

# AGENDA

## Planning Committee

Date: **Wednesday 24 April 2013**

---

Time: **10.00 am**

---

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

---

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

For any further information please contact:

**Ricky Clarke, Democratic Services Officer**

Tel: 01432 261885

Email: [rclarke@herefordshire.gov.uk](mailto:rclarke@herefordshire.gov.uk)

---

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

# Agenda for the Meeting of the Planning Committee

## Membership

<b>Chairman</b>	<b>Councillor PGH Cutter</b>
<b>Vice-Chairman</b>	<b>Councillor BA Durkin</b>
	<b>Councillor PA Andrews</b>
	<b>Councillor AN Bridges</b>
	<b>Councillor PJ Edwards</b>
	<b>Councillor DW Greenow</b>
	<b>Councillor KS Guthrie</b>
	<b>Councillor J Hardwick</b>
	<b>Councillor JW Hope MBE</b>
	<b>Councillor MAF Hubbard</b>
	<b>Councillor RC Hunt</b>
	<b>Councillor Brig P Jones CBE</b>
	<b>Councillor JG Lester</b>
	<b>Councillor RI Matthews</b>
	<b>Councillor FM Norman</b>
	<b>Councillor AJW Powers</b>
	<b>Councillor GR Swinford</b>
	<b>Councillor PJ Watts</b>

\*Please note that at the time of publication there was one vacant seat on the Committee

## AGENDA

		Pages
1.	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
2.	<p><b>NAMED SUBSTITUTES (IF ANY)</b></p> <p>To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p><b>DECLARATIONS OF INTEREST</b></p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
4.	<p><b>MINUTES</b></p> <p>To approve and sign the Minutes of the meeting held on 3 April 2013.</p>	5 - 12
5.	<p><b>CHAIRMAN'S ANNOUNCEMENTS</b></p> <p>To receive any announcements from the Chairman.</p>	
6.	<p><b>APPEALS</b></p> <p>To be noted.</p>	13 - 16
7.	<p><b>S123556/F - LAND ADJACENT TO ROSE COTTAGE, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE</b></p> <p>Erection of 10 no. affordable homes with associated parking, access &amp; landscaping.</p>	17 - 26
8.	<p><b>SE100966/F -PENNOXSTONE COURT FARM, KINGS CAPLE, HEREFORDSHIRE, HR1 4TX</b></p> <p>Application (part retrospective) to erect, take down and re-erect polytunnels, rotated around fields as required by the crops under cultivation (soft fruit).</p>	27 - 54
<b>ADJOURNMENT</b>		
At the conclusion of the first two applications the meeting will be adjourned for lunch.		
9.	<p><b>130461/F - LLANERCH Y COED, DORSTONE, HEREFORD, HR3 6AG</b></p> <p>Change of use of farm buildings to create 3 letting holiday cottages, 1 B&amp;B letting room &amp; an events venue facility. Erection of 5 demountable Geo Domes for holiday/events letting use with wc/shower facilities in a new building &amp; communal facilities in one farm building.</p>	55 - 72
10.	<p><b>130426/F - FORMER POMONA WORKS, ATTWOOD LANE, HOLMER, HEREFORD, HR1 1LJ</b></p> <p>Demolition of existing buildings and erection of 34 no houses and garages together with roads, sewers and associated external works.</p>	73 - 98
11.	<p><b>123417/F - DAIRY FARM - LODGE FARM, WALTERSTONE COMMON, HEREFORDSHIRE, HR2 0DT</b></p> <p>Proposed new farm house.</p>	99 - 104

12. **130534/FH - 45 WALKERS GREEN, MARDEN, HEREFORD, HR1 3DZ**  
Proposed first floor extension.

105 - 110

13. **DATE OF NEXT MEETING**

Date of next site inspection: 14 May 2013

Date of next meeting: 15 May 2013

## **The Public's Rights to Information and Attendance at Meetings**

### **YOU HAVE A RIGHT TO: -**

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

### **Public Transport Links**

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

## HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

### FIRE AND EMERGENCY EVACUATION PROCEDURE

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

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

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

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

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



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

HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 3 April 2013 at 10.00 am**

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

Councillors: PA Andrews, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, MAF Hubbard, Brig P Jones CBE, JF Knipe, JG Lester, RI Matthews, AJW Powers, GR Swinford and PJ Watts

**In attendance:** Councillors H Bramer

**163. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors AN Bridges, RC Hunt and FM Norman.

**164. NAMED SUBSTITUTES (IF ANY)**

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor JF Knipe attended the meeting as a substitute member for Councillor AN Bridges.

**165. DECLARATIONS OF INTEREST**

7. S123556/F - LAND ADJACENT TO ROSE COTTAGE, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE.

Councillor DW Greenow, Non-Pecuniary, The Councillor is a member of Gorsley Chapel.

9. S123110/O - LAND AT WILLOW CROFT, SUTTON ST NICHOLAS, HEREFORD, HR1 3AZ.

Councillor RI Matthews, Non-Pecuniary, The Councillor knows the applicant.

11. 130563/FH - 6 OLDFIELDS CLOSE, LEOMINSTER, HEREFORDSHIRE, HR6 8PY.

Councillor Brig P Jones CBE, Disclosable Pecuniary, The application had been submitted by the Councillor's spouse.

**166. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 13 March 2013 be approved as a correct record and signed by the Chairman.

**167. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman advised the Committee that the meeting scheduled for 24 April 2013 was likely to continue into the afternoon.

**168. APPEALS**

The Head of Neighbourhood Planning advised that application 121410/L had been refused under delegated powers and not approved as stated in the report.

In response to a question from the Committee he advised that a Planning Inspector had the option to allow an application in part, this was not an option for Committee who were required to approve or refuse the application. He added that the Inspector had deemed the storage building to be acceptable but not the manège.

The Planning Committee noted the report.

**169. S123556/F - LAND ADJACENT TO ROSE COTTAGE, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE**

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mrs Foley, Chairman of Linton Parish Council, and Mr Price, a neighbouring resident, both spoke in objection to the application.

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

- The potential of ten affordable homes in a rural location would usually be welcomed however due to the site location the proposal could not be supported.
- The proposed site was adjacent to the village school.
- There were significant traffic problems in the vicinity of the school at the start and end of the school day.
- The local publican allowed parking on his land during peak times but this did not address the problem fully.
- Local residents and school staff were concerned for the safety of pupils.
- The application should be refused.

The Committee had concerns in respect of the traffic issues around the school and requested that further discussions be undertaken with the applicant in an attempt to secure some appropriate parking provision at the school. The issue of parking around the school was raised by a number of members and ultimately they decided that it would be beneficial for them to visit the site during peak time in order for them to form an opinion in respect of the traffic issues.

It was noted that there were some issues regarding drainage raised by the public speaker. The Committee requested that the matter be addressed prior to the application being determined at the next meeting.

**RESOLVED:**

**That the determination of the application be deferred for a site visit on the following grounds:**

- 1. The character and appearance of the development itself is a fundamental planning consideration.**
- 2. A judgement is required on visual impact.**
- 3. The setting and surroundings are fundamental to the determination or to the conditions being considered, and cannot reasonably be made without visiting the site.**



**170. N123463/F - LAND ADJACENT TO THE NEW INN, STAUNTON ON WYE, HEREFORDSHIRE, HR4 7LR**

The Principal Planning Officer gave a presentation on the application.

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

- The Parish Council's comments should be noted.
- The Council should be notifying Parish Council's in respect of the lack of a five year housing supply.

The Committee requested that all Parish Council's be contacted regarding the Council's current position in relation to the lack of a five year housing supply. It was agreed that HALC should also be contacted regarding the matter.

Councillor Hope was given the opportunity to close the debate but chose to make no additional comments.

**RESOLVED:**

**That planning permission be granted subject to the following conditions:**

1. **A01 - Time limit for commencement (full permission)**
2. **B01 - Development in accordance with the approved plans**
3. **C01 - Samples of external materials**
4. **G04 - Protection of trees/hedgerows that are to be retained**
5. **G10 - Landscaping scheme**
6. **G11 - Landscaping scheme – implementation**
7. **H03 - Visibility splays**
8. **H05 - Access gates**
9. **L01 - Foul/surface water drainage**
10. **L02 - No surface water to connect to public system**
11. **L03 - No drainage run-off to public system**
12. **I16 - Restriction of hours during construction**

**Reason for Approval**

1. **The Council's five year housing land supply demonstrates a shortfall in provision. Policy H7 of the Herefordshire Unitary Development Plan does not reflect the most current advice contained within the National Planning Policy Framework and is therefore considered to be out of date. The site is considered to be sustainable as one on the edge of Staunton on Wye. The design is acceptable and access can be provided to the site without the loss of the roadside hedgerow. The proposal therefore accords with the**

**Unitary Development Plan in all other respects and accords with the guiding principles of the National Planning Policy Framework.**

**INFORMATIVES:**

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and material considerations. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. HN28 - Highways Design Guide and Specification**

**171. S123110/O - LAND AT WILLOW CROFT, SUTTON ST NICHOLAS, HEREFORD, HR1 3AZ**

The Principal Planning Officer gave a presentation on the application.

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

- The current proposal was a better design than the previous one.
- The Parish Council had objected to the application in line with the Unitary Development Plan.
- It was important to ensure that Parish Councils were updated regarding the lack of a five year housing supply and the impact this had in determining applications.

In response to a question, the Principal Planning Officer advised that there were no affordable homes in the development as the application was for four homes which fell below the threshold. She also advised that the application had been scaled down to address concerns from the planning authority.

Members voiced their concerns in respect of a gradual increase to the size of the development. The Principal Planning Officer advised that although the whole site was deemed as a low constraint site, the applicant had been advised that any further development could be viewed on a cumulative basis.

In response to a question, the Head of Neighbourhood Development advised that the Council could currently demonstrate approximately a 4 ½ year housing land supply.

Members debated the application and considered that the application site was suitable for the proposed development. The committee also welcomed the provision of two-bedroom dwellings on the site.

Councillor Guthrie was given the opportunity to close the debate but chose to make no additional comments.

**RESOLVED:**

**That planning permission be granted subject to the following conditions:**

- 1. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**

3. **A04 Approval of reserved matters**
4. **B01 Development in accordance with the approved plans**
5. **C01 Samples of external materials**
6. **G11 Landscaping scheme – implementation**
7. **H18 On site roads - submission of details**
8. **Prior to the commencement of any other works, a detailed timetable of works the access shall be submitted to and approved in writing. This shall include details of any temporary surfaces during the construction period.**

**Reason: In the interests of amenity of the locality and highway safety having regard to policies DR2 and DR3 of the UDP.**

9. **I16 Restriction of hours during construction**
10. **I20 Scheme of surface water drainage**
11. **L01 Foul/surface water drainage**
12. **L02 No surface water to connect to public system**
13. **L03 No drainage run-off to public system**

**Reason for Approval**

1. **The proposal fails to comply, in principle, with policies H4, H7 and H10 of the Herefordshire Unitary Development Plan, however greater weight has been given to the National Planning Policy Framework that clearly identifies that where sites are considered to be sustainably located, and where they comply with other relevant policies, there should be a presumption in favour of sustainable development. The sites development accords with policies in relation to design, character of the area, highway safety, relationship with neighbouring properties, landscape impact, drainage and protecting biodiversity, namely policies DR1, DR2, DR3, DR4, LA2, LA5, LA6, H13, T8 and T11 of the Herefordshire Unitary Development Plan. In conclusion, whilst the application would be contrary to Saved Policies of the Plan, the absence of a 5-year supply of housing land was afforded greater weight.**

**INFORMATIVES:**

1. **HN08 Section 38 Agreement & Drainage details**
2. **HN07 Section 278 Agreement**
3. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

**172. N123569/O - FLAGGONERS GREEN HOUSE, PANNIERS LANE, BROMYARD, HEREFORDSHIRE, HR7 4QR**

The Principal Planning Officer gave a presentation on the application.

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

- The site was previously a veterinary surgery which resulted in higher levels of vehicle movements than a domestic dwelling.
- The Town Council had not objected to the application.

Councillor A Seldon, the other local ward member, could not be present at the meeting but submitted a letter of support which was read out by the Chairman.

**RESOLVED:**

**That outline planning permission be granted subject to the following conditions:**

1. **A02 Time limit for submission of reserved matters (outline permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **A05 Plans and particulars of reserved matters**
5. **L01 Foul/surface water drainage**
6. **L02 No surface water to connect to public system**
7. **L03 No drainage run-off to public system**

**Reason for Approval**

1. **The application is considered to be contrary to the requirements of housing policies within the Herefordshire Unitary Development Plan in so much as it would provide a new dwelling outside of the adopted settlement boundary. However, Herefordshire Council has a shortfall in its five-year housing land supply, and the site is sustainable being located directly adjacent to the settlement of Bromyard. With the proposal raising no further planning concerns, outline planning permission is therefore granted on the basis that the proposal is in line with the National Planning Policy Framework which prescribes a presumption in favour of sustainable development.**

**INFORMATIVES:**

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

**173. 130563/FH - 6 OLDFIELDS CLOSE, LEOMINSTER, HEREFORDSHIRE, HR6 8PY**

The Principal Planning Officer gave a presentation on the application.

Members noted that the application had only been referred to the Committee as it had been submitted by a Councillor's Spouse. It was noted that the proposed extension was in keeping with neighbouring dwellings.

**RESOLVED:**

**That subject to no further objections raising additional material planning considerations being received by the end of the consultation period, the officers named in the Scheme of Delegation to Officers be authorised to approve the application 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. C02 Matching external materials (extension)**
- 4. I16 Restriction of hours during construction**

**Reason for Approval**

- 1. The proposed extension is appropriate in terms of its scale design and appearance. It will not have a demonstrable detrimental impact on the residential amenity of adjoining neighbours either by virtue of its alignment in relation to them or distance from opposing elevations. The scheme accords with Policy H18 of the Herefordshire Unitary Development Plan and the guiding principles of the National Planning Policy Framework.**

**INFORMATIVES:**

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and material considerations. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

**174. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

The meeting ended at 11.30 am

**CHAIRMAN**



<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>24 APRIL 2013</b>
<b>TITLE OF REPORT:</b>	<b>APPEALS</b>

---

**CLASSIFICATION:** Open

## Wards Affected

Countywide

## Purpose

To note the progress in respect of the following appeals.

## Key Decision

This is not a key decision

## Recommendation

That the report be noted

## APPEALS RECEIVED

### Application 121503/F

- The appeal was received on 18 March 2013
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr F Robey
- The site is located at Upper House Farm, Bacton, Hereford, Herefordshire, HR2 0AU
- The development proposed is a proposed campsite for 5 demountable tents (6 months holiday season)
- The appeal is to be heard by Written Representations

**Case Officer: Mr A Prior on 01432 261932**

### Application 120882/F

- The appeal was received on 20 March 2013
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr A Thomas
- The site is located at Land adjacent to, 1 Hunderton Avenue, Hereford
- The development proposed is the erection of 1 pair semi-detached houses.
- The appeal is to be heard by Written Representations

**Case Officer: Ms K Gibbons on 01432 261781**

### Application 122202/FH

- The appeal was received on 26 March 2013
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission

- The appeal is brought by the owner and/or occupier
  - The site is located at Pudleston Court, Pudleston, Herefordshire, HR6 0QY
  - The development proposed is the partial demolition of building and replace with single storey extension with raised atrium roof
  - The appeal is to be heard by Written Representations
- Case Officer: Mr M Tompkins on 01432 261795**

#### **Application 122203/L**

- The appeal was received on 26 March 2013
  - The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Listed Building Consent
  - The appeal is brought by the owner and/or occupier
  - The site is located at Pudleston Court, Pudleston, Herefordshire, HR6 0QY
  - The development proposed is the partial demolition of building and replace with single storey extension with raised atrium roof
  - The appeal is to be heard by Written Representations
- Case Officer: Mr M Tompkins on 01432 261795**

#### **Application 122604/O**

- The appeal was received on 9 April 2013
  - The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
  - The appeal is brought by Mr G Wooddisse
  - The site is located at Land rear of White House Drive, Kingstone, Hereford
  - The development proposed is an outline application for 35 unit housing scheme with associated access.
  - The appeal is to be heard by Written Representations
- Case Officer: Mr A Prior on 01432 261932**

## **APPEALS DETERMINED**

#### **Application 120376/F**

- The appeal was received on 7 December 2012
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by The Owner and/or Occupier
- The site is located at Yellow Wood Forrestry Office, Winforton Wood, Winforton, Herefordshire, HR3 6EB
- The development proposed was the removal of conditions 1, 2 & 3 of planning permission DMN/112341/F:
- The main issue is whether the disputed conditions are reasonable and necessary to protect the character and appearance of the countryside.

#### **Decision:**

- The application was Refused under delegated powers on 9 May 2012
- The appeal was a split decision on 19 March 2013

**Case Officer: Mr A Banks on 01432 383085**

#### **Enforcement Notice 122537/ENF**

- The appeal was received on 7 September 2012
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr T Hamed
- The site is located at 48-50 St Owen Street, Hereford, Herefordshire, HR1 2PU
- The breach of planning control alleged in this notice is that without planning permission, the installation of white framed UPVC double glazed windows on the first floor of the front elevation of the site.

---

Further information on the subject of this report is available from the relevant case officer



- The requirements of the notice are that all white UPVC framed double glazed window frames installed at first floor level of the building fronting Cantilupe Street are to be permanently removed. Each removed window is to be replaced with wooden framed double glazed units to be stained a light oak colour
- The main issue was the effect of the unauthorized development on a building within the Central Hereford Conservation Area

**Decision:**

- The appeal was dismissed on 10 April 2013
- An application for the award of Costs, made by the appellant against the Council, was dismissed
- An application for the award of Costs, made by the Council against the appellant, was allowed – The Council has been granted a partial award of Costs

**Case Officer: Mr M Lane on 01432 260474**

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





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>24 APRIL 2013</b>
<b>TITLE OF REPORT:</b>	<p><b>S123556/F - ERECTION OF 10 NO. AFFORDABLE HOMES WITH ASSOCIATED PARKING, ACCESS &amp; LANDSCAPING AT LAND ADJ ROSE COTTAGE, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE</b></p> <p><b>For: Two Rivers Housing Association per Quattro Design Architects Ltd, Imperial Chambers, Longsmith Street, Gloucester, Gloucestershire, GL1 2HT</b></p>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=123556&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=123556&amp;NoSearch=True</a>

Date Received: 21 December 2012

Ward: Penyard

Grid Ref: 367392,226237

Expiry Date: 22 March 2013

Local Members: Councillor H Bramer

### Update

The application was deferred at Planning Committee on 3 April for a committee site visit. Members also raised a question over drainage. Paragraphs 6.24 – 6.27 below set out the Officer's position on this matter. The applicants intend connecting to the public sewerage system and no objection was made by the statutory undertakers regarding this. Recommended planning conditions also safeguard local residents on this matter, as if the conditions are not discharged to the satisfaction of the Council then this development can not proceed.

#### 1. Site Description and Proposal

- 1.1 The application site is located outside, and immediately abutting the settlement boundary of Gorsley, a 'main village' within the Unitary Development Plan. The site occupies a prominent 'gateway position' on the approach from the west.
- 1.2 The site comprises a broadly rectangular agricultural field of some 0.34 hectares in extent positioned on the corner between the B4221 which forms the southern boundary and the unclassified Ivy House Lane which forms the boundary to the south east, and from which there is an existing field gate access. The land slopes gently from the road to its northern boundary. Local services are located in close proximity to the site, including a primary school to the west, public house opposite and footpath links to the village shop to the east. The Ivy House estate, which comprises 18 post war dwellings set in a cul-de-sac arrangement, is opposite to the east. Further open countryside and agricultural land adjoins to the north.
- 1.3 The proposal is for the erection of 10 affordable homes with associated parking, access and landscaping.

---

Further information on the subject of this report is available from Mr C Brace on 01432 261947

## 2. Policies

### 2.1 National Planning Policy Framework (NPPF)

- The presumption in favour of sustainable development – para 14
- Core planning principles – Design quality and character of an area – para 17
- Delivering a wide choice of high quality homes – Sustainable rural development and delivery of affordable housing – Chapter 6 para 47, 49, 50, 54, 55
- Requiring good design – quality, context and local character and distinctiveness – Chapter 7 para 58, 60, 61, 64
- Determining applications – determination in accordance with the approved plan unless material conditions indicate otherwise – para 196

### 2.2 Herefordshire Unitary Development Plan (HUDP):

S1	-	Sustainable development
S2	-	Development requirement
S3	-	Housing
S7	-	Natural and historic heritage
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
H4	-	Main villages
H7	-	Housing in the countryside outside settlements
H9	-	Affordable Housing
H10	-	Rural exception housing
H13	-	Sustainable residential design
H15	-	Density
H16	-	Car Parking
T6	-	Walking
T8	-	Road hierarchy
T11	-	Parking provision
LA2	-	Landscape character and areas least resilient to change
LA3	-	Setting of settlements
LA5	-	Protection of trees, woodlands and hedgerows
LA6	-	Landscaping schemes
NC1	-	Biodiversity of development

2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

## 3. Planning History

3.1 S122482/F – Erection of 10 affordable homes with associated parking, access and landscaping – Withdrawn

## 4. Consultation Summary

Internal Council Advice

4.1 The Transportation Manager raises no objection noting appropriate visibility and parking standards and requirements are satisfied. Conditions are attached to the recommendation below.

---

Further information on the subject of this report is available from Mr C Brace on 01432 261947

- 4.2 Conservation Manager (Landscape) advises that there are no landscape designations and that whilst any such development will have a landscape impact, the scale and pattern of development of Gorsley shows residential development could be accommodated on this site. No objection is made providing adequate natural boundary treatments and appropriate landscaping is provided.
- 4.3 Environmental Health Manager notes the site is within 250 metres of a closed landfill site and as such conditions regarding the consideration, assessment and mitigation of contamination risk are recommended.
- 4.4 Strategic Housing Mwanager supports the application and outlines both the significant affordable housing need over the next 5 years, both in Gorsley – 12 units, and the county as a whole – 3457 units. Over the next 20 years a minimum of 97 affordable units need to be provided per year to meet existing and projected need. The need in Gorsley is unmet due to no affordable housing development recently. The Strategic Housing team has been trying to source and secure such a development as proposed since 2007.

The majority of objections relayed to the Strategic Housing team at two public consultation events were about the car parking issues caused by parents who were dropping off and picking up their children from school. Despite this situation not being a direct result of the proposal, the Housing Association have previously tried to ease the situation by offering car parking spaces on the development, however, the Parish Council declined the offer. The Council's Area Engineer has been heavily involved with their specification for the junction and access into the site and addressed these issues.

## **5. Representations**

- 5.1 Linton Parish Council objects to the proposal on the following summarised grounds –
- The density is too high
  - Extra traffic generated will compromise highway safety
  - Concern over impact on water supply
  - The design of the dwellings is neither 'good' or 'in keeping' with the local area
- 5.2 Twenty letters of objection have been received from local residents. Comments regarding material planning matters are summarised as –
- The proposal represents overdevelopment of the site
  - There are more suitable sites
  - Concern regarding sewerage
  - There is no local need for affordable housing
  - This is a prominent site
  - Concern over surface water issues
  - Impact on the landscape
  - Design of the dwellings is unattractive
  - Concern over highway safety
  - Parents picking up/ dropping off children at the school use Ivy House Lane to park
- 5.3 Welsh Water notes the developer can requisition sewers under Sections 98-101 of the Water Industry Act 1991 and notes 'no problems are envisaged with the provision of water supply for this development'.

- 5.4 The consultation responses can be viewed on the Council's website by using the following link:-  
[www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx](http://www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx)

Internet access is available at the Council's Customer Service Centres:-  
[www.herefordshire.gov.uk/community\\_and\\_living/consumer\\_advice/41840.asp](http://www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp)

## **6. Officer's Appraisal**

### Principle/Need

- 6.1 This application follows the applicant's own consultation exercise with the local community, formal pre-application advice with the Local Planning Authority and this revised proposal also seeks to address a number of issues raised in respect of the withdrawn application S122482/F.
- 6.2 The most significant local plan policy applicable to this application is policy H10 – Rural exception housing. This policy allows for residential development on suitable sites adjoining identified settlements including designated 'main villages' such as Gorsley, where there is a proven genuine and quantifiable local need for affordable houses.
- 6.3 The NPPF puts sustainable development at its core and recognises three dimensions to this. The environmental dimension outlines how decision making should contribute to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy. The social role promotes the provision of a supply of housing to meet the needs of the present and future generations
- 6.4 Furthermore the NPPF clearly states that there is a presumption in favour of sustainable development.
- 6.5 To promote sustainable development in rural areas, the NPPF advises that housing should be of high quality and located where it will enhance or maintain the vitality of rural communities which includes supporting existing local services.
- 6.6 There is a significant need for affordable housing within the County as a whole and the identified need in the 2010 Housing Needs Survey for Gorsley is 12 units. This need is still unmet as no development has taken place since the study was undertaken. Clearly the proposed development of ten units will go a significant way to meeting this need.
- 6.7 In this case, the site is well related to the services and facilities offered within the village and it is concluded that there is no objection in principle to the provision of affordable homes in this location

### Sustainability

- 6.8 The site is adjacent to the defined settlement boundary of Gorsley, a designated 'main village' and as such it is considered that it should be regarded as a sustainable location for new residential development. Gorsley has a range of services and facilities within easy walking distance of the application site, including the primary school, shop, public house and village hall. This development will contribute to maintaining those services. Furthermore the development of the site would not cause harm to protected species or any designated heritage or landscape assets since there are none on, or immediately adjoining the site.

- 6.9 The density of development proposed represents 29 dwellings per hectare, making efficient use of this site in accordance with Policy H15 of the UDP. Furthermore these are modest properties, ranging from 72 sq. metres in accommodation for the 2 bed units, and 84 sq. metres accommodation provided by the 3 bed units. In addition the dwellings will be constructed to Lifetime Homes Standards, which is equivalent to Code Level 3 of the Code for Sustainable Homes.
- 6.10 On the above basis, the site and proposed development is considered to meet local planning policies S1, S2 and H10 of the UDP and the requirements of NPPF.

### **Landscape and Visual Impact**

- 6.11 Gorsley can be characterised by its network of narrow intersecting lanes fringed by wayside cottages interspersed with small hedged pastures and pockets of rough grazing. It is considered that within this landscape context new residential development of an appropriate scale and form can be accommodated.
- 6.12 Development of this site is considered to comprise a form of 'infilling', being located between the primary school and the edge of the built core of Gorsley. The site is open and undeveloped but to the east, south and west there is built development and a clear sense of transition from open countryside to a settlement. This is emphasised by the types and age of the development, ranging from the school and pub to various scales, densities and forms of housing.
- 6.13 Development of this site therefore is not considered to have a significant adverse landscape impact or undermine the setting of the village. It is considered to be appropriately designed and landscaped development. The development is further assimilated through enhanced boundary treatments comprising native species hedgerow planting to upgrade and improve the existing situation. Furthermore hardstanding areas have been kept to the minimum required to accommodate parking and manoeuvring and green areas have been incorporated into the layout.

### **Design**

- 6.14 The development comprises ten dwellings, split into two distinct design types. This approach has been utilised so the development relates better to its context and two differing road frontages, whilst also providing some appropriate variation.
- 6.15 Plots 1 – 4 comprise two pairs of semi detached dwellings constructed of red facing brick with grey roof tiles and featuring open porches and chimneys. Each semi detached arrangement comprises one 2 bedroom unit with a width of 6.8 metres providing 74 sq metres of accommodation, and one 3 bedroom unit with a width of 8.4 metres providing 84 sq metres of accommodation. These four units front onto the B Class road opposite The Roadmaker Inn. They have side gable elevations and the ridge heights gradually increase with the topography of the site from west to east, with the highest ridge height of 7.8 metres and lowest of 7.2 metres from ground level. This approach reduces the massing impact of this section of development along the road frontage and creates some aesthetic interest.
- 6.16 Plots 5 – 10 comprise two terraces of three dwellings constructed of buff coloured stone with grey roof tiles, with each dwelling featuring an open fronted porch and chimney. Each terrace arrangement comprises three units, one comprising three 2 bedroom dwellings with a ridge height of 6.9 metres and a combined width of 19.6 metres providing 74 sq metres of accommodation per unit, and the other comprising three 3 bedroom dwellings with a ridge height of 7.3 metres and a combined width of 17.6 metres providing 84 sq metres of accommodation per unit.

- 6.17 These six units have a frontage onto the unclassified Ivy House Lane and the materials palette respects the local context and is influenced by the modern residential estate opposite and other historic buildings around the village. These units have a uniform ridge height across each terrace section and feature a hipped roof on the end units at plots 5 and 10. This again reduces the mass and also replicates a roof style feature common within Herefordshire and found within Gorsley.
- 6.18 Overall the design, detailing, siting and approach utilised is considered to be of sufficient quality, respecting the local context and nature of the location. As set out above, the proposal is considered to respond adequately to the established local character and reflects the identity of its surroundings.
- 6.19 The proposal has an appropriate level of private amenity, and also does not result in undue impact upon the amenity and privacy of the individual proposed dwellings within the development or existing adjoining residential uses.
- 6.20 Along with satisfying the design requirements of the National Planning Policy Framework, the proposal satisfies the design standards criteria of local plan policies S2, DR1 and H13.

### **Sewerage, surface water and hydrological issues**

- 6.21 The applicant's have carried out a commercial drainage and water report undertaken by Severn Trent, and have also submitted a Drainage and Flood Risk Appraisal.
- 6.22 The site is at negligible risk if flooding from fluvial or groundwater flooding as evidenced from data held by the Environment Agency. Surface water run off and downstream surface water flood risk will be mitigated by soakaways and these will conform to or exceed Building Regulations or Code for Sustainable Homes.
- 6.23 Sewers from the Ivy House Estate have become public sewers since October 2011. A sewer connection could be achieved either in Ivy House Lane or on Ivy House Estate and no objection has been received in relation to the capacity of the local sewerage system. Welsh Water also raise no concerns regarding the provision of water supply to this development.
- 6.24 As such there are no issues regarding sewerage, surface water or water supply that would warrant refusal of this application.

