prior to commencement of the development hereby permitted a suitably qualified arboricultural consultant shall inspect the site and write to confirm that the protective measures specified by this condition are in-situ. Upon receipt of that letter by the Local Planning Authority the development may commence but the protective measures must remain in-situ until completion of the development. No storage may take place within the tree protection areas. If any works are required within the tree protection areas an Arboricultural Method Statement shall be submitted to and approved by the Local Planning Authority prior to commencement of the development.**

Reason: To ensure that the trees and hedgerow of amenity value that are both

worthy and capable of retention are not damaged and their long-term health and future retention not prejudiced, in accordance with policy LA5 of the Herefordshire Unitary Development Plan 2007.

16. The details of layout and landscaping required to be submitted pursuant to condition 1 above shall include a scheme for the permanent closure of the two existing vehicular means of accesses. The two existing vehicular means of accesses shall be permanently closed in full accordance with the approved scheme prior to the commencement of any building operation hereby permitted.

Reason: In the interests of highway safety, in accordance with policy DR3, T6 and T7 of the Herefordshire Unitary Development Plan 2007.

17. The approved vehicular access including visibility splays, cycleway and pedestrian route shown upon drawing number 617-05 Revision A received 8th November 2011 shall be fully implemented prior to the first occupation of any of the dwellinghouses hereby permitted and thereafter maintained to the satisfaction of the Local Planning authority.

Reason: In the interests of highway safety and to encourage travel by alternative modes of transport in accordance with policy DR3 of the Herefordshire Unitary Development Plan 2007.

18. B01 Development in accordance with the approved plans

19. The details of layout required to be submitted pursuant to condition 1 above, shall include full details of all proposed boundary treatments (i.e. walls, gates, fences or any other means of enclosure).

Reason: To ensure a satisfactory appearance to the development in accordance with policies DR1 and LA2 of the Herefordshire Unitary Development Plan 2007.

20. The details of layout required to be submitted pursuant to condition 1 above, shall include full details of existing site levels, all proposed earthworks and proposed finished levels.

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

21. The recommendations set out in the ecologist's reports dated March 2010 and June 2010 shall be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, an update assessment and full working method statement should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.

To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

22. Prior to commencement of the development, a full habitat enhancement and

management scheme, including reference to Herefordshire's Biodiversity Action Plan Priority Habitats and Species, including timescale for implementation, shall be submitted to and be approved in writing by the local planning authority. The work shall be implemented as approved.

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.

To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

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

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.

To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

24. I55 Site Waste Management

25. H27 Parking for site operatives

26. The two new vehicular means of access hereby permitted shall be provided prior to commencement of any building operation hereby permitted.

Reason: In the interests of highway safety, in accordance with policies DR3, T6 and T7 of the Herefordshire Unitary Development Plan 2007.

27. No vehicle upon the Polytec site fitted with tonal reversing alarms shall operate on site between the hours of 23:00 and 07:00 hours. Prior to the first occupation of any of the dwelling houses hereby permitted, all forklift trucks upon the general industrial site that forms part of the planning application site shall be fitted with white noise reversing alarms / warning systems and thereafter maintained as such;

Reason: To ensure that the occupiers of the dwelling houses hereby permitted do not suffer an undue level of night-time noise, in accordance with policy DR13 of the Herefordshire Unitary Development Plan 2007.

28. Prior to the first occupation of any dwellinghouse hereby permitted a continuous and imperforate 6 metre high timber acoustic fence, sealed at the base, with a density of at least 15 kg/m² be erected along the alignment shown on the drawing number 2589/027 Revision A received 19 March 2012 and thereafter maintained to the satisfaction of the local planning authority.

Reason: To ensure that the occupiers of the dwelling houses hereby permitted do not suffer an undue level of noise in accordance with policy DR13 of the Herefordshire Unitary Development Plan 2007.

29. All dwellings shall be constructed in accordance with BS 8233:1999 so as to provide sound insulation against externally generated noise. The "good" room criteria shall be applied, meaning internal noise levels must be no more than 30 dB LAeq for living rooms and bedrooms, with windows shut and other means of ventilation provided. Levels of 45 dB LAmax,fast shall not normally be exceeded in bedrooms (23:00 to 07:00 hours night-time) with the windows closed.

Before any of the development hereby permitted takes place, written details of the methods of construction and attenuation to achieve this standard shall be submitted to the Local Planning Authority for their written approval. None of the development hereby permitted shall take place until the Local Planning Authority has given such written approval. The development shall take place in full accordance with the approved detail and thereafter maintained as such.

Reason: To ensure the occupants of the dwellings enjoy a satisfactory noise environment with regard to LAeq and night-time LAmax noise levels, in accordance with policy DR13 of the Herefordshire Unitary Development Plan 2007.

INFORMATIVES:

1. A written Land Drainage Consent will need to be obtained from the Board under the terms of the Land Drainage Act 1991 and the Flood and Water Management Act 2010.
2. The details of layout required to be submitted pursuant to condition 1 should follow the advice contained within 'Manual for Streets 2' and include the vehicle parking and cycle parking facilities as set out in the Herefordshire Council 'Highways Design Guide for New Development (July 2006)'.
3. This permission does NOT relate to illustrative drawing 2589/008 Revision F.
4. The documents to which this decision relate are:-
 - Proposed Site Access – Drawing number 617-05 Revision A received 8th November 2011;
 - Colin Water Acoustics (Consultants in Environmental Acoustics) Report CWA 26310/R05/1/ May 2011 received 14th July 2011;
 - Tree Survey Report prepared by illmanyounge May 2011 received 14th July 2011 which sets out the root protection areas in Appendix 2 (i.e. T15 – T7 of the TPO – 6 metres radius, T7 – T6 of the TPO – 6.48 metres radius, T6 – T5 of the TPO – 7.08 metres radius, T4 – T3 of the TPO – 5.64 metres radius, T3 – T2 of the TPO – 6 metres radius and T2 – T1 of the TPO – 7.2 metres radius;
 - Phil Jones Associates Transport Assessment dated May 2011 received 14th July 2011;
 - Proposed Zebra Crossing (Porthouse Farm Development) – Stage 2 Road Safety Audit prepared by Amey dated 21st June 2011 received 14th July 2011;
 - Flood Risk Assessment (Report No. 1577) prepared by Robert West Consulting received on 14th July 2011;
 - Topographical Survey Drawing No. T 5637/2 received 14th July 2011;
 - Application Site Plan – Drawing number 2589/015 (Scale 1:1250) received 14th July 2011.
 - Ecological Appraisal (March 2010)
 - Reptile Survey (June 2010); and
 - Proposed Acoustic Fence Location Plan - Drawing Number 2589/027 Revision received 19 March 2012

Further information on the subject of this report is available from Mr R Close on 01432 261803

- 5. **N15 Reason(s) for the Grant of PP/LBC/CAC**
- 6. **N11C General**
- 7. **The details of landscaping required to be submitted pursuant to Condition 1 shall include hard landscaping, soft landscaping and a fully detailed landscape management plan.**
- 8. **HN01 Mud on highway**
- 9. **HN04 Private apparatus within highway**
- 10. **HN05 Works within the highway**

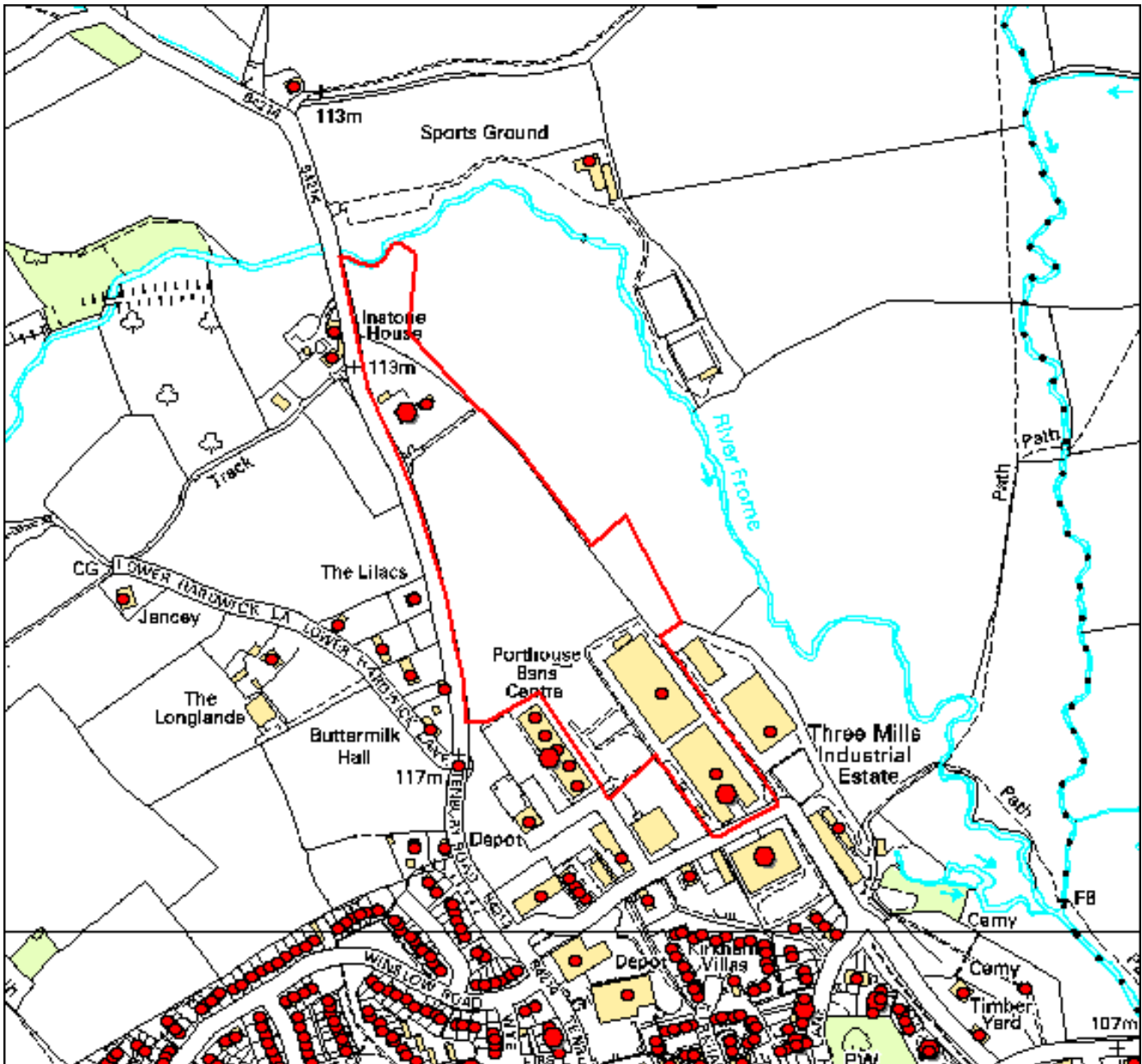
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: N/111899/O

SITE ADDRESS : PORTHOUSE FARM, TENBURY ROAD, BROMYARD, HEREFORDSHIRE

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from Mr R Close on 01432 261803

MEETING:	PLANNING COMMITTEE
DATE:	1 FEBRUARY 2012
TITLE OF REPORT:	<p>DMN/111899/O - AN OUTLINE APPLICATION FOR THE ERECTION OF UP TO 127 DWELLINGS (35% TO BE AFFORDABLE) WITH ALL MATTERS EXCEPT ACCESS TO BE RESERVED FOR FUTURE CONSIDERATION AT PORTHOUSE FARM, TENBURY ROAD, BROMYARD, HEREFORDSHIRE,</p> <p>For: Ms N Harrison per Mr John Cornwell, Oakview House, Station Road, Hook, Hampshire, RG27 9TP</p>

Date Received: 14 July 2011

Ward: Bromyard

Grid Ref: 365239,255362

Expiry Date: 13 October 2011

Local Members: Councillors A Seldon and J G Lester

1. Site Description

- 1.1 The application site is on the eastern side of Tenbury Road (B4214) at the northern end of Bromyard. The boundary of the site, adjacent to Tenbury Road, is largely characterised by a roadside hedge of indigenous species. Within or immediately to the rear of this hedge are seven trees of amenity value. These trees are protected by a Tree Preservation Order (Ref: TPO 557/T1-T7). Within the application site in its south-eastern corner is the Polytec factory which is a general industrial premises. The eastern boundary of the site largely follows the line of the former railway in a general arc. The land slopes down from west to east towards the River Frome. Between the application site and the River Frome is an attractive riverside meadow, a part of which is liable to flood. Upon the application site, parallel to the industrial premises to the south is a bund. The retention of that bund in a materially different form (in terms of grading) is the subject of a separate application (DMN/111900/N) reported upon this agenda. The application site, other than the Polytec premises, was formerly used for agricultural purposes.
- 1.2 Beyond the application site on the western side of the Tenbury Road and to the north built development is of a sporadic nature. To the north beyond the River Frome is the Bromyard Rugby Club.
- 1.3 The site is located approximately 500 metres from the Town Centre.

Proposal

- 1.4 The planning application is made in outline form and proposes to erect up to 127 dwellings (35% to be affordable). Significantly all matters, other than access, are reserved for future

consideration. This means that matters of layout, scale (i.e. design), appearance (i.e. materials) and landscaping are reserved for future consideration.

- 1.5 There would be two vehicular means of access onto the Tenbury Road. One would be located to the south of the site some 15 metres south of the property known as 'Becks Cottage' which is situated on the opposite (western) side of Tenbury Road accessed off Lower Hardwick Lane. The second would be sited further north some 25 metres north of the property known as 'The Lilacs' on the opposite (western) side of Tenbury Road. The southernmost access would have a visibility splay of 2.4m x 112 metres in a southerly direction and a splay of 2.4 metres x 160 metres in a northerly direction. The northernmost access would have splays of 2.4 metres x 160 metres in both directions. The two existing vehicular means of accesses would be closed.
- 1.6 The issue of access is not merely confined to how vehicles would enter the site from the public highway but also how pedestrians and cyclists would enter the site. The access plans show the provision of a shared pedestrian/cycleway parallel to the Tenbury Road but set inside the site to the rear of the existing roadside hedgerow, other than a small section to the north of the site immediately south of the River Frome that would be in front of the roadside hedgerow. A zebra crossing for pedestrians would be provided to the south of the southernmost access allowing pedestrians to cross to the western side of Tenbury Road prior to Winslow Road.
- 1.7 A Section 106 Agreement would be required and Draft Heads of Terms are attached as Annex 1.

Planning History

- 1.8 As will become apparent within the appraisal below the site is allocated for housing development. It is worth noting that its allocation for housing purposes was the subject of objections at the time by twelve persons or organisations (although two of those objections were withdrawn). An Inspector appointed by the Secretary of State held an Inquiry to consider the objections that had been lodged to the Herefordshire Unitary Development Plan Revised Deposit Draft. After considering the objections and examining all the evidence the Inspector accepted the suitability of the land for housing purposes and supported the residential allocation. The Council accepted the Inspector's conclusions and the allocation for housing purposes were retained in the adopted Herefordshire Unitary Development Plan 2007.
- 1.9 On 5th January 2010 an outline planning application (DCNC0009/2844/O) was submitted for the erection of up to 175 dwellings with garages, sports pavilion and pitches, community/youth building, landscaping and associated works. That application proposed, amongst other matters, the erection of new housing beyond the allocated site and as such within open countryside. That planning application was refused on the following summarised grounds:-
 - The unjustified erection of new residential development within the countryside;
 - The failure to demonstrate that the local highway network has sufficient capacity to cater with the traffic generated by the proposal;
 - The failure to provide sufficient detail with regard access for pedestrians and cyclists;
 - The failure to demonstrate how the additional community facilities they were proposing were to be managed and maintained;
 - The deficiency of the ecological assessment;
 - The failure to satisfactorily address the inter-relationship between the industrial development and the proposed residential development;
 - The failure to complete the requisite Planning Obligation; and
 - The failure to demonstrate that the local sewerage network had sufficient capacity.
- 1.10 An appeal was then lodged but formally withdrawn in July 2010.

- 1.11 Pre-application discussions then took place that resulted in the submission of this materially different application that limits the extent of residential development to the allocated housing site.

2. Policies

Central Government advice

Planning Policy Statement 1 – ‘Delivering Sustainable Development’ and Planning Policy Statement: ‘Planning and Climate Change’ Supplement to Planning Policy Statement 1.

Planning Policy Statement 3 – ‘Housing’

Planning Policy Statement 9 – ‘Biodiversity and Geological Conservation’

Circular 06/2005 ‘Bio-diversity and Geological Conservation – statutory Obligations and their impact within the planning system’

Planning Policy Statement 12 – ‘Local Spatial Planning’

Planning Policy Guidance Note 13 – ‘Transport’

Planning Policy Guidance Note 23 – ‘Planning and Pollution Control’

Planning Policy Guidance Note 24 – ‘Planning and Noise’

Planning Policy Statement 25 – ‘Development and Flood Risk’

Draft National Planning Policy Framework – July 2011

Circular 05/05 – ‘Planning Obligations’

Herefordshire Unitary Development Plan 2007

Part I

S1 – Sustainable Development

S2 – Development Requirements

S3 – Housing

S6 – Transport

S7 – Natural and Historic Heritage

S8 – Recreation, Sport and Tourism

Part II – Development Requirements

DR1 – Design

DR2 – Land Use and Activity

DR3 – Movement

DR4 – Environment

DR5 – Planning Obligations

DR7 – Flood Risk

DR10 – Contaminated Land

DR13 – Noise

Housing

H1 – Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas

H2 – Hereford and the Market Towns: Housing Land Allocations

H9 – Affordable Housing

H13 – Sustainable Residential Design

H15 – Density

H19 – Open Space Requirements

Transportation

T6 – Walking

T7 – Cycling

Natural and Historic Heritage

LA2 – Landscape Character and Areas Least Resilient to Change

LA5 – Protection of Trees, Woodlands and Hedgerows

NC1 – Regard for and Retention of Biodiversity

NC6 – Protection and Enhancement of Herefordshire's Biodiversity Action Plan Priority Habitats and Species

NC7 – Habitat Mitigation and Compensation Measures

NC8 – Habitat Creation, Restoration and Enhancement Measures

NC9 – Habitat Management and Monitoring

Recreation Sport and Tourism

RST3 – Standards for Outdoor Playing and Public Open Space

Supplementary Planning Guidance

Supplementary Planning Document entitled 'Planning Obligations' (April 2006)

3. Consultation Summary

External Consultees

- 3.1 Environment Agency – no objections raised, although conditions are recommended.
- 3.2 The Land Drainage advisor is satisfied with the proposal.
- 3.3 Welsh Water – no objection. A condition is recommended.
- 3.4 River Lugg Internal Drainage Board – No objections raised.

Internal Consultees

- 3.5 Transportation/Highways – Area Engineer (Development Control) – No objections to the proposed access.
- 3.6 Strategic Housing – No objections. Satisfied with the level of affordable housing provision (35%) and the proposed tenure mix of at least 65% social rent and the remainder intermediate tenure.
- 3.7 Public Rights of Way – no public rights of way affected.
- 3.8 The County Archaeologist has no objections.
- 3.9 The Environmental Health Section has no objections to the proposal subject to conditions.

4 Representations

- 4.1 Thirteen letters have been received raising the following matters and/or objecting to the development:-
 - Bromyard requires employment land also to ensure an adequate balance;
 - Concern regarding noise and odour from the Polytec factory;
 - Concern with regard foul sewerage capacity;
 - Potential traffic congestion;
 - Undue visual impact;
 - Concern as to light pollution from headlights into 'Becks Cottage' adversely affecting amenity;
 - Devaluation of property.
 - Concern as to the juxtaposition of the proposed residential development in close proximity to several industrial premises some of which operate on a 24-hour a day basis;
 - Further land is necessary for employment related development in Bromyard and the application site would be suitable; and
 - Concern with regard security.
- 4.2 Three letters of support have been received which makes the following points:-
 - Additional housing in Bromyard will make it a more attractive place to live & work;
 - The company struggles to attract the right calibre of people. Provision of such housing may assist in attracting people; and
 - The noise mitigation measures are adequate.

- The advantages of building more houses within Bromyard – creating greater expenditure capacity thus enhancing the viability and vitality of the Town Centre, bringing more children into the schools.
- The application site would not be attractive as an employment site due to the problems associated with larger vehicles accessing the site;
- The noise issue has been satisfactorily addressed and the Managing Director Polytec has no objections; and
- The Section 106 contributions would be of benefit to the local community especially sporting facilities.

4.3 Bromyard and Winslow Town Council in their response to the initial consultation merely stated “A resolution to support this application was defeated”.

4.4 In a subsequent response to amended details the Bromyard and Winslow Town Council stated that they oppose the housing development and made detailed comment upon the Draft Heads of Terms in relation to the proposed Planning Obligation.

4.5 Brockhampton Group Parish Council object on the following summarised grounds:-

- Concern that a residential development in close proximity to the existing industrial premises could potentially prejudice the future of those businesses;
- The adequacy of the local highway network
- There still needs to be employment land provided to ensure sufficient supply;
- Doubt as to whether the sewerage network has sufficient capacity;
- Concern re: flood risk; and
- Concern as to whether the bund includes any contaminated material.

4.6 The full text of these letters can be inspected at Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB and prior to the Committee meeting.

5. Officer’s Appraisal

5.1 Principle of Development

5.2 The proposal involves residential development upon a parcel of land that is specifically allocated for residential development in the Herefordshire Unitary Development Plan 2007 (UDP) by virtue of policy H2. As stated earlier within this report the allocation of this land for residential purposes was the subject of objection when the Plan was on Deposit. Those objections were heard by an Inspector appointed by the Secretary of State at a public inquiry. Following consideration of all the objections raised, the Inspector concluded that the land was suitable as a residential allocation.

5.3 The site does not immediately adjoin other residential development and would need to create an identity of its own. Whilst policy H2 of the Herefordshire Unitary Development Plan estimated that the site may have a capacity of 87 dwellings, it must be understood that the figures given in that policy are estimates. The figure of 87 was based on an estimated site area of 3.7 hectares and an estimated net site area of 2.9 hectares. Some sites may yield a greater number of dwellings whilst others may yield a lesser number. In this particular case the site area of the allocated site is actually 3.9 hectares (net area of some 3.4 hectares excluding the bund). The planning application proposes “up to 127 dwellings” which would create a density of development of some 32.63 dwellings to the hectare (or some 37.35 dwellings to the hectare excluding the bund). Your officers consider that the site could accommodate this number of dwellings. Much would depend on the size and mix of the dwelling houses. This is a matter that can adequately be dealt with at the reserved matters stage.

5.4 Affordable Housing

5.5 The application proposes 35% affordable housing provision. Within the affordable housing element of the development 65% of dwellings will be made available for social rent with the remainder being available for intermediate tenure. This accords with the level of affordable housing provision set out in policy H2 of the Herefordshire Unitary Development Plan 2007.

5.6 Sewerage Capacity

5.7 At the time of the previous application there was an issue of foul sewerage capacity at Bromyard. However, Welsh Water has undertaken improvements such that the Petty Bridge Sewage Pumping Station or the Bromyard Waste Water Treatment Works can now cater with the amount of development proposed upon this allocated housing site.

5.8 Discussions with Welsh Water did reveal, however, that the developer would either need to undertake improvement works to the Porthouse Farm Industrial Estate Sewage Pumping Station or construct a new pumping station upon the allocated site. It is the latter option that the applicant has chosen. The new pumping station would need to be designed such that the flow into the system is controlled.

5.9 Welsh Water has recommended a series of conditions, which are reflected in the recommendation.

5.10 Flooding

5.11 Unlike the previous application (DCNC0009/2844/O), this application does not propose any housing development within the riverside meadow, east of the disused railway line and boundary of the allocated housing site. The application site is not liable to flood.

5.12 The Environment Agency has been consulted upon the planning application and do not raise objection.

5.13 Noise

5.14 The inter-relationship between the proposed residential development and the adjoining employment uses needs to be addressed to ensure that the occupiers of any residential development enjoy a satisfactory level of amenity and the operators of the industrial premises do not receive complaint.

5.15 This issue has been assessed in detail. The current position is that the noise from the Polytec general industrial premises (which operates on a 24 hours a day basis) would have an adverse impact upon the occupiers of the proposed residential development.

5.16 However, following thorough analysis and discussions it is considered that this issue can be satisfactorily addressed by a series of noise mitigation measures. Firstly, it is proposed to undertake a series of noise mitigation measures at source (i.e. upon the Polytec premises themselves). Noise/acoustic experts have identified seven elevated sources of noise upon the Polytec site that are capable of radiating noise to the proposed residential development. A technical solution has been found to attenuate these sources as follows:-

- Digester Fan – Acoustic Louvre Air – In & Out, Blockwork Enclosure
- Paint Dryer Fan – Acoustic Louvre Enclosure End Intake – 2 sides & Top Acoustic Panel Enclosure
- Extract next to Paint Dryer – Exhaust attenuator upgrade
- Compressor House 'A' – Acoustic Louvre's & Acoustic Louvre Door
- Compressor House 'B' – Acoustic Louvre's & Acoustic Louvre Door

Further information on the subject of this report is available from «offname» on «offtel»

- Chemical Mixer Extract – Exhaust Attenuator
- Dust Extractor – Acoustic Panel Surround & Exhaust Attenuator

5.17 The Environmental Health Manager is satisfied as to the efficacy of these works. The works together with the future maintenance can be secured by way of a planning condition.

5.18 The bund proposed to be retained by way of planning application DMN/111900/N, albeit in a regraded form, also has an acoustic function in attenuating the Polytec noise sources closer to the ground. These include the storage and movement of materials / products, general activity on the yard area and plant that is located near the ground level. This would become more relevant with the reduction in noise output of the higher level sources as the noise from these lower areas would become more pronounced. The retention of the bund, albeit in its modified form, would have the benefit of mitigating this noise.

5.19 The retention of the bund, albeit in a modified form, is an integral part of the acoustic design of the noise reduction package of the Polytec site. It serves to safeguard the amenities of the occupiers of future residents whilst protecting Polytec's operational activities from possible adverse reaction by new residents.

5.20 It is concluded that this package of noise mitigation measures will ensure that the future occupiers of the dwelling houses would enjoy a satisfactory level of quietude and as such the proposal complies with policy DR13 of the Herefordshire Unitary Development Plan 2007.

5.21 Odour

5.22 The control of odours due to the operations at Polytec are regulated by means of a permit from the Local Authority which requires that emissions to air are controlled at an acceptable level and there is a requirement for ongoing improvement. The Environmental Health Manager is satisfied that the occupiers of the proposed dwellings are sufficiently protected. The company is required by the permit to comply with nationally set standards.

5.23 Transportation

5.24 The Transportation Manager is satisfied that the local highway network has sufficient capacity. The proposed development would generate significantly less vehicle movements than the previously refused planning application which proposed 175 dwellings rather than a maximum of 127 dwellings.

5.25 Two vehicular means of access are required for this scale of development. The positions of the accesses are logical and the visibility splays acceptable.

5.26 The proposed accesses for pedestrians and cyclists are also considered to be suitable.

5.27 The site is in a sustainable location being within reasonable walking distance of the Town Centre, community facilities and employment premises. There are no objections from the Transportation Manager.

