

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 4 April 2012 at 10.00 am

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

Councillors: PA Andrews, CNH Attwood, AN Bridges, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, AJ Hempton-Smith, JW Hope MBE, RC Hunt, Brig P Jones CBE, JF Knipe, JG Lester, MD Lloyd-Hayes, G Lucas, FM Norman and PJ Watts

In attendance: Councillors WLS Bowen and A Seldon

157. APOLOGIES FOR ABSENCE

Apologies were received from Councillors RI Matthews and GR Swinford.

158. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors JF Knipe and CNH Attwood attended the meeting as substitute members for Councillors RI Matthews and GR Swinford.

159. DECLARATIONS OF INTEREST

7. N111899/O - PORTHOUSE FARM, TENBURY ROAD, BROMYARD, HEREFORDSHIRE.

Councillor JG Lester, Personal, The Councillor is Chair of Governors for Queen Elizabeth Humanities College.

Councillor PJ Edwards, Personal, The Councillor was Cabinet Member during the UDP consultation process.

10. N120045/F - 54-56 NEW ROAD, BROMYARD, HEREFORDSHIRE, HR7 4AJ.

Councillor JG Lester, Prejudicial, The site in question is next door to the Councillor's home and will provide him with two parking spaces.

11. N113363/F - KINGSLAND FIRE STATION, ARBOUR LANE, KINGSLAND, HEREFORDSHIRE, HR6 9RZ.

Councillor BA Durkin, Prejudicial, The Councillor has carried out work for the fire authority.

Councillor Brig P Jones CBE, Prejudicial, The Councillor is a member of the Fire Authority.

Councillor DW Greenow, Prejudicial, The Councillor is a member of the Fire Authority.

Councillor MD Lloyd-Hayes, Prejudicial, The Councillor is a member of the Fire Authority.

Councillor PJ Watts, Prejudicial, The Councillor is a member of the Fire Authority.

160. MINUTES

RESOLVED: That the Minutes of the meeting held on 14 March be approved as a correct record and signed by the Chairman.

161. CHAIRMAN'S ANNOUNCEMENTS

The Democratic Services Officer advised Members that they should discard any correspondence that may have been handed to them from the public gallery prior to the meeting. He added that all correspondence from the public had to be received by midday on the day prior to the meeting to be considered.

The Assistant Director gave Members a brief presentation in respect of the recently announced National Planning Policy Framework in advance of the seminar scheduled to take place on 24 April 2012. He advised members that the NPPF applied from its date of publication and drew their attention to paragraphs 210, 211 and 214 which stressed that the current development plan, the UDP, remained the key policy and should not be considered as 'out of date' during the transitional period.

162. APPEALS

The Planning Committee noted the report.

163. N111899/O - PORTHOUSE FARM, TENBURY ROAD, BROMYARD, HEREFORDSHIRE

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. Members were advised that the update sheet contained details of minor amendments to some of the conditions as well as confirmation that the request for a larger contribution towards CCTV as part of the Section 106 Agreement had been agreed with the applicant.

He advised Members that since the application was deferred in February 2012 a noise report had been requested and that this had been completed by RPS and was attached to the committee report as an appendix. He summarised the findings of the report and advised Members that RPS had found the application to be acceptable subject to the provision of an acoustic fence.

Finally the Principal Planning Officer advised Members of the recently introduced National Planning Policy Framework and its impact on the proposed application. He confirmed that the NPPF had made no change to the Unitary Development Plan but stressed the importance of it in determining planning applications.

In accordance with the criteria for public speaking, Mr Davis, representing Bromyard & Winslow Town Council, and Mr Whittaker, speaking on behalf of some of the local businesses who had objected to the application, both spoke in objection to the application and Mr Woolton, representing the applicant, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor JG Lester, one of the local ward members, commented on a number of issues, including:

- The previous debate prior to the deferral focused on noise, the number of dwellings, and the loss of employment land.

- The noise survey vindicated the concerns raised as further measures had now been recommended. The previous recommendation was obviously therefore not acceptable.
- The application still posed an economic threat to the future of Bromyard.
- The proposed application was still contrary to UDP policies S1, S2, DR1, DR2, DR13 and LA2.
- 58 events over the short assessment period exceeded 60db.
- The acoustic fence stood at 6m high, 1.5 times higher than a double decker bus.
- A structure of this size could not be mitigated into the landscape.
- How will the fence look in several years time, who will maintain it?
- The closest dwellings to the industrial units will still need their windows shut at night to avoid sleep disturbance due to noise.
- A letter had been received from a Senior Planning Officer stating that the employment land at Linton could not be delivered.
- The inspector's decision at the time of the land allocation was flawed as he did not know then that the employment land at Linton was undeliverable.
- If the application is approved there will be no employment land in Bromyard.
- Members should look to the emerging LDF and Localism Act in making their decision.

