

PLANNING COMMITTEE

4 April 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.

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

For: Ms Harrison per Mr John Cornwell, Oakview House, Station Road, Hook, Hampshire, RG27 9TP

ADDITIONAL REPRESENTATIONS

A letter of SUPPORT has been received from the occupier of 'Rosebank', 52 New Road, Bromyard. In summary the following points are made:-

- The current Council's policies of directing housing to Porthouse Farm and employment to the east at Linton would benefit Bromyard and its future wealth creation potential;
- The Porthouse Farm site would not be attractive to any modern, efficient company due to the poor highway network that serves it which is unsuitable for lorries;
- There are no current plans by Herefordshire council for a relief road and finance would not be forthcoming;
- Bromyard requires employment land but it must be in the correct place at Linton. Interestingly after the current industrial buildings were completed, although aggressively marketed they remained empty for approximately four years;
- The issues of noise and odour are satisfactorily addressed;
- Congestion in town is caused by lorries finding their way to Porthouse through the Town Centre. A plan for employment use of the Porthouse Farm site would make this intolerable;
- Housing would be more visually acceptable than industrial development;
- Linton is a suitable location for industrial development. There is an additional three acres of level land available.
- Polytec support the proposal; and
- Bromyard desperately needs affordable housing for young people. The proposed development would deliver some 44 affordable houses. During the last 12 months only 52 such affordable houses were delivered in the whole of Herefordshire; and
- The proposal is policy compliant.

A letter has been received from the Micron Group who state that they intend expanding their operations and state that they need to retain the ability to utilise their existing Porthouse Farm facility.

It has come to Officers attention that at an Extraordinary Meeting of the Bromyard & Winslow Town Council on 28th March 2012 a resolution was passed to send a report to Members of the Planning Committee with

respect this application. In summary that report urges Members to refuse the planning application. The following summarised planning arguments are made:-

- The decision by the Planning Inspector reporting into objections to the Unitary Development Plan endorsing the residential allocation of the land at Porthouse site was unsound;
- Building houses next to the Porthouse Industrial Estate will jeopardise the operation of successful companies on the estate, which employ hundreds of people and will damage the residential amenity of new households – with regard the amenity issue it is stated that some houses will have to be designed to allow for ventilation without opening windows and the report fails to address the issue of outdoor amenity for residents;
- Porthouse Farm is the only area of land available in Bromyard for employment. If it is lost to housing Bromyard will be left with no employment land, in perpetuity;
- Housing on Porthouse farm would deprive Bromyard of the ability to build a very much needed relief road; and
- The planning application is contrary to UDP policies and PPS4.

OFFICER COMMENTS

No comment upon the support representation received.

With regard the report of the Bromyard & Winslow Town Council, the following summarised points are made:-

- The site is allocated for residential development within the adopted Herefordshire Unitary Development Plan 2007. The allocation of the land for housing purposes was the subject of objections at the time by twelve persons or organisations (although two of those objections were withdrawn). One objector was the Bromyard & Winslow Town Council who advanced their objections to the Inspector appointed by the Secretary of state to consider the objections that had been lodged to the Herefordshire Unitary Development Plan Revised deposit Draft. After considering the objections and examining all of the evidence the Inspector accepted the suitability of the land for housing purposes and supported the allocation. The Inspector did not recommend any change to the policy. The Council were not obliged to accept the Inspector's recommendations but did so and effectively retained the allocation in accordance with his recommendation and adopted the Herefordshire Unitary Development Plan 2007. In the event that the Town Council or any other group considered this allocation to still be "unsound" they could have legally challenged the adopted Plan within 90 days of its adoption (as was done with regard the Bullinghope allocation with an approximate yield of 300 dwellings). No such challenge was lodged by the Bromyard & Winslow Town Council or any other group.
- There is no reason to believe that the proposed development would jeopardise existing businesses in the area. Concern has been expressed as to whether the provision of a residential development will in some way inhibit existing business premises in the immediate vicinity and any future plans they may have for expansion. It is interesting that paragraph 123 of NPPF states that:-

"Planning policies and decisions should aim to:-

Recognise development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established."