5.28 Residential Amenity

5.29 The occupiers of 'Becks Cottage' on the western side of Bromyard Road have expressed concerns as to the impact upon their amenity by the southernmost vehicular access. The case officer has specifically visited their property, which is split-level, to assess the impact. There is a need for a vehicular access in this area close to the Town and it has in fact been deliberately offset from 'Becks Cottage', so that it is not directly opposite, to safeguard the amenities of the occupiers of that property. It is considered that the occupiers of 'Becks Cottage' would not suffer any undue loss of amenity.

5.30 Landscape & Ecology

5.31 By allocating the site for residential development the Council has accepted that such a development can be satisfactorily integrated into the landscape.

5.32 The trees along the road frontage of amenity value have been protected by way of a Tree Preservation Order and are shown to be retained as is the majority of the roadside hedgerow on the eastern side of the Tenbury Road which is considered to be of both landscape and ecological value.

5.33 An ecological assessment and reptile survey did not identify any protected species on the housing development site. The site is allocated for housing in the UDP and it is concluded that whilst there will be some loss of nesting bird habitat on site, the revised scheme will retain roadside hedgerow where possible as well as the mature oak tree. A habitat and biodiversity enhancement scheme will compensate for habitat loss and provide opportunities to enhance local wildlife.

5.34 Employment Land Supply

5.35 Concern has been expressed with regard the adequacy of employment land supply in the Bromyard area. The Inspector in considering objections to the deposit version of the UDP considered that there was sufficient employment land supply in the area, as the Council also considered in adopting the Plan.

5.36 The current position is that there is limited available employment land in Bromyard and for a variety of reasons the allocated employment site south of the Linton Trading Estate has limited prospects of being delivered. However, the Economic Development Manager advises that demand for employment land in and around Bromyard is only moderate and tends to be locally derived demand.

5.37 With regard the future, the need for 5 hectares of employment land for Bromyard for the Core Strategy Plan Period (2011-2031) has been identified. This is linked to the additional housing proposed for Bromyard. The original preferred options for the Market Towns identified the general area for the provision of this further 5 hectares being in the vicinity of the Linton Trading Estate. The Planning Policy Team are currently reviewing this issue as part of the consideration of the comments received during the recent Core Strategy consultation. However, ultimately, the precise allocation of land would need to be considered via the Market Town and Rural Areas Plan or a Neighbourhood Plan.

5.38 Draft Heads of Terms

5.39 The Draft Heads of Terms set out in Annex 1 comply with the policy DR5 of the Herefordshire Unitary Development Plan 2007 and the Council's adopted Supplementary Planning Document entitled 'Planning Obligations' (April 2008).

5.40 Bromyard and Winslow Town Council are satisfied with the proposal other than on two matters:-

1. They wish an education contribution for the Queen Elizabeth Humanities College also. However, based on the numbers on roll at October 2011 and the latest census data, no year groups are at or near capacity and therefore there is no justification to put forward to request a contribution for the secondary school.
2. They wish the financial contribution with regard the CCTV coverage to be increased from (£6,150 index linked) to £16,150 (index linked), an increase of £10,000. This has been reviewed by the Commissioning Officer (CCTV) who sees no justification for such an

increase and actually has a quote for a scheme that demonstrates that a payment of £6,150 (index linked) is sufficient.

6. Conclusion

- 6.1 The application site is allocated in the Herefordshire Unitary Development Plan 2007 for housing development.
- 6.2 The principle of the development has been established. The application is made in outline with, other than the access, all matters reserved for future consideration. There are no objections to the access.
- 6.3 As such, the proposal clearly accords with the provisions of the development plan and there are no other material considerations that indicate that a decision should be made contrary to the Council's adopted policy.

RECOMMENDATION

Subject to the prior completion of a Section 106 legal agreement in accordance with the Draft Heads of Terms attached as Annex 1, the Assistant Director Economic, Environment & Cultural Services be DELEGATED POWERS TO GRANT OUTLINE PLANNING PERMISSION subject to the following conditions:-

1. The development shall not commence until approval of the following reserved matters has been obtained from the Local Planning Authority:-
- Layout
 - Scale
 - Appearance
 - Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

Reason: No such details have been submitted and in accordance with Section 92 of the Town and Country Planning act 1990.

2. The finished floor levels of all the dwelling houses shall be set a minimum of 600mm above Q1000 flood level at each river station section (sections referred to in Appendix H of the Flood risk Assessment Report 1577 dated 26th June 2009).

Reason: To protect the development from flooding, in accordance with policy DR7 of the Herefordshire Unitary Development Plan 2007.

3. There shall be no raising of ground levels within flood zone 3, the 'high risk', 1% annual probability flood plain.

Reason: To protect the development from flooding, in accordance with policy DR7 of the Herefordshire Unitary Development Plan 2007.

4. Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-

Further information on the subject of this report is available from «offname» on «offtel»

- Full details of foul sewerage disposal arrangements
- Full details of surface water drainage arrangements
- Full details of land drainage arrangements

The development hereby permitted shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved detail and thereafter maintained as such.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system, in accordance with policies DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.

5. With regard the details required to be submitted pursuant to condition 4 above, no surface water or land drainage run-off shall be discharged, either directly or indirectly, to the public sewerage system.

Reason: To protect the integrity of the public sewerage system, to prevent hydraulic overloading of the public sewerage system and ensure no detriment to the environment, in accordance with policies DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.

6. With regard the details of foul sewerage disposal arrangements required to be submitted pursuant to condition 4 above, no more than 7 litres per second shall be discharged into the public sewerage system, thus requiring an on-site pumping station. The scheme shall be implemented with this restricted flow and thereafter maintained as such.

Reason: To protect the integrity of the public sewerage system, to prevent hydraulic overloading of the public sewerage system and ensure no detriment to the environment, in accordance with policies DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.

7. The scheme of noise attenuating measures proposed by Colin Waters Acoustics and submitted as part of the application, including:-

- Digester Fan - Acoustic Louvre Air - In & Out, Blockwork Enclosure
- Paint Dryer 7Fan - Acoustic Louvre Enclosure End Intake – 2 sides & Top Acoustic Panel Enclosure
- Extract next to Paint Dryer - Exhaust attenuator upgrade
- Compressor House 'A' - Acoustic Louvre's & Acoustic Louvre Door
- Compressor House 'B' - Acoustic Louvre's & Acoustic Louvre Door
- Chemical Mixer Extract - Exhaust Attenuator
- Dust Extractor - Acoustic Panel Surround & Exhaust Attenuator

shall be completed prior to the first occupation of any of the dwelling houses and thereafter maintained to the satisfaction of the Local Planning Authority

A noise level rating level of 35dBA Laeq,T using the methodology prescribed by BS4142 'Method for Rating Industrial Noise affecting mixed residential and industrial areas' shall not be exceeded at the façade when measured at ground and first floor level at any dwelling on the site.

Reason: To ensure that the occupiers of the dwellinghouses enjoy a satisfactory level of amenity in compliance with policy DR13 of the Herefordshire Unitary Development Plan 2007.

8. 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. 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 in accordance with policy DR10 of the Herefordshire Unitary Development Plan 2007.

9. The Remediation Scheme, as approved pursuant to condition number 8 above, shall be fully implemented before 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 in accordance with policy DR10 of the Herefordshire Unitary Development Plan 2007.

10. No building operation shall take place until the regraded bund permitted by planning permission DMN/111900/N has been completed. Thereafter this bund shall remain in-situ and be maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure that the occupiers of the dwellinghouses enjoy a satisfactory level of amenity in compliance with policy DR13 of the Herefordshire Unitary Development Plan 2007.

11. The hedgerow along the western boundary of the site on the eastern side of the Tenbury Road shall be retained as shown on the approved plans.

Reason: The roadside hedgerow is considered to be of both landscape and ecological value, to accord with policy LA5 of the Herefordshire Unitary Development Plan 2007.

12. The details of layout required to be submitted pursuant to condition 1 above shall show the entirety of the residential development, including the dwelling houses, gardens, roadways, pedestrian routes, cycles routes, outdoor playing space, open space and equipped children's play space, confined to the allocated housing site as defined on the Proposals Map to the Herefordshire Unitary Development Plan 2007.

Reason: To ensure that there is no unjustified encroachment of development into the open countryside or onto employment land in accordance with policies H7 and E5 of the Herefordshire Unitary Development Plan 2007.

- 13.** The details of layout required to be submitted pursuant to condition 1 above shall show the entirety of the provision of a shared pedestrian/cycleway route along the approximate route of the former railway line adjacent to the eastern boundary of the site.

Reason: To ensure that there is adequate permeability through the development and to enhance both cycle and pedestrian routes, in accordance with policies T6 and T7 of the Herefordshire Unitary development Plan 2007.

- 14.** The details of layout required to be submitted pursuant to condition 1 above shall include the provision of outdoor playing space, open space and equipped children's play space in accordance with policies H19 and RST3 of the Herefordshire Unitary Development Plan 2007.

Reason: In accordance with policies H19 and RST3 of the Herefordshire Unitary Development Plan 2007.

- 15.** Prior to commencement of the development hereby permitted protective fencing in accordance with the advice contained in Section 9.2 of BS5837 comprising vertical and horizontal framework of scaffolding (well braced to withstand impacts) supporting either chestnut cleft fencing or chain link fencing in accordance with figure 2 of BS5837:2005 shall be erected at the furthest extent of the root protection areas to the seven trees protected by way of a Tree Preservation Order and the furthest extent of the roots of the roadside hedgerow that is to be retained. Once these protective measures have been erected but prior to commencement of the development hereby permitted a suitably qualified arboricultural consultant shall inspect the site and write to confirm that the protective measures specified by this condition are in-situ. Upon receipt of that letter by the Local Planning Authority the development may commence but the protective measures must remain in-situ until completion of the development. No storage may take place within the tree protection areas. If any works are required within the tree protection areas an Arboricultural Method Statement shall be submitted to and approved by the Local Planning Authority prior to commencement of the development.

Reason: To ensure that the trees and hedgerow of amenity value that are both worthy and capable of retention are not damaged and their long- term health and future retention not prejudiced, in accordance with policy LA5 of the Herefordshire Unitary Development Plan 2007.

- 16.** The details of layout and landscaping required to be submitted pursuant to condition 1 above shall include a scheme for the permanent closure of the two existing vehicular means of accesses. The two existing vehicular means of accesses shall be permanently closed in full accordance with the approved scheme prior to the first occupation of any of the dwellinghouses hereby permitted.

Reason: In the interests of highway safety, in accordance with policy DR3, T6 and T7 of the Herefordshire Unitary Development Plan 2007.

- 17.** The approved vehicular access including visibility splays, cycleway and pedestrian route shown upon drawing number 617-05 Revision A received 8th November 2011 shall be fully implemented prior to the first occupation of any of the dwellinghouses hereby permitted and thereafter maintained to the satisfaction of the Local Planning authority.

Reason: In the interests of highway safety and to encourage travel by alternative modes of

transport in accordance with policy DR3 of the Herefordshire Unitary Development Plan 2007.

- 18.** B01 Development in accordance with the approved plans
- 19.** The details of layout required to be submitted pursuant to condition 1 above, shall include full details of all proposed boundary treatments (i.e. walls, gates, fences or any other means of enclosure).

Reason: To ensure a satisfactory appearance to the development in accordance with policies DR1 and LA2 of the Herefordshire Unitary Development Plan 2007.

- 20.** The details of layout required to be submitted pursuant to condition 1 above, shall include full details of existing site levels, all proposed earthworks and proposed finished levels.

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 21.** The recommendations set out in the ecologist's reports dated March 2010 and June 2010 shall be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, an update assessment and full working method statement should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.

To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

- 22.** Prior to commencement of the development, a full habitat enhancement and management scheme, including reference to Herefordshire's Biodiversity Action Plan Priority Habitats and Species, including timescale for implementation, shall be submitted to and be approved in writing by the local planning authority. The work shall be implemented as approved.

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.

To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

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

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.

To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

24 CCO – Site Waste Management

25 CAZ - Parking for Site Operatives

INFORMATIVES:

1. A written Land Drainage Consent will need to be obtained from the Board under the terms of the Land Drainage Act 1991 and the Flood and Water Management Act 2010.
2. The details of layout required to be submitted pursuant to condition 1 should follow the advice contained within 'Manual for Streets 2' and include the vehicle parking and cycle parking facilities as set out in the Herefordshire Council 'Highways Design Guide for New Development (July 2006)'.
3. This permission does NOT relate to illustrative drawing 2589/008 Revision F.
4. The documents to which this decision relate are:-
 - Proposed Site Access – Drawing number 617-05 Revision A received 8th November 2011;
 - Colin Water Acoustics (Consultants in Environmental Acoustics) Report CWA 26310/R05/1/ May 2011 received 14th July 2011;
 - Tree Survey Report prepared by illmanyong May 2011 received 14th July 2011 which sets out the root protection areas in Appendix 2 (i.e. T15 – T7 of the TPO – 6 metres radius, T7 – T6 of the TPO – 6.48 metres radius, T6 – T5 of the TPO – 7.08 metres radius, T4 – T3 of the TPO – 5.64 metres radius, T3 – T2 of the TPO – 6 metres radius and T2 – T1 of the TPO – 7.2 metres radius;
 - Phil Jones Associates Transport Assessment dated May 2011 received 14th July 2011;
 - Proposed Zebra Crossing (Porthouse Farm Development) – Stage 2 Road Safety Audit prepared by Amey dated 21st June 2011 received 14th July 2011;
 - Flood Risk Assessment (Report No. 1577) prepared by Robert West Consulting received on 14th July 2011;
 - Topographical Survey Drawing No. T 5637/2 received 14th July 2011; and
 - Application Site Plan – Drawing number 2589/015 (Scale 1:1250) received 14th July 2011.
 - Ecological Appraisal (March 2010)
 - Reptile Survey (June 2010)
5. N15 Reason(s) for the Grant of Outline Permission
6. N11C – General
7. The details of landscaping required to be submitted pursuant to Condition 1 shall include hard landscaping, soft landscaping and a fully detailed landscape management plan.
8. I11 - Mud on Highway
9. I09 - Private Apparatus within Highway
10. I45 - Works within the Highway

Further information on the subject of this report is available from «offname» on «offtel»

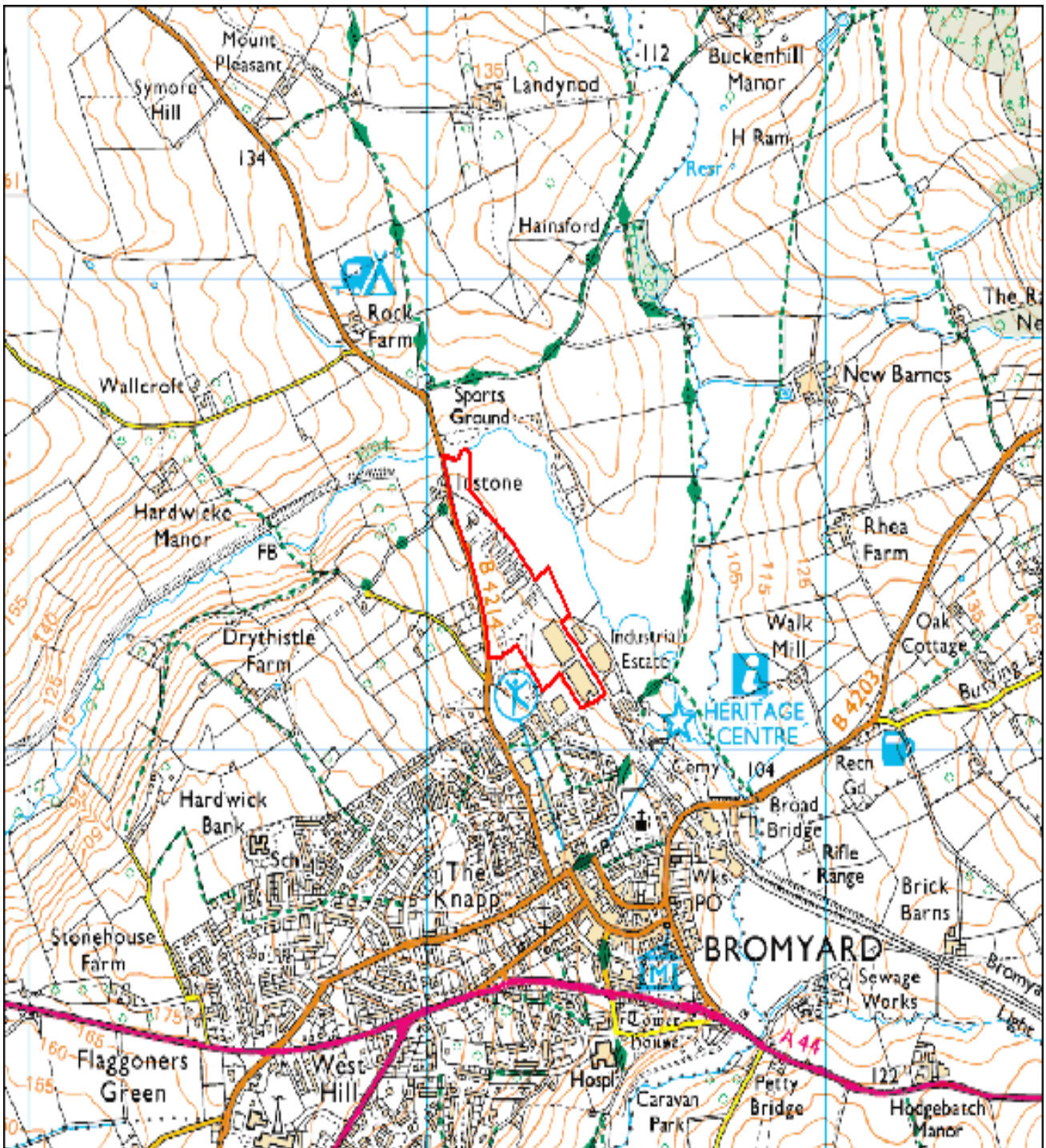
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DMN/111899/O

SITE ADDRESS : PORTHOUSE FARM, TENBURY ROAD, BROMYARD, HEREFORDSHIRE

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from «offname» on «offtel»

ANNEX 1

HEADS OF TERMS Proposed Planning Obligation Agreement Section 106 Town and Country Planning Act 1990

Planning Application: N/111899/O

Proposal: Construction of up to 127 dwelling houses with all matters other than the means of access reserved for future consideration

Site: Porthouse Farm, Tenbury Road, Bromyard, Herefordshire

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of
 - £ 1,809 (index linked) for a 2 bedroom open market unit
 - £ 2,951 (index linked) for a 3 bedroom open market unit
 - £ 4,953 (index linked) for a 4+ bedroom open market unit

The contributions will provide for enhanced educational infrastructure at St Peters Primary School, Post 16, Bromyard Early Years, Bromyard Youth Service and the Special Education Needs Schools. The sum shall be paid on or before first occupation of the 1st open market dwelling house, and may be pooled with other contributions if appropriate.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of
 - £ 2,092 (index linked) for a 1 bedroom open market unit
 - £ 2,457 (index linked) for a 2 bedroom open market unit
 - £ 3,686 (index linked) for a 3 bedroom open market unit
 - £ 4,915 (index linked) for a 4 bedroom open market unit
 - £ 6,143 (index linked) for a 5 bedroom open market unit

The contributions will provide for sustainable transport infrastructure to serve the development, which sum shall be paid on or before occupation of the 1st open

Further information on the subject of this report is available from «offname» on «offtel»

market dwelling house and may be pooled with other contributions if appropriate. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:-

- Dropped crossings in the Town. All along routes used by residents of the development to shops and schools.
 - Improved cycle parking in the town centre and schools.
 - Improvements to the junction from the B4214 into Porthouse Industrial Estate. The footway to be diverted to the open grass area on the town side. This is on the route from the development to town/schools.
 - Provision/improvements to proposed Greenway along old railway.
 - Old Road Footway
 - Extension of footway on the A465 towards the garage and Panniers Lane
 - Enhancement of southerly visibility at junction of Winslow Road with Tenbury Road (B4214)
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £627 (index linked) per head of population (the population shall be calculated by multiplying the total number of open market and affordable dwellings by 2.3 which is the assumed occupancy of each dwelling) to be spent for the enhancement / provision of outdoor sports facilities in consultation with local sports clubs in Bromyard & Winslow and adjacent parishes. The sums shall be paid on or before the occupation of the 1st open market dwelling. The monies may be pooled with other contributions if appropriate.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £292 (index linked) per head of population (the population shall be calculated by multiplying the total number of open market dwellings by 2.3 which is the assumed occupancy of each dwelling) to be spent to support the existing indoor sports provision in Bromyard & Winslow and adjacent parishes. The sums shall be paid on or before occupation of the 1st open market dwelling. The monies may be pooled with other contributions if appropriate.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of
- £120 (index linked) for a 1 bedroom open market unit
 - £146 (index linked) for a 2 bedroom open market unit
 - £198 (index linked) for a 3 bedroom open market unit
 - £241 (index linked) for a 4+ bedroom open market unit

The contributions will provide for enhanced Library facilities in Bromyard. The sum shall be paid on or before the occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.

6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £120 (index linked) per open market dwelling. The contribution will provide for waste reduction and recycling in Bromyard & Winslow. The sum shall be paid on or before occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.
7. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £6,150 (index linked) towards the enhancement of CCTV provision in Bromyard Town Centre to include 6 cameras, DVR, PC review station and wireless links to the local police station. The sum shall be paid on or before the occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.
8. The developer covenants with Herefordshire Council to pay a sum equal to 1% of the gross project cost, which will be used to provide for public art within the development or within the vicinity of the development. The sum shall be paid on or before the occupation of the 1st open market dwelling.
9. The developer covenants with Herefordshire Council that 35% of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
10. Of those Affordable Housing units, at least 65% shall be made available for social rent with the remainder being available for intermediate tenure.
11. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
12. The Affordable Housing Units must be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-
 - 12.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 12.2 satisfy the requirements of paragraphs 13 & 14 of this schedule
13. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of who has:-
 - 13.1 a local connection with the parish of Bromyard and Winslow; or Grendon Bishop, Bredenbury, Wacton, Edwyn Ralph, Norton, Linton, Avenbury, Stoke Lacy, Little Cowarne, Pencombe and Grendon Warren

- 13.2 in the event there being no person with a local connection to any of the above parishes any other person ordinarily resident within the administrative area of Herefordshire Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 12.1 or 12.2 above.
14. For the purposes of sub-paragraph 13.1 or 13.2 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
- is or in the past was normally resident there; or
 - is employed there; or
 - has a family association there; or
 - a proven need to give support to or receive support from family members; or
 - because of special circumstances
15. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to a subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
16. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 3 of the 'Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes' or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
17. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3, 4, 5, 6, 7 and 8 above for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
18. The sums referred to in paragraphs 1, 2, 3, 4, 5, 6, 7 and 8 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
19. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of

monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.

20. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
21. The Children's Play Area and amenity public open space area shall be provided on-site prior to the occupation of 50% of the open market dwellings. The Children's Play Area and public open space shall be maintained by the developer for a period of one year and then transferred to Herefordshire Council at a cost of £1 provided that the play area and open space are to an acceptable standard as agreed by Herefordshire Council. At the time of transfer the developer shall pay Herefordshire Council a 15 year maintenance sum in accordance with the Tariff for Calculation of Commuted Sums 2011.




**Review of Noise Issues Associated with Proposed
Residential Development and Bund at Porthouse
Farm, Bromyard
Herefordshire Council
March 2012**



**Review of Noise Issues Associated with
Proposed Residential Development and
Bund at Porthouse Farm, Bromyard**

Herefordshire Council

March 2012

Prepared by:	Stephen Scott	Senior Acoustic Consultant		9 March 2012
Reviewed & checked by:	Nicola Stedman-Jones	Senior Acoustic Consultant		09-03-11
Authorised by:	Simon Kahn	Technical Director		9 th March 2012
Date of issue:	09 March 2012			
Revision:	1			
Project number	JAK6889			
Document file path:	O:\Jobs_6001-7000\6889\6889k_Report_Rev1_090312.doc			

RPS Planning & Development Ltd
6-7 Lovers Walk
Brighton
BN1 6AH
T: +44 (0) 1273 546800
F: +44 (0) 1273 546801
E: rpsbn@rpsgroup.com
W: www.rpsgroup.com

Quality Management

Revision History				
Rev	Date	Status	Reason for revision	Additional comments
0	02/03/12	Draft	-	-
1	09/03/12	Issued	Client comments	-

DISCLAIMER

RPS has used reasonable skill and care in completing this work and preparing this report, within the terms of its brief and contract and taking account of the resources devoted to it by agreement with the client. We disclaim any responsibility to the client and others in respect of any matters outside the stated scope. This report is confidential to the client and we accept no responsibility to third parties to whom this report, or any part thereof, is made known. The opinions and interpretations presented in this report represent our reasonable technical interpretation of the data made available to us. RPS accepts no responsibility for data provided by other bodies and no legal liability arising from the use by other persons of data or opinions contained in this report.

Except for the provision of professional services on a fee basis, RPS does not have a commercial arrangement with any other person or company involved in the interests that are the subject of this report.

COPYRIGHT © RPS

The material presented in this report is confidential. This report has been prepared for the exclusive use of the client and shall not be distributed or made available to any other company or person without the knowledge and written consent of the client or RPS

Contents

1	Introduction	1
2	Noise Units Standards and Guidance	2
	Noise	2
	Planning Policy Guidance Note 24: Planning and Noise 1994	3
	British Standard 8233 ‘Sound insulation and noise reduction for buildings – Code of Practice’, 1999	4
	British Standard 4142 ‘Method for Rating industrial noise affecting mixed residential and industrial areas’, 1997	5
3	Existing Noise Reports	7
	Other fixed noise sources	7
	Numeric agreement between reports	8
	Noise from forklift truck activities	9
4	Site Observation and Noise Surveys	10
	Existing Reports	10
	Site Observations	10
	Additional Noise Measurements	11
5	Survey Analysis	13
	Maximum levels as assessed following PPG 24	13
	Maximum levels as assessed following BS 8233	13
	Mitigation Options	14
	Garden and Amenity Areas	16
6	Conclusion and Recommendations	17

References

Tables, Figures and Appendices

Tables

Table 2.1: Summary of PPG 24 Noise Exposure Categories for New Dwellings	3
Table 2.2: BS 8233 Indoor Ambient Noise Levels in Unoccupied Residential Spaces	5

Figures

Figure 1: Proposed 6.0 m barrier alignment

Appendices

Appendix A: Hourly Noise Data

Appendix B: Noise Events

1 Introduction

- 1.1 Herefordshire Council (HC) has received outline planning application DMN/111899/O [1] for the erection of up to 127 dwellings at Porthouse Farm, Bromyard. Associated with the proposal is retrospective planning application DMN/111900/N [2], for the retention and remodelling of an existing bund between the Porthouse Farm site and the neighbouring industrial park.
- 1.2 RPS has been appointed by Herefordshire Council to provide acoustic advice regarding these planning applications.
- 1.3 Two acoustic reports have been prepared in support of the proposed residential development. Colin Waters Acoustics (CWA) provided an *Assessment of suitability of site for residential development with respect to noise and recommendations for mitigation works* [3], which was, in part, based on an assessment of Three Spires Acoustics (TSA) Environmental Noise Assessment of the Polytec-Holden, Bromyard [4] facility, which was identified as the primary source of noise likely to affect the proposed residence.
- 1.4 The planning applications went before the Planning Committee on 1st February 2012. Determination was deferred pending further information. In particular, the committee considered that further information regarding noise arising from external forklift truck movement and activities was required.
- 1.5 This report provides:
 - a review of Colin Waters Acoustics report.
 - a review of Three Spires Acoustics report.
 - site inspection and noise measurement results.
 - mitigation options, including bund / barrier combinations.
 - recommendations and conclusions.
- 1.6 This report should be read in conjunction with the acoustic reports from CWA and TSA. The provisional Proposed Masterplan 2589/008 Rev F has been used to inform this assessment. The findings, however, will be similar for alternate scheme layouts where the south-eastern properties lie a similar distance from the Polytec boundary.

