

AGENDA

Northern Area Planning Sub-Committee

Date: **Wednesday 16 December 2009**

Time: **2.00 pm**

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

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

For any further information please contact:

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Agenda for the Meeting of the Northern Area Planning Sub-Committee

Membership

Chairman	Councillor JW Hope MBE
Vice-Chairman	Councillor PJ Watts
	Councillor LO Barnett
	Councillor WLS Bowen
	Councillor ME Cooper
	Councillor JP French
	Councillor JHR Goodwin
	Councillor KG Grumbley
	Councillor B Hunt
	Councillor RC Hunt
	Councillor TW Hunt
	Councillor TM James
	Councillor P Jones CBE
	Councillor PJ McCaull
	Councillor R Mills
	Councillor PM Morgan
	Councillor RJ Phillips
	Councillor A Seldon
	Councillor RV Stockton
	Councillor J Stone
	Councillor JK Swinburne

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

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Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

AGENDA

	Pages
<p>1. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
<p>2. DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p>3. MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 18 November 2009.</p>	1 - 12
<p>4. ITEM FOR INFORMATION - APPEALS</p> <p>To be noted.</p>	13 - 16
<p>APPLICATIONS RECEIVED</p> <p>To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning and Transportation to impose any additional and varied conditions and reasons considered to be necessary.</p> <p>Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.</p>	
<p>5. DCNE2009/0425/F - HAYGROVE FARM, FALCON LANE, LEDBURY, HEREFORDSHIRE, HR8 2PY.</p> <p>The retention of polytunnels upon fields H, M, P, Q, R, W, X and Z together with the partial removal of polytunnels from fields F, G, I, K, L, M, Q, X and Z and a comprehensive landscaping scheme for the entire site.</p>	17 - 42
<p>6. DMNC/092421/F - ORCHARD COURT, MAUND COURT, BODENHAM, HEREFORDSHIRE, HR1 3JA.</p> <p>Installation Of Two 11kw Gaia Wind Turbines Mounted On 18m Masts.</p>	43 - 48
<p>7. DMNE/092456/F - KNAPP FARM, PIXLEY, LEDBURY, HEREFORDSHIRE, HR8 2QB.</p> <p>Proposed:</p> <p>(A) removal of condition 7 of planning permission DCNE1999/1653/F to allow for the open storage of polytunnel components, and other agricultural items, thus allowing their storage and distribution.</p> <p>(B) The laying of an area of hardstanding amounting to approximately 3115 square metres.</p> <p>(C) The retention of a building.</p>	49 - 58
<p>8. DMNE09/2359/F - 88 BRIDGE STREET, LEDBURY, HEREFORDSHIRE, HR8 2AN.</p> <p>Proposed two storey three bedroom dwelling.</p>	59 - 64
<p>9. DMNE09/2018/F - PLOT ADJACENT 4 THE CRESCENT, COLWALL, HEREFORDSHIRE, WR13 6QN.</p> <p>Construction of detached single storey dwelling.</p>	65 - 70

10.	DMNW09/1988/F - LAND AT BRIDGE FARM, ALMELEY, HEREFORD, HR3 6LD.	71 - 78
	Erection of an agricultural workers dwelling to include garage and new access.	
11.	DMNW09/2160/F - HURSTLEY COURT, KINNERSLEY, HEREFORDSHIRE, HR3 6PD.	79 - 84
	Steel framed extension to existing cattle yards.	

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HEREFORDSHIRE COUNCIL

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 18 November 2009 at 2.00 pm

Present: Councillor JW Hope MBE (Chairman)
Councillor PJ Watts (Vice Chairman)

Councillors: WLS Bowen, ME Cooper, JHR Goodwin, KG Grumbley, B Hunt, RC Hunt, TW Hunt, TM James, PJ McCaull, PM Morgan, A Seldon, RV Stockton, J Stone and JK Swinburne

59. APOLOGIES FOR ABSENCE

Apologies were received from Councillors LO Barnett, JP French, P Jones CBE, R Mills, and RJ Phillips.

60. DECLARATIONS OF INTEREST

5. DCNE0009/1639/F -TACK FARM EQUESTRIAN CENTRE, ULLINGSWICK, HEREFORDSHIRE, HR1 3JQ..
Councillor PM Morgan; Personal; Ridden at the equestrian centre.

61. MINUTES

Councillor RV Stockton requested that the words 'subject to no further impediments' be added to the end of the penultimate sentence of page 7 of the minutes.

The Democratic Services Officer advised members that the words '**THAT the application be approved subject to the following conditions:**' be added to the resolution in respect of item 52.

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

62. ITEM FOR INFORMATION - APPEALS

The Sub-Committee noted the Council's current position in respect of planning appeals for the northern area of Herefordshire.

63. DCNE0009/1639/F -TACK FARM EQUESTRIAN CENTRE, ULLINGSWICK, HEREFORDSHIRE, HR1 3JQ.

Proposed warm up ménage, extend existing ménage and new site office/public address system

In accordance with the criteria for public speaking, Mr Hoskins, the Chairman of Much Cowarne Group Parish Council, and Mr Telford, a local resident, both spoke in objection to the application.

Councillor PM Morgan, the local ward member, advised members that the application affected both the Frome and Bromyard wards and the principle concerns related to the

access and the personal address system. She felt that the current situation was unacceptable and that UDP Policies S1 and RST1 had been breached. She added that the applicant had advised that there would be no change to the nature or the frequency of events but the number of events had risen from 8 in November to 11 proposed in January. Councillor Morgan noted the concerns of the local residents and felt that granting the application would increase the intensity of the usage of the site. Due to her concerns she moved that the application be deferred pending further discussions with the applicant.

Councillor B Hunt was concerned that no objections had been received by the environmental health department or the highways department. He also felt that there should be a limit on the number of events permitted at Tack Farm.

The Area Engineer (Development Control) advised members that there was no intention to increase the frequency or nature of the events. He confirmed that an objection would have been raised if the usage was increased.

Members discussed the application and felt that it was important to set a baseline in order to judge intensity of activities on the site. They also felt that conditions would be more appropriate than informative notes in the recommendation.

In response to a question the Northern Team Leader confirmed that the personal address system did not require planning permission and could not therefore be subject of a planning condition.

RESOLVED

THAT determination of the application be deferred pending further discussions with the applicant.

64. DCNE0009/1537/F - LAND AT AREA 15 NEW MILLS ESTATE, KINGSMEAD, LEDBURY, HEREFORDSHIRE, HR8 2LS

Proposed 9 no 2 bed bungalows, including the relevant driveways and landscaping.

The Principal Planning Officer reported the following comments circulated at the meeting in the updates sheet.

I wish to amend Clause 1 to the DRAFT HEADS OF TERMS in Annex 1 to read:-

“The developer will pay Herefordshire Council the sum of £2,115 (index linked) to provide / enhance children’s play space and / or children’s play equipment and / or amenity green space / open space within the Ledbury Town Council area, with priority being afforded to provide and / or enhance the open space / recreation area within the Deer Park area at the bottom of Biddulph Way and Martins Way, prior to the first occupation of any of the new dwellings.”

Councillor ME Cooper, one of the local ward members, felt that the officers appraisal addressed the concerns well and that the conditions would help to allay the concerns of the objectors.

Councillor Bowen asked for clarification as to whether the dwellings could be made super energy efficient to assist in energy conservation. The Northern Team Leader advised that the Planning Department had no means of insisting on this but that demands from building regulations were constantly increasing in respect of energy conservation in planning.

RESOLVED

The Head of Legal Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 as set out in the Heads of Terms Agreement and deal with any other appropriate terms, matters or issues;

Upon completion of the above-mentioned planning obligation, officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:-

- 1 **A01 Time limit for commencement (full permission)**
- 2 Prior to commencement of the development hereby permitted, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be submitted to the Local Planning Authority for their written approval. The development hereby permitted shall be submitted to the Local Planning Authority for their written approval. The development hereby permitted shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved materials and thereafter maintained as such.

Reason: To ensure a satisfactory appearance to the development.

- 3 All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings hereby permitted or the completion of the development (whichever is the sooner). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the development is satisfactorily integrated into the locality.

- 4 Prior to the first occupation of any of the dwellings hereby permitted the vehicular means of access, car parking, turning / manoeuvring area(s) for vehicles shall be fully implemented. Thereafter these areas shall be kept available for such use.

Reason: In the interests of highway safety.

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

- Full details of surface water drainage arrangements

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

Reason: To ensure adequate surface water drainage arrangements.

- 6 The recommendations set out in the ecologist's report dated October 2009 should be followed in relation to the identified protected species [bats, great crested newts etc], unless otherwise agreed in writing by the local planning authority. The work shall be implemented as approved and maintained thereafter.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policies NC1, NC5, NC6, NC7, NC8 and NC9 of Herefordshire Council's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

- 7 Prior to development, an ecological and wildlife enhancement strategy shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policies NC1, NC5, NC6, NC7, NC8 and NC9 of Herefordshire Council's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

INFORMATIVES:

- 1 N15 Reason(s) for the Grant of Planning Permission
2 N19 Avoidance of doubt - Approved Plans

65. **DCNW00091880M - LEINTHALL QUARRIES, LEINTHALL EARLS, LEOMINSTER, HEREFORDSHIRE, HR6 9TR.**

Continued development without compliance with Condition 8 of Planning Permission Ref DCNW2004/1404/M for the remainder of the permission.

Updates

In accordance with the criteria for public speaking, Mr Gresco, representing Aymestrey Parish Council, spoke in objection to the application.

In response to the comments from the Parish Council the Principal Planning Officer (Minerals and Waste) advised Members that the road in question was a public highway so volume of traffic was not a Council matter.

In response to a question the Principal Planning Officer (Minerals and Waste) advised members that granting the application would not increase traffic and that the existing quarry accounted for less than one percent of vehicle movements on the A4110.

Councillors felt that it may be beneficial for the Parish Council to contact West Mercia Police in order to arrange for speed checks to be set up on the A4110 in order to address vehicle speed concerns in the area.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1** The development shall continue to be carried out in all respects strictly in accordance with the approved details and plans [drawing nos. NL 04808/06; NL 04808/phs 1, Phase 1; NL04808/phs 2, Phase 2; NL 04808/phs 3, Phase 3; NL 04808/phs 4, Phase 4; PA7 (Final Restoration, A3 coloured), PA8 (Sections 'A-A' to 'E-E')] as submitted under planning applications reference DCNW2002/0573/M and DCNW2004/1404/M, except where otherwise stipulated by conditions attached to this permission.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development, in the interests of the amenities of local people, the landscape, pollution control, nature conservation, the control of nuisances and to ensure a satisfactory reclamation of the site, in accordance with policies S1, S2 and S9 of the Herefordshire Unitary Development Plan 2007.

- 2** B04 Amendment to existing permission

- 3** No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: 0600-1800 Monday to Friday and 0600-1200 on Saturdays, nor at any time on Sundays, Bank or Public Holidays, except that until 10 August 2027:

a) The tarmac coating plant shall be allowed to commence at 0500 Monday to Saturday;

b) or up to and including six occasions in each calendar year, the operation and use of the tarmac coating plant, and loading and despatch of vehicles on Sundays may be undertaken. On such Sunday working days, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside 0700 - 1600 hours, except that the tarmac plant shall be allowed to commence at 6 am. Written notification of the date of such Sunday working shall be forwarded to the Local Planning Authority within 3 working days of each and every occasion of Sunday working.

Reason: In order to protect the amenity of occupiers of nearby properties in accordance with policies S1, S2 and S9 of the Herefordshire Unitary Development Plan 2007.

- 4** Copies of:
 - a) This planning permission;
 - b) All other permissions currently in force;
 - c) All current approved plans;
 - d) All other documents subsequently approved in accordance with any current permission, conditions or amendments approved pursuant to any or all;

Shall be held in the site office at Leinthall Quarry and be made available to any person to read on request during the permitted hours of opening.

Reason: To ensure that employees, members of the public and officers of the Council may readily make themselves aware of the requirements of the

planning permission and approved plans and schemes and to ensure that all aspects of the proposal are complied with in accordance with policies S1, S2 and S9 of the Herefordshire Unitary Development Plan 2007.

INFORMATIVES:

- 1 The decision to grant planning permission has been taken having regard to the provisions of the Development Plan: in particular policy M2 of the West Midlands Regional Spatial Strategy and the relevant policies of the Herefordshire Unitary Development Plan 2007 set out below. In reaching this decision, the local planning authority was mindful of the particular circumstances of the case, namely the acknowledged need to continue to provide an adequate and steady supply of aggregates, the applicant's existing and established rights for the winning and working of minerals, the fact that there are no traffic implications and no proposed operational changes to current practices, and because no complaints have been received or substantiated relating to the operation of the tarmac coating plant or Sunday working during the period within which these have been permitted.

The local planning authority has concluded that there are no clear-cut or sound reasons for retaining the period time limits for starting up the tarmac coating plant and working the quarry on Sundays for up to 6 occasions in each year. On this basis there would be no adverse environmental effects that would justify refusal

Policies: Herefordshire Unitary Development Plan 2007:

- S1 - Sustainable development
 - S2 - Development requirements
 - S9 - Minerals
 - DR2 - Land use and activity
 - DR4 - Environment
- 2 Conditions 1, 4, 5, 6, 9, 10, 16, 17 and 19 of permission DCNW2002/0573/M granted 27 August 2002 were amended under planning permission DCNW2004/1404/M in order to reflect the fact that that permission had been commenced and that the wording of some conditions was no longer appropriate. Permission DCNW2004/1404/M continues to subsist and those amendments are not negated by this new permission.
 - 3 Condition 21 of planning permission DCNW2004/1404/M states that it should be implemented in lieu of, and not in addition to, DCNW2002/0573/M. Condition 8 of planning permission DCNW2004/1404/M is now superseded by condition 3 of the permission hereby granted. Otherwise, this new permission does not supersede permission DCVW2004/1404/M, and should be regarded as additional to it, subject to the amendments detailed above.

66. DCNW0009/1730/F - YATTON HILL COTTAGE, AYMESTRY, LEOMINSTER, HEREFORDSHIRE, HR6 9TP

Single storey extension to existing dwelling.

The Senior Planning Officer reported the following updates:

One further letter of objection had been received from the same persons as the previous letter received.

The letter could be summarised as stating that there was very little difference between the amended plans and the plans originally submitted in support of the application and that the objectors considered the proposed extension far too large and of an unacceptable design. Attention was drawn to the overall proposed floor space in relationship to the original cottage and detailed external design of the proposed extension. Attention was also requested to the appeal decision in respect of the previous application dismissed on appeal.

The Senior Planning Officer also reported the following comments:

The comments as referred to above by the objectors are noted, however no additional information is considered necessary to that as already included in the Committee report.

Further to the comments received from the Council's Planning Ecologist who raises no objections to the proposed development, it is recommended that standard informative notes, (N11A, N11B, N11C, (I30, I46, I33)) are attached to any approval notice subsequently issued with regards to reminding the developers to the provisions of the Wildlife and Countryside Act 1981, and about any possible nesting birds on site and that it is an offence to destroy their nests, eggs and young.

In accordance with the criteria for public speaking Mr Holden, the applicant's agent, spoke in support of the application.

RESOLVED

That planning permission be granted subject to the following conditions:

- 1 A01 Time limit for commencement (full permission)**
- 2 D04 Details of window sections, eaves, verges and barge boards**
- 3 D05 Details of external joinery finishes**

INFORMATIVES:

- 1 N19 Avoidance of doubt - Approved Plans**
- 2 N15 Reason(s) for the Grant of PP/LBC/CAC**
- 3 N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
- 4 N11B Wildlife & Countryside Act 1981 (as amended) & Cons (Nat. Hab bat**
- 5 N11C General**

67. DCNW0009/1826/F & DCNW0009/1825/L - ORLETON MANOR, OVERTON LANE, ORLETON, NR LUDLOW.

Proposed alterations and extensions to Orleton Manor. Provision of new garden buildings adjacent to NW Garden Wall, boundary alterations and construction of below ground garage and storage accommodation, access and access road.

The Principal Planning Officer reported the following updates:

A response had been received from Natural England who did not object to the application in respect of legally protected species provided that the mitigation approach for bats and great crested newts outlined in the application documents was incorporated into any planning approval (if granted).

The Council's Ecologist recommended conditions and informative notes (included below)

English Heritage had no further comments.

A further letter was submitted by the applicant's agent and was circulated to members within the updates sheet.

A further letter of objection was received from Barbara Mark in objection to the application.

Officers have received a draft method statement in relation to earthworks and movement around the site which can be read in conjunction with the Waste Management plans previously submitted.

The Principal Planning Officer reported the following comments:

The local planning authority has been in discussion in relation to the waste management plan and methodology and is now satisfied that the works can be achieved in principle. Further details are required and a condition is recommended to ensure that the detail is acceptable and that the works protect the soil and have regard to the neighbouring properties. This program will need to take into account the best timings for ecological and landscape matters and well as soil handling.

In relation to ecological matters the Councils Ecologist and Planning Officers have fully considered the implications of the development on the species identified. The authority has given consideration to the tests that form part so the Habitats Directive and is satisfied that the intended mitigation and enhance measures would maintain the conservation stats of the protected species. A licence is also required and the local planning authority has imposed conditions requiring said mitigation to be imposed and monitored by a qualified clerk of works. As such the proposal is considered to now comply with the Ecological policies that form part of the Herefordshire Unitary Development Plan and listed within the report.

Councillor WLS Bowen, the local ward member, thanked those members who attended the recent site inspection at Orleton Manor. He advised members that the extension and improvements to the house were not controversial, and that the garage building, which had initially raised some concerns was in his opinion acceptable. He noted the concerns in respect of the raised balustrade but felt that the use of glass would result in little visual impact to the local residents. He also felt that the access to the garage would need to be

carefully landscaped in order to address any concerns raised. Finally he felt that the most controversial aspect of the application was in respect of the access to the site from Overton Lane. He noted the comments of the Planning Inspector, reproduced in full in the officer's report, and felt that the proposed 25 metre splay would result in less damage to the hedgerow and would still result in an acceptable and safe access to the site. He noted that there was another access to the site from Tunnel Lane but felt that the Overton lane access was more convenient for the applicants and had also been deemed as acceptable in the Inspector's report. In summing up he advised members that he was happy to move the recommendation subject to a condition restricting working hours on the site to weekdays only excluding bank holidays.

In response to the comments from the local ward member, the Area Engineer (Development Control) advised members that he had recommended a visibility splay of 33 metres due to the speed of vehicles on Overton Road.

Members discussed the application and felt that the access at Overton Lane required special attention. Members felt that a 25 metre visibility splay would offer protection to the hedgerow and also had the support of the Planning Inspector.

RESOLVED:

That planning permission be granted subject to the following conditions for the full consent:

- 1 A01 Time limit for commencement (full permission)**
- 2 B01 Development in accordance with the approved plans**
- 3 C01 Samples of external materials (including sample panels)**
- 4 D04 Details of window sections, eaves, verges and barge boards**
- 5 D05 Details of external joinery finishes**
- 6 D10 Specification of guttering and downpipes**
- 7 E01 Site investigation - archaeology**
- 8 F07 Domestic use only of garage (and access and driveway)**
- 9 F08 No conversion of garage to habitable accommodation**
- 10 F28 Occupation ancillary to existing dwelling only (granny annexes)**
- 11 G02 Retention of trees and hedgerows**
- 12 G03 Retention of existing trees/hedgerows**
- 13 G04 Protection of trees/hedgerows that are to be retained**
- 14 G10 Landscaping scheme**
- 15 G11 Landscaping scheme - implementation**
- 16 G15 Landscape maintenance arrangements**
- 17 G16 Landscape monitoring**

- 18 H03 Visibility splays
- 19 H13 Access, turning area and parking
- 20 H27 Parking for site operatives
- 21 I16 Restriction of hours during construction
- 22 I20 Scheme of surface water drainage
- 23 I32 Details of floodlighting/external lighting
- 24 I51 Details of slab levels (in relation to boundary wall)
- 25 Prior to the commencement of development, a detailed method statement including details for the protection, repair and retention of the boundary wall (Overton Lane) during construction shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details unless otherwise agreed in writing.

Reason: To ensure that this important feature is protected given its relationship with the Listed Building and within the Conservation Area in order to comply with policies HBA4 and HBA6 of the Herefordshire Unitary Development Plan.