It is considered that it is worth clarifying a few issues with regard the noise issue. With respect the garden areas Members attention is drawn to paragraph 3.4 of the Committee Report. With regards to outdoor amenity areas, such as gardens, the RPS report draws upon the noise contours provided in the TSA report, indicating that outdoor levels will fall below 50/55 dB LAeq during the day, the BS8233 recommended limits for external amenity areas. With the increased barrier specification, external noise levels across amenity areas would further reduce.

It must be noted that the metrics used to determine 'appropriate internal night-time maximum noise levels required for sleep' and 'external daytime levels for amenity use' are very different, and not comparable. The requirement for ventilation does not indicate that amenity areas are unsatisfactory.

It appears that there may be an impression that the housing development would only be acceptable if windows are kept permanently shut with the benefit of ventilation. That is not the case. Satisfactory internal levels will be achieved during daytime with windows open. The proposed timber acoustic barrier design is such as to bring the majority of night-time noise events below 45 dB LAmax internally with windows open. However, some individual night-time noise events may still exceed 45 dB LAmax ; which could adversely affect more noise-sensitive individuals. The proposed scheme allows these individuals to close windows and sleep in a noise environment surpassing the mandated levels whilst also experiencing appropriate ventilation.

- The issue at the supply of employment land is dealt with in paragraphs 5.34 – 5.37 (inclusive) of the report to Planning Committee on 1st February 2012 attached as Annex 1; and
- It remains Officers views that the proposal is UDP compliant and it must be recognised that the Central Government advice contained within PPS4 was cancelled on 27th March 2012 prior to the meeting of the Bromyard & Winslow Town Council meeting on the Wednesday.

Last week new Central Government advice with respect Planning was published and came into force in the form of the 'National Planning Policy Framework' (NPPF). This replaced much existing Central Government advice including Planning Policy Statements 1, 3, 9, 12, 13, 23, 24 and 25 and Circular 05/05 mentioned in the Committee Report. The existing report has been reviewed in the light of the new Central Government advice. The NPPF makes it clear (para. 12) that there is no change to the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved unless other material considerations indicate otherwise. Indeed the NPPF states (para. 14) that in terms of decision making development proposals that accord with the plan should be approved without delay. The NPPF stresses the importance of delivering an adequate supply of housing and the provision of affordable housing to meet local need. The recommendation to grant conditional outline planning permission subject to the prior completion of a legal agreement remains unchanged.

CHANGE TO RECOMMENDATION

For the purposes of precision substitute the words in conditions 7, 17 and 28 "...to the satisfaction of the Local Planning Authority" with the words "...in accordance with the approved details".

Amend reason for condition 10 to read:-

To ensure that there is a satisfactory landscape buffer between the residential development hereby permitted and the Porthouse Industrial Estate including the acoustic fence required to be erected by way of condition 28 below in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007 paragraph 5.4.27 of the explanatory text to the Herefordshire Unitary Development Plan 2007;

Change recommended informative 5 to read:-

The reasons for granting planning permission in respect of the development are:-

The proposal is in outline form with all matters except access reserved for future consideration. The proposal is for residential development upon a site allocated for residential development by virtue of policy H2 of the adopted Herefordshire Unitary Development Plan 2007. The proposed means of access is considered to be acceptable in all respects including highway safety. It is considered that the density of development being a maximum of 32.63 dwellings to the hectare (or some 37.35 dwellings to the hectare excluding the bund) would be acceptable in terms of the context of this site. The development would deliver affordable housing in compliance with policy H2 of the Herefordshire Unitary Development Plan 2007. There are no environmental reasons (i.e. sewage capacity, flooding, noise, odour, residential amenity, landscape & ecology) to justify refusal of the application. The matter of noise impact from the adjoining general industrial use has been fully assessed and it is considered that a mitigation strategy secured by

way of conditions 7, 27, 28 and 29 will ensure a satisfactory level of residential amenity for the occupiers of the dwellinghouses hereby permitted. In conclusion the proposal complies with the provisions of the Herefordshire Unitary Development Plan 2007 together with the Central Government advice contained within the National Planning Policy Framework and there are no other material planning considerations that justify refusal of the application.