2 Noise Units Standards and Guidance

- 2.1 As standard in its reports, RPS provides a basic introduction to noise, along with a summary of the Standards and Guidance referred to. The information within this chapter is consistent with that of the TSA and CWA reports.

Noise

- 2.2 Noise is defined as “sound which is undesired by the recipient”. The range of audible sound is from 0 dB to 140 dB. The frequency response of the ear is usually taken to be about 18 Hz (number of oscillations per second) to 18,000 Hz. The ear does not respond equally to different frequencies at the same level. It is more sensitive in the mid-frequency range than the lower and higher frequencies and because of this, the low and high frequency components of a sound are reduced in importance by applying a weighting (filtering) circuit to the noise measuring instrument. The weighting which is most widely used and which correlates best with subjective response to noise is the dB(A) weighting. This is an internationally accepted standard for noise measurements.
- 2.3 For variable noise sources such as traffic, a difference of 3 dB(A) is just distinguishable. In addition, a doubling of a noise source would increase the overall noise by 3 dB(A). For example, if one item of machinery results in noise levels of 30 dB(A) at 10 m, then two identical items of machinery adjacent to one another would result in noise levels of 33 dB(A) at 10 m. The ‘loudness’ of a noise is a purely subjective parameter but it is generally accepted that an increase/decrease of 10 dB(A) corresponds to a doubling/halving in perceived loudness.
- 2.4 External noise levels are rarely steady but rise and fall according to activities within an area. In an attempt to produce a figure that relates this variable noise level to subjective response, a number of noise indices have been developed. These include:
- L_{Amax} noise level: This is the maximum noise level recorded over the measurement period.
 - L_{Aeq} noise level: This is the ‘equivalent continuous A-weighted sound pressure level, in decibels’ and is defined in British Standard 7445 (BS 7445) [5] as the ‘value of the A-weighted sound pressure level of a continuous, steady sound that, within a specified time interval, T, has the same mean square sound pressure as a sound under consideration whose level varies with time’.
- It is a unit commonly used to describe community response, construction noise and noise from industrial premises and is the most suitable unit for the description of other forms of environmental noise. In more straightforward terms, it is a measure of energy within the varying noise.

- **L_{A10} noise level:** This is the noise level that is exceeded for 10% of the measurement period and gives an indication of the noisier levels. It is a unit that has been used over many years for the measurement and assessment of road traffic noise.
- **L_{A90} noise level:** This is the noise level that is exceeded for 90% of the measurement period and gives an indication of the noise level during quieter periods. It is often referred to as the background noise level and is used in the assessment of disturbance from industrial noise.

Planning Policy Guidance Note 24: Planning and Noise 1994

2.5 National planning guidance is contained within Planning Policy Guidance Note 24: Planning and Noise (PPG 24) [6]. PPG 24 offers guidance to local authorities on the assessment of noise and its potential impact on noise sensitive dwellings. In addition, the document defines four Noise Exposure Categories (NEC), which range from A to D and indicate to what extent noise should be considered within the planning process for new residential developments. PPG 24 also defines noise levels for each category, for a variety of noise sources. Table 2.1 below reproduces the summary in PPG 24 relating to the recommended NECs for new dwellings near to existing road traffic noise sources. Where a site falls exactly on the boundary between two categories, it is generally at the discretion of the local authority to determine the appropriate NEC.

Table 2.1: Summary of PPG 24 Noise Exposure Categories for New Dwellings

Noise Levels and Advice Corresponding to The Noise Exposure Categories for New Dwellings L _{Aeq,T} dB				
Noise Source	Noise Exposure Category (NEC)			
	A	B	C	D
Road Noise				
07:00 - 23:00	<55	55 - 63	63 - 72	>72
23:00 - 07:00	<45	45 - 57	57 - 66	>66
Advice	Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as a desirable level.	Noise should be taken into account when determining planning applications and, where appropriate, conditions should be imposed to ensure a commensurate level against noise.	Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.	Planning permission should normally be refused.

- 2.6 The levels reported in Table 2.1 refer to free-field noise levels, measured on an open site, at least 3.5 m away from any reflecting façades, excluding the ground, at a height of 1.2 m to 1.5 m above the ground. PPG 24 also recommends that the daytime period is 07:00 to 23:00 hours and the night-time period is 23:00 to 07:00 hours.
- 2.7 A further stipulation of PPG 24 in relation to night-time noise levels is that where individual noise events regularly exceed 82 dB L_{Amax} (Slow time weighting) several times in any hour, the site should be treated as being in NEC C, regardless of the $L_{Aeq,8hr}$ (except where the $L_{Aeq,8hr}$ already puts the site in NEC D).
- 2.8 Where internal levels are considered, PPG 24 recommends that further guidance on suitable internal noise levels can be found in British Standard 8233 (BS 8233) [7].
- 2.9 Where industrial noise is considered, PPG 24 recommends that further guidance can be found in British Standard (BS 4142) [8]. Nevertheless, research undertaken on behalf of the former Department of the Environment [9] states that:
- 'The NEC system is not primarily intended for dealing with industrial noise. Where a site is affected by noise from an industrial or commercial source, an assessment according with BS 4142 should first be carried out. If the conclusion according to paragraph 8.2 of BS 4142 is that complaints are likely, the proposed development should be placed in NEC D. If the conclusion is that the noise is of marginal significance, the proposed development should be placed in NEC C. In all other cases, the daytime LAeq (07:00 to 23:00 hours) and night-time LAeq (23:00 to 07:00 hours) values of the industrial noise (after adding a character correction as described in paragraph 7.2 of BS 4142) should be calculated and combined by logarithmic addition with the noise from transportation sources and allocated a NEC using the criteria for mixed sources, unless one of the transportation noise sources is dominant in which case the development should be assessed against the NEC criteria for that source. A noise source is dominant if its noise level, before combination with the noise of other sources, is not less than 2 dB below the combined noise level of all sources.'*
- 2.10 PPG 24 is currently under review and a revised document is due to be released in the future.

British Standard 8233 'Sound insulation and noise reduction for buildings – Code of Practice', 1999

- 2.11 British Standard 8233 'Sound insulation and noise reduction for buildings – Code of practice' (BS 8233) defines a range of indoor ambient noise levels in spaces which are unoccupied from intrusive, external sources below which good or reasonable conditions are achieved in residential spaces. The noise levels defined within BS 8233 are based on guidance published by the World Health Organisation (WHO).
- 2.12 A summary of the levels recommended in BS 8233 for rooms used for resting and sleeping is provided in Table 2.2.

Table 2.2: BS 8233 Indoor Ambient Noise Levels in Unoccupied Residential Spaces

Criterion	Typical Situation	Design Range $L_{Aeq,t}$ dB	
		Good	Reasonable
Reasonable resting/sleeping conditions	Living Rooms	30	40
	Bedrooms ¹	30	35

¹ For a reasonable standard in bedrooms at night, individual noise events (measured with Fast time-weighting) should not normally exceed 45 dB L_{Amax} .

2.13 In addition, the second paragraph of 7.6.1.2 states that:

'As well as protection for the building, barriers or bunds should be considered to protect the gardens. In gardens and balconies etc. it is desirable that the steady noise level does not exceed 50 $L_{Aeq,T}$ dB and 55 $L_{Aeq,T}$ dB should be regarded as the upper limit.'

British Standard 4142 'Method for Rating industrial noise affecting mixed residential and industrial areas', 1997

2.14 Sections 19 and 20 of Annex 3 of PPG 24 cite the use of British Standard 4142 'Method for Rating industrial noise affecting mixed residential and industrial areas' (BS 4142)[1] to assess noise from industrial and commercial developments. The Standard provides a method for rating industrial noise affecting mixed residential and industrial areas and has been extensively used by local authorities and consultants to rate noise from fixed installations, such as plant noise.

2.15 The Standard advocates the use of L_{Aeq} , a level that is directly measurable. The L_{Aeq} is either measured or calculated at a receptor location and this is termed the 'specific noise level'. The specific noise level may then be corrected for the character of the noise, if appropriate, and it is then termed the 'rating level, $L_{Ar,Tr}$ ', whether or not a correction is applied. A correction of +5 dB is made if the noise contains distinguishable, discrete and continuous tones (e.g. hums, whistles or whines); distinct impulses (e.g. bangs, clicks, clatters or thumps) or if the noise is irregular enough in character to attract attention.

2.16 When used to rate the likelihood of complaints, the rating level is determined and the L_{A90} background noise level is subtracted from it. Where positive differences occur, the greater the difference between the two levels, the greater the likelihood of complaints. Where negative differences occur, the greater the difference between the two levels, the lesser the likelihood of complaints. A difference of around +10 dB or higher indicates that complaints are likely; a difference of around +5 dB is of marginal significance; and a difference of -10 dB is a positive indication that complaints are unlikely.

3 Existing Noise Reports

- 3.1 Two acoustic reports have been prepared in support of the proposed residential development. CWA provides an *Assessment of suitability of site for residential development with respect to noise and recommendations for mitigation works* [3], which was, in part, based on an assessment of a TSA Environmental Noise Assessment of the Polytec-Holden, Bromyard [4] facility, which was identified as the primary source of noise likely to affect the proposed residence. Both of these reports were prepared for Marsten Developments (Worcs) Ltd, the developers.
- 3.2 RPS has undertaken a thorough review of both of these reports. Both reports appear professional and fit for purpose. Measurement and assessment appears to have been undertaken in accordance with current good practice.
- 3.3 RPS has identified a number of areas, however, in which further examination as to the acoustic issues is warranted.

Other fixed noise sources

- 3.4 TSA identify seven principal 'plant' noise sources on the Polytec-Holden site, around the perimeter of the factory building. There are also a considerable number (estimated between 30 and 40) of roof exhaust / chimney stacks across the two factory buildings. Whilst none of these stacks were identified as a significant noise source, by TSA, CWA or RPS, there is no indication from the TSA and CWA reports that their noise emissions were fully quantified.
- 3.5 RPS would, therefore, recommend a generic noise limit be set for emissions from these stacks, in addition to those set for the seven principal noise sources. Other than for the seven principal sources, a limit of 70 dB(A) SWL (sound power level) for any individual fixed external noise source is proposed, this being 10 dB below the sound power of the noisiest of the post-mitigation seven sources; the Dust Extractor. This sound power falls within the range of sound powers for the other mitigated items of plant. A sound power of this level would equate to a level of 50 dB(A) SPL (sound pressure level) measured at 4 m distance from the source.
- 3.6 It is also recommended that it be a requirement that both the seven mitigated noise sources and all other fixed plant be either free of, or not adversely affected by any distinguishable noise character off-site, which would warrant the addition of a +5 dB rating correction under a BS 4142 assessment (as described in paragraph 2.15 above). A suitable condition, adapted from recommended condition 7 of HC planning committee 1st February 2012 agenda item 7, might read:

The scheme of noise attenuating measures proposed for the Polytec-Holden Bromyard facility by Colin Waters Acoustics and submitted as part of the application, including:-

- Digester Fan - Acoustic Louvre Air - In & Out, Blockwork Enclosure

- Paint Dryer 7Fan - Acoustic Louvre Enclosure End Intake – 2 sides & Top Acoustic Panel Enclosure
- Extract next to Paint Dryer - Exhaust attenuator upgrade
- Compressor House 'A' - Acoustic Louvre's & Acoustic Louvre Door
- Compressor House 'B' - Acoustic Louvre's & Acoustic Louvre Door
- Chemical Mixer Extract - Exhaust Attenuator
- Dust Extractor - Acoustic Panel Surround & Exhaust Attenuator

shall be fully implemented prior to the first occupation of any of the dwelling houses and thereafter maintained to the satisfaction of the Local Planning Authority.

All other noise sources associated with fixed plant on the Polytec-Holden Bromyard site shall be mitigated such as no individual source emits to the external environment more than 50 dB L_{Aeq} SPL sound pressure level as measured at 4 metres. Mitigation to achieve this shall be fully implemented prior to the first occupation of any of the dwelling houses and thereafter maintained to the satisfaction of the Local Planning Authority.

A rating level of 35 dB $L_{Ar,Tr}$ using the methodology prescribed by BS 4142 'Method for Rating Industrial Noise affecting mixed residential and industrial areas' shall not be exceeded at the façade when measured at ground and upper floor level at any dwelling on the site.

Reason: To ensure that the occupiers of the dwelling houses enjoy a satisfactory level of amenity in compliance with policy DR13 of the Herefordshire Unitary Development Plan 2007.

Numeric agreement between reports

- 3.7 Two possible minor numeric discrepancies between the TSA and CWA reports have been identified.
- 3.8 RPS has examined the measured noise spectra, the proposed mitigation, and the predicted post-mitigation noise emissions. There appears to be a minor discrepancy of +2.6 dB in the 63 Hz band spectrum for the Digester Fan. [This exists between Appendix B and Table 5 of the TSA report and the table in Section 7 of the CWA report]. This discrepancy may be due to rounding effects and is unlikely to be significant in any regard.
- 3.9 Similarly, there appears to be a discrepancy of -10 dB in the 1000 Hz band spectrum for the Dust Extractor. [This exists between Appendix B and Table 5 of the TSA report and the table in Section 7 of the CWA report]. This error most likely occurs in the table in Section 7 of CWA report, which reads 20 [dB(lin) 1K Hz]. RPS suggests that this level should read 30, but would be subject to verification by CWA. The table as-is would place an unduly onerous requirement as to acceptable noise emissions from the Dust Extractor plant.

Noise from forklift truck activities

3.10 It is understood that Polytec operate approximately 10 – 12 diesel forklift trucks; most being 5-tonne, with one 7-tonne and one 12-tonne capacity. All forklifts are currently fitted with tonal reversing alarms (reversing beepers). Forklift movements occur from 24-hour operations.

3.11 CWA identifies the tonal reversing alarms as a potential cause of noise nuisance off-site, and so indicates a commitment that tonal beepers be replaced with a white noise reversing alarm alternative, such as the bbs-tek 'white sound warning system'. It is suggested that this be required by condition, for example:

No site vehicle fitted with tonal reversing alarms shall operate on site between the hours of 23:00 and 07:00 hours.

Reason:- To ensure that the occupiers of the dwellinghouses hereby permitted do not suffer an undue level of night-time noise, in accordance with policy DR13 of the Herefordshire Unitary Development Plan 2007

3.12 Subsequent to the reports being issued, concern was raised regarding noise arising from external forklift truck activities. The existing reports considered their use with regards to vehicle movement noise and reversing beepers. Additional issues relating to noise created by stillage [metal frame container] movements were raised at Planning Committee on 1st February 2012. When moving stillage containers, a metal-on-metal crash or bang occasionally occurs. The potential effects of this on the proposed residents were not assessed in the CWA or TSA reports.

3.13 RPS has undertaken further noise measurements to quantify these potential effects. The results of these are presented in the following chapter.

4 Site Observation and Noise Surveys

Existing Reports

- 4.1 TSA report noise measurements undertaken between 10th and 13th November 2010. Their measurements cover both periods with the Polytec facility operating and shut down. The field-measurement TSA undertook are considered to adequately describe the noise character of the proposed residential site and quantify existing noise emissions from the seven 'noisy' items of fixed plant on the Polytec site.
- 4.2 In summary, the characteristic baseline noise for the proposed residential areas was found to be 36-45 dB L_{Aeq} / 35-43 dB L_{A90} during the current operation of the site.

Site Observations

- 4.3 RPS undertook further noise measurements between 16th and 17th February 2012. Observations of site operation were made on the afternoon of 16th February, and between 00:00 and 01:00 hours on 17th February.
- 4.4 The site is not only subject to noise emanating from the Polytec site, but also potentially from vehicles on the adjoining Tenbury Road and other units within the Porthouse Industrial Estate. On-site observations indicated that noise associated the activity at the Polytec facility dominated the local noise environment. Continuous plant noise from Polytec affected the L_{Aeq} and L_{A90} noise metrics, with noise from forklift trucks causing occasional elevations in the L_{Aeq} and L_{Amax} levels.
- 4.5 A plot to the west of the north-western Polytec building is used to store metal stillage containers. The stillages are stacked to a maximum height of 6.3 m, and contain either plastic or metal components. The stillages are moved around site, and in and out of the manufacture and distribution buildings by diesel forklift trucks. The site operates 24-hours a day; usually Monday through Friday, with occasional weekend work.
- 4.6 It is understood that Polytec operate approximately 10 – 12 diesel forklift trucks; most being 5-tonne, with one 7-tonne and one 12-tonne capacity. All forklifts are currently fitted with tonal reversing alarms (reversing beepers). Polytec policy calls for forklifts to sound their horns on rounding corners and entering/leaving buildings. Forklifts access the Polytec factory building via an automatic roller shutter door. The door was witnessed to remain open for approximately 15 seconds, and no significant noise emissions from within the building were observed.
- 4.7 Stillage containers stored along the northwest edge of the Polytec facility were regularly moved by forklift, both during the day and the hour observed at night. The unattended meter does

indicate, however, that the night-time hour observed (00:00 – 01:00 hours) was busier (in terms of noise arising from fork-lift activity) than other hours during the night.

- 4.8 The business units to the south west of the Polytec facility, and adjoining the application site, appeared predominantly of B1 class (business, rather than industrial). No significant sources of noise were identified from these premises, other than car and light goods vehicles. The vehicular access to these units was barred during an inspection at 01:00 hours on 17th February, suggesting that no significant activity occurs at night.
- 4.9 Other uses within the Porthouse Industrial estate gave rise to local noise emissions during the day, from HGV movements, small items of fixed plant and ventilation points. Other than a ventilation unit on the side of a commercial unit on Tenbury Road, no night-time noise sources were identified. No noise which would significantly affect the application site, either during the day or night was observed from any facility other than from the Polytec site.

Additional Noise Measurements

- 4.10 A continuous noise survey was carried out from the proposed residential site, at a location approximately 30 m from the Polytec site boundary. The microphone was located 1.5 m above ground and in free field conditions. The existing bund was considered to provide some screening to low-height noise sources. The tops of forklifts and stillages were clearly visible, and unscreened. This microphone position is slightly closer (by approximately 5 m) to the Polytec facility than any dwellings shown on the indicative Proposed Masterplan 2589/008 Rev F.
- 4.11 It is considered that, although the existing bund may have provided some screening to noise from the Polytec site, the maximum noise levels are likely to have arisen from activities associated with elevated stillages along the site boundary, which were relatively unscreened.
- 4.12 A decrease in site noise of up to 1 dB might be expected in correcting from 30 m to 35 m from the Polytec boundary, depending where on Polytec's site the noise arose, however no correction is made here. The two terraces of proposed dwellings approximately 60 m from the boundary with Polytec will experience levels of up to 6 dB lower than measured.
- 4.13 Conditions during the noise surveys were dry and wind speeds were generally calm. It is therefore considered that meteorological conditions were favourable for noise monitoring purposes.
- 4.14 The instrument used for the long-term noise survey was a Rion NL-32 Sound Level Meter (SLM) inventory number RPS#16. The meter was configured to log continuous 100ms noise levels, from which the hourly L_{Amax} , L_{A10} , L_{A90} and L_{Aeq} metrics were calculated. The meter starting at 14:46 hours on Thursday 16th February until 08:32 hours on Friday 17th February

2012. The meter was briefly (32 seconds) stopped around 00:30 hours on 17th February, to check settings. A summary of the hourly noise metrics is presented in Appendix A.

- 4.15 In summary, the characteristic baseline noise for the proposed residential areas was found to be 51 / 48 dB L_{Aeq} and 45 / 44 dB L_{A90} for day / night respectively, during the current operation of the site. Maximum noise levels of 80 dB $L_{Amax,fast}$ were recorded during the night period.
- 4.16 The meter was also configured to undertake audio recordings when noise levels exceeded 55 dB $L_{Amax,fast}$. Recordings were subsequently analysed to determine, where possible, the source of the noise event. Appendix B contains a log of the noise events, levels and their attributed source.
- 4.17 Before and after use, the calibration was checked with a Rion NL-74 Sound Calibrator, and indicated that the meter was functioning correctly. All instrumentation was within periods of calibration recommended in BS 4142.
- 4.18 Comparison of noise levels measured between TSA and RPS indicates only marginal differences as might normally be expected due to survey variation.
- 4.19 Attended measurements were undertaken using a Brüel & Kjær 2250 Sound Level Analyser. This was used to obtain further source measurements of noise emissions from forklift activities. Measurements were undertaken from on top the bund, and from within the application site, at a location representative of the nearest proposed dwelling.
- 4.20 Analysis of the results indicated, as expected, that $L_{Amax,fast}$ levels vary widely between measurements, even where the causing activity is comparable. Measurements from the longer-term unattended meter have been used, therefore, to characterise the likely range of maximum noise levels. Attended measurements did, however, indicate that the 'clank/bang' associated with stillage cages movements are predominantly high frequency in character, with the maximum A-weighted energy between 1 kHz and 4 kHz.

5 Survey Analysis

- 5.1 It is considered that the CWA and TSA reports adequately assess the potential effects of fixed plant noise on the proposed residential development, and that the mitigation measures therein are suitable and appropriate to control these noise sources to an acceptable level.
- 5.2 It is considered that the CWA and TSA reports do not fully assess noise arising from the activity of forklift trucks around the Polytec facility, however. Whilst CWA does include the overall noise contribution of the forklifts and addresses the issue of reversing beeps, still of concern is the potential effect of 'clanking' and 'banging' associated with the movement of stillage cages and sounding horns. At night, noise from these activities has the potential to result in sleep disturbance within some of the proposed dwellings.
- 5.3 To provide the most robust assessment, consideration has been made of maximum noise levels expected during the night at the location of the nearest proposed residential properties.

Maximum levels as assessed following PPG 24

- 5.4 The CWA report identifies the applicant site as falling within PPG 24 NEC A or NEC B, with the existing noise environment. PPG 24 specifies that, at night (23:00 to 07:00 hours), where individual noise events regularly exceed 82 dB $L_{Amax(slow)}$ several times in any hour, the site should be treated as being in NEC C. This was not explicitly considered in the CWA report.
- 5.5 Overnight measurements indicated that the nearest edge of the proposed residences did not experience noise levels over 80 dB $L_{Amax(fast)}$. Consequently, the $L_{Amax(slow)}$ level, which will fall between 0 dB and 9 dB below the fast measurement, will not regularly exceed 82 dB $L_{Amax(slow)}$ several times in any hour. Therefore the PPG 24 rating of the site remains NEC A / NEC B, as indicated in the CWA report.

Maximum levels as assessed following BS 8233

- 5.6 BS 8233 indicates for a reasonable standard in bedrooms at night, individual noise events should not normally exceed 45 dB $L_{Amax,fast}$. This is for indoor ambient noise levels in unoccupied residential spaces.
- 5.7 Modern thermal double glazing will generally provide 33 dB of attenuation, from outside to in. This decreases to 10 – 15 dB for a partially open window. As a guide, therefore, below a threshold external level of 78 dB $L_{Amax,fast}$ would be acceptable for closed windows, with a threshold of 55 – 60 dB $L_{Amax,fast}$ acceptable for partially open windows.

- 5.8 During the 8-hour night-time measurements, only two noise events exceeding 78 dB $L_{Amax,fast}$. These occurred at 06:56 and 06:58 hours, and were both below 80 dB. The recordings clearly indicate that the source was stillage movement.
- 5.9 Of the 58 events exceeding 60 dB, approximately 48 were caused by noise from the Polytec site, mostly stillage movement. Events between 55 dB and 60 dB $L_{Amax,fast}$ were often attributable to tonal reversing alarms, which would be controlled by a change to a white-noise alarm system.

Mitigation Options

- 5.10 Noise barriers, in the form of bunding, solid barriers or likewise, usually provide most acoustic attenuation when positioned closest to the source or to the receiver. As a rule of thumb, a barrier will provide approximately 5 dB of screening when just interrupting the line of sight; increasing to 10 dB where a more substantial blocking occurs. Calculation methods, such as that provided in ISO 9613 [10], allow a more detailed prediction, allowing the spectrum of the noise to be taken into account. In practice, attenuation of more than 20 dB is difficult to achieve by noise barrier.
- 5.11 A bund is located on the application site adjacent to the Polytec facility. The top of the bund lies approximately 1 to 2 m above the Polytec site and 4 to 6 m above the application site. The retention of this bund is subject to a retrospective planning application, so it is possible that the bund may be modified or removed.
- 5.12 The TSA report indicates that a 4.5 m high density block work wall is proposed to be built at the Polytec boundary with the existing bund, running from the existing hard standing area to the middle of the main factory unit. It is presumed that this height is with respect to the Polytec ground height. The construction of this barrier would increase the noise attenuation between the Polytec facility and application site. If constructed, this barrier would provide significant noise mitigation to the applicant's site, making the bund's contribution negligible in its current configuration.
- 5.13 At 4.5 m high, the proposed wall would not necessarily block line of sight between the top of the stillages and the upper floor windows of the proposed development. As such, not all L_{Amax} events would receive any screening. A barrier of 6 m would be required to provide some attenuation to all noise events. It is understood, from a landscape / visual impact, that the planning officers would prefer an acoustic timber fence rather than block-work. Such a fence would be acceptable with regards to noise if it met Category B3 (or B2 where the DL_R (rating of airborne sound insulation performance, expressed as a difference of A-weighted sound pressure levels in decibels) is at least 20 dB) of BS EN 1793-2 [11] with regards to acoustic transmission properties. Such a barrier should be continuous, imperforate, sealed at the base, and have a density of at least 15 kg/m² to ensure acoustic integrity. The proposed alignment of the fence is shown in Appendix C. One may attach a condition that might read:-

A continuous and imperforate 6 metre high timber acoustic fence, sealed at the base, with a density of at least 15 kg/m^2 be erected along the alignment shown on the drawing number ... received ...;

Reason: To ensure that the occupiers of the dwellinghouses hereby permitted do not suffer an undue level of noise in accordance with policy DR13 of the Herefordshire Unitary Development Plan 2007

- 5.14 With regards to noise, there is little difference between the screening provided by a bund, barrier, or combination of the two. At this site, the maximum noise benefit would be provided by either a full 6 m height barrier on the Polytec boundary or a retained bund such that the crest lies near the Polytec boundary, with an addition wall or solid fence on top, if it is not desirable to make the bund to the full 6 m height. Any scheme would need to be acceptable with regard to landscaping.
- 5.15 With windows open in the façade of the dwellings closest the Polytec site, some noise events may exceed $55 \text{ dB } L_{A_{\text{max,fast}}}$ during the night. It is therefore recommended that a scheme of ventilation be provided to the proposed dwellings with facades facing the site such that appropriate ventilation can be achieved with windows shut.
- 5.16 The provisional proposed masterplan shows two terraces of properties running south to north-east, facing towards the Polytec site. With regards to noise, properties lying beyond these would not need acoustically specified ventilation.
- 5.17 It is recommended that a requirement to provide details of the barrier, glazing and ventilation be made a planning condition. Suitable wording might read:
- 5.18 All dwellings shall be constructed in accordance with BS 8233:1999 so as to provide sound insulation against externally generated noise. The "good" room criteria shall be applied, meaning internal noise levels must be no more than $30 \text{ dB } L_{A_{\text{eq}}}$ for living rooms and bedrooms, with windows shut and other means of ventilation provided. Levels of $45 \text{ dB } L_{A_{\text{max,fast}}}$ shall not normally be exceeded in bedrooms (23:00 to 07:00 hours night-time) with the windows closed.
- 5.19 Before any of the development hereby permitted takes place, written details of the methods of construction and attenuation to achieve this standard shall be submitted to the Local Planning Authority for their written approval. None of the development hereby permitted shall take place until the Local Planning Authority has given such written approval. The development shall take place in full accordance with the approved detail and thereafter maintained as such.
- 5.20 Reason: To ensure the occupants of the dwellings enjoy a satisfactory noise environment with regards to $L_{A_{\text{eq}}}$ and night-time $L_{A_{\text{max}}}$ noise levels, in accordance with policy DR13 of the Herefordshire Unitary Development Plan 2007;"

Garden and Amenity Areas

- 5.21 BS 8233 recommends a level of 50 – 55 dB L_{Aeq} as the maximum desirable for gardens. With the proposed mitigation to the Polytec site plant, this level should largely be achieved across all gardens as shown on the provisional proposed masterplan 2589/008.
- 5.22 The buffer area separating the proposed dwellings from Polytec would also largely fall within the desired noise range for amenity areas. Noise should not be a reason to restrict its use in this regard.