### **Highways**

- 6.25 The application is accompanied with a traffic and parking survey and the application has been assessed by the Transportation Manager.
- 6.26 The visibility and access serving the development is to the required standards and is considered acceptable. Off road parking provision is also to the required levels. The associated works actually improve the visibility at the junction with the B Class road above the existing situation. The development also secures enhancements for pedestrians due to upgrading and installation of new footpaths hereabouts adjoining the site. On this basis there are no sustainable or justified grounds to refuse the application on highway grounds.
- 6.27 The localised highways issue is created by parents parking indiscriminately when dropping off or picking up children from the school. Whilst the concerns expressed in respect of this issue are acknowledged, this existing problem cannot reasonably be used as a basis for the refusal of this application which provides the required parking provision and visibility.
- 6.28 Having regard to the acceptability of technical details regarding highways matters, whilst acknowledging the concerns of the local community regarding on road parking problems



generated by users of the school, there are no sustainable or justified grounds to refuse the application on highway matters. Furthermore UDP policies S1, S2, DR1, DR2, DR3, T8 and T11 are satisfied.

## **Conclusion**

- 6.29 The proposal is considered to represent a sustainable form of residential development, meeting a genuine housing need and being appropriate to and in keeping with its context. Material issues arising from this development are addressed within the development and through appropriate conditions. Relevant local and national planning policies are satisfied and as such approval with conditions is recommended.

## **RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

- 1. A01 – Time limit for commencement of development**
- 2. B01 – Development in accordance with approved plans**
- 3. B07 – No development until the completion, signing and receipt of S106 agreement**
- 4. C01 – Sample of external materials**
- 5. G02 – Retention of trees and hedgerows**
- 6. G09 – Details of boundary treatments**
- 7. G10 – Landscaping scheme**
- 8. G11 – Landscaping scheme implementation**
- 9. G12 – Hedgerow planting**
- 10. H03 – Visibility splays**
- 11. H04 – Visibility over frontage**
- 12. H13 – Access, turning area and parking**
- 13. H17 – Junction improvement**
- 14. H21 – Wheel washing**
- 15. H27 – Parking for site operatives**
- 16. H29 – Covered and secure cycle parking**
- 17. I16 – Restriction on hours during construction**
- 18. I17 – Scheme of foul water disposal**
- 19. I20 – Scheme of surface water drainage**
- 20. I23 – Improvement of existing sewerage system**

- 21. I42 – Scheme of refuse storage
- 22. Contamination study and report and mitigation
- 23. Implementation of Remediation Scheme approved under condition no.23

**Reason for Approval**

- 1. The proposal represents a sustainable form of development satisfying a genuine proven affordable housing need within this locality on a suitable and available site which has limited constraints and is within close proximity to local services and facilities. The proposal is of a size, scale, design, layout and density in keeping with its edge of village location and has no detrimental impact on adjoining land uses, the character and appearance of the streetscene or highway safety. Accordingly Herefordshire Unitary Development Plan policies S1, S2, S3, S7, DR1, DR2, DR3, DR4, H4, H7, H9, H10, H13, H15, H16, T6, T8, T11, LA2, LA3, LA5, LA6 and NC1 and the relevant sustainability, housing and design aims and objectives of the National Planning Policy Framework are satisfied

**INFORMATIVES:**

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2. HN01 – Mud on Highway
- 3. HN04 – Private Apparatus Within Highway
- 4. HN05 – Works Within the Highway
- 5. HN07 – Section 278 Agreement
- 6. HN10 – No Drainage to Discharge to Highway

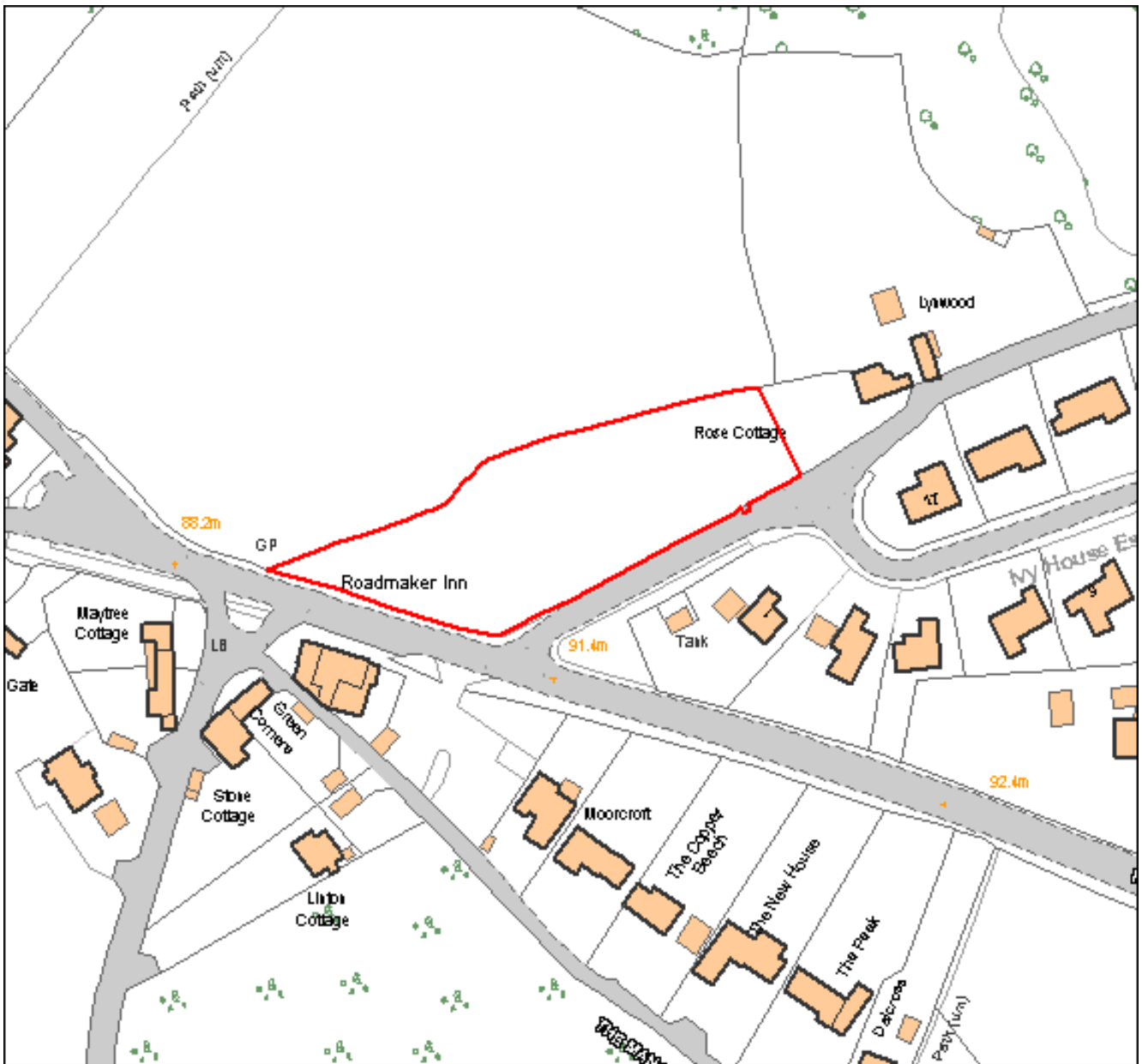
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** S/123556/F

**SITE ADDRESS :** LAND ADJOINING ROSE COTTAGE, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE

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





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>24 APRIL 2013</b>
<b>TITLE OF REPORT:</b>	<p><b>SE100966/F - APPLICATION (PART RETROSPECTIVE) TO ERECT, TAKE DOWN AND RE-ERECT POLYTUNNELS, ROTATED AROUND FIELDS AS REQUIRED BY THE CROPS UNDER CULTIVATION (SOFT FRUIT) AT PENNOXSTONE COURT FARM, KINGS CAPLE, HEREFORDSHIRE, HR1 4TX</b></p> <p><b>For: NJ &amp; IE Cockburn per Mr Antony Aspbury, Unit 20, Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW</b></p>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=100966&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=100966&amp;NoSearch=True</a>

Date Received: 26 April 2010

Ward: Old Gore

Grid Ref: 355972,228695

Expiry Date: 3 August 2010

Local Members: Councillor BA Durkin

### Introduction

1. The planning application was originally received on 26 April 2010 and presented to the Planning Committee with a recommendation for refusal on 13 October 2010. It was resolved that planning permission should be granted subject to the agreement of suitable conditions and the completion of a unilateral undertaking. The planning permission was issued on 25 May 2011 subject to 21 conditions and a legal agreement preventing the use of other forms of plastic crop protection (e.g. cloches) elsewhere across the application site. The discharge of conditions followed and the permission was implemented.
2. The decision to grant planning permission was subsequently challenged via judicial review and was quashed by order dated 3 September 2012. The Courts held that the local planning authority failed to discharge its duty to provide an adequate summary of its reasons for granting permission, failing specifically to describe how the proposal complied with Unitary Development Plan policy LA1.
3. The planning application has now to be re-determined. In view of the time that has elapsed and the requirement to ensure that decisions are based on up to date planning policies and any other material considerations, the Council gave the applicant the opportunity to update the Planning Statement, Landscape and Visual Impact Assessment and Economic Impact Assessment. These have formed the basis for re-consultation with the local community, statutory consultees, interested parties and those individuals/bodies who commented on this application in 2010. The updated consultation responses are summarised below in Section 5.
4. The Herefordshire Unitary Development Plan remains the adopted development plan for the county. At a national level The National Planning Policy Framework supersedes the former Planning Policy Statements and Guidance Notes that were relevant. The Framework and its

---

Further information on the subject of this report is available from Mr E Thomas on 01432 261566

implications for the determination of this application are discussed below. Although its abolition is understood to be imminent, the Regional Spatial Strategy remains in force. The Council's Core Strategy is undergoing a consultation at present, but it is considered that it should be given little weight in the decision-making process.

## **1.1 Site Description**

- 1.1.1 The village of Kings Caple, with Pennoxstone Court Farm lying on its south-western fringe, is situated on a spur of land on the eastern side of the Wye Valley, overlooked by rising ground to the west and south. The whole area falls within the Wye Valley Area of Outstanding Natural Beauty. It is a landscape of national importance. The landscape type is Principal Settled Farmlands, as defined by Herefordshire Council's Landscape Character Assessment 2004 (updated 2009). The lower lying ground – the River Wye floodplain – is described as Riverside Meadows.
- 1.1.2 Pennoxstone Court, Poulstone Court and Aramstone, which are all located on the Kings Caple spur, with Caradoc Court, located on a scarp to the south of the river, are historic parks of local interest. The Grade I listed St. John the Baptist's church, in Kings Caple and the Caple Tump Motte, a Scheduled Ancient Monument, are located on this highest point of the Kings Caple spur. The River Wye itself is designated as a Site of Special Scientific Interest and a Special Area of Conservation (SAC). There are a range of public viewpoints and rights of way in the area.

## **1.2 Planning Background**

- 1.2.1 In October 2006 an application for planning permission to regularise the tunnels then erected on part of the current application site (that is the area of the applicant's freehold ownership around Pennoxstone Court, together with the rented Top Ruxton, Windmill, and George Harris fields) was submitted, but withdrawn in December that year. At the time, polytunnels were located principally on the west and south-west facing slopes adjacent to the River Wye (i.e. Front Meadow, Wetlands, Lower Fishpool and Garden Fields), with three additional fields adjacent the farmstead (Nursery, Packhouse and Plum) and on two separate blocks of rented land; one to the north of Kings Caple Church (Windmill Field) and the other to the South-east at Poulstone Court (George Harris).
- 1.2.2 An Enforcement Notice was served on 26 February 2007 in relation to the polytunnels then erected on the site. An Appeal against the notice was heard at a Public Inquiry in November 2007. The Inspector confirmed that Spanish polytunnels constitute development requiring planning permission and then considered the planning merits of the development encompassed by the 'deemed' planning application. He found that a total of 9.86 hectares of polytunnels on Plum Field, Nursery Fields and parts of Lower Fishpool and Windmill Fields to be lawful through the passage of time i.e. they had been in place continuously for in excess of four years and had thus become immune from enforcement action.
- 1.2.3 The Inspector determined that of the remaining fields it was those on the Wye Valley sides that were the most sensitive in landscape terms and concluded that the tunnels then erected on these fields conflicted with the protection that ought to be afforded to the Area of Outstanding Natural Beauty and thus upheld the Notice in respect of Front Meadow, Wetland and Lower Fishpool Fields (excluding the 0.8 hectares of lawful tunnels). In respect of the western half of George Harris Field the notice was also upheld because of the impact on the unregistered historic park and garden at Poulstone Court.
- 1.2.4 The Inspector granted temporary two-year permissions in relation to the tunnels on Packhouse Field and a block in the south-eastern corner of Windmill Field. Here the Inspector adjudged the visual impact of these specific areas to be slight in the context of the lawful areas adjoining them and considered the two-year period to be sufficient for the Council to review the case for

the polytunnels on a rotational basis. This permission expired on 8 January 2010 but Windmill Field has remained in use since.

- 1.2.5 The need to remove polytunnels from the valley sides of the River Wye was thus apparent and two concurrent planning applications (DCSE2008/3036/F and DCSE2008/3040/F) were submitted in December 2008. The 'whole farm' application (DCSE2008/3036/F) was predicated upon the removal of tunnels from the valley sides (excepting Garden Field, which was the subject of DCSE2008/3040/F for a temporary 2 year period). Rotation, landscaping and a commitment to a ceiling of 35 hectares of polythene coverage at any one time were the core themes of the strategy to overcome the refusal reason relating to the landscape and visual harm caused to the Area of Outstanding Natural Beauty. Both applications were refused under delegated powers by notice dated 17 September 2009. The refusal reasons for concluded that the proposals were large-scale and prejudicial to the intrinsic natural beauty of the AONB. The economic benefits were not considered to outweigh the identified harm. The proposed siting of polytunnels close to Poulstone Court and within buffer zones formed the basis for additional refusal reasons.
- 1.2.6 The application has been screened in 2013 in accordance with The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 by the Secretary of State who determined that the application is not EIA development. The original submission was, in the light of the Homme Farm judgement, screened as Schedule II EIA development and accompanied by an Environmental Statement (ES) which identifies and attempts to quantify and mitigate environmental impacts arising from the proposal. The later Screening Direction of the Secretary of State effectively supersedes that need for an ES but its content remains relevant in terms of assessing the impacts of the proposal. In addition to the ES, the application is also accompanied by an Economic Impact Appraisal of the Soft Fruit Growing Enterprise at Pennoxstone Court. Economic benefits, as recognised by the appeal Inspector are matters to which significant weight should be afforded in the balance of considerations.
- 1.2.7 The application has been advertised as a departure from the Council's adopted planning policy as it promotes large-scale development within the Area of Outstanding Natural Beauty.

### **1.3 The Proposal**

- 1.3.1 The application seeks a 10 year planning permission to enable the applicant to erect, take down and re-erect polytunnels rotated around fields as required by the soft fruit crops under cultivation at Pennoxstone Court Farm, Kings Caple, Herefordshire. The application also aims to regularise the currently unauthorised use of polytunnels on the holding.
- 1.3.2 Soft fruit has been grown at Pennoxstone Court since the 1960s. Polytunnels have been used since the 1990's but their use expanded significantly from 2001 in response to increased demand for British produce. The business specialises in the production of strawberries, raspberries and blueberries grown in the ground predominantly under Spanish polytunnels. Each polytunnel is about 3.5 metres high and between 6.5m – 7.5m wide; sufficient for tractor access and for workers to tend the crop and harvest the fruit under cover. The tunnels are linked together in blocks, and consist of metal legs mechanically wound into the ground, each with a Y-shaped attachment on top. The curved metal hoops are then added to the "Y" pole and thus connected in linked rows. Wires connect and stabilise the legs and hoops, and the polythene coverings are secured with ropes. In the winter the polythene is normally stripped back and stored on top of the "Y" attachments.
- 1.3.3 The current application includes all of the fields referred to previously, but with the addition of three extra fields that the applicant has rented; Ellen Field (to the north of the village), Forty Acre Field (to the immediate north-east of the village), and Old Sward (situated at the eastern edge of the village). Ellen Field and Old Sward are in active use. The intention is now to rotate polytunnels around the area. A limit on the total area of *covered* polytunnels is

proposed at 25 hectares at any one time. It is submitted that the 25 hectares maximum of covered tunnels at any one time will be spread around the total area available (83 hectares) for soft fruit cropping and will not be concentrated either all in one block or in contiguous blocks.

- 1.3.4 The overall holding (i.e. the red lined application site area) is 153 hectares, of which 81.5 hectares are owned freehold by the applicant. The remainder is rented on Farm Business Tenancies. Of the 153 hectare total site area, some 70 hectares would constitute a 'polytunnel exclusion zone.' That is, an area where polytunnels would not be erected at any time. This exclusion zone, which includes most of the fields that lie on the Valley slopes and were previously considered inappropriate for tunnelling by the Appeal Inspector. This leaves a net area of 83 hectares overall, within which it is proposed to rotate polytunnels from season to season and within seasons.
- 1.3.5 Material originally submitted as part of the application included an indicative 10-year rotation plan illustrating the full extent of coverage over the whole season (typically between 40 and 45 hectares), of which only 25 hectares would be covered with polythene at any one time. The quashed permission was subject to a condition limiting the area of uncovered polytunnels frames to 12.5 hectares. The 25 hectare limit is inclusive of the 9.86 hectares of lawful tunnels. The application also includes plans across a representative sample of the 10-year rotation projections (Spring and Autumn 2012, 2017 and 2020) giving snapshots of how 25 hectares maximum covered polytunnel coverage might manifest itself.
- 1.3.6 The stated approach to landscaping across the application site was to gap up and reinforce existing field hedgerow boundaries and plant new hedgerows and tree groups where appropriate. The native tree and shrub planting is described on the Summary Planting Plan and in more detail on the specific field plans. The landscaping proposals were subject of negotiation in the context that the applicant is not the freeholder of all of the application site area and had to seek landowner permissions for in-field planting. These proposals were agreed in accordance with condition 12 of the quashed permission. The submitted documentation asserts that the majority of planting has now been undertaken.
- 1.3.7 As described above the Appeal Inspector concluded that the fields on the Wye Valley sides were inappropriate for polytunnel use. This notwithstanding, 1.1 hectares of polytunnels in these fields are lawful through the passage of time. The application asserts that the west and south facing slopes of the Wye Valley offer a particular localised combination of soils and micro-climate which are especially conducive to the production of very early-season fruit. The application seeks to retain the ability to grow fruit under polythene on these slopes. It is proposed, therefore, to relocate the 1.1 hectares of lawful polytunnels in Lower Fishpool (0.8 hectare) and Nursery Field (0.29 hectare) into the south-west (lower-lying) end of the adjoining Garden Field. In return the application seeks permanent planning permission for 2.5 hectares of polytunnels in Garden Field, which it is contended is well screened, with the remainder of the area subject to the 10-year duration of the planning permission as per the rest of the application site. The former lawful areas would then become part of the 'polytunnel exclusion zone'. Garden Field is in active use and the rotation plans indicate a permanent presence in that field, which sits between fields previously identified by the appeal Inspector as inappropriate.
- 1.3.8 Concern was and continues to be expressed at the continued presence of field accesses within the buffer zones. This underpinned the third reason for refusal of the predecessor application DCSE2008/3036/F. The response is to define the field access at the southwest corner of 'Forty Acre Field' as a secondary access with no use before 8am or after 8pm. The field access in the north corner of 'George Harris Field', which is in close proximity to a residential property and a severe bend in the highway, will not be used.



## **1.4 Summary of updated material (Planning Statement, Landscape and Visual Impact and Economic Impact Assessment)**

1.4.1 In addition to the material submitted in 2010, three further documents have been submitted in support of the application. These are a Supplementary Planning Statement, Landscape and Visual Impact Assessment and Economic Impact Assessment.

1.4.2 The key points raised in the Supplementary Planning Statement are summarised as follows:

- Polytunnels have been in use at Pennoxstone for 20 years. For most of this time they have been deemed lawful, to not require planning permission or explicitly permitted e.g. under the 2007 enforcement appeal or the 2010 planning permission. To deprive an established business built around the use of polytunnel technology, in which it has made significant investment, would be doubly damaging and especially unreasonable – particularly in the light of the Council's resolution to grant permission in 2010.
- The scale of the proposal is small in relation to the actual coverage of the AONB designation. The 25 hectares covered at any one time amounts to 0.076% of the AONB area;
- It is perceived that the objection from the Wye Valley AONB Unit is based upon the historic position in relation to polytunnels and does not take account of the strategies that the applicant is employing in order to reduce and mitigate visual and landscape harm;
- It has been acknowledged by the Appeal Inspector that a blanket ban on polytunnels within the AONB would not be feasible and that to relocate the applicant's business wholly outside the AONB would not be practical;
- The impact upon the AONB would not be persistent or dominant. Polytunnels will be dispersed over a wide area and Pennoxstone Court is not within the same visual envelope as the two other known farm-scale polytunnels operations within the Wye Valley AONB – Homme Farm and How Caple;
- The comments of the Wye Valley AONB, Natural England and others fail to observe the other material considerations to which significant weight ought to be attached, including the reduction in food miles, demonstrable and sizeable and direct benefits to the local economy and the impact upon the Herefordshire economy were the business to fail;
- The annual Gross Value Added to the local economy is estimated at £1.5m per annum and the business supports 21 full-time positions directly and indirectly (discounting all seasonal labour);
- The applicant maintains that the proposal is not manifestly contrary to the overriding objective of the AONB Management Plan, but includes positive management of landscape assets and the restoration of the degraded landscape by significant new planting. Thus the proposal contributes to the restoration of key landscape elements and also in so doing contributes to the enhancement of biodiversity;
- Insofar as there is some limited, localised, short-term transitory adverse impact on the visual amenity of the AONB, this is outweighed by other material considerations telling in favour of the development and is significantly mitigated through positive measures set out in the application. There is, therefore, no material conflict with the provisions of the Wye Valley AONB Management Plan;
- Even if the proposal is deemed not to be small-scale, the degree of harm to the natural beauty of the AONB is localised, limited and capable of being reduced, such that the proposal is not in conflict with LA1;
- If it is concluded that the development is large-scale exceptional circumstances as set out in paragraph 116 of the NPPF apply. There is a need for the development and to refuse would cause harm to the local economy. Other agri-business uses do not generate comparable turnover.
- The proposal is sustainable development and the NPPF presumption in favour of approval should apply;

- The application site area is substantially less than Homme Farm, Ross-on-Wye, which is also in the AONB. Planning permission in that case permits the coverage of up to 54ha of polytunnels with polythene at any one time;
- The enterprise is a contributor to a successful growth industry that has bucked the general decline in other areas of UK agriculture. Management of the countryside is dependent on a viable agricultural sector and soft fruit enterprises are integral to this;

1.4.3 The key issues raised in the Economic Impact Assessment 2013 are summarised as follows:

- The soft fruit sector is performing particularly well relative to other agricultural businesses. This is particularly relevant to the Herefordshire economy where agricultural output is 7% of the total Gross Value Added, compared to 1% nationally;
- This is reflected in the increase in land area dedicated to soft fruit production – an increase of 41% (398ha) since 2005;
- The expertise of growers such as the applicant will enable Herefordshire to retain its pre-eminent position as food producer and exporter;
- After a period of general decline soft fruit imports rose in 2011, this is a reflection of the poor weather. Without the use of polytunnels the level of imports would rise significantly, highlighting the role that polytunnels play in increasing yields, the continuity and duration of supply and thus a reduction in food miles;
- Buyers (typically supermarkets) have exceptionally high requirements in terms of quality and consistency of supply. The requirements can only be met through the use of polytunnels;
- Assessment of the local (Ross locality) economy suggests a high non-working to working ratio with only 4 in 10 residents contributing to economic output. Against this background the output and wealth generated by Pennoxstone Court is likely to be significant to local prosperity by generating local spending;
- The strong soft fruit sector underpins jobs which help maintain a population with a low number of working residents;

#### Quantifying Pennoxstone Court's economic output

- Excluding the applicants, there are 12 full-time workers directly employed at Pennoxstone who either reside at the holding or within Herefordshire;
- This is bolstered by seasonal labour and averages at approximately 100 full-time equivalent posts throughout the year (peak labour demand is 180 seasonal workers between May and August);
- £1 million is spent per annum on local suppliers. This equates to indirect support for 7 full-time equivalent jobs within those suppliers;
- Induced impacts (including the local spending of employees) are estimated at £783,550 and support 7.8 local jobs;
- The annual Gross Value Added to the Herefordshire economy by Pennoxstone Court is calculated at £1.5 million per annum and a discounted net £12.9million over the course of a 10-year planning permission.

1.4.4 The key issues raised within the Supplementary Landscape and Visual Impact Assessment (LVIA) are summarised as follows:

- Covered polytunnels have a high to moderate significance of impact on the character of the AONB;
- The magnitude of impact is moderate due to the limited impact on the areas due to the scale of the tunnels, topography and screening;
- Mitigation measures offer a long-term positive benefit by replacing lost landscape features;
- The development has a very limited 'zone of visual influence' and this zone will be further reduced by the mitigation proposed and that already in place;

- The development is fully reversible with no long-term or permanent impacts on the character of the AONB;
- Mitigation proposed as part of the 2010 application has been largely undertaken and is already taking effect, although it will take several years to mature fully;
- The development covers only 0.076% of the AONB, is small-scale and in accordance with Unitary Development Plan policy LA1.

## 2. Policies

### 2.1 National Planning Policy Framework (NPPF)

The overarching theme of the NPPF is a presumption in favour of sustainable development. Paragraph 7 sets out the three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Paragraph 17 sets out 12 core planning principles that should under-pin decision taking. Amongst these, the following are considered particularly relevant to the application proposal. Planning should:-

- *proactively drive and support sustainable economic development to deliver, amongst other things, thriving local places that the country needs and respond positively to opportunities for growth;*
- *take account of the different roles and character of different areas...recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;*
- *contribute to conserving and enhancing the natural environment and reducing pollution.*

Chapter 1 requires that the planning system supports sustainable economic growth, with the planning system acting to encourage not impede economic growth.

Chapter 3 states that local plans should “support sustainable growth and expansion of all types of business and enterprise in rural areas...and promote the development and diversification of agricultural and other land-based rural businesses.”

Chapter 11 recognises that great weight should be given to the conservation of landscape and scenic beauty within AONBs and that planning permission for major development within designated areas should be refused except in exceptional circumstances, particularly paragraphs 109, 115, 116 and 118.

Paragraph 187 confirms that decision takers at every level should ‘seek to approve applications for sustainable development’ where possible.

## 2.2 The Regional Spatial Strategy

The RSS is founded on achieving both an urban and a rural renaissance within the context of sustainability and protection of the region's environmental assets. These two parallel objectives are expressed in the Regional Vision (Paragraphs 2.2 and 2.4 [clauses a), b), c) and e]), in the Spatial Strategy (through the Rural Regeneration Zone [in which the Appeal Site is located] – paragraph 3.9 d)) and developed further in discrete policies.

The Government has announced the intention to abolish Regional Spatial Strategies and for this reason the policies have been afforded comparatively little weight for the purpose of determining this application.

## 2.3 Herefordshire Unitary Development Plan 2007

### Part 1

- S1 - Sustainable Development
- S2 - Development Requirements
- S4 - Employment
- S6 - Transport
- S7 - Natural and Historic Heritage
- S8 - Recreation, Sport and Tourism

### Part 2

- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR4 - Environment
- DR5 - Planning Obligations
- DR7 - Flood Risk
- DR13 - Noise
- E11 - Employment in the Smaller Settlements and Open Countryside
- E12 - Farm Diversification
- E13 - Agricultural and Forestry Development
- LA1 - Areas of Outstanding Natural Beauty
- LA2 - Landscape Character and Areas Least Resilient to Change
- LA3 - Setting of Settlements
- LA4 - Protection of Historic Parks and Gardens
- LA5 - Protection of Trees, Woodlands and Hedgerows
- LA6 - Landscaping Schemes
- NC1 - Biodiversity and Development
- NC3 - Sites of National Importance
- NC4 - Sites of Local Importance
- NC6 - Biodiversity Action Plan Priority Habitats and Species
- NC7 - Compensation for Loss of Biodiversity
- NC8 - Habitat Creation, Restoration and Enhancement
- NC9 - Management of Features of the Landscape Important for Fauna and Flora
- HBA4 - Setting of Listed Buildings
- ARCH1 - Archaeological Assessments and Field Evaluations
- ARCH6 - Recording of Archaeological Remains
- T6 - Walking

## 2.3 Supplementary Planning Guidance/Documents

- SPG : Landscape Character Assessment (2004) (Updated 2009)
- SPG : SPD : Biodiversity (2004) (Updated 2009)

- SPD : Polytunnels (2008)

## 2.4 Other Material Considerations

- The Wye Valley Area of Outstanding Natural Beauty Management Plan 2009-2014.
- Kings Caple Parish Plan.