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

For: Ms Harrison per Mr John Cornwell, Oakview House, Station Road, Hook, Hampshire, RG27 9TP

ADDITIONAL REPRESENTATIONS

Officers have been made aware that Bromyard & Winslow Town Council convened an Extraordinary Meeting on 28th March 2012 to consider a report, all parties to which are stated to be opposed to the proposed development at Porthouse Farm. The meeting is understood to have passed a resolution to send a report to Members of the Planning Committee with respect to this application and the partner outline housing application. Regarding the bund, the report contains a short paragraph which questions a perceived lack of enforcement action by Herefordshire Council against 'an unlawful spoil heap of hundreds of tons of material which was dumped in 2007'. It goes on to state that 'no permissions were sought and the spoil heap is therefore in contravention of a host of UDP policies'. This claim is repeated towards the end of that report, along with a reliance on PPS4.

OFFICER COMMENTS

To update Members, further investigation of historic files shows that the existence of 'soil mounds' was first investigated by Enforcement officers in April 2006, who discussed the matter with the then local Development Control officers and senior management. At the time, the Porthouse site was being advertised as land for industrial units and offices. The UDP was in the process of preparation and adoption. Senior officers took the view in August 2008 that it would not be expedient to take action, noting that the case could be re-opened at any time should the need arise. Accordingly the case was re-opened in 2009, when the current housing project came forward as a preliminary proposal. Photographs from 2006 show a clearly engineered bund, not a spoil heap. This may be described as an unauthorised use of land, but is not 'unlawful'.

Since publication of the planning report, the National Planning Policy Framework (NPPF) has been issued and brought into force. Annex 3 of the document lists the raft of Policy Guidance and Statements (PPG, MPG and PPS) which are now superseded. As a consequence, the content of paragraph 2.1 of the planning report must be deleted with the exception of PPS10, (Sustainable Waste Management) which has not been replaced and remains in force. The NPPF should be added into this paragraph. It should be noted that PPS4 is amongst those documents now cancelled.

The planning report has been reviewed in the light of the NPPF, which clarifies in paragraph 12 that decisions should continue to be made on the basis of an up-to-date local plan and should be approved unless other material considerations indicate otherwise. Annex 1 of the NPPF explains (Paragraph 214) that the government has allowed a transitional period of 12 months for local authorities to ensure an up-to-date adopted local plan is in place. During this period, the adopted policies in the Unitary Development Plan (UDP) remain in force and carry weight, even where they do not entirely correspond with the NPPF.

The planning report was written before publication of the NPPF. It may need some minor refinement but it does not rely heavily on any of the superseded national guidance. The UDP has adequate policies relating to the use of surplus soils for land-raising, and for implementing landscaping schemes. Officers have examined the NPPF in detail and can find nothing which would compromise the report as presented or necessitate any major changes. The NPPF stresses the presumption in favour of sustainable development (paragraph 14) as a 'golden thread' running through all plan-making and decision-taking'. The NPPF supports development generally, offering fewer restrictions and precautions than existed under the previous national policy regime.

CHANGE TO RECOMMENDATION

Change to informative 6, as follows:-

The proposal is to retain an earth bund which has been constructed from waste soils without the benefit of planning permission and to remodel it to a more acceptable landform. The development is considered to be a use of land for the deposit of inert waste material. The bund has been in place for some years, certainly since 2006, and was constructed with a uniform hard-engineered profile to a steep gradient of approximately 40%. As such it was considered to be contrary in particular to policies W2 and W8 of the Herefordshire Unitary Development Plan (UDP). According to the applicant, the main purpose of the bund was to provide a landscape buffer and noise barrier between the allocated housing site at Porthouse Farm and existing industrial premises to the south. This accord with the text of UDP policy H2.

During the course of considering this proposal, comprehensive investigations into the exact nature of the bund material were undertaken, to ensure its fitness for purpose. Recommendations were made to remove two small areas of 5 cubic metres each, where some ash-related contamination was identified. These measures, along with revised landscaping proposals resulting from detailed negotiation, have addressed the key issues of soil quality and land-form which apply in this case. Soft landscaping and extensive planting would result in a satisfactory form of development to fulfil the buffer function and comply with UDP policies DR110, DR11 and LA6. Furthermore, the additional noise assessment commissioned by the Council, in response to Members' concerns about possible adverse effects on new housing by existing factories, concludes that amenity criteria can be met. This would be achieved by a combination of the remodelled bund and additional acoustic fencing along its southern edge. The bund would also serve as a screen to the high fence and help to deter crime. It would not cause any additional overshadowing and would contribute to wildlife habitat.