6 Conclusion and Recommendations

- 6.1 This report provides a review of acoustic reports undertaken by CWA and TSA for the proposed residential development at Porthouse Farm, Bromyard.
- 6.2 RPS has undertaken further noise measurements and analysis to supplement the findings of the two previous reports.
- 6.3 It is recommended that minor revisions be made (if necessary) to the table of required attenuation measures given in the CWA report.
- 6.4 That, if the development is approved, planning conditions be set to:
- Ensure the mitigation measures set out in CWA are adhered to.
 - Ensure that reversing alarms are switched to 'white sound' units or equivalent.
 - Ensure that barrier, glazing and ventilation proposals achieve the necessary standard.

Example wording for such conditions is provided in the body of this report, in paragraphs 3.6; 3.11; and 5.17 above.

- 6.5 Independent of the bunding; with standard thermal double glazing and windows shut, maximum noise levels associated with bang and crash of stillages events would not regularly exceed the threshold BS 8233 marks as the onset of sleep disturbance at night.
- 6.6 With windows partially open, maximum noise levels are likely to occasionally exceed the sleep disturbance threshold. Noise barriers or bunding will serve to reduce the magnitude and number of these events. Some events exceeding the threshold are likely to remain, however, whatever 'practical' barrier is constructed. Appropriate means of alternate ventilation are therefore proposed to dwellings with facades facing the Polytec site such that appropriate ventilation can be achieved with windows shut.
- 6.7 On the basis of the analysis undertaken, provided that the plant and mitigation performance meets the performance outlined, it is considered that noise emissions from the Polytec site will meet appropriate criteria and is not expected to result in any loss in amenity at the proposed nearby residential properties.

Figures

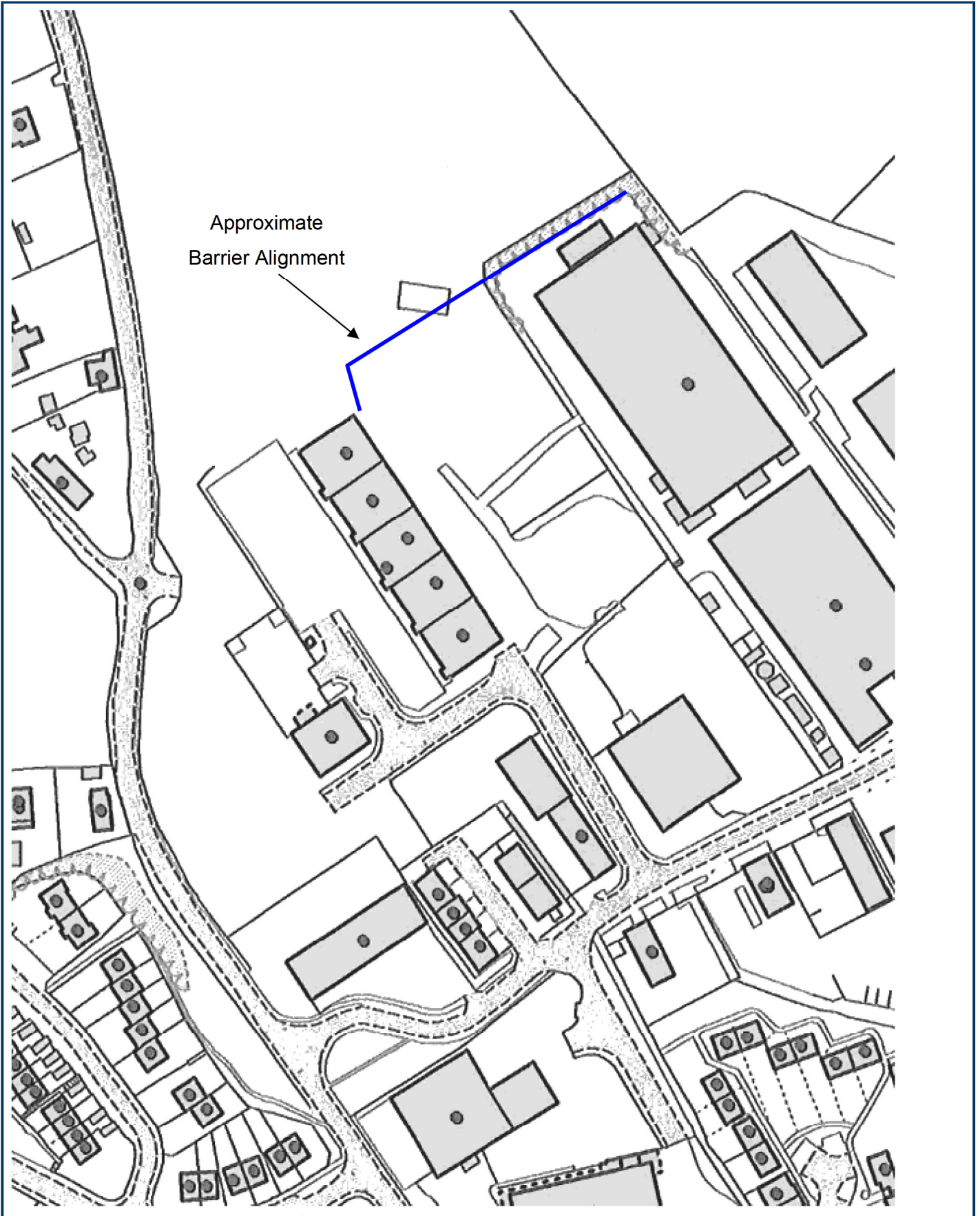


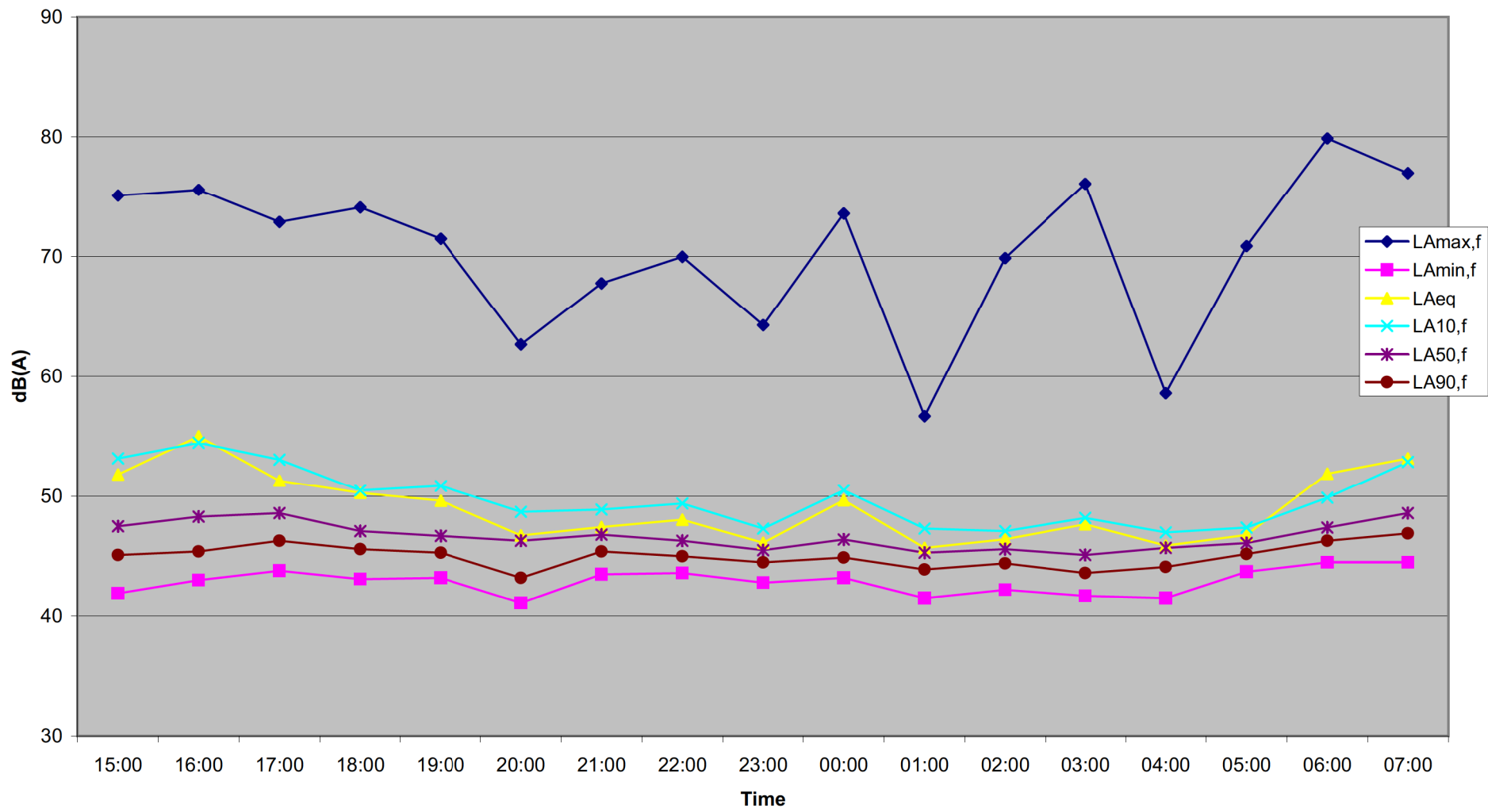
Figure 1: Proposed 6.0 m barrier alignment (approximate)

Based upon Ordnance Survey maps with the permission of the Controller of Her Majesty's Stationary Office.
License No. 100024168. Crown Copyright

Appendices

Appendix A: Hourly Noise Data

Hourly Noise Levels - Proposed Residential Development Porthouse Farm
16th - 17th February 2012



Unattended Survey Results
 Proposed Residential Development, Porthouse Farm, Bromyard

	Thursday 16/02/2012									Friday 17/02/2012								
	15:00	16:00	17:00	18:00	19:00	20:00	21:00	22:00	23:00	00:00	01:00	02:00	03:00	04:00	05:00	06:00	07:00	08:00
LAm_{ax},f	75.1	75.6	72.9	74.1	71.5	62.7	67.8	70.0	64.3	73.6	56.7	69.9	76.1	58.6	70.9	79.9	77.0	63.9
LAm_{in},f	41.9	43.0	43.8	43.1	43.2	41.1	43.5	43.6	42.8	43.2	41.5	42.2	41.7	41.5	43.7	44.5	44.5	43.4
LA_{eq}	51.9	55.0	51.3	50.3	49.6	46.7	47.4	48.1	46.1	49.7	45.7	46.4	47.7	45.9	46.8	51.9	53.2	-
LA₁₀,f	53.2	54.5	53.1	50.5	50.9	48.7	48.9	49.4	47.3	50.5	47.3	47.1	48.2	47	47.4	49.9	52.9	51.4
LA₅₀,f	47.5	48.3	48.6	47.1	46.7	46.3	46.8	46.3	45.5	46.4	45.3	45.6	45.1	45.7	46.1	47.4	48.6	47.5
LA₉₀,f	45.1	45.4	46.3	45.6	45.3	43.2	45.4	45	44.5	44.9	43.9	44.4	43.6	44.1	45.2	46.3	46.9	45.8
>55 dB (sec)	245	323.3	121.9	78.3	48.9	2.7	3.2	37.2	2.3	71.6	0.6	13.1	24.6	2.3	7.2	69.6	214.3	15.5
Triggered events	51	58	64	29	24	8	9	24	4	47	2	19	22	5	8	46	71	(13)

Appendix B: Noise Events

Analysis of Triggered events

Events triggered on a level of 55 dB
 Recording 1s prior to the second containing the event
 to 4 seconds after the last second containing an event

I.e. a new recording for events separated by 5 seconds or more.

Distribution	Count
Up to, including 55.0	4
55.1 dB to 57.5	69
57.6 dB to 60.0	22
60.1 dB to 62.5	20
62.6 dB to 65.0	12
65.1 dB to 67.5	9
67.6 dB to 70.0	6
70.1 dB to 72.5	6
72.6 dB to 75.0	2
75.1 dB to 77.5	1
77.6 dB to 80.0	2
80.1 dB to	0

All 26 max events exceeding 65.1dB relate to clanking site noise, except for 2 associated with the attended measurements

On/Off sit	Count
On	108
Off	45

	dB(A)
Max	79.9
Min	55.0
Median	57.9

Sound file ID	Time	Recording Duration	LAmaz,fast	Sources						Other/Description			
				On/Off site?	Clanks Single	Clanks Multiple	Reverse Bleeps	Horn	Voices		Cars	Aircraft	Wildlife
SE0288	23:30:41	000:00:08	64.3	108 on	25	37	69	15	6	5	0	54	
SE0289	23:45:07	000:00:06	55.7	on		x	x						
SE0290	23:45:50	000:00:06	56.1	off						x			broadband noise, car
SE0291	23:53:27	000:00:06	56.1	on			x						
SE0292	00:03:45	000:00:06	57.3	on				x					
SE0293	00:07:33	000:00:32	73.6	on		x							
SE0294	00:08:05	000:00:08	61.1	on									wood?
SE0295	00:10:11	000:00:23	67.1	on		x							
SE0296	00:14:06	000:00:06	58.5	on	x								
SE0297	00:19:09	000:00:32	72.3	on		x							
SE0298	00:19:42	000:00:06	56.7	on			x	x					
SE0299	00:19:50	000:00:07	66.5	on	x		x						
SE0300	00:19:57	000:00:19	64.5	on		x	x						
SE0301	00:20:16	000:00:06	57.9	on			x	x					
SE0302	00:23:31	000:00:06	55.2	off									unknown
SE0303	00:25:03	000:00:06	67.0	off									click. SCS treading on stick?
SE0304	00:25:15	000:00:06	61.6	off									click
SE0305	00:25:39	000:00:06	65.1	off									knock. Meter box being opened?
SE0306	00:26:18	000:00:06	55.5	on									wood? Dropped broom?
SE0307	00:26:23	000:00:06	56.6	off									click
SE0308	00:26:34	000:00:09	65.3	on		x							
SE0309	00:26:44	000:00:07	68.3	on	x		x						
SE0310	00:28:56	000:00:08	57.3	on			x						
SE0311	00:29:24	000:00:06	56.0	on	x								
SE0001	00:35:04	000:00:18	73.5	on		x	x						
SE0002	00:35:23	000:00:07	71.9	on	x		x						
SE0003	00:35:30	000:00:06	56.6	on			x						wood?
SE0004	00:35:36	000:00:10	55.5	on			x						
SE0005	00:36:16	000:00:36	67.7	on			x						
SE0006	00:36:54	000:00:13	56.7	on			x						
SE0007	00:37:56	000:00:06	55.7	on			x						
SE0008	00:38:02	000:00:10	55.6	on			x						
SE0009	00:38:29	000:00:09	55.3	on			x						
SE0010	00:38:41	000:00:06	55.0	on			x						
SE0011	00:38:48	000:00:16	55.6	on			x						
SE0012	00:39:13	000:00:09	55.2	on			x						
SE0013	00:39:30	000:00:06	55.4	on			x						
SE0014	00:39:40	000:00:12	55.8	on			x						
SE0015	00:39:57	000:00:14	55.9	on			x						
SE0016	00:40:17	000:00:13	56.1	on			x						
SE0017	00:40:32	000:00:09	56.1	on			x						
SE0018	00:40:51	000:00:06	55.0	on			x						click
SE0019	00:41:16	000:00:11	55.9	on			x						
SE0020	00:42:11	000:00:13	56.6	on			x						
SE0021	00:42:32	000:00:07	55.8	on			x						
SE0022	00:42:48	000:00:06	55.1	on	x								distant
SE0023	00:43:35	000:00:06	55.6	on			x						
SE0024	00:44:04	000:00:06	60.1	on				x	x				(distant voice)
SE0025	00:45:02	000:00:06	55.7	on	x		x						distant clank
SE0026	00:45:50	000:00:06	58.7	on	x								distant clank
SE0027	00:50:43	000:00:06	57.5	on				x					
SE0028	01:17:25	000:00:06	55.5	on	x		x						
SE0029	01:56:04	000:00:07	56.7	on					x			x	singing / sheep
SE0030	02:17:16	000:00:11	61.0	on	x		x						
SE0031	02:23:29	000:00:06	56.8	on			x	x					
SE0032	02:23:45	000:00:06	55.0	on	x		x						
SE0033	02:25:07	000:00:06	57.2	on	x		x						
SE0034	02:25:31	000:00:11	69.9	on		x	x						
SE0035	02:25:41	000:00:09	60.2	on		x	x						
SE0036	02:26:12	000:00:06	55.7	on	x		x						
SE0037	02:26:17	000:00:06	56.8	on	x		x						
SE0038	02:26:25	000:00:09	57.2	on			x	x					
SE0039	02:26:36	000:00:06	60.7	on	x		x						
SE0040	02:27:02	000:00:12	58.6	on			x	x					
SE0041	02:27:34	000:00:07	68.3	on		x	x						
SE0042	02:30:13	000:00:06	68.3	on	x		x					x	wildlife = bird song
SE0043	02:30:49	000:00:08	58.2	on				x					
SE0044	02:35:32	000:00:06	55.9	on			x	x	x			x	bird song

Sound file ID	Time	Recording Duration	LAmaz,fast	On/Off site?	Clanks		Reverse			Sources			Other/Description
					Single	Multiple	Bleeps	Horn	Voices	Cars	Aircraft	Wildlife	
SE0045	02:35:52	000:00:06	60.7	on	x			x		x			
SE0046	02:36:00	000:00:07	69.6	on	x								
SE0047	02:36:07	000:00:06	55.6	on	x								
SE0048	02:55:55	000:00:10	58.1	off							x		distant clank and birds
SE0049	02:59:56	000:00:06	55.6	on						x			car / bird song shouting
SE0050	03:00:06	000:00:06	55.6	off									?
SE0051	03:03:43	000:00:06	64.8	on	x							x	bird song
SE0052	03:03:50	000:00:14	62.3	on		x						x	bird song
SE0053	03:05:35	000:00:07	63.6	on	x							x	bird song
SE0054	03:05:42	000:00:07	64.9	on	x							x	bird song
SE0055	03:05:47	000:00:13	64.9	on		x						x	bird song
SE0056	03:07:25	000:00:16	62.8	on		x						x	bird song
SE0057	03:09:16	000:00:07	65.3	on		x							
SE0058	03:09:25	000:00:07	67.9	on		x							
SE0059	03:10:20	000:00:09	59.7	on		x							
SE0060	03:11:18	000:00:10	63.0	on		x							
SF0061	03:18:49	000:00:12	76.1	on		x		x					metal cage
SE0062	03:21:30	000:00:06	55.2	on				x					
SE0063	03:21:55	000:00:06	55.3	on				x				x	bird song
SE0064	03:22:08	000:00:07	55.2	on				x					
SE0065	03:29:19	000:00:06	60.2	on				x					
SE0066	03:40:54	000:00:07	60.3	on					x				
SE0067	03:41:01	000:00:07	60.6	on					x				
SE0068	03:41:20	000:00:13	64.7	on		x							
SE0069	03:46:27	000:00:06	55.3	on					x				
SE0070	03:49:00	000:00:09	60.4	on		x							
SE0071	04:22:04	000:00:07	56.9	off						x			car
SE0072	04:26:21	000:00:07	58.6	on					x				
SE0073	04:44:47	000:00:06	56.3	on					x				
SE0074	04:45:09	000:00:06	55.6	off									distant click
SE0075	04:55:02	000:00:06	56.1	off								x	bird song
SE0076	05:02:11	000:00:06	55.5	off								x	bird song
SE0077	05:05:00	000:00:09	70.9	on		x							
SE0078	05:05:22	000:00:06	62.0	on	x								
SE0079	05:13:27	000:00:06	57.2	on									metallic scraping
SE0080	05:28:31	000:00:16	65.5	on		x							
SE0081	05:31:27	000:00:06	56.2	on		x							distant
SE0082	05:42:47	000:00:06	55.0	on					x				
SE0083	05:48:05	000:00:06	57.5	on		x			x				
SE0084	06:01:33	000:00:06	55.8	off						x			voices, either on or off site
SE0085	06:34:55	000:00:14	65.9	on		x						x	bird song
SE0086	06:41:30	000:00:06	55.1	off								x	bird song
SE0087	06:43:37	000:00:06	55.5	off								x	bird song
SE0088	06:43:47	000:00:15	59.5	off								x	bird song
SE0089	06:44:02	000:00:11	60.7	off								x	bird song
SE0090	06:44:17	000:00:15	62.4	off								x	bird song
SE0091	06:44:34	000:00:07	56.0	off								x	bird song
SE0092	06:44:48	000:00:06	55.7	off				x				x	bird song
SE0093	06:44:53	000:00:06	62.1	off				x				x	bird song
SE0094	06:44:58	000:00:10	61.9	off				x				x	bird song
SE0095	06:45:11	000:00:11	71.5	on		x						x	bird song
SE0096	06:45:27	000:00:06	55.4	off								x	bird song
SF0097	06:45:37	000:00:06	56.6	off								x	bird song
SE0098	06:45:46	000:00:22	60.1	off				x			x	x	bird song
SE0099	06:46:16	000:00:15	58.1	off								x	bird song
SE0100	06:46:29	000:00:06	56.3	off								x	bird song
SE0101	06:47:38	000:00:06	57.5	off								x	bird song
SE0102	06:47:46	000:00:06	58.6	off								x	bird song
SE0103	06:47:55	000:00:06	57.6	off								x	bird song
SE0104	06:48:02	000:00:06	57.8	off								x	crows
SE0105	06:48:29	000:00:09	59.9	off					x			x	crows
SE0106	06:50:08	000:00:06	55.9	off		x						x	bird song
SE0107	06:50:36	000:00:07	63.7	on		x						x	bird song
SE0108	06:50:59	000:00:06	55.9	off					x			x	bird song
SE0109	06:51:06	000:00:06	57.1	off								x	bird song
SE0110	06:51:11	000:00:07	60.9	off								x	bird song
SE0111	06:51:19	000:00:07	58.5	off								x	bird song
SE0112	06:51:31	000:00:07	56.8	off								x	bird song
SE0113	06:51:38	000:00:06	58.1	off								x	bird song
SE0114	06:52:06	000:00:06	55.1	off								x	bird song
SE0115	06:52:17	000:00:06	59.2	off					x			x	bird song
SE0116	06:52:23	000:00:08	56.2	off					x			x	bird song
SE0117	06:52:30	000:00:07	58.3	off					x			x	bird song
SE0118	06:52:43	000:00:07	58.4	off								x	bird song
SE0119	06:54:52	000:00:06	55.1	on		x						x	bang (wood) wildlife/bird song
SE0120	06:56:52	000:00:24	79.6	on			x						loud
SE0121	06:57:16	000:00:07	58.6	off		x					x		bird song
SE0122	06:57:30	000:00:09	70.2	on		x						x	bird song
SE0123	06:57:53	000:00:06	61.4	on		x		x				x	bird song
SE0124	06:58:04	000:00:20	79.9	on		x		x					loud bangs
SE0125	06:58:29	000:00:24	70.3	on		x		x					constant bangs
SE0126	06:58:54	000:00:08	63.2	on		x		x					
SE0127	06:59:06	000:00:06	58.7	on		x							
SE0128	06:59:11	000:00:16	64.4	on			x					x	bird song
SE0129	06:59:28	000:00:15	65.2	on		x		x				x	bird song