## 2.5 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

## 3. Planning History

3.1	2005	- Enforcement Notice alleging the unauthorised erection of polytunnels.	- Appeal withdrawn
	DCSE2006/3267/F	- Erection of (Spanish) polytunnels to be rotated around fields as required by crops under cultivation at Pennoxstone Court, Kings Caple, HR1 4TX.	- Withdrawn 19.12.2006
	EN2007/0002/22 APP/WI850/C/07/ 2041603	- Enforcement notice alleging the unauthorised erection of polytunnels. Enforcement appeal incorporating 'deemed' application for planning permission.	- Appeal allowed in part, but otherwise dismissed and the Enforcement Notice upheld with corrections and variations – 8 January 2008
	DCSE2008/3036/F	- Application (part retrospective) to erect, take down and re-erect Spanish polytunnels, rotated around fields as required by the crops under cultivation (soft fruit).	- Refused 17.09.2009
	DCSE2008/3040/F	- Application to erect, take down and re-erect (including covering and uncovering) Spanish polytunnels for a period of two years from the date of this application.	- Refused 17.09.2009
	DMSE100966/F	- Application (part retrospective) to erect, take down and re-erect polytunnels, rotated around fields as required by the crops under cultivation (soft fruit) at Pennoxstone Court Farm, Kings Caple, Herefordshire, HR1 4TX	- Approved contrary to recommendation 25 <sup>th</sup> May 2011, but subsequently quashed by Court Order dated 3 <sup>rd</sup> September 2012.
	EN2010/001118/ZZ	- Relating in part to the removal of polytunnels from Garden Field, a separate French polytunnel and netted structures	- Withdrawn 18/1/11
	DMS112188/F	- Variation of conditions 10, 12 & 19 & removal of condition 7 of planning	- Refused 1 <sup>st</sup> December 2011 and subsequent

	permission DMSE100966/F	appeal withdrawn following the outcome of the judicial review.
DMS120266/F	- Variation of condition 19 and removal of condition 7 of planning permission	- Withdrawn 21 <sup>st</sup> September 2012.
DMSE100966/F	- Application (part retrospective) to erect, take down and re-erect polytunnels, rotated around fields as required by the crops under cultivation (soft fruit) at Pennoxstone Court Farm, Kings Caple, Herefordshire, HR1 4TX	- Quashed by Court Order 3 <sup>rd</sup> September 2012
EN2012/001570/ZZ	- Temporary Stop Notice	- Served 1 <sup>st</sup> February 2012

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 Natural England: Objection (2013). The submitted Landscape and Visual Impact Assessment concludes that polytunnels in Garden Field would produce a 'significant' negative impact on the character of the AONB, which would only reduce to 'low' after 10 years when screening planting has matured. Garden Field is on the Wye Valley slopes; an area deemed unsuitable for polytunnels by the Inspector in 2007/8. As regards wider impacts, we would advise the Council to take account of advice provided by the Wye Valley AONB unit.

Natural England notes that the supplementary LVIA contends that the site is small-scale and thus compliant with UDP Policy LA1. Natural England concludes that because LA1 is a landscape policy, the magnitude of the impacts on the landscape's character and quality should determine whether or not an application is small-scale. Although mindful of planting proposals, Natural England does not consider 25ha of polytunnels with significant landscape and visual impacts to be 'small scale'. Natural England also consider paragraphs 115 and 116 of the NPPF to be relevant, with paragraph 116 stating "planning permission should be refused for major developments in these designated areas, except in exceptional circumstances and where it can be demonstrated that they are in the public interest."

- 4.2 English Heritage: (2010 comments). In considering the balance of public benefits involved in this proposal, full weight should be given to its impact upon the Historic Environment. This includes assessment of the visual impact on the setting of 'Castle Tump' – a Scheduled Ancient Monument; and on listed historic buildings especially the Grade I listed Church of St John the Baptist, Kings Caple.
- 4.3 Environment Agency: (2013 comments). The polytunnels have been located on higher ground away from the River Wye and outside the designated floodplain. The development is now located in Flood Zone 1, the low risk Flood Zone. A minimal portion of the development lies adjacent Flood Zone 2, which is addressed satisfactorily in the Drainage Appraisal Document. A condition is recommended to ensure that the surface water drainage scheme for the site accords with the submitted Drainage Appraisal.

On the basis that trickle irrigation (relying on abstraction from the River Wye) has been in place since 1987, and that this proposal does not propose an increase of abstraction, the Environment Agency has no objections to the abstraction proposals.

##### Internal Council Advice

4.4 Conservation Manger (Landscapes and Biodiversity): The comments of the Conservation Manager are summarised below.

4.4.1 Visual impact

With regard to visual impact I conclude that the polytunnel development is visible from numerous viewpoints from the surrounding, elevated areas, all within the Wye Valley Area of Outstanding Natural Beauty. The development will remain visible, albeit with a reduced adverse impact, even if the proposed mitigation measures are fully implemented. As a landscape officer, I could not advocate the proposed development because there are many views (as identified in the full memo) that will experience significant adverse impact to the Wye Valley Area of Outstanding Natural Beauty.

4.4.2 Landscape character

The polytunnel development has an adverse impact on the rural and historic landscape character of the area and on the character of the Wye Valley Area of Outstanding Natural Beauty. The proposed planting will offer a positive benefit in terms of restoring landscape character, albeit this will be a partial restoration of landscape character, due to the limited proposals for new cross-field hedgerows to replace those lost over time. The proposal will adversely affect the overall character of the landscape, as defined by the Landscape Character Assessment. The proposed polytunnels represent inappropriate development that cause unacceptable adverse change to the landscape of Kings Caple and is therefore contrary to UDP Policy LA2.

4.4.3 Zone of visual influence

The ZVI images are useful in demonstrating the potential visibility of the polytunnels based on the underlying landform of the area. The maps do provide clarity that the key viewpoints selected for the visual analysis are within the extent of the ZVI and that no additional viewpoints are required. These illustrate, as expected, the relationship between the topography of the Wye valley in this location and the visibility of the polytunnel sites: the area of high potential visibility is the western side of the river valley; the arc of rising ground from Albothough, to the north, Redrail, to the west and Caradoc Hill and Sellack to the south.

4.4.4 It is argued in the document that both the actual ZVI and the polytunnel development are small in scale in the context of the AONB; it is stated that the actual ZVI affects less than 5 sq. km of the AONB. The AONB designation does cover a large area; however, it is specifically the river valley, with its particular scenic qualities, which is at the heart of the AONB; it is the 'Wye Valley AONB'. This polytunnel development site, being situated in the river valley, is therefore in the part of the landscape with the highest value and highest sensitivity, in the context of the whole AONB. The dominance of the coverage across this spur of land is large scale in relation to the setting.

4.4.5 The scale of the ZVI and the fact there is no viewpoint from which all of the covered tunnels would be visible together is of little relevance to the way in which people experience the landscape. People living and working in and visiting the Wye Valley do not experience the landscape in plan form, they experience it by travelling through it, gaining a succession of views which will include some or all of the polytunnel sites, depending on their route.

4.4.6 Landscape mitigation

The proposals are shown on the 'Landscape Strategy' plan (January 2013) and comprise new copse planting, tree screening belts, enhancement of existing hedgerows, new hedgerow planting and the planting of groups of Willow and Alder.

A site visit has confirmed the planting that has been carried out to date. The planting comprises:

- New boundary hedgerow planting to west and north of Old Sward.
- Two new cross field hedgerows at Garden Field.
- Hedgerow planting adjacent to the Church.

Additional planting not forming part of the submitted mitigation has also been carried out close to Pennoxstone Court and on the east boundary of Garden Field.

4.4.7 Three new cross field hedgerows have been planted at Windmill Field; however they are along the leg rows of polytunnel frames, with the southern two physically beneath polythene. Due to the limited space available, these hedgerows will not establish suitably to fulfil the function intended by the mitigation – to visually break up the expanse of coverage and to create new wildlife corridors. The northern section is not under polythene, but is interrupted by metal framework.

4.4.8 No copse planting has been undertaken to the east boundary of Windmill Field adjacent to the dwelling. No gapping up has been undertaken to the southern boundary of Old Sward or to the boundaries of Ellen Field and Top Ruxton. It is accepted that no planting has been undertaken on Forty Acre and George Harris, where there is currently no polytunnel coverage. Existing hedgerows have generally all grown up to at least 3m high. The hedgerow verges vary in width.

4.4.9 The photographs in the current LVIA are welcome, however it is not accepted that these clearly identify any noticeable change to the original LVIA photographs, taken October 2009. The planting which has been undertaken has not matured sufficiently to contribute as a screen or filter: it would take a minimum of five years for the planting to mature sufficiently to contribute to screening. Therefore the assessment of landscape and visual impacts contained in the previous landscape consultation response (8<sup>th</sup> September 2010) still stands – adverse impacts identified then remain the same.

#### 4.4.10 Policy LA1: Areas of Outstanding Natural Beauty

The proposed development cannot be considered to be small scale because:

1. It is the horizontal spread of polytunnels which causes the majority of the adverse visual impacts. Contiguous tunnels in a field(s) have a much greater plan area than the built structures referred to and when viewed from elevated vantage points, it is the plan area of structures which is more relevant than their vertical height.
2. The polytunnels are not viewed in the context of the whole of the Wye Valley AONB. As demonstrated by the ZVI they are viewed in the context of a ZVI of approximately 5 square kilometres. The scale of the proposed development is large in relation to the sensitive landscape of the Kings Cable spur of land. Therefore the perceived intensity of polytunnel development is far greater than is suggested.
3. As stated previously, people do not experience the landscape in plan form, as they move through the landscape in the vicinity of the development site they gain successive views of the polytunnels.

#### 4.4.11 Conclusions

The mitigation measures proposed will reduce the adverse impact to some degree but will not adequately mitigate the detrimental effect upon the landscape. Ellen Field, 40 Acres and Old



Sward are in prominent, elevated locations and are visible from various elevated viewpoints on the western side of the River Wye. The topography of the area, the location of the six sites on a convex spur of land, overlooked by rising ground on the western site of the Wye valley, mean that from certain viewpoints a number of the polytunnel sites are viewed in combination, increasing the degree of adverse impact on the Wye Valley Area of Outstanding Natural Beauty. The efficacy of rotation, as a mitigation tool, is limited by the relatively compact nature of the landholding – all of the tunnelled fields are on the same spur of land, not dispersed over a wide area.

Given the negative landscape impacts which have been identified, the ten-year permission requested is considered to be long term, not transient.

It is concluded that no sustainable arguments have been put forward to support the assertion that the polytunnel development is in accordance with Policy LA1. It is maintained that the development conflicts with UDP policies LA1 and LA2 SPD: Polytunnels Guideline 2 and paragraphs 115 and 116 of the NPPF.

4.5 Conservation Manager (Building Conservation - 2010): The polytunnel development in Windmill Field, to the north of the church, has potentially the greatest impact upon the setting of the Grade I listed building. However, as a substantial proportion of the coverage here has been deemed lawful development, the additional areas proposed in this application are not likely to add significantly to its overall visual impact. Castle Tump, the scheduled motte, is located south of the church and is further screened by a ring of mature trees, so the polytunnel development in Windmill Field does not feature significantly in views of its setting. Pragmatically, given the presence of lawful polytunnel coverage in the vicinity of the church, no conservation objection to this application can, in my opinion, be sustained.

4.6 Conservation Manager (Ecology - 2013)

Relevant principles from the National Planning Policy Framework 2012 are found within paragraphs 109 and 118.

Paragraph 109 states:

“The planning system should contribute to and enhance the natural and local environment by.... minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.”

Paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by, amongst other things, “encouraging opportunities to incorporate biodiversity in and around developments.”

The Ecological and Landscape Management Plans by DLA Ltd. dated August 2011 satisfied the requirements of the previously imposed planning condition and included clear recommendations for habitat enhancement at the site.

The site was visited on 11<sup>th</sup> April 2013 and whilst some planting of hedgerows has been undertaken, not all the recommendations in the approved management plan appear to have been implemented. Two of the new hedgerows that have been planted in Windmill Field are currently under the polytunnels and one is along the leg-row between rows of strawberries; they do not have associated headlands. It is appreciated that it will take time for the hedgerows to grow and become established, but their value in providing coherent ecological networks will be limited whilst covered with plastic and without sufficient headlands adjacent to them.

It is of particular concern that the appropriate management of existing headlands is adopted in order to protect the hedgerows and improve their function as wildlife corridors. The report recommends 2 metre width headlands as a minimum and a 5 metre stand-off to the nearest tunnels. This is clearly not the case in all instances at present and will need to be implemented if planning permission is ultimately approved.

The locations for installation of bat and bird boxes, as well as raptor perching posts, have not been agreed. It is unclear as to whether these works have been undertaken. If this application is to be approved, details of these (specifications, proposed locations and a timescale for implementation) should be submitted. There are records of great crested newts in ponds on the site, but it has been agreed with Natural England in the past that they are unlikely to be affected by the development proposals.

If this application is to be approved, in order to comply with the principles of the NPPF as well as UDP Policies NC1, NC6 and NC7, an appropriately worded condition should be imposed to secure submission of an updated Ecological Enhancement and Management Plan as well as a timetable for its implementation. The timescales within the previously submitted Management Plan will need to be amended to address a 10-year strategy from the date of approval.

4.7 A Habitats Regulations Assessment screening has been undertaken and concluded that there is no Likely Significant Effect upon the River Wye SAC. Natural England is in agreement with this conclusion.

4.8 Traffic Manager (2013): The main issues are the traffic generated and the water run-off management. There is a high possibility of conflict between traffic generated by the farming activity and the background traffic during peak time due to the local school and communities. Vehicle movements associated with the enterprise should be managed through appropriate routing and timings that avoid peak traffic. If not there may well be conflict due to the narrow road network and this is already reflected in some letters of objection.

Drainage has been a significant issue with attenuation measures required under the quashed permission not installed during my previous visits. This appears to have resulted in run off and silting of the road and ditches at various locations. Even accepting the exceptional rain-fall over this period, it is my belief that the situation would have been improved had preventative measures been installed. Surface water management systems must be introduced to prevent further flooding problems. The surface water attenuation outlined in the Environmental Statement (Drainage Appraisal) in relation to the polytunnels must be installed; these include each leg row having swales to attenuate run-off and polytunnel orientation to prevent direct run-off from the sites. A system must be included to monitor and action alterations to the drainage system to manage the flows to prevent surface water and silt run off which has the potential to cause a hazard to the highway user. Adjacent ditches will need to be monitored and cleaned out as and when necessary.

The drainage appraisal does state that the surface water is allowed to 'flow over grassland or through small grain crops to the field boundary and adjacent highway' – surface water onto the highway must be prevented and not allowed, flows need to be managed into water courses, ditches and swales.

Conditions/undertakings will be required for a vehicle routing agreement, assessment of routes involved and necessary improvements to be undertaken as required at the developers expense. In the locality of the proposed polytunnels, at various locations along the narrow network, the verges are being overrun in order to allow vehicles to pass. These locations need to be appraised and where necessary passing places introduced by widening the carriageway.

Although a Travel Plan was agreed previously, monitoring, enforcement and mitigation are key strategies and it isn't apparent that any mitigation measures have been undertaken.

- 4.9 PROW Manager (2010): No objection.
- 4.10 Archaeology (2010): No objection. The Archaeology Chapter of the Environmental Statement has satisfied outstanding archaeological concerns.

## 5. Representations

- 5.1 Given the planning history associated with the site many of the representations received offer detailed analysis of multiple planning applications and other events leading up to the present day. It is beyond the compass of this report to set out every response in detail and the summaries below are intended to describe the essence of the points raised, but should not be taken as exhaustive. Likewise the supporting documents offer detailed analysis that is impossible to recite in full within the body of this report. The full text of the letters of support and objection can be viewed on the following link:

[www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx](http://www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx)

- 5.2 Reporting consultation responses is complicated by the fact that comments received in 2010 have been superseded or otherwise amended following the recent round of consultation conducted earlier this year. Recent consultation responses reflect the period of time elapsed since the decision to grant planning permission in October 2010, the submission of new and updated material by the applicant and the publication of the National Planning Policy Framework.
- 5.3 Kings Cople Parish Council objects to this planning application. The Parish Council cannot support the application in its present form as it does not meet the criteria of sustainable development in particular relation to the scale of the development and its impact on the AONB environment. 113 signed mandate forms stating objection to this application have been submitted to the parish council by residents of Kings Cople. *[In 2010 Kings Cople PC was not able to gather a quorum of eligible people and referred the matter to the Council].*
- 5.4 Hentland Parish Council: We make no objection but recognise that some residents have expressed concern about the visual impact of the proposals and a perceived negative impact on their property values. *[In 2010 Hentland PC recorded an objection, reflecting on the inefficacy of proposed planting when viewed from elevated vantage points, the deleterious impact upon the amenity of the AONB for residents and visitors alike, the inappropriateness of Garden Field and the impact of numbers of articulated vehicles which cause damage and present a danger to other highway users].*
- 5.5 Sellack Parish Council: No objection
- 5.6 A total of 123 letters of objection have been received. In 2010 a petition of objection signed by 107 local residents was submitted under covering letter. A further petition of objection containing 583 signatures, also submitted under a covering letter, was received in March 2013. A summary of the key points raised is as follows:
- The proposal is on a scale that dominates the village of Kings Cople and the Wye Valley AONB. Exceptions to Policy LA1 (Areas of Outstanding Natural Beauty) will only be permitted where all of the exceptions criteria have been met. Guideline 2 of the Polytunnel SPD is unequivocal in giving priority to the landscape in relation to marginal cases within the AONB;  
Pennoxstone fruit cannot be considered of greater national importance than the AONB. The development is for the production of luxury soft fruit, not a staple foodstuff;  
Screening in the spring and autumn months is ineffectual and the hoops left in over winter create an industrial landscape. Kings Cople is an AONB all year round and it is spurious to imply that trees and hedges are adequate mitigation, particularly when lots of public views are from elevated ground;

- The application emphasises the amount of land to be left free of polytunnels as though that makes the proposal more acceptable. This is a facile way of diluting the application to achieve a low usage ratio;
- Has proper consideration been given to an examination of alternative sites that are far less prominent or outside the AONB? It is for reasons of convenience that the grower insists on farming land within the AONB. There is no special reason why this business could not successfully operate sites elsewhere and still provide the economic benefits;
- Self-governance in relation to the 25 hectares coverage is not offered and enforcement by the Council would prove not only impractical but unrealistic. No public body could commit to enforcing such a regime and the applicant is on record as saying that it is up to Council to enforce condition;
- What happens when the 25 hectare ceiling is breached?
- How can the rotation regime work when the strawberries, raspberries and blueberries are long-term crops and the cropped area is more than half of the total area that can be put under tunnels?
- The proximity of the polytunnel areas in relation to the village is such that the amenity of the residents is being prejudiced for the interests of one farm. This is contrary to policy LA3;
- Results of the Parish Plan consultation exercise indicated that 74% of respondents were concerned that polytunnels were causing harm to the landscape;
- Most letters of support are from people with a financial interest in the continuation of the polytunnel enterprise i.e. suppliers, other growers and transitory seasonal labour;
- The applicant has taken a unilateral decision to construct the business without planning permission. As a result the AONB is being subjected to an erosion of its natural and intrinsic natural beauty. The fact that the polytunnels have been present over many years is irrelevant;
- The proposal is completely incompatible with the objectives of the AONB Management Plan 2009-2014.
- It is wrong to infer from the Inspector's decision that the sites away from the Wye are more appropriate for polytunnels. For example, it is clear that the temporary 2-year permission granted in Windmill Field was only on the basis that the immediate location was already harmed by the presence of lawful tunnels. Were it not for the ineffectiveness of enforcement action, which led to certain areas acquiring lawful status, then it is clear that the Inspector would have considered Windmill Field an inappropriate location for polytunnels too;
- If the polytunnels are to be rotated this would be a change in practice that is considered unrealistic. How otherwise did the applicant obtain lawful status over 9.86 hectares? It was certainly not by recognising the Council's then voluntary code of practice. In allowing these tunnels to become lawful the Council allowed the baseline position to become skewed;
- The applicant failed to abide by the conditions laid down by the Inspector in relation to the two year temporary planning permissions for the blocks in Windmill and Packhouse Field. Planting that should by now be established in relation to the former is non-existent.
- The applicant failed to abide by conditions laid down by the quashed permission. Coverage exceeded 37.5ha of polytunnel frames, leading to the service of a temporary stop notice;
- The new fields to the north and east of the village are elevated above the Wye and consequently any polytunnels on these fields will have a far greater impact on the wider landscape. These fields were not considered by the Inspector and no inference may be made as to his opinion on their suitability or otherwise;
- The Appeal Inspector acknowledged the monetary, employment and sustainable development value of growing fruit under polythene but did not refer to Pennoxstone specifically. It was a generic statement;
- Tourism development is critical to Herefordshire and the Wye Valley is the jewel in the crown. Has anybody assessed the detrimental impact that continued polytunnel development will have upon the tourism sector? It would appear that the interests of one

person are being placed above those of all the small, local businesses that depend upon tourism. The applicant's alleged 'precarious position' should not be given undue weight in this context and particularly as he has chosen to develop the business at his own risk;

- The application states that no more than 25 hectares will be covered at any one time. The agent's covering letter admits that the polythene coverage will extend beyond this for up to four weeks at a time and that this situation will arise periodically. Therefore it would appear that the application could amount to a free hand in the amount of polythene used provided it returns to 25 hectares at least once every four weeks;
- The application provides no assurance that uncovered hoops will be removed during the growing season. On past experience these hoops, which are harmful to visual amenity in themselves, will remain in the fields;
- The proposed development is also contrary to Kings Cople Parish Plan, which has been adopted as Supplementary Planning Guidance and is therefore a material consideration;
- In the case of Pennoxstone the claimed economic benefit is not particularly significant and represents only a small percentage of the Herefordshire soft fruit industry. As such it is extremely likely that were Pennoxstone to be refused planning permission, the loss of production would be absorbed elsewhere in Herefordshire and other growing areas at no net loss to the local or national economy;
- Whilst a reduction in food miles is quoted, there is no mention of the environmental costs of producing polytunnels and polythene, the air miles associated with migration of the workforce, pumping of water for irrigation and the insensitive outside storage of polythene in sensitive areas;
- The calculations of employee expenditure in the Economic Impact Assessment are an extrapolation from a sample of seven domicile full-time employees and cannot be relied upon as an accurate assessment as to how the seasonal labour force spend their wages;
- The Economic Impact Assessment admits that most employee expenditure takes place during a weekly shopping trip in either Ross or Ledbury. This is likely to benefit national food retailers, who would be unaffected by the loss of such expenditure;
- The continued use of Windmill Field will continue to have a devastating effect upon the setting of the Grade I listed Church of St. John the Baptist;
- The business case is ambiguous in relation to the profitability of the enterprise were it to rely solely upon the 9.86 hectares of lawful polytunnels;
- Polytunnels do not cease to be polytunnels when the polythene is rolled back. Uncovered polytunnels, at any time of year and particularly in the winter, have a devastating effect upon the AONB. The hoops and legs are not removed in practice and the 25 hectare maximum insofar as it relates to covered polytunnels is ambiguous and inaccurate;
- Job creation for locals is non-existent. The workforce comprises eastern European workers. Pennoxstone Court contributes nothing to village life;
- The traffic assessment is misleading. Vehicular movements associated with Pennoxstone fruit start at 5am and continue into the evening and have been more numerous than predicted. Delivery/collection vehicles are numerous and ill-directed;
- There is no baseline ecology survey from before the first erection of polytunnels;
- What are the economic benefits to the residents who have to live with the increased nuisance and visual impact of polytunnels as well as decreased property prices?
- Practical experience shows that landscaping will not be maintained properly and that far from being managed actively field margins have become sterile wildlife free areas. The stated benefits to biodiversity are hard to believe in this context and very difficult to quantify;
- The applicant does not respect the spirit of the SPD guidelines in relation to buffer zones and is not considerate of neighbours' amenity. Despite claiming that crops without polythene are unviable in the British climate, Pennoxstone continue to utilise the buffer zones for growing strawberries in the traditional manner. This necessitates the presence of workers inside the buffer zones, thereby rendering the buffer zones useless in practice;
- The Community Liaison Group (set up under condition 20 of the quashed permission) has not functioned in the manner envisaged;

- The petition of objection has been signed by local residents, not people with a personal or pecuniary interest in soft fruit production.

5.7 There have been a total of 247 letters of support for the proposal - 109 received in 2010 and 138 in response to the most recent consultation exercise. A 303 signature petition in support was submitted in 2010 and two petitions of support containing a total of 87 signatures received in March 2013. The content is summarised as follows:

- The success of businesses that service the British soft fruit growers is dependent to a large extent upon the ability to use polytunnels;
- Polytunnels enable the provision of a controlled environment to enable protection from rain damage and reduce reliance upon pesticide and fungal sprays;
- Polytunnels allow predator populations to thrive, which in turn maximises quality production and minimises wastage and 'grade outs' – those fruits deemed unfit for supermarkets;
- Polytunnels allow an environment that extends the natural growing season which allows a greater, more consistent supply to the food chain thus reducing the requirement to import fruit.
- The reduction in the percentage of imported soft fruit has the effect of reducing the carbon footprint associated with the importation of soft fruit from abroad;
- The business at Pennoxstone also underpins local employment and a seasonal workforce that all spend wages locally;
- The diversification into polytunnels is reflective of changing customer demands and the questionable viability of traditional farming methods;
- The loss of this business would be detrimental to the local economy through the losses incurred by suppliers to the business. The supply chain to the soft fruit industry has grown rapidly and depends on businesses being able to plan and invest in the future with confidence;
- The environmental consequences of using polytunnels in Britain is minimal compared to that caused by importing produce;
- Herefordshire is an agricultural county and ventures such as this deserve support for the benefit they bring to the local economy and the reputation that the county obtains as a home to world class locally produced soft fruit;
- Polytunnels are, by now, an accepted part of the working rural landscape. They are rotated and leave no discernible impacts in the long-term. The visual impact can be adequately mitigated.
- The AONB should be regarded as a working landscape, not left to become a museum;
- The value of the enterprise and the jobs it supports cannot be underestimated in the current economic climate. To refuse the application would cause harm to the Herefordshire economy. No other agricultural use of the land could generate anything like the equivalent turnover.

5.8 A summary of further representations received from other organisations is presented below:

5.9 The Wye Valley Area of Outstanding Natural Beauty Joint Advisory Committee: Objection.

Under S.85 of the Countryside and Rights of Way Act 2000 the local planning authority is under a duty to have regard to the purpose of the designation of the Wye Valley as an AONB. The primary purpose of the AONB designation is to conserve and enhance natural beauty. Polytunnels do not conserve and enhance the environment, which makes their use contrary to the guiding principles of the Wye Valley AONB Management Plan 2009 – 2014.

Protection of the landscape is the primary purpose of AONB designation and should therefore take precedence over economic benefits unless those benefits can be shown to outweigh the harm to the landscape and be in the national interest. The proposed development is not of national significance and therefore the landscape should take precedence. The AONB also

considers the development large-scale, and as it cannot be demonstrated that the proposal is in the greater national interest than the purpose of the AONB designation, the development must be held contrary to UDP Policy LA1. On this basis the proposal is also contrary to paragraphs 115 and 116 of the NPPF. Paragraph 116 states that planning permission for major developments should be refused in designated areas (included AONBs) except in exceptional circumstances and where it can be demonstrated they are in the public interest. The AONB does not consider that the case has been made to support the notion that the development is in the public interest and of greater importance than the protection of the landscape for its own intrinsic beauty.

Concern is expressed in relation to the topography and visibility of some of the 'new' fields and the continued use of Garden Field, which could set a precedent for the reintroduction of polytunnels within an area previously deemed unacceptable by the Appeal Inspector. The AONB Joint Advisory Committee concludes that none of the proposed sites are suitable for polytunnel development due to their negative impact on the character and appearance of the AONB. If the Council was minded to approve the development it should insist on frames being removed when not covered by polythene as uncovered tunnels would continue to have an impact upon the landscape.

- 5.10 Campaign to Protect Rural England: The CPRE reiterates its objection to the proposal in principle as it contravenes UDP Policy LA1 which seeks to prioritise the protection and enhancement of an Area of Outstanding Natural Beauty, and is also contrary to paragraph 118 of the NPPF. Supplementary Guidelines 1 & 2 of the Polytunnels SPD make it clear that in marginal cases where economic benefits are being weighed against landscape impact, priority will be afforded to the landscape over all other planning considerations. The CPRE makes specific comment on each of the fields within the application site noting that several are elevated above the village and the river valley with the effect that they will be prominent in long distance views. The setting of the village and the church are also considered. Notwithstanding the detailed mitigation proposals the CPRE considers that none of the proposed sites are suitable for polytunnel development due to their negative impact on the character and appearance of the AONB. Reference is also made to the erosion of verges, issues around HGV traffic, sterile field margins, litter and surface water run-off.
- 5.11 Country Land and Business Association: The applicant has run a long-established soft fruit business and the Herefordshire Soft Fruit industry is a success story for British Agriculture. Polytunnels make many positive contributions in enabling the production of increased quantities and qualities of soft fruit, the sustainability of reducing food miles and the impact upon the local community. Much effort is being made by the business to minimise the visual impact of polytunnels. Farmers should not have their businesses unfairly restricted because they farm in Areas of Outstanding Natural Beauty.
- 5.12 National Farmers' Union (National Union and Ledbury and Ross-on-Wye Branch): The British soft fruit industry has been highly successful in producing a range of fruit over a longer growing period. Polytunnel use has resulted in decreased pesticide use and an increase in yields and quality – 90% of soft fruit produced in England under polytunnels is Grade 1 as opposed to 50% beforehand. Herefordshire growers contribute significantly to the local agricultural economy and maintain the countryside. Demand would otherwise be met by foreign produce and polytunnels are the only option for a viable business. The soft fruit sector is a major employer within the region and the applicant's business sustains approximately 100 full-time equivalent positions. Without polytunnels the business would cease to exist, which would be of detriment to the local economy, including those businesses who supply goods and services to the soft-fruit sector. In the current economic climate the Council should support businesses such as this and soft fruit production should be regarded as a Herefordshire success story.