The site is not in any designated sensitive area and comprises a buffer zone between an existing industrial estate and (currently) derelict vacant farmland allocated for housing. Adopted policy takes account of this function, and the need to accommodate surplus soils and excavated material within the county. The aim is to avoid or reduce such material going to landfill in the interests of sustainable development. Where adequate justification for disposing of soils on a particular site or project can be provided, and a demonstration that no harm would occur; there is no reason why approval should not be granted. In this case there is the added factor that the bund is in situ and therefore there would be no traffic implications arising from its approval. On this basis the proposal to retain the bund is regarded as the Best Practical Environmental Option (BPEO) as outlined in UDP policies S10 and W2. It does not conflict with the National Planning Policy Framework or the principles of PPS10.

For all of the above reasons and factors the proposal is recommended for approval. Detailed conditions are proposed to take account of the need for careful management of soils and landscaping schemes. The proposals as finally negotiated, in conjunction with these conditions, are therefore considered to be acceptable development which is compliant or capable of compliance with the NPPF and policies S1, S2, S7, S10, DR2, DR4, DR10, DR11, DR13, H2, LA6, W2, W8 and W9 of the Herefordshire Unitary Development Plan.

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

For: Mr & Mrs Lewis per Mr Bernard Eacock, 1 Fine Street, Peterchurch, Herefordshire, HR2 0SN

OFFICER COMMENTS

Since publication of the report, the National Planning Policy Framework (NPPF) has been issued and brought into force. Annex 3 of the document lists the raft of Policy Guidance and Statements (PPG, MPG and PPS) which are now superseded. As a consequence, the content of paragraph 2.1 of the report must be deleted and replaced with NPPF.

NO CHANGE TO RECOMMENDATION

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

OFFICER COMMENTS

Since publication of the report, the National Planning Policy Framework (NPPF) has been issued and brought into force. Annex 3 of the document lists the raft of Policy Guidance and Statements (PPG, MPG and PPS) which are now superseded. As a consequence, the content of paragraph 2.1 of the report must be deleted and replaced with NPPF.

Annex 1 of the NPPF explains (Paragraph 214) that the government has allowed a transitional period of 12 months for local authorities to ensure an up-to-date adopted local plan is in place. During this period, the adopted policies in the Unitary Development Plan (UDP) remain in force and carry weight, even where they do not entirely correspond with the NPPF.

The report does not rely on any of the superseded national guidance, as it is considered that the UDP has adequate policies relating to the proposed development and its impacts on the surrounding environment. Officers have examined the NPPF in detail and can find nothing which would compromise the report as presented. The proposed development is for a detached residential property within an established residential area of Bromyard close to the town centre. The development is considered to be in a sustainable location and the NPPF stresses the presumption in favour of sustainable development (paragraph 14).

Summary reasons for the granting of planning permission

The proposal has been considered against the site's location and the character of the surrounding area. As the site is within an established residential area of Bromyard the principle of development is acceptable. The development proposed is identical to that previously approved under application N/103066/F and with no change in Local policy the layout, scale and design of the proposed development is not considered to have a detrimental impact on the character of the surrounding area or on the amenities of nearby residents.

NO CHANGE TO RECOMMENDATION

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

For: Mr Malcolm Hay, Headquarters, 2 Kings Court, Charles Hastings Way, Worcester, WR5 1JR

ADDITIONAL REPRESENTATIONS

The Landscape Manager has made a further response to an amended plan submitted by the applicants in support of their application that indicates additional landscaping in the form of tree planting alongside the eastern boundary with retention of the proposed native hedgerow.

The response from the Landscape Manager indicates that this small copse is preferable to the row of trees as previously proposed. The response recommends conditions with regards to protection of existing trees and hedgerow during on site construction and further detail with regards to the landscaping scheme.

OFFICER COMMENTS

The additional landscaping in the form of a small tree plantation is welcomed, as it will help provide further mitigation in the area, which is a designated Conservation Area, in accordance with Policy HBA6 of the Herefordshire Unitary Development Plan. It is recommended that an additional condition with regards to protection of an existing tree and hedgerow is attached to any approval notice issued.

ADDITIONAL REPRESENTATIONS

One further letter of comment has been received from a member of the public who resides in Kingsland, querying if land is available on Leominster Enterprise Park. The letters suggests that the Fire Service hold a public meeting in Kingsland, as the existing fire station is considered to be a community asset that should be retained and that further discussions with the Community would result in a better understanding of the need for the training venue and its use.