Councillor A Seldon, the other local ward member, also commented on a number of issues, including:

- In 2006-2007 in the draft stages of the UDP the site at Porthouse Farm was still allocated for employment.
- After the first draft the employment land was switched to Linton and the parcel of land being debated was allocated for housing.
- This change was made in a period of approximately 6 weeks.
- It had now been proved that the employment land at Linton could not be delivered, leaving Porthouse Farm as the only suitable employment land in Bromyard.
- Would the Committee build housing adjacent to the employment land at Rotherwas?
- The Leader of the Council had previously stated that the viability of businesses would not be jeopardized through the planning and regulatory processes.
- The acoustic wall would be seen from miles around due to its height.
- The application was contrary to Policy DR14 of the UDP as light would emanate from both the industrial unit and the rugby club, this would cause a nuisance to residents of the proposed houses.

The Committee opened the debate with a Member speaking in objection to the application. He raised a number of points, including:

- The application had been deferred previously due to further information being required in respect of noise on the site.
- There was a need to encourage businesses to grow and that therefore industrial land was needed in Bromyard, this would be jeopardised by the proposed application.
- There were limited representations from the public but noted that the elected members and town council were representing the views of the local residents.

- A letter from a Planning Officer had been received by Members recently which had described the employment land allocation at Linton as undeliverable, he stated that the letter was a concern and had an impact on the application being determined today.
- The allocation of 127 houses on this site was not in the right place. The required homes for Bromyard could however be delivered through a number of parcels of land throughout the town.
- The proposed acoustic fence was too visually intrusive at 6 metres high. It was noted that a fence this high could be damaged through high winds and concern was expressed in respect of who would be responsible for its upkeep once the development was completed.
- The concerns raised by the local ward members in respect of light pollution were echoed. It was considered that the application failed to address the issue as to the impact of the existing external lighting from both the Polytec site and the Bromyard Rugby Club upon the amenities of the occupiers of the proposed dwellings.
- There would be problems with noise and the mitigation measures proposed were not adequate.

In summing up he was of the opinion that the application should be refused as it was contrary to UDP policies DR13 in terms of noise, DR14 in terms of light pollution, and DR2 in terms of the land use allocation. A motion was moved and seconded to reflect this.

In response to a question from a Member of the Committee, the Locum Lawyer (Planning and Regulatory) advised that the site in question was allocated for housing in the Unitary Development Plan and that the issues raised in respect of the employment land at Linton had no impact on the lawfulness of the allocation in the UDP of the site in question.

A member of the Committee noted the difficulties with housing being allocated near to employment land, she added that she had two large industrial facilities in her ward and that there had been a need to set up resident liaison groups due to the disturbances caused.

In response to the comments in respect of the allocated site for employment land at Linton the Assistant Director (Economic, Environment & Cultural Services) advised that Committee that a planning application for industrial development at Linton was withdrawn in 2008. At present no further application had been submitted at the site. Discussions were ongoing with a consortium of land owners in Linton in respect of the possibility of alternative land being put forward for industrial use.

Another Member addressed the Committee in support of the application. He noted that the RPS report was the third report addressing noise concerns and that all of the noise concerns had now been addressed through the additional noise attenuation scheme. He noted that the acoustic fence would have to be kept in a good state of repair but noted that this was addressed in the proposed conditions. Finally he requested that the landscaping condition be amended to require the planting of mature trees and plants to assist with the immediate screening.

In relation to the previous point raised, a Member of the Committee noted that the maintenance of the acoustic fence was addressed under condition 28. It was noted that Councillor Knipe had briefly left the room during the previous statement. The comments in respect of the acoustic fence were repeated in order to ensure that Councillor Knipe

had not missed any points in the debate and was still entitled to vote in respect of the item.

In response to points raised by the Committee, the Assistant Director advised that:

- At the meeting of 1 February 2012 the Committee had deferred the application for further information, this had now been received and with some amendments to the proposal it was now deemed acceptable in terms of noise.
- The primary change to the application was the inclusion of a 6m high boundary fence to reduce noise. Whether the height and build of the fence was acceptable was a matter of judgment for the Committee to make.
- The application site and the site allocated for employment at Linton were two separate sites and were not dependent on each other. This had been confirmed by the Locum Lawyer in her earlier statement.
- The formal submission in respect of the LDF from Bromyard and Winslow Town Council which had been submitted on 28 November 2011 was welcomed. This submission suggested a change to the land allocation in respect of Porthouse Farm, although it was noted that this submission had not yet been tested and had not been before Cabinet.
- The Committee were required to make a decision based on existing facts and policy and could therefore not make a decision based on the emerging Local Development Framework.
- If in due course, the Town Council submission in respect of future land allocation at Porthouse Farm was accepted the land owners would still have the opportunity to object.