- 5.13 The Ramblers' Association: No objection subject to the imposition of conditions in relation to landscaping, the polytunnel exclusion area, no more than eight months coverage in any one year and a requirement that redundant tunnels be removed.
- 5.14 Hereford and Worcester Garden Trust: Objection. The general effect of this development will be to completely change the character of Kings Cople and damage the Wye Valley Area of Outstanding Natural beauty. Tourist literature should be altered to take account of another black-hole along the Wye Valley. The village appears to be under siege and any listed building, ancient monument, historic garden or recommended view is left isolated and without context. The picturesque cannot coexist with acres of polythene.
- 5.15 The consultation responses can be viewed on the Council's website by using the following link:-  
[www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx](http://www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx)

Internet access is available at the Council's Customer Service Centres:-  
[www.herefordshire.gov.uk/community\\_and\\_living/consumer\\_advice/41840.asp](http://www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp)

## **6. Officer's Appraisal**

- 6.1 Polytunnel developments of any scale give rise to multiple material considerations. In this case the impact of the proposal upon the natural beauty of the AONB is a significant material consideration, but against this it is also necessary to assess the positive contribution that the use of polytunnels can have in terms of reducing the need to import food, assisting in the production of soft fruit of increased quality *and* quantity, and the provision of direct, positive economic benefits to the local economy. The impact upon landscape character and visual amenity and the economic benefits to be derived from the growing of soft fruit can thus be defined as to the two principal and often competing issues.

### Relevant planning policies and guidance

- 6.2 The policy framework is provided principally by the Unitary Development Plan and National Planning Policy Framework (NPPF) with further detailed guidance contained in the adopted Supplementary Planning Document: Polytunnels (December 2008). The NPPF was published in March 2012. Paragraph 216 explains that in the absence of an up to date local plan, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). Revocation of the Regional Spatial Strategy is imminent although its objectives are in general accord with the UDP and NPPF.
- 6.3 Herefordshire Unitary Development Plan Policy LA1 – Areas of Outstanding Natural Beauty is relevant. The policy differentiates between proposals on the basis of scale and directs that large-scale development within the AONB should be refused unless all four exceptions criteria can be met. This approach is consistent with paragraph 116 of the NPPF, which advises that major developments within designated areas should be refused except in exceptional circumstances and where it can be demonstrated that the development is in the public interest.
- 6.4 Policy LA1 states:

Within the Malvern Hills and Wye Valley Areas of Outstanding Natural Beauty, priority will be given to the protection and enhancement of the intrinsic natural beauty and amenity of the area in the national interest and in accordance with the relevant management plans.

Development will only be permitted where it is small-scale, does not adversely affect the intrinsic natural beauty of the landscape and is necessary to facilitate the economic and social well-being of the designated areas and their communities or can enhance the quality of the landscape or biodiversity.



Exceptions to this policy will only be permitted when all of the following have been demonstrated:

1. The development is of greater national interest than the purpose of the AONB;
2. There is unlikely to be any adverse impact upon the local economy;
3. No alternative site is available, including outside the AONB; and
4. Any detrimental effect upon the landscape, biodiversity and historic assets can be mitigated adequately, and where appropriate, compensatory measures provided.

- 6.5 It is important to note that all of the exceptions criteria must be satisfied in order for development to be permitted. It is also clear that a judgement regarding the issue of scale is highly relevant to the determination of the application. In order for large-scale development to be acceptable relative to Policy LA1 all four 'exceptions criteria' need to be met. It is clear that there is a consistent and strong approach to protection of the AONB within both the NPPF and UDP, amplified by the SPD: Polytunnels and the Wye Valley AONB Management Plan, and that AONBs rank alongside National Parks insofar as protection of their landscapes is concerned.
- 6.6 Although a significant number are relevant, it is Guidelines 1 and 2 of the Poly tunnels SPD that attract most weight for the purpose of determining this application. Guideline 1 (Economic Benefits) states 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 will be accorded in the balance of considerations.
- 6.7 Guideline 2 (Areas of Outstanding Natural Beauty) states that within AONBs, in marginal cases where economic benefits are being weighed against landscape impact, priority will be afforded to the landscape over all other planning considerations. Thus, whilst economic benefits must be afforded considerable weight, in marginal cases where there is demonstrable harm to the landscape and visual character of an AONB, Guideline 2 indicates that economic benefits are not capable of overriding such harm. This is consistent with Policy LA1 and the NPPF.
- 6.8 The NPPF also places an emphasis on planning for a prosperous rural economy, with the planning system acting to support existing business sectors with policies that are flexible enough to accommodate needs not anticipated in the plan. Planning should support the *sustainable* growth and expansion of all type of business in rural areas and promote the development and diversification of agricultural and other land-based business (NPPF Paragraph 28). It is clear that the NPPF envisages strong support for the promotion of sustainable economic growth. Various statements within the NPPF encourage the planning system to promote and support investment in economic growth that is sustainable. It is necessary, therefore, to determine whether the application represents sustainable development. If it is concluded that the development is not sustainable, then the presumption in favour of approval should not apply.

#### Effect on the Wye Valley AONB: Visual and landscape character impact

- 6.9 The primary purpose of the AONB designation is to conserve and enhance natural beauty. AONBs share equal status with National Parks in terms of their scenic beauty and landscape protection that they should be afforded. The NPPF states that "great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty."
- 6.10 In his decision letter in January 2008, the Appeal Inspector commented that the recent development of large-scale polytunnel use has "brought into stark opposition the aims of

protecting the landscape, whilst supporting a viable farming industry.” The contention is that the soft fruit enterprise is simply unviable without the large-scale use of polytunnels, whereas the principal purpose of the designation is to conserve and enhance the natural beauty of the area. On the face of it these two objectives appear contradictory.

- 6.11 In recognition that the Appeal Inspector considered the use of polytunnels on the fields immediately adjacent to the River Wye unacceptable (upon the applicant’s freehold land), the applicant has sought to locate alternative sites in an attempt to disperse the visual impact of the polytunnels and take advantage of the topography of the wider site area so that the entire site is not visible from one, single public vantage point. This has led to additional rented land being taken on, across which polytunnels will be rotated as required by the early/late season crops. Thus whilst rotation has not been the norm at Pennoxstone Court it is now accepted that rotation, in addition to limitations upon coverage of both skinned polytunnels and uncovered hoops is a means of addressing visual impact. These measures accord with Guideline 3 (Limits to Polytunnel Coverage) and Guideline 6 (Polytunnel Removal) of the SPD. Although the rotation plans submitted are indicative, the quashed permission was subject to a planning condition limiting the coverage of polytunnels (both covered and uncovered) in a single or two adjoining fields to not more than 20 hectares, of which no more than 12.5 hectares would be covered with polythene at any one time.
- 6.12 With the exception of Garden Field and the lawful areas in Lower Fishpool and Nursery Field, polytunnels have been removed from the west facing slopes of the Wye Valley. The consequent dispersal of the polytunnels over a wider area does, however, have some negative impacts and it is concluded that Ellen, Forty Acre and Old Sward fields are in prominent, quite elevated locations, visible from various viewpoints on the western side of the River Wye. The topography of the area, the location of the sites on a convex spur of land overlooked by rising ground on the western side of the Wye Valley, means that from certain vantage points, a number of the proposed sites are viewed in combination which results in a cumulative adverse impact on the Wye Valley AONB.
- 6.13 Officers consider that as Policy LA1 relates to protection of the AONB landscape, a more realistic measure of scale is the magnitude of impact on that landscape and not an assessment of site coverage as a proportion of the entire AONB area. A 50-storey building would cover an infinitesimal proportion of the AONB area but would be capable of having an enormous ZVI and disproportionately large impact on the landscape character of the area. As stated by the Conservation Manager, AONB Unit and Natural England, the 25ha of covered polytunnels and 12.5ha of uncovered hoops, are considered to represent large-scale or major development within the local context. Whilst recognising the benefits to be derived from the use of polytunnels, officers consider it has not been demonstrated that the development is in the greater national interest than the purpose of the designation or that exceptional circumstances exist and that the proposal degrades a nationally important landscape and thus fails to meet the objectives of sustainable development as defined at paragraph 7 of the NPPF.
- 6.14 It is concluded, therefore, that notwithstanding the efforts to address the adverse impact of polytunnels upon the visual and landscape character of the AONB, the proposal is large-scale, harmful to the intrinsic natural beauty of the area and by consequence unacceptable. The proposed mitigation measures will reduce the cumulative impact to some degree, but cannot fully address the detrimental impact upon the landscape. Tree and hedgerow planting would take a minimum of five years to mature sufficiently enough to contribute to screening and will not provide meaningful mitigation from elevated public viewpoints. Moreover, the restoration of the degraded landscape that will result from hedgerow and tree belt planting is not sufficient to override the identified harm. Consequently, on the first main issue, the proposal is considered contrary to Policies LA1 and LA2 of the Herefordshire Unitary Development Plan 2007 and paragraphs 115, 116 and 118 of the NPPF. The proposal is also considered contrary to the Wye Valley AONB Management Plan (2009-2014), in that it does not observe the strategic objective that is to ‘conserve and enhance the natural beauty of the AONB.’

## The Economic Case

- 6.15 It is accepted that the use of polytunnels has many benefits in assisting with the production of top quality soft fruit for the British market over an extended growing season. The Economic Appraisals submitted with the application in 2010 and 2013 explain that the main outlet for Pennoxstone fruit is the national supermarkets, which “drive the market and set the minimum standards for fruit quality and quality control procedures.” The appraisals also define the staffing levels at Pennoxstone, which equates to 12 full time equivalents throughout the year (eleven of which reside upon the holding), with a further 6 full time staff taken on during the picking season. At peak picking times up to 180 staff will be taken on for picking and packing.
- 6.16 The appraisals also set out the increased soft fruit production in the UK over the last decade. In 2001 soft fruits represented 10% of fresh produce value; in 2008 it represented 20%. The reports recognise that the UK is likely to remain a net importer of soft fruit, but considers that this only emphasises the importance of polytunnels to the UK sector. This is underpinned by figures that demonstrate the increased yields attained since the introduction of polytunnels in the 1990's, with the other benefits including improvements in quality, decreased pesticide use and lower import substitution.
- 6.17 Adopting different methods, each appraisal attempts to define the economic impact of the soft fruit growing enterprise. The 2010 approach was to examine the business at Pennoxstone in the context of demonstrating the break even position and relating that to the requisite level of polytunnel coverage to achieve a net farm income capable of covering all costs, paying a wage to the two partners (an assumed £26,000 each) with a level of contingency to cover exceptional costs or a poor harvest. It was concluded that the business would not be capable of meeting the breakeven position were it reduced to using the 9.86 hectares of lawful tunnels or indeed if arable production was considered.
- 6.18 The 2010 Appraisal also attempted to quantify the businesses' total contribution to the local economy both directly and extrapolated to include the wider effects of the expenditure using the Local Multiplier 3 (LM3). LM3 enables individual businesses to measure their economic impact by measuring spend within a region. In the year 2006/07 it is calculated that the business spent over £1 million purchasing goods and services of which 57% was spent within Herefordshire. LM3 estimates that for every £1 of output the business puts £1.86 into the local rural economy. The LM3 calculations were adjusted to give the level of contribution to the local economy for the proposed 25 hectares of polytunnels, the contribution were only the lawful 9.86 hectares used and the position were an arable rotation reverted to.

	Using a maximum of 25 ha polytunnels	Using a maximum of 9.86 ha of lawful polytunnels	Alternative Enterprise - Arable
LM3 Calculation			
Business Turnover	1, 542, 815	669, 435	85, 698
Local Spend – Estimated	799,224	358,332	44,877
LM3 Multiplier	1.86	1.86	1.86
<b>LM3 Contribution to the local economy</b>	<b>£2, 869, 636</b>	<b>£1, 245, 149</b>	<b>£159, 398</b>

- 6.19 The level of contribution to the local economy is obviously larger with the use of 25 hectares of polytunnels versus 9.86 hectares. The Appraisal also concludes that the business will only remain viable with the use of at least 25 hectares of covered polytunnels at any one time. The table suggests that were the business only allowed to continue with the lawful tunnels, over £1.6 million pounds would be lost to the local economy each year.
- 6.20 The updated Economic Impact Assessment (2013) is summarised at 1.4.3 above. The approach adopted in this assessment is to quantify the economic benefit of the enterprise in terms of the number of jobs supported directly and indirectly, as well as induced effects, which includes expenditure by staff on good and services in the local economy. The report concludes that the annual contribution to the Herefordshire economy in terms of Gross Value Added is £1.5 million per annum of a discounted net £12.9 million over the 10-year duration of a planning permission.
- 6.21 The Council has commissioned a report to consider the 2013 Economic Impact Assessment. Although accepting that the approach to quantifying the impacts is logical, there are some unresolved issues. These are summarised as follows:

**Negative impacts** - This study presents only positive impacts. A Strategic Economic Impact Assessment should seek to present a balanced view. This gives the applicant the opportunity to mitigate against the potential negative socio-economic impacts associated with the proposals.

**Qualitative impacts** - There is little consideration given to the qualitative economic impacts of the proposals. There are likely to be other socio-economic impacts other than Gross Value Added and job creation.

**An evaluation of social impacts** - The study does not consider the social impacts of the proposals. To what extent do the proposals contribute to the social well-being of the surrounding community? This consideration is particularly useful to draw out any initiatives which can be put in place to ensure that the positive effects of the proposed development are maximised within the community.

**Appropriate indications of baseline socio-economic conditions** - The study pays some consideration to the local economic conditions but the indicators chosen are not necessarily the most appropriate indicators for the evaluation. Levels of unemployment and an index of multiple deprivation would be appropriate indicators to illustrate baseline socio-economic conditions. The economic effects of GVA and job creation are more significant in deprived areas. If there are low levels of deprivation and unemployment, it is harder to justify the socio-economic effects of a proposal as significant.

**Consideration of the significance of the effects** - The proposals produce 102 jobs. As a majority of these positions are filled by temporary inward migration, the local effects are considered to be less significant than if the jobs were filled by the local pool of unemployed labour. It has also not been possible to verify the stated £2.4 million

- 6.22 As described above in the weighing up the main issues the economic benefit to the local economy must be afforded considerable weight. As acknowledged by the Appeal Inspector, the inability to operate at a certain level of coverage would have severe financial consequences for the business at Pennoxstone Court. However, the Inspector also acknowledged that the contribution of Pennoxstone fruit to the overall value of import substitution (£110 million in 2007), must be comparatively small and given the number of soft fruit businesses operating successfully outside the AONB it is not inconceivable that any decrease in production at Pennoxstone (and thus loss to the local Herefordshire economy) would be offset by increased production elsewhere.
- 6.23 Therefore, whilst the economic benefit to the Herefordshire economy is not inconsiderable it must, in accordance with Policy LA1 and SPD Guideline 2, be weighed against the negative impact of the development upon the landscape character and visual amenity of the AONB. It is the view of officers that the conservation and enhancement of the natural beauty of the Wye Valley AONB should, in accordance with the strategic objective of the Wye Valley AONB

Management Plan, take priority. Whilst the acknowledged benefits accruing from the use of polytunnels are substantial, they are not considered to override the harm caused to the nationally important landscape.

### Other matters

#### Transport and drainage

- 6.24 The Traffic Manager has raised a number of concerns in relation to the capability of the local road network to cater for the HGV movements associated with the continued operation of the enterprise and suggests the potential for off-site improvements. A Travel Plan was agreed pursuant to the quashed planning permission, although it is clear that there are fundamental concerns locally as regards the ability of the network of relatively narrow country lanes to accommodate the volume of HGV traffic at the peak of the season. It is considered that it would be reasonable to seek to achieve appropriate commitments from the applicant in this respect, but it must be accepted that vehicular activity would be a feature of the site with or without polytunnels and since there is no actual change of use of land involved this matter would need to be negotiated carefully. It is also the case that a routing condition imposed on the quashed planning permission fails to meet the test of enforceability.
- 6.25 With regard to the concerns raised about drainage, these were addressed satisfactorily within the original Drainage Appraisal, which was agreed with the Environment Agency. It is apparent, however, that significant concerns remain regarding the control over the management of surface-water run-off and in the event of approval this matter would require further consideration.

#### Residential amenity

- 6.26 A significant number of objection letters have commented upon the impact that large-scale polytunnel development has upon residential amenity. This is a consequence of the intended use of fields that are more closely related to the village than the applicant's own fields to the south-west of Pennoxstone Court. Windmill, Ellen, Forty Acre and Old Sward are fields immediately adjacent the settlement.
- 6.27 Policy DR2 seeks to ensure that development respects the amenities of existing neighbouring uses. SPD Guideline 9 refers to the need to ensure that residential properties are afforded adequate protection through the use of 'buffer zones' that act to prevent the presence of polytunnels or associated development (works, storage, servicing accesses, toilets etc.) within a minimum distance of 30 metres of the boundary of any residential curtilage and 50 metres of any dwelling, whichever distance is the greater. Furthermore, in the wider context, Policy LA3 of the Unitary Development Plan 2007 (Setting of settlements) seeks to resist development that would have an adverse effect upon the setting of the settlement concerned.
- 6.28 It is clear that the majority of the field specific plans submitted with the application meet the buffer zone requirement. There are exceptions at the south-west corner of Forty Acre Field and a secondary access into Windmill Field. The use of the access to the northeast corner of George Harris, which passes in very close proximity to Hill Cottage is no longer intended for use, with two alternative accesses into this field.
- 6.29 It is the case, however, that during the period when the planning permission was operable, the buffer zones were used for the growing of soft fruit in the traditional, uncovered manner. Although this activity is lawful in the context that it represents agricultural use of agricultural land, it is considered contrary to the objectives underpinning the introduction of buffer zones as a means of ameliorating the impact of polytunnel development on residential amenity. The growing of uncovered soft fruit within the buffer zone requires the presence of substantial numbers of workers and vehicle movements – an effect that the buffer zone concept seeks to address.

- 6.30 If buffer zones are respected, and a commitment to not use them for traditionally grown soft fruit would assist in this regard, the impact of the development upon individual residential properties and the wider setting of Kings Cople is not considered so significant as to warrant refusal under Policies DR2 and LA3.
- 6.31 With regard to the impact of the proposal upon the known heritage assets that characterise the site and its locality, and with particular reference to the setting of the Grade I listed Church, the Grade II listed stables at Pennoxstone and the Scheduled Ancient Monument, it is considered that development in Windmill Field has the most significant bearing. Notwithstanding the increased coverage proposed within Windmill Field, it is considered that the presence of the lawful tunnels must be accorded significant weight. In this context, the continued use of those elements granted temporary permission by virtue of the deemed permission granted by the Inspector and the parts of Windmill Field that are further from the heritage assets than the lawful tunnels is such that the setting of these features would not be adversely affected. The proposal therefore accords with Policies HBA4 and ARCH3 of the Herefordshire Unitary Development Plan and Guideline 7 of the SPD.

### Conclusion

- 6.32 Notwithstanding that the scale of polytunnel development would be limited by condition to 37.5 hectares at any one time (25 hectares covered; 12.5 hectares of hoops), the proposed locations are not, in the light of the statutory duty to have regard to the purpose of the AONB designation, considered acceptable. The progress made in attempting to mitigate the identified harm is recognised and the economic benefits derived from the use of polytunnels noted. It is concluded, however, that the development is large-scale and a discordant feature within a landscape of national significance and thus contrary to the purpose of the designation which is to conserve and enhance natural beauty. For this reason the application is recommended for refusal as being contrary to Policies LA1 and LA2 of the Herefordshire Unitary Development Plan, Guideline 2 of the Polytunnel Supplementary Planning Document and Paragraphs 115 and 116 of the NPPF.

## **RECOMMENDATION**

**That planning permission be refused for the following reason:**

- 1. Having regard to Policies LA1 and LA2 of the Herefordshire Unitary Development Plan 2007, Guideline 2 of the Polytunnel Supplementary Planning Document 2008, and paragraphs 115 and 116 of the NPPF, the proposal is considered unacceptable. The scale of the development is large in relation to the sensitive landscape of the Kings Cople spur and has a negative visual impact from surrounding elevated areas. The dominance of the polytunnel coverage across this spur of land is a significant detraction from the natural beauty of the local landscape as part of the Wye Valley Area of Outstanding Natural Beauty.**

**With specific regard to Unitary Development Plan Policy LA1 it is concluded that the development is not small-scale, would adversely affect the intrinsic natural beauty of the landscape, is not necessary to facilitate the economic and social well-being of the designated area and the community and does not enhance the quality of the landscape or biodiversity. It is not demonstrated that the proposal is in the greater national interest than the purpose of the AONB designation and the impact is not capable of adequate mitigation. It is not demonstrated, therefore, that the proposal accords with the stated exceptions to the presumption against large-scale development within the AONB.**

**The acknowledged contribution of the business to the local economy is not considered to outweigh the identified harm to the Wye Valley Area of Outstanding**

**Natural Beauty.**

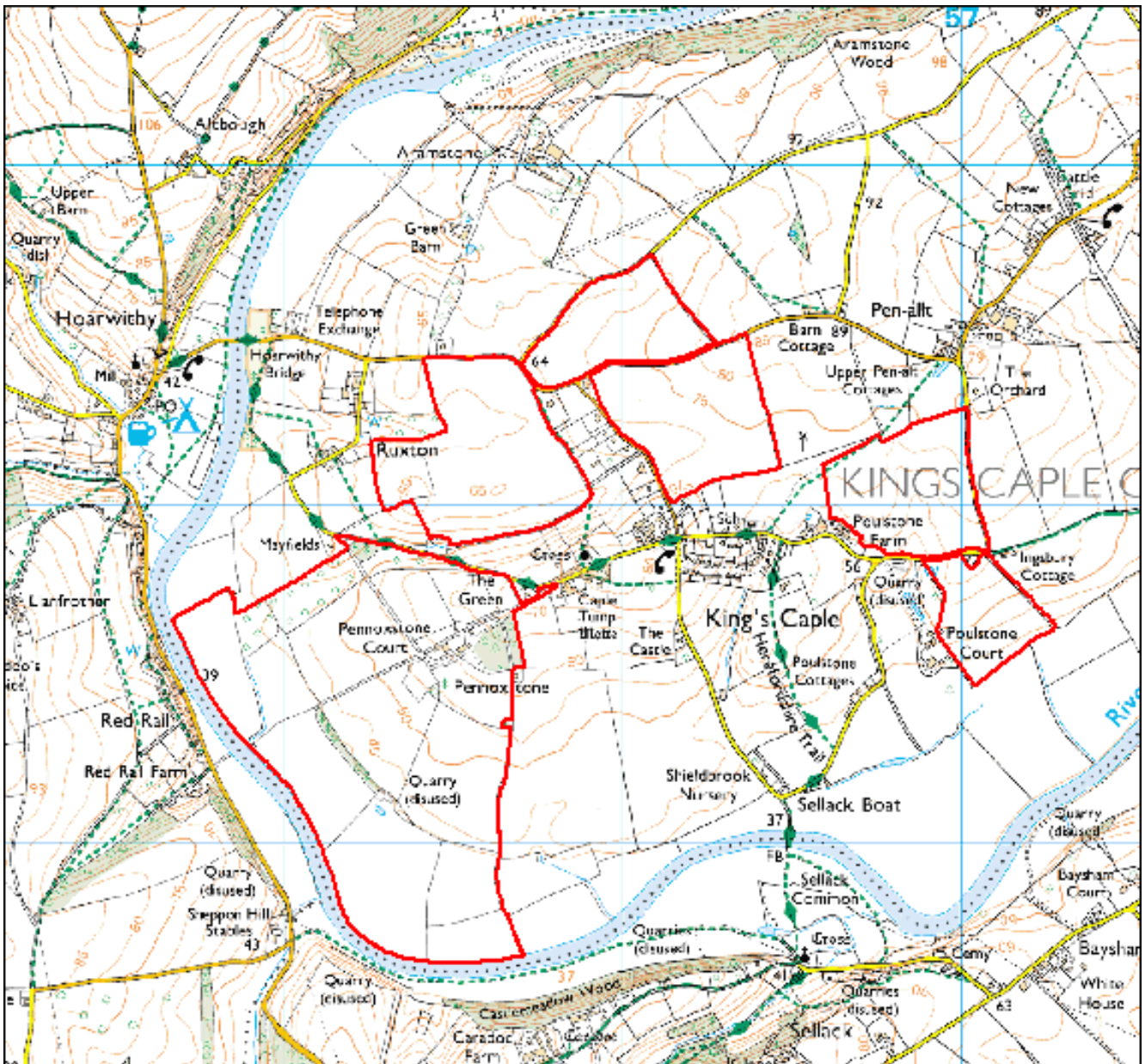
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** DMSE/100966/F

**SITE ADDRESS :** Pennoxstone Court Farm, Kings Cagle, Herefordshire, HR1 4TX

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





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>24 APRIL 2013</b>
<b>TITLE OF REPORT:</b>	<p><b>130461/F - CHANGE OF USE OF FARM BUILDINGS TO CREATE 3 LETTING HOLIDAY COTTAGES, 1 B&amp;B LETTING ROOM &amp; AN EVENTS VENUE FACILITY. ERECTION OF 5 DEMOUNTABLE GEO DOMES FOR HOLIDAY/EVENTS LETTING USE, WITH WC/SHOWER FACILITIES IN A NEW BUILDING &amp; COMMUNAL FACILITIES IN ONE FARM BUILDINGS AT LLANERCH Y COED, DORSTONE, HEREFORD, HR3 6AG</b></p> <p><b>For: Mr &amp; Mrs Smolas per Mr David F Baume, 41 Widemarsh Street, Hereford, HR4 9EA</b></p>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=130461&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=130461&amp;NoSearch=True</a>

**Date Received: 20 February 2013**

**Ward: Golden Valley North**

**Grid Ref: 327449,242597**

**Expiry Date: 23 May 2013**

Local Members: Councillor PD Price

## **1. Site Description and Proposal**

- 1.1 The site is an isolated farmstead in a remote and sensitive landscape. The site is some distance from the nearest designated settlement, Dorstone, which is 3.3 miles away to the east and accessed via a local road network of single width country lanes. Hay on Wye is 3.1 miles away to the west. The landscape character type is Ancient Timbered Farmlands and adjacent to High moors and Commons. Both of these are high quality and highly sensitive to change. The area contains some of the oldest field patterns in the county. This small scale, intimate landscape relies on the topography, hedgerows and tree cover.
- 1.2 The site comprises a farm holding which includes an agricultural field and a number of unlisted stone agricultural buildings which are arranged around a farm yard area comprising existing hardstanding area and feature the unlisted farmhouse adjoining that yard. Access is gained from an unclassified no through road which is also a bridleway. The access along with the site adjoins Ancient Woodland, common land and Little Mountain Local Nature Reserve. Protected species and a Site of Special Scientific Interest are also hereabouts.
- 1.3 The proposal is the change of use of redundant farm buildings to create three holiday let cottages, one bed and breakfast letting room and an events facility for corporate staff training and Weddings, the erection of five demountable geodomes within farm land for holiday and events letting, erection of a WC/ shower building, communal facilities and a car park.
- 1.4 The proposal is for a phased development resulting from year 3 onwards, 25 Weddings and 10 training events per year, with outside of any such event occurring, the accommodation can

---

Further information on the subject of this report is available from Mr C Brace on 01432 261947

be used as holiday lets. Weddings are restricted to 100 guests and training events 25 delegates. Accommodation through the conversions and geodomes allows 26 people to stay onsite with one onsite staff accommodation unit. This is served by a new car park of capacity 25 cars. The geodomes are for use between April – September. Outside of these dates they will be taken down and put in storage with only the raised platform remaining.

## 2. Policies

### 2.1 Herefordshire Unitary Development Plan

S1	–	Sustainable development
S2	–	Development requirements
S4	–	Employment
S6	–	Transport
S7	–	Natural and historic heritage
S8	–	Recreation, sport and tourism
DR1	–	Design
DR2	–	Land use and activity
DR3	–	Movement
DR4	–	Environment
DR13	–	Noise
DR14	–	Lighting
E11	–	Employment in the smaller settlements and open countryside
E12	–	Farm diversification
T6	–	Walking
T8	–	Road hierarchy
T13	–	Travel plans
LA2	–	Landscape character and areas least resilient to change
LA5	–	Protection of trees, woodlands and hedgerows
LA6	–	Landscaping schemes
NC1	–	Biodiversity and development
NC4	–	Sites of local importance
NC6	–	Biodiversity Action Plan priority habitats and species
NC7	–	Compensation for loss of biodiversity
NC8	–	Habitat creation, restoration and enhancement
NC9	–	Management of features of the landscape important for fauna and flora
HBA8	–	Locally important buildings
HBA12	–	Re-use of rural buildings
RST1	–	Recreation, sport and tourism development
RST6	–	Countryside access
RST12	–	Visitor accommodation
RST13	–	Rural and farm tourism development
RST14	–	Static caravans, chalets and touring caravan sites
CF2	–	Foul drainage
CF5	–	New community facilities

### 2.2 National Planning Policy Framework

Para 17	–	Core planning principles
Para 28	–	Supporting a prosperous rural economy
Para 32	–	Assessing significant traffic generation
Para 56-68	–	Good design and design requirements
Para 109-125	–	Conserving and enhancing the natural environment
Para 203-206	–	Planning conditions

- 2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

### **3. Planning History**

- 3.1 S122922/F – Change of use of farm buildings to create 4 no. letting holiday cottages, 3 no. B & B letting rooms and an events venue for corporate staff training, weddings, etc. Change of use of land for a mixed use of agricultural and temporary siting of 10 no proprietary demountable geo domes. Erection of WC's/showers units, community building and communal car parking – Withdrawn

### **4. Consultation Summary**

#### Statutory Consultations

- 4.1 The Environment Agency commented that at the water abstraction rates proposed no permit or license is required by the applicants. Furthermore the Environment Agency states they have no reason to dispute the hydrological report provided.
- 4.2 Natural England has not yet returned comment, however they did not object to the withdrawn planning application S122992/F which covered a larger land area and included land classified as 'sensitive' by Environmental Impact Assessment legislation.
- 4.3 The Forestry Commission has no objection given the nature and scale of the proposal.
- 4.4 Welsh Water Dwr Cymru has no comment to make noting a private treatment plant is proposed.