LMax calculations

Simple model: geometric spreading & barrier/glazing approximation

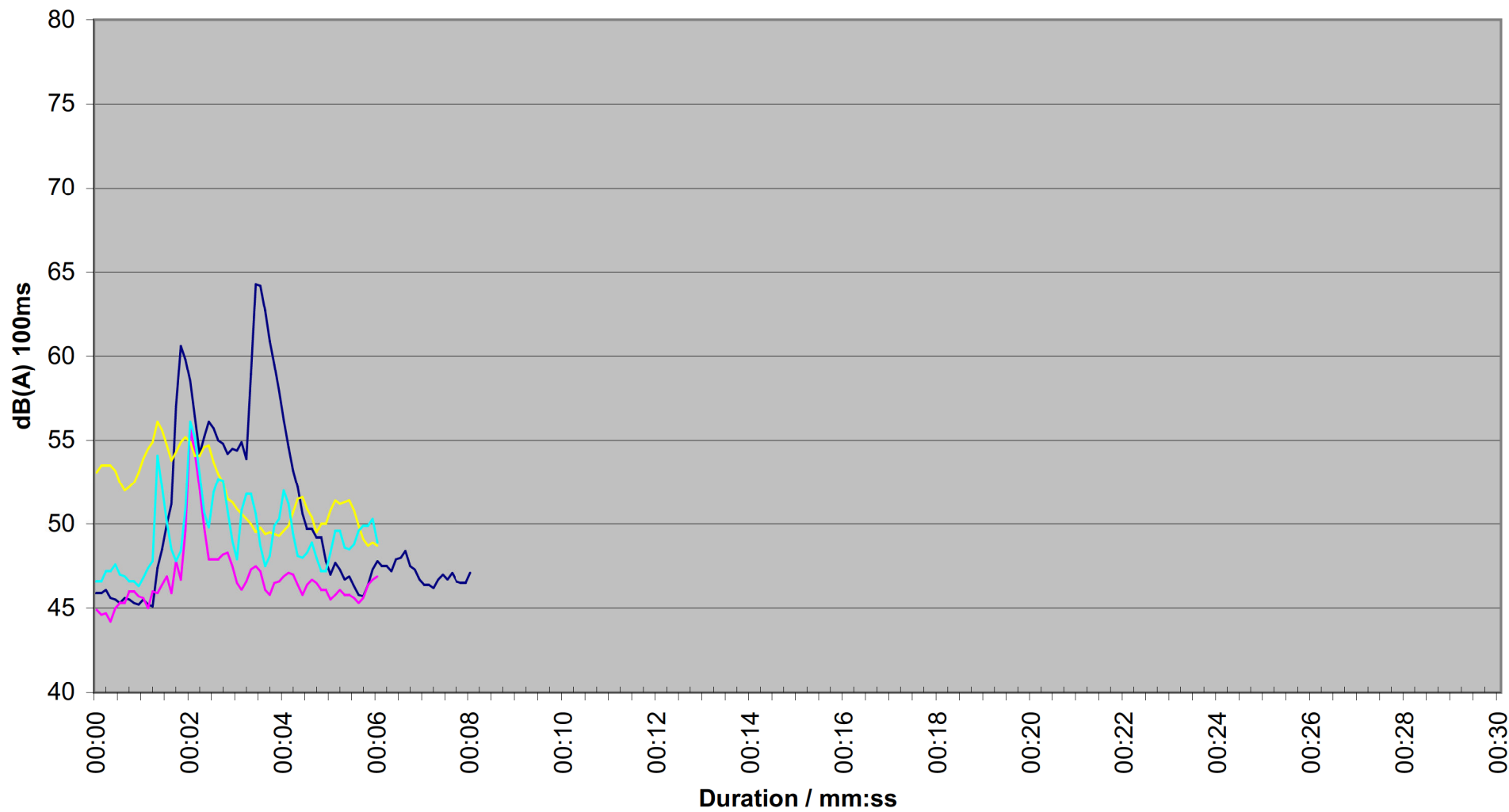
L _{Amax,fast}	80 dB, at	30 m
Barrier provides	-10 dB	
Closed thermal double g	-33 dB	
Partially open window	-15 dB to	-10 dB
Nearest property		
Dist to receptor	35 m	
Windows closed		
L _{Amax,fast}	36 dB	
Windows open		
L _{Amax,fast}	54 dB to	59 dB internal level
Exceeds 45 L _{Amax} by	9 dB to	14 dB
Next nearest terraces		
Dist to receptor	60 m	
Windows closed		
L _{Amax,fast}	31 dB	
Windows open		
L _{Amax,fast}	49 dB to	54 dB internal level
Exceeds 45 L _{Amax} by	4 dB to	9 dB

ie. ~11 to 26 events per night exceeding 45 inside

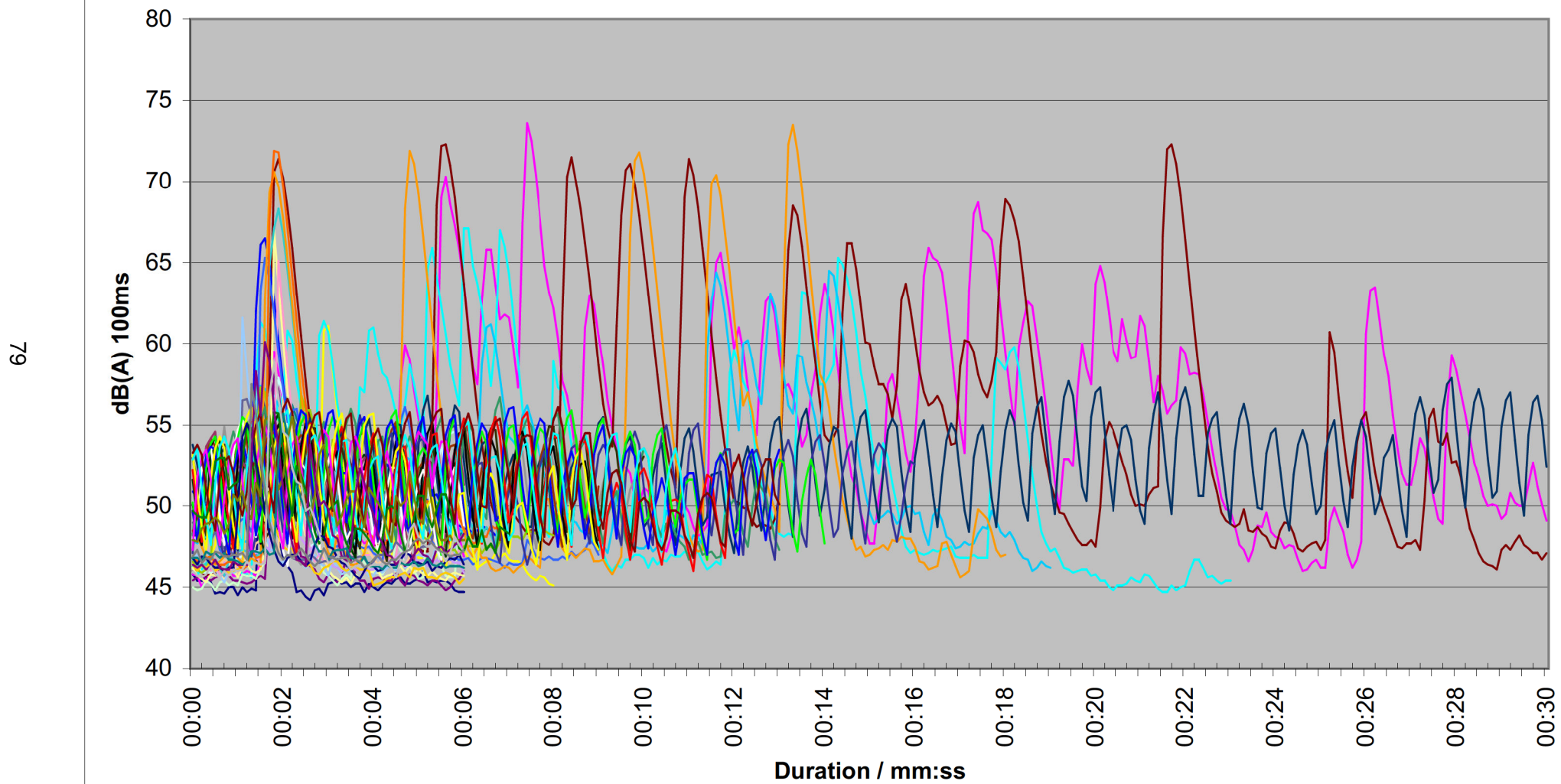
ie. ~3 to 11 events per night exceeding 45 inside

Event Noise >55dB LAmax,fast 23:00-00:00

87

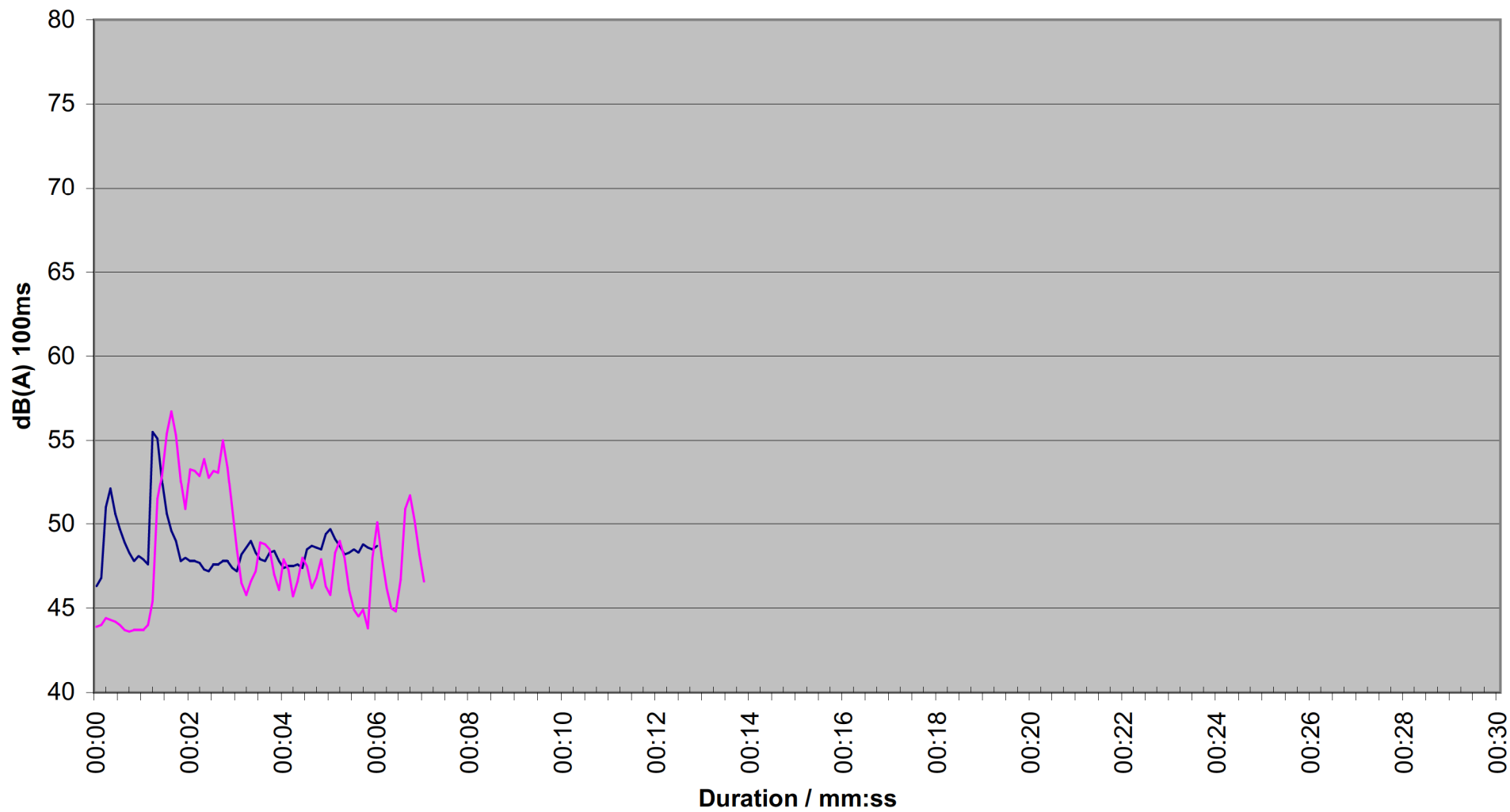


Event Noise >55dB LAmax,fast 00:00-01:00

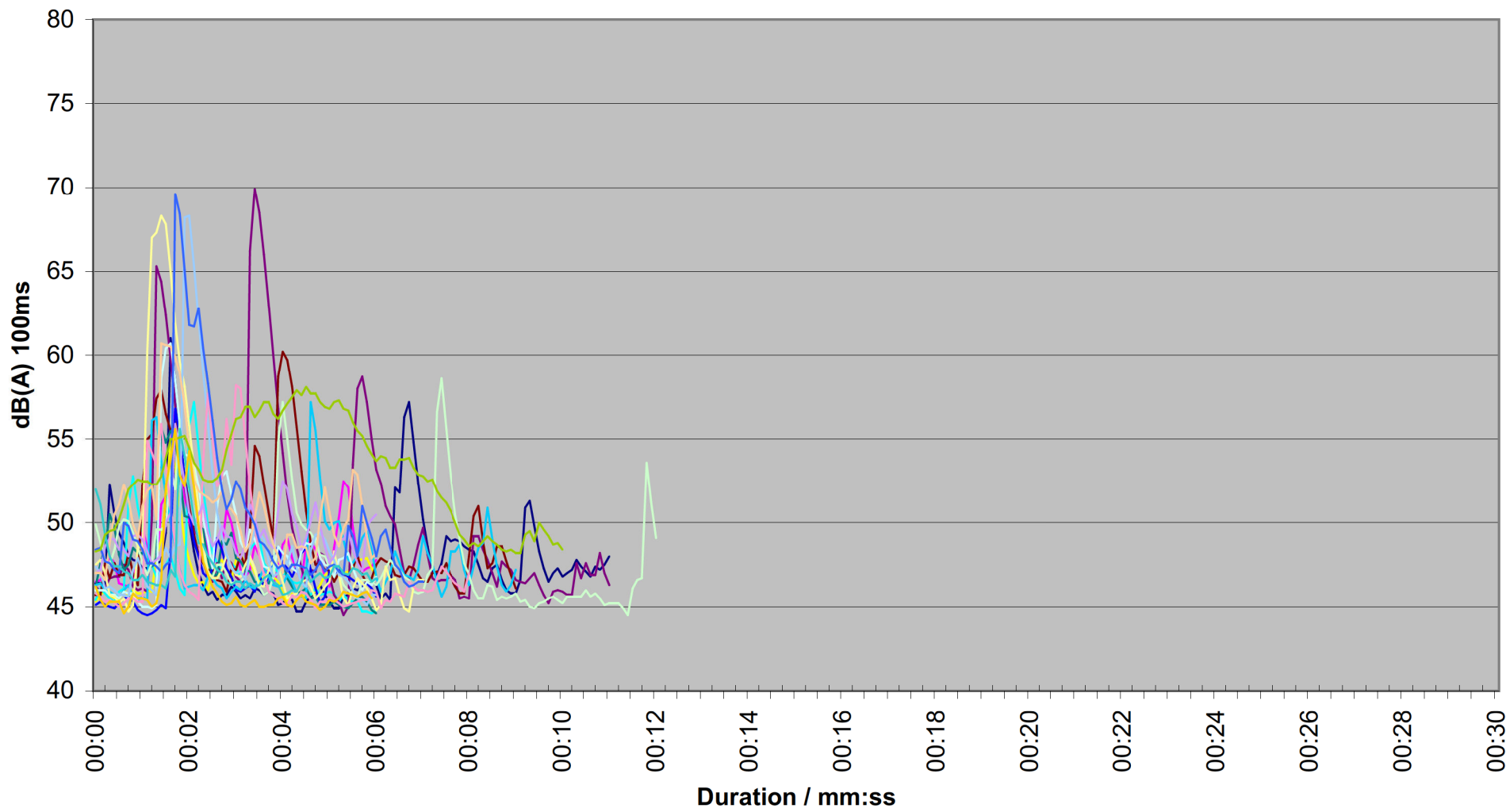


Event Noise >55dB LAmax,fast 01:00-02:00

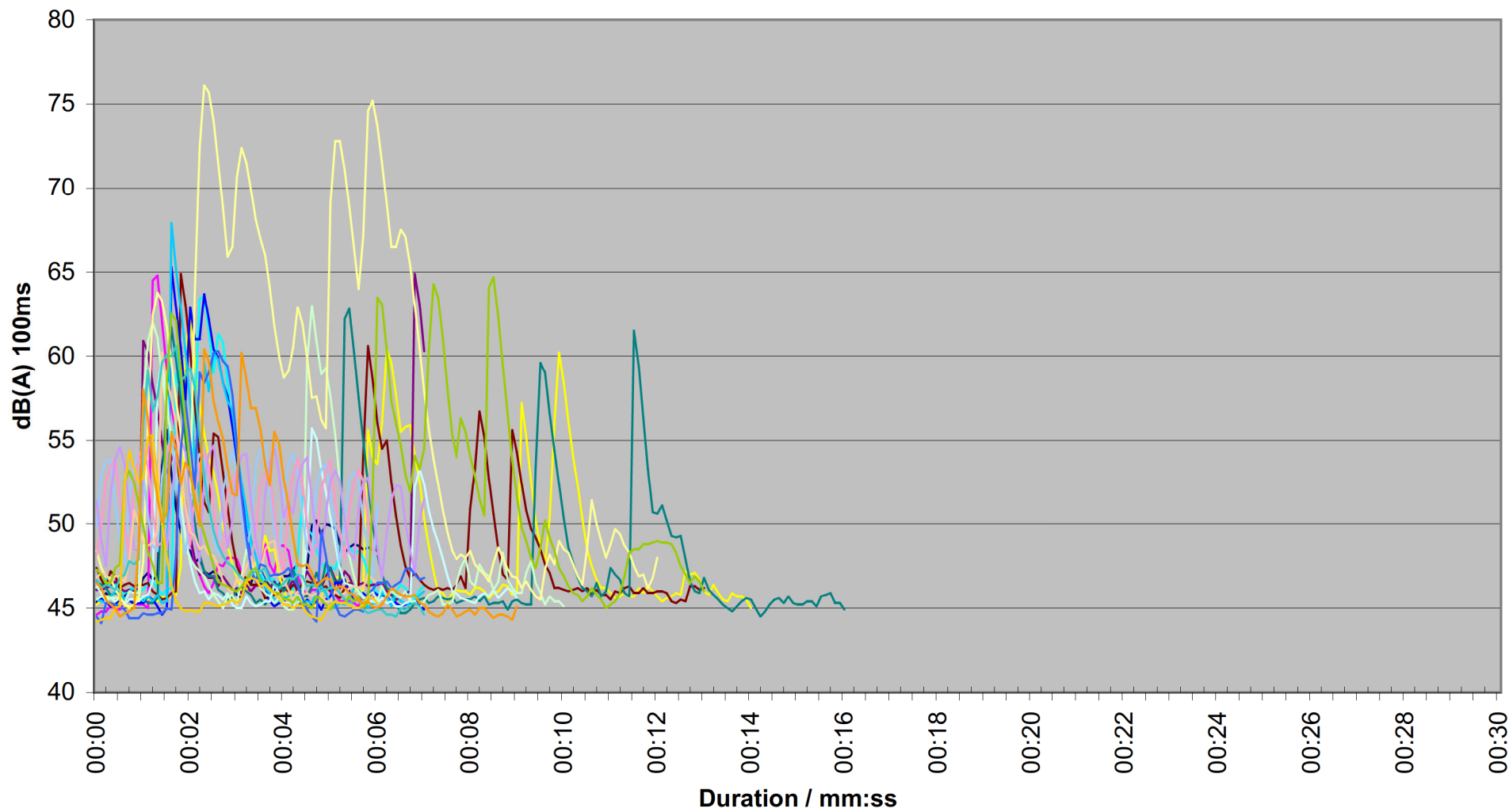
08



Event Noise >55dB LAmax,fast 02:00-03:00

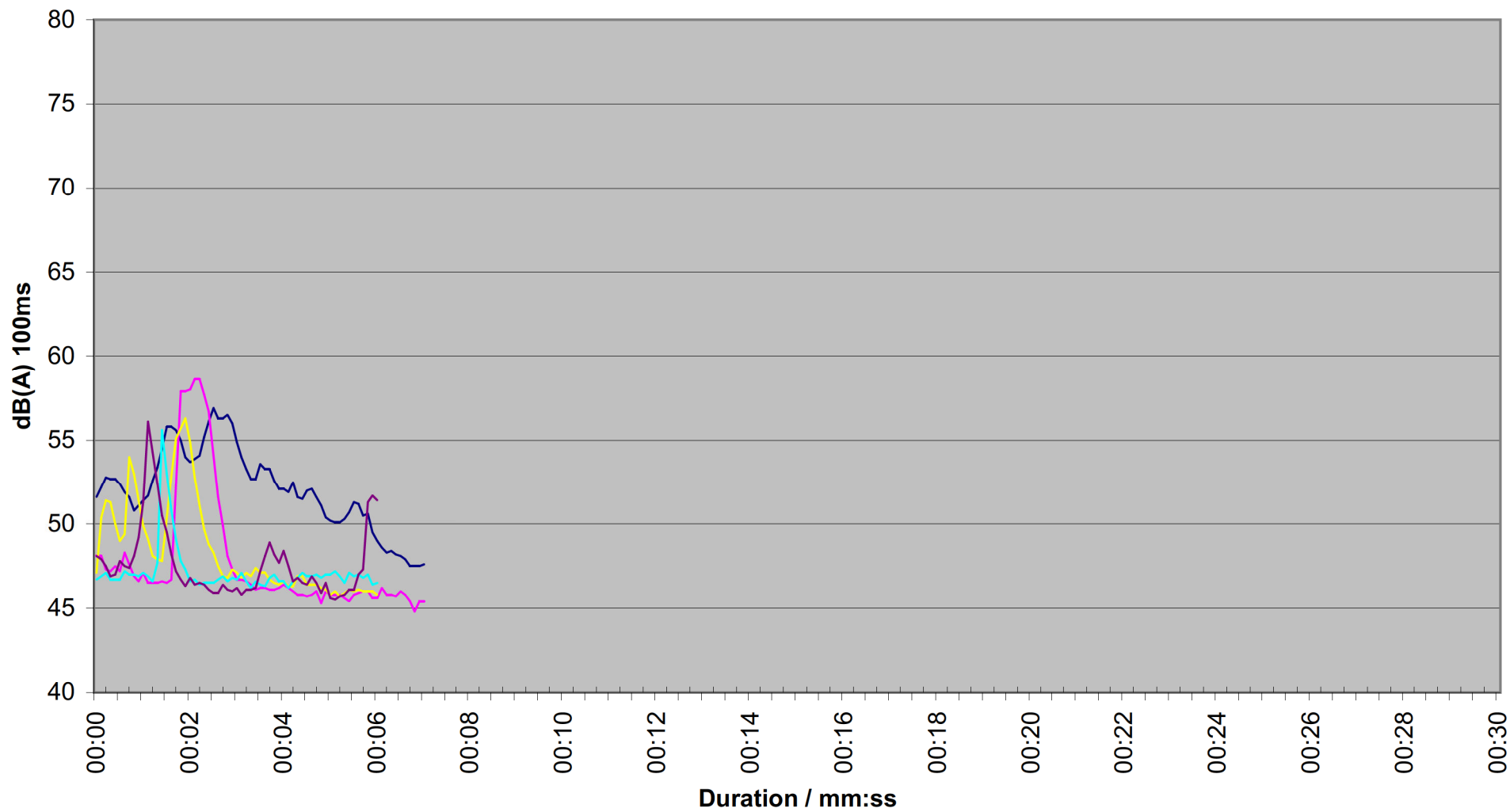


Event Noise >55dB LAmax,fast 03:00-04:00



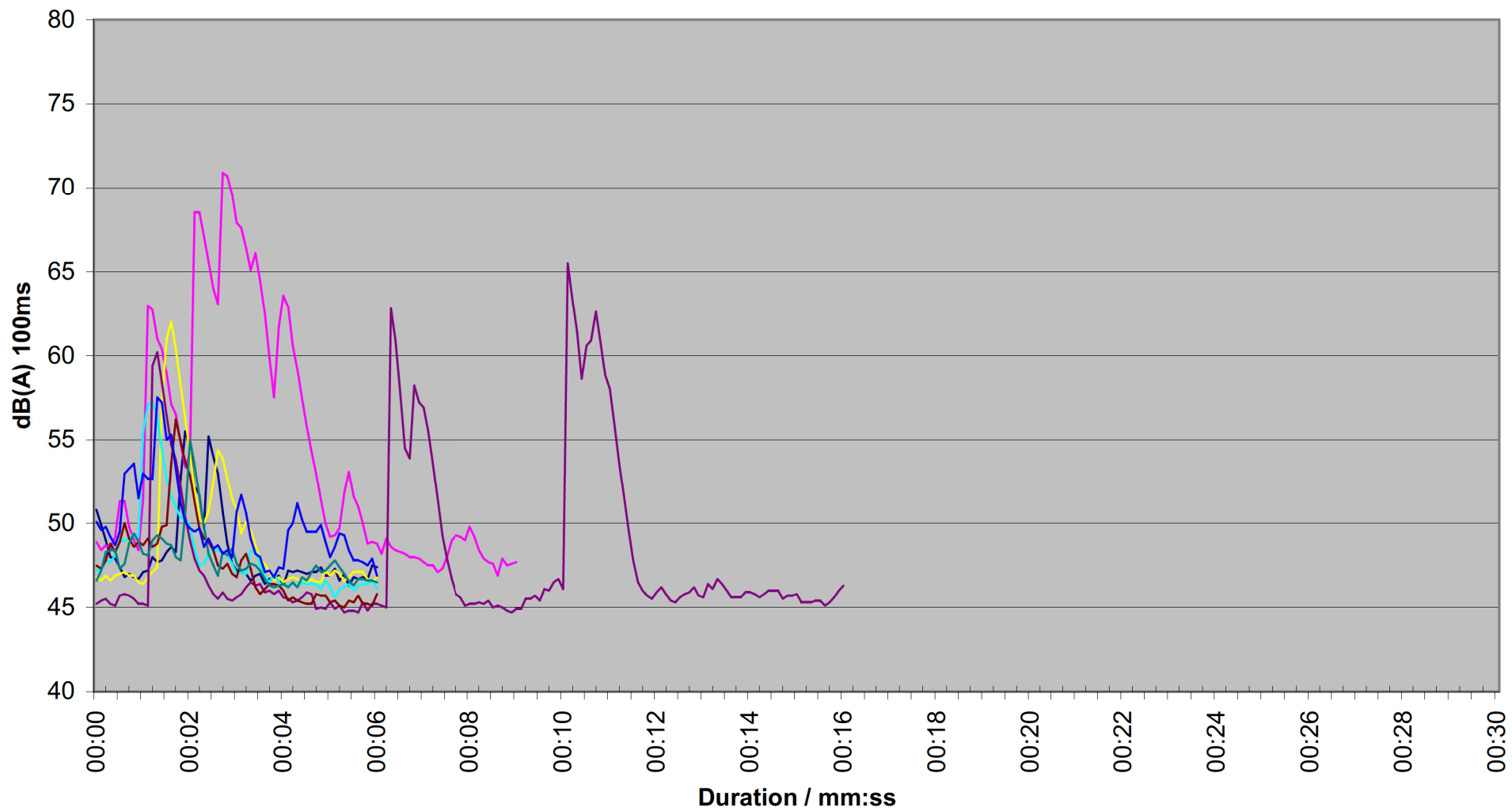
Event Noise >55dB LAmax,fast 04:00-05:00

38

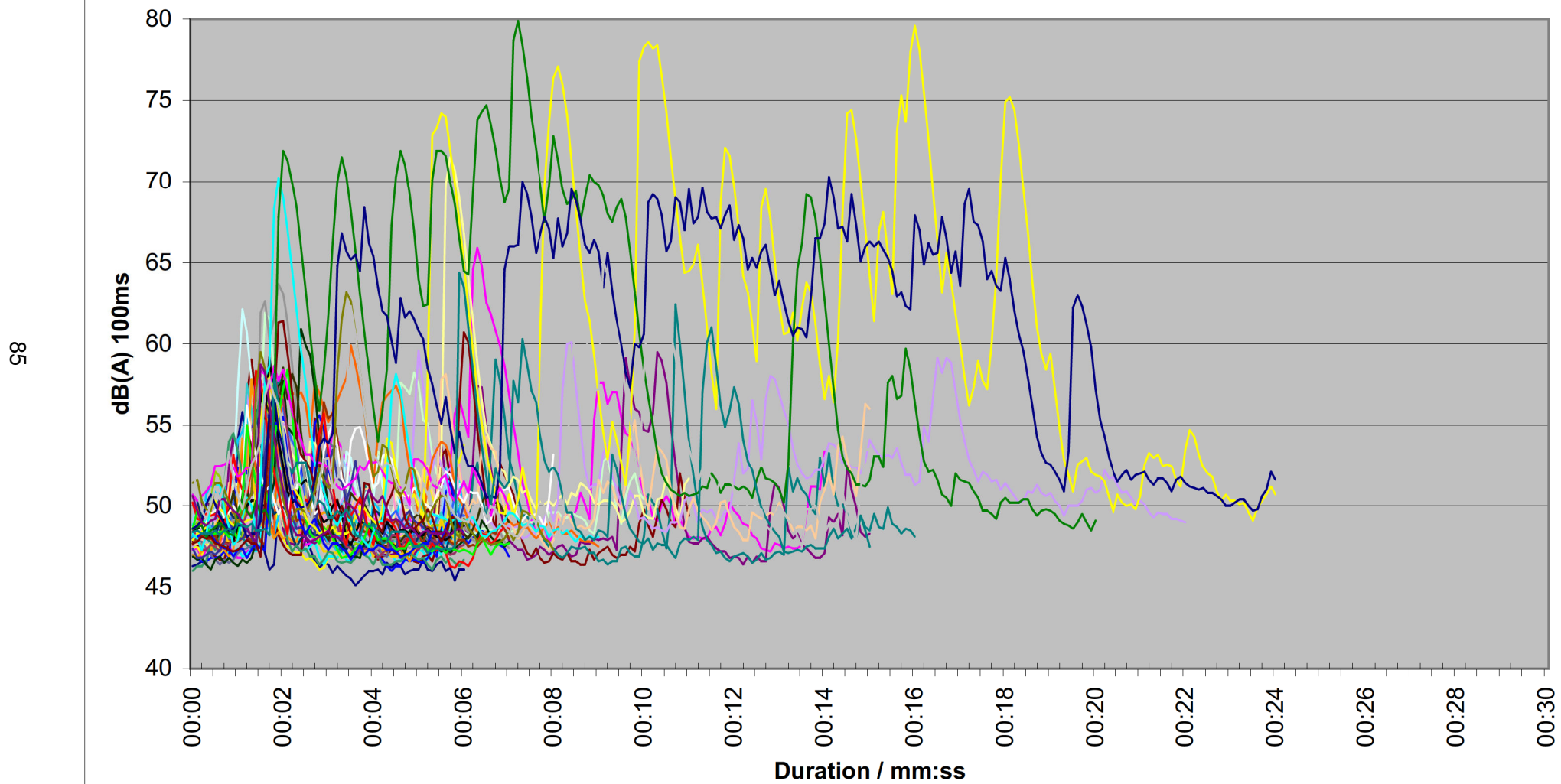


Event Noise >55dB LAmax,fast 05:00-06:00

84



Event Noise >55dB LAmax,fast 06:00-07:00



References

- 1 Herefordshire Council. DMN/111899/O - An outline application for the erection of up to 127 Dwellings (35% to be affordable) with all matters except access to be reserved for future consideration at Porthouse Farm, Tenbury Road, Bromyard, Herefordshire. July 2011
- 2 Herefordshire Council. DMN/111900/N - Retrospective planning application for the retention of an existing bund and its remodelling with appropriate engineering works and landscaping of the remodelled bund at Porthouse Farm, Tenbury Road, Bromyard, Herefordshire, HR7 4NS. July 2011
- 3 CWA Colin Waters Acoustics. CWA 26310/R05/1/. Proposed residential development at Porthouse Farm, Bromyard. Assessment of suitability of site for residential development with respect to noise and recommendations for mitigation works. May 2011
- 4 Three Spires Acoustics Ltd. CHENA/2011/03. Polytec-Holden, Bromyard. Environmental Noise Assessment. January 2011
- 5 British Standards Institution. British Standard 7445: Description and Measurement of Environmental Noise, Part 1. Guide to Quantities and Procedures, 2003.
- 6 Department of the Environment. Planning Policy Guidance (PPG) 24, Planning and Noise, September 1994.
- 7 British Standards Institution. British Standard 8233: 1999. Sound insulation and noise reduction for buildings: Code of practice
- 8 British Standards Institution. British Standard 4142: Method for Rating industrial noise affecting mixed residential and industrial areas. 1997.
- 9 Rupert Taylor for the Department of the Environment. The Stationery Office. 2005. <http://www.ruperttaylor.com/ioappg24.htm>
- 10 International Organization for Standardization 9613. Acoustics: Attenuation of sound during propagation outdoors. Part 2: General method of calculation. 1996.
- 11 British Standards Institution. BS EN 1793-2:1998: Road traffic noise reducing devices. Test method for determining the acoustic performance. Intrinsic characteristics of airborne sound insulation. 1998.