The Committee noted that the application would result in an allocation of 35% for affordable housing. This was welcomed and clarification was requested that this percentage would remain even if the final number of dwellings was reduced at the reserved matters stage.

It was noted that the concerns raised appeared to relate to economic development, noise, and the views of the local representatives. It was felt that the developer should have worked closely with the Town Council and Local Ward Members to bring forward a proposal that was acceptable to all.

In response to a number of questions from the Committee, the Principal Planning Officer advised that:

- The proposed application was for outline permission with all matters reserved so the attached plans were solely indicative, however these plans indicated that the first row of houses would be 37 metres away from the acoustic fence, with the bund in between.
- Conditions 27 and 28 of the recommendation were enforceable as they were deemed to be precise and clear and meet the legal requirements in respect of conditions.
- The future maintenance of the fence was addressed in the conditions. The responsibility for the maintenance of the fence lay with the land owners. Any failure to maintain the fence would result in a breach of condition notice being served by the Council. It was further noted that there was no right of appeal to a breach of condition notice.

- There was not a condition regarding light pollution. After visiting the site this was not seen as an issue. There was a field between the rugby club and the proposed houses so light emanating from the floodlights should not cause a concern to residents in the proposed dwellings.
- The 35% figure proposed for affordable housing would remain even if the number of dwellings on the site was reduced as part of the reserved matters application.
- There was a landscape impact as a result of the acoustic fence, however the fence would not be seen from the highway as the proposed dwellings would be allocated between the road and the fence. There would also be screening offered by the bund and the planting as referred to in the recommended conditions.
- The condition could be amended to ensure mature planting on the site.

In response to the points raised in respect of light pollution, one Member of the Committee noted that the lighting on the industrial unit would be at a higher level than the six metre high acoustic fence and therefore it should be addressed appropriately through an appropriate condition.

Councillors A Seldon and JG Lester were given the opportunity to close the debate. They reiterated their opening remarks and made additional comments, including:

- It was noted that night time was deemed as 11pm – 7am but young children would need to be asleep before then.
- The Committee should listen to the local people and the Town Council in light of the Localism Act.
- Housing in Bromyard was not opposed but it could be delivered on more appropriate sites.
- The UDP allocated Porthouse Farm for housing for 87 dwellings, the application requested in excess of 100.
- Bromyard Town was in a state of transition, the proposed application would jeopardise all of the future plans for the town.
- The proposed acoustic fence was an ugly structure and flew in the face of good design.
- Would people really want to live in such close proximity to an industrial site?

The Locum Lawyer (Planning and Regulatory) addressed the Committee in respect of the proposed motion, she requested that the Democratic Services Officer remind Members of the three reasons for refusal that had been proposed and seconded at the outset of the debate.

The Democratic Services Officer advised Members that the three reasons quoted in the motion to refuse the application were that the application was contrary to UDP policies DR13 in terms of noise, DR14 in terms of light pollution, and DR2 in terms of the land use allocation.

The Assistant Director (Economic, Environment & Cultural Services) reminded the Committee that they had to determine the application in accordance with the Unitary Development Plan. He advised that a refusal based on Policy DR13 would be difficult to defend as the technical evidence stated that with the mitigation measures recommended noise on the site was of a satisfactory nature and that noise emanating from the site would meet the appropriate criteria. He added that the issue of light pollution could be addressed through a suitable condition at the reserved matters stage, however he stressed that no issues in respect of light pollution had been raised during the consultation stage. Finally he addressed the issues in respect of Policy DR2, he advised the Committee that the application was for housing and the land allocation was for

housing, therefore it would be very difficult to defend a decision based on non compliance of Policy DR2.

The Member of the Committee who moved the original motion for refusal based on the three grounds was given the opportunity to reply, he stated that he stood by the three reasons for refusal and did not make any amendments to the motion.

The Locum Lawyer (Planning and Regulatory) advised the Committee that they had been given guidance in respect of the reasons for refusal and it was her duty to advise them that if the application was refused for the reasons stated it would be a difficult decision to successfully defend at Appeal. She added that although the starting point for costs was that each party bore their own costs, if the Council lost the Appeal and the Inspector was not satisfied that sufficient evidence was available to support the refusal, and a costs application was made, the Council could be required to pay the applicants costs.