- 26 The recommendations set out in the ecologist's report Further Bat Surveys and Great Crested Newt Survey Report dated July 2009, amended details regarding Great crested newt mitigation and Loft Void Partition wall dated 12 October 2009 and Waste Management plan dated 11 November 2009 should be followed in relation to the identified protected species [bats, great crested newts etc], unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, full working method statements for bats and great crested newts should be submitted to and be approved in writing by the local planning authority. The work shall be implemented as approved and maintained thereafter.

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

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 of Herefordshire Unitary Development Plan

- 27 Prior to the commencement of development a full waste managements and excavated material scheme shall be submitted to and approved in writing by the local planning authority. Works shall be carried out strictly in accordance with the approved details unless otherwise approved in writing by the local planning authority and shall include the following in particular:
 - 1. Waste Management and Excavated Material Plan including both existing and proposed topographical surveys and sections;
 - 2. Finalised method statement to include Soil movement and handling;
 - 3. Surface water drainage details

Reason: To ensure a satisfactory form of development having regard to the aims of policies DR1, DR4 and DR11 of the Herefordshire Unitary Development Plan

- 28 No excavated from the application site shall be removed from the agricultural holding edged in blue on drawing number 840/01/001.**

Reason: To safeguard natural resources and ensure a satisfactory form of development having regard to policies DR1, DR4 and DR11 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

- 1 HN01 Mud on highway**
- 2 HN04 Private apparatus within highway**
- 3 HN05 Works within the highway**
- 4 HN10 No drainage to discharge to highway**
- 5 HN22 Works adjoining highway**
- 6 HN28 Highways Design Guide and Specification**
- 7 N15 Reason(s) for the Grant of PP/LBC/CAC**
- 8 N19 Avoidance of doubt - Approved Plans**
- 9 N18 European Protected Species Licence**
- 10 N11A Wildlife and Countryside Act 1981 (as amended) – Birds**
- 11 HN02 Public Rights of Way Affected**

That planning permission be granted subject to the following conditions for the Listed Building Consent:

That: Subject to the Secretary of State confirming that he does not intend to call it in, Listed Building Consent be granted, subject to the following conditions and any additional conditions considered necessary by officers:

- 1 A01 Time limit for commencement (full permission)**
- 2 B01 Development in accordance with the approved plans**
- 3 C01 Samples of external materials**
- 4 D04 Details of window sections, eaves, verges and barge boards**
- 5 D05 Details of external joinery finishes**
- 6 D10 Specification of guttering and downpipes**

INFORMATIVES:

1 N19 Avoidance of doubt - Approved Plans

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

68. TREE PRESERVATION ORDER - STRETTON GRANGE, STRETTON GRANDISON

To consider the representations made in relation to the making of a provisional Tree Preservation Order upon trees at Stretton Grange, Stretton Grandison and determine whether to confirm the order and revoke the Area Order made in 1987 covering trees within the former curtilage of the house.

In accordance with the criteria for public speaking Mr Brock, a neighbouring resident, spoke in objection to the Tree Preservation Order.

Councillor PM Morgan, the local ward member, noted the comments of the Parish Council and supported the application for a number of individual and small group of tree preservation orders on the site. She felt that the proposal was an improvement over the current individual group preservation order and would result in a better management and protection of the trees.

RESOLVED

THAT

- 1 The County of Herefordshire District Council (Stretton Grange, Stretton Grandison, Herefordshire) Tree Preservation Order 2009 be confirmed with Schedule 1 being amended to indicate group G2 is to the rear garden of Yew Tree House.**
- 2 Upon the serving of the TPO confirmation in i) the Malvern Hills District Council (The Grange, Stretton Grandison) Tree Preservation Order No151, 1987 be revoked.**

69. DATE OF NEXT MEETING

Members noted that that the next provisional site inspection was scheduled to take place on 1 December 2009. Councillor RC Hunt proposed that a site inspection be undertaken at Tickbridge Farm, Leominster in advance of the December meeting.

The meeting ended at 3.45 pm

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCNC0009/1058/F**

- The appeal was received on 26 November 2009.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr Russell Stevens.
- The site is located at Brockington Golf Club, Bodenham, Hereford, Herefordshire, HR1 3HX.
- The development proposed is Proposed groundsman's store and living accommodation.
- The appeal is to be heard by Written Representations.

Case Officer: Nigel Banning 01432 383093

Application No. DCNE0009/0962/F

- The appeal was received on 20 November 2009.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr Gareth Gwenlan.
- The site is located at Putley Mill, Putley, Ledbury, Herefordshire, HR8 2QW.
- The development proposed is Erection of two post and rail fences and timber raised flower bed.
- The appeal is to be heard by the Householder Appeals procedure.

Case Officer: Carl Brace on 01432 261795

Application No. DCNW2009/0650/F

- The appeal was received on 23 November 2009.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr John Needham.
- The site is located at Church Farm, Leinthall Starks, Wigmore, Herefordshire, SY8 2HJ.
- The development proposed is Proposed dwelling.
- The appeal is to be heard by Hearing.

Case Officer: Philip Mullineux on 01432 261808

APPEALS DETERMINED

Application No. DCNC2009/0223/F

The appeal was received on 20 May 2009.

- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr Morris.
- The site is located at Slipstone Cottage, Bringsty, Worcester, Herefordshire, WR6 5TE.
- The application dated 14 January 2009 was refused on 20 March 2009.
- The development proposed was change of use of an existing modern outbuilding for storage.
- The main issue was the effect of the proposal on highway safety and whether the proposal was in accordance with local policy which seeks to achieve sustainable development.

Decision: The Planning Application was refused under Delegated Powers
The appeal was allowed on 5 October 2009

Case Officer: Andrew Banks on 01432 383085

Application No. DCNE2008/2563/F

The appeal was received on 8 June 2009.

- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Clay & Co.
- The site is located at Middle Court Bridge, Monkhide, Ledbury, Herefordshire, HR8 2TX.
- The application dated 8 September 2008 was refused on 24 November 2008.
- The development proposed was a proposed agricultural workers dwelling.
- The main issues were: a) whether there was an agricultural justification for a new dwelling sufficient to make an exception to policies designed to protect the countryside, b) the effect of the proposal on the character and appearance of the area, and c) its effect on highway safety.

Decision: The Planning Application was refused under Delegated Powers on 24 November 2008
The appeal was dismissed on 14 October 2009

Case Officer: Carl Brace on 01432 261795

Application No. DCNW2009/0468/F

The appeal was received on 11 August 2009

- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Hegarty
- The site is located at Huntington Park, Mahollem, Kington, Herefordshire, HR5 3PT
- The application was refused on 23 April 2009
- The development proposed was a three storey addition to existing house.
- The main issue was the effect of the proposal on the character and appearance of the existing dwelling and its surroundings.

Decision: The appeal was **Allowed** on 27 October 2009.

Case Officer: Philip Mullineux on 01432 261808

Further information on the subject of this report is available from the relevant Case Officer

Application No. DCNC2008/1565/F

The appeal was received on 8 April 2009.

- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal was brought by Mr Alfred Johns.
- The site is located at Pool Head Orchard, Bodenham, Hereford, Herefordshire, HR1 3HP.
- The application dated 10 June 2008, was approved subject to conditions on 19 November 2008.
- The development proposed was Retrospective application for renewal of temporary permission for site.
- The main issue is whether the condition in dispute was reasonable and necessary having regard to the relevant provisions of the development plan and any other considerations.

Decision: The appeal was allowed on 12 November 2009.

Case Officer: Mark Tansley 01432 383085

If members wish to see the full text of decision letters copies can be provided.

5 DCNE2009/0425/F - THE RETENTION OF POLYTUNNELS UPON FIELDS H, M, P, Q, R, W, X AND Z TOGETHER WITH THE PARTIAL REMOVAL OF POLYTUNNELS FROM FIELDS F, G, I, K, L, M, Q, X AND Z AND A COMPREHENSIVE LANDSCAPING SCHEME FOR THE ENTIRE SITE. AT HAYGROVE FARM, FALCON LANE, LEDBURY, HEREFORDSHIRE, HR8 2PY.

For: MR DAVISON, C/O HAYGROVE LTD, REDBANK, LITTLE MARCLE ROAD, LEDBURY, HEREFORDSHIRE.

Date Received: 27 February 2009 Ward: Frome Grid Ref: 366975,238855

Expiry Date: 4 June 2009

Local Members: Councillor PM Morgan

1. Site Description and Proposal

Background

- 1.1 As Members will be aware the Council operated a voluntary code of practice for soft fruit growers in relation to polytunnel developments between 2003 and 2006. Once the law in respect of polytunnels was clarified, following the Tuesley Farm case, and the operation of that code ceased, negotiations were sought with all of the major growers with a view to planning applications being submitted. In the case of Haygrove, unlike other Farms, no planning application was forthcoming. It was considered that this position could not continue without a decision being made as to the acceptability or otherwise of the polytunnels upon the site. Research and evidence revealed that some of the polytunnels upon the site were already lawful by virtue of being in-situ for a period in excess of four years whilst others were not. However, some of those unlawful fields were approaching the "four year period" whereby they could have become lawful unless the Local Planning Authority took enforcement action. A schematic plan that shows both the "lawful fields" and the "unlawful fields" is attached as **Annexe 1**.
- 1.2 Therefore to safeguard the Council's position a decision was made as to the acceptability or otherwise of the still unlawful polytunnels. It was concluded that the cumulative visual impact from long-distant vantage points of both the lawful and unlawful polytunnels without any of them being removed and without additional landscaping was unacceptable. As such the Council served an Enforcement Notice requiring all of the unlawful polytunnels to be removed within 90 days of the Notice taking effect on 16 September 2009.
- 1.3 The service of the Enforcement Notice did not mean that a negotiated solution could not be reached. It was always considered that a negotiated solution may be possible that involved the removal of some polytunnels (both lawful and unlawful) and the submission of a comprehensive landscaping scheme for the entire site.
- 1.4 Rather than appeal the Enforcement Notice, the applicant decided to enter into negotiations with a view to submitting a planning application that involved the selective removal of some polytunnels and a comprehensive landscaping scheme for the entire site. The applicant involved the community in this process. This approach was welcomed and it is the

subsequently submitted application that is now under consideration. The planning application has been the subject of a formal screening opinion under the Environmental Impact Assessment Regulations. It was determined that an Environmental Impact Assessment was not required. However, it should be noted that the level of information and scope of information that has been required to be submitted is akin to a full Environmental Impact Assessment.

- 1.5 Whilst the Enforcement Notice has not been complied with within the specified period, it is considered that it would be premature to pursue prosecution proceedings in advance of this planning application and, in the event of a refusal, any subsequent appeal being determined.

Description of Site

- 1.6 The application site lies to the west of Ledbury. Haygrove Farm is sited in the area between the A4172 to the west, the A438 to the north, Falcon Lane to the east and Bargains Lane / Little Marcle Road to the south. The site is spread over gently undulating ground rising to the north and east, with a dominant valley through the centre of the site running from east to west. The most elevated position upon the site is the northernmost part of field 'I'.
- 1.7 Soft fruit comprising strawberries, raspberries, blackberries and cherries are grown at Haygrove Farm.
- 1.8 Through the centre of the site is a public footpath that runs from west to east, from Falcon Lane to Pixley Church (i.e. public footpath PX1). This footpath is not linked to the wider network and as such is a linear route. To the south of the site a bridleway that runs from Priors Court to Baregains Lane (i.e. Public Bridleway AL7). Along its route, it passes through Ast Wood which is a Special Wildlife Site. Orling Coppice north of Ast Wood and north-west of field 'Y' within the site is part of this Special Wildlife Site. The remainder of Haygrove Coppice within the application site (north of field 'R') is ancient woodland. The site is not only visible from these public vantage points and the immediately surrounding public highway network (e.g. Falcon Lane) but is also readily visible from long distant public vantage points. In this regard attention is drawn to the view from the Marcle Ridge between the car park and the tall communications tower immediately east of Hoar Wood. Other long-distance views are obtained from this area and further afield to the north-west including from the Durlow Common area.
- 1.9 To the west of the site is a Grade 2 listed building known as Knapp Farmhouse.
- 1.10 Members will recall visiting the site on 14 July 2009. Members viewed not only the site itself but also viewed it from the surrounding highway network, from the Marcle Ridge and from the grounds of Pixley House.

Relevant Planning History

- 1.11 Whilst the wider site has an extensive planning history the only previous application directly related to the polytunnel development was an application for a Certificate of Lawful Development in respect of polytunnel development that was refused on 14 December 2005.

Proposal

- 1.12 The existing Farm has a total area of some 69.2 hectares of which approximately 45.8 hectares are covered in polytunnels. Approximately 31.7 hectares of polytunnels are lawful by virtue of the four-year rule, whilst approximately 14.1 hectares of polytunnels are unlawful.

1.13 The proposal under consideration involves the retention of all of the existing polytunnels other than selective removal of some polytunnels from the site and a comprehensive landscaping scheme for the entire site. The polytunnels proposed to be removed are:-

- Two tunnels in the south-east corner of lawful field 'F';
- the entirety of the first tunnel at the western end of lawful field 'G';
- 50% of the second tunnel at the western end of lawful field 'G';
- part of the third tunnel at the western end of lawful field 'G';
- part of the fourth tunnel at the western end of lawful field 'G';
- part of the fifth tunnel at the western end of lawful field 'G';
- partial removal of polytunnels from the northern end of lawful field 'I';
- two polytunnels along the entire length of lawful field 'K' adjacent to its northern boundary;
- three end hoops of each tunnel along the entire western end of lawful field 'L' in Autumn of 2015 when the existing established cherry trees are to be removed;
- the entirety of the first tunnel at the western side of field 'M';
- the entirety of the first polytunnel at the eastern side of field 'Q';
- the two shortest polytunnels in the north-eastern corner of field 'X' and 50% of the third polytunnel as far as the furthest extent (south-eastwards) as the second tunnel; and
- the first polytunnel from the south-western side of field 'Z'.

1.14 The landscaping scheme is designed to mitigate against the visual impact of all of the polytunnels proposed to be retained – both those that are lawful and those that are unlawful. All of the proposed landscaping comprises indigenous species and in total over 5,000 trees/shrubs would be planted. The areas of planting that are proposed are:-

- a woodland belt in the north-eastern corner of field 'V' (WB10) (53 plants);
- a woodland belt in the north-eastern corner of field 'X' (WB9) (252 plants);
- along the eastern boundary of field 'Q' reinforcing an existing line of alders (H2) (1808 plants);
- along the eastern boundary of field 'P' reinforcing an existing line of alders (H1) (1,325 plants);
- a woodland belt to the south of field 'L' (WB7) (563 plants);
- a woodland belt to the west of field 'L' (WB6) (33 plants) – this planting would take place in the (2015/2016 planting season);
- a woodland belt to the north of field 'K' (WB4) (317 plants);
- a woodland belt to the north of field 'I' (WB11) (163 plants)
- a woodland belt to the south of field 'H' (WB3) (103 plants)
- a woodland belt to the west of field 'G' (WB2) (153 plants);
- a woodland belt to the east of field 'F' (WB1) (131 plants);
- a woodland belt to the southwest of field 'Z' (WB5) (111 plants); and
- a woodland belt to the west of field 'M' (WB8) (305 plants).

2. Policies

2.1 Central Government Advice

Planning Policy Statement 1 – 'Delivering Sustainable Development'
 Planning Policy Guidance Note 4 - 'Industrial, commercial development & small firms'
 Planning Policy Statement 7 – 'Sustainable Development in Rural Areas'
 Planning Policy Statement 9 – 'Bio-Diversity and Geological Conservation'
 Planning Policy Guidance Note 15 – 'Planning and the Historic Environment'
 Planning Policy Statement 25 – 'Development and Flood Risk'

2.2 Regional Guidance

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

Regional Planning Guidance 11 (June 2004) and Regional Spatial Strategy for the West Midlands (January 2008).

2.3 Herefordshire Unitary Development Plan 2007

S1	–	Sustainable Development	
S2	–	Development Requirements	
S4	–	Employment	
S6	–	Transport	
S7	–	Natural and Historic Heritage	
DR1	–	Design	
DR4	–	Environment	
DR6	–	Water Resources	
DR7	–	Flood Risk	
E13	–	Agricultural and Forestry Development	
LA2	–	Landscape Character	
NC1	–	Bio-Diversity and development	
NC5	–	European and nationally protected species	
NC6	–	Biodiversity Action Plan priority habitats and species	
NC7	–	Compensation for loss of bio-diversity	
NC9	–	Management of features of the landscape important for flora and fauna	
HBA4	–	Setting of listed buildings	
T6	–	Walking	

Polytunnels Supplementary Planning Document Adopted 5 December 2008.

3 **Consultation Summary**

Statutory Consultees

- 3.1 The final views of the Environment Agency are attached as **Annexe 2**.
- 3.2 Natural England has no objection. They support the Landscape and Ecological Management Plan and make the point that the site is not readily visible from the Malvern Hills Area of Outstanding Natural Beauty. They welcome the additional screening proposed that would be in keeping with the local landscape character.

Internal Council Advice

- 3.3 The Public Rights of Way Manager does not object to the application. The matter of impact upon public rights of way is addressed in the appraisal section.
- 3.4 The Planning Ecologist does not object to the application subject to the imposition of a condition and appropriate informatives. The ecological issues will be addressed in the appraisal section.
- 3.5 The Senior Landscape Officer does not object to the application. The landscape impact issue will be addressed in the appraisal section.
- 3.6 The County Land Agent has no objection to the application. He states:-

“From the agricultural point of view the demand is now for soft fruit grown under cover and where possible natural predators being used to control pests, although powerful chemicals

have to be used between strawberry crops to sterilise the land from pests and diseases in the soil”

- 3.7 The Transportation Manager is satisfied that trip rates of produce are not likely to exceed the capacity of the local highway network. It is stated the movements of workers will rarely coincide with fruit movements. It is concluded that on balance, whilst traffic levels generated by polytunnels are significant as a proportion of total traffic, they are not such as to cause either serious congestion or safety problems on the local highway network.

5. Representations

- 5.1 Objection letters or e-mails have been received from forty-three households. These include local households and others further afield. They object on the following summarised grounds:-

- the economic benefits alleged to accrue from the development are questioned;
- polytunnel coverage has had a negative impact upon the County as a tourism destination;
- the amount of polytunnel coverage is excessive;
- the amount of polytunnel removal now proposed together with the landscaping proposed would not ameliorate the negative cumulative visual impact correctly identified by the Local Planning Authority in the enforcement notice;
- the polytunnel development adversely affects the setting of the listed Pixley Church and Knapp Farmhouse;
- views from private dwelling houses in the vicinity are and would continue to be adversely affected;
- the activity associated with the agricultural activity associated with this polytunnel development adversely affects the amenities of occupiers of dwelling houses in the vicinity;
- the lighting associated with the workers caravans has an adverse impact;
- the additional vehicular movements associated with the polytunnel development prejudices highway safety at the junction with the A4172 and adversely impacts upon the amenities of occupiers of dwelling houses in the immediate vicinity;
- the enjoyment of public rights of way is adversely affected;
- the community consultation exercise undertaken by the applicant was inadequate;
- the surface water drainage arrangements are inadequate and create an increased risk of flooding at Priors Court and elsewhere in the vicinity;
- the impact of vehicles movements upon Falcon Lane including the impact upon residential amenity;
- the noise nuisance created by foreign workers;
- the sterilisation of the soil adversely impacting upon fauna and flora;
- litter problems created by the workforce;
- fast growing evergreen and non-native species such as eucalyptus should be incorporated in the landscaping scheme;
- inadequacy of the local highway network;
- the inadequacy of local services to cater with the large number of foreign workers required to service these polytunnels; and
- The polytunnels create a noise nuisance in certain windy and wet conditions.

- 5.2 Two Planning Consultants and a Land Drainage & Flood Consultant have been engaged by local residents. They object on the following summarised grounds:-

- The surface water drainage arrangements are unsatisfactory and would increase flood risk to the occupiers of Priors Court. *The submissions made in relation to this issue are too lengthy to report in full. Members are advised that all of these specific submissions together with all others are available for viewing upon the file. The Environment Agency*

have been fully aware of these submissions throughout the process and would have afforded them due consideration;

- The lawful and unlawful status of the fields is questioned – *Members are assured that it is considered that the Council's research and assessment in this regard which included collection of evidence from aerial photographs and local residents is correct;*
- The solution advanced by this application does not mitigate the cumulative visual harm of the polytunnel development;
- The economic arguments advanced by the applicant should not be accepted without expert scrutiny. Little if any weight should be afforded to the economic arguments
- The decision not to require an Environmental Impact Assessment is questioned; and
- The accommodation issue needs to be addressed.