RPS



MEETING:	PLANNING COMMITTEE
DATE:	4 APRIL 2012
TITLE OF REPORT:	<p>N111900/N - RETROSPECTIVE PLANNING APPLICATION FOR THE RETENTION OF AN EXISTING BUND AND ITS REMODELLING WITH APPROPRIATE ENGINEERING WORKS AND LANDSCAPING OF THE REMODELLED BUND AT PORTHOUSE FARM, TENBURY ROAD, BROMYARD, HEREFORDSHIRE, HR7 4NS</p> <p>For: Ms Harrison per Mr John Cornwell, Oakview House, Station Road, Hook, Hampshire, RG27 9TP</p>

Date Received: 14 July 2011

Ward: Bromyard

Grid Ref: 365269,255285

Expiry Date: 13 October 2011

Local Members: Cllr A Seldon and Cllr JG Lester

1. Introduction

- 1.1 This proposal was initially reported to the Planning Committee on 1 February 2012. That report is appended to this one, as Annex 1, amended to include the update report to the earlier committee. Both this application and the partner housing proposal were deferred to allow Members' concerns relating to noise to be addressed. The results are primarily assessed under the report relating to application reference N/111899/O. To avoid duplication this report will be confined to matters related directly to the bund.
- 1.2 Members had raised questions as to how far the reports submitted by the applicant had considered the potential for noise nuisance to new residents from specific outdoor activities at the Polytec Holden site. These activities include the movement of forklift trucks and their alarm systems, and operational noise from the movement by those trucks of metal stacked stillages (storage cages) in the yard facing the application site. By implication the efficacy of the bund in terms of noise mitigation, and consequently some of the proposed reasons for its retention, also came under scrutiny although not specifically mentioned.

2. Representations

- 2.1 No further representations have been received.

3. Officer's Appraisal

- 3.1 From the start, officers have felt that the primary function of the bund, if retained, should be regarded as a landscape and separation barrier to distance the industrial premises from the allocated housing site. In assessing the proposal, the bund's function as noise mitigation was consistently regarded as secondary, particularly in light of the applicant's stated intention to erect additional fencing. The text of UDP policy H2 is relevant. It supports provision of a 'significant landscape buffer strip to divide the proposed residential development from the existing employment uses'.

Further information on the subject of this report is available from Debby Klein on 01432 260136

- 3.2 The Council commissioned an independent noise investigation to consider the concerns raised by Members. The resulting further noise report, reference RPS (March 2012) JAK6889, is considered in detail under the partner application reference N/111899/O and provided at annex 2 to that application. It concludes that, with the bund as existing but irrespective of its presence, new residents would be unlikely to suffer night-time disturbance if windows were shut (assuming standard double glazing). For open windows, occasional disturbance would be likely, regardless of any physical barriers. However, the report did not find that such occasions would be frequent or sustained. Specialist ventilation for houses closest to the factory was recommended. On that basis, the report takes the view that amenity criteria could be met.
- 3.3 The RPS report recommends a barrier of 6m height to provide effective noise mitigation which would reduce the frequency and magnitude of actual disturbance events. Such a barrier could be either bunding or fencing, or a combination of both. If a full height bund to 6m is not achievable, then appropriate acoustic fencing should be provided.
- 3.4 Officers have studied the RPS report and concluded that a combination of such a fence and retention of the bund as proposed would offer security and landscaping benefits as well as noise mitigation. This would be applicable regardless of any future uses for the vacant land at Porthouse Farm. Such physical measures would be implemented in conjunction with others such as securing agreement with Polytec to replace conventional reversing beepers with modern 'white noise' reversing alarms. The submitted design for remodelling the bund is the result of extensive negotiation, primarily concerned with achieving a more acceptable profile in landscape terms. The RPS report suggests it would make a positive contribution to other noise mitigation, and it would offer visual impact mitigation for the acoustic fence itself, since it is approximately 2 metres higher than the level at the boundary. With planting and vegetation, the bund and fence could be appropriately combined to achieve the required barrier outlined in policy H2.
- 3.5 On balance, officers regard the proposed retention and remodelling of the bund as being capable of beneficial function, and compliance with policies S1, S10, DR2, DR4, DR10, DR11, DR13, W2 and W8. The recommendation therefore remains unchanged following study of the RPS report. The attention of Members is drawn to recommended condition 4 (d) which includes a requirement for full details and specification for all fencing.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. B01 Development in accordance with the approved plans**
- 2. Within 9 months of the date of this permission, and in any case before the bund remodelling and landscaping development hereby permitted begins, a final Remediation Method Statement for handling the soils and other materials in order to improve the form of the bund shall be submitted to and approved in writing by the local planning authority. The Method Statement shall include the following in particular:**
 - a) Estimated timescales for the start and completion of the work, including any phased working;**
 - b) That all the recommendations made by Pam Brown Associates Ltd in the submitted reports reference 'Phase 1 and Phase 2 Environmental Investigation Porthouse Farm - Landscape Bund 776-06 (May 2011)', and 'PBA.SH.776-06 Additional SI to the bund (3 January 2012)' will be observed in full;**
 - c) That observation of the work in progress shall be made available to the**

- Council's Environmental Health Officer on request;
- d) A site diary to be established and retained by the applicant, to be made available for inspection by the local planning authority at reasonable times, in which plastic, metal, cement, wire and all other deleterious materials encountered will be recorded along with details of their removal and responsible disposal;
 - e) Provision for specialist advice to be made available and promptly sought, should any unexpected contamination be encountered during the works, and contingency plans for dealing with any such unsuspected contamination encountered at the site but not previously identified;
 - f) That, in the absence of historic evidence being available, any further sampling deemed to be required should be undertaken to a specified appropriate testing suite, to include heavy metals, pH, speciated TPH, PAH and asbestos screen, plus any other suspected substances, to the written satisfaction of the Council's Environmental Health Officer ;
 - g) An estimation of the likely volume and type of any additional soils that will be required to complete the remodelling as approved, and where that additional material will be obtained from;
 - h) That any further soil to be imported shall be tested for fitness for purpose and its source thoroughly investigated and analysed with regard to its composition and any likely contamination; the results to be recorded and retained;
 - i) A scheme of reporting to ensure any imported material is the same as that tested at source;
 - j) Provision for validated documentation to be submitted in writing to the local planning authority within two months following completion of the works, to verify that completion including final soil depths and the source/s of any imported soils used in the bund remodelling;
 - k) Provision for tool-box talks with contractors, and review of the above Method Statement as necessary, and the means of reporting any revision to the local planning authority.

The remodelling and remedial work hereby permitted shall be undertaken in accordance with the approved details and within the timescales specified unless otherwise agreed in writing in advance by the local planning authority.

Reason: To prevent pollution, to secure the function of the bund as a noise and spatial barrier and to ensure a satisfactory form of development in compliance with policies S1, S10, DR2, DR4, DR10, DR11, DR13, W2 and W8 of the Herefordshire Unitary Development Plan.

3. Within 9 months of the date of this permission, and in any case before the bund remodelling and landscaping development hereby permitted begins, a final Working Method Statement, and a plan, shall be submitted to and approved in writing by the local planning authority. The details and plan shall include the following, having regard to the submitted 'Soil Management Strategy' (Illman Young, May 2011) and the Remediation Method Statement as approved under condition 2:
- a) Soil handling methodology to recommended quality standards including soil stripping and separation;
 - b) Arrangements and a location plan for the temporary storage or stockpiling of bund material during the remodelling work;
 - c) The means of providing for and storing any additional material including final topsoil for finishing the bund;
 - d) Location plan, area and enclosure arrangements for any temporary compound for storage, materials, equipment, facilities and/or vehicles;

- e) Arrangements and timetabling for removal of temporary storage, equipment, compound, enclosure, facilities and any other paraphernalia associated with the work hereby permitted, on completion of the scheme.

The details shall be implemented as approved unless otherwise agreed in writing in advance by the local planning authority.

Reason: To protect local amenity, to secure the function of the bund as a noise and spatial barrier and to ensure site safety, proper soil handling and storage and site tidiness during the works, in accordance with policies S1, S2, S10, DR2, DR4, DR10, DR11, DR13, W2 and W8 of the Herefordshire Unitary Development Plan.

4. Within 9 months of the date of this permission, and in any case before the bund remodelling and landscaping development hereby permitted begins, a finalised Landscaping and Ecology Scheme shall be submitted to and approved in writing by the local planning authority having regard to the recommendations made on page 15 of the submitted Ecological Appraisal (Richard Tofts Ecology, March 2010). The following shall be included in particular:

- a) The appointment of a named suitably qualified and experienced ecologist to oversee the scheme, and to advise in particular on how to deal with any Japanese Knotweed rhizomes that may be encountered;
- b) Provision and timetabling for supplementary ecological surveys immediately prior to starting the remodelling work, notably to establish the presence or absence of nesting birds or any European Protected Species such as badgers, bats, reptiles or flora, and mitigation measures as a contingency for any such protected species being found to be present;
- c) Adequate protection measures for all trees and hedges identified for retention, in accordance with BS 5837:2005 Trees in Relation to Construction;
- d) Illustrative details of the type, specification, extent, design, height, and colour of all fencing and/or boundary treatments, including access gates and any acoustic fencing.

The scheme shall be implemented in accordance with the approved details in conjunction with the approved landscape masterplan unless otherwise agreed in writing in advance by the local planning authority.

Reason: To improve the visual and ecological amenity of the area, to contribute to noise mitigation and separation of the site from existing industrial premises, to protect wildlife, and to comply with PPS9, the NERC Act and policies S2, DR1, DR13, LA5, LA6, NC1, of the Herefordshire Unitary Development Plan, having regard to the Wildlife and Countryside Act 1981 (as amended).

5. In the first available planting season following completion of the bund remodelling in accordance with the approved plans, schemes, timescales and details, the final landscaping, seeding and planting of the remodelled bund shall be undertaken in accordance with the following submitted documents unless otherwise agreed in writing in advance by the local planning authority:

- a) Annotated plan reference 2912/10 Rev B, Feb11 'Landscape Masterplan' received 5 December 2011;
- b) Annotated plan reference 2912/16 Rev A Mar11 'Detailed planting of bund' received 5 December 2011;
- c) Annotated plan reference 2912/18 Rev A, May11 'Landscape management strategy' received 5 December 2011;

All plants shall be maintained for a period of 5 years from the planting date. During

this time, any plants that are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the local planning authority gives its written consent to any variation. If any trees fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.

Reason: To maintain and enhance the visual amenity of the area and to comply with policies S2 and LA6 of the Herefordshire Unitary Development Plan.

6. **No stores or temporary stockpiles of soils or other materials shall be to a height exceeding 3 metres above the previously existing ground level.**

Reason: To protect amenity and ensure safety during the construction period and to comply with policies S2, S10, DR4 and W8 of the Herefordshire Unitary Development Plan.

7. **I16 Restriction of hours during construction**

8. **No deleterious or contaminated material, or any other wastes, shall be removed from the application site unless it is transported in sealed or securely covered vehicles and taken to an approved premises licensed for the handling of such material.**

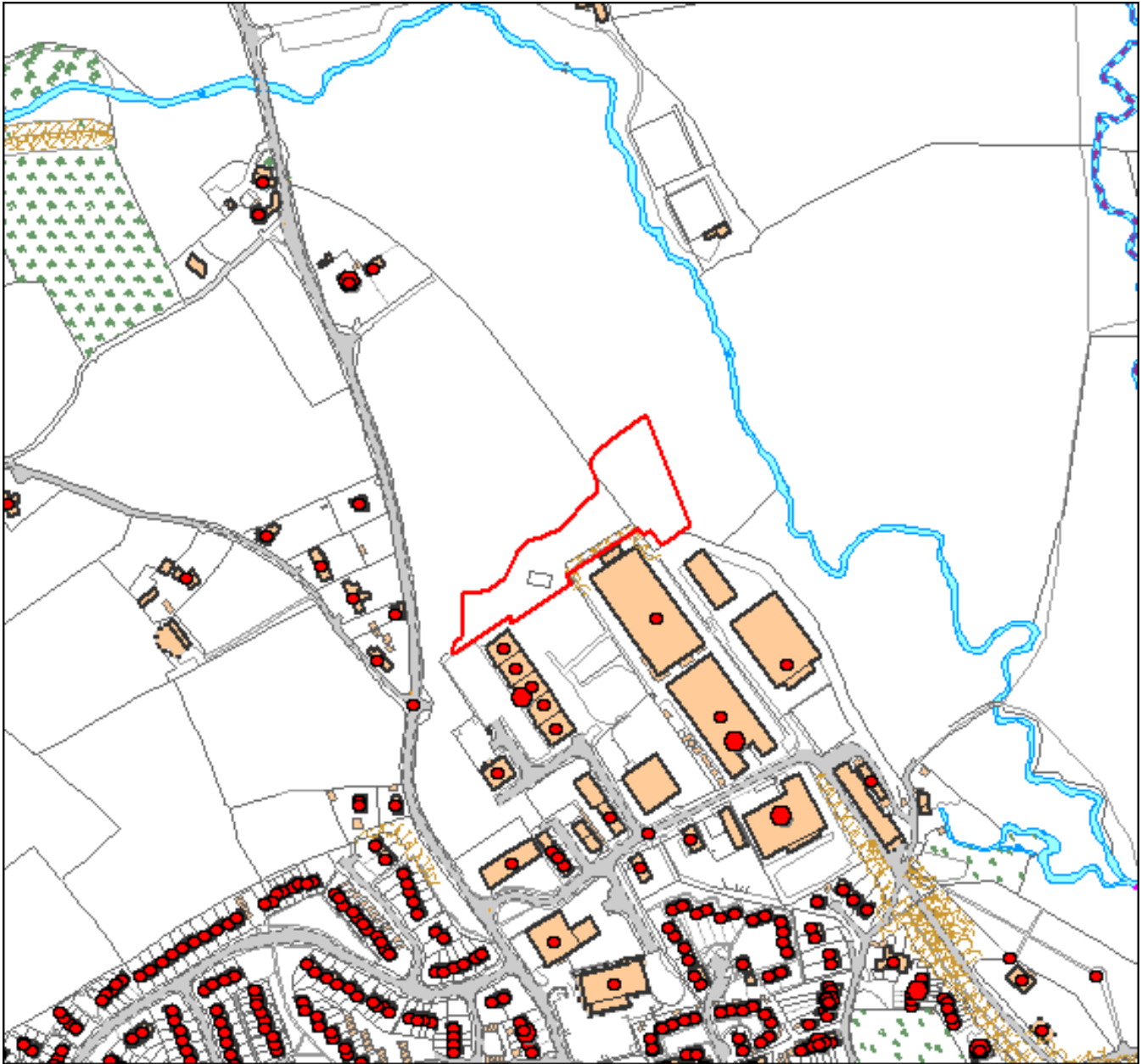
Reason: In the interests of road safety, to prevent pollution, and to ensure the responsible disposal of unsuitable materials that may be encountered during the course of the remodelling work to the bund, in accordance with policies S2, S10, DR1, DR4, DR11, T8 and W3 of the Herefordshire Unitary Development Plan.

9. **I43 No burning of material/substances**

10. **F14 Removal of Permitted Development Rights**

INFORMATIVES:

1. **Due to the site's known former uses, there is a possibility of unforeseen contamination at the site. In the event of unexpected contamination being discovered, the applicant is advised to seek specialist professional advice in such circumstances. This should be reflected in the required Method Statement outlined above.**
2. **Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. All waste volumes should be minimised and excavated materials should be kept within the site for re-use/recycling.**
3. **HN01 Mud on highway**
4. **Developers should incorporate pollution prevention measures to protect ground and surface waters. Guidance is available from the Environment Agency at www.environment-agency.gov.uk/business.**
5. **N11C General**
6. **N15 Reason(s) for the Grant of Planning Permission**



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DMN/111900/N

SITE ADDRESS : PORTHOUSE FARM, TENBURY ROAD, BROMYARD, HEREFORDSHIRE, HR7 4NS

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Annex 1

MEETING:	PLANNING COMMITTEE
DATE:	1 February 2012
TITLE OF REPORT:	<p>N111900/N - RETROSPECTIVE PLANNING APPLICATION FOR THE RETENTION OF AN EXISTING BUND AND ITS REMODELLING WITH APPROPRIATE ENGINEERING WORKS AND LANDSCAPING OF THE REMODELLED BUND. AT PORTHOUSE FARM, TENBURY ROAD, BROMYARD, HEREFORDSHIRE, HR7 4NS</p> <p>For: Ms Harrison per Mr John Cornwell, Oakview House, Station Road, Hook, Hampshire, RG27 9TP</p>

1. Site Description and Proposal

1.1 The proposal site of approximately 1 hectare lies on the north side of Bromyard, 500 metres from the town centre, and situated between the Porthouse industrial estate and the remaining open land comprising the former Porthouse Farm. On the site's western side is the B4214 Tenbury Road. To the east is it bounded by the former railway, beyond which the land slopes down to the River Frome and its flood plain.

Background

1.2 The area known as Porthouse Farm comprises approximately 3.9 hectares of former agricultural land forming a triangular tongue of land extending from the northern limit of Bromyard town. Past agricultural activity included poultry and pig units, most of which have been demolished leaving the remains of hardstandings. It has lain vacant for many years. Beyond the southern end of the application site some of the former farmland has been redeveloped over the last few decades with industrial units. Established businesses include a car parts manufacturer, Royal Mail sorting office, and a skip hire transfer station with associated aggregate supplies and haulage yard. Some of these business premises back onto the current northern residential limit of Bromyard town.

1.3 Projects have been proposed at various times to develop the remainder of Porthouse Farm, including 'live-work units' but to date none has progressed to implementation. At some stage in recent years a substantial bund was created along the southern boundary of the vacant area without the benefit of planning permission.

1.4 The current scale of the bund development is estimated as follows: approximately 205 metres in length with a variable width of 13-18 metres. Levels vary, but the height is generally 4-5 metres, from approximately 113m AOD at the northern lower edge up to 118m AOD on the top. The slope is steeply graded along the northern side with a gradient of roughly 40%. On

the south side of the bund (adjoining the industrial units) the adjoining land level is higher and the bund appears as a much lower bank from that upper viewpoint.

- 1.5 The application includes the statement (paragraph 2.1 of the submitted supporting statement) that 'The majority of the site is comprised of an existing bund that was constructed around 2000, and is unauthorised and without the benefit of a formal planning consent.' This has formed the basis of the consideration of this application.
- 1.6 The application goes on to state that preliminary investigations found the bund to contain 'predominantly natural soils, with a range of other materials including concrete, stone, timber, plastic and tarmac, though in levels not considered deleterious'. The findings of the submitted investigation report have been taken into account, along with subsequent further details in assessing the merits of the proposal.

The proposal

- 1.7 The proposal under consideration is to retain the bund as a combined noise and visual impact landscape buffer between the existing industrial area and the adjoining allocated housing site. UDP policy H2 (para 5.4.27) notes the need for a 'significant buffer strip of some 0.8 hectare' for the southern boundary (i.e. this application site). The need for such a buffer is thus embedded in policy, although the nature and exact purpose of it are not specified.
- 1.8 Under this application the bund would be remodelled and landscaped in order to create a more appropriate profile. The scheme as proposed would require some additional material, stated to be available from within the allocated housing site, proposals for which are subject of the separate housing application referenced DMN/111899/O. The two applications are being considered together, but separate applications are necessary because (a) the housing proposal is in Outline only at this stage, (b) the bund application is partly retrospective and therefore cannot be considered in Outline, and (c) the bund is regarded as a 'waste' development due to the possibility of imported material having been incorporated within the bund. This approach enables detailed specialist consideration of the bund rather than as an adjunct to a different proposal.
- 1.9 The remodelling would entail softening the profile of the bund, widening it, reducing the gradients and varying the height so as to produce a more naturalistic appearance. Landscape planting is also proposed, and an area described as a 'SuDS pond' (Sustainable Drainage Scheme) at the eastern end of the bund area, to assist with surface water management. A noticeably wet area exists at that point.
- 1.10 The application as initially submitted included plans showing formal/ornamental planting areas within the bund, along with specific path/cycle ways and play areas. Amended plans were subsequently provided by the applicant omitting the formal design, following negotiations which will be examined in more detail in the officer's appraisal below. Fresh consultations were made on the amended plans.

2. Policies

2.1 National Guidance

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPS4	-	Planning for Sustainable Economic Growth
PPS9	-	Biodiversity and Geological Conservation
PPS10	-	Sustainable Waste Management
PPS23	-	Planning and Pollution Control
PPS25	-	Development and Flood Risk

Further information on the subject of this report is available from Debby Klein on 01432 260136

2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable Development
S2	-	Development Requirements
S4	-	Employment
S6	-	Transport
S7	-	Natural and Historic Heritage
S10	-	Waste
DR2	-	Land Use and Activity
DR4	-	Environment
DR7	-	Flood Risk
DR10	-	Contaminated Land
DR11	-	Soil Quality
DR13	-	Noise
H1	-	Hereford and the Market Towns: settlement boundaries and established residential areas
H2	-	Hereford and the Market Towns: housing land allocations
T8	-	Road hierarchy
LA2	-	Landscape Character
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
RST1	-	Criteria for recreation, sport and tourism development
W2	-	Landfill or landraising
W8	-	Waste disposal for land improvement
W9	-	Reclamation, aftercare and afteruse

2.3 **Other Legislation**

Wildlife and Countryside Act 1981 (as amended)

Natural Environments and Rural Communities Act 2006 ('The NERC Act')

3. **Planning History**

3.1	DMN/111899/O	Outline - 127 dwellings	-	Under consideration
	DMNC2009/2844/O	Outline 175 dwellings (allocated housing site)	-	Withdrawn 10/02/2010
	DMNC2009/0366/N	Retention of bund	-	Withdrawn 24/4/2009
	NC2001/3278/F	12 live/work units at north end of site (allocated housing site)	-	Withdrawn 5/8/2004
	NC2001/1128/O	Mixed use - office/industrial/residential/live-work units	-	Withdrawn 27/12/2001
	NC2001/1123/F	Office/warehouse, access, parking and yard (on adjoining land)	-	Approved 9/7/2001
	MH97/1102	PO Sorting Office (adjoining land)	-	Approved 10/11/1997

Further information on the subject of this report is available from Debby Klein on 01432 260136

MH96/1184	Access/estate road (adjoining land)	-	Approved 5/11/1996
MH95/1204	Industrial development and access (on adjoining land)	-	Approved 28/11/1995
MH90/2194	Mixed industrial/residential/ change of use of farm to commercial etc (allocated housing site)	-	Approved 11/12/1990

4. Consultation Summary

Statutory Consultees

- 4.1 Environment Agency: No objection; the bund is located in flood zone 1 (low risk) and will have no detrimental effect on flooding in the area. We have no comments to make with regard to contaminated land but you are advised to seek the advice of the Environmental Health Officer. Notes added relating to the movement and disposal of wastes under relevant legislation.
- 4.2 River Lugg Internal Drainage Board: The site lies partly within the Board's operational area. The proposal will have no effect on the Board's operational interests or watercourses in its control.