RESOLVED:

THAT planning permission be refused for the following reasons:

- 1. Despite the noise mitigation measures that form part of the application, the occupiers of some of the proposed houses would suffer night-time noise from stillages within the open yard of the Polytec site contrary to policy DR13 of the Herefordshire Unitary Development Plan 2007.**
- 2. The occupiers of the proposed dwellinghouses would not enjoy a satisfactory level of amenity due to excessive light pollution from existing external lighting sited / installed on both the Polytec site and the Bromyard Rugby Club contrary to policy DR14 of the Herefordshire Unitary Development Plan 2007.**
- 3. Given reasons for refusal 1 and 2 above the location of the proposed residential development adjacent to the general industrial use of the Polytec site is considered to represent an incompatible land-use contrary to policy DR2 of the Herefordshire Unitary Development Plan 2007.**

164. N111900/N - PORTHOUSE FARM, TENBURY ROAD, BROMYARD, HEREFORDSHIRE

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. She advised the Committee that the application was linked to, but not dependant on, the previous agenda item.

In accordance with the criteria for public speaking, Mr Davis, representing Bromyard & Winslow Town Council, spoke in objection to the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor A Seldon, one of the local ward members, commented on a number of issues, including:

- The Town Council had regularly requested updates in respect of enforcement action since the first communication in April 2006.
- Would the bund actually now be required as the housing on the site had been refused?

- The bund was actually a spoil heap of construction waste and should be treated accordingly.
- The bund should be processed on site to ensure that the material used for it is not contaminated or unsafe.

Councillor JG Lester, the other local ward member, also commented on a number of issues, including:

- The Town Council had raised an objection as soon as the bund had been erected.
- The structure did not have planning permission and should therefore be classed as unlawful.
- Should be treated in the same manner as fly tipping.
- The makeup of the bund was unknown, with no confirmation as to where the soil had come from.
- The soil should be processed and distributed evenly on the site.

The Committee discussed the application and noted that it did not conflict with the National Planning Policy Framework recently outlined by the government. It was further considered that the approval of the application would result in a better regulation of the bund.

In response to a number of issues raised, the Development Manager (Northern Localities) advised that if the soil was processed on the site and distributed evenly it would just need to be removed again at a later date. He added that the bund had not been designed as an acoustic buffer but was a landscape buffer. He also stated that the Council's enforcement team had been monitoring the site which had resulted in the submission of the application the Committee had before them. Finally he stated that it was impossible to trace where the soil had initially come from and that any cost of maintaining the bund would be met by the landowner.

The Principal Planning Officer added that the remodelling of the bund would identify any contaminated waste within the bund. She added that the contamination report submitted with the application was acceptable.

Councillors A Seldon and JG Lester, the local ward members, were given the opportunity to close the debate. They reiterated their opening remarks and requested that the application be refused.

RESOLVED:

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;**

The planting shall include a proportion of mature specimens, the details of which have first been submitted to and approved in writing by the local planning authority. 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. 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.

165. N113363/F - KINGSLAND FIRE STATION, ARBOUR LANE, KINGSLAND, HEREFORDSHIRE, HR6 9RZ

Prior to the presentation and debate on the item, the Locum Lawyer (Planning and Regulatory) advised that after seeking clarification in respect of their declarations of interest, Councillors Lloyd-Hayes, Greenow and Watts had all now declared prejudicial interests as Members of the Fire Authority, and Councillor Durkin as he carried out work for the Fire Authority. It was noted that they had all left the Council Chamber for the duration of the item.

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.

In accordance with the criteria for public speaking, Mr Jamieson, representing Mr and Mrs Sharp-Smith who had objected to the application, spoke in objection and Mr Price, on behalf of the applicants, spoke in support.

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

- The fire service presence was greatly appreciated and valued in Kingsland.
- Consideration needed to be given to the conservation area and the proximity of the two listed buildings.
- A site visit would be beneficial.

Members discussed the application and agreed with the local ward member that a site visit would assist them in determining the application.

RESOLVED

THAT the determination of the application be adjourned pending a site inspection on the following ground:

- 1. The setting and surroundings are fundamental to the determination or to the conditions being considered, and cannot reasonably be made without visiting the site in question.**

166. S120530/FH - MIDHURST, KINGSTONE, HEREFORDSHIRE, HR2 9HD

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, Councillor JF Knipe, the local ward member, advised the Committee that the application had not raised any local concerns and should be approved.

The Development Manager (Northern Localities) advised the Committee that paragraph 4.2 of the report stated that comments were awaited from the Transportation Manager, these comments had now been received and no objection to the application was raised.

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. CBK Restriction of hours during construction**

Informative:

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

167. N120045/F - 54-56 NEW ROAD, BROMYARD, HEREFORDSHIRE, HR7 4AJ

The 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, Councillor A Seldon, one of the local ward members, advised the Committee that the only concern he had was a minor issue regarding traffic congestion in Clover Terrace. However he was happy to support the application.

In response to a question, the Planning Officer confirmed that none of the trees on the site were subject of a tree preservation order and that the landscaping scheme addressed the issue of replacement trees.

RESOLVED

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. **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.**

168. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 1.30 pm

CHAIRMAN

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.