5.3 Pixley and District Parish Council object to the proposed development. They state:-

"The Parish Council whilst acknowledging that some effort has been made in this amended application to address concerns, continue to object the planning application for the following reasons:-

Polytunnels at Z, M, X and W are felt to be too intrusive on the surrounding properties. The Parish Council feel that Z should be reduced by approx 50% and M by 20%. X and W - additional screening should be introduced to what exists on the planning application.

Herefordshire Council should look at flooding in some detail, from engineering point of view, and infrastructure put in before application accepted and increased traffic implications in Falcon Lane.

Parish Council remain conscious of employment brought to the community and general benefits in the community.

The Parish Council recommends a site visit is made by Planning Officers prior to any decision being made."

- 5.4 The Ledbury Town Council who originally objected to the application now wish to see the application approved.
- 5.5 The Council for the Protection of Rural England feel that the existing polytunnel development is most obtrusive when viewed from the Marcle Ridge. They state that several belts of trees running north-south through the farm would be required to break up the lake of plastic. They consider that the proposed landscaping scheme goes some way to achieve this but still feel that the view from the Marcle Ridge may still be rather spoilt and that the public footpath running through the site will still tend to be dominated by tunnels. They also wonder whether more could be done to screen the tunnels from neighbouring properties.
- 5.6 The Campaign for Polytunnel Control objects to the proposed development. Their letter criticises the Local Planning Authority administration relating to polytunnel developments.
- 5.7 The Ramblers (Herefordshire Area) and Ledbury Walkers Club object to the application on the basis of a negative impact upon the enjoyment of the public rights of way.
- 5.8 The British Horse Society expresses concern as to the condition of the bridleway adjacent to field 'Y'.
- 5.9 The NFU Mutual support the application and stresses employment generation that accrues from Haygrove's activities.

- 5.10 Avoncrop Limited have written in support of the application and stress that businesses such as theirs that employ in excess of 50 people in North Somerset are reliant upon businesses such as Haygrove.
- 5.11 Richard Tooby Farm Services Ltd., a local agricultural engineering business, have written in support of the application stressing that approximately 90% of their business comes from the fruit industry. They state that they are only one such business that rely upon fruit farms for valuable work. They state that without these tunnels the impact upon their business would be substantial. They stress, particularly given the existing economic climate, the importance of encouraging employment.
- 5.12 An Electrical Contractor from Newent has written in support of the planning application. He states that 15% of his firm's work, that employs 8 people, accrues from Haygrove's business.
- 5.13 One local resident has written in support of the application. They stress that the countryside is a working landscape based on agriculture and that agriculture must be viable.
- 5.14 The Chamber of Commerce (Herefordshire & Worcestershire) support the application. They stress that the site is within the Rural Regeneration Zone as designated by Advantage West Midlands, therefore the provision of jobs is important to the local community, as this designation highlights economic weakness. They stress the jobs that accrue in the local community and the economic contribution both in terms of direct expenditure by the farm and indirect expenditure by their workers. They stress the support to local suppliers.

The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

6. Officer's Appraisal

- 6.1 When considering any application for the erection of polytunnels one needs to balance the economic benefits against the environmental impacts. Normally the main environmental impact is the visual impact upon the landscape.

Economic Benefits

- 6.2 Polytunnels have enabled greater quantities and better quality of soft fruit to be produced. The success and viability of businesses such as that at Haygrove Farm have made a positive contribution to the rural economy.
- 6.3 Planning policies at national, regional and local levels recognise the importance of the agricultural sector. Planning Policy Statement 7 advises authorities to support development proposals that enable farming to become more competitive, sustainable and environmentally friendly and to adapt to changing markets. Herefordshire is part of a Rural Renaissance Zone defined in the Regional Spatial Strategy for the West Midlands. Policy PA15 seeks to promote agriculture and farm diversification, including new and innovative crops, on-farm processing and local marketing.
- 6.4 Policy E13 of the Unitary Development Plan deals with agricultural development and the supporting text refers to the need to balance landscape impact against the operational needs of agriculture, recognising that necessary developments are often prominent in the rural landscape.
- 6.5 Polytunnels have two main benefits to British growers:-

- They protect developing fruit from rain damage, thereby greatly reducing losses from rot and fungus whilst allowing continual picking at harvest-time, unconstrained by the weather; and
 - They extend the growing season, allowing fruit to be harvested from May to November instead of being limited to the traditional June/July period. No additional heating or lighting is used to extend the growing season.
- 6.6 According to the national soft fruit trade association and a fruit marketing company, British strawberry and raspberry production has increased more than five-fold since 1996; most of that growth being attributed to the use of polytunnels. Ninety per cent of strawberries and 98% of raspberries are now grown under polytunnels, compared with no raspberries and 4% of strawberries ten years ago. The use of polytunnels has allowed the applicant and other growers to supply a growing demand for fresh fruit in response to national healthy eating campaigns.
- 6.7 A further indication of the transformation that has taken place in British soft fruit growing is that in 1996, 60% of UK sales were supplied by domestic growers, whereas in 2007, 95% of all berries sold in the UK were grown in the UK. The substitution of local fruit for imported fruit has therefore resulted in significant sustainability benefits of reducing the international transportation of fruit by air and road (the food miles issue). For instance, until recent years fruit was air-freighted from California as the main source of late summer and early autumn soft fruit, but those imports have been eliminated. Nationally, it is calculated that import substitution in 2007 is valued at £110 million. The contribution of Haygrove Farm must be a small percentage of this national figure, but nonetheless, it is considered that weight can be attributed to its share to the overall success.
- 6.8 Soft fruit picking and packing is a labour intensive activity, and it is accepted that the expansion of the business at Haygrove Farm has made a positive contribution to the rural economy. During the peak June – September period each year The Farm employs some 545 staff of which 32 are full-time permanent staff, 8 are part-time staff and 505 are temporary seasonal staff. Clearly such employment levels are not generated by say arable farming. Seasonal labour is recruited mostly from Eastern European Countries under the Home Office approved Seasonal Agricultural Workers Scheme. The seasonal workers are accommodated in caravans which are to be the subject of a planning application yet to be submitted. It would be premature to determine such an application in advance of this one as the need for seasonal worker accommodation only arises from the polytunnels. The seasonal workers spend a proportion of their wages locally making a positive contribution to the local economy.
- 6.9 In addition, to the above it is clear that the business at Haygrove Farm must purchase goods and services in the UK, helping to support jobs in supplier companies. Whilst some of these suppliers may be national businesses, the planning application is accompanied by letters of support from local agricultural suppliers that benefit directly from the success of the soft fruit at Haygrove Farm.
- 6.10 Therefore it is concluded on the first issue that the benefits of polytunnels, in enabling the production of increased quantities and qualities of soft fruit; the sustainability benefits of reducing food miles and the positive contribution to the rural economy are all matters to which considerable weight should be accorded in the balance of considerations.

Environmental Impacts

- 6.11 Although it is considered that economic benefits accrue, this does not mean that polytunnel developments should be allowed at any environmental cost. The various planning considerations need to be balanced. These environmental considerations will be addressed in the remainder of this appraisal, commencing with the issue of landscape visual impact.

Landscape Visual Impact

- 6.12 Firstly the site is not within a designated Area of Outstanding Natural Beauty. This is an important point as in such areas with a special landscape designation priority is normally afforded to the landscape over other planning considerations.
- 6.13 The second point is that when considering landscape impact views one is concentrating on views from public vantage points such as the public highway and public rights of way. It is not the purpose of the planning system to safeguard private interests or to safeguard views from individual dwelling houses. Where the development results in a loss of a private view but does not have a direct impact upon residential amenity by way of matters such as loss of sunlight, loss of daylight, loss of privacy or undue massing by reason of proximity and height, it is not considered to be a planning matter. Therefore whilst some local residents, especially the occupiers 'Pear Tree Orchard' (Falcon Lane), have had their view affected by the polytunnel development under consideration this is not considered to be a material planning consideration.
- 6.14 The appraisal will assess short-distance and then long-distance public vantage points.

Short-distant views

- 6.15 Given the scale of polytunnel development at Haygrove Farm, surprisingly little is visible from the surrounding highway network. Baregains Lane to the south-east and Falcon Lane to the east are characterised by dense roadside hedgerows. Whilst there are some gaps in these hedgerows and partial views of the polytunnels at Haygrove Farm are achieved the views are fleeting and brief as one travels these lanes whether at walking pace or in a motor vehicle. Indeed from the southern ends of these lanes the polytunnels are not visible due to intervening higher land and the presence of Ast Wood. Views are also achieved from the A438 to the north and the A4172 to the west. The A438 is at a higher ground level, there is intervening vegetation and views are brief especially when travelling in a motor vehicle. From the A4172 again views are brief, intervening vegetation exists and when travelling in a motor vehicle are brief.
- 6.16 The length of bridleway (AL7) passing along the southern edge of field 'Y' is approximately 100 metres out of its total length of approximately 1,368 metres. There is approximately six metres between the field's southern boundary and the end of the polytunnels to the north. This 6 metre width is sufficient for the legal alignment of the public bridleway and a six metre separation over a relatively small proportion of the entire bridleway is not considered to have significant impact upon the enjoyment of that bridleway. The surface of the bridleway hereabouts has been affected in the past by the deposit of plastic debris and other items. However, this has now been cleared-up and the route of the bridleway is proposed to be clearly demarked by timber posts driven into the ground. From the section of bridleway to the west of Ast Wood to Priors Court, when travelling in either direction, views of some, but not all, of the polytunnels exist. These views are to a degree softened by intervening vegetation. It is not considered that the visual impact from this bridleway causes undue visual harm.
- 6.17 From Falcon Lane, a public footpath (PX1) travels through the centre of the application site in an east-west direction to Pixley Church. The footpath is approximately 1,819 metres long. There is no connection to either the minor road network or the local public rights of way network at its west end without walking a considerable distance along the derestricted A417 Roman Road. However, the path does have recreational value as a 'walk and return' route to view Pixley Church. The footpath does not run along the internal access road itself, but just south of it within a grass strip approximately 6 metres wide. An existing mown grass strip either side of the internal access road means that walkers are largely unaffected by vehicle

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movements. When one travels this footpath from the east to the west, one begins by passing fields 'U', 'T' and 'S' to the south with no polytunnels to the north. At this point long distance views of the Marcle Ridge are still available due to the falling ground and the 6 metre separation from the road. In the vicinity of fields 'R', 'Q' and 'P' the views of the Marcle Ridge are temporarily lost due to the polytunnels. However, the view is also disrupted by way of the existing line of alders between fields 'R' and 'Q' and 'Q' and 'P', that are also proposed to be reinforced. The temporary loss of view to the Marcle Ridge hereabouts is not considered to be significant and would most probably occur if the land were managed for traditional agriculture and hedgerows allowed to grow to any height. Thereafter the view to the Marcle Ridge re-emerges and the space either side of the public footpath is such that one does not feel "hemmed-in" by the polytunnels either side. Additional landscaping, to be discussed further, will help to subordinate the polytunnels at close distance and in combination with selective removal, significantly change the current impact of development.

- 6.18 At all points the requisite gaps of 2 metres either side of the centre line of a public footpath and 3 metres either side of the centre line of a bridleway as advanced in the Polytunnels Supplementary Planning Document is adhered to.
- 6.19 It should be remembered that experiencing the landscape is often enhanced by variation and the repeated process of hiding and revealing views and landmarks, and the contrasts present in the landscape. Therefore it is concluded that from short-distant public vantage points the development with the proposed selective removal of polytunnels and enhanced landscaping does not have a significant adverse impact upon the landscape.

Long-distant views

- 6.20 The site is not visible from the Malvern Hills Area of Outstanding Natural Beauty to the east, primarily due to topography and the intervening Wall Hills Wood. Nor is the site readily visible from the north and south.
- 6.21 Indeed, when one analyses the site it is very well chosen, being located primarily in an introspective valley. The land is basically and predominantly low-lying. This is in sharp contrast to many other polytunnel sites in Herefordshire which tend to be on hillsides rising from river valleys. Those developments tend to be much more visually intrusive and one is often looking up at polytunnels thus exacerbating their visual impact.
- 6.22 It is for that reason that the full impact of the polytunnels at Haygrove Farm is only apparent when one is on higher ground looking down upon them. In this case that is some 7 km to the south-west at the Marcle Ridge and west in the vicinity of Durlow Common. The analysis supporting the application and made by officers concentrates on the Marcle Ridge as this is considered the most important viewpoint. It should be noted the footpath upon the Marcle Ridge is part of the Herefordshire Way and a popular and publicised circular walk. Certainly when one travels northwards along this footpath from the telecommunications mast in the vicinity of Firs Farm to the public car parking and picnic area to the north, a not inconsiderable distance, the polytunnels at Haygrove Farm are readily visible.
- 6.23 From this viewpoint the area of polytunnels of greatest visual intrusion are those towards the top of the rising land at field 'I' - this being the highest point upon the site - and those at the northern edge of field 'K'. Indeed it is only those polytunnels that are considered individually in themselves to be visually intrusive. Members will note that the scheme under consideration involves the voluntary removal of these lawful polytunnels, which the enforcement notice could not secure.
- 6.24 However, the current cumulative visual impact of the polytunnels at Haygrove Farm is also considered to be unacceptable when viewed from the Marcle Ridge. Whilst recognising that

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the polytunnels at Haygrove Farm are only one component in a much larger landscape (i.e. a much wider vista forming the foreground to the Malvern Hills Area of Outstanding Natural Beauty), it is still considered that their cumulative visual impact causes harm. They appear as a single mass, contrary to the diverse and varied pattern of fields, hedgerows and woods occupying the remainder of the vista. It was for this reason that the Enforcement Notice was served.

- 6.25 When one analyses Haygrove Farm from the Marcle Ridge, it can be conveniently broken down into four distinct landscape areas each running west to east:-

Area 1 – fields ‘F’, ‘G’, ‘H’ and ‘I’

Area 2 – fields ‘Z’, ‘J’, ‘K’ and ‘L’

Area 3 – fields ‘M’, ‘N’, ‘O’, ‘P’, ‘Q’, ‘R’, ‘S’, ‘T’ and ‘U’

Area 4 – fields ‘Y’, ‘X’, ‘W’ and ‘V’.

- 6.26 From the Marcle Ridge Area 4 is not readily visible due to the intervening Ast Wood. Area 1 is particularly intrusive as the land rises to the north and the full expanse of Areas 1, 2 and 3 are apparent as one views their full extent running towards the east.
- 6.27 This proposal attempts to mitigate that visual impact by removing selective polytunnels and introducing a comprehensive landscaping scheme for the entire site.
- 6.28 It is considered that the submitted landscape mitigation scheme is extremely well thought out. The approach has been to introduce planting belts running through the site in a north – south direction, following the historic field pattern, thus breaking up the mass of polytunnels upon the site when viewed from the south-west and west. Furthermore, the location of this planting has also been chosen to link existing landscaped areas, including areas of woodland, so that continuous corridors of planting are created. Such continuous corridors of planting not only have visual benefits, making the structure of the landscape dominant over the field-use, but also ecological benefits. Whilst the amount of polytunnel removal may appear minimal the width of a single polytunnel is approximately 7.8 metres, which if planted well can represent a significant landscape belt.
- 6.29 Therefore with regard Area 1 the visually intrusive lawful polytunnels towards the top of field ‘I’ would be removed and planting introduced. The visual impact of Area 1 would also be mitigated by extending the area of woodland to the south of field ‘G’ up the hill between fields ‘F’ and ‘G’ by removing existing polytunnels and planting woodland belts (WB1 and WB2). The visual impact of Area 1 would also be lessened by the introduction of woodland planting to the south of field ‘H’ (WB3) and the top of field ‘K’ (WB4) which also requires polytunnel removal.
- 6.30 Area 2 would be broken-up by the planting of a woodland belt (WB6) between fields ‘K’ and ‘L’. This necessitates polytunnel removal. In addition, a woodland belt (WB7) would be planted to the south of field ‘L’ and east of field ‘K’
- 6.31 The visual impact of landscape Area 3 would be broken-up by reinforcing two existing hedgerow lines between fields ‘P’ and ‘Q’ (H1) and ‘Q’ and ‘R’ (H2). The second of these hedgerow lines would link the remains of Haygrove Coppice, to the north, with Orling Coppice, to the south, reinforcing this philosophy of continuous belts and corridors of vegetation.
- 6.32 Additional planting is also proposed that not only contributes to the wider landscape impact but has been introduced in consideration of local residents who neighbour the site. To create greater separation from and soften any impact on Knapp Farmhouse and the neighbouring cottages a row of polytunnels is proposed to be removed from field ‘Z’ and a woodland belt planted (WB5). To create greater separation from and soften any impact on Pixley House a

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row of polytunnels is proposed to be removed from field 'M' and a woodland belt (WB8) planted.

- 6.33 To break up the visual mass of landscape Area 4 from glimpses obtained from Falcon Lane, and in consideration of views expressed by the occupiers of 'Pear Tree Orchard' Falcon Lane, it is proposed to plant a woodland belt at the northern end of field 'X' and a woodland belt (WB10) at the north-eastern in the corner of field 'V'. It is worth noting that whilst this area of polytunnels rises to the south-west it is seen against the backdrop of Ast Wood, a dominant element of the landscape in this view, and as such its landscape impact is lessened.
- 6.34 The detail of the landscaping scheme itself, in terms of species chosen and density of planting, is considered to be of high quality and respectful of the local landscape character. It is fully recognised that indigenous planting will not have an immediate impact and that benefits will only accrue in the medium-term. However, it is considered that non-indigenous evergreen planting would be totally out of character with this landscape and be visually intrusive in its own right.
- 6.35 Thus it is considered that the landscape mitigation measures have been designed to break up the mass of tunnels, as seen from the wider landscape, whilst forming a continuous linear habitat of landscaping connecting Ast Wood in the south towards the site of the former Haygrove Coppice in the north, where a number of mature trees still exist, and west across higher parts of the site. The lines of proposed planting have been elected to reinstate and reinforce former field boundaries going some way to the restoration of the landscape.
- 6.36 To conclude upon this matter, whilst the areas of landscaping may not necessarily be described as extensive, it is considered that they are sufficient. The assessment of landscape impact and subsequent mitigation proposals have been produced in line with recognised best practice and a nationally recognised methodology. The location of polytunnel removal and landscaping proposed is well thought out consistent with a strategy of breaking up the negative cumulative visual impact of the polytunnels when viewed from long-distant vantage points to the south-west and west, by introducing landscape belts/corridors through the site in a north – south direction. The species of planting chosen is appropriate and of a high quality.
- 6.37 Therefore it is considered that the selective removal of polytunnels and landscaping proposed would mitigate the cumulative visual harm created by the existing and proposed development. As such the proposal is considered to comply with policy E13 (2) and LA2 of the Herefordshire Unitary Development Plan 2007 and satisfactorily addresses the issues of individual and cumulative impact identified in the Polytunnels Supplementary Planning Document by an appropriate mitigation strategy.
- 6.38 Local residents have raised the issue as to whether the Farm should be divided up into distinct landscape areas and then a limit of coverage placed upon each distinct landscape area. This was done in the case of Withers Farm and Siddington Farm and is advanced as an approach in the Polytunnels Supplementary Planning Document. However, that approach should not be regarded as a panacea or universally applicable. In this particular case the current management principles employed at the site have been to concentrate growing activity on the minimum amount of ground possible, concentrating the visual impact of the development, but minimising resource implications. The alternative of dispersing tunnels over a larger area of ground can be seen at other farms in the county. Given the limited but significant visibility of this site the Landscape Section consider the risk of greater visual impact from dispersal (possibly necessary to maintain a viable business model) very real and a relevant and material consideration. In this case the extent of the site can be understood as a single unit of landscape in which mitigation of visual harm is possible. Thus although the Supplementary Planning Document normally advocates a degree of dispersal of polytunnels across an area that allows for break of coverage, the topographical nature of this site – principally an

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introspective valley – suggests that a concentration of tunnels, with robust and connected landscaping between, may be appropriate.

Residential Amenity

- 6.39 In terms of residential amenity, no polytunnels would be sited within 30 metres of the boundary of any neighbouring residential curtilage or within 50 metres of any dwelling itself (whichever distance is the greater). As such it is considered that Guideline 9 of the Supplementary Planning Document is complied with and that occupiers of neighbouring dwellings would not suffer an undue loss of amenity by way of the polytunnel development. As such the proposal is also considered to comply with policy E13(3) of the Herefordshire Unitary Development Plan 2007.
- 6.40 It is not considered that noise from the polytunnels creates any loss of amenity to neighbouring residents.
- 6.41 Issues have been raised with regard to manufacturing and storage and distribution of polytunnels upon the wider site and the activity associated with temporary/seasonal workers caravans upon the wider site. However, these are not matters under consideration in determination of this application and will be dealt with under the auspices of other separate planning applications.