#### Internal Council Advice

- 4.5 The Traffic Manager objects to the application, noting the submitted Transport Assessment and Statement is deficient regarding its data, assessment of various junctions, and lack of consideration of other road users and peak time activity over the agricultural year. Furthermore the proposed mitigation can not be enforced or monitored and controlled, there is a reliance on passing places formed on land outside the applicant's control and overall the increase in vehicular movements represents an unacceptable risk to highway safety. The detailed assessment of the Area Engineer is set out within the main report.
- 4.6 The Conservation Manager (Landscapes) notes that the new build development can be contained and mitigated within this landscape, however objects given the proposal will have a significant detrimental impact upon the character and appearance of this sensitive area through the intensity of the proposed uses and increased number of people and vehicles into this isolated tranquil landscape.
- 4.7 The Economic Development Manager supports the application on the following grounds –
- The proposal will bring back into a productive economic use a number of currently redundant farm buildings
  - The proposal will directly generate a number of employment opportunities within the business. It should be recognised that the location of the proposal is such that employment opportunities within the locality are limited and the majority of residents will currently have to travel outside of the area to gain employment, for example – Hereford, Hay, or Peterchurch.

- The proposal has the potential to directly support a number of local businesses through the business supply chain, for example – local food production, local taxi services, local building firms and contractors.
- The proposal has the potential to indirectly support a number of tourism related businesses both in terms of increases in the number of visitor nights in the local economy and in terms of increased use of local tourism activities/facilities.
- The proposal is of a nature that does not fit with the generally recognised model for employment uses of location within a B Class employment site and the location of the proposal is integral to the business plan for the proposal.
- Whilst not a planning consideration, the applicant has been successful in getting through to the second round of a DEFRA funded grant scheme which looks to support rural employment. This would suggest that the broad thrust of the proposal accords with government policy for rural areas.

4.8 The Conservation Manager (Ecology) objects to the application due to the cumulative impact of all aspects of the proposal which will increase disturbance and negative impacts (noise, light and water quality) on the adjacent sensitive designated sites. Inconsistencies between the recommendations of the ecological report and the architectural drawings are also noted. Off-site impacts in terms of increased traffic and passing places on Alt Common as well as hedgerow loss on the site are also unacceptable.

4.9 The County Land Agent objects to the application. It is noted that advice from Legal Services is pending regarding prescriptive rights of access through the farmyard area to the adjoining common land. Furthermore concern is expressed regarding the impact of the applicant's activities on existing water supplies derived from bore holes and springs, which could have a devastating impact on adjoining agricultural enterprises and wildlife. The applicant's claims regarding the fall back position regarding their ability to farm livestock intensively on the land hereabouts is disputed given significant land degradation would occur.

4.10 The Environmental Protection Manager has provided a co-ordinated response covering issues regarding contaminated land, noise, water and public health matters –

Regarding contamination, given the previous use of the buildings, a condition requiring a contamination assessment is recommended, with the findings informing any mitigation and remediation measures required.

Control of water abstraction is regulated by the Environment Agency who have advised that no license is required for abstractions of less than 20m<sup>3</sup> per day. Abstractions less than this are not subject to any formal legal controls.

Statutory controls exist to protect neighbours from nuisance as provided by the Environmental Protection Act 1990 and the Licensing Act 2003. There will be an onus on the developer not to create a nuisance by way of noise affecting neighbours in the vicinity.

4.11 The PROW Manager has no objection.

4.12 The Conservation Manager (Building Conservation) has no objection to the conversion of the historic agricultural buildings to the uses proposed. Conditions regarding details are recommended to safeguard the character and appearance of these buildings which are considered to be locally important, capable of and worthy of the conversion.

## 5. Representations

5.1 Clifford Parish Council objects in the 'strongest terms', considering the application completely inappropriate for a wide variety of reasons including traffic, noise, light pollution and water problems, through to the serious impact it would have on the wildlife of this very special area.

Regarding water source supplies, the Parish Council states that from previous experience near the top of the hill it can be difficult to maintain for existing properties let alone 100's of wedding guests. The knowledge and experience of many residents is even if a bore hole is utilised, this might significantly affect the water table of the area and therefore give properties, many of whom rely on the natural water themselves, problems.

5.2 Dorstone Parish Council objects to the application, having concern over the traffic generated, the landscape impact of the geodomes, concern over the water supply in this area, ability of emergency services to reach the site, and the feasibility of the proposed traffic management being carried out and followed. The Parish Council states it would have no objection to the conversion of the existing barns to provide holiday accommodation only.

5.3 The CPRE objects to the application, however stresses wherever possible it supports appropriate rural economic development. The objection is on the following grounds –

- The proposal is self defeating, undermining the very qualities for wanting to have the business located here
- The proposal is totally inappropriate in its scale having regard to the isolated location
- The geodomes are unsympathetic and out of keeping with the character of the area
- The detrimental resultant impact upon the character, amenity and ecosystems of the adjacent common, Ancient Woodland and Local Nature Reserve
- Noise and light pollution undermining the character and tranquillity of the area
- The traffic management proposals are not enforceable
- Impact and risk on the local road network and variety of road users including cyclists, horse riders and walkers
- Concern over the water supply hereabouts, which is derived from non mains sources
- The waste of taxpayers money spent on the agricultural landholding through DEFRA grants, now all being reversed to accommodate these new uses

Visit Herefordshire supports the application stating there is a requirement for the provision of this type of facility within Herefordshire, however notes there is a balance between this and not spoiling the environment.

5.4 69 objections have been received from individuals. For clarity, many people have made more than one representation. These comments are combined to form one representation from that individual. The issues raised are summarised as –

- The proposal will cause a noise nuisance and undermine the tranquillity of the area
- No appropriate noise assessment has been included with the application
- The proposal will cause light pollution harming the night time landscape and adjacent designated dark sky reserve
- No appropriate light assessment has been included with the application
- The applicant's website which promotes the proposed uses includes structures not included with this application and facilities and features not disclosed or assessed within their application
- No Environmental Impact Assessment has been provided
- The local road network, due to its nature is unsuitable for and will not cope with the significant increase in traffic movements
- There will be a conflict between vehicles accessing or leaving the site with other road users, including farm traffic and machinery, walkers and horse riders
- Access to the site is totally reliant on use of private vehicles
- The proposed traffic mitigation management plan is unenforceable and can not be monitored
- The proposal relies on the use of passing bays located on private land
- The proposal is unsustainable development

- The proposal makes little if any mention to national or local planning policies
- The hydrological assessment is flawed and inaccurate
- Dwellings and businesses in the area have experienced water shortages and supplies have run dry, the proposal will create significant extra demand on supplies derived from natural sources, which are relied on by people, farms and wildlife
- The applicant's own website reveals they have experienced a loss of water supply
- Significant detrimental impact upon common land, Local Nature Reserve, Ancient Woodland and the overall current isolated valued tranquil landscape hereabouts
- Impact on wildlife, including protected species and habitats
- Within the locality and area there are existing wedding venues which also have capacity for extra bookings this year
- The geodomes are out of character with the area and detrimental to its appearance
- The proposal will cause significant disruption to local residents and farming enterprises
- Concern over the use of the bio disc treatment plant and discharge entering the water course and supply, which is used for drinking water
- The proposal is of an unacceptable size and scale for its location
- The proposed uses are inappropriate and harmful to the location
- Impact on the occupiers of the dwelling accessed from the unclassified road
- Conflict between wedding parties and those such as property owners, farmers with hill rights, equestrian exercisers and individuals who are permitted access over the application area on an established right of way and access to the common and Local Nature Reserve
- Concern over public safety and access for emergency services
- The qualities of the area advanced as a reason to justify the proposal will be undermined and harmed by it
- Despite the records there have been numerous road traffic accidents on the road network hereabouts. These go unreported for various reasons, including 'no blame' and a local acceptance of the nature of the roads hereabouts can lead to incidents
- Health and Safety requirements will result in the car park and walk ways requiring to be illuminated
- The vehicle movements will result in significant damage to the road verges, many of which are unsuitable for passing places
- The claimed neighbour consultation referenced was not received and there is no knowledge of local support within the immediate area
- The comments, concerns and objections of the CPRE and local residents should be respected and listened to
- The comments regarding agricultural movements bear no relation to reality or fact. These are actually year round with peak times between February and November, and can involve significant farm vehicle movements involving large and slow machinery each day and from each farm holding
- Concern over litter and rubbish and its impact on wildlife
- Concern over weddings and potential use of fireworks, Chinese lanterns, amplified music, light shows and helicopters
- Inadequate details regarding refuge, waste and recycling
- Impact on adjoining designated biodiversity assets and protected species found there has not been assessed. This includes European protected species.
- The proposal and its mitigation and management strategy is unrealistic, impractical and will not happen
- Concern that the withdrawn application, which was larger, had 0 employees proposed and this application proposes 13 employees
- The intensive livestock use of the land referenced is unrealistic. 84 cattle could not be kept for if nothing else, welfare reasons.
- The farm buildings are not redundant as claimed and are use for agricultural purposes

- 5.5 17 letters of support have been received. Many of these are from local businesses. The reasons for support are summarised as –
- The proposal will benefit existing business within the locality
  - The proposal will create jobs in the area
  - This is an ideal location, centrally located from large urban areas
  - The proposal would create a wonderful venue
  - The proposal has an emphasis on environmental and sustainable principles
  - The proposal fills a gap and demand within the market
  - The proposal is eco friendly
  - The existing use of the farm would place a greater burden on the local environment
  - Objections are based on the fact the applicant's are not 'locals'
  - No legitimate credible reasons of objection exist
  - The proposal is small scale unimposing and respectful of its location
  - The re use of redundant farm buildings is a good thing
  - Concerns over water are overstated and no permit or permission is required to extract the amount of water proposed
  - The traffic assessment demonstrates there is no issue regarding the road network
- 5.6 Hay on Wye Chamber of Commerce supports the application as it will bring much needed business into the area and have a beneficial effect on Hay town and its businesses. There is also a community benefit to the proposal and it will help offset the closure of Clifford Golf Club and its hospitality facilities.

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

[www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx](http://www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx)

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

[www.herefordshire.gov.uk/community\\_and\\_living/consumer\\_advice/41840.asp](http://www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp)

## **6. Officer's Appraisal**

- 6.1 This application has generated a significant level of public interest, and indeed objection. In particular many of the objections are made regarding the potential impact the proposed uses will have on the character, amenity, and functionality of this isolated open countryside location. Having regard to the policy context a range of principle issues have been identified and are set out as follows –

### **6.2 Economic Development and the Rural Economy**

- 6.3 The Unitary Development Plan policies E11, E12, RST1 and RST13 are in broad conformity with the National Planning Policy Framework, which sets out that planning authorities should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, paragraph 28 of the NPPF directs Local Planning Authorities as follows: –

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings
- promote the development and diversification of agricultural and other land-based rural businesses
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities

---

Further information on the subject of this report is available from Mr C Brace on 01432 261947

in appropriate locations where identified needs are not met by existing facilities in rural service centres

- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

- 6.4 The application seeks to establish a new rural business tapping into a sector where within the county as a whole, and in this area generally, there is a clear gap and potential demand for such facilities as reported and recognised by the comments of the Economic Development Manager and Visit Herefordshire. The business is taken to be a viable proposition given the financial and written support from Lloyds TSB Bank. On this basis it has to be accepted the proposal is a bona fide viable proposition.
- 6.5 The proposal also has potential spin off economic benefits to the locality and wider areas through employment and products and supplies sourced from local suppliers, craftsmen, businesses and labour. Cross business benefits also include visitors and users of the proposal using local public houses, accommodation, shops and other existing facilities. This potential economic benefit to the area is underlined by the number of supportive representations from existing local businesses. It should be noted however, planning cannot require the applicant's to use local employment or source or utilise local produce or businesses. The proposal in its own right can become a 'local service and facility' benefiting the area and communities.
- 6.6 The proposal clearly diversifies the activities and business base of an existing agricultural holding. The proposal includes the retention and conversion of existing non designated heritage assets with minimal new built development. The proposal would also involve controlled managed responsible countryside access, benefiting the environment itself and visitors alike.
- 6.7 As such it is considered the proposal is considered to conform to the above aims and objectives of the NPPF and Herefordshire Unitary Development Plan regarding economic growth in the rural areas. The acceptability of the proposal is therefore down to the assessment of material considerations and the acceptable mitigation of any impacts.
- 6.8 Highways and Traffic Impact
- 6.9 The proposed development proposes a 100 persons guest venue for Weddings and a Staff Training Centre hosting 15 – 26 delegates for use between April and September and for up to 25 Weddings and 10 training events each year. These numbers would have to include children as the precise capacity total will impact on the number of mini buses required and referenced in the applicant's submission. Furthermore there will also be staff, deliveries and people employed for the wedding such as chefs, waiting staff, bar staff, make-up, hair, cleaners, sound engineers, band and so on, all generating two way trips, some potentially using vans and lorries.
- 6.10 It is stated 13 vehicles will be used for guests staying at the site limited to one vehicle per accommodation unit. All other guests will be ferried in by mini bus, this must cater for 74 adults plus children which equates to a minimum of 7 minibus trips if no children are in the party, 14 two way trips generated on the proviso only 2 mini buses are being used. The Transport Statement also states taxis will be used as necessary to collect guests from other accommodation. Any taxis used will double the trips and be no different in traffic terms than as if guests brought there own car. Pick up from Hereford or Abergavenny train station has the potential to also double the trips in the locality.
- 6.11 The training events have the same issues as the wedding venue though at a lower scale. Events are not proposed during the Hay Festival due to the problems with accommodation,



however this could not be conditioned on any approval and would not comply with the provisions of Circular 11/95 and NPPF paragraphs 203 – 206.

- 6.12 The trips generated by the proposed development on the u75236 no through road conflict with one other property served by this unclassified road as well as the existing used bridleway. The C1208 has 12 properties on the route though the Transport Statement doesn't identify or fully take into account what other land use / access there are along and from this C Class road. The Transport Statement also states there are 36 well used passing places along the route. Overall it is proposed that the development will be managed to maintain a level of flow no greater than the existing vehicular movements on the unclassified and C Class road.
- 6.13 The data informing the Transport Statement was captured during a week in September 2012. It is considered this snapshot does not accurately represent traffic movements hereabouts and excludes peak periods of agricultural activity which occur Spring through to harvest. Furthermore agricultural movements on the local roads can be weather dependent, with weather extremes either resulting in significant movements or limited or none at all. A number of representations from local established agricultural enterprises dispute some of the assumptions made by the Transport Statement regarding vehicle movements and activities. Through the proposed usage, 35 events per year between April and September, there will be conflict at some stage and during peak periods of agricultural activity.
- 6.14 The feasibility and realistic probability of a very strict traffic management plan keeping the flows below 18 cars per hour and refusing guests who simply drive themselves to the venue to park up is unlikely, and in any event unenforceable. Such a condition would not satisfy the requirements of Circular 11/95 or the NPPF paragraphs 203 - 206.
- 6.15 The car park has been designed for an entrance and exit to avoid conflict, due to the narrowness of the lane and given the management put in place this appears over engineered or conflicts with the whole Transport Statement, two entrances are not essential or necessary and would require the removal of additional hedgerow.
- 6.16 The passing places have been assessed, although no dimensions of these have been given. Most are soft verges without formal surfacing, or gateways and other accesses which are outside the public highway and outside the applicant's ownership or control. These cannot be relied upon for either their use or availability.
- 6.17 The access points onto the B4348 and the C1208 have not been assessed, and this work was advised as essential and required to be undertaken given the junctions at Dorstone and nr Hawkswood Farm do not have suitable visibility –
- Dorstone - exiting onto the B4348 with 50m visibility to the left to the centre of the road.
  - Hawkswood Fm - 40m visibility to the left in an area where overtaking is a possibility. 72m visibility to the right.
- 6.18 A high proportion of drivers will not be from the locality. This has not been factored in or formed part of the Transport Statement. The Transport Manager reports that at the time of one of his visits, overtaking at the junction near Hawkswood Farm was observed which would be hazardous to vehicles exiting the junction.
- 6.19 Also, weddings are advertised and run to be three day events. This will inevitably result in guests coming and going from the site, to explore the area or to visit with guests staying elsewhere. This has not been factored or considered within the Transport Statement.
- 6.20 With the information provided Officers are sceptical about how the venue can work in this very remote rural location. Information has been provided into how the applicants envisage this working. Traffic will be managed to ensure traffic trips will be kept to the level experienced

---

Further information on the subject of this report is available from Mr C Brace on 01432 261947

locally as per the flow rates from their survey, however it cannot be argued that the unclassified road and bridleway will, as a result of the development, have significant vehicle flow numbers above current levels. The development would also need to be flexible to take peak activity, such as farming and the Hay Festival, into account. Planning conditions are not suitable to try to achieve such a co-existence.

- 6.21 Given all of the above and the objection from the Traffic Manager, a recommendation for refusal due to the impact on the local network is advanced. Policy RST 13 requires that for any rural or farm diversification development, traffic must be able to be accommodated safely upon the local road network without the need for widening lanes or loss of hedgerows, however the proposal is contrary to this requirement. There is a reliance on passing places outside the applicant's ownership and a requirement for pacing places which would impact on a Common and Special Wildlife Site. The proposed travel plan is not sufficient to manage the traffic generated by the development. The Transport Statement also has not adequately assessed the existing situation regarding vehicular flows over the calendar year, fails to take into account peak periods regarding agricultural activity, and not assessed existing junctions. As such the proposal represents a risk to highway safety and is contrary to the relevant aims and objectives of the NPPF and Herefordshire Unitary Development Plan policies S1, S2, DR1, DR2, DR3, E11, T8 and RST13.
- 6.22 Landscape Impact
- 6.23 The site is an isolated farmstead in a remote and sensitive landscape. The landscape character type is Ancient Timbered Farmlands and adjacent to High moors and Commons. Both of these are high quality and highly sensitive to change. The area has one of the oldest field patterns in the county. This small scale, intimate landscape relies on the topography, hedgerows and tree cover. Any development should take great consideration of the wider landscape character, the possible impact that increased use and development of this site will have and in particular the visual impact. Notwithstanding this, it is noted the application site is within an undesignated landscape area and not subject to any special statutory protection.
- 6.24 The NPPF and UDP Policies E11, E12 RST1, RST12 and RST13 allow new development and land uses within such a landscape providing it is of an appropriate scale and impacts are mitigated appropriately. The NPPF states distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.
- 6.25 Whilst the application site is not within or adjoining such a protected landscape area and the proposal is in accordance with the NPPF's and UDP's aims and objectives of ensuring a prosperous diverse rural economy, this does not permit development at any cost. Policies require development should be appropriate to its location and of appropriate size and scale. The landscape and its intrinsic character and qualities should be conserved and enhanced and in particular areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason should be protected.
- 6.26 It is recognised NPPF policies promotes mixed use developments, and encourage multiple benefits from the use of land in rural areas, recognising that land can perform many functions, such as for wildlife, recreation, tourism and economic development.
- 6.27 Geodomes – One field, close to the main buildings, has been chosen which restricts the spread of development. As per the Design and Access statement (DAS) it is agreed that this is the least sensitive locations which could have been selected for the geodomes. The proposed dark green colour is appropriate (as per dwg no. 6082-1-7a). Existing trees have been marked on the proposed site plan (6082-1-9b), and are also shown in the landscape management plan and described in detail in the preliminary ecological appraisal. The Design

and Access statement confirms that the geodomes are demountable, for use between April to September only. A condition requiring that the domes are removed outside of this time could be imposed to safeguard the character of the area and minimise impact during the winter months when there is less coverage and screening from surrounding vegetation. However the timber deck, steps and handrail (as per dwg no. 6082-1-7a) represent permanent construction that adds to clutter and detracts from the sensitive, low key intentions of the geodome ethos.

- 6.28 Lighting – As described in para. 8.7 of the Llan Y Coed farm diversification summary there will be ground level lights to the car park, field and decking area. These are marked on the landscape plan and are labelled as removable. The number of lights should be kept to a minimum in this rural location and given the existing lack of light pollution and adjoining dark sky reserve. However given the lack of appropriate details and potential conflict between any planning conditions regarding external lighting and Health and Safety legislative requirements means a precautionary approach must be taken to preserve the existing valued night sky situation.
- 6.29 Car park – The car park will have a negative visual impact and extend built development of the farm. The coming and going of cars and minibus will reduce the tranquillity of the existing sensitive landscape. The new access point and widening of the existing gateway will alter the existing enclosed character of the lane. It is accepted that car parking is necessary if the development is to go ahead and that a sensitive design has been chosen, including new planting and a permeable surface. It is assumed that the car park will follow the existing ground levels and not be levelled.
- 6.30 Communal building – In landscape terms it would be preferable for one of the existing buildings to be converted to this use. As proposed, however, it will have limited visual impact as it is set behind the existing buildings and smaller in scale. The design with slate roof and timber weatherboarding (dwg no. 6082-1-8b), is suitable to the character of the site. The conversion of existing buildings is in landscape terms acceptable. The planting layout to the existing courtyard is welcomed and is an enhancement.
- 6.31 Landscape Management Plan – This document also includes landscape proposals. New native planting and strengthening of existing hedgerows around the geodome field is welcome. This will help to integrate the geodomes into the field. It also describes a minimal hard surfacing treatment to the area at between the proposed venue and new communal block. The plan shows mown paths and kick-about area, with the remaining field area to be hay-meadow. The management prescriptions are clearly set out and suitable to the site.
- 6.32 This application will cause a change to the landscape character of the site and local surroundings, as the land will no longer be farmed and a new use will be introduced. The question is whether this change is appropriate to the sensitive landscape and whether the change will have adverse impacts on the landscape character. There will be a visual impact where the geodomes, car parking and other infrastructure is visible from public viewpoints on the common land. There will be a reduction in tranquillity at times when there is intense use of the site (principally when there are weddings).
- 6.33 Whilst it is recognised balance can be struck between the negative impact of new structures and associated activities within a rural landscape with conservation objectives and sensitive site management, in this instance however, due to the inability to adequately control and manage the traffic generated by the development, and the overall scale, nature and intensity of the proposed functions, this will have a significant and detrimental landscape impact which is further increased by the site being in an isolated remote location and the access formed by the unclassified road crossing through the designated areas of Common Land and Special Wildlife Site.

- 6.34 Given the above, this leads to real concerns that the fine balance will not be met between human use of the landscape and conservation aims. The traffic will have direct landscape impact on verges in the wider area where passing is required on the narrow lanes, which are characteristic of the area. There will be direct landscape impacts on the site if more traffic than planned or able to be controlled arrives, resulting in parking, turning, pick up / drop off taking place outside of the designated car park.
- 6.35 In the absence of an adequate or enforceable travel plan, there will be indirect landscape impacts on the level of tranquillity in the area. As stated previously, the landscape character types Ancient Timbered Farmlands and High moors and Commons are both high quality and highly sensitive to change. The scale of change that can occur in these areas is very limited before the character of the landscape is compromised. A significant proportion (over 72%) of the county's High moors and commons are found in the Golden Valley locality. The primary characteristics of this landscape type that are vulnerable to change by increased traffic generation are the unsettled landscape with few signs of human presence and the introduction of vehicles into the exposed panoramic views. The introduction of high traffic volume predicted by the Traffic Manager would reduce the level of tranquillity in this area of good amenity value, high scenic quality, few visual detractors and harmony between landscape elements.
- 6.36 The NPPF requires that LPA's should identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason. The traffic generation and increased activities in this area will significantly reduce the tranquillity of this sensitive isolated area and therefore to have a negative impact on the overall landscape character. This is contrary to the stated aims and objectives of the NPPF and UDP policies S1, S2, DR1, DR2, and LA2.
- 6.37 Dark Skies, Light Pollution
- 6.38 The Brecon Beacons National Park is now a 'Dark Sky Reserve', one of only five globally, and so afforded this designation due to it being so unaffected from light pollution and allows the enjoyment of clear unobstructed night skies. The application is located in relative proximity to this designated area. Light pollution is also a transfrontier issue that does not recognise or is restricted by national or authority borders. The impact on this designated area and light pollution generally is therefore considered a material planning consideration.
- 6.39 The NPPF has specific regard to light pollution and the value of dark landscapes as a finite limited resource. The NPPF requires decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. Equally, local plan policies S1, DR2 and DR14 all require development to have appropriate regard to and not have a detrimental impact upon adjoining land uses. This includes amenity, environmental and landscape character. Policy DR14 specifically sets out development requirements regarding lighting and seeks to minimise light spillage. It also requires that lighting should be necessary and appropriate to the development and its location.
- 6.40 In the absence of sufficient details and assessment there is a concern the proposal would have an unacceptable impact. The Landscape Officer and Ecologist both have concerns regarding detrimental impact caused from light pollution associated with the proposed activities themselves and the external illumination required for the safe use and access of the site and its facilities. As such the proposal fails to satisfy Officers that the valued dark landscape and sky resource will be protected and not adversely affected. NPPF and local plan policies S1, S2, S7, DR2, DR14 and LA2 are therefore not satisfied.
- 6.41 Hydrological Issues
- 6.42 Significant concern has been expressed by local residents regarding water resources hereabouts. Dwellings, businesses and indeed the wildlife and valued common land, Ancient

Woodland, and Local Nature Reserve are dependent on natural private water supplies. There is no mains water or sewerage hereabout. Water is supplied from boreholes, springs or steams. It is on record that resources have 'run dry' leaving people without water.

6.43 The Environment Agency has advised that given the amount of water the applicant's intend extracting from a borehole, no permit is required. Whilst acknowledging the local concern on this issue, given the Environment Agency's position and relevant legislation regarding water extraction, there are no grounds for this application to be refused for hydrological issues. In the event of the applicant's extracting higher quantities of water or there being a local issue, the Environment Agency would have to act accordingly. Furthermore, with a better hydrological assessment and the full time use of various mitigation measures the applicant's could adequately address this issue through utilising grey water harvesting full time and extracting water at their permitted quantity to holding tanks and storing water for future use.

6.44 Ecological Issues

6.45 The site is adjacent to a Local Wildlife Site (Little Mountain Common) which is also designated as a Local Nature Reserve and has areas of Ancient Woodland. The common has valuable habitats and supports ground-nesting birds. The access road to the site passes through another area of common land that is also a Local Wildlife Site (Alt Common and Cot Wood) and Ancient Woodland. The following are the wildlife site descriptions for each site:

SO24/15 Little Mountain and Newhouse Wood SWS

The register states: "Newhouse Wood is an ancient woodland which, although inter-planted in parts, still has a good variety of trees, shrubs and ground flora. Species include mountain ash, holly and wood-sorrel. Little Mountain has a rich variety of plants, including pillwort, an international rarity. The site supports many species of insects and birds."

Date 1990

SO24/12 Alt Common and Cot Wood SWS

The register states: "Alt Common has a good number of trees, and dense scrub in places. Species present include oak, crab apple, holly and gorse, with harebell and bluebell in the ground flora. Cot Wood is an ancient semi-natural wood mostly ash with coppiced hazel and bluebell."

Date 1990

6.46 The farm buildings include features that could support roosting bats and nesting birds. The proposed geodome field is currently improved pasture and is surrounded by species-rich, mature hedgerows.

6.47 UDP policies NC1, NC4, NC6 and NC7 sets out how habitats and protected species are to be protected and biodiversity enhanced. These policies are in conformity with Section 11 of the NPPF which sets out planning aims and objectives regarding conserving and enhancing the natural environment. Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm from a development cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;

- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland unless the need for, and benefits of, the development in that location clearly outweigh the loss
- 6.48 The landscaping proposals include biodiversity enhancement measures through the management of much of the grassland as a wildflower meadow and additional planting of native species shrubs and trees. The field margins and hedgerows will also be less-intensively managed which will enable them to function well as wildlife corridors. Some hedgerow removal will be necessary to provide access to the car park. It is not clear just how much removal is required to provide sufficient width for access as well as visibility – the lane is particularly narrow at this location. It would be preferable if one of the existing accesses could be blocked with native species planting as this would retain better ecological connectivity and would also fall in to alignment with the Hedgerow Regulations 1997. The Traffic Manager has concerns about the access and egress to the car park; these concerns need to be addressed and the design of access and egress clarified, including visibility splays.
- 6.49 Given the comments of Traffic Manager that passing places on the road are inadequate and many are outside highway land, the Ecologist is particularly concerned about the section of the unclassified road that goes through Alt Common and Cot Wood. This is common land and also a Local Wildlife Site; it does not appear to be possible to provide passing places whilst avoiding engineering and the introduction of hard surfacing and as a result, harm to the woodland.
- 6.50 A package treatment plant is proposed to the north west of the barn complex. The applicant's were alerted to the concern over installation of a package treatment plant in such close proximity to the Local Wildlife Site and that a permit from the Environment Agency would be required. It is unclear if the proposal is to discharge direct to water course or to ground as this is not shown on drawings. No justification is provided to support such a location for the treatment plant or that there are no alternative locations. Given the above and the lack of detail regarding this matter it is not clear that harm to the nature conservation status of the designated site will be avoided.
- 6.51 Bat activity surveys have been undertaken and a number of species have found to be present at the site, but in relatively low numbers. Mitigation measures are proposed that include installation of a number of bat boxes as well as provision of bat lofts in two buildings. A small bat loft is shown in one of these, but not in the Threshing Barn as recommended. It is not likely to be appropriate to have a bat loft in the threshing barn as noise levels during events would disturb roosting bats. Appropriate mitigation needs to be clarified.
- 6.52 The use of the site as a wedding venue with associated significant increase in human activity at the site and negative impacts on the adjacent Local Wildlife Site is a major concern. Bullet point 4 in paragraph 123 of the NPPF states that planning decisions should aim to protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value. The application site and adjacent commons/ Local Wildlife Sites are tranquil and relatively undisturbed by noise and the increase in noise levels during wedding events is unavoidable and unacceptable. The Local Nature Reserve is also valued as a recreational space due to its current tranquillity and lack of disturbance.
- 6.53 Whilst there are aspects of these proposals that could be or are acceptable or addressed through better information or amendments, on ecological grounds the Council is unable to support them as they stand because the cumulative impact of all aspects of the proposals will increase disturbance to and negative impacts (noise, light and water quality) on the adjacent sensitive designated sites. Furthermore there has been inadequate assessment of the proposal on adjoining protected habitats and species, including Dormice, which are European Protected Species and are present in nearby woodlands. It is important to ensure that these

are not affected by these proposals and to maintain the hedgerow connectivity between woodland habitats.