OFFICER COMMENTS

It has been established that no adequate land is available for the proposed training facilities at Leominster Enterprise Park and that the existing Kingsland Fire Station will provide much needed facilities to

complement the proposed development, which would require additional costs to implement should the proposed development be located to the Enterprise Park.

Information in support of the application indicates that the Fire Station did engage in pre-application discussions with the Parish Council.

It is noted that whilst the Parish Council objected to the proposed development, only one letter of objection was received from a local resident of Kingsland.

ADDITIONAL REPRESENTATIONS

An email has been received from the applicants referring to an offer to purchase a section of a site at Leominster Enterprise Park by a third party.

OFFICER COMMENTS

This is not a material planning issue in relationship to this application. Further still the applicants have indicated that there is no economic viable solution to enable the proposed development to be constructed at Leominster Enterprise Park in accordance with the offer as suggested by the third party.

Since publication of the report, the National Planning Policy Framework (NPPF) has been issued and brought into force. Annex 3 of the document lists the raft of Policy Guidance and Statements (PPG, MPG and PPS) which are now superseded. As a consequence, the content of paragraph 2.1 of the report must be deleted and replaced with NPPF.

Annex 1 of the NPPF explains (Paragraph 214) that the government has allowed a transitional period of 12 months for local authorities to ensure an up-to-date adopted local plan is in place. During this period, the adopted policies in the Unitary Development Plan (UDP) remain in force and carry weight, even where they do not entirely correspond with the NPPF.

The report does not rely on any of the superseded national guidance, as it is considered that the UDP has adequate policies relating to the proposed development and its impacts on the surrounding environment. Officers have examined the NPPF in detail and can find nothing which would compromise the report as presented. The proposed development is required to provide training facilities for Fire and Rescue Workers, adjacent to an existing Fire Station in what is considered a sustainable location and the NPPF stresses the presumption in favour of sustainable development (paragraph 14).

Reasons for granting of planning permission.

The proposal is for improved fire and accident training facilities for fire and rescue workers who cover the North Herefordshire Area in accordance with the Hereford and Worcester Fire Service proximity of strategic training buildings data map supplied by the applicants

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The sequential test in relationship to site selection is considered satisfactory, the applicants having adequately demonstrated why the development should be located adjacent to the existing Kingsland Fire Station.

Whilst it is acknowledged that the applicants have submitted amended plans indicating improved landscaping mitigation and with suitably worded conditions attached to any approval notice issued on balance the proposed development is considered acceptable in consideration of landscape/biodiversity impact.

However the site is located within the Kingsland Conservation Area, to which it is considered that the development will have a negative impact upon and therefore not considered to be in accordance with Policy HBA6: Development within Conservation Areas, of the Herefordshire Unitary Development Plan.

Within close proximity to the site are two listed buildings, (One Grade II* and the other Grade II), in consideration of the separation distance from the site and additional landscape mitigation the proposed development is considered acceptable in consideration of the setting of these listed buildings. The

proposed development is also considered acceptable in relationship to the setting of other listed buildings within the vicinity of the site and this includes the setting of Kingsland Castle.

The proposed development in consideration of residential amenity and privacy is considered acceptable, as well as public highway issues in consideration of the Fire Station's location.

In consideration of the need to provide adequate training facilities for Fire and Rescue workers within the North Herefordshire area and the sequential test in relationship to the site selection and overall impact on the surrounding landscape, historic environment, and consideration to environmental health issues, on balance the proposed development is considered acceptable. Whilst explicitly not considered to be in accordance with Policy HBA6 of the Herefordshire Unitary Development Plan, it is considered that material considerations identified above outweigh the requirements of the historic environment in relationship to the Conservation Area, the proposal therefore is considered to be in accordance with other policies of the said Plan and the National Planning Policy Framework.

Key Herefordshire Unitary Development Plan Policies are considered to be Policies S1, S11, DR1, DR2, DR3, DR4, DR13, E10, HBA4, HBA6, LA2, NC1 and CF1.

CHANGE TO RECOMMENDATION

Additional condition with regards to protection of an existing tree and hedgerow (C90).

Also add to condition number 12 detail with regards to a timescale for implementation of the scheme.