Ecology/Biodiversity

- 6.42 It is considered that the submitted ecological assessment of the site is satisfactory. The presence of a number of bio-diversity features and habitats on the site including veteran trees, hedgerows, open water and woodland is noted. The liaison between the ecological and landscape consultants has resulted in a range of ecological enhancement measures and associated management recommendations that are considered to be appropriate. An appropriate planning condition is recommended.
- 6.43 Therefore it is considered that the ecology related policies contained within the Herefordshire Unitary Development Plan 2007 (NC1, NC5, NC6, NC7 and NC9) are fully complied with.

Surface Water Drainage

- 6.44 The issue of surface water drainage is a complex matter that requires expert advice from the Environment Agency, especially relating to the issue of flood risk.
- 6.45 Run-off from the impermeable polytunnel covers is reduced by various measures, including intermediate grass strips, grassed leg rows, controlled drainage etc to promote infiltration and attenuation. These all form part of the Haygrove active management policy and serve to enhance water resources and to reduce flood risk.
- 6.46 Two watercourses, referred to as 'Haygrove North' and 'Haygrove South', flow through the farm with a combined catchment area of some 155 hectares at the downstream boundary. They join 'Pixley Brook' near Aylton.
- 6.47 Fruit crops are irrigated by pumping from three water bodies located on the farm. These are referred to as 'Top Pond' feeding directly to 'New Pond' on the 'Haygrove North' watercourse and 'Lakeside Lake' on the 'Haygrove South' watercourse. These are an essential water resource for Haygrove Farm.
- 6.48 There are some areas of polytunnel fields downstream of the ponds, especially on the 'Haygrove South' watercourse, that do not benefit from regulation.

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- 6.49 The most significant issue that has been raised with regard surface water drainage is that of flood risk. Priors Court was flooded in July 2007, a nationally severe event with an estimated return period well in excess of 100 years. The owners/occupiers of Priors Court together with their engaged 'Land Drainage and Flood Risk Consultant' are of the view that the polytunnel development under consideration increases flood risk.
- 6.50 The Consultant Hydrologist/Water Resources Engineer engaged by Haygrove has sought to rebut that view.
- 6.51 It is an area of great technical expertise. The Environment Agency has been fully consulted upon this issue and their final views are attached as **Annexe 2**.
- 6.52 No polytunnels are sited within a strip of land 5 metres wide adjacent to the top of any watercourse bank.
- 6.53 On a separate but related matter issues have been raised with regard the stability and safety of 'New Pond'. The Environment Agency have now classified this as a large raised reservoir, being that it has a capacity of 25,000m³. The applicant has not contested this classification, the detail of which can be secured separate to the planning process and this application. Potential issues and details will be controlled by the Environment Agency under the Reservoirs Act; including the instruction of a panel and safety engineer and the submission of a reservoir plan.
- 6.54 Given the views of the Environment Agency it is considered that the surface water drainage issue including matters related to flood risk can satisfactorily be dealt with by way of planning conditions.

Setting of Listed Buildings

- 6.55 There are two listed buildings in the immediate vicinity, Knapp Farmhouse and Pixley Church. The Conservation Section raises no objection.
- 6.56 It is not considered that any important view of these buildings and their curtilages is disrupted by the polytunnels. Views of Knapp Farmhouse from the public footpath to the east are screened by planting. There is also an intervening paddock between Haygrove Farm and the Farmhouse itself. One's only real view of the house is obtained from its driveway entrance.
- 6.57 With regard Pixley Church, its setting is maintained and is still appreciated when progressing from public footpath PX1 when it leaves Haygrove Farm in the vicinity of Knapp Farm to the Church itself.
- 6.58 Therefore it is considered that the proposals would not adversely affect the setting of any listed building and that there would be no conflict with policy HBA4 of the Herefordshire Unitary Development Plan 2007.

Highway Matters

- 6.59 The views of the Transportation Section are reported earlier within this report. They consider that the traffic generated by the polytunnel development itself can be satisfactorily catered for upon the existing highway network and the vehicular means of accesses onto that network at both Falcon Lane and the A4172 are safe.
- 6.60 Transportation issues have been raised with regard manufacturing and storage and distribution of polytunnels upon the wider site and the activity associated with

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

temporary/seasonal workers caravans upon the wider site. However, these are not matters under consideration in determination of this application and will be dealt with under the auspices of other separate planning applications.

Tourism

- 6.61 Whilst the erection of polytunnels is a controversial issue within Herefordshire, proportionally little of the land is covered by them. Having previously liaised with the Tourism Section when dealing with other applications and during the production of the Supplementary Planning Guidance, there is no evidence to support the view that the growth of polytunnels has led to a decline in tourists staying within the County and visiting its attractions. Indeed, in this particular instance occupancy rates at the nearby Woodside Lodges accommodation in Falcon Lane appear to have been unaffected by the recent polytunnel developments at Haygrove Farm. Indeed the amount of accommodation provided upon this site has increased in the recent past, presumably to meet demand.

Other Matters

- 6.62 When dealing with a new such business it would normally be preferable to deal with the polytunnels and any required workers accommodation at the same time. In this case the matters are retrospective. It is considered appropriate to resolve the polytunnels issue first. Clearly there is a link between the amount of polytunnel coverage and the number of seasonal/temporary workers required. It would be inappropriate to deal with workers accommodation in advance of the polytunnels as one could permit more accommodation for workers than is reasonably required. However, dealing with the polytunnels in this instance first would not be problematic. Furthermore it would not prejudice any subsequent application for the on-site workers accommodation. The applicant should not assume that in the event of planning permission being granted for these polytunnels that any subsequent application for workers accommodation would be successful.

7 Conclusion

- 7.1 It is recognised that the provisions of polytunnels upon the site creates benefits to the local rural economy. Whilst the existing development causes visual harm to the landscape due to cumulative impact of both the lawful and unlawful polytunnels, the proposal to selectively remove polytunnels and provide a comprehensive landscaping scheme for the entire site is considered to mitigate that harm. It is not considered that there are any other environmental reasons to justify refusal of the application. As such the application is recommended for conditional approval.
- 7.2 It must be stressed that it is not being stated that the development has an adverse cumulative visual impact that cannot be satisfactorily mitigated and that matter is being overridden by economic considerations. It is argued that the landscape harm would be satisfactorily mitigated by the selective removal of the polytunnels together with the comprehensive landscaping scheme and that in addition, but separately, economic benefits accrue.

RECOMMENDATION

That FULL PLANNING PERMISSION BE GRANTED subject to the following conditions:

- 1. All of the polytunnels shown upon the approved documents to be removed, other than those at the western end of field 'L' shall be removed prior to February 2010.**

Reason: To ensure that the cumulative visual impact of the polytunnels upon the

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site is satisfactorily mitigated in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

2. All of the landscaping shown upon the approved documents, other than woodland belt 6 at the western end of field 'L', shall be fully implemented prior to 1 April 2010. Any trees or plants which prior to 1 April 2020 die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

3. The polytunnels shown to be removed from the western end of field 'L' shall be removed prior to 31 December 2015.

Reason: To ensure that the cumulative visual impact of the polytunnels upon the site is satisfactorily mitigated in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

4. The approved planting (i.e. woodland belt 6) at the western end of field 'L' shall be fully implemented prior to 1st April 2016. Any trees or plants which prior to 1st April 2026 die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

5. All existing trees and hedgerows upon the land shall be retained unless otherwise agreed in writing by the Local Planning Authority.

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

6. In the event of the polytunnels hereby permitted becoming redundant for the growing of soft fruit upon the application site, the polytunnels which includes the supporting structures shall be removed from the application site within a period of twelve months.

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

7. None of the polytunnels hereby permitted shall be covered in polythene from 15 November until 31 December in any calendar year nor during the month of January in any calendar year, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the majority of the polytunnels hereby permitted are not covered in polythene outside of the growing periods thus ensuring that the cumulative visual impact is lessened, in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

8. The recommendations for habitats, protected species and habitat management set out in the ecologist's submitted reports (as amended) shall be fully implemented and followed unless otherwise agreed in writing by the Local Planning Authority. The approved management scheme shall be implemented in full accordance with the stated timescales and maintained thereafter.

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

Reasons:-

- A) To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, & C) Regulations 1994 (as amended) and policies NC1, NC5, NVC6, and NC7 of the Herefordshire Unitary Development Plan 2007;
 - B) To comply with Herefordshire Council's Unitary Development Plan policies NC8 and NC9 in relation to Nature Conservation and Bio-Diversity and to meet the requirements of Planning Policy Statement 9 'Biodiversity and Geological Conservation' and the NERC Act 2006;
9. Prior to 1 February 2010 a scheme for the physical demarcation of bridleway AL7 from the polytunnels and associated activity in field 'Y' to the north shall be submitted to the Local Planning Authority for their written approval. An approved scheme must be obtained from the Local Planning Authority by 1st March 2010 at the latest and the approved scheme must be fully implemented prior to 1st April 2010.

Reason: To protect the bridleway from surface damage caused by vehicle movements and other activities associated with the polytunnel developments ensuring enjoyment of the bridleway in accordance policy T6 of the Herefordshire Unitary Development Plan 2007.

10. Prior to 1 February 2010 a Flood Management Plan shall be submitted to the Local Planning Authority for their written approval. The developer must secure the approval of such a Flood Management Plan from the Local Planning Authority prior to 1 April 2010. The Flood Management Plan shall include the passive and active intervention measures set out in the Flood Risk Assessment to minimise the impacts of the development on flood risk. The approved Flood Management Plan shall be implemented from the date of its approval and shall remain operational for as long as the polytunnels hereby permitted remain upon the land.

Reason: To prevent any increase in flooding and to comply with the Water Management Audit – Appendum #3 (Report 2098-A#3) dated October 2009 and to accord with policy DR7 of the Herefordshire Unitary Development Plan 2007.

11. The surface water mitigation measures outlined in the Water Management Audit – Appendum#3 (Report 2098-A#3) dated October 2009 must be fully implemented prior to 1 June 2010 and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: To prevent any increase in flood risk as a result of increased surface water run-off and to accord with policy DR7 of the Herefordshire Unitary Development Plan 2007.

INFORMATIVES:

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

“It is recognised that the provisions of polytunnels upon the site creates benefits to the local rural economy. Whilst the existing development causes visual harm to the landscape due to cumulative impact of both the lawful and unlawful polytunnels, the proposal to selectively remove polytunnels and provide a comprehensive landscaping scheme for the entire site is considered to mitigate that harm. It is not considered that there are any other environmental reasons to justify refusal of the application. As such the application is recommended for conditional approval. In forming this conclusion the Local Planning Authority have had full regard to the relevant Central Government advice, Regional Planning Guidance, the provisions of the Herefordshire Unitary Development Plan 2007 as a whole and the guidance contained within Herefordshire Council’s ‘Polytunnels Supplementary Planning Document’

- 2 N11A Wildlife and Countryside Act 1981 (as amended) - Birds

- 3 N11C General

- 4 N19 Avoidance of doubt - Approved Plans

- 5 The applicant is advised to engage the services of a suitably qualified landscape consultant to supervise the implementation of the landscaping and its subsequent maintenance.

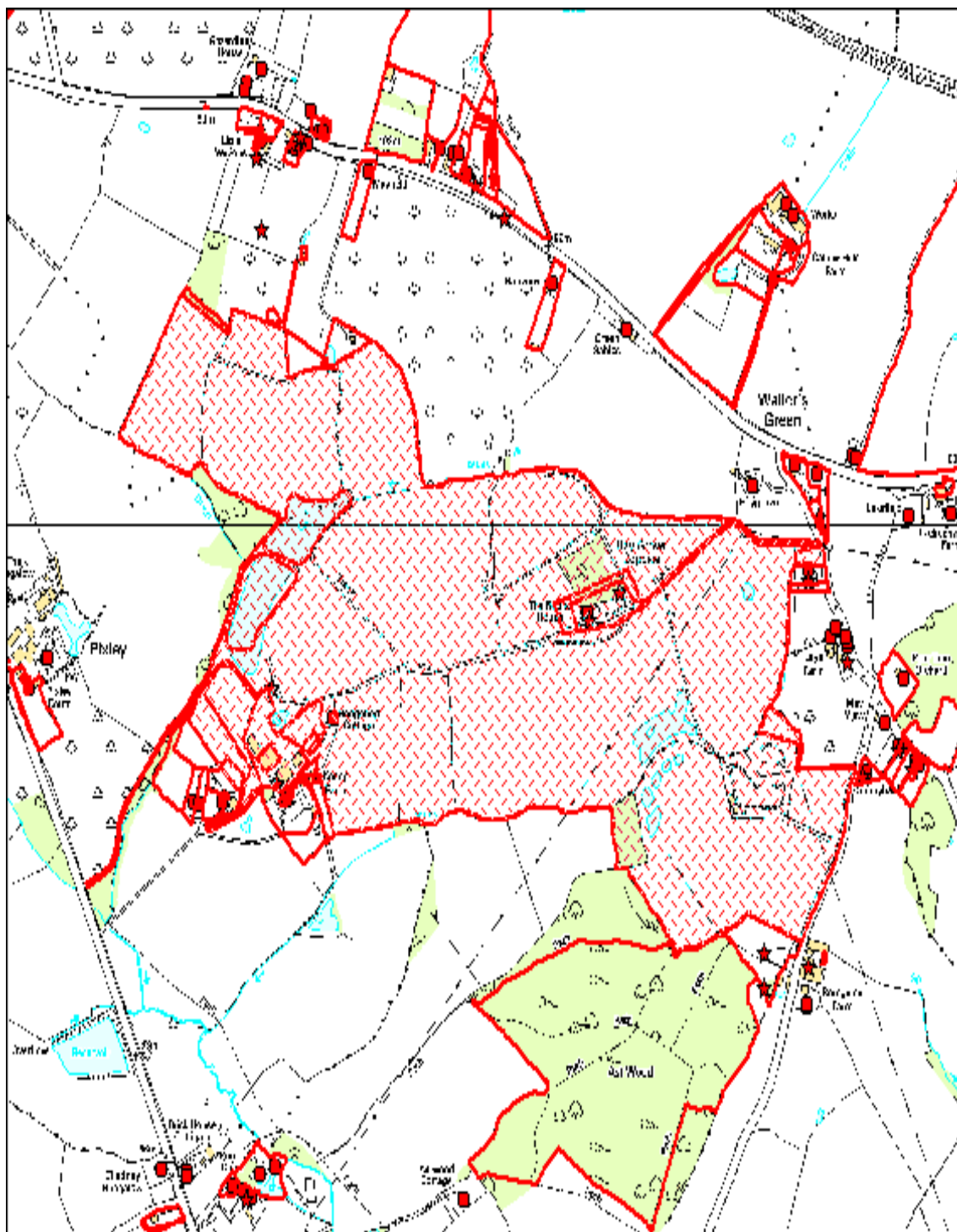
Decision:

Notes:

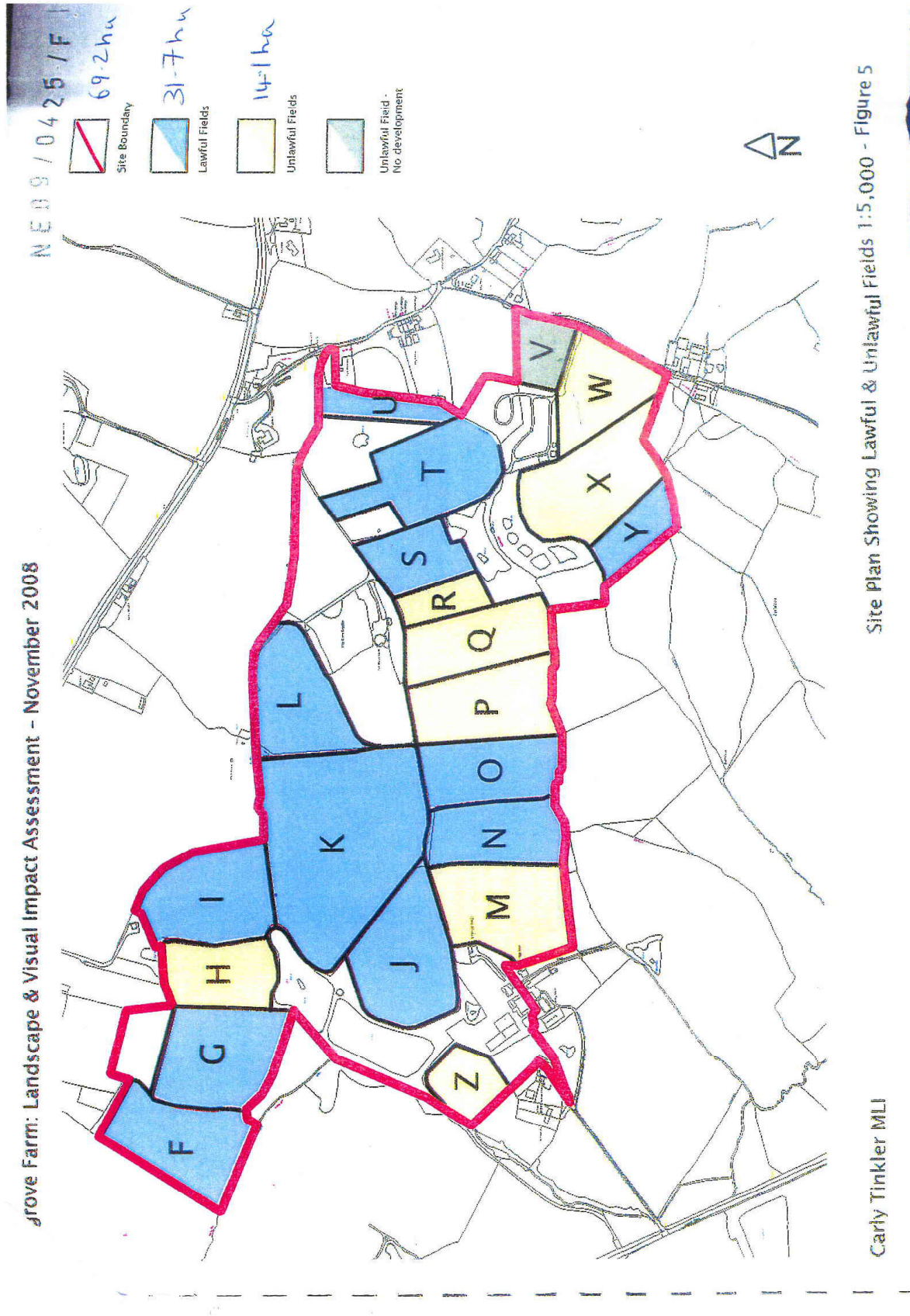
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Background Papers

Internal departmental consultation replies.



ANNEXE 1



grove Farm: Landscape & Visual Impact Assessment - November 2008

ANNEXE 2

creating a better place



Herefordshire Council
Northern Division
PO Box 230
Hereford
Herefordshire
HR1 2ZB

Our ref: SV/2009/103255/04-L01
Your ref: NE2009/0425/F
Date: 10 November 2009

F.A.O: Mr. R Close

Dear Sir

FURTHER INFORMATION RELATING TO AMENDED PLANS (JUNE 2009) FOR RETENTION OF POLYTUNNELS UPON FIELDS H, M, P, Q, R, W, X AND Z TOGETHER WITH THE PARTIAL REMOVAL OF POLYTUNNELS FROM FIELDS F, G, I, K, L, M, Q, X AND Z AND A COMPREHENSIVE LANDSCAPING SCHEME FOR THE ENTIRE SITE AT HAYGROVE FARM, FALCON LANE, LEDBURY, HEREFORDSHIRE, HR8 2PY

Thank you for submitting further information relating to the above development. Having reviewed the submitted information we are now in a position to remove our objection to the proposals and offer a conditioned response as follows:

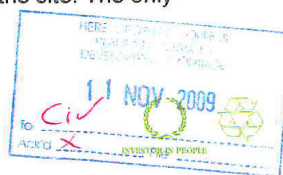
Flood Risk: A detailed study of the impacts of run-off for both summer, winter and wet summer events has been undertaken as a result of the proposed polytunnels (*Water Management Audit – Addendum #3, ref 2098-A#3, dated October 2009*). The report has looked at the site in terms of the proposed development, along with considering the impact of development that has occurred since the site was rural. Climate change has been considered in this assessment.