- 6.54 There is inconsistency between the recommendations of the ecological report and the architectural drawings regarding provision of bat mitigation and enhancement. Off-site impacts in terms of the nature and increased activities proposed, influx of people and traffic in this area, along with the requirement for passing places on Alt Common as well as hedgerow loss on the site make the proposal unacceptable. As such the proposal does not comply with the ecological and biodiversity aims and objectives of the NPPF, Circular 06/2005 and local plan policies NC1, NC4, NC6 and NC7.
- 6.55 Sustainability
- 6.56 Sustainability is more than just about the location of development. The NPPF states that good design is a key aspect of sustainable development and indivisible from good planning. It is not just a matter of aesthetics. Amongst other things, it says that decisions should aim to ensure that developments function well and add to the overall quality of the area; and optimise the potential of the site to accommodate development. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. UDP policies S1 and S2 are in conformity with this, and set out how this should be achieved and secured over a combined 23 criteria.
- 6.57 As such the wider considerations of 'sustainable development' have been addressed above, however it is acknowledged that given the isolated location of the application there would be a total reliance on the private vehicle to access the site. It is also acknowledged rural Herefordshire is unsustainable in transport terms by its very nature and that most countryside recreational resources are also 'unsustainable' by such a definition.
- 6.58 Environmental Impact Assessment
- 6.59 Unlike the withdrawn application S122992/F, this application has been found by the Council not to require an EIA. This is primarily based upon the fact that none of the land within this application is classified as 'sensitive' as defined within the legislation. The fact an EIA is or is not required has no bearing on the acceptability or otherwise of a planning application, which is assessed against planning policies.

## RECOMMENDATION

**That planning permission be refused for the following reasons:**

- 1. The proposal represents a significant risk to highway safety and the free flow of traffic through the resultant increase in vehicular movements generated by the proposal on the local network. The proposed transport mitigation can not be controlled, monitored or unenforced and conditions would not be compliant with Circular 11/95. Furthermore there is a reliance on the use of passing places adjacent to the public highway which are located on private land outside the applicant's or Authority's control and as such these can not be relied on for their availability or use. The submitted Transport Assessment is also deficient, having insufficient survey data and has not assessed adequately two substandard road junctions where traffic flow will be significantly increased. As such the proposal is contrary to Herefordshire Unitary Development Plan policies S1, S2, S6, DR1, DR2, DR3, T6, T8, E11 and RST13**
- 2. Given there will be a significant increase of vehicles and people into this isolated, tranquil landscape area and the land use and activities proposed, this will**

---

Further information on the subject of this report is available from Mr C Brace on 01432 261947

significantly reduce the character, amenity and tranquillity of this sensitive isolated area and therefore have a negative impact on the overall landscape character. This is contrary to the stated aims and objectives of the National Planning Policy Framework and Herefordshire Unitary Development Plan policies S1, S2, S7, DR1, DR2, E11, LA2 and RST13

3. The proposal fails to demonstrate that the valued dark landscape and sky resource will be protected and not adversely affected. As such the aims and objectives of the National Planning Policy Framework and Herefordshire Unitary Development Plan policies S1, S2, S7, DR2, DR14, E11, LA2 and RST13 are therefore not satisfied.
4. The proposal fails to ensure protected habitats and species will be suitably protected and safeguarded. The proposal, through the increased number of people into the area, traffic generated and requirement of unspecified vehicular passing places on common land, Special Wildlife Site and Ancient Woodland, and the location of the proposed package treatment plant all represent an unacceptable unquantified risk and impact to ecological and biodiversity resources, included designated resources and protected species, contrary to the aims and objectives of the National Planning Policy Framework and Herefordshire Unitary Development Plan policies S1, S2, S7, DR2, DR4, DR13, DR14, E11, NC1, NC4, NC6 and NC7

Decision: .....

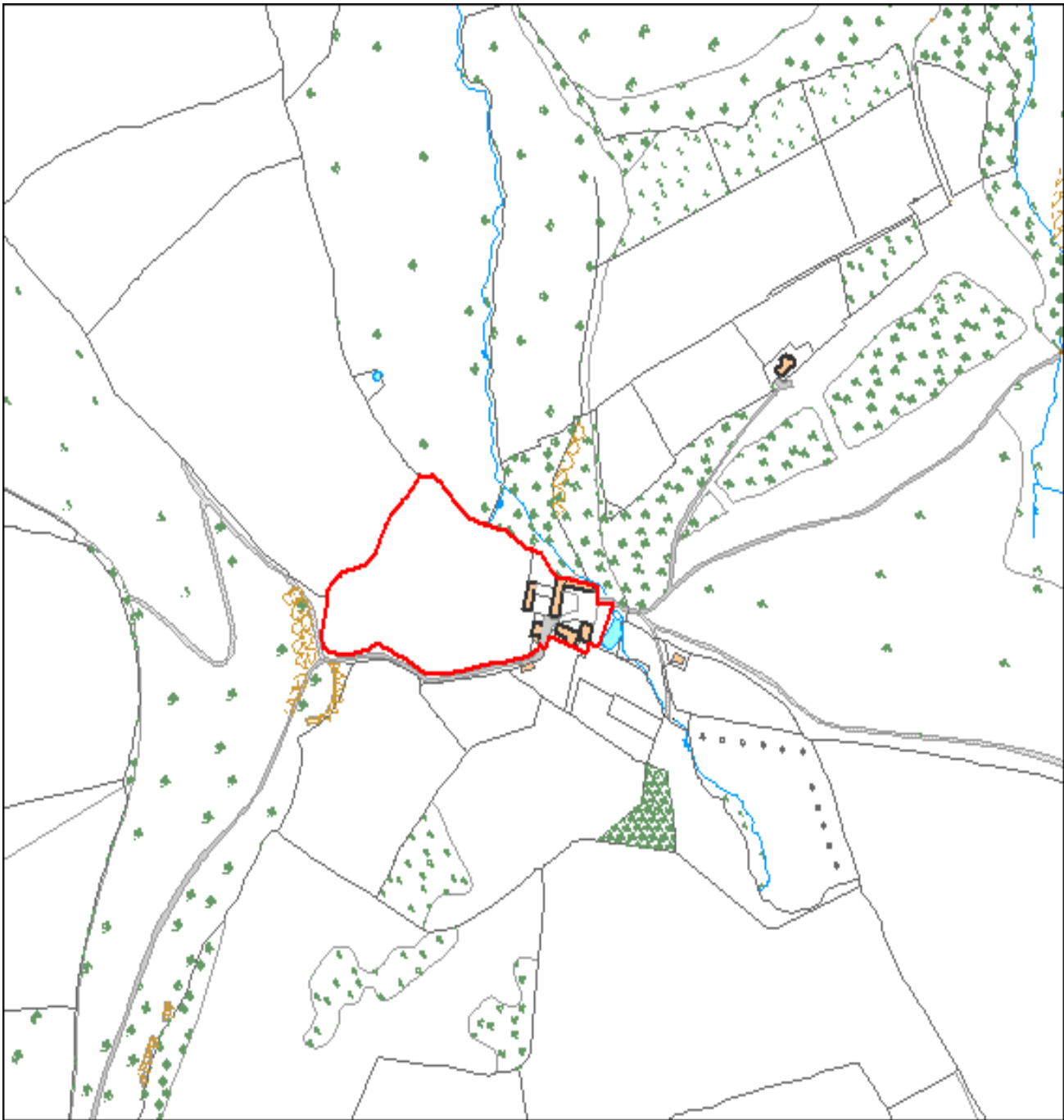
Notes: .....

.....

### Background Papers

Internal departmental consultation replies.





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

**APPLICATION NO:** /130461/F

**SITE ADDRESS :** LLANERCH Y COED, DORSTONE, HEREFORD, HEREFORDSHIRE, HR3 6AG

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

Further information on the subject of this report is available from Mr C Brace on 01432 261947



<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>24 APRIL 2013</b>
<b>TITLE OF REPORT:</b>	<b>130426/F - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 34 NO HOUSES AND GARAGES TOGETHER WITH ROADS, SEWERS AND ASSOCIATED EXTERNAL WORKS AT FORMER POMONA WORKS, ATTWOOD LANE, HOLMER, HEREFORD, HR1 1LJ</b>  <b>For: Lioncourt Homes Ltd per Mr Paul Harris, The Stables, Woodbury Lane, Norton, Worcester, WR5 2PT</b>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=130426&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=130426&amp;NoSearch=True</a>

**Date Received: 13 February 2013**    **Ward: Burghill, Holmer & Lyde**    **Grid Ref: 351082,242392**  
**Expiry Date: 28 May 2013**

Local Members: Councillor SJ Robertson

#### **1. Site Description and Proposal**

- 1.1 The application site lies to the north of Attwood Lane, Holmer between Holmer Nursing Home and Attwood Court and within the urban settlement boundary of Hereford as defined in the Herefordshire Unitary Development Plan.
- 1.2 This 0.98 hectare site comprises previously developed land with the last uses comprising a gravel distribution company, a car storage use and a scaffolding firm. It is partially designated as Employment Land and partially within an identified established residential area. The boundaries to the north and east of the site abut agricultural land with Holmer Nursing Home to the south together with Wentworth Park housing estate. Attwood Court abuts the eastern boundary.
- 1.3 Planning permission is sought for the demolition and removal of the remaining commercial buildings and construction 34 dwellings, 12 of which will be affordable. The proposal also includes changes to the highway layout at the access to the site from Attwood Lane.
- 1.4 The 12 affordable dwellings will be located in two clusters, with 6 units being sited to the south east corner in two terraces comprising 3 x 3 bed units 3 x 2 bed units and 6 units (with the same mix) being sited to the south west of the site.
- 1.5 The proposed open market dwellings would provide 2 x 3 bed dwellings with the remainder being 4 bed units. The open market units are a range of house types, each with garages and private amenity space.
- 1.6 The layout which comprises a mix of dwellings from detached, semi-detached and terraced properties, provides for frontage development onto Attwood Lane with the main access into the site adjacent to Holmer Court Nursing Home. A T-junction would be created at this point with traffic having to stop on Attwood Lane before either entering the housing site or continuing south to Roman Road.

---

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

- 1.7 The application has been accompanied by a detailed landscape scheme, that includes all hard and soft landscaping, including a detailed planting plan and details of all boundary treatments. The existing conifer hedge forming part of the site's frontage with Attwood Lane would be removed and a new native species hedgerow planted behind estate style fencing. There would be no pedestrian or vehicular accesses directly from Attwood Lane to the dwellings.
- 1.8 The proposal includes a detailed drainage statement that outlines the decision to connect to the Crest Nicholson new foul and storm sewers installed as part of their housing development. This would involve the installation of foul and storm sewer pipes within Attwood Lane to connect the application site and the Crest housing site
- 1.9 The application is a resubmission of an application for 34 dwellings (S121554/F) that was referred to Planning Committee in November and December 2012 and was subsequently refused by members of the Planning Committee for the following reasons:
1. *Notwithstanding the information submitted, there is insufficient information provided to determine that the identified contaminants could be remediated to an extent that would be sufficient to deal with the threats posed by contaminants to health or the environment when having regard to the proposed use of the land for residential purposes. As such the proposal would fail to comply with the requirements of policies DR4 and DR10 of the Herefordshire Unitary Development Plan.*
  2. *The proposed development would result in the unacceptable loss of an existing, allocated employment site contrary to policies S4 and E5 of the Herefordshire Unitary Development Plan*
  3. *The proposed development, having regards to its important location on the edge of the city, would, by virtue of the required site levels and proposed housing design and layout, represent a form of development that would adversely impact upon the landscape amenity of the area. As such the proposal is contrary to the requirements of policies DR1 and H13 of the Herefordshire Unitary Development Plan.*
  4. *The application is not accompanied by a completed section 106 agreement considered necessary to make the development acceptable and is therefore contrary to Policy DR5 of the Herefordshire Unitary Development Plan and the Councils Supplementary Planning Document on Planning Obligations*
- 1.10 An appeal has been lodged with the Planning Inspectorate against this decision and this will be heard through the Public Inquiry process on the 6<sup>th</sup> and 7<sup>th</sup> June 2013.
- 1.11 This application submission has sought to address these concerns through the submission of additional and updated information in respect of contaminated land, employment land and marketing and through the removal of the play area and provision of an off-site contribution in lieu, allowing for repositioning of the dwellings to the north of the site and improved layout and impact. Detailed consideration of these issues can be found in section 6 of this report.

## **2. Policies**

### **2.1 National Planning Policy Framework (NPPF)**

The following sections are of particular relevance:

Introduction - Achieving sustainable development  
 Section 6 - Delivering a wide choice of high quality homes  
 Section 7 - Requiring Good Design  
 Section 8 - Promoting healthy communities  
 Section 11 - Conserving and enhancing the natural environment

---

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

## 2.2 Herefordshire Unitary Development Plan (UDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S4	-	Employment
S6	-	Transport
S7	-	Natural and Historic Heritage
S8	-	Recreation, Sport and Tourism
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR10	-	Contaminated Land
E5	-	Safeguarding Employment Land and Buildings
H9	-	Affordable Housing
H13	-	Sustainable Residential Design
H15	-	Density
H16	-	Car Parking
H19	-	Open Space Requirements
LA2	-	Landscape Character
LA3	-	Setting of Settlements
LA5	-	Protection of Tree, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NCI	-	Biodiversity and Development
NC8	-	Habitat Creation, Restoration and Enhancement
T6	-	Walking
T7	-	Cycling
T11	-	Parking Provision
RST4	-	Standards for Outdoor Playing and Public Open Space
W11	-	Development and Waste Implications
CF2	-	Foul Drainage

2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Councils website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

## 2.4 Supplementary Planning Documents

Landscape Character Assessment  
Planning Obligations  
Design  
Biodiversity and Development

## 2.5 Other Guidance

Strategic Housing Land Availability Assessment  
Annual Monitoring Report  
Urban Fringe Sensitivity Analysis  
Green Infrastructure Study

## 3. Planning History

---

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

- 3.1 SC981092PF      Erection of temporary storage of temporary storage container for a period of twelve months  
Approved
- 3.2 CW2000/2069/F      Variation of condition 2 of planning permission SC981092PF 16 April 99 for retention of temporary storage shed for twelve months  
Approved 06/10/2000
- 3.3 CW2002/1738/F      Change of use to storage yard for retail use (retrospective application).  
Withdrawn 31st July 2002.
- 3.4 DCCW2004/0182/F      Construction of 32 dwellings and associated works.  
Withdrawn 9th September 2004.
- 3.5 DCCW2004/3085/F      Construction of 32 dwellings and associated works  
Withdrawn
- 3.6 DCCW2005/0207/F      Continued use for distribution of sand and aggregates including retail for two years  
Approved 20/04/2005
- 3.7 DCCW2005/2661/F      Variation of condition 2 & 3 (hours of working/loading/unloading) to extend operating time to 7.30am of planning application CW/2005/0207/F and allow employee arrival from 7.00am  
Approved 21/09/2005
- 3.8 DCCW2008/0205/F      Residential development comprising 32 dwellings with car parking, landscaping and associated works  
Withdrawn
- 3.9 S121554/F      Demolition of existing building and erection of 34 houses and garages together with roads, sewers and associated external works  
Refused 19<sup>th</sup> December 2013  
Appeal submitted – Public Inquiry to be heard on 6<sup>th</sup> and 7<sup>th</sup> June 2013.

#### **4. Consultation Summary**

Statutory Consultation responses

- 4.1 Welsh Water recommends standard conditions relating to foul and water discharges and request that no development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site, showing how foul water, surface water and land drainage will be dealt with and this has been approved.

Internal Consultation responses

- 4.2 The Conservation Manager (Landscape) makes the following comments:

I have provided landscape comments on a previous application for a similar development proposal for the same site (ref. August and November 2012, S121554/F). The main landscape change to this proposal is that the on site provision of a small play area (LAP) has been removed. This has led to the layout of proposed dwellings being altered along the northern boundary. The number of dwellings remains the same, however the gaps between them have increased. The new northern boundary when viewed across the open countryside, will be of 8 detached houses set behind a combination of existing and proposed planting on the bank. The gaps between the houses will allow views further into the site, thus providing depth to the

development, rather than a solid 'wall'. This is an attempt to be more in-keeping with the existing character of the edge of Holmer.

The images showing a photomontage for the new street scene along Attwood Lane are also welcome and show that at that location the scale of buildings are suitable and the proposed boundary treatment will fit well with the character of the area.

As per the previous application I remain of the view that this is a relatively high density scheme for an edge of city location, particularly in relation to the existing residential development on the north edge of Holmer. The boundaries will still present a new, built up edge in views across the open rural valley from the north and east and along the public footpath to the south. The existing brownfield site conditions and employment allocation, however, are not a positive contribution to the landscape character. On balance there is no landscape objection.

#### 4.3 The Conservation Manager (Ecology) makes the following comments

The site is predominantly hard-standing with a number of buildings associated with its former use; no evidence of protected species was found during recent surveys. I note that there will be some opportunities within the proposed new development to create features for protected and priority species as well as for inclusion of native-species tree and shrub planting.

If this application is to be approved, I recommend the inclusion of conditions.

#### 4.4 The Traffic Manager makes the following comments:

The proposed layout for the development shown on Drawing 11-012/13/02 Rev A is considered acceptable. The level of parking provision is considered acceptable, and garages are of a suitable size to accommodate cars and cycles.

The Transport Statement indicates an increase in traffic on Attwood Lane as a result of the development, but when compared to the previous employment use of the site any increase is minimal. The size and type of vehicles is also reduced from that experienced with the employment use. A comparison of trip generation between the proposed use and former use has been provided separately for information. The distribution of traffic at A4103 Roman Road means that any traffic impact upon Starting Gate Roundabout and A49 Trunk Road will also be minimal, and it should be noted that the Highways Agency has recently announced a pinch point scheme for that junction to increase junction capacity.

The Transport Statement indicates works (Paragraphs 4.7-4.12 and Figure 3) to Attwood Lane to continue the footway and provide connectivity between Roman Road and the development. It is considered that this pedestrian connectivity is essential. However it is considered that, to allow for more flexibility and a comprehensive approach in the production of an overall traffic calming scheme for Attwood Lane, the mechanism of a Planning Obligation contribution would be more appropriate to secure the proposals.

The Transport contribution sum stated in the Draft Heads of Terms is considered acceptable for this and the other schemes noted.

Street lighting for the development will need to be finalised.

#### Trip generation comparisons

In the absence of any specific categories within TRICS database for the most recent previous uses of the site i.e. sand/gravel distribution and scaffolding services, I have reverted to establishing the trip generation for B2 (General Industrial) use on a similar sized site. B1 (Light Industrial) use would have a significantly greater trip generation.

The site area from the application form is 1.1ha. Utilising a developable ground Gross Floor Area to site area ratio of 40% would give a likely permissible footprint of around 4,400 sq m of B1/B2 use.

Using trip generation figures from the TRICS database for similar sized industrial estates, even the lower traffic generation use of B2 (General Industrial) gives rise to the following trip rates per 100 sq m Gross Floor Area.

#### General Industrial (B2) trip Generation

Morning peak 0800-0900 trip rate Arrivals 0.40 departures 0.20  
Equivalent trips for 4400 sq. m Arrivals 18 departures 9 Total 27

Evening peak 1700-1800 trip rate Arrivals 0.10 departures 0.32  
Equivalent trips for 4400 sq. m Arrivals 4 departures 14 Total 18

#### Residential trip generation (as per submitted Transport Statement)

Morning peak 0800-0900 Arrivals 6, departures 14 Total 20

Evening peak 1700-1800 Arrivals 14, departures 9 Total 23

Therefore the likely two way trip generation for the proposed residential development would be lower in the AM peak than B2 employment use over that site area, marginally greater in the PM peak, and overall taken over the two peak hours would give a slight reduction in trips.

There is also the benefit of removal of commercial vehicles from Attwood Lane.

#### 4.5 Amey (Drainage)

This project is for the redevelopment of a former industrial site for residential purposes. It is not within any Flood Zone, and there are no ordinary watercourses in close proximity, with the nearest Ground Water Protection Zone 2.1 km away.

The site is presently at least 90 % impermeable, so the proposed development, which is to incorporate gardens and open space, will reduce the surface water runoff. Nevertheless, as the proposal is to drain to existing sewers, the applicant should be encouraged to include rainwater harvesting and green roofs etc in the development proposals and so manage the flows.

#### 4.6 The Head of Strategic Plans and Regeneration makes the following comments:

The subject site is approximately 9800s-qm in size and was a former sand and gravel merchant's distribution place (a sui-generis use), followed by a number of sui-generis uses which has been vacant for a number of years. The subject site lies within the boundary of Hereford Urban Area and is an isolated employment site amongst a residential environment.

#### Loss of an Employment Site

Policy E5 of the Herefordshire UDP safeguards the loss of employment sites to non-employment uses unless there would be substantive benefits to amenity and that the site is no longer fit for employment uses.

The subject site consists of a large outdoor storage yard for sand and gravel, and derelict buildings which are in a very poor repair which have a floor space of approximately 1000Sqm. The existing use as a sand and gravel yard restricts the ability of the site to come forward for alternative more common B-class employment uses such as offices, warehousing or light



industrial. A re-use of the site would need to be a use requiring a large amount of outdoor storage space such as a sand and gravel yard, or another use with similar land requirements, for example an outdoor storage yard, shipping container storage or scrap metal yard; uses which because of their amenity impacts would not be suitably situated within a residential environment. It is also considered that visually the current buildings on the site are not fit for re-use and would require demolition.

The site has therefore not been assessed in the Employment Land Study because it is a sui-generis use which is not able to be directly reused as an employment site for a mainstream 'B Class' employment use which the Employment Land Study is based upon. This difficulty in reusing the site as an employment use is highlighted by the applicant's attempts to market the property for a number of years with no tenants coming forward to re-let the property. To enable the subject site to come forward for employment use, the site would require to be redeveloped completely, involving a large investment which would not appear viable considering there are employment sites nearby within Hereford's Business Parks with vacant units which are more suited to the mainstream employment uses and are available and ready to move into.

Paragraph 22 of the NPPF is clear that local planning authorities should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. The applicant's agent has argued that the application site is not a viable employment site and would not have a realistic chance of being used for employment given any economic recovery in the years ahead.

Given that the site is a brownfield site, the redevelopment of this land would be in compliance with paragraph 111 of the NPPF which promotes the effective re-use of brownfield land. As the site has already been vacant for a number of years, there would not be the requirement in Policy E5 of the UDP to relocate the sui-generis employment site with another.

Taking the above into account, the loss of this sui-generis employment site is not considered to significantly impact upon the supply of employment land in Hereford. The site as developed for housing would enable the use of the site to continue the use with the surrounding residential area, significantly reducing the amenity in terms of the current use and any proposed employment use which could move in straight away.

#### Principle of Residential Development

The subject site is within the settlement boundary of Hereford and given the compliance of the proposal to Policy E5, the proposal would comply with Policy H1 of the Unitary Development Plan. As the site is surrounded by residential development, to continue this use is considered appropriate and is a preferred use of the site rather than an isolated industrial use. Given the site is for 34 dwellings, Policy H9 Affordable Housing provision and Policy H19 Open space requirements are also relevant. The applicant has also submitted evidence of consultation held with the community and feedback which was considered during the process of designing the development. Many of the responses favoured the reuse of the site for residential, hence the proposal is in compliance with the NPPF which at paragraph 66 supports the consultation and taking on the views of the community in developments which directly affect them.

Herefordshire Council currently cannot present a five year housing supply and hence in July 2012, it was agreed by council that there would be some flexibility with housing policies so that suitable sites were able to come forward to help deliver housing. The decision means that sites which are outside, but adjacent to the settlement boundary, within a main settlement and assessed in the Strategic Housing Land Availability Assessment (SHLAA) as having no or minor constraints can come forward in principle for residential development.

Although this subject site was not put forward through the SHLAA process, the site is capable of being assessed through this process as it is able to deliver more than 5 dwellings and is within the confines of Hereford City. It is considered that if the site is considered under the SHLAA

---

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

review, it would be considered as having development potential within the plan period as it is suitable, achievable and available for residential development.

### Conclusion

Taking the above into account, the proposal for residential development would be appropriate in principle given that the site is a brownfield location, is within the confines of Hereford Urban Area as well as complimenting surrounding residential uses. The current sui-generis use of the site is an isolated employment site which has derelict buildings and would require considerable investment in order to make the site attractive to a mainstream B-Class employment use. The site has been re-marketed without success and the redevelopment of the site for residential use has community support and would significantly reduce the amenity impacts which are currently caused by this isolated employment site.

#### 4.7 The Waste Services Manager makes the following comments:

Under point 7 of the application form it states that plans do not incorporate areas to store and aid in the collection of waste. However, I have noted the changes made to the design in the combined site layout and survey document and the planning layout document that changes have been made to accommodate the use of a 26 tonne refuse collection vehicle to the east of the development.

Although a collection point had been allocated for the plots 6-11, the applicant must ensure that this space is large enough to accommodate the positioning of 6 x 240 litre bins with dimensions of 585mm x 740mm at the base plus at least 2 black refuse sacks from each property

#### 4.8 The Housing Manager makes the following comments:

The application meets the requirements for 35% of units to be affordable and for these to be built to the HCA's Design and Quality Standards, Lifetime Homes Standards and level 3 of the Code for Sustainable Homes. The positioning of the units is also acceptable.

The tenure mix does not meet requirements as the application indicates the provision of social rented units only whereas the development brief indicated 9 units for social rent and 3 for intermediate tenure and the Draft Heads of Terms states at least 6 for social rent and the remainder being for either rent of intermediate tenure occupation. I would advise that Housing Needs and Development will accept 6 units for social rent with the remaining 6 units for intermediate tenure.

With regards to the Draft Heads of Terms section 10 and 13 need to be amended with section 10 stating "at least 6 shall be made available for social rent with the remainder being available for intermediate tenure occupation. For the avoidance of doubt, the term intermediate tenure shall not include equity loans or affordable rent" and section 13 needs to be amended to reflect local connection to the Parish of Holmer in the first instance. It should then cascade out to the surrounding villages before Hereford City.

#### 4.9 The Parks and Countryside Manager comments as follows:

##### Open Space Requirements:

In accordance with Saved UDP policies H19 and RST3 residential developments are required to provide an amount of open space depending on the scale of the development. In this instance no POS or play provision is provided on site. Therefore off-site contributions have been sought and agreed towards both play facilities for children of all age groups and POS to compensate for it not being on site and in accordance with the number of houses proposed. These contributions are calculated using the SPD on Planning Obligation tariffs.

##### SPD on Planning Obligations.

---

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

In accordance with the SPD on Planning Obligation we also ask for a Sport England contribution, in recognition of the additional pressure the new residential population will bring to an ageing stock of sports facilities. The calculation is based on Sport England's facilities calculator and the size of the development.

#### Heads of Terms:

In respect of off site contributions for the open space requirements, it is noted that the draft Heads of Terms are incorrect in so far as they suggest both on and off site contributions. Therefore, please could they be revised to take account of the following including the lower no. of market houses (1 x 4 bed reduction):

#### Points 4 and 5 (*draft Heads of Terms*)

- £34,730 in lieu of play provision towards off-site play contributions (*this is based on market housing only and discounting the first bedroom as this is a contribution for children*).
- It will be used by Herefordshire Council on identified priorities at the time in accordance with the emerging Play Facilities Strategy and Investment Plan, including play areas in the vicinity at Wentworth Park and the adjacent housing areas. (*Given the location off Attwood Lane, other play provision in the city is on the other side of the main road which is a barrier for children and beyond accepted thresholds*)
- £8,190 in lieu of POS towards off-site contributions. (*this is based on market housing only*)
- It will be used by Herefordshire Council on improving access to the larger older children's play area on the neighbouring development and improving provision at the facility in accordance with the emerging Play Facilities Strategy and Investment Plan.
- £17,704 towards sports facilities in accordance with Sport England's Facilities Calculator.
- It will be used by Herefordshire Council on identified priorities at the time in accordance with the Indoor Facilities Strategy and the emerging Playing Pitch Assessment and Investment Plan. This includes Aylestone Park.

#### 4.10 The Public Rights of Way Manager makes the following comments:

No objection to the development. Works will be carried out in close proximity to public footpath HO8A (see attached plan), which must not be affected in any way

#### 4.11 The Environmental Health Officer (Contaminated Land) makes the following comments:

I have reviewed the above report and would make the following comments with risk to human health in mind only:

##### Context and overview

- The above report should be read in conjunction with those that precede it and are updated by it. It provides a review of previous assessments and investigations in light of revised guidance and assessment criteria and includes an overview of previous reports although the detail remains in the originals.
- The report identifies that the site is impacted by hydrocarbon and metals contamination. The former from a fuel storage tank and the latter from the made ground which was seemingly used to level the site at some stage. The made ground being more extensive towards the north of the site where the site drops away to adjacent fields where it extends to more than 4 mbgl in some places along the northern boundary. It goes on to make recommendations for further investigation and assessment where required. I have outlined those which I understand to be the main remedial techniques together with further works below:

---

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

## Metals and Hydrocarbon remediation

- The report has identified that a simple cover layer system with mixing zone would not be appropriate in this instance given the extent of contamination on site. The report recommends the removal of 700mm of made ground material across the site in any garden or landscaped areas (these would be those most likely for future users to come into contact with contaminated soils). Following this, the report recommends 100mm of crushed 'roadstone' as a 'no-dig' layer with geomembrane above and below and 600mm certified clean topsoil imported to achieve finished levels.
- The report discusses the hydrocarbon impacted soils and recommends that these are delineated and removed from site together with any other hot spots of contamination identified.
- Prior to undertaking the remedial/mitigation works identified above, a formal remediation and verification plan will be submitted by the applicant. This will provide more detail on the general principles for remediation discussed in the report which will be followed by a validation report to demonstrate that those proposal for remediation have been suitably carried out.