Internal Council Advice

- 4.3 Traffic Manager: No highway implications
- 4.4 Team Manager (Air, Land and Water Protection): The Environmental Health Officer comments on the submitted report 'Phase 1 and Phase 2 Environmental Investigation Porthouse Farm - Landscape Bund 776-06' (Pam Brown Associates Ltd May 2011). Analysis did not identify any compound levels above guideline values with regard to any of the contaminants for which testing was undertaken. Trial pitting was limited and some uncertainty remains as to the nature and quality of some of the materials; further information should be provided, including on whether asbestos fibres have been considered as a potential source of contamination. Plastic, metal, wire and other materials encountered should be removed and responsibly disposed of; any further soil to be imported must be tested for fitness for purpose at source. Validated documentation will be required in due course to verify the final depth and source of any imported soils used in the bund remodelling. In conclusion, further information is required to address outstanding uncertainties. Specialist advice should be sought, should any unexpected contamination be encountered during the works. Condition recommended, to secure adequate soil management, quality verification and fitness for purpose. [Please note: this is discussed in more detail in the Officer's Appraisal below].
- 4.5 Public Rights of Way Officer: No objection
- 4.6 Drainage Adviser: no objections
- 4.7 Parks Countryside and Leisure Development Manager: The Council would not wish to adopt the bund for future maintenance but we need clarity as to maintenance and ownership responsibilities. A long-term management plan would be required, to include tree health and safety surveys. Clarity is also needed regarding maintenance and ownership of the proposed SUDS (balancing pond).

5. Representations

- 5.1 Bromyard & Winslow Town Council: On the initially submitted plans: a resolution to support this application was defeated. On the amended plans: Bromyard Town Council objects to this unlawful development
- 5.2 Brockhampton Group Parish Council: Objects to both this application and the partner application reference DMN/111899/O on the following grounds: a housing development would be detrimental to existing industries already in place; there is insufficient infrastructure such as traffic capacity and employment for the extra households; concerns about sewerage capacity and additional flood risk; the site is more suited to industrial development than housing; concerns about the unlawful and unregulated/undocumented nature of the bund. No further comments have been received on the amended plans.
- 5.3 One emailed representation of support for both applications on this site was received, on 30 January 2012, which observes that 'a physical barrier between housing and existing industry is desirable.'
- 5.4 The full text of these letters can be inspected at Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB and prior to the Committee meeting.

6. Officer's Appraisal

- 6.1 The existence of the unauthorised bund was first brought to officers' attention between 2006 and early 2009. An initial application to retain and remodel it was made on request, under reference DMNC2009/0366/N, but was withdrawn on 24 April 2009. The current proposal is the result of further protracted negotiations which have taken time. This appraisal does not consider the merits of the Outline housing proposal which is being considered separately under reference DMN/111899/O, although officers acknowledge the direct relationship between the two. In particular, the need for buffer space between any future housing and the industrial premises, as outlined in policy H2 of the Herefordshire Unitary Development Plan (UDP), is a material consideration which is discussed below.
- 6.2 The key considerations for this application are:
- Function, form and purpose
 - Composition and suitability of the bund material
 - Waste management and alternatives to retention
 - Landscaping and future use
 - Biodiversity considerations

6.3 Function, form and purpose

The retention and remodelling of the bund is presented by the applicant as having two main functions; providing a physical barrier and noise attenuation buffer between proposed new housing and the established industrial premises to the south. Adopted UDP policy H2 allocates the remaining vacant area at Porthouse Farm for housing. Paragraph 5.4.27 notes in particular the need for a high standard of housing design, a 'significant buffer strip of some 0.8 hectare' for the southern boundary and a requirement for developers to demonstrate that 'the legitimate interests of future residents and existing employers are not prejudiced'. This last point refers to the potential for adverse effects such as noise or fumes from pre-existing industrial premises to affect residential amenity.

- 6.4 UDP policy DR11 allows for the use of surplus soils to be used for landscaping and noise barriers provided proposals would be 'necessary and appropriate to the townscape and landscape character of the locality'. This is further reflected in the requirements of policy W8.

In this instance, the bund is located in an area characterised (at present) by industrial land and derelict farmland. The proposal to remodel and landscape the bund feature seeks to comply with policies DR11 and W8 in the interests of projected future uses. There is no reason to suggest that it would not be capable of compliance.

- 6.5 The applicant has undertaken to put into effect a package of noise mitigation measures, as part of the separate outline housing application (DMN/111899/O), by installing appropriate equipment at source. In particular these would be at the Polytec Holden premises. The Environmental Health Officer has agreed with the applicant's acoustics consultant that the physical reduction of operational noise levels from equipment associated with the factory units could mean that outdoor ground-level noise such as vehicles could become more apparent to new residents, should the housing proposal go ahead. Both have commented that the bund would fulfil a mitigation function in that regard. The retention of the bund would thus contribute to the proposed noise mitigation measures related to the partner housing application. This would include vehicle loading/unloading, movement and yard plant.
- 6.6 The submission also includes a wet area denoted as a 'SUDS' pond, to take surface drainage from the bund and elsewhere. The plans show swale ditches along the bund base, to feed into the dedicated wet area. The initial plans suggested a permanent water body provided with decking and seats round it. However on request for clarification the applicant confirmed that this area would be dry for most of the year, only occasionally holding water for any length of time. The revised plans reflect this correction, now noting the SUDS pond as 'wet grassland' (seeded with an appropriate mix), and removing the recreational/leisure element. Nonetheless, with the SUDS area in place, there would be scope for future landscaping schemes to incorporate surface water management relating to the housing scheme, if approved. As wet grassland, a Biodiversity Action Plan Priority Habitat, this area could also be beneficial to wildlife. The bund site is in an area of low flood risk (zone 1 suitable for any development) and there are no flood concerns or issues, although the SUDS pond area has been noted as frequently marshy from some drainage.
- 6.7 On balance, officers take the view that the bund is capable of providing the necessary landscape and noise buffer area deemed by policy H2 to be necessary in developing the northern sector of Porthouse Farm as allocated for housing.
- 6.8 **Composition and suitability of the bund material**
The nature and suitability of the bund content are material considerations. In particular, there has been concern about materials embedded in the bund, observed during initial visual inspection prior to submission of this application. Construction and demolition waste (including metal, cement, wood, plastic, wire etc) and other items were noted. Investigations were undertaken by the applicant on request, entailing initial test-pitting, analysis and subsequent reporting. Policy DR10 requires a site investigation and risk assessment for such sites, to be followed by 'appropriate remediation and protection measures to an acceptable level'. The Environment Agency has no comments to make on the bund materials, referring back to the Council's Environmental Health Section in this case.
- 6.9 To address the policy requirements, the application includes submitted report 'Phase 1 and Phase 2 Environmental Investigation Porthouse Farm - Landscape Bund 776-06' (May 2011) undertaken by Pam Brown Associates Ltd. The report provides an overview of the development and what is believed to be the origin of the material, primarily from within the farmland or close by. Intrusive investigation (test pitting) was carried out to address uncertainties about the bund's composition. Analysis did not identify any compound levels above guideline values with regard to any of the contaminants for which testing was undertaken. Large fragments of plastics, metals and other materials were encountered and recommended for removal.
- 6.10 The Environmental Health Officer specialising in contaminated land issues accepts that the testing results received did not indicate a risk to human health, or levels of contamination

Further information on the subject of this report is available from Debby Klein on 01432 260136

above acceptable levels. However, he commented on limitations of the sampling pit distribution, leaving some uncertainty as to the nature and quality of some of the materials along the top of the bund. He recommended further information be provided, by which the applicant would need to demonstrate an appropriate suite of contaminants analysed, adequate for the likely relevant materials including demolished agricultural buildings, and commensurate with possible uncertainties of provenance and probable future land use. For example, due to the age of the old farm buildings known to have previously existed on site, the applicant should demonstrate that asbestos fibres had been considered as a potential source of contamination.

6.11 Accordingly, further study to widen the scope of investigation on the bund was requested from the applicant, following discussion with the Environmental Health Officer. A further report from Pam Brown Associates Ltd, reference 'PBA.SH.776-06 Additional SI to the bund (3 January 2012)', includes full details of the additional investigations and the testing determinands. It found all results to be 'within guideline values with the exception of two determinands: naphthalene and benzo(a)pyrene, which were marginally elevated in test pits 16 and 21'. The report recommends the precautionary removal of 5 cubic metres of material from these two identified locations under professional supervision to a reputable licensed waste handler. According to the Environmental Health Officer these two substances are associated with ash, being 'commonly encountered on sites and relatively straightforward to remediate'. He accepts the findings of the report and has no concerns provided appropriate safeguards are secured by condition.

6.12 Accordingly a remediation Method Statement would be needed to ensure the following:

- a) That the recommendations made by Pam Brown Associates Ltd in their two reports will be observed in full;
- b) That the plastic, metal, wire and any other deleterious materials encountered would be recorded in a site diary when found, and then removed for responsible disposal;
- c) Provision for specialist advice to be immediately sought and further sampling undertaken, should any unexpected contamination be encountered during the works.
- d) In the absence of historic evidence being available, the sampling suite should include heavy metals, pH, speciated TPH, PAH and asbestos screen, plus any other suspected substances.
- e) That any further soil to be imported shall be tested for fitness for purpose and its source thoroughly investigated and analysed with regard to its composition and any likely contamination;
- f) A scheme of reporting to ensure any imported material is the same as that tested at source;
- g) Validated documentation in due course, to verify the final depths on completion and the source/s of any imported soils used in the bund remodelling.

A condition is therefore recommended to secure the above, including adequate verification and assurances as to fitness for purpose in accordance with UDP policies DR4 and DR10.

6.13 **Waste management and alternatives to retention**

As a precautionary measure the bund material needs to be regarded as a 'waste'. The consideration is whether it would be acceptable to retain it in situ or require its removal. However, it should be borne in mind that removal of the material would give rise to significant transportation and handling of waste. It would probably have to be taken to Hereford or out of county for appropriate disposal. The requirements for further testing would subsist and additional risks might arise, connected with transportation of the material. Removal of the bund would need a full justification as it would be contrary to UDP policies T8, S10, W2, W3, and W8 - chiefly because it would not be regarded as the Best Practical Environmental Option (BPEO), a concept formerly built in to regional policy. BPEO now carries less weight as it has been superseded by the Sustainability Assessment process and the revocation of regional policy, but it remains within the UDP as a valid form of appraisal.

- 6.14 The above policies allow for land-filling or land-raising subject to certain safeguards and criteria including BPEO principles, that only inert waste may be deposited, that the minimum quantity to achieve the stated purpose should be permitted, and that clearly expressed material planning benefits must outweigh any material planning objections. In this case there is additional support from policy H2 requiring a landscape buffer at this particular site.
- 6.15 Officers take the view that, provided adequate testing and mitigation to ensure the material is safe and fit for purpose are in place, retention on site would be preferable. In particular, if the material were removed there would still be the policy H2 requirement for the provision of a 'significant landscape buffer', should the remainder of Porthouse Farm be approved for housing. The proposals for remodelling would ensure the bund would be capable of a beneficial purpose and offer opportunities for appropriate remedial soil-handling and treatment, in accordance with policies DR10, DR11, W8 and W9 in particular.
- 6.16 **Landscaping and future use**
In its present form the bund is a utilitarian deposit of mixed material. Besides acting as a buffer area as noted above, the bund's proposed remodelling would be designed to reclaim the structure to a more acceptable form in the landscape, in accordance with policies W9 and LA6, and to ensure its capability for supporting planting and seeding to a required standard. The applicant has stated that some additional material would be necessary to complete it, which would be available from within the adjoining site, the subject of the housing scheme proposal.
- 6.17 The initial submission indicated formal ornamental and native planting, and a network of pathways and play areas within the bund area. This was contrary to officer advice, concerns having been raised regarding future responsibility for maintenance and safety/security. Officers felt that the bund, if retained, should have a clear primary function as noise/landscape buffer as outlined above, without general public access. Further, it was felt that recreational use would be inappropriate on the bund. The Principal Parks, Countryside and Leisure Officer supports that view. She has commented that the existence of the bund should not be used as a substitute for obligatory formal and informal play and recreation areas to be provided within the proposed housing scheme. It is unlikely that the Council would wish to commit itself to the cost of maintaining such a site in that form in the future.
- 6.18 The Planning system is also required to take account of the need to deter crime. The inclusion of publicly accessible areas on the bund could lead to anti-social behaviour issues which might affect both the security of the industrial premises and the amenity of any future adjoining housing. For preference the bund should be planted with robust native species for low or no maintenance, and be fenced off to provide a genuine buffer between the potentially conflicting land uses.
- 6.19 Following negotiations with the applicant, revised plans were submitted, removing the references to formal/ornamental planting, play areas, paths and cycleways. Instead, indicative native planting and seeding, and fencing on both sides of the bund, would follow from the remodelling exercise. The role of the SUDS pond would be reduced, and is marked on the fresh plans as 'wet grassland', fed by a swale along the bottom of the bund area. Any final landscaping could be undertaken as a requirement under the Reserved Matters associated with application reference DMN/111899/O.
- 6.20 The Senior Landscape Officer has no objections to the retention of the bund in principle, and welcomes the revised plans which remove the formal planting and recreational elements on the plans as initially submitted. It is accepted that there would be a need for close-boarded fencing for both security and added noise mitigation, the final details of which could be secured through a planning condition.

6.21 **Biodiversity considerations**

The application includes two reports by Richard Tofts Ecology, comprising 'Ecological Appraisal March 2010' and 'Reptile Survey June 2010'. Both reports are concerned with the entire site and relate more properly to the separate housing proposals. With regard to the latter report, the conclusion is that no evidence of reptiles was found and no further recommendations are made. The Ecological Report includes a series of 11 bullet-point recommendations, some of which are relevant to the bund. No particular concerns have been raised however, and a condition is recommended to secure the recommended measures in accordance with policy NC1

6.22 **Conclusion**

It is clearly undesirable when any development takes place without the requisite planning permission. However, Government advice is that "... it is not an offence to carry out development without first obtaining any planning permission required for it...", stating further that "While it is clearly unsatisfactory for anyone to carry out development without first obtaining the required planning permission, an enforcement notice should not normally be issued solely to 'regularise' development which is acceptable on its planning merits, but for which permission has not been sought". The expediency of taking enforcement action is therefore an important consideration.

6.23 In visual terms the bund as constructed is not ideal. However, if regraded and landscaped to an appropriate visual appearance as proposed, it would also have two useful functions:

- a) As a visual and separation barrier between the existing industrial buildings and the allocated housing site, as envisaged in the pre-ambles to policy H2 of the Herefordshire Unitary Development Plan 2007; and
- b) As an acoustic barrier.

6.24 Detailed technical matters relating to the deposited material may be adequately dealt with through planning conditions. The testing reports identify some unsuitable materials, and fresh investigations highlight the presence of some items recommended for removal. However there has been no suggestion of a high risk or that remediation would be impractical to achieve. The requirement for a suitable scheme to ensure that any unsuitable material is identified and removed under supervision to a licensed waste handler would ensure the proposal would be capable of compliance. On the other hand, removing the entire bund would create multiple difficulties as to its destination, handling, highway and traffic issues, and including the same methodology for dealing with any contamination concerns that might arise. Herefordshire Unitary Development Plan Policy W8 allows for the use of land for the deposit of suitable inert material where a benefit can be demonstrated.

6.25 On balance officers take the view that the requisite investigative works and recommended planning conditions would secure retention of appropriate material in an improved form. The granting of conditional full planning permission is therefore recommended.

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



MEETING:	PLANNING COMMITTEE
DATE:	4 APRIL 2012
TITLE OF REPORT:	<p>S120530/FH - ERECTION OF FIRST FLOOR EXTENSION TO PROVIDE ADDITIONAL BEDROOM AND SHOWER ROOM, ERECTION OF SINGLE STOREY EXTENSION TO PROVIDE NEW ENTRANCE LOBBY AND WC AND CONSTRUCTION OF 2 BAY CAR PORT AT MIDHURST, KINGSTONE, HEREFORDSHIRE, HR2 9HD</p> <p>For: Mr & Mrs Lewis per Mr Bernard Eacock, 1 Fine Street, Peterchurch, Herefordshire, HR2 0SN</p>
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=120530&NoSearch=True

Date Received: 16 February 2012

Ward: Valletts

Grid Ref: 342182,235433

Expiry Date: 12 April 2012

Local Member: Councillor JF Knipe

1. Site Description and Proposal

- 1.1 Midhurst is a much-altered and extended cottage located on the southeast side of the C1221 some 220 metres southwest of its junction with the B4348. Vehicular access is off track and public footpath KS12 that runs along the western boundary of the site. Kobat, a semi detached dwelling, adjoins the site on its northeast side and Holmlea, a detached dwelling, is to the south. The site is located in the main village boundary of Kingstone as shown on Inset Map 21 in the Herefordshire Unitary Development Plan.
- 1.2 This application proposes to extend over a single flat roof addition that is on the front of the cottage to provide an additional bedroom, toilet/shower room and store. An entrance lobby is also proposed. The application also proposes an open sided carport that will be adjacent to the entrance to the property.

2. Policies

2.1 National Planning Policy:

PPS1 - Delivering Sustainable Development

2.2 Herefordshire Unitary Development Plan:

S1 - Sustainable Development
 S2 - Development Requirements
 DR1 - Design
 H18 - Alterations and Extensions

Further information on the subject of this report is available from Mr D Thomas on 01432 261974

3. Planning History

3.1 DCSW2005/0701/F Alterations and extensions. Approved 22 April 2005.

4. Consultation Summary

Statutory Consultees

4.1 None.

Internal Council Advice

4.2 Traffic Manager: No reply received at time of report.

4.2 Public Rights of Way Officer: No reply received at time of report.

5. Representations

5.1 Kingstone and Thruxton Group Parish Council: Has no objection.

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

www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

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

www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

6.1 Policy H18 which deals specifically with proposals for the alteration or extension of residential properties acknowledges they can have a significant effect on the character of the original building, the surrounding area and the amenities of adjoining residents. It is important therefore that the scale, siting and design of such development respects these aspects, so as to ensure adequate levels of privacy and environmental quality. The resulting levels of off-street parking provision should be appropriate for the development proposed.

6.2 Having regard to Policy H18, Midhurst is not an original building. It has been extended. There is a single-storey flat roof extension on the front of the property with a two-storey addition on the rear. This application will extend over the extension on the front of the cottage to provide an additional bedroom. It is considered that the proposal will erode the dominance of the original building to a limited extent but Midhurst is located in the main village boundary of Kingstone and as such it is not considered that the dominance of the original building is critical in this case. The scale and form of the resultant extended property is considered an acceptable development in this location, and will be in keeping with the character of the cottage.

6.3 Insofar as the carport is concerned, it is proposed to be located close to the entrance off the track. A carport in this location, close to the boundary with Holmlea and where the applicants currently park their touring caravan and trailer will have minimal impact on the residential amenity on the adjoining property.

6.4 In conclusion it is considered the scale and form of the proposed extension complies with Policy H18.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. **A01 Time limit for commencement (full permission)**
- 2. **B01 Development in accordance with the approved plans**
- 3. **CBK Restriction of hours during construction**

Informative:

- 1. **N15 Reason(s) for the Grant of PP/LBC/CAC**

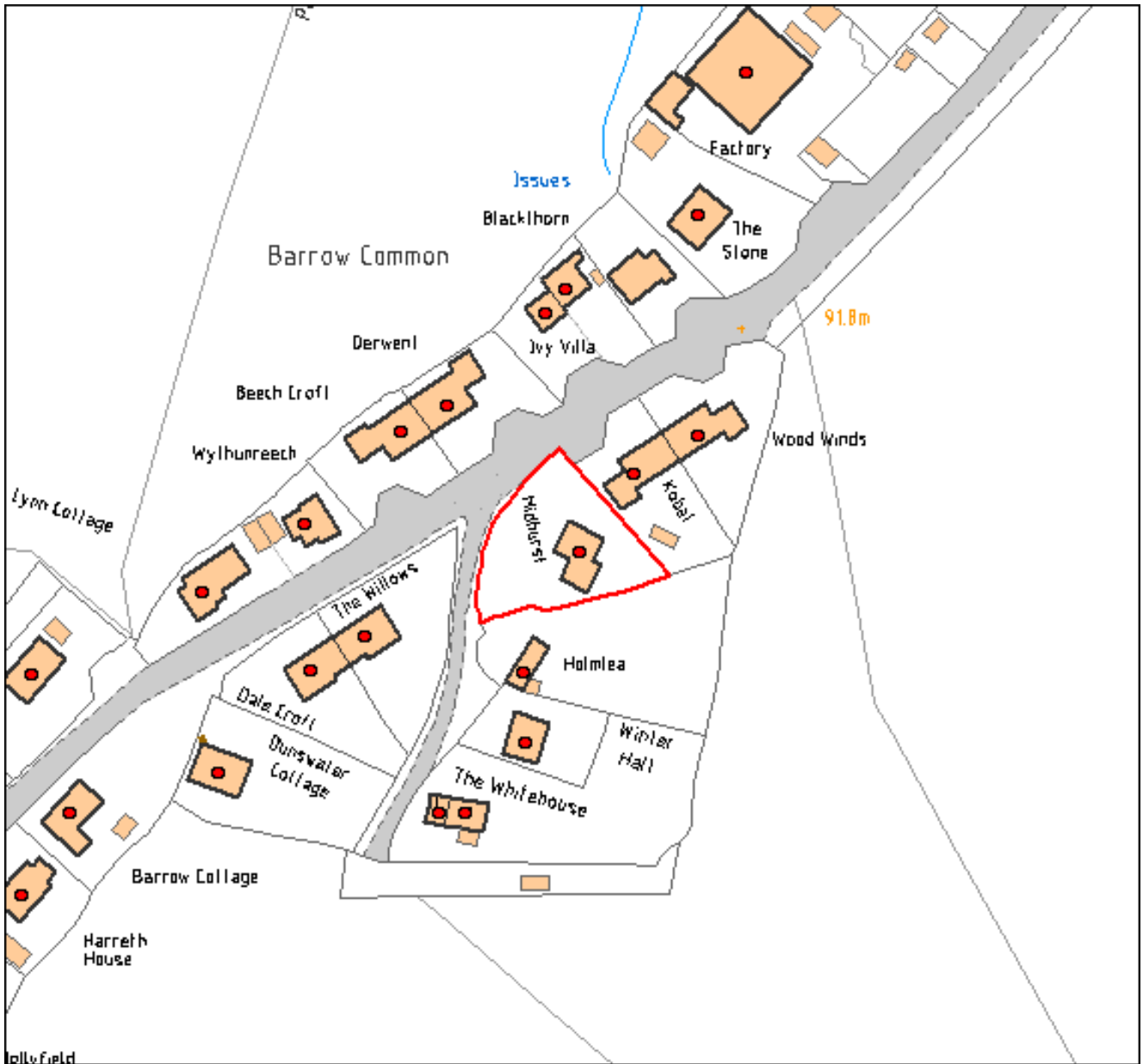
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: S/120530/FH

SITE ADDRESS : MIDHURST, KINGSTONE, HEREFORDSHIRE, HR2 9HD

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from Mr D Thomas on 01432 261974



MEETING:	PLANNING COMMITTEE
DATE:	4 APRIL 2012
TITLE OF REPORT:	N120045/F - PROPOSED REPLACEMENT OF PLANNING PERMISSION DMN/103066/F FOR A NEW FOUR BEDROOM DETACHED PROPERTY WITH ATTACHED GARAGE AT 54-56 NEW ROAD, BROMYARD, HEREFORDSHIRE, HR7 4AJ For: Mr Litherland per Mr Andy Rose, 2 St. Oswald's Road, Worcester, Worcestershire, WR1 1HZ
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=120045&NoSearch=True

Date Received: 6 January 2012

Ward: Bromyard

Grid Ref: 365104,254529

Expiry Date: 13 April 2012

Local Members: Councillors JG Lester and A Seldon

1. Site Description and Proposal

- 1.1 The application site is located within a designated residential area within the settlement boundary of Bromyard. The site forms part of the long narrow back gardens of No's 54 and 56 New Road and has a frontage onto Clover Terrace, a narrow, one-way route leading from Old Road through to the A44.
- 1.2 There is a varied mix of housing within the area, with semi-detached three storey dwellings fronting on to New Road and two storey terraced properties on Clover Terrace to the west. A series of recently approved applications have resulted in a number of new dwellings on Clover Terrace. A detached dwelling has been built on to the west of the site, and to the north a small housing development with detached and terraced properties.
- 1.3 The proposal seeks planning permission for a detached four bedroom property with garage. Permission has previously been granted under application DMN/103066/F, however this has now lapsed. The proposed property is identical to that previously approved. It fronts onto Clover Terrace and provides a floor area of just over 100sqm. The proposed property will be constructed with brick walls under a tiled roof. A 1.8m close boarded fence will be on the north, east and west boundaries, with a 1.2m picket fence to the front of the property.
- 1.4 The proposal also provides a shared driveway with two parking spaces for 54 and 56 New Road as previously approved.

2. Policies

2.1 National Policy

- PPS1 - Delivering Sustainable Development
PPS3 - Housing

Further information on the subject of this report is available from Ms R Jenman on 01432 261961

2.2 Herefordshire Unitary Development Plan:

- S1 - Sustainable Development
- S2 - Development Requirements
- DR1 - Design
- DR3 - Movement
- DR4 - Environment
- H1 - Hereford and the Market Towns: Settlement Boundaries and Established Residential Area
- H13 - Sustainable Residential Design

3. Planning History

- 3.1 N/101774/F Erection of number dwellings. Refused 8 November 2010.
- 3.2 N/103066/F New 4 bedroom detached property with attached garage. Approved 17 January 2011.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water makes no objection to the application subject to the imposition of conditions relating to the separate treatment of foul and surface water.

Internal Council Consultations

- 4.2 Transportation Manager has no objection.

5. Representations

- 5.1 Bromyard & Winslow Town Council unanimously resolved to support the application.
- 5.2 The consultation responses can be viewed on the Council's website by using the following link:-
www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

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

www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

- 6.1 The application site is within the settlement boundary for Bromyard therefore in accordance with Policy H1 in the Herefordshire Unitary Development Plan the principle of new residential development is acceptable. The proposed scheme is identical in scale and design to that approved under application N/103066/F and falls to be considered against the same policies within the Herefordshire Unitary Development Plan as that of the previous application.
- 6.2 Given the constraints of the site, the locality and material planning considerations, the Local Planning Authority have always maintained that the site is only suitable for a single dwelling, and not multiple unit schemes as approved on some of the adjoining sites. The submitted scheme shows a modest four bed property with two parking spaces and a spacious rear garden area. The scale of proposed scheme is considered to be acceptable and provides acceptable levels of amenity space for the new dwelling and that of 54 and 56 New Road.