The assessment has identified a number of measures to reduce any increase in run-off from the site. Some of these measures will require human intervention, and the assessment has looked at the impacts on run-off both including and excluding these measures.

We would strongly recommend that the Local Authority include a condition for a flood management plan, which will require operators of the site to remain vigilant and take reasonable steps to reduce levels in the ponds in the event of heavy rainfall warning been issued by the Met Office.

In summary the information provided has shown that during Winter rainfall events and wet Summer events that there is no increase in run-off from the site. The only

Environment Agency
Hafren House, Welshpool Road, Shelton, Shropshire, Shrewsbury, SY3 8BB.
Customer services line: 08708 506 506
Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk
Cont/d..



rainfall event, where there is an increase in run-off is during a dry summer event, which causes a small 3% increase in run-off from the site. The applicants proposes to mitigate this by lowering water levels in the ponds by 0.5 metres which, providing this is undertaken in advance of any heavy rain, would provide some mitigation for this.

In order to understand how sensitive the watercourse channel is to changes in flow some basic calculations have been undertaken (manning's equation), looking at the gradient of the channel, the channel roughness and making an assumption on the channel capacity. It should be noted that this is not been based on detailed survey data, but the results are useful in terms of putting into context how the watercourse reacts to a change in flow, and it is estimated that levels would only increase minimally by 6mm as a result of a 3% increase in flows in the normal summer event, and this is assuming that none of the active intervention measures are undertaken.

The Agency therefore has no objections to the proposed development and would recommend that the Local Planning Authority include a condition on having a flood management plan to deal with active intervention measures. The mitigation measures need to be in place before the polytunnels are constructed, which should also be dealt with by conditions.

Condition: A Flood Management Plan should be approved by the Local Authority prior to works commencing on site. The Flood Management Plan should include the passive and active intervention measures as set out in the Flood Risk Assessment to minimise the impacts of the development on flood risk.

Reason: To prevent any increase in flooding and to comply with the Flood Risk Assessment (*Report 2098-A#3, dated October 2009*).

Condition: The surface water mitigation measures outlined in the Flood Risk Assessment (*Report 2098-A#3, dated October 2009*) must be constructed prior to the construction of any polytunnels or hardstanding areas. It may be that a phased approach could be acceptable but this would require prior approval of the Planning Authority.

Reason: To prevent any increase in flood risk as a result of increased surface water run-off.

Recommendation: It is recommended that a strip of land 5 metres wide adjacent to the top of the watercourse bank is left clear of all buildings, structures, fences and trees to facilitate access, essential maintenance and possible future improvements. Ground levels should not be raised within this area.

New Pool: It has been confirmed that 'New Pool' is to be classified as a large raised reservoir being that it has a capacity of just over 25,000m³. The applicant has not contested this classification, the detail of which can be secured separate to the planning process and this application. Potential issues and details will be secured and controlled by ourselves under the Reservoirs Act; including the instruction of a panel and safety engineer and the submission of a reservoir plan.

Cont/d..

2

Yours faithfully



Mr. Graeme Irwin
Senior Planning Officer
Direct dial: 01743 283579
Direct e-mail: graeme.irwin@environment-agency.gov.uk

cc Haygrove Ltd.

End

3



6 DMNC/092421/F - INSTALLATION OF TWO 11KW GAIA WIND TURBINES MOUNTED ON 18M MASTS. AT ORCHARD COURT, MAUND COURT, BODENHAM, HEREFORDSHIRE, HR1 3JA.

For: MR EDWARDS per M MICHAEL GORDON, CITY LAB, 4-1 DALTON SQUARE, LANCASTER, LANCASHIRE, LA1 1PP

Date Received: 29 September 2009 Ward: Hampton Court Grid Ref: 356102,250362

Expiry Date: 24 November 2009

Local Member: Councillor KG Grumbley

1. Site Description and Proposal

- 1.1 The application relates to an area of agricultural land associated with Orchard Court, a farm located on the A417 approximately one mile to the east of the village of Bodenham Moor.
- 1.2 The site itself is approximately 240 metres to the north east of Orchard Court on land rising from west to east. The landscape continues to rise beyond the application site in a north easterly direction with belts of trees and mature hedges beyond. The landscape is described in the Council's Landscape Character assessment as Principal Timbered Farmland but has no specific national designation. An access track forming part of the farm runs along a field boundary approximately 120 metres to the east of the application site.
- 1.3 The farm holding at Orchard Court primarily comprises four large poultry buildings, a farm house and other smaller associated buildings. Further to the south west, on the opposite side of the A417 is a small cluster of dwellings known as Maund Common. However, the closest residential dwelling to the application site is Maund Court, approximately 430 metres to the west.
- 1.4 The application is for the erection of two 11kw wind turbines measuring 18 metres to the hub and 25 metres in total to the tip of the blade. Each is a single free-standing galvanised steel tubular tower with a twin bladed rotor. Information that forms part of the application advises that all non-galvanised elements of the proposal; principally the blades, will be coloured pale grey.
- 1.5 The design and access statement accompanying the application advises that the turbines are intended to provide for the energy requirements of the farm, reduce its carbon emissions and to improve self sufficiency in terms of electricity generation. The statement goes on to estimate that each turbine will generate an output of 22.69kWh of electricity, equivalent to an annual saving of 25.778 tonnes of carbon dioxide.
- 1.6 The statement also provides detail about the assessment that has been made of the landscape impact of the proposal. Reference is made to the rising topography of the land to the north and east and also vegetation that is considered to provide a visual screen.
- 1.7 Information is also provided about the potential noise impact of the development. It refers to advice given in nationally published guidance notes in relation to noise emanating from wind turbine developments. This advice suggests that a fixed noise limit for night time of 43DB is acceptable. The report suggests that a maximum sound level of 40DB is achieved for a turbine of the type proposed at 108 metres from the source.

Further information on the subject of this report is available from Mr A Banks on 01432 383085

- 1.8 Finally the report also looks at shadow flicker, a consequence of the rotating blades interrupting the sun. It concludes in this respect that properties more than 85 metres from the turbines are unlikely to be affected in this respect.

2. Policies

2.1 Herefordshire Unitary Development Plan

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR4	-	Environment
LA2	-	Landscape Character and areas least resilient to change
CF4	-	Renewable Energy

2.2 Regional Spatial Strategy for the West Midlands

Policy CC1 – Climate Change
Policy EN1 – Energy Generation

2.3 National Guidance

PPS22 – Planning for Renewable Energy

3. Planning History

- 3.1 None relevant to this application

4. Consultation Summary

4.1 Statutory Consultations

Ministry of Defence – No objection

Civil Aviation Authority – No objection

Joint Radio Company - JRC analyses proposals for wind farms on behalf of the UK Fuel & Power Industry. This is to assess their potential to interfere with radio systems operated by utility companies in support of their regulatory operational requirements.

In the case of this proposed wind energy development, JRC does not foresee any potential problems based on known interference scenarios and the data you have provided.

4.2 Internal Council Consultations

Conservation Manager - The choice of location to the north of the farm will limit visibility within the immediate vicinity due to the landscape topography. The turbines are unlikely to be visible on the sky line as they are located on a gradient, with the land rising significantly behind them. It is therefore concluded that the proposal is not likely to adversely affect the landscape integrity of the immediate site.

Environmental Protection Manager – Satisfied that in light of the separation distances from the nearest noise sensitive premises, the proposed wind turbines will not give rise to noise related problems. Therefore there is no objection to the proposal.

5. Representations

- 5.1 Bodenham Parish Council – Acknowledge that there is a strong presumption in favour of developments of this type in government advice. Considers that the issues of landscape impact, noise and flicker are all addressed in the planning statement accompanying the application. As a result no objection is raised to the proposal.
- 5.2 One letter of objection has been received from P W Cargill, Maund Farm, Bodenham. In summary the points raised are as follows:
- Fundamentally opposed to the onshore location of wind turbines due to their impact on the countryside.
 - The proposed turbines will be clearly visible from Maund Farm and the A417.
 - Considers that there will be a likely impact in respect of noise, reflective glare and visual impact.
 - Would raise no objection if they were sited in a position where they are not easily visible.
- 5.3 The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

6. Officer's Appraisal

- 6.1 Policy CF4 of the Herefordshire Unitary Development Plan is most relevant to this proposal as it sets out the main issues to be considered in the determination of applications for renewable energy.
- 6.2 The first two points identified by the policy relate to applications that are likely to affect the integrity of nationally designated sites such as Areas of Outstanding Natural Beauty or Sites of Special Scientific Interest. As no such sites exist within any proximity to the application site these points need not be applied to the proposal.
- 6.3 The remainder of the policy is relevant as it deals with proposals where there is no specific landscape character designation. The key issues can be identified as follows and they will be addressed in turn:
- Landscape impact
 - Impact on residential amenity of neighbouring properties
 - The wider social and economic benefits of a proposal for renewables

Landscape Impact

- 6.4 It is inevitable that two structures, each with a height of 25 metres to the tip of the blade, will be visible from some distance within the landscape. They are not features that can be screened and therefore a judgement on the extent of their impact has to be made and whether this is so harmful to the qualities of the landscape that the application should be refused.
- 6.5 It is accepted that the turbines will not be positioned on the skyline, as the topography of the surrounding area is such that the land continues to rise to the north. There are also two separate blocks of woodland further to the north which provide a backdrop to the turbines when viewed from the A417 to the south. As such the topography and existing woodland provide some mitigation for their recognised visual impact.
- 6.6 Their proximity to an existing farm access track and the farm itself with its large poultry buildings are advantageous, as they give the turbines a degree of context in terms of the surrounding built development.

- 6.7 The application suggests that the main tower of each turbine is to be left with a galvanised finish. Information within the design and access statement suggests that the finish of the entire turbine can be pale grey, as proposed for the rotor. In terms of ensuring a more satisfactory appearance, and to reduce any reflective glare from the towers, it is recommended that a condition is imposed requiring both turbines to be coloured pale grey in their entirety.
- 6.8 On balance, these factors suggest that the impact of the turbines on the landscape would not be so harmful to warrant the refusal of the application. In this respect the proposal accords with the requirements of Policy CF4 and LA2.

Impact on residential amenity

- 6.9 The application is supported by detailed assessments of the proposal in terms of its noise impact and in relation to shadow flicker. In respect of the first point the report concludes that the turbines will not give rise to any demonstrable increase in noise over and above a base night time background noise level of 35DB when assessment is made from the closest unrelated property, that being Maund Court which is over 400 metres away. In fact the proposal falls well within acceptable noise levels at a distance of just 108 metres.
- 6.10 The information has been assessed by the Council's Environmental Protection Manager who raises no objection to the proposal. Whilst the objector raises noise as an issue, no information has been provided to contradict that provided by the applicant's agent.
- 6.11 Given that the prevailing wind direction is from the south west, and the objector's dwelling is to the west, it is considered that any issue of noise nuisance is most likely to the north and east of the turbines rather than to the west and therefore the proposal is acceptable in terms noise issues.
- 6.12 The relationship between the objector's property and the site is such that shadowing will occur in the direction of their property in the early part of the day. The information provided by the applicant's agent in relation to shadow flicker suggests that there will be no demonstrable impact beyond an 85 metre radius of each turbine. Again there has been no submission to dispute the validity of the information provided.
- 6.13 It is therefore concluded that the proposal will not have a demonstrable impact on the residential amenity of the closest properties in respect of either noise or shadow flicker. At over 400 metres away, it is not considered that the turbines would have an overbearing effect and the proposal is considered to accord with Policy CF4.

Social and economic benefits

- 6.14 The information contained within the application suggests that the turbines are intended to provide for the energy requirements of the farm and it is estimated that they will generate an output of 22.69kWh of electricity, equivalent to an annual saving of 25.778 tonnes of carbon dioxide.
- 6.15 Whilst the economic benefits of this would be derived solely by the farm, the switch to a more sustainable form of energy production may be considered as a social benefit in terms of the reduction of carbon dioxide generated by the business. This may be considered as further mitigation against the visual impact that the turbines will have. However, it is not considered that this is a critical issue in terms of their acceptability or otherwise, given that it is considered that both impact on residential amenity and the appearance of the landscape are limited.

Conclusion

Further information on the subject of this report is available from Mr A Banks on 01432 383085

- 6.16 It has been demonstrated that the proposal will not have a significant impact on the appearance of the landscape, nor will it have a demonstrable impact on nearby residential amenity in terms of noise, shadow flicker or more generally through a perception that they might be overbearing. They represent a sustainable form of development that will result in a significant reduction to the carbon footprint of the business. The scheme is considered to accord with the Unitary Development Plan and regional and national guidance, and therefore the application is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission)**
2. **Notwithstanding the plans hereby approved, the turbines shall be finished in a pale grey colour to be agreed in writing with the local planning authority prior to the commencement of development. The turbines shall be finished in accordance with the approved colour prior to their first use.**

Reason: To ensure the satisfactory appearance of the development and to minimise its visual impact in accordance with Policies DR1 and CF4 of the Herefordshire Unitary Development Plan.

Informatives:

1. **N15 – Reason(s) for the Grant of Planning Permission**
2. **N19 – Avoidance of doubt – Approved Plans**

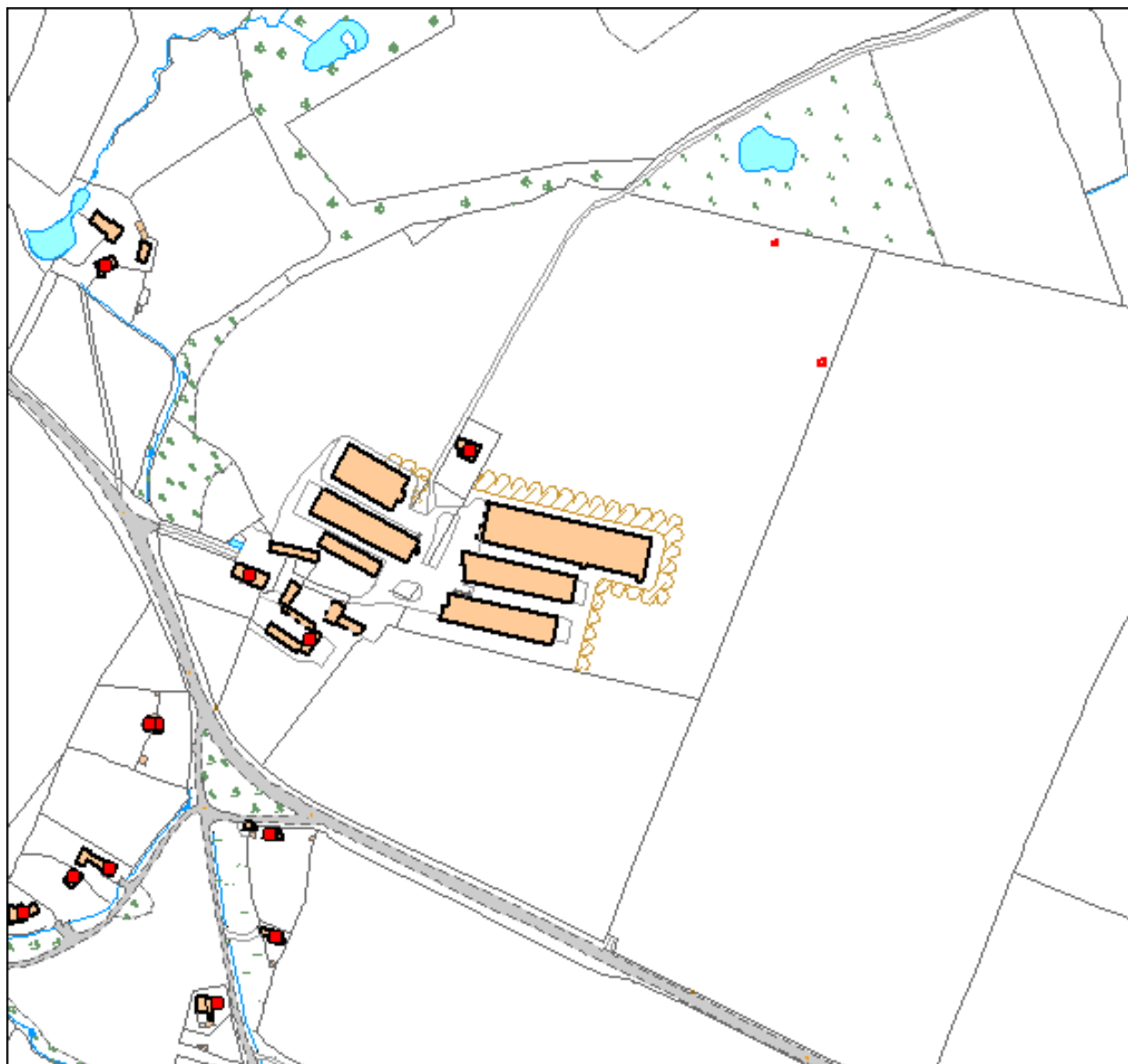
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMNC/092421/F

SITE ADDRESS : ORCHARD COURT, MAUND COURT, BODENHAM, HEREFORDSHIRE,
HR1 3JA

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7 DMNE/092456/F - PROPOSED (A) REMOVAL OF CONDITION 7 OF PLANNING PERMISSION DCNE1999/1653/F TO ALLOW FOR THE OPEN STORAGE OF POLYTUNNEL COMPONENTS, AND OTHER AGRICULTURAL ITEMS, THUS ALLOWING THEIR STORAGE AND DISTRIBUTION. (B) THE LAYING OF AN AREA OF HARDSTANDING AMOUNTING TO APPROXIMATELY 3115 SQUARE METRES. (C) THE RETENTION OF A BUILDING AT KNAPP FARM, PIXLEY, LEDBURY, HEREFORDSHIRE, HR8 2QB.

For: MR ANGUS DAVISON, REDBANK, LITTLE MARCLE ROAD, LEDBURY, HEREFORDSHIRE, HR8 2JL.

Date Received: 29 September 2009

Ward: Frome

Grid Ref: 366566, 238592

Expiry Date: 29 December 2009

Local Members: Councillor PM Morgan

1. Site Description and Proposal

1.1 The application site relates to a site known as Knapp Farm within the Parish of Pixley and Aylton. The site was formerly a farm yard. It is located some 400 metres east of the A4172. To the south of the site is a residential property known as Pixley House and to the south-west are three residential properties known as 'Knapp Farmhouse', 'Knapp Cottage' and 'Knappaway'. 'Knapp Farmhouse' is a Grade 2 listed building. To the north-east of the site, within the applicant's control, is a residential property known as 'Hedgehog Cottage'. A public footpath runs through the site in a north-east to south-west direction.

1.2 Upon the site is a range of buildings. One building is used for the manufacture of polytunnel components. The use of this building was granted by Herefordshire Council on 23rd July 1999. A copy of that planning permission is attached as Annex 1. Member's attention is drawn to condition 7 which stated:-

"No goods, plant, material or machinery shall be deposited or stored outside the building hereby permitted unless otherwise agreed in writing with the Local Planning Authority."

1.3 Attached to this original building (approximately 958 square metres) is a further building (approximately 414 square square metres). That building was erected following the issue of an agricultural prior notification under the auspices of approval NE2006/0166/S. Whilst this building was only allowed on the basis of it being used for agricultural purposes, as defined in Section 336 of the Town and Country Planning Act 1990 (as amended), upon the unit, it was never used for such purposes and was has actually been used for the storage and distribution of polytunnel components. As such planning permission is required for the retention of the building and its storage and distribution use. This application also seeks to regularise this matter.

1.4 It is understood that since March 2001 Haygrove Tunnels have used the yard area outside the buildings for the open storage of polytunnel components. This application also seeks to regularise that matter. The application arose after the Local Planning Authority received a formal complaint on 19th February 2009.

- 1.5 Part of this open storage is upon an area of hardstanding with an area of some 3,115 square metres that was laid in September 2006 without the benefit of planning permission. The application seeks to regularise this matter also.
- 1.6 The proposal involves restricting the open storage of polytunnel components to a maximum height of 3.5 metres.
- 1.7 Whilst there are two existing vehicular means of access off the A4172, it is the northernmost access that is used by heavy goods vehicles.
- 1.8 The public footpath through the site would not be diverted. If the applicant wished to divert the footpath at a future date that could still be applied for via the Highways Act 1980.
- 1.9 To alleviate the noise impact of the proposed use upon the occupiers of 'Knapp Farmhouse', 'Knapp Cottage' and 'Knappaway' to the south-west, the applicant is proposing to erect a 2.4 metre acoustic barrier comprising straw bales. The barrier would have a length of some 45 metres.