## Further works

- In addition to the remediation plan, further works have been identified in the report to include investigation for the presence of asbestos on site and some additional sampling (most likely in the impacted 'hot spot' areas) to confirm the oxidation state of some compounds identified in the reports.

## General Comments

- This report recognises that previously suggested remedial approaches are not considered appropriate at this site. The finer details of the technique proposed will be discussed in the later plans and reporting identified in the recommendations. However, the principle of removal and off-site disposal together with a cover system is an approach commonly used at sites impacted by contamination. The additional testing will help to address outstanding uncertainties at the site and it is anticipated that the outcomes will be incorporated into the formal remediation plan (although the principle is unlikely to change).

## Technical queries/comments

- The report mentions, in s3.3, elevated methane of up to 4.7% vol. However, the section on soil gas makes no further reference to this. I would be grateful if confirmation is provided that the GSV calculations include these figures or reasoning for exclusion.
- S8.7.1 refer to previous uses of the site and the likelihood of compounds being present. It discusses the history of the site from ordnance survey mapping as supporting evidence for the analytical approach adopted i.e. that no previous uses are likely to have produced CrVI. However, it could be similarly argued that the previous on-site industries are also unlikely to have produced the significant Ni impact at the site. The made ground has been identified as being the source of contamination at the site, the report identifies that this material has been imported to make up site levels (s6.3). The source of this material is unknown but given the depth of MG it is unlikely to be site won material. In other words, the original source of the made ground (and metals contamination) seems unclear. In this instance, I feel a precautionary approach should be adopted to provide reassurance and this will be provided by the further testing recommended. I would re-iterate at this point that no matter what the results of further analysis, the principles of the remedial approach will remain valid.

- I would be grateful if the remediation and verification plan provides further detail to include detailed plans of made ground removal for ease of reference together with supporting evidence for the use of a 700mm cover system to demonstrate it is of sufficient depth to mitigate any risk to future residents (reference should be made to CIRIA SP124, SP106 or similarly authoritative technical guidance).
- As with all potentially contaminated sites, it is possible that unforeseen contamination may be present on site and a plan should be in place for consideration of this to include actions and responsibilities should any be encountered.

For reference, an example of a suitable condition can be found below:

1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:
  - a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
  - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
  - c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.
2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

## 5. Representations

Consultations on additional information were undertaken with the last date for comments being the 14 April 2013. Any additional consultation responses will be included in the schedule of committee updates.

### 5.1 Holmer and Shelwick Parish Council make the following comments:

No response received to date.

### 5.2 Letters of objection have been received from:

- Pauline Jenkins, Court Orchard, Attwood Lane
- Mr Garrett, 4 Belfry Close

---

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

These letters can be summarised as follows:

- Concern about sewerage capacity in the area and water pressure;
- Concern about future development in the area;
- Attwood Lane is a rat run between Roman Road and A49 with high speed and high volumes of traffic. Attwood Lane is in a poor state of repair.

5.3 The consultation responses can be viewed on the Council's website by using the following link:-  
<http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=130426&NoSearch=True>

Internet access is available at the Council's Customer Service Centres:-  
[www.herefordshire.gov.uk/community\\_and\\_living/consumer\\_advice/41840.asp](http://www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp)

## 6. Officer's Appraisal

6.1 The key consideration in the determination of the application are as follows:

- 1) The Principle of Development
- 2) Loss of Employment Land
- 3) Landscape Impact
- 4) Layout and Design
- 5) Highway issues
- 6) Drainage Infrastructure
- 7) Other matters
- 8) Conclusion

### The Principle of Development

6.2 The application site lies within the defined settlement boundary and thus Saved Policy H1 of the Unitary Development Plan (UDP) is relevant. This policy is clear that residential development will be permitted within settlement boundaries where compatible with the development plan.

### Loss of Employment Land

6.3 It is acknowledged in the application submission that approximately 0.49 hectares of the site is protected for employment uses under Saved Policy E5 of the UDP but also that the site has not been used since 2008 for this purpose. Policy E5 of the UDP states:

*Proposals which would result in the loss of existing, permitted or proposed employment land and buildings to non-employment uses will only be permitted where:*

1. *there would be substantial benefits to residential or other amenity in allowing alternative forms of development, and the site or premises concerned can be shown to be unsuitable for other employment uses, including consideration of mitigation measures. Where such proposals are permitted, an alternative site should be found for the relocation of any existing businesses; or*
2. *in the case of proposals incorporating elements of retail use, this is restricted to a minor or incidental activity associated with an otherwise acceptable Part B or other employment generating use*

6.4 Having regard to policy E5, an assessment must be made as to whether the sited can be shown to be unsuitable for other employment uses. The subject site consists of a large outdoor storage yard for sand and gravel, and derelict buildings which are in a very poor repair which have a floor space of approximately 1000Sqm. The existing use as a sand and gravel yard is a sui-

generis use restricts the ability of the site to come forward for alternative more common B-class employment uses such as offices, warehousing or light industrial. A re-use of the site as it is would need to be a use requiring a large amount of outdoor storage space such as a sand and gravel yard, or another use with similar land requirements, for example an outdoor storage yard, shipping container storage or scrap metal yard; uses which because of their amenity impacts would not normally be suitably situated within a residential environment. It is also considered, based on a visual assessment, that the current buildings on the site are not fit for re-use and would require demolition and redevelopment.

- 6.5 Further to the above, The Drivers Jonas Deloitte report, commissioned by Herefordshire Council to look at future employment requirements of the Council reviewed all the UDP allocations and commitments plus any other sites identified by the Council in terms of market attractiveness, environmental sustainability and strategic planning / economic considerations and these were ranked, seeking to retaining Best or Good site through the Development Plan Process but noting likely justification to release the poorest performing site from the employment portfolios. It is noted that the application site was not included in this review as its use was considered Sui Generis rather than within a B class but given its condition and location is likely to have been considered poor.
- 6.6 The Parish Council and committee members had also previously questioned the marketing of the site. In response to this the applicant has been asked to re-visit this issue. Information received from Turner and Co confirmed that the site was marketed for its existing storage use, albeit not actively, for employment uses including 'To Let' Boards, website marketing and newspaper advert (x1) between November 2008 and the end of 2009. Whilst it is acknowledged by officers that this may not be considered extensive, they were undertaken when market conditions were more favourable and it is clear that this site only attracted residential developers. Nonetheless, the site has been vacant since 2008, and has been marketed since this time. It is also important to consider that there is no specific requirement within either the Unitary Development Plan or National Planning Policy Framework requiring developers to market sites for a specific period, nor how they should be marketed. The requirements of policy E5 referring only to the need to be shown to be 'unsuitable for other employment uses'.
- 6.7 To enable the subject site to come forward for employment use, the site would require to be redeveloped completely, involving a large investment which would not appear to be viable considering there are employment sites nearby within Hereford's Business Parks with vacant units which are more suited to the mainstream employment uses and are available and ready to move into. The application includes a report undertaken by Connells that identifies some of the available units in the area, including sites at Faraday Rod, Burcott Road, Three Elms Industrial Estate, all within 2miles of the application site, many of which have been vacant for some time despite being actively marketed by agents. It also identifies the more recent developments that are coming forward at Rotherwas Enterprise Zone, Moreton-on-Lugg and Whitestone. Whilst the letter from Turner and Company, former agents at the site, suggested that there would potentially be a strong demand for units in this location due to a shortage in the north of the city, the survey from Connells, and a look at the Commercial Property Register (on Councils website) would suggest otherwise.
- 6.8 It is officers' opinion that the site is vacant and potential is restricted by its former Sui Generis and storage uses. It is an isolated employment site that has derelict buildings and would require a considerable investment in order to make the site attractive to the market. The site also lies within a predominantly residential area and as such, other employment generating uses would have potential to impact upon the amenities of local residents. It is acknowledged that previous uses on the site resulted in concerns about noise, dust and traffic movements of large vehicles. It is also acknowledged that the site is accessed from Attwood Lane, where there is continued concern about traffic movements. Again, employment generating uses could result in large, commercial vehicles using this lane. As such, it is considered that there would be some benefit

in relation to the improvement of residential amenity. The proposed residential use of the site is therefore considered to comply with the requirements of policy E5 of the UDP.

- 6.9 It is also necessary to consider the position of the National Planning Policy Framework. Paragraph 22 of the NPPF states:

*'Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities'*

- 6.10 From this it is clear that local planning authorities should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. For the reasons detailed above, it is concluded that there is no realistic prospect of this site being used for allocated employment use and as such alternative uses should be considered on their own merits. The interest for this site from residential developers is a clear market signal, and residential development also benefits the local communities.
- 6.11 This submission scrutinised the Council Annual Monitoring Report (AMR) and Employment Land review considered the employment land requirements for the plan period (UDP). This currently stands at 100 ha (policy S4) and the AMR demonstrates this has been exceeded resulting in a considerable over supply of 50.12 ha. Given this, the loss of the employment land associated with this site comprising approximately 0.49 ha could not be considered detriment too the overall employment land supply in Herefordshire. As such, the proposal would not conflict with the aims of policy S4 of the Unitary Development Plan and clearly demonstrates that there is not an under provision or shortage of land.
- 6.12 Given that the site is a brownfield site, the redevelopment of this land would be in compliance with paragraph 111 of the NPPF which promotes the effective re-use of brownfield land. As the site has already been vacant for a number of years (since 2008), there would not be the requirement in Policy E5 of the UDP to relocate the uses.
- 6.13 It is also advised that the NPPF states that: "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking."

"For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of- date, granting permission unless:

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or, specific policies in this Framework indicate development should be restricted."

- 6.14 Given this strongly worded presumption in favour of sustainable development it is my opinion that it will be difficult to argue that the housing development, within the existing urban settlement boundary, re-using a brownfield site is not sustainable development.
- 6.15 Furthermore, it is also my planning judgement that it will be difficult to argue the case that the loss of this relatively minimal area of employment land is so significantly and demonstrably harmful that its loss would outweigh the benefits afforded by the residential development. This stance on the loss of employment land is reinforced by the evidence base underlying the Core



Strategy, as the 2010 study of employment land requirements provides no basis for emerging policy to maintain the application site's protected status.

- 6.16 Members should also be mindful that in relation to the Council's 5-year land supply for housing we are currently falling short of this requirement; this has serious implications in an appeal situation. Recent appeal decisions across the country indicate that if a Council does not have a 5-year land supply, and the housing proposed is in a sustainable location the Planning Inspectorate are allowing appeals and awarding costs where the planning authority is unable to provide robust evidence to resist sustainable residential development.

#### Contaminated Land Issues

- 6.17 The site has been identified as having significant contamination as evidenced by the comments from the Environmental Health Manager above. The Planning Committee resolved to refuse the previous application on the grounds that there was insufficient information provided with the application to demonstrate that the site could be developed successfully without harm to future occupiers or to the environment. Members may recall that the Council's Environmental Health Officer had previously recommended that a condition, that required further testing and information be submitted, and that this informed a detailed remediation strategy, followed by validation and certification prior to occupation, would suffice. Members were not satisfied that this was sufficient. Since this decision, officers have been liaising with those Councillors that are preparing the appeal in respect of this and it has been agreed that, in light of the additional testing and results, the Council will not continue to defend this reason for refusal.
- 6.18 In response to this, additional testing and reporting has been undertaken that updates the 2003 and 2007 reports. A non-technical description of the outline remediation methodologies has been prepared by the applicants consultants (Applied Geology) and this is attached as an appendix to this report. This identifies that where necessary some areas of contaminants will be removed from site, and that it is proposed that a 'cover layer' system consisting of a 100mm thick no dig layer, overlain by a 600mm depth of clean imported subsoil and topsoil.
- 6.19 This report also confirms that this will involve raising site levels by approximately 700mm and this has been taken into account in the preparation of the site design, including the heights and siting of the dwellings. The impact of which is discussed later in this report.
- 6.20 Following the refusal of the planning application, the applicants and planning officer met with representatives of the Holmer Parish Council to discuss their concerns. At their request, additional testing has been undertaken on land outside of the application site (to the north) to establish whether there has been any leaching of contaminants to the wider area. This report concludes that the concentration of chromium and nickel are not indicative of ground contamination and that the Attwood Lane site has not impacted the adjacent field in respect of soil contamination.
- 6.21 Policies DR4 and DR10 of the UDP are applicable in relation to this issue. Policy DR10 requires that development on or adjacent to land which is known or suspected to be contaminated will only be permitted provided that:
1. a site investigation and risk assessment has been carried out to determine the nature and degree of any contamination, its source and possible pathways and receptors; and
  2. appropriate remediation and protection measures are proposed to reduce any risk to an acceptable level, taking into account the nature of the proposed use and the nature and extent of contamination, its source and possible pathways and receptors.

Development will not be permitted where the risk cannot be reduced to an acceptable level or appropriate remedial or protection methods are not proposed.

6.22 Paragraph 120, 121 and 122 of the National Planning Policy Framework are also relevant and state as follows:

**120.** 'To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

**121.** 'Planning policies and decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part II A of the Environmental Protection Act 1990; and
- adequate site investigation information, prepared by a competent person, is presented.

**122.** In doing so, local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

6.23 Having regard to the additional information provided in respect of the site, and technical advice and support from the professionally qualified Environmental Health Officer, who liaises directly with the Environment Agency on these matters, it is considered that there is sufficient information and understanding of challenges on the site and what potentially could be involved to recommend a condition that has the ability to ensure that the appropriate remediation is undertaken and completed to protect future occupants and other nearby landowners from risks to health or pollution. This strategy would have to be agreed prior to commencement. On this basis the proposal is considered to comply with the requirements of policies DR4 and DR10 of the UDP and with the guidance contained within the National Planning Policy Framework. A condition is recommended.

### Landscape Impact

6.24 The site is located on the very northern edge of Holmer, to the north of Hereford and is, as identified as an important transitional site between the urban and rural edge of Hereford. The application site is previously developed land, and the existing large industrial buildings and associated structures together with the unmaintained landscape boundaries are not attractive features. The development of this site represents an opportunity to improve the visual amenity of the locality in general.

6.25 Notwithstanding this the introduction of dwellings in this location will have a visual impact and this needs to be considered having regard to policies LA2 and LA3 of the UDP. The main landscape change to this proposal is that the on site provision of a small play area (LAP) has been removed. This has led to the layout of proposed dwellings being altered along the northern boundary. The number of dwellings remains the same, however the gaps between them have increased. The new northern boundary when viewed across the open countryside,

---

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

will be of 8 detached houses set behind a combination of existing and proposed planting on the bank. The gaps between the houses will allow views further into the site, thus providing depth to the development, rather than a solid 'wall'. This is an attempt to be more in-keeping with the existing character of the edge of Holmer.

- 6.26 The relative height of the dwellings has been an on going concern throughout this process and as such a levels plan has been provided with the application. This clearly shows a finished ridge level of each dwelling with a datum point. This is therefore a fixed point, that any approved plans would refer to. In the preparation of this, and all other plans that form part of this application, the proposed cover layer has been considered and as such, the ridge heights shown on the submitted plans are those that can be achieved.
- 6.26 The other key consideration is the impact on the street scene as Attwood lane is traditionally viewed as a predominately rural street. On the approach from the South, The new Crest site at the Furlongs is currently under constructions, with dwellings being erected fronting Attwood Lane (albeit behind an existing hedge) the full extent of the east of this lane, until meeting with Holmer Court, that sits immediately adjacent the highway. The dwellings that form part of Wentworth Park are also a mix of fronting Attwood Lane, and having their rear gardens onto this lane. As such the street scene will be altering and becoming more urban in character on the approach toward the site from the south. Nonetheless the treatment of this street frontage has been given due care and attention and to assist in this photo images showing a photomontage for the new street scene along Attwood Lane are also welcome and show that the at that location the scale of buildings are suitable and the proposed boundary treatment will fit well with the character of the area.
- 6.27 As per the previous application officers remain of the view that this is a relatively high density scheme for an edge of city location, particularly in relation to the existing residential development on the north edge of Holmer. The boundaries will still present a new, built up edge in views across the open rural valley from the north and east and along the public footpath to the south. The existing brownfield site conditions and employment allocation, however, are not a positive contribution to the landscape character. However, on balance there is no landscape objection and the proposal would continue to comply with the requirements of policy LA2, LA3, LA5 and LA6 of the Unitary Development Plan.

#### Layout and Design

- 6.28 This revised scheme, through the removal of the play area, allows more spacious arrangements of dwellings that assist with the landscape impact. Members concerns in respect of the previous application focussed on the scale of the dwellings and impact of the street scene, both issues, that have addressed above.
- 6.29 The density of the development is 34 dwellings per ha, well within the threshold of policy H15 that seeks to establish a density of between 30 and 50 dwellings.
- 6.30 The site is predominantly 4 bed detached family homes, located at the entrance to the site and to the north, with the three and two bed units being located to the east and west. The dwellings represent a mix of house types, utilising a variation of materials such as render and brick and roofing materials, the precise details of which would be secured by condition. Dwellings are all two storey. The site layout introduces dwellings that front Attwood Lane, with landscaped boundaries to help retain the transition from the more urbanised part of the Lane towards the south and the more rural area to the west.
- 6.31 The road layout is a mix of formal traditional highway and more informal road surfacing, with trees and frontage planting to provide interest within the public spaces. Garden sizes are considered to be commensurate with the size of dwellings with parking provided within the curtilage of nearly all dwellings, thus avoiding courtyard parking.

- 6.32 Unitary Development Plan policies DR1 and H13 along with section 7 of the NPPF emphasise the importance of good design both in terms of the architecture of the buildings, the function of public and private spaces and integration with the wider environment. Paragraph 60 of the NPPF highlights that planning authorities should not stifle innovation, originality or initiative in design and having regard to the requirements of these policies, the proposed layout and house designs are considered to be acceptable.

#### Highways Issues

- 6.33 The application submission was accompanied by a transport assessment that identifies and addresses the sustainable location of the site. The application includes, within the Draft Heads of Terms the provision of a footway between the site and the existing footway on Attwood Lane, providing connectivity with Roman Road. This is considered to be necessary to make the development acceptable, and is achievable, albeit with some constraints. Issues relating to traffic calming and alterations to Attwood Lane are being progressed with the Planning Obligations Manager and Highways, in consultation with the Ward member and Parish Council alongside other appropriate contributions that were received from the Crest Nicholson site at The Furlongs. It has been agreed that this would be an appropriate mechanism for dealing with these proposals and that a comprehensive approach is needed.
- 6.34 The concerns of local residents about 'rat running' are acknowledged, and it is evident that this does occur through the figures and survey produced. Nonetheless the Traffic Assessment demonstrates that Attwood Lane is capable of accommodating additional traffic from this development and there is no objection to this in principle. The site is "previously developed" with lawful uses that generated significant traffic movements that would have included lorries and vans rather than domestic vehicles and this is a particularly relevant material consideration in the determination of this application. The comments of local residents in respect of traffic generation have been considered and the above additional data in respect of trip generation details a comparison in relation to the former use of the use (and its allocation) and demonstrates that there would not be a significant increase in traffic using the local road network. The proposal would comply with the requirements of policy DR3 of the UDP.
- 6.35 The design and layout of the development has included parking for the development at a near maximum provision, with two off road spaces, plus a garage for each of the four bed dwellings, and two spaces per unit for the three and two bed units. These garages are above standard size, ensuring space within for cycle storage (3m x 6.1m). As such this would meet with parking standards for the site in accordance with the requirements of policy H16 of the Unitary Development Plan.

#### Drainage infrastructure

- 6.36 The application included a drainage strategy that outlined the options for the developer and concludes that after negotiation with Crest Nicholson, the most appropriate drainage solution for this site would be a connection of both foul and storm drainage into the Crest Nicholson infrastructure associated with their 300 house development (known as The Furlongs) This is then pumped to the adopted pumping station on Roman Road which forms part of the adopted drainage network falling under the jurisdiction of Welsh Water. The new drainage network is also subject to a Section 104 Adoption Agreement with Welsh Water which is a contractual agreement for the new drainage infrastructure to be adopted. Technical information was provided as part of the Crest Nicholson applications on the adjoining sites. This demonstrated that the new network including the pumping station have adequate capacity to accommodate the development. The applicant also acknowledges that the key deciding factor to this decision were due to necessary technical and design considerations that had already been taken into account by the Crest design, that the solution was available for implementation and the amount of disruption within Attwood Lane was minimised. In refusing a recent application the Council has acknowledged that the lack of an adopted sewage system renders further residential

development unacceptable. Notwithstanding this, it remains the case that Welsh Water raises no objection subject to conditions, including those requiring that no surface water is discharged to the public drainage system and that the detailed drainage scheme is agreed prior to the commencement of development.

- 6.37 The issue of drainage capacity in the area has again been raised by a local resident. This concerns the adoption of the historic drainage network serving the nearby residential estate constructed in the 1990's and until very recently was maintained by Crest Nicholson. Whilst it was previously the case that the new drainage network connected to an unadopted section via a short length of pipe the position has now fundamentally changed since the responsibility for maintaining the system is now vested in Welsh Water following the withdrawal of Crest Nicholson's appeal to Ofwat. It therefore remains the case that to refuse the application on the basis of either inadequate drainage capacity and/or the lack of adopted network would be difficult to defend if challenged. It is noted that the previous application was not refused on this basis.

#### *Other matters*

#### Affordable Housing

- 6.38 The application makes provision for 35% of the dwellings to be affordable housing. The position of these dwellings has now been agreed with the Strategic Housing Officer. Of those Affordable Housing units, at least 6 shall be made available for rent with the remainder being available for either rent of intermediate tenure occupation. This tenure will be agreed via the Section 106 Agreement as would the local connection tenancy. Accordingly the proposal would comply with the requirements of policy H9 of the Unitary Development Plan.

#### 6.39 Section 106 Agreement

Attached to this report is the latest and updated Section 106 Draft Heads of Terms. This provides details of the contributions payable towards the provision of new, and enhancement of existing community infrastructure in line with the adopted Planning Obligations Supplementary Document. This includes education, sustainable transport, off site play and sport and library contributions. The applicants have, at this stage, registered their concern about the viability of the site and have submitted a viability report which may need to be verified independently by the District Auditor is under consideration by the Planning Obligations Manager. The outcome of this, including an update in relation to a stated preference for financial contributions towards Holmer Primary School will be reported to Committee.

#### Biodiversity

- 6.40 An ecological survey has been completed concludes that there was no evidence of protected species found during recent surveys. The survey recommends enhancements, including planting to be undertaken. A condition is recommended that would ensure that these are undertaken and that the proposal would comply with the requirements of policies NC1 and NC8 of the Unitary Development Plan and guidance contained within chapter 11 of the NPPF.

#### Open Space Provision

- 6.41 In line with the requirements of policy H19 of the UDP a financial contribution is sort in lieu of the on-site equipped play area that was previously provided on the refused scheme. The distribution would be used to upgrade the play area at Wentworth Park and would therefore benefit the wider community. This policy also requires older children informal play space. An off site contribution for this element has been negotiated, and is detailed in the comments form the Parks and Countryside Manager above and within the Heads of Terms appended to this report.

## Residential Amenity

6.42 The proposed development has also been considered having regard to the potential impact upon the amenities enjoyed by local residents. The most directly affected dwellings being those on Lytham Close within Wentworth Park and Attwood Court. This is the property to the west of the application site. This site is in an elevated position, and there is a significant landscape boundary to the front portion of the site that is not within the site boundary and that would continue to provide a significant screen between units 7 to 12 and Attwood Court. The dwellings to the rear of the site have been orientated in such a way that they avoid overlooking and loss of amenity. A landscape boundary is proposed, with close board fence, the majority of trees are in the ownership and control of Attwood Court, and care will need to be taken during construction to protect these (identified in the planting plan). Officers are satisfied that the proposed development would not adversely impact upon the amenities that Attwood Court or any other nearby residents enjoy, and would note that a residential use is likely to be a much more neighbourly use than the existing industrial use. As such the proposal would comply with the requirements of policies DR2 and H13 of the Unitary Development Plan. To protect amenity during construction, a working hours condition is also recommended.

## Housing Land Supply and the National Planning Policy Framework

6.43 The Council has acknowledged that it is unable to demonstrate a 5 year supply of deliverable housing land. Members are aware of the significant pressure that the Council is now under to provide their 5 year supply. Paragraph 17 of the NPPF encourages the effective use and development of brownfield sites, that are located in sustainable locations, in preference to greenfield sites. The development of this site would support the Councils requirement to deliver housing growth in accordance with the NPPF requirements.

## Conclusion

6.44 The proposed development has been carefully considered in respect of the saved policies of the UDP and in respect of the guidance contained within the NPPF. Whilst the site is partly allocated as an employment site, officers are satisfied that there is no reasonable prospect of this site coming forward for that purpose, and that, given the predominantly residential context of the locality, it would be more suited to and arguably more appropriate for residential development. Also relevant to this is the Councils current lack of housing land which is specific requirement of the National Planning Policy Framework.

6.45 The detailed design and layout of the proposed scheme, coupled with the inclusion of planting and landscaping proposals and having regard to the existing deleterious condition of the site would result in a built form that would be acceptable in respect of its landscape impact and its relationship with the neighbouring properties. Matters relating to highway safety have been carefully considered and no objection is raised subject to ensuring the provision of a footway by way of a financial contribution. As such, the proposal is considered to be acceptable subject to the imposition of conditions and a Section 106 agreement and is therefore recommended for approval.

## **RECOMMENDATION**

**That subject to final clarification in relation to the acceptability of the proposed S106 Obligation terms, officers named in the scheme of Delegation to Officers be authorised to grant planning permission subject to the following conditions:**

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**

3. **B07 Section 106 Agreement**
4. **C01 Samples of external materials**
5. **K4 Nature Conservation - Implementation**
6. **G11 Landscaping scheme - implementation**
7. **G15 Landscape maintenance arrangements**
10. **I50 Measures to deal with soil contamination**
11. **I55 Site Waste Management**
12. **I51 Details of slab levels**
13. **L01 Foul/surface water drainage**
14. **L02 No surface water to connect to public system**
15. **L03 No drainage run-off to public system**
16. **L04 Comprehensive & Integrated draining of site**
17. **F14 Removal of permitted development rights**
18. **I16 Restriction of hours during construction**
19. **H27 Parking for site operatives**
20. **M09 Land affected by contamination**
21. **H26 Access location**

#### **Informatives**

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **HN10 No drainage discharge to highway**
3. **HN08 Section 38 Agreement and Drainage details**
4. **HN07 Section 278 Agreement**
5. **HN04 Private Apparatus within the highway**
6. **HN1 Mud on the highway**
7. **HN28 Highways design guide**

---

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

8. **HN13 Protection of visibility splays on private land**
9. **HN05 Works within the highway**

#### **Reason for Approval**

1. **The application site lies within the urban settlement of Hereford City, within which residential development is supported by policy H1 of the UDP. Whilst the site is allocated as an employment site, the Local Planning Authority is satisfied that there is no reasonable prospect of this site coming forward for that purpose, and that, given the predominantly residential context this would be a suitable site for residential development. As such the proposal would comply with the requirements of policy H1 and the guidance contained within the NPPF.**

**The detailed design and layout of the proposed scheme, coupled with the inclusion of planting and landscaping proposals would represent a form of development that would be acceptable in respect of landscape impact, design and layout in accordance with policies DR1, H13, LA2, LA3 and LA6 of the UDP.**

**The developments relationship with neighbouring properties has been considered and subject to ensuring that landscaping and boundary treatments are undertaken, the proposal is considered to be acceptable in accordance with the requirements of policies DR2 and H13 of the UDP.**

**The proposed development would not adversely impact upon the local highway network in terms of capacity or highway safety. The site lies in a location that is considered to be sustainable, with good access to alternative means of transport and the proposal makes provision of a new footway to serve the development and provide connectivity with Roman Road. As such the proposal is considered to comply with the requirements of policy DR3 of the UDP.**

**It is considered that the proposed development, subject to a condition, can be served by an acceptable and adopted drainage system in accordance with policy DR4 and CF2 of the UDP.**

**Provision has been made, through a Section 106 agreement or the appropriate contributions having regard to the requirements of policy DR5 and the SPD – Planning Obligations. The appropriate affordable housing provision and play space provision has also been provided and secured by way of the Section 106 agreement in accordance with Policies H9, H19 and DR5 of the UDP.**

# **DRAFT HEADS OF TERMS**

## **PROPOSED PLANNING OBLIGATION AGREEMENT**

### **Section 106 Town and Country Planning Act 1990**

Planning Application 130426/F

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1<sup>st</sup> April 2008. All contributions in respect of the residential development are assessed on open market units only.