- 6.3 The character of Clover Terrace has changed significantly in recent years through the granting of planning permission for new residential development. The proposed dwelling under consideration in this application has a road frontage onto Clover Terrace, which provides coherence to the street scene and that of the recent developments. The proposed dwelling is to be constructed from red brick under a tiled roof, which will match that of the surrounding properties. The proposal is considered entirely consistent with the character of the area.
- 6.4 The distance between the south elevation of the proposed dwelling and that of 54 and 56 New Road is 28 metres. The new dwelling will be below that of 54 and 56 New Road as the land slopes from south to north. Given the distance between the dwellings and the topography of the site it is unlikely that the new dwelling will give rise to any demonstrable loss of privacy to adjacent properties.
- 6.5 The proposed scheme provides the new dwelling and 54 and 56 New Road each with two parking spaces. These comply with the Council's Highway Design Specification and consequently no objection has been raised by the Transportation Manager. The scheme is unlikely to result in any additional on-street parking.
- 6.6 The proposed development is not considered to give rise to any harm to the visual or residential amenity of the wider locality, with the overall design and layout of the development not appearing out of character with the immediate area. The proposal is considered to comply with the relevant policies within the Herefordshire Unitary Development plan, and as such is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission) (one year)**
- 2. B01 Development in accordance with the approved plans**
- 3. C01 Samples of external materials**
- 4. F08 No conversion of garage to habitable accommodation**
- 5. F14 Removal of permitted development rights**
- 6. G10 Landscaping scheme**
- 7. G11 Landscaping scheme - implementation**
- 8. G09 Details of Boundary treatments**
- 9. H13 Access, turning area and parking**
- 10. I17 Scheme of foul drainage disposal**
- 11. I18 Scheme of foul drainage disposal**
- 12. I22 No surface water to public sewer**
- 13. I16 Restriction of hours during construction**

Informative:

1. N15 Reason(s) for the Grant of PP/LBC/CAC

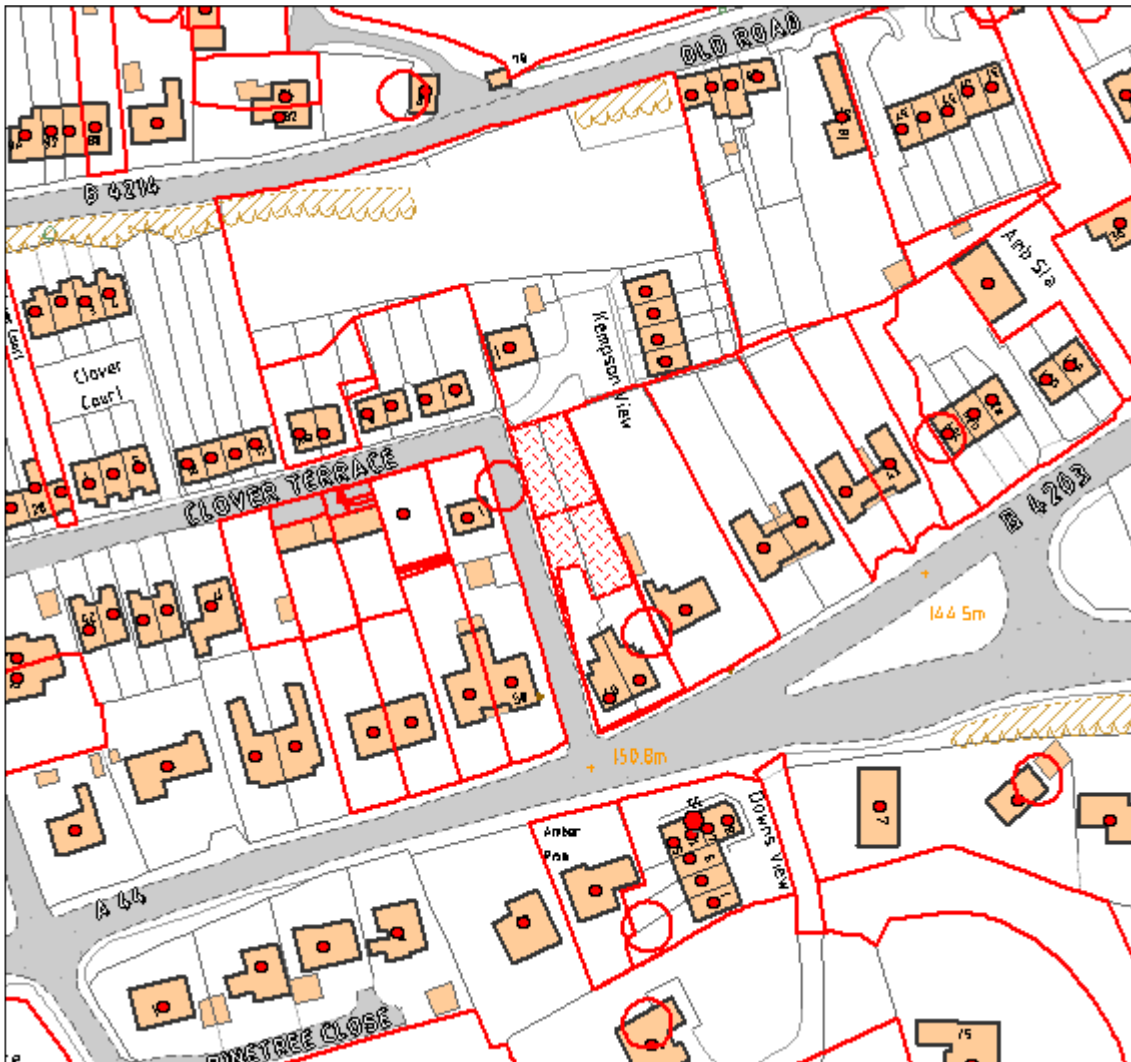
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: N/120045/F

SITE ADDRESS : 54-56 NEW ROAD, BROMYARD, HEREFORDSHIRE, HR7 4AJ

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from Ms R Jenman on 01432 261961



MEETING:	PLANNING COMMITTEE
DATE:	4 APRIL 2012
TITLE OF REPORT:	<p>N113363/F - DEMOLITION OF GALVANISED DRILL TOWER & CONCRETE BASE, REMOVAL OF METAL FENCE, ERECTION OF NEW GALVANISED STEEL FENCE, CONSTRUCTION OF NEW KERBED AREA. CONSTRUCTION OF TRAINING TOWER CONSISTING OF THREE FRAMED STOREYS AND ROOF. CONSTRUCTION OF NEW METAL CLAD BUILDING TO HOUSE BREATHING APPARATUS FACILITIES ACCOMMODATION FOR TRAINING CAGE AND FOR BRIEFING AT KINGSLAND FIRE STATION, ARBOUR LANE, KINGSLAND, HEREFORDSHIRE, HR6 9RZ</p> <p>For: Mr Malcolm Hay, Headquarters, 2 Kings Court, Charles Hastings Way, Worcester, WR5 1JR</p>
WEBSITE LINK	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=113363&NoSearch=True

Date Received: 29 November 2011 **Ward: Bircher**

Grid Ref: 344232,261246

Expiry Date: 29 February 2012

Local Member: Councillor WLS Bowen

1. Site Description and Proposal

- 1.1 The site consists of agricultural land located to the side and rear of the existing fire station, from which it is separated by a low hedgerow. The station is located alongside the C1036 public highway known as 'Arbour Lane', Kingsland. The existing fire station is occupied by one fire engine and is externally constructed of brick under a tiled roof.
- 1.2 Within the surrounding area, which forms part of the Kingsland Conservation Area, are dwellings of various scale and character. 130 metres distance from the fire station's eastern elevation is a dwelling known as Kingsland House, this is grade II* listed. Within a similar distance from the western elevation of the fire station is The Arbour, this is grade two listed.
- 1.3 Within the yard to the rear of the fire station is an existing galvanised drill tower which sits on a concrete base, and is approx. 12 metres in height.
- 1.4 Information in support of the application indicates pre-application consultation did take place with the Local Parish Council.
- 1.5 The application proposes new strategic training facilities, (alongside the existing fire station), in order to provide improved fire fighter and accident training for fireman covering the northern

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

area of Herefordshire. The proposal includes the demolition of the existing on site drill tower and removal of its base and removal of part of the existing boundary hedgerow.

1.6 New development on site consists of :

- Construction of a new 12 metre high galvanised steel training tower.
- Two-storey training building approx. 7 metres in height in order to provide hot fire training facilities.
- A metal clad building in order to house breathing apparatus compressor and cylinder store and other equipment as well as shelter provision for new trainees during briefing sessions.
- Provision of a concrete formed training trench in order to provide practice facilities for the recovery of cars and large animals from ditches and watercourses.
- A brick training wall in order to provide training facilities for temporary propping and cutting.
- A new 2.4 metre high galvanised security fence alongside the inner boundary and native hedgerow on the fence's outer boundary and stock proof fence adjacent to the field boundary.

2. Policies

2.1 Central Government advice:

- Planning Policy Statement 1: Delivering Sustainable Development.
- Supplement to Planning Policy Statement 1: Planning and Climate Change
- Planning Policy Statement 4: Planning for Sustainable Economic Growth.
- Planning Policy Statement 5: Planning for the Historic Environment.
- Planning Policy Statement 9: Biodiversity and Geological Conservation.
- Planning Policy Guidance Note 24: Planning and Noise.

2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable development
S2	-	Development requirements
S11	-	Community facilities and services
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR13	-	Noise
E10	-	Employment proposals within or adjacent to main villages
E15	-	Protection of greenfield land.
HBA4	-	Setting of listed buildings
HBA6	-	New development within conservation areas
LA2	-	Landscape character and areas least resilient to change
NC1	-	Biodiversity and development
CF1	-	Utility services and infrastructure
CF5	-	New community facilities.

3. Planning History

- 3.1 79/105/N – Proposed fire station with drill tower – Approved 6 November 1979.
- 3.2 DCNW2004/0245/F – Single-storey extension – Approved 15 March 2004.

4. Consultation Summary

- 4.1 Welsh Water recommend conditions with regards to discharge of surface and foul water from the site should the application be approved.
- 4.2 English Heritage recommend refusal to the application stating that they consider the proposal will cause substantial harm to the setting of the grade II* listed Kingsland House, and Kingsland Castle, a scheduled ancient monument. Comment is also made that the proposal will also affect the settings of the grade II listed farmhouse known as The Arbour and its attached barn and Showers Cottage which is also grade II listed as well as the character of the surrounding Conservation Area. Their response further states that the applicants should be encouraged to find another site, in an industrial area with good road connections. Comment is also made that if the Council is minded to grant planning permission, then the adverse impact could be mitigated to a limited extent by planting indigenous and well managed woodland in the fields around the application site.
- 4.3 The Transportation Manager raises no objections.
- 4.4 The Public Rights of Way Manager raises no objections.
- 4.5 The Conservation Manager comments that the proposed development will have an impact which on the whole will be damaging to the character of the area and the setting of the listed buildings. (Grade II* Kingsland House and Grade II The Arbour), which presently occupy a more or less unspoilt rural context and that this must be weighed against the justification and wider benefits of the proposal. The response recommends that the likely damage to the Conservation Area and the settings of the listed buildings be given full weight against the likely benefits of the proposal and if the application is approved consideration be given to reserve by means of conditions with regards painting the tower, external materials, boundary treatment and planting.
- 4.5 The Landscape Manager has responded to the application concluding that the proposed development does not meet the requirements of UDP Policy LA2 as an identifiable significant change in the character of the landscape and visual amenity will occur as a result of the proposal. Evidently, this loss of character and negative impact on the edge of the village will have to be weighed against the needs of the Fire and Rescue Service. The response further states that if the application is to be approved that a landscape condition is attached to any approval notice in consideration of visual amenities.
- 4.6 The Planning Ecologist comments that the grassland on the application site is improved grassland and that the hedgerow proposed for removal is predominantly hawthorn and a hedgerow that appears to have been planted around the time period of the fire station's construction. The response welcomes the planting of a native mixed species hedgerow outside the proposed boundary security fence and that any hedgerow removed must take place outside of the bird nesting season. A condition with regards to habitat protection and enhancement is recommended to be attached to any approval notice issued as well as the attachment of informative notes, with regards to protection of birds and protected species as referred to in the Wildlife and Countryside Act 1981.
- 4.7 The Environmental Health Manager raises no objections indicating proposed external lighting detail provided as part of the application appears to adequately address issues in respect of overspill/light nuisance and that smoke generated on site from the proposed hotbox/smokerroom should not have any noticeable effect beyond the boundaries of the application site. Potential noise generated on site is not considered to be an issue of undue concern. An additional response concludes that the proposed development is not a sufficient intensification to be likely to cause nuisance.

- 4.8 The Economic Development Manager has responded to the application in consideration of a suggestion that the proposed development would be better situated at Leominster Enterprise Park. The response states that all of the remaining land at the Enterprise Park is currently under offer to one large occupier and as a consequence no land is available at the Enterprise Park for the proposed development. The response further states that within North Herefordshire there appears to be a distinct lack of opportunity for the development subject to this application to be located onto recognised employment allocated land or commercial buildings.
- 4.9 The Archaeology Manager raises no objections, indicating that the site for the proposed development is 200 metres west of the scheduled ancient site of Kingsland Castle, and as such does not consider the proposed development will have an adverse effect on the setting of the castle. The response recommends that a condition with regards to site recording in relationship to any possible undiscovered heritage assets that could be affected as a result of the proposed development, is attached to any approval notice issued.

5. Representations

- 5.1 Kingsland Parish Council comments as follows:

'The Parish Council is opposed to the proposed development of the fire station at Kingsland. The proposal to develop within the Conservation Area of a rural village adjacent to a grade II listed property is inappropriate. The Parish Council believes the training site should be located near the major A roads and not in Kingsland'.*

- 5.2 Two letters of objection have been received from Mrs. Sarah Sharp-Smith, Kingsland House, Kingsland and K.A. Hughes, 8a, Ford Street, Wigmore. Issues raised are summarised as follows:

- The proposed development falls outside the village envelope.
- The proposed development would form an intrusion into the open countryside and would have an impact on the character of the Conservation Area in this area of the village.
- The proposed development would have a detrimental impact on the character of the adjacent Grade II* former Rectory known as Kingsland House.
- The proposed development has an industrial outlook which is at odds with the nature of adjacent properties.
- Little attempt at minimising the impact of the proposed development and consideration should be given to lowering the proposed development into the landscape and using the resulting excavated material to form a bank around the proposed development.
- Insufficient consultation with regards to the proposed development.
- Consideration should be given to locating the proposed development at Leominster Enterprise Park, a location considered more suitable for access from fire stations at Tenbury Wells, Bromyard and other fire stations in North Herefordshire.
- The site will be used outside of normal working hours including Sundays.
- Other development proposals within the surrounding vicinity have been considered unsuitable, such as a proposal for affordable housing.
- The proposed development will mean the loss of farmland and will have an impact on livestock that graze the adjacent field.

- 5.3 The Ramblers Association comments that there is a footpath within close proximity to the application site and that there must remain unhindered access to this footpath.

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

www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

Internet access is available at the Council's Customer Service Centres:-
www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

- 6.1 This is a finely balanced application. It is acknowledged that the proposed development will have an impact on the character and appearance of the surrounding area and this will need to be assessed against the requirements of the Hereford and Worcester Fire and Rescue Service to provide improved training facilities for the part time fire and rescue workers that operate in the northern area of Herefordshire, which is one of the two western areas of the Hereford and Worcester Fire and Rescue Service.
- 6.2 The key Herefordshire Unitary Development Plan policy is Policy CF1: Utility Services and infrastructure. This policy emphasises how proposals should not adversely affect the amenities of nearby residents or other sensitive uses or significantly impact upon the landscape character and that where necessary proposals should include measures to mitigate any environmental impact.
- 6.3 The key issues in consideration of this application are:
- Need for the facilities as proposed and sequential test in relationship to site selection.
 - Impact of the proposed development on surrounding Conservation Area and setting of listed buildings.
 - Landscape impact and biodiversity issues.
 - Environmental health issues.

Need for the facilities as proposed and sequential test in relationship to site selection

- 6.4 Information in support of the application indicates that Hereford and Worcester Fire and Rescue Service have identified a number of areas of initial and continuing training for fire-fighters that are required, in order to support improvements to its service delivery. It has been established to consolidate fire training facilities at four strategic locations across the service. Present training facilities are based at Kidderminster, Evesham and Malvern. Within the Herefordshire area it is proposed to provide training facilities at Kingsland in order to serve North Herefordshire and at an additional location in the southern area of Herefordshire at a location yet to be decided.
- 6.5 Kingsland Fire Station falls into the north Herefordshire area, which also includes fire stations at Leintwardine, Kington, Tenbury Wells, (Worcestershire) and Leominster. Kingsland has been selected as the venue for the training facilities due to its central location in relation to other fire stations within its group, (all are manned by firemen on a part time basis), and also because there is land adjacent to the fire station that the Fire Service consider is suitable and available for development. It is also considered that Kingsland Fire Station is easily accessible, (30 minutes travelling distance from other fire stations within the same Fire Service area), and within very easy reach of the A4110 public highway.
- 6.6 The applicants' statement that Kingsland Fire Station is the most appropriate fire station at which to locate the proposed development is considered reasonable strategically, as it is the most centrally located station in the Fire Service's northern area, with easy access to the A4110 public highway. The other stations, except Leominster, are not only located on the boundary of the northern area, but of the County itself, except for the one in Tenbury, which is in Worcestershire. It has been suggested that such facilities would be better provided at Leominster. A site visit to Leominster Fire Station has revealed that this station houses three fire appliances and that there is no land available for construction of training facilities as required, being adjacent to a public car park that serves Leominster town centre and within closer proximity to residential areas, than Kingsland Fire Station.

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

- 6.7 Land adjacent to Leominster Police Station on the Enterprise Park, has also been suggested as a suitable location for the proposed development. The applicants have indicated that available land at this location is insufficient and the training facilities as proposed would conflict with the adjacent helicopter landing pad. Further still existing police welfare facilities at this site are also considered insufficient, for use by users of the facilities due to the dirty nature of the proposed training operations. Kingsland Fire Station has adequate facilities, which are required by health and safety legislation and hence a separate site unrelated to a fire station is not considered feasible. Enquires to the Police have confirmed that insufficient land is available at the Leominster Police Station for the required fire and rescue service training facilities.

Impact of the proposed development on surrounding Conservation Area and setting of listed buildings.

- 6.8 The site is adjacent to the Kingsland Fire Station, which is located on the eastern fringe of the village outside of the recognised development boundary for the settlement, and within the designated Conservation Area. The development represents a community service facility, and as such the principle of the proposal at a location outside of the recognised development boundary is acceptable in consideration of local plan policies.
- 6.9 The Kingsland Conservation Area covers the majority of the built up area of the village as well as a considerable swath of farmland and more scattered built environment along the southern side of the settlement in which area the fire station is situated.
- 6.10 Located approximately 130 metres from the application site in an easterly direction is Kingsland House, (former Rectory), this is a Queen Ann style dwelling which is Grade II* listed. Located approximately 110 metres in a westerly direction from the application site is the property known as The Arbour, a Grade II listed timber framed farmhouse. Both of these properties and their curtilages are separated from the existing fire station by a grassland field. Kingsland Castle, a scheduled ancient monument is located on the opposite eastern side of Kingsland House, to the application site.
- 6.11 The proposal is for development no higher than the existing steel training tower on site proposed for removal, however the proposed fire and rescue training facilities will have greater visual impact as they are far more bulky in scale and form, covering wider area than that presently in situ. The application also includes provision for a boundary security mesh fence measuring approx. 2.2 metres in height with an outer planted hedgerow of mixed native species with an outer livestock proof fence.
- 6.12 There can be no doubt that the proposed development, which is industrial in character, and although of no greater height than the existing steel tower, will have a greater visual impact than the tower currently on site. Thus there will be an impact on the character of the surrounding Conservation Area, which includes the setting of the two nearest listed buildings. However both listed buildings are separated from the application site by the field, the distance of which will moderate the impact. The grade II* listed building is surrounded by mature vegetation and the applicants' proposal to plant a native boundary hedgerow and trees alongside the site's boundary will help mitigate the visual impact of the development. It is not considered that there will be any significant impact on the setting of Kingsland Castle, or Showers Cottage, due to the separation distances. Therefore the impact will be greatest on the Conservation Area itself.

Landscape impact and biodiversity issues.

- 6.13 The application site is located in a landscape character type of Principal Settled Farmlands as defined by the Council's Landscape Character Assessment, the key characteristics of which

are hedgerows used for field boundaries and mix farming land use. The existing fire station is a relatively small building enclosed with a fence and hedgerow with an existing steel tower that is not typical of the surrounding landscape.

- 6.14 The proposal will double the amount of the fire station ground area with increased development and structures on site, representing an industrial form of development, albeit on a level site, it represents development which will have a greater impact on the character of the surrounding Conservation Area.
- 6.15 The hedgerow proposed for removal appears to be a hedgerow of mainly hawthorn species that was planted at some time during or after construction of the fire station. The adjacent land is currently used for farm livestock grazing and is considered to be of low importance with regards to the existing grass sward.
- 6.16 The planting of a new native mixed species hedgerow and a buffer planting of trees adjacent to the eastern boundary of the application site is welcomed and will help mitigate the impact of the proposed development on the surrounding landscape and the setting of the nearby Grade II* listed building.
- 6.17 Whilst it is acknowledged that the proposed development will have an impact on the character of the surrounding landscape, additional landscaping in the form of the boundary hedgerow and tree planting will help mitigate this form of industrial development and contribute towards integrating the development into the surrounding landscape.

Environmental Health issues

- 6.18 It is noted that the Environmental Health Manager raises no objections to the proposed development, indicating that smoke generated on site is not considered sufficient enough to cause sufficient nuisance to surrounding dwellings in consideration of the location. Proposed external lighting is also considered acceptable. Use of the training facilities considered acceptable in consideration of the location for the development and intensity of use.
- 6.19 Therefore concerns as raised about environmental issues, such as escape of smoke from the site, noise and external lighting cannot be sustained in the event of a refusal of the application.

7.0 Conclusions

- 7.1 The application proposes much needed improved training facilities for retained fire and rescue workers covering the North Herefordshire Area.
- 7.2 It has been established that strategically Kingsland Fire Station is the most suitable and convenient location at which to construct the facilities. Land is available immediately adjacent to the existing station. Other fire stations within the North Herefordshire area are located on the area's boundaries. It has also been established that no other fire stations have suitable land available adjacent to their station structures, whilst other land options for training facility construction have also proved unviable. Therefore the sequential test in relationship to site selection is considered to be satisfied.
- 7.3 There is no doubt that the training facilities will have an impact on the quality of the surrounding landscape and Conservation Area. The proposal to plant a native boundary hedgerow and trees, will help mitigate the proposal into the surrounding landscape to an extent, but will not entirely ameliorate its impact. The impact on the listed buildings in close proximity to the site will be limited, as Kingsland House is surrounded by mature vegetation and separated from the site by a field. Arbour House, is positioned at a different angle in relationship to the existing fire station than Kingsland House, and also has a significant separation distance from the fire station, by means of the said field and landscaping and

planting within its curtilage. Landscaping as proposed will help mitigate the development and conditions attached to any approval notice issued will ensure landscaping of the site.

- 7.4 It is noted the Environmental Health Manager raises no objections in consideration of residential amenity issues.
- 7.5 On balance the proposed development is considered acceptable, whilst it is acknowledged that there will be an impact on the surrounding Conservation Area, this will be mitigated by proposed landscaping and is also off set by the need to provide adequate training facilities for fire and rescue workers covering the North Herefordshire Area.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. **A01 Time limit for commencement (full permission)**
- 2. **B01 Development in accordance with the approved plans**
- 3. **C01 Samples of external materials**
- 4. **G09 Details of Boundary treatments**
- 5. **G10 Landscaping scheme**
- 6. **G11 Landscaping scheme - implementation**
- 7. **I33 External lighting**
- 8. **E01 Site investigation - archaeology**
- 9. **L01 Foul/surface water drainage**
- 10. **L02 No surface water to connect to public system**
- 11. **L03 No drainage run-off to public system**
- 12. **Prior to commencement of the development, a habitat protection and enhancement scheme must be submitted to and approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

Reason: To comply with policies NC7, NC8 and NC9 within Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

INFORMATIVES:

- 1. **N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
- 2. **N11C General**

Decision:

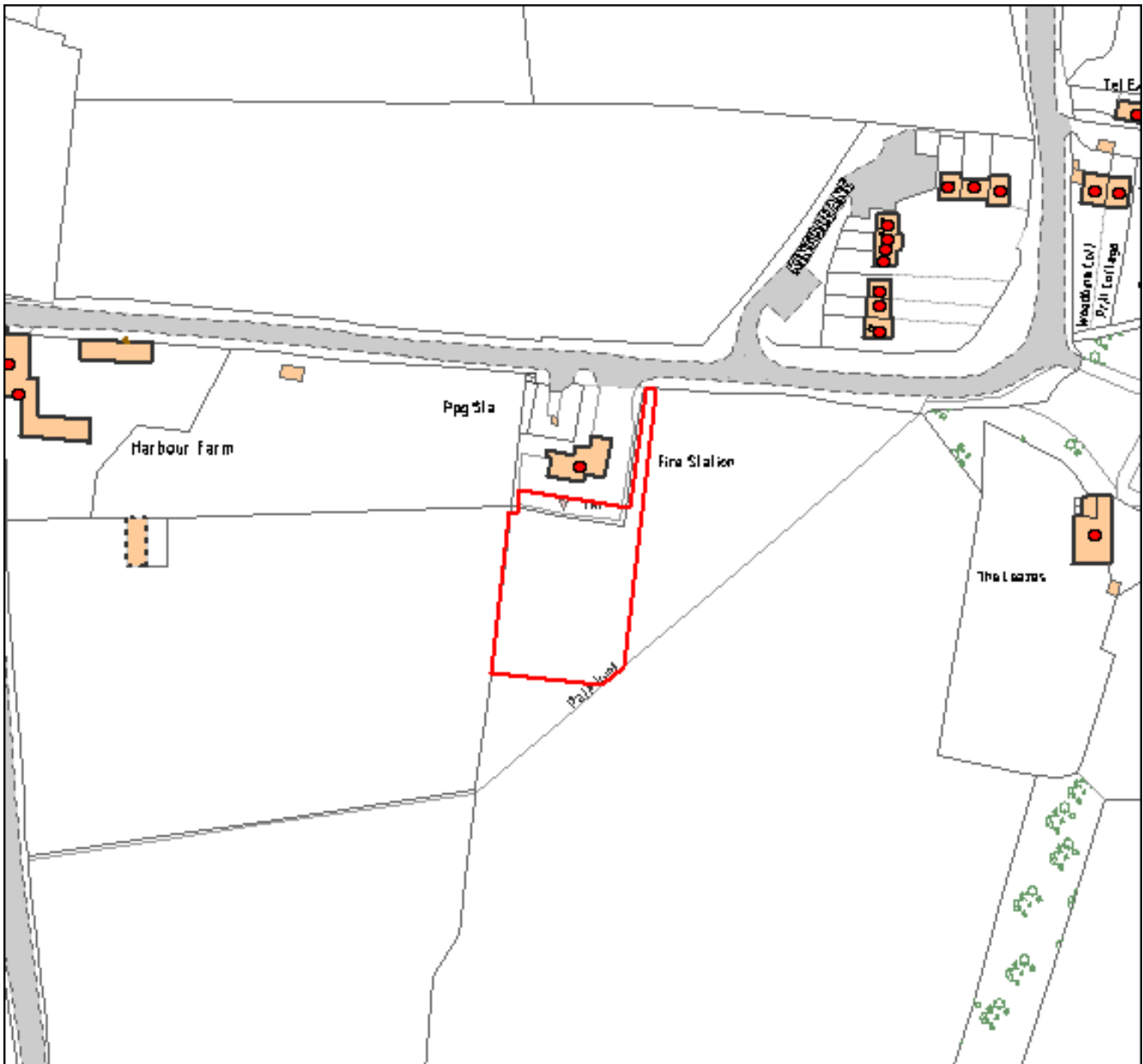
Notes:

.....

Background Papers

Internal departmental consultation replies.

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DMN/113363/F

SITE ADDRESS : KINGSLAND FIRE STATION, ARBOUR LANE, KINGSLAND, HEREFORDSHIRE, HR6 9RZ

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