2. Policies

2.1 National Planning Guidance

West Midlands Regional Strategy

Policy Statement 1	–	Delivering Sustainable Development
		Policy Guidance Note 4 – Industrial and Commercial Development & Small Firms
Policy Guidance Note 7	–	Sustainable Development in Rural Areas
Policy Guidance Note 13	–	Transport
Policy Guidance Note 15	–	Planning and the Historic Environment
Policy Guidance Note 24	–	Planning and Noise

2.2 Herefordshire Unitary Development Plan 2007

E6	–	Expansion of existing businesses
E8	–	Design standards for employment sites
E11	–	Employment in smaller settlements and open countryside
E12	–	Farm diversification
DR13	–	Noise
LA2	–	Landscape character and areas least resilient to change

3. Planning History

- 3.1 The history relevant to consideration of this planning application is full planning permission number NE1999/1653/F that allowed the "Change of use of redundant farm building to make agricultural items and construction of new access road from A4172".
- 3.2 As stated earlier an agricultural prior notification was granted under NE/2006/0166/S for a further building.
- 3.3 NE2009/0662/F – Removal of condition 7 of planning permission NE1999/1653/F to allow for the open storage of polytunnel components, and other agricultural items, thus allowing their storage and distribution – WITHDRAWN

This application was withdrawn when it came to light that part of the hardstanding was unauthorised as was one of the on-site buildings. It was felt preferable to deal with all outstanding matters by way of a single submission.

4. Consultation Summary

Statutory Consultations

4.1 None

Internal Council Advice

4.2 The Senior Landscape Officer states:-

"The open storage of polytunnel components has a very limited impact on the landscape and visibility is restricted to relatively close views. The operations and storage of materials appears compatible with the wider agricultural operations in the vicinity and does not represent a major departure from the general character of the area.

The open storage of polytunnel components does not represent a cumulative negative impact on the quality and character of the landscape, being closely associated with the principal and existing agricultural buildings.

The opportunities for incorporating additional soft landscaping in the vicinity of the application site is limited and considering the limited visual impact, probably not justifiable. Wider landscape enhancement measures are proposed to be introduced in relation to the whole farm polytunnel application and will serve to make some positive contributions to character of the area.

Views from the public footpath crossing the site are limited and brief, and the appearance of the activity and storage of materials, again, concomitant with the types of buildings and general activity in the vicinity.

In summary, I would describe the proposal, in terms of impact on the landscape, as benign. No significant negative visual impact will accrue and mitigation is neither necessary nor available."

4.3 The Transportation Manager has no objections to the development. He considers the visibility splays at the existing HGV entrance to be acceptable.

4.4 The Public Rights of Way Section have no objection to the proposed development subject to a condition requiring public footpath PX1 being kept free of obstruction and that a 3 metre width be kept clear. The southern end of the acoustic barrier would be approximately 5 metres from the public footpath.

4.5 The Conservation Manager has no objection to the proposed development with regard the setting of Knapp Farmhouse as a Grade 2 listed building.

4.6 The Council's Environmental Health Section has no objection to the proposed development subject to a condition securing the provision of the acoustic barrier.

4.7 Amey Consulting have been consulted upon the issue of surface water drainage arrangements and flood risk. They state:-

"From site inspection, the hard standing area is used to store polytunnel components within the area naturally falling towards a ditch which outfall into a wet well. A pump is installed, within the wet well and pumps surface water runoff to a pond adjacent to the wet well. The purpose of the pond is for storage of rainwater and recycle for irrigation. The pond looks well maintained with sufficient capacity to accommodate additional runoff from the hard standing area and is also backed up by calculations submitted by the applicant. Therefore, we are satisfied with the additional hardstanding area will not have an adverse effect on flooding at Priors Court."

5. Representations

5.1 Pixley & District Parish Council state: "Pixley and District Parish Council support this planning application but still have concerns about road safety at the entrance to Knapp Farm driveway off the A4172. Also the life expectancy of the straw bale acoustic barrier".

5.2 The Ramblers Association state:-

"Public footpath PX1 passes through this site. Our major concern is that a lorry manoeuvring area and designated storage area is located directly on to the route of the path. We do not believe that the vehicular movements and associated loading and unloading activities can be carried out safely across the Public Right of Way. Therefore we object to this application."

5.3 The occupiers of two dwellings in the vicinity object to the development on the following summarised grounds:-

- The impact of noise upon the amenities of the occupiers of surrounding dwellings;
- The impact of dust arising from use of the HGV access upon the occupiers of surrounding dwellings;
- Noise impact from reversing vehicles fitted with beepers;
- Impact upon the footpath;
- Adverse visual impact;
- The process should be located on an industrial estate;
- Retrospective nature of the application; and
- The vehicular means of access onto the A4172 is unsafe

5.4 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 The history of this site is such that the re-use of a rural building for employment related purposes was secured. As Members will be aware for some considerable period of time both Central Government advice and Development Plan policies have allowed for such developments. They make a positive contribution to the rural economy and provide employment opportunities. In this particular case the use could legitimately be considered as a form of farm diversification, producing and distributing products to the agricultural sector. Clearly such developments must also be acceptable in terms of their environmental impact.

6.2 The attached further building was unlawfully erected under the auspices of agricultural permitted development. However in issuing that decision the Local Planning Authority effectively considered the siting, design and external appearance of the building to be acceptable. In terms of the principle of the development and the use, it is considered that policy E6 of the Herefordshire Unitary Development Plan 2007 does allow for extensions to existing business/employment related developments within the countryside. Policy E12 of the Herefordshire Unitary Development Plan also allows for Farm Diversification. Clearly this

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

represents such diversification and is directly linked to the agricultural sector. Therefore it is considered that the retention of this building is acceptable.

- 6.3 With regard the planning permission for the re-use of the original building (i.e. DCNE/1999/1653/F) a number of conditions were attached, one of which effectively prevented open storage of materials. The reason given for this condition was to “protect the appearance of the locality”. However, since March 2001 open storage has taken place.
- 6.4 It is understood that the business has grown substantially since 1991. It is understood that whilst in the early years manufacturing of the polytunnel components took place upon this site, the majority of the components are now produced in Poland. It is understood that the steel and the polythene is delivered from within the United Kingdom whilst the majority of the components are manufactured in Poland and delivered to the site. The only remaining components manufactured within the original building upon the site are the steel struts. When sufficient orders are received delivery lorries are loaded with the requisite components and distributed accordingly to fulfil customer orders.
- 6.5 In terms of assessing the open storage and the additional hardsurfacing upon which it sits, it is best dealt with under a series of sub-headings.

Visual Landscape Impact

- 6.6 Members will note from the internal advice outlined above that the Landscape Officer has no objection to the development. The site is not readily visible from public vantage points outside the confines of the site. Certainly from the Marcle Ridge this area, unlike the surrounding polytunnels, is not readily apparent. By storing the items close to the building it concentrates the development locationally to the principal buildings at Knapp Farm. Whilst one clearly views the open storage and associated hardstanding when walking through Knapp Farm itself, the time period during which one experiences this storage is relatively limited in terms of ones experience of the entire length of the path.
- 6.7 It is considered, however, that a height limit of 3.5 metres should be imposed via an appropriate planning condition.
- 6.8 Therefore it is considered that there is not an adverse visual impact on the landscape.

Public Footpath

- 6.9 The public footpath needs to be unobstructed with a width of 3 metres. An appropriate planning condition is recommended.

Impact upon Setting of the Grade 2 listed ‘Knapp Farmhouse’

- 6.10 The open storage use and associated hardstanding is not considered to directly impinge upon the setting of Knapp Farmhouse. There is intervening landscaping between the open storage use and ‘Knapp Farmhouse’.

Noise Impact

- 6.11 The activities within the open storage area certainly create a degree of noise. It is for this reason that the applicant engaged the services of an appropriately qualified acoustic/noise consultant to undertake a noise assessment in accordance with BS4142:1997. This assessment revealed that the occupiers of Pixley House to the south are not suffering an undue impact from noise arising from the yard activities due to the presence of the intervening brick

built building. It is therefore suggested that a condition be attached to any planning permission ensuring the retention of that building.

- 6.12 With regard Knapp Farmhouse, Knapp Cottage and Knappaway to the south-west it is considered that the occupiers of those properties do suffer an undue loss of amenity by way of noise from the yard activities. It is for this reason that the construction of a 2.4 metre high acoustic barrier is proposed. This acoustic barrier is proposed to be of a straw bale construction. Visually, it is considered that this would be acceptable. However, the maintenance of this structure would be critical as over time straw rots with water penetration. Periodically the bales will require replacement.
- 6.13 Therefore it is considered that the occupiers of the neighbouring properties would not suffer an undue loss of amenity by way of noise impact from the open storage activity.
- 6.14 It is understood that vehicular movements associated with the polytunnel manufacture and distribution business alone, is limited in extent. The applicant advises that the combined (in-bound and out-bound) average weekly number of HGV/lorries is 11 vehicles per week. With a minimum of 2 and a maximum of 20 HGV/lorries in any one week. Based on a 5-day week this equates to an average of 2.3 HGV/lorries per day. The access road is well in excess of 100 metres from the nearest residential properties and it is not considered that the occupiers of those properties suffer an undue level of noise and dust from the use of that roadway. The problem with re-surfacing that driveway with say tarmac is that vehicles then tend to travel at higher speeds with resultant higher noise levels.
- 6.15 Local residents question the vehicle movement numbers submitted by the applicant and submit their own figures ranging between 14 and 27 vehicle movements a day along the northernmost HGV access track. However, some of these vehicle movements may not be directly associated with the development under consideration. Furthermore the case officer has liaised with both the Highways Section and the Environmental Health Section. Both confirm that notwithstanding the content of this information, their views as to the adequacy of the vehicular means of access and noise and disturbance, remain unaltered.

Other noise related matters not directly related to this open storage proposal

- 6.16 Occupiers of neighbouring properties have previously raised the issue of noise break-out from the existing industrial building. The building appears to be very poorly insulated and provides little acoustic protection. However, this is not the matter before this Authority at this time and no planning condition was attached to planning permission NE1999/1653/F requiring the building to be acoustically insulated.
- 6.17 Complaint may still be received by the Environmental Health Section (Environmental Protection Team) claiming that local residents are suffering an undue level of noise that amounts to a statutory noise nuisance by way of noise break-out from the industrial building. If the Environmental Health Section were to establish through monitoring a noise nuisance, they would attempt to agree a mitigation strategy with Haygrove. If that failed, as a last resort, a noise abatement notice under the Environmental Protection Act 1990 (as amended) could be served.
- 6.18 However, one would hope that Haygrove are proactive and engage the services of their Acoustic Consultant to advise them as to the extent of noise break-out from this building and if his Professional opinion is that it creates harm advises them as to possible attenuation measures.

- 6.19 The intermittent noise of reversing beepers has in the past been a source of concern to local residents. It is understood that this issue has been addressed by the applicant by the implementation of mitigation measures and a local resident has confirmed to me a reduction in the noise. If at a future date local residents felt that they were suffering a noise nuisance from these reversing beepers, a complaint could be made to this Council's Environmental Health Section. If the Environmental Health Section were to establish through monitoring a noise nuisance, they would attempt to agree a mitigation strategy with Haygrove. If that failed, as a last resort, a noise abatement notice under the Environmental Protection Act 1990 (as amended) could be served.
- 6.20 If necessary, it is understood that a new broad band reversing alarm is now available which emits a more tolerable 'white noise'. This technology allows a reversing alarm to be as loud in decibel terms as the conventional one, but not as shrill in tone, and therefore much more acceptable to the ear.
- 6.21 The narrow band alarms currently used in reversing alarms and on emergency vehicles cause confusion because the sound reverberates all around and the listener do not know where to look.
- 6.22 It is also understood that broadband sound is also localised so that when the vehicle has passed by, the sound of the alarm is diminished, reducing the noise disturbance.

Vehicular Means of Access

- 6.23 The existing vehicular means of access to the site is considered to have satisfactory visibility splays. A barrier is set back from the A4172 such that a lorry can park in front of it or two could park side-by-side. This is considered to be satisfactory.

Surface Water Drainage arrangements

- 6.24 With regard the surface water drainage arrangements, Amey Consulting have been consulted and are fully satisfied with the existing arrangements.
- 6.25 I therefore recommend that full conditional planning permission be granted.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **The existing building highlighted in pink on the plan attached to this decision notice shall not be demolished without the prior written consent of the Local Planning Authority.**

Reason: To safeguard the occupiers of 'Pixley House' both within their house and garden from an undue level of noise.
2. **Within three months from the date of this permission a straw bale acoustic barrier of 2.4 metres in height shall be erected in the position marked upon the plan received 29 September 2009. Thereafter that acoustic barrier shall remain in-situ and shall be maintained to the satisfaction of the Local Planning Authority.**

Reason: To ensure that the occupiers of the houses known as 'Knapp Farmhouse', 'Knapp Cottage' and 'Knappaway' enjoy a satisfactory level of quietude both within their houses and within their garden areas.

3. No machinery associated with any industrial process shall be operated outside the confines of the buildings highlighted in green on the plan attached to this decision notice.

Reason: To ensure that the occupiers of the houses known as 'Pixley House', Knapp Farmhouse', 'Knapp Cottage' and 'Knappaway' enjoy a satisfactory level of quietude both within their houses and within their gardens.

4. The open storage hereby permitted shall not exceed a height of 3.5 metres from existing ground level.

Reason: To safeguard the countryside from visually intrusive development.

5. The definitive route of public footpath PX1 shall be kept free of obstruction. A width of 3 metres, being 1.5 metres either side of the centre line of the public footpath, shall be kept clear of obstruction.

Reason: To ensure that the public footpath route remains unobstructed and to ensure the proper enjoyment of that footpath.

6. No deliveries shall be taken at or despatched from the site outside of the following times:-

- 08.00 to 18.00 Mondays to Fridays
- 08.00 to 13.00 Saturdays
- nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the occupiers of the dwellings know as "Pixley House", "Knapp Farmhouse", Knapp Cottage" and "Knappaway".

INFORMATIVES:

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

N19 Avoidance of doubt - Approved Plans

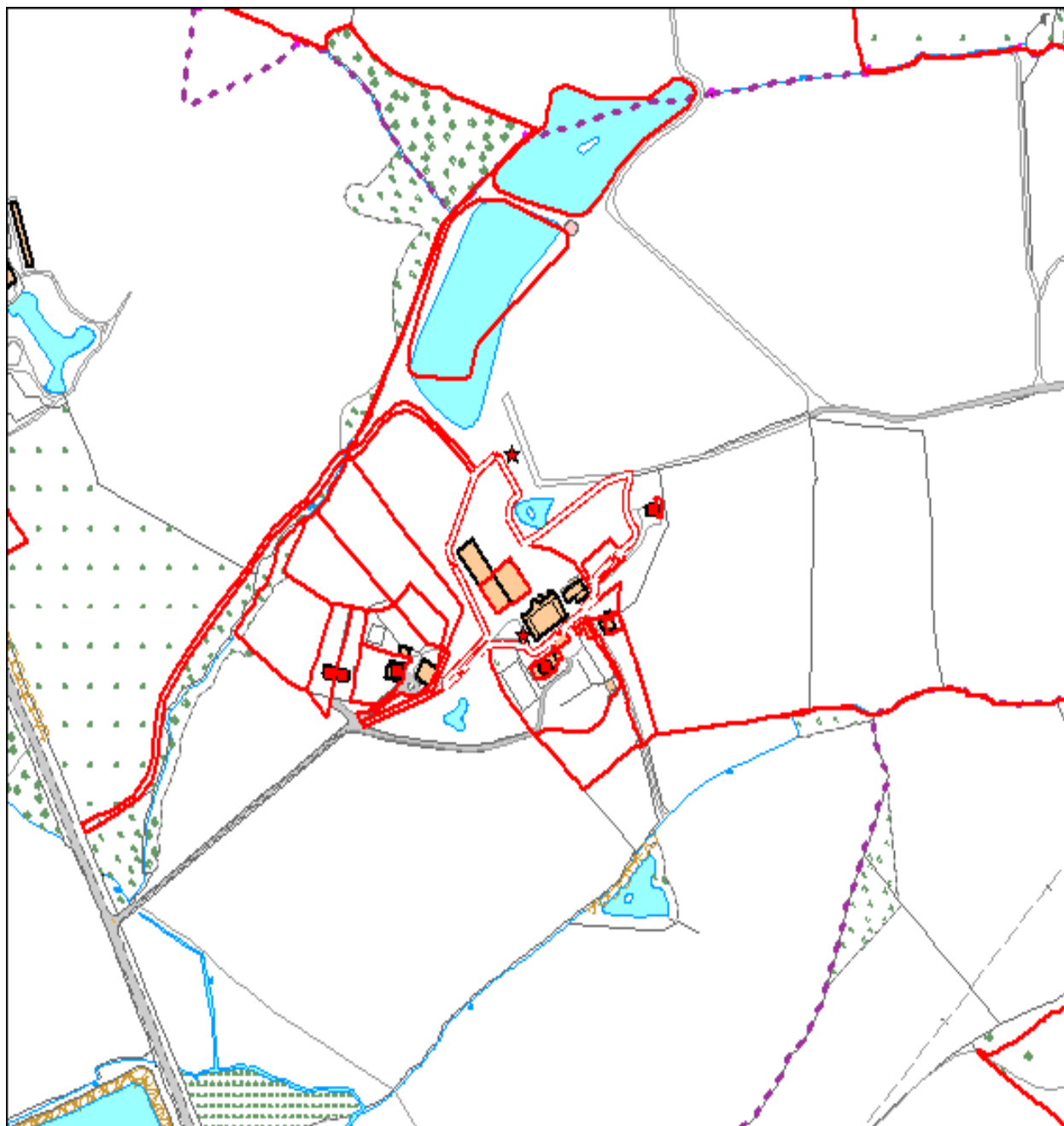
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMNE/092456/F

SITE ADDRESS : KNAPP FARM, PIXLEY, LEDBURY, HEREFORDSHIRE, HR8 2QB

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8 DMNE/092359/F - PROPOSED TWO STOREY THREE BEDROOM DWELLING AT 88 BRIDGE STREET, LEDBURY, HEREFORDSHIRE, HR8 2AN.

For: MR & MRS LEEMING per MR DEREK WHITTAKER, FARJEON CLOSE, NEW MILLS, LEDBURY HEREFORDSHIRE, HR8 2FU.

Date Received: 26 August 2009 Ward: Ledbury Grid Ref: 370585,237684

Expiry Date: 21 October 2009

Local Members: Councillors ME Cooper JK Swinburne and PJ Watts

1. Site Description and Proposal

- 1.1 The application site lies on the northern side of Bridge Street within Ledbury. Number 88 Bridge Street is an end of terrace property with a long rear garden. To the west of 88 Bridge Street, some 6 metres from its western flank is a private driveway that leads to an existing area of "backland development" a terrace of four houses comprising numbers 90 – 96 Bridge Street (also known as Harold Place). This is best appreciated by viewing the site plan relating to this agenda item. It should be noted that number 90 Bridge Street has a single storey extension to its eastern elevation. Some 17 metres north of the site is the rear of a two-storey linked detached house at 31 Queen's Way.
- 1.2 The proposal is to utilise and extend the existing driveway between the western flank elevation of 88 Bridge Street and the existing private drive serving 90-96 Bridge Street, to access the rear garden area. At the end of that rear garden it is proposed to erect a two-storey dwelling parallel to number 90 Bridge Street wrapping around its existing single storey side extension.
- 1.3 The proposed new dwelling would maintain a gap of between 650mm and 750mm with the flank wall of number 90 Bridge Street. The proposed house is a two storey three bedroomed house. It would project some 3 metres in front of 90 Bridge Street and a balcony would be provided upon the southern elevation at first floor level. It is designed in a contemporary style reflecting sustainable design principles. The eaves height would match that of the adjacent terrace whilst the highest point of the roof would be lower than that at 90 Bridge Street. A low pitched sedum roof is to be provided with a small section of a standing seam zinc roof sheeting. The building has been designed such that other than a ground floor kitchen/breakfast room window on the ground floor of the northern elevation, all other windows face south.
- 1.4 The proposed dwelling would have a frontage garden with a length of 33 metres and the retained rear garden at 88 Bridge Street would have a length of 11-12 metres.
- 1.5 Revised car parking arrangements would provide two car parking spaces for the retained dwelling at 88 Bridge Street and two car parking spaces for the proposed dwelling.