Demolition of existing building and erection of 34 dwellings (22 x open market dwellings and 12 x affordable dwellings) and garages together with roads, sewers and associated external works on land off Attwood Lane, Holmer Park, Hereford (Lioncourt Homes)

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£109,915.00** to provide enhanced educational infrastructure at North Hereford City Early Years, Broadlands Primary School, St Xavier Primary School, ( and Holmer C o E Academy) – as requested by Committee / Ward Councillor) Hereford City Youth Service with 1% allocated for Special Education Needs. The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed), and may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£73,960.00** to provide a sustainable transport infrastructure to serve the development, plus **£37,131.00** towards the cost of the footway along Attwood Lane, which sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed), and may be pooled with other contributions if appropriate. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
  - 2.1. Traffic calming and improved signage
  - 2.2. Localised highway improvements including a footpath from Attwood Lane to Roman Road
  - 2.3. Contribution to Safe Routes for Schools
  - 2.4. Public and community transport facilities, including improved bus service
3. The developer covenants with Herefordshire Council to pay Herefordshire Council a sum to be agreed to provide localised highway improvements to include a footpath along Attwood Lane from the development site to the Roman Road, which sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed), and may be pooled with other contributions if appropriate.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum **£34,730.00** in lieu of play provision towards off site contributions, **£8190.00** off site contribution to Older Children’s Play Area (or connection to) and **£17,704** for sports (contribution based around the requirements of policy H19 and RST4 of the UDP and Sport England Sports Facilities Calculator).
5. The money shall be used by Herefordshire Council for priorities identified in the Indoor Sports Facilities Strategy, the emerging Play Facilities Strategy and emerging Playing Pitch Strategy including but not limited to the provision of new open space, play, sport and recreational facilities including new green routes/infrastructure in Hereford City principally at Wentworth Park and the adjacent housing areas. The sums shall be paid on or before the commencement of development (or in accordance with a phasing strategy to be agreed), and may be pooled with other contributions if appropriate.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council a 15 year commuted sum for the future maintenance of the on-site open space and play facilities assessed against the tariff applicable at the time of adoption.
7. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£5216.00** towards the provision of enhanced Library facilities. The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed), and may be pooled with other contributions if appropriate.
8. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£2760.00** towards the provision of new or the enhancement of existing waste and recycling facilities in Hereford City if appropriate provision/facilities are not provided on site. The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed), and may be pooled with other contributions if appropriate.

---

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

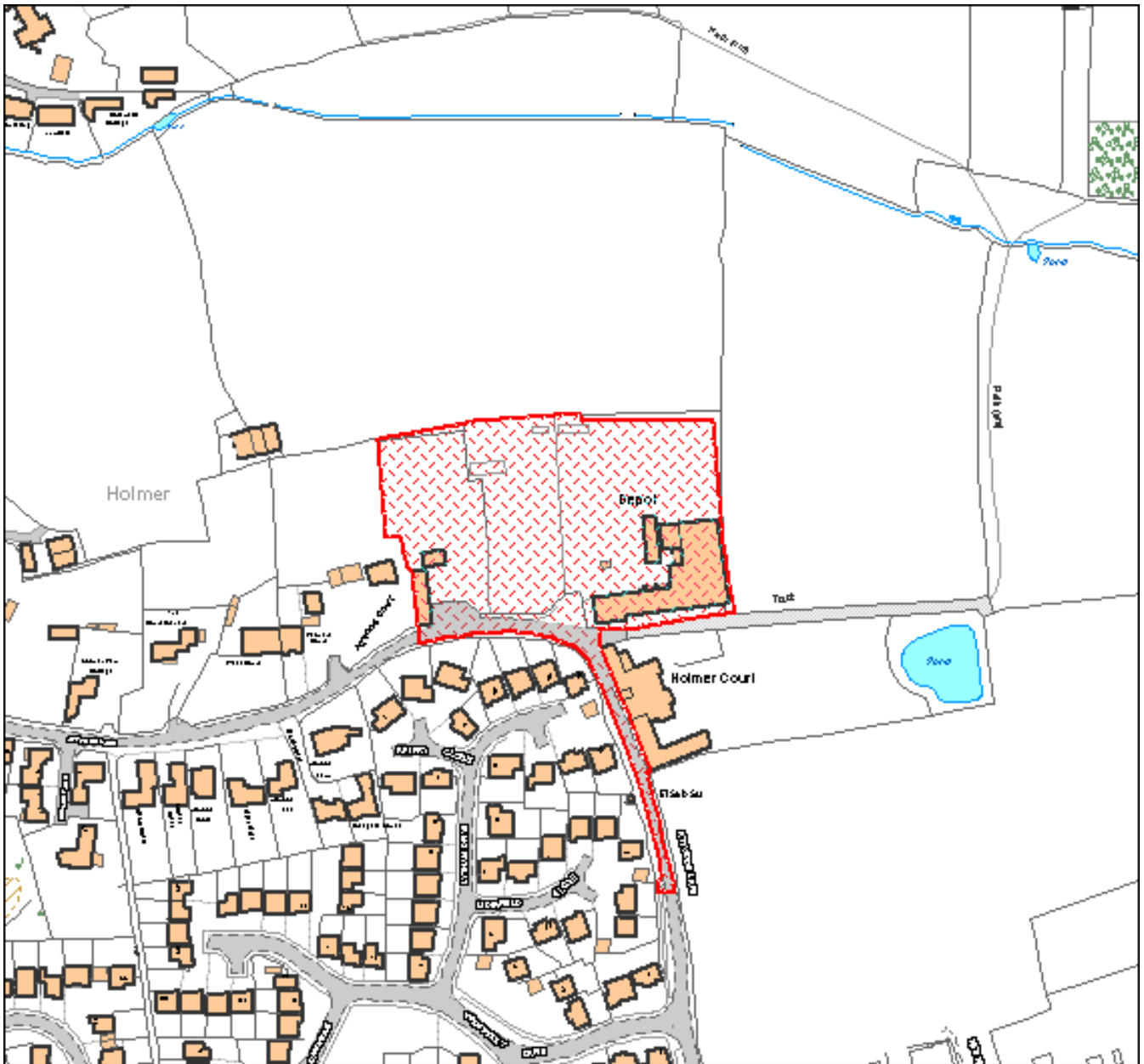
9. The developer covenants with Herefordshire Council that twelve (12) of the residential units shall be “Affordable Housing” which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
10. Of those Affordable Housing units, at least (6) shall be made available for rent with the remainder being available for either rent of intermediate tenure occupation. For the avoidance of doubt, the term intermediate tenure shall not include equity loans or affordable rent.
11. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
12. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-:
  - 12.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
  - 12.2. satisfy the requirements of paragraphs 11 & 12 of this schedule
13. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
  - 13.1. a local connection with the parish of Hereford City; or
  - 13.2. in the event of there being no person with a local connection to any of the above parish any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 11.1 above.
14. For the purposes of sub-paragraph 11.1 or 11.2 of this schedule ‘local connection’ means having a connection to one of the parishes specified above because that person:
  - 14.1. is or in the past was normally resident there; or
  - 14.2. is employed there; or
  - 14.3. has a family association there; or
  - 14.4. a proven need to give support to or receive support from family members; or
  - 14.5. because of special circumstances;
15. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency ‘Design and Quality Standards 2007’ (or to such subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation ‘Lifetime Homes’ standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
16. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 3 of the ‘Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes’ or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.

---

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

17. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 4, 5, 6, 7 and 8 above, for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
18. The sums referred to in paragraphs 1, 2, 3, 4, 5, 6, 7 and 8 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
19. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
20. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

**April 2013**



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

**APPLICATION NO:** S/130426/F

**SITE ADDRESS :** FORMER POMONA WORKS, ATTWOOD LANE, HOLMER, HEREFORD HR1 1LJ

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



<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>24 APRIL 2013</b>
<b>TITLE OF REPORT:</b>	<b>S123417/F - PROPOSED NEW FARM HOUSE AT DAIRY FARM - LODGE FARM, WALTERSTONE COMMON, HEREFORDSHIRE, HR2 0DT</b>  <b>For: Mr Lloyd per Mr John Farr, Fincham, Stockley Hill, Peterchurch, Herefordshire HR2 0SS</b>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=123417&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=123417&amp;NoSearch=True</a>

**Date Received: 5 December 2012**    **Ward: Golden Valley South**    **Grid Ref: 335232,225426**  
**Expiry Date: 30 January 2013**  
 Local Member: Councillor GJ Powell

## 1. Site Description and Proposal

- 1.1 The application site is located on the eastern side of an unclassified road (u/c 74413) that climbs steeply up to Walterstone Common. The road serves a number of sporadically sited properties and farms down slope from the unclassified road. The application site comprises an area of ground to the south west of an existing farmhouse and agricultural buildings at Lodge Farm.
- 1.2 Lodge Farm is on the eastern side of Walterstone Common. The main buildings which include a mix of traditional stone buildings and more modern agricultural buildings are 25 metres at the nearest to the highway. They are aligned along a ridge. The farm comprises 136 acres which includes land to the north and south of the existing farmstead where the applicant's father lives and on the western side of the Common. The enterprise comprises 80 single-suckler cows, 75 over-wintered store cattle and 230 ewes plus rams. All cattle are winter fed mainly by silage. Breeding ewes are moved off the farm to keep 15 miles away from Lodge Farm. The herd is kept mainly for spring calving from February to April each year. Ewes begin lambing at the start of March. It is intended to extend the number of single –suckler cows to 100. This will be possible with the erection of a further building approved in July 2012 for a covered silage pit (reference S/121977/S). The case advanced is that the applicant needs to live on site to assist in the management of this farm. He currently resides 4 miles away from Lodge Farm in rented accommodation.
- 1.3 The proposal is therefore for a second dwelling to serve the enterprise based at Lodge Farm. Furthermore, the applicant has his own agricultural contracting business which according to financial information provided is more profitable than the existing farming enterprise at Lodge Farm. The applicant's enterprise takes him away from Walterstone to work on hedge laying, erecting fencing and ploughing sensitive farms (nitrate vulnerable zones) often as part of Countryside Stewardship Schemes. The applicant has confirmed that 40 to 60% of his contracting business relates to fencing, hedge laying and coppicing usually between November and March.

---

Further information on the subject of this report is available from Mr A Prior on 01432 261932

- 1.4 The application site comprises an area of land that includes a stone rubble barn (former dairy and is served by an existing access. The dwelling proposed is 7 metres to the north of this building. This is a detailed application for a two storey stone and render dwelling. The dwelling will be 7.8 metres high with a slate covered roof. It will be 11.2 metres in length and 7.9 metres wide. The dwelling will provide 4 bedrooms and on the ground floor an open plan kitchen/dining room and living room and an office. The rendered building will adjoin a single – storey natural stone faced off –shoot providing a lobby area, wet room and utility room. This single storey building will project out 3.3 metres and is 6.3 metres wide. This structure adjoins a two bay structure that will provide cover for two vehicles and is 5 metres high to the ridge like the adjoining ancillary building. The total gross floor area of the proposed dwelling (excluding the garage element) would be 202 sq. metres
- 1.5 The proposed dwelling will be linked to the unclassified road some 60 metres away by a gravel drive way. The existing access point will also be altered to improve visibility onto the narrow unclassified road. The new residential curtilage will be defined by stock proof fencing on the southern and eastern boundaries and by existing hedgerow along the northern boundary. There will be vehicular access to the range of existing livestock buildings to the north.

## 2. Policies

### 2.1 National Planning policy Framework (NPPF)

The following sections are of particular relevance

Introduction achieving sustainable design

Section 6 – Delivering a wide choice of quality homes (paragraph 55 in particular deals with housing in rural areas

Section 7 - Requiring good design

### 2.2 Herefordshire Unitary Development Plan (HUDP)

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR3	-	Movement
H7	-	Housing in the Countryside Outside Settlements
H8	-	Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses
H13	-	Sustainable Residential Development
E12	-	Farm Diversification
LA2	-	Landscape Character
LA5	-	Protection of Trees, Woodland and Hedgerows
LA6	-	Landscaping Schemes
T8	-	Road Hierarchy

- 2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

## 3. Planning History

- 3.1 SH810435PO                      Erection of a dwelling for an agricultural worker  
Approved 29 May 1981.

- 3.2 SH810539PM Erection of a dwelling for an agricultural worker  
Refused 12 August 1981.
- 3.3 SH810764PM Erection of a dwelling for an agricultural worker  
Approved 14 September 1981.
- 3.4 SH960649PF Conversion of old dairy barn to a single residence, double garage  
Approved 10 July 1996.

#### **4. Consultation Summary**

##### Internal Council Advice

- 4.1 County Land Agent does not consider that a sufficient case has been advanced to support a second dwelling at Lodge Farm given the seasonal demand for labour i.e. for calving and the time the applicant spends away from Lodge Farm in connection with his contracting enterprise which is more profitable than the existing enterprise based at Lodge Farm

#### **5. Representations**

- 5.1 Longtown Group Parish Council have no objections.
- 5.2 Llancillo Parish Council have no objections.
- 5.3 The consultation responses can be viewed on the Council's website by using the following link:-  
[www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx](http://www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx)

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

[www.herefordshire.gov.uk/community\\_and\\_living/consumer\\_advice/41840.asp](http://www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp)

#### **6. Officer's Appraisal**

- 6.1 The main issues in relation to this application are considered to relate to the principle of erecting a second dwelling to serve the established livestock enterprise based at Lodge Farm (and in connection with the applicant's existing agricultural contracting business), the visual impact of the proposed dwelling and highway safety.
- 6.2 The principle of providing the additional accommodation needs to be determined with reference to Policies H7 and H8 of the HUDP and the specific guidance contained in paragraph 55 of the National Planning Policy Framework. Furthermore, Policies DR1, DR3, LA2, LA5, LA6, H13 and T8 that relate to design, landscape impact and means of access are relevant.
- 6.3 The main issue relates to the case advanced for a second dwelling to serve the enterprise. It is evident that the applicant does provide support and assistance on the family farm. However the County Land Agent has advised that the peak periods for calving and lambing would not in themselves substantiate a need for a permanent worker to reside on the farm. This need would normally be met by temporary accommodation at specific times of the year when more labour intensive support was needed. The lack of evidence to substantiate a second dwelling in connection with the farming enterprise is one factor, the other is the fact that the applicant has his own contracting business which takes him away from the farm and it is clear that this business is far more profitable than the livestock enterprise based at Lodge Farm. Contracting work is undertaken away from Walterstone Common and typically does not necessitate an on-site presence in order to function acceptably. Neither would it require the applicant to be based at Lodge Farm.

- 6.4 In this context, it is not considered that a substantive case has been made for a second dwelling. It is also not considered appropriate to combine the net profit for the livestock enterprise and the contracting enterprise to advance a financial case in support of a dwelling which would serve the needs of two distinct enterprises. Accordingly it is not considered that a functional need has been established and whilst the viability of the contracting business is not in doubt, this does not substantiate a need for a new dwelling at Lodge Farm. Therefore the proposal is contrary to Policies H7 and H8 of the HUDP.
- 6.5 There are a number of criteria set out in Policy H8 of HUDP in respect of dwellings associated with rural businesses. In this case, it is accepted that there are no other suitable buildings that could be utilised on the farm. In particular consideration has been given to the former dairy barn just to the south of the application site, to the larger stone buildings to the north which are being used in connection with the enterprise and to other existing properties in the locality. It is also considered that in the event that there was an essential need for a dwelling in this location, it would have a limited impact on the character of the site and surrounding countryside given the topography at Lodge Farm. The dwelling will also benefit from being seen against existing tree screening to the north and reflects the pattern of development along the unclassified road. The dwelling is considered to be appropriately scaled and generally commensurate as required by Policy H8 for the use proposed and will with the use of materials i.e. render and stone reflect the local vernacular.
- 6.6 It is not considered that there is an essential need for a new dwelling at Lodge Farm and as such, whilst there would be limited impacts associated with the proposal it is unacceptable as a matter of principle.

## RECOMMENDATION

**That planning permission be refused for the following reason:**

- The site is located in open countryside where new dwellings are only permitted in exceptional circumstances. In this case the proposal is for a second dwelling to serve the existing livestock enterprise at Lodge Farm and to support the applicants separate contracting enterprise. It is not considered that there is a functional need for an additional dwelling to serve the livestock enterprise and the contracting business does not necessitate a requirement for a dwelling in this location. In the absence of an essential the proposal is contrary to Policies H7 and H8 of the Herefordshire Unitary Development Plan and would also constitute unsustainable development in an isolated rural location and whilst limited, would have an unjustified visual impact on the character of the locality. This would be contrary Policies S1, DR1 and LA2 of the Herefordshire Unitary Development Plan.**

**Reason for Refusal:**

- The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations and identifying matters of concern. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the matters which have been clearly identified within the reason for refusal, approval has not been possible.**

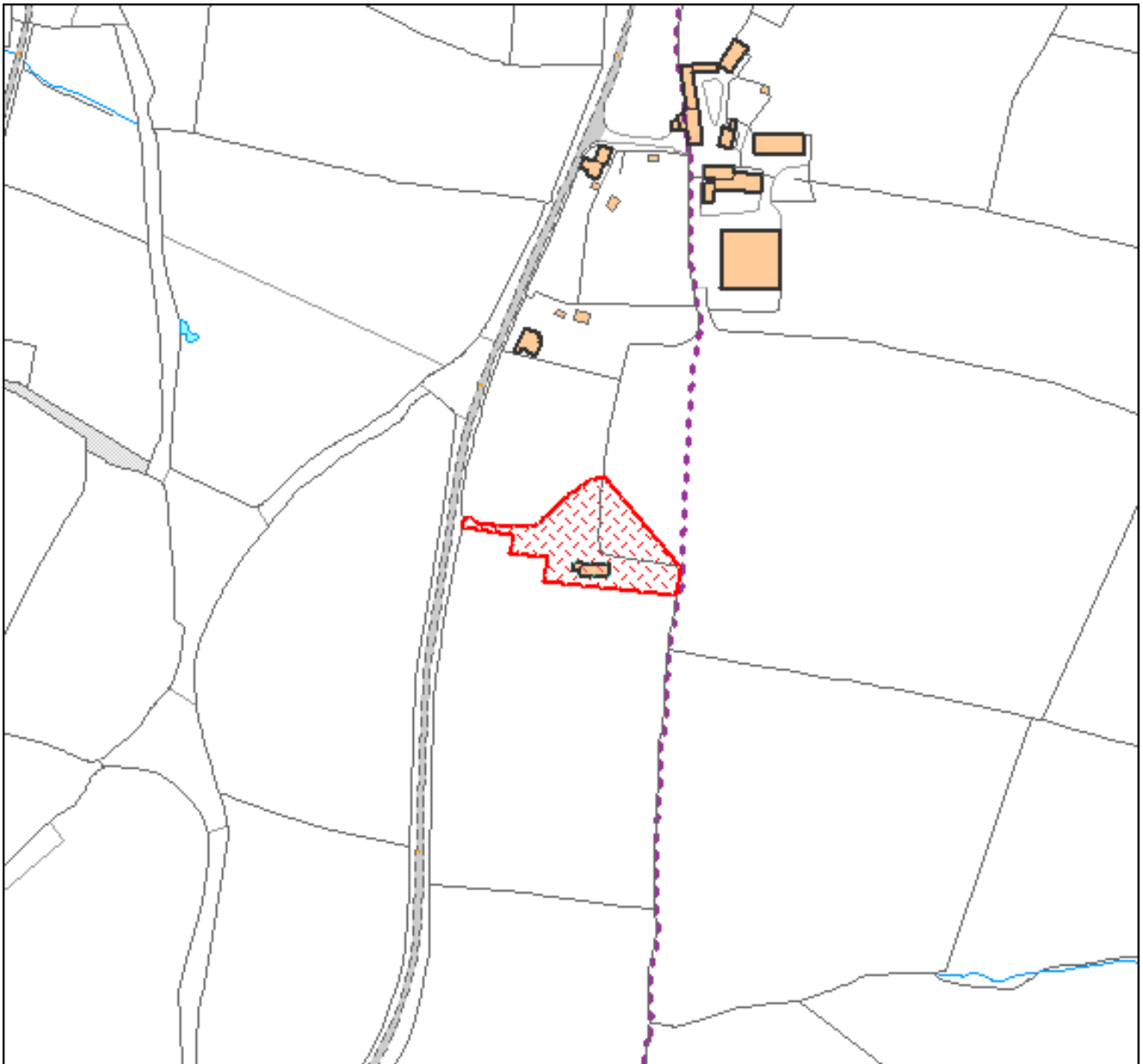
Decision: .....

Notes: .....

## Background Papers

Internal departmental consultation replies.





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

**APPLICATION NO:** S/123417/F

**SITE ADDRESS:** DAIRY FARM - LODGE FARM, WALTERSTONE COMMON, HEREFORDSHIRE, HR2 0DT

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

Further information on the subject of this report is available from Mr A Prior on 01432 261932





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>24 APRIL 2013</b>
<b>TITLE OF REPORT:</b>	<b>130534/FH - PROPOSED FIRST FLOOR EXTENSION AT 45 WALKERS GREEN, MARDEN, HEREFORD, HR1 3DZ</b>  <b>For: Mr Williams, 45 Walkers Green, Marden, Hereford, Herefordshire HR1 3DZ</b>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=130534&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=130534&amp;NoSearch=True</a>

**Date Received: 25 February 2013**

**Ward: Sutton Walls**

**Grid Ref: 352098,247635**

**Expiry Date: 3 May 2013**

Local Member: Councillor KS Guthrie

## 1. Site Description and Proposal

- 1.1 The application site is a 1960's style, two storey, gable sided detached house, fronting the east side of Walkers Green in a slightly elevated position across from the junction with Orchard Green. Facing materials are brick with timber infill panels for the walls and concrete tiles for the roof. Adjoining to the north and south are other detached two storey houses. The surroundings may be characterised as an established residential area within the village of Marden.
- 1.2 Attached to the north gable side, up to the boundary with the adjoining property, is a single storey flat roof extension originally constructed as a garage but converted into habitable space several years ago. This element, which faces the driveway, is set back 4.00m from the front main wall of the house and projects 3.00m beyond the rear wall
- 1.3 It is proposed to construct a gable ended, first floor extension to almost the full length (6.43m) of the north side of the house and over the full width (3.95m) of the front part of the existing extension beyond which it will project to within 200mm of the front main wall of the house. The first floor extension would provide an en-suite bedroom with the resultant covered space forward of the existing extension and beneath the proposed first floor extension providing an open sided car port area. The proposed ridge line would be 200mm lower than the existing.
- 1.4 Proposed facing materials for the walls are timber effect weatherboarding for the front and rear elevations and facing brickwork for the gable end, the same material would be used to replace the existing timber clad panels. The roof would be covered with concrete interlocking tiles

## 2. Policies

- 2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance

---

Further information on the subject of this report is available from Mr D Dugdale on 01432 261566

- Introduction - Achieving sustainable design
- Section 7 - Requiring good design

## 2.2 Herefordshire Unitary Development Plan (UDP)

- S1 - Sustainable Development
- DR1 - Design
- H16 - Car parking
- H18 - Alterations and extensions

2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

## 3. Planning History

3.1 None.

## 4. Consultation Summary

### Statutory Consultees

4.1 None at the time of writing.

### Internal Council Advice

4.2 None at the time of writing.

## 5. Representations

5.1 Marden Parish Council: Response awaited.

5.2 No further representations received at the time of writing.

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

[www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx](http://www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx)

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

[www.herefordshire.gov.uk/community\\_and\\_living/consumer\\_advice/41840.asp](http://www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp)

## 6. Officer's Appraisal

6.1 Policy H18 of the Herefordshire Unitary Development Plan specifically relates to proposals for the alteration or extension of residential properties and acknowledges that they can have a significant effect on the character of the original building, the surrounding area and the amenities of adjoining residents. In addition the other policies referred to above underscore the importance of achieving a sustainable and high quality of design

6.2 The design approach for the proposed extension with its recessed front wall, reduced ridge line is considered appropriate. In addition the significant set back of the existing extension means that the oversail effect of the proposed first floor extension helps to relieve its mass and scale to a degree that would be visually subservient to the original building. The use of

ebony simulated weather boarding for the front and rear elevations to match existing panels is also considered appropriate

- 6.3 Having regard to the disposition of the adjoining residential property No. 44 Walkers Green it is considered, subject to a condition precluding windows in the side elevation, that the extension would not unduly impact on the amenity of the neighbouring residents.
- 6.4 It is considered that the existing off street parking provision of two spaces is adequate.
- 6.5 Overall it is considered that the proposal is in keeping with the character of the existing dwelling and its surroundings in terms of scale, mass, siting, detailed design, materials and is compliant with Policies S1, DR1, H16 and H18 of the Herefordshire Unitary Development Plan and Section of the National Planning Policy Framework. Accordingly subject to no new material consideration arising during the consultation period the application is recommended for approval.

## **RECOMMENDATION**

**Subject to no objections raising additional material planning considerations by the end of the consultation period, the officers named in the scheme of delegation be authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers:**

- 1. A01 Time limit for commencement (full permission).**
- 2. B01 Development in accordance with the approved plans.**
- 3. The facing bricks to be used in the construction of the side wall of the extension hereby permitted shall match those used in the existing building.**

**Reason: To ensure the external materials harmonise with the existing building so as to ensure that the development complies with the requirements of Policies DR1 and H18 of Herefordshire Unitary Development Plan.**

- 4. The external cladding material to be used in the construction of the front and rear walls of the extension hereby permitted shall be in accordance with the submitted details. (Ebony Cedar Weatherboard).**

**Reason: To ensure the external materials harmonise with the existing building so as to ensure that the development complies with the requirements of Policies DR1 and H18 of Herefordshire Unitary Development Plan.**

- 5. F15 No windows in side elevation of extension.**

### **Reason for Approval**

- 1. It is considered that the proposed extension will appear in keeping with the character and appearance of the existing building and surrounding area in terms of its siting, scale, mass, detailed design and materials. In addition, having regard to the disposition of nearby residential properties, it is considered that the proposal will not unduly impact on the amenities of neighbouring residents. In the circumstances the proposal will not conflict with the design requirements of Herefordshire Unitary Development Plan Policies S1, DR1, H16 and H18 together with the sustainability and good design policies and objectives contained in the Introduction and Section 7 of the National Planning Policy Framework.**

**Informatives:**

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
  
2. **N03B Adjoining Property Rights.**

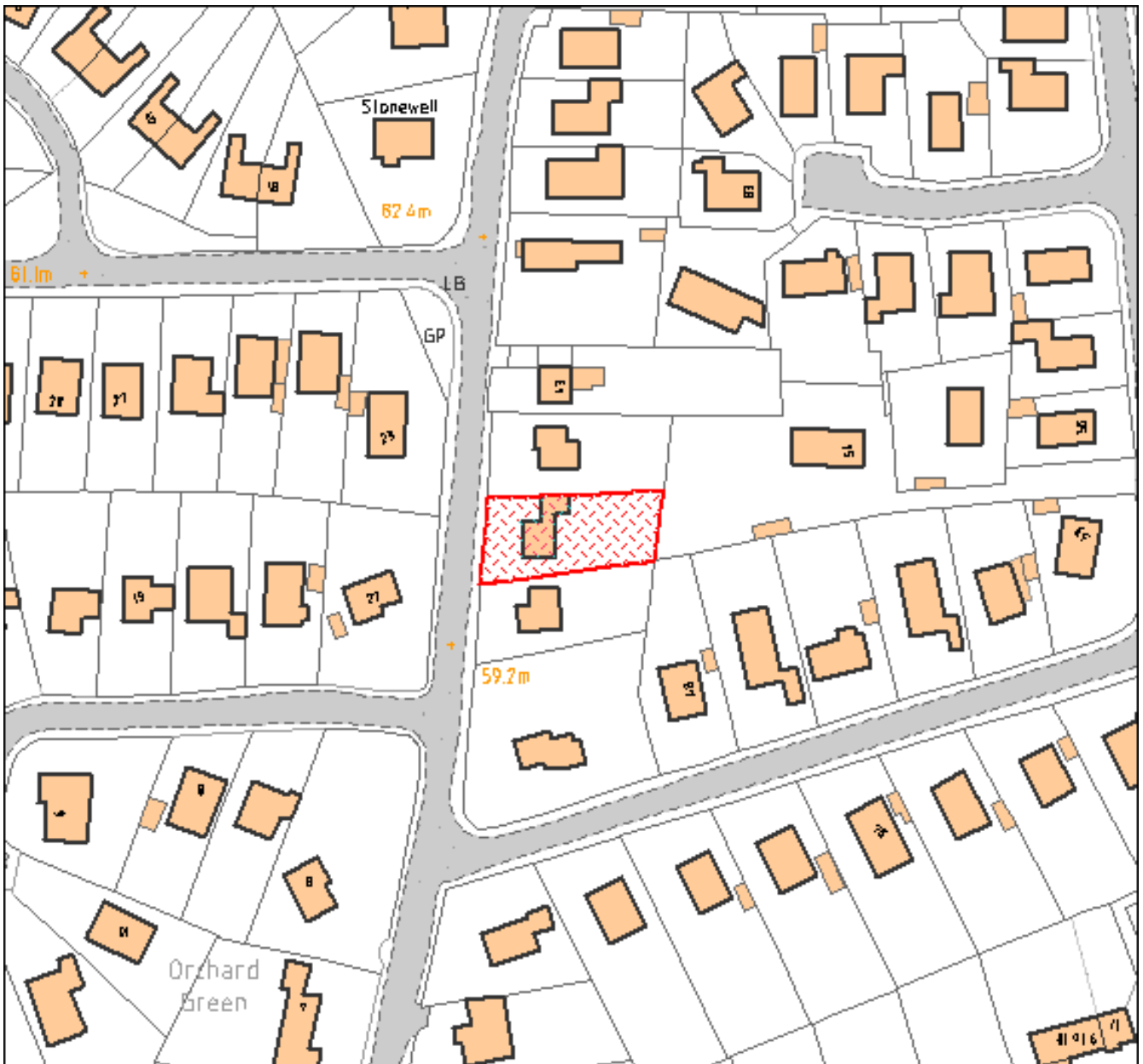
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** 130534/FH

**SITE ADDRESS :** 45 WALKERS GREEN, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3DZ

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