2. Policies

S1	–	Sustainable Development
S2	–	Development Requirements
S3	–	Housing
DR1	–	Design

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

- DR2 – Land use and activity
- H13 – Sustainable Residential Design
- H15 – Density
- H16 – Car Parking
- H1 – Hereford and the market towns: settlement boundaries and established residential areas

3. Planning History

- 3.1 95/0828 – Outline application for a dwelling – Refused. This historical application lacked detail. Concern existed as to the adequacy of the access and parking arrangements together with the inter-relationship with number 88 Bridge Street.

4. Consultation Summary

Statutory Consultations

- 4.1 Severn Trent Water has no objection to the proposed development.

Internal Council Advice

- 4.2 Transportation Section – no objections.

5. Representations

- 5.1 The Ledbury Town Council who objected to the originally submitted plans recommend approval of the amended scheme.

- 5.2 The occupiers of three dwellings in the immediate area object on the following summarised grounds:-

- Loss of light to neighbouring properties;
- Loss of privacy, especially from proposed balcony;
- The building is too large;
- Overshadowing – loss of light to front door and lounge of number 90 Bridge street adjacent;
- Effect upon foundations / structure of 90 Bridge Street;
- Inadequate access arrangements; and
- Noise.

- 5.3 The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

6. Officer's Appraisal

- 6.1 The application site lies within the built-confines of Ledbury. As such policy H1 of the Herefordshire Unitary Development Plan 2007 allows for housing development subject to the detail being considered acceptable in environmental terms. It must be recognised that both Central Government advice contained within Planning Policy Statement 3 and the Herefordshire Unitary Development Plan 2007 place emphasis upon making the most efficient use of land within existing built-up areas. The site has a total area of some 890 square metres. This proposal would create a density to the equivalent of 22 dwellings to the hectare, considerably less than the 30-50 dwellings to the hectare advocated by the Government. Whilst the development could be considered as a backland form of development, numbers 90-

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

96 Bridge Street are also a form of backland development and the proposal is considered to represent a natural evolution of the existing pattern of development.

- 6.2 The siting of the building is considered to be appropriate being parallel to the existing house at number 90 Bridge Street. Although the proposed building projects slightly forward of the front building line of number 90 Bridge Street when one draws an angle of 45 degrees from the centre the ground floor living room window of that dwelling the proposed building would not project beyond that line. As such, it is considered that the occupiers of that dwelling would not suffer an undue loss of daylight and/or sunlight nor would they suffer an undue physical massing affect.
- 6.3 The buildings design has evolved from, amongst other matters, the constraints of the site being the single storey side extension to number 90 Bridge Street and a desire to prevent any overlooking of 31 Queens Way to the north. A conventionally designed dwelling would be very difficult, if not impossible, to achieve. Critically the eaves height of the proposed dwelling matches that of number 90 Bridge Street. The roof slopes in different directions and at different angles create interlocking planes which provides visual interest to the proposed building. Furthermore the design of the roofs also ensures that the building maintains a low profile below that of the adjacent building.
- 6.4 The proposed house has all but one window facing south. This ensures solar gain and maximises sunlight. The design also ensures that no windows other than a ground floor window face north. As such the occupiers of 31 Queens Way would not suffer any undue loss of privacy. The limited height of the proposed structure and the separation distance is such that it is considered that the occupiers of that property would not suffer any undue loss of sunlight and/or daylight.
- 6.5 No windows are proposed in the western or eastern elevations. Whilst the windows in the front, southern elevations, would overlook the frontage gardens of 90 – 96 Bridge Street, this scenario is no different to the current arrangements whereby the first floor frontage (southern) windows of number 90 Bridge Street overlook the front garden of number 92 Bridge Street and vice-versa. The important thing is that no windows are proposed in the flank elevations of the proposed dwelling. Indeed by stepping the proposed building slightly further south, it does ensure that privacy for the initial 4 metres in front of numbers 90 and 96 Bridge Street is safeguarded.
- 6.6 The proposed garden area is considered to be generous and the retained garden area for 88 Bridge Street sufficient.
- 6.7 The access arrangements and parking arrangements meet the requisite standards and are considered to be sufficient.
- 6.8 Issues of foundation design and impact upon the foundations of neighbouring properties would be dealt with under the building regulations.
- 6.9 I recommend accordingly.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The development hereby permitted shall be begun within one year from the date of this decision notice.**

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

Reason: To comply with the provisions of Section 91 (1) (b) of the Town and country Planning act 1990 (as amended) and to reflect the decision of the Local Planning authority on 4 March 2009 to suspend (effective from 1 April 2009) the requirements of the Local Planning Authority's 'Planning Obligations Supplementary Planning Document (February 2008) in relation to all employment developments falling within Classes B1, B2 and B8 of the Town and Country Planning Use Classes Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, the employment element of any mixed use development and residential developments of five dwellings or less.

2. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, including the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, (or any order revoking and re-enacting that Order with or without modification), no development normally permitted by Classes A, B, C and D of Part 1 of Schedule 2 of Article 3 shall be carried out without the express consent of the Local Planning Authority.**

Reason: To prevent an overdevelopment of the site, to safeguard the design approach and to safeguard the amenities of the occupiers of neighbouring dwellings.

3. **Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-**
 - **Written details and samples of all external materials**
 - **Written details and samples of the surfacing materials to the vehicle parking spaces**
 - **Written details of all proposed boundary treatments (i.e. siting, design (including height) and material)**

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

Reason: To ensure a satisfactory appearance to the development.

4. **Prior to the first occupation of the dwelling hereby permitted the vehicular driveway from Bridge Street and all four vehicle parking spaces shown upon the approved plans shall be provided and thereafter be kept available, free of obstruction, for the manoeuvring and parking of motor vehicles and shall not be used for any other purpose.**

Reason: To ensure adequate off-street car vehicle parking in the interests of highway safety.

5. **Prior to commencement of the development hereby permitted a facility for the secure storage of bicycles shall be submitted to the Local Planning Authority for their written approval. The development shall not commence until the Local Planning authority has given such written approval. The secure storage facility for bicycles shall be provided prior to the first occupation of the dwelling hereby permitted and thereafter maintained and kept permanently available for such use.**

Reason: To encourage the use of modes of travel other than the private motor vehicle.

INFORMATIVES:

- 1 N15 Reason(s) for the Grant of PP/LBC/CAC**
- 2 N19 Avoidance of doubt - Approved Plans**
- 3 HN28 Highways Design Guide and Specification**

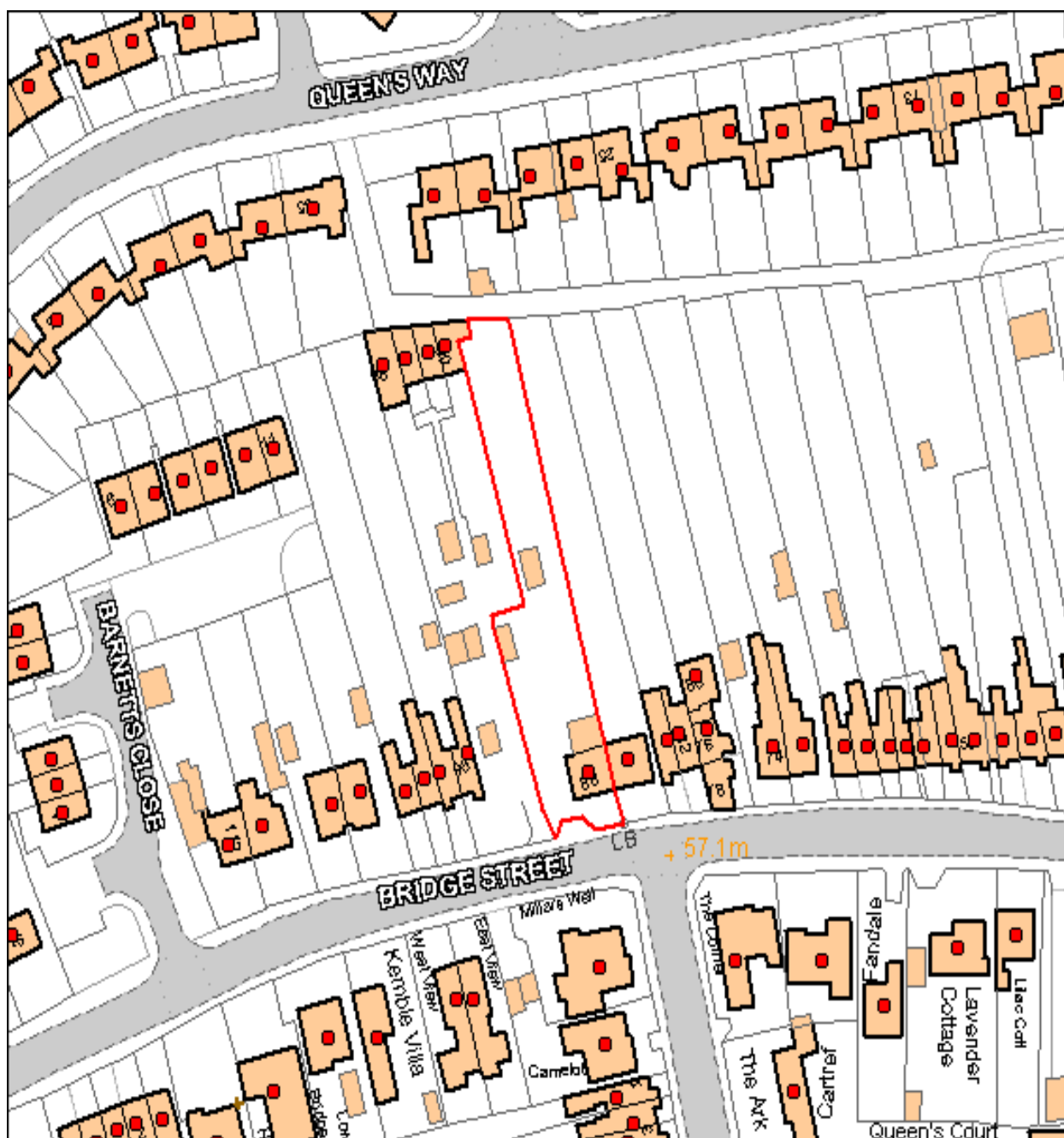
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMNE/092359/F

SITE ADDRESS : 88 BRIDGE STREET, LEDBURY, HEREFORDSHIRE, HR8 2AN

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9 DMNE/092018/F - CONSTRUCTION OF DETACHED SINGLE STOREY DWELLING AT PLOT ADJACENT, 4 THE CRESCENT, COLWALL, HEREFORDSHIRE, WR13 6QN.

**For: TRINITY GATE DEVELOPMENTS LTD per C PETCH, :
TEBBIT MEWS, WINCHCOMBE STREET, CHELTENHAM
GLOS, GL52 2NF.**

Date Received: 20 August 2009 Ward: Hope End

Grid Ref: 375463,242567

Expiry Date: 11 November 2009

Local Members: Councillors R Mills and RV Stockton

1. Site Description and Proposal

- 1.1 The application site lies on the northern side of The Crescent within the village of Colwall. The Crescent is a street with a mixture of housing types and design, including many Victorian dwellings. The application site is effectively the side garden of number 4 The Crescent, a two storey Victorian semi-detached house. To the east is a bungalow at number 2 The Crescent. Number 2 The Crescent has a conservatory on its western side. To the north are the dwellings in Stone Drive.
- 1.2 The proposal is to erect a single storey one bedroomed bungalow. The bungalow would be orientated with its ridge running in a south-north direction, with half-hips at both ends. A physical gap of 3 metres minimum would be maintained with the retained house at 4 The Crescent and a physical gap of in excess of 4 metres would be maintained with the conservatory at number 2 The Crescent. The gross floorspace of the proposed dwelling, including the attached bicycle store, would be some 70 square metres only. The bungalow would have a height to eaves of 2.3 metres and a height to ridge of 4.6 metres.
- 1.3 Historically there has only been one off-street car parking space serving 4 The Crescent. It is now proposed to provide two off-street car parking spaces for the occupiers of the retained dwelling at 4 The Crescent and one off-street car parking space for the proposed one-bedroomed bungalow together with a secure bicycle store.
- 1.4 The retained dwelling at 4 The Crescent would have a retained rear garden with minimum length in excess of 10 metres and a total area of some 87 square metres whilst the one bedroomed bungalow would have a rear garden area with a minimum length of some 7.8 metres and a total area of some 104 square metres.
- 1.5 The site lies within the Malvern Hills Area of Outstanding Natural Beauty.

2. Policies

S1	–	Sustainable Development
S2	–	Development Requirements
S3	–	Housing
S7	–	Natural and historic heritage
DR1	–	Design
DR2	–	Land use and activity
H14	–	Main Villages : settlement boundaries
H13	–	Sustainable Residential Design

- H15 – Density
- H16 – Car Parking
- LA1 – Area of Outstanding Natural Beauty

3. Planning History

- 3.1 DCNE2003/2089/F – Erection of detached dwelling and new vehicular access to Melrose – WITHDRAWN
- 3.2 DCNE2004/1171/ F – Erection of a detached dwelling and new vehicular access – Refused – Appeal Dismissed.
- 3.3 DCNE2004/3191/F – Erection of a detached bungalow – Refused – Appeal Dismissed - That dwelling had a floorspace of some 87 square metres and only had a rear garden with a depth of 3.6 - 4.6 metres.

4. Consultation Summary

Statutory Consultations

Internal Council advice

- 4.1 The Transportation Section has no objection to the proposed development.

5. Representations

- 5.1 The Colwall Parish Council state:-

“Colwall Parish Council raises strong objections to this development. The following comments are to be submitted to Herefordshire Council for consideration.-

Planning permission has previously been refused for a similar application on the same plot. This application does not address the issue previously raised in that refusal regarding off-road parking. The off road parking has not been addressed as the proposed parking space for the new property is currently the parking space for no 4 The Crescent, therefore there is no net gain for parking. The Crescent is a very narrow road where on street parking is a constant issue for the residents who struggle to access their properties.

The proposal contravenes DR1 of the UDP in that the new property is causing over development on of the existing plot no 4 The Crescent and is detrimental to the curtilage of no 4.

The proposed property is out of character with the Victorian properties in this part of The Crescent.”

- 5.2 The occupiers of one neighbouring dwelling state that the height of the roof and its inter-relationship with 2 The Crescent is critical.
- 5.3 The occupiers of four dwellings in the vicinity object on the following summarised grounds:-
 - Potential on-street car parking issues;
 - Overlooking of 17 Stone Drive & 7 Stone Drive;
 - Loss of sunlight and/or daylight to 17 Stone Drive;
 - Inadequate garden area for 4 The Crescent;
 - Demographic impact upon the village; and

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

- The precedent that would be set for further infilling.
- 5.4 The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

6. Officer's Appraisal

- 6.1 The application site lies within the village settlement of Colwall. As such policy H14 of the Herefordshire Unitary Development Plan 2007 allows for housing development subject to the detail being acceptable in environmental terms. It must be recognised that both the Central Government advice contained within Planning Policy Statement 3 and the Herefordshire Unitary Development Plan that was adopted in 2007 place emphasis upon making the most efficient use of land within existing built-up areas. In the long-term this does not only result in less land having to be released from the open countryside but also creates a more sustainable pattern of development where residential development is well related to existing facilities and services (e.g. railway station, shops).
- 6.2 It is considered that the proposal has been thoroughly considered. The proposed bungalow would maintain a minimum gap of 3 metres with the southern flank wall of 4 The Crescent and a minimum gap of 4 metres with the northern flank wall of 2 The Crescent. This will ensure that visually important gaps between buildings are maintained.
- 6.3 The proposed dwelling is genuinely single storey and low in height such that there would be no loss of privacy, sunlight and/or daylight to the occupiers of neighbouring properties. To address the concerns of local residents as to potential overdevelopment of the site and potential changes to the dwelling, it is recommended that permitted development rights be removed.
- 6.4 Whilst there are many Victorian houses on the eastern side of The Crescent, the street has a mixture of designs including the existing bungalow at 2 The Crescent. It is considered that the proposed design reflects some of the architectural detailing of the area whilst keeping the proposed bungalow both low and modest in scale to respect the neighbouring properties.
- 6.5 The garden area is considered to be sufficient as is the retained garden area proposed to be retained for the occupiers of 4 The Crescent.
- 6.6 The parking provision of two off-street car parking spaces for the retained dwelling at number 4 the Crescent represents a gain of one space over the historic scenario and accords with adopted standards. Similarly the one car parking space for the proposed one bedroomed bungalow would comply with the Council's standards. The on-street parking concern expressed locally did not form part of the Inspectors reason for refusal.
- 6.7 It must be recognised that the proposed bungalow is smaller than the two bedroomed bungalow previously refused and dismissed on appeal and has a larger garden area. Furthermore its design is considered to be more sympathetic.
- 6.8 Whilst the proposed bungalow is modest, household sizes are decreasing and as such the proposed dwelling would meet a need.
- 6.9 It is not considered that a precedent would be set and furthermore each application needs to be considered on its individual merits. In this particular case although the plot is relatively narrow the gap between the buildings (i.e. northern flank elevation of 2 The Crescent and southern flank elevation of 4 The Crescent) is some 14.4 metres at the narrowest point.

6.10 It is therefore recommended that full conditional planning permission be granted.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun within one year from the date of this decision notice.

Reason: To comply with the provisions of Section 91 (1) (b) of the Town and Country Planning Act 1990 (as amended) and to reflect the decision of the Local Planning Authority on 4 March 2009 to suspend (effective from 1 April 2009) the requirements of the Local Planning Authority's 'Planning Obligations Supplementary Planning Document (February 2008) in relation to all employment developments falling within Classes B1, B2 and B8 of the Town and Country Planning Use Classes Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, the employment element of any mixed use development and residential developments of five dwellings or less.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, including the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, (or any order revoking and re-enacting that Order with or without modification), no development normally permitted by Classes A, B, C, D, E, F and G of Part 1 of Schedule 2 of Article 3 shall be carried out without the express consent of the Local Planning Authority.

Reason: To prevent an overdevelopment of the site and to safeguard the amenities of the occupiers of neighbouring dwellings.

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

- Written details and samples of all external materials
- Written details and samples of the surfacing materials to the vehicle parking spaces
- Written details of all proposed boundary treatments (i.e. siting, design (including height) and material)

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

Reason: To ensure a satisfactory appearance to the development.

4. Prior to the first occupation of the dwelling hereby permitted all three vehicle parking spaces shown upon the approved plans and the secure bicycle store attached to the dwelling shall be provided and thereafter be kept available, free of obstruction, for the parking of motor vehicles and storage of bicycle(s) and shall not be used for any other purpose.

Reason: To ensure adequate off-street car vehicle parking in the interests of highway safety and to encourage travel by modes of transport other than the private motor vehicle.

5. The dwelling hereby permitted shall have a ground finished floor level of 99.65 as shown upon drawing number 20923 02 C received 5 November 2009.

Reason: To safeguard the amenities if the occupiers of 2 The Crescent.

INFORMATIVES:

1. N15 Reason(s) for the Grant of PP/LBC/CAC
2. HN01 Mud on highway
3. HN04 Private apparatus within highway
4. HN05 Works within the highway
5. HN10 No drainage to discharge to highway
6. HN28 Highways Design Guide and Specification
7. N19 Avoidance of doubt - Approved Plans

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMNE/092018/F

SITE ADDRESS : PLOT ADJACENT, 4 THE CRESCENT, COLWALL, HEREFORDSHIRE,
WR13 6QN

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10 DMNW/091988/F - ERECTION OF AN AGRICULTURAL WORKERS DWELLING TO INCLUDE GARAGE AND NEW ACCESS AT LAND AT BRIDGE FARM, ALMELEY, HEREFORD, HR3 6LD.

For: MR MORGAN per MR G WALL, 54 HIGH STREET KINGTON, HEREFORDSHIRE, HR5 3BJ.

Date Received: 18 August 2009

Ward: Castle

Grid Ref: 333296,251239

Expiry Date: 9 December 2009

Local Member: Councillor JW Hope MBE

1. Site Description and Proposal

- 1.1 The site is sandwiched between the C1080 public highway, alongside the site's western boundary and a range of mainly modern steel-framed agricultural buildings to the east of the application site.
- 1.2 Located within the Conservation Area, to the north west of the site, is a dwelling known as 'Castle Frome', this is a Grade II Listed Building. Alongside the site's western elevation adjoining the public highway are a row of mature pine trees.
- 1.3 The application proposes construction of a three bedroom detached dwelling for occupation by an agricultural worker and a two-bay carport.
- 1.4 Accompanying the application is an agricultural appraisal assessing the need for such a dwelling, financial accounts and a Draft Heads of Terms drawn up in accordance with guidance as set out in the Council's Supplementary Planning Document on Planning Obligations.

2. Policies

2.1 Central Government advice

Planning Policy Statement 7: Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
H7	-	Housing in the Countryside Outside Settlements
H8	-	Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses
E15	-	Protection of Greenfield Land
LA2	-	Landscape Character and Areas Least Resilient to Change
NC1	-	Biodiversity and Development
HBA4	-	Setting of Listed Buildings

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

- HBA6 - New Development within Conservation Areas
CF2 - Foul Drainage

2.3 Herefordshire Supplementary Planning Guidance

Planning Obligations

3. Planning History

- 3.1 DCNW2008/1414/O – Proposed site for agricultural workers dwelling and garden – Refused 8 July 2008.
- 3.2 DCNW2009/0257/F – Proposed agricultural workers dwelling, garage and new access – Withdrawn 20 April 2009.

4. Consultation Summary

Statutory Consultees

- 4.1 English Heritage have responded stating that they do not wish to offer any comments on this occasion and that the application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

Internal Council Advice

- 4.2 The Transportation Manager recommends conditions with regards to driveway having a sealed surface for a distance of 5 metres from the carriageway edge and access turning area and parking within the site to any approval notice subsequently issued. £3,690.00 is requested in accordance with the Council's Supplementary Planning Document on Planning Obligations towards local public highway improvements in considerations of the proposal.
- 4.3 The Council's Capital Investment and Monitoring Office requests £4,900 towards local education and childcare infrastructure.
- 4.4 The Waste Services Manager raises no objections.
- 4.5 The Land Agent's response can be summarised as follows:
- There is a shortage of long-term land.
 - The financial and labour tests are passed.
 - The need to be on site rather than in the village is border-line.
 - The long-term viability of the business appears secure.
- 4.6 The Conservation Manager has responded to the application with the following comments:
- "The submission is very much better than the previous, refused proposals. The design of the house is of a more appropriate, cottage scale and the form and outline have been simplified while, at the same time, the quality of materials and details has been increased. The access too has been re-designed and some attempt made to soften its appearance.*
- The fact remains however that the access will have a damaging visual impact in the narrow rural lane, and the house will detract from the openness of this predominantly rural part of the conservation area.*
- The character and appearance of the conservation area will not be preserved or enhanced."*

5. Representations

5.1 Almeley Parish Council have responded to the application stating:

“There was general support for the permission of an agricultural worker’s dwelling on this site. However, three questions were raised:

1. The proposed dwelling is in the Conservation Area.
2. The size of the property is larger than previous applications.
3. The security of the tenancy for Mr Morgan.”

5.2 One letter of objection has been received from K T Hutchinson, Motte House, Almeley, Hereford. The objection can be summarised as follows:

- Development of the area of land subject to this application will have a detrimental impact on the historic character of the area.
- The proposed development will have a detrimental impact on the adjoining public highway.

5.3 The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

6. Officer’s Appraisal

6.1 The key issues in consideration of this application are:

- Functional need.
- Impact on the surrounding Conservation Area.
- Section 106 Agreement on Planning Obligations.

Functional Need

6.2 Information submitted in support of the application indicates the applicant has within his control, at this specific location approximately 2 acres of land and a large range of modern farm buildings. Forty five acres of land at Bridge Farm, Almeley, is subject to a 10-year farm business tenancy and 131 acres of grass keep is taken on annually to support livestock kept on the holding.

6.3 The farming business is primary livestock rearing consisting of 15 suckler cows, 15 in-calf heifers, 270 store cattle, 2 bulls and 90 breeding ewes.

6.4 It is your officer’s opinion that a functional need for a dwelling on site relates mainly to the 30 breeding cows/heifers who along with the remaining stock appear to be housed in buildings adjacent to the site when not grazing land, land which clearly is not adjacent to the application site. The agricultural appraisal states these breeding cattle are calved during the Autumn period in these buildings and therefore in consideration of the numbers any essential need to be on site during the calving period can be covered by a temporary mobile home provided on site under agricultural permitted development rights.

6.5 Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas in Annex A: Agricultural, forestry and other occupational dwellings sets out over 5 tests that must be met, stating that new dwellings should only be allowed to support existing businesses on well established agricultural units. The five tests are:

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

- A clearly established functional need.
 - The need relates to a full-time worker or one who is primarily employed in agriculture.
 - The unit and the agricultural activity concerned have been established for at least 3 years, profitable for at least one, currently financially sound with clear prospects of remaining so.
 - The functional need could not be met by another dwelling on the unit or within the area.
 - Other planning requirements are satisfied.
- 6.6 The business employs one full-time worker (the applicant), who currently resides at Summer Court Cottage, Lyonshall, under a tenancy agreement.
- 6.7 Therefore it appears no dwelling is available on site from where the business is based and from where it can be reasonably expected that animals are housed when not outdoors, sick animals cared for and calving of the cows and in-calf heifers, as referred to earlier in this report.
- 6.8 The applicant has submitted accounts for three separate financial years in support of his application and these indicate that the business is run on a sound financial basis, and it is your Officer's opinion that the financial test as required by PPS7 and relevant local plan policies is met.
- 6.9 The applicant appears to be the sole full-time employee within the business and therefore in consideration of the 30 breeding cattle and animal welfare etc, the labour tests are considered satisfactory.
- 6.10 The applicant, as indicated earlier, resides off site in a dwelling located at Lyonshall and information submitted in support of the application indicates no other dwelling is available on or adjacent to the site.
- 6.11 The dwelling proposed is cottage style in character, 2-storey with a floor space of approximately 133.35 square metres (measured externally).
- 6.12 The proposed dwelling is considered to be of a size commensurate with the business and ability of other farm workers within the area should it become available for alternative occupation.

Impact on the surrounding Conservation Area

- 6.13 The application proposes a two-storey dwelling of modest cottage like proportions, of a scale and design that is considered an improvement on previous proposals refused planning permission for the site.
- 6.14 The Conservation Manager has responded to the application with concerns about the proposed access to and from the adjoining public highway, in that it will have a damaging visual impact on the public highway which is a narrow rural lane and that the proposed dwelling will detract from the openness of this predominantly rural part of the surrounding Conservation Area, and as a consequence recommends refusal to the application.
- 6.15 On opposite side of the adjoining public highway to the north west of the application site is a grade two listed dwelling. On balance it is considered that the proposed development will not detract from the overall setting of this building. The application form in support of the

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

application indicating none of the pine trees adjacent to the western boundary will be felled as a result of the proposal.

Section 106 Agreement on Planning Obligations

- 6.16 The applicant in support of his application has submitted a Draft Heads of Terms (copy attached to this report) in line with the Council's Supplementary Planning Document on Planning Obligations, this is considered acceptable in consideration of a subsequent planning approval with a 3-year development commencement date.

7. Conclusions

- 7.1 Two of the tests as set out in PPS7 are clearly met while the other three are not considered sufficiently robust in relationship to this application. The business employs one full-time worker in an enterprise that appears financially sound and with sufficient man-hour work for one full-time worker.
- 7.2 However, the functional need on site, although having sufficient indoor housing for livestock, lacks sufficient land (2 acres), on which to graze livestock that form the business core, and the essential need to be on site only relates to 30 head of breeding cattle (when housed on site, as 2 acres of pasture could not maintain 30 head of cattle for outdoor grazing), to which it is considered no essential functional need exists as outlined in paragraph 6.4 of this report.
- 7.3 Therefore the lack of land retained on site questions the long-term sustainability of the business at this specific location, and although the applicant has indicated that there is no dwelling available on site or immediately adjoining the site for his occupation, the site is located within close proximity to Almeley village. There has been an insufficient demonstration of properties available for occupation by the applicant here.
- 7.4 It is also considered that the proposed development will have a detrimental impact on the character of the surrounding Conservation Area by means of the proposed vehicular access from the adjoining public highway and the openness of the surrounding rural character.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. Lack of essential need has been proven for a dwelling at this specific location, where insufficient land is controlled by the applicant for the successful on-site operation of the business in a sustainable way. Therefore the application is considered contrary to Policies S1, H7 and H8 of the Herefordshire Unitary Development Plan and Planning Policy Statement 7: Sustainable Development in Rural Areas.**
- 2. Insufficient information has been submitted in support of the application demonstrating why the applicant cannot live in the nearby settlement of Almeley. Therefore the application is considered contrary to Policies H7 and H8 of the Herefordshire Unitary Development Plan on this issue also.**
- 3. It is considered that the proposed development will have a detrimental impact on the character of the surrounding Conservation Area, to which it will neither preserve or enhance. Therefore the proposed development is considered contrary to Policies LA2 and HBA6 of the Herefordshire Unitary Development Plan.**

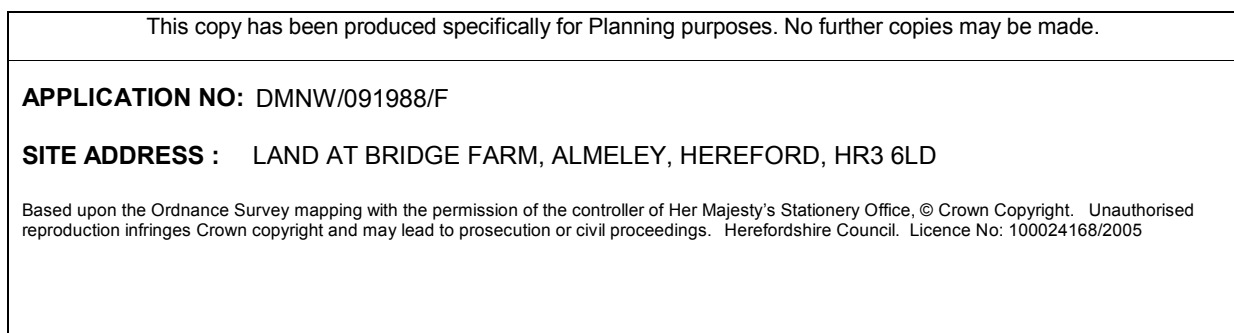
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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

Planning Application – DCNW091988/F

Proposed agricultural workers dwelling at Bridge Farm, Almeley, Herefordshire, HR3 6LD.

1. The developer covenants with Herefordshire Council to pay £317 towards the cost of new or enhancement of existing open space, play, sport and recreation facilities in lieu of such facilities being provided on site to be used in the Kington/Almeley other location as may be agreed in writing with Herefordshire Council.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £4900 to provide enhanced educational infrastructure at Almeley Primary School, Almeley, and Lady Hawkins High School, Kington.
3. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £3690 for off site highway works and improved public and sustainable transport infrastructure to serve the development (other than Section 278 works essential to facilitate the development). The monies shall be used by Herefordshire Council at its option for any or all of the following purposes: (The list is not in any order of priority)
 - a) Improved bus shelters/stops in the locality of the application site
 - b) Safe Routes for Schools
 - c) Improve lighting and signage to existing highway/pedestrian and cycle routes leading to the site
 - d) Improved pedestrian and cyclist crossing facilities
 - e) New On/Off road pedestrian/cycle links to the site
 - f) Traffic calming measures
4. The developer covenants with Herefordshire Council to pay Herefordshire Council £198 towards local library facilities.
5. In the event that Herefordshire Council does not for any reason use the said contributions in paragraphs 1, 2, 3, & 4, the purposes specified in the agreement within 10 years of the date of each payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
6. All of the financial contributions shall be Index linked and paid on or before commencement of the residential development unless otherwise agreed with Herefordshire Council
7. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement and an administration charge of 2% of the total contributions detailed in the Heads of Terms to be used towards the cost of monitoring and enforcing the Section 106 agreement, as required by the Supplementary Planning Document, "Planning Obligations", adopted by Herefordshire Council in April 2008.

Philip Mullineux - October 12 2009.

11 DMNW/092160/F - STEEL FRAMED EXTENSION TO EXISTING CATTLE YARDS AT HURSTLEY COURT, KINNERSLEY, HEREFORDSHIRE, HR3 6PD.

For: MR THOMAS per MR IAN SAVAGER, 35 CASWELL CRESCENT, LEOMINSTER, HEREFORDSHIRE, HR6 8BE.

Date Received: 24 August 2009

Ward: Castle

Grid Ref: 334897,248946

Expiry Date: 19 October 2009

Local Member: Councillor JW Hope MBE

1. Site Description and Proposal

- 1.1 The site is situated adjacent to the southern side of an existing steel framed agricultural building used for the housing of cattle.
- 1.2 Through part of the proposed development site is a native hedgerow. Otherwise the application site is surrounded by agricultural land in the control of the applicant.
- 1.3 The application proposes an extension to the existing farm building in order to create approx. 371.85 square metres of floor space for the housing of cattle.

2. Policies

2.1 Herefordshire Unitary Development Plan

S1	-	Sustainable development
S2	-	Development requirements
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
E13	-	Agriculture and forestry development
E15	-	Protection of Greenfield land
LA2	-	Landscape character and areas least resilient to change
LA5	-	Protection of trees woodlands and hedgerows
LA6	-	Landscaping schemes.
NC1	-	Biodiversity and development
HBA4	-	Setting of listed buildings

3. Planning History

- 3.1 NW00/2980/F – Portal framed extension to agricultural stock housing building. Approved 20th December 2000
- 3.2 NW05/1474/F – Proposed extension of agricultural building. Approved 8th August 2005.

4. Consultation Summary

Statutory Consultees.

- 4.1 None required.

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

Internal Council advice.

- 4.2 The Transportation Manager raises no objections.
- 4.3 The Conservation Manager has responded to the application on Conservation issues stating: 'it is difficult to see how this further increment could be said to damage the setting of the listed buildings but it does appear unfortunate that it breaks through the old (possibly ancient), hedge line and felling of a significant Oak'.
- 4.4 The Public Rights of Way Manager raises no objections.

5. Representations

- 5.1 Norton Canon Parish Council has responded to the application stating:
- 'The Parish Council has no comments, as long as the screening by trees and hedges is correctly done'.
- 5.2 Three letters of comment/objections have been received from:
- Mr & Mrs T Skyrme, Portmeirion Cottage, Kinnersley.
 - Mr & Mrs J Mckellar, Hursley House Farm, Kinnersley.
 - An occupant of Little Hurstley, Kinnersley.

Objections/comments received can be summarised as follows:

- Visual impact on the locality.
 - Impact on surrounding amenity.
 - Further encroachment on greenland.
 - Impact on adjoining public highway.
 - No objection to the principle of the development, but to the proposed siting.
- 5.3 The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

6. Officer's Appraisal

- 6.1 The key issues of concern with regards to this application are:
- Impact on surrounding residential amenity and privacy.
 - Impact on surrounding landscape.
 - Impact on setting of surrounding listed buildings.
 - Public highway impact.

Impact on surrounding residential amenity and privacy.

- 6.2 The site for the proposed development is adjacent to an existing steel framed agricultural building located to the rear of the existing farmstead, surrounded by farm land in the control of the applicant. Within approx. 100 metres of the site, in an easterly direction, on opposite side of an access track to the application site, are two dwellings, the main elevations of which do not look directly into the application site.

- 6.3 In consideration of the existing development adjacent to the site, and the modest scale of the development subject to this application, it is considered that the proposed development will have no further detrimental impact on the amenity and privacy of these dwellings. Furthermore, a condition can be attached with regards to additional landscaping, in order to lessen any impact upon these dwellings and their curtilages.

Impact on surrounding landscape.

- 6.4 The site for the proposed development is located in open countryside of traditional rural character with a woodland backdrop to its southern side.
- 6.5 On the application site itself is an existing native hedgerow, of a relatively poor quality being gappy in structure. To the east of the application site is a mature 'Oak' tree of historic interest. However this tree is located outside of the application site, in a location where the proposed development will have no detrimental impact on its branch or root structure.
- 6.6 As such the impact of the proposed development on the surrounding landscape will be negligible and with conditions with regards to planting of hedgerow and screening, the proposed development is considered acceptable on landscape grounds.

Impact on setting of surrounding listed buildings and public highways.

- 6.7 Within close proximity to the application site are two grade II listed dwellings. It is not considered that the proposed development will have any significant damaging impact on the setting of these listed buildings, and it is noted that the Conservation Manager in his response to the application raised no objections to the proposed development on this issue.
- 6.8 The site for the proposed development is located to the rear of the farmstead and does not impact on the public highway. As such it is considered that the proposal has no detrimental impact on public highway issues.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission)**
2. **C07 Dark roof colouring (agricultural buildings)**
3. **G12 Hedgerow planting**
4. **G13 Tree planting.**
5. **G02 Retention of trees.**
6. **I20 Scheme of surface water drainage**

INFORMATIVES:

- 1 **N15 Reason(s) for the Grant of Planning Permission.**
- 2 **N19 Avoidance of doubt - Approved Plans**

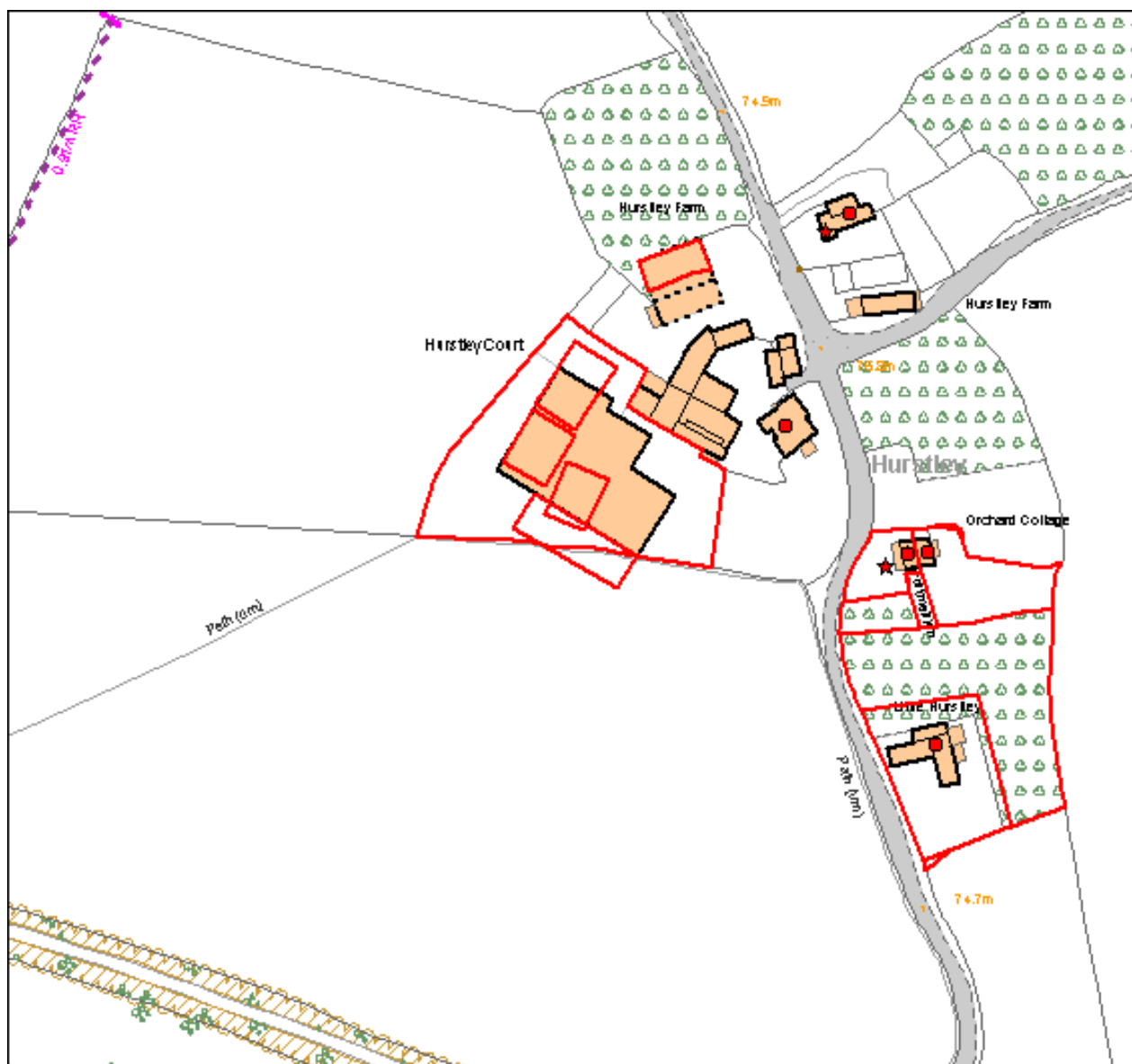
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMNW/092160/F

SITE ADDRESS : HURSTLEY COURT, KINNERSLEY, HEREFORDSHIRE, HR3 6PD

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