

Agenda

Planning and regulatory committee

Date: **Wednesday 4 October 2017**

Time: **10.00 am**

Place: **The Council Chamber - The Shire Hall, St. Peter's
Square, Hereford, HR1 2HX**

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

For any further information please contact:

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Agenda for the meeting of the Planning and regulatory committee

Membership

| | |
|----------------------|-----------------------------------|
| Chairman | Councillor PGH Cutter |
| Vice-Chairman | Councillor J Hardwick |
| | Councillor BA Baker |
| | Councillor CR Butler |
| | Councillor PJ Edwards |
| | Councillor DW Greenow |
| | Councillor KS Guthrie |
| | Councillor EL Holton |
| | Councillor TM James |
| | Councillor JLV Kenyon |
| | Councillor FM Norman |
| | Councillor AJW Powers |
| | Councillor A Seldon |
| | Councillor WC Skelton |
| | Councillor EJ Swinglehurst |

Agenda

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| 1. APOLOGIES FOR ABSENCE To receive apologies for absence. | |
| 2. NAMED SUBSTITUTES (IF ANY) To receive details of any Member nominated to attend the meeting in place of a Member of the Committee. | |
| 3. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda. | |
| 4. MINUTES To approve and sign the Minutes of the meeting held on 13 September 2017. | 9 - 26 |
| 5. CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman. | |
| 6. APPEALS To be noted. | 27 - 30 |
| 7. 163391 - BOWLING GREEN FARM, CLEHONGER, HEREFORDSHIRE Proposed erection of four poultry units, feed bins, service building, alterations to existing access and associated development. | 31 - 74 |
| 8. 171573 - LAND ADJACENT TO GARRISON HOUSE, ORDNANCE CLOSE, MORETON-ON-LUGG, HEREFORDSHIRE Site for the proposed erection of up to 10 dwellings with garages and construction of access road (in lieu of planning permission 151315 on adjacent site). | 75 - 98 |
| 9. 172420 - LAND ADJACENT THE OLD CHAPEL, TILLINGTON, HEREFORD. Proposed single storey dwelling. | 99 - 108 |

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

The Chairman or an attendee at the meeting must take the signing in sheet so it can be checked when everyone is at the assembly point.

Guide to Planning and Regulatory Committee

The Planning and Regulatory Committee consists of 15 Councillors. The membership reflects the balance of political groups on the council.

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|---------------------------------------|----------------------------|
| Councillor PGH Cutter (Chairman) | Conservative |
| Councillor J Hardwick (Vice-Chairman) | Herefordshire Independents |
| Councillor BA Baker | Conservative |
| Councillor CR Butler | Conservative |
| Councillor PJ Edwards | Herefordshire Independents |
| Councillor DW Greenow | Conservative |
| Councillor KS Guthrie | Conservative |
| Councillor EL Holton | Conservative |
| Councillor TM James | Liberal Democrat |
| Councillor JLV Kenyon | It's Our County |
| Councillor FM Norman | Green |
| Councillor AJW Powers | It's Our County |
| Councillor A Seldon | It's Our County |
| Councillor WC Skelton | Conservative |
| Councillor EJ Swinglehurst | Conservative |

The Committee determines applications for planning permission and listed building consent in those cases where:

- (a) the application has been called in for committee determination by the relevant ward member in accordance with the redirection procedure
- (b) the application is submitted by the council, by others on council land or by or on behalf of an organisation or other partnership of which the council is a member or has a material interest, and where objections on material planning considerations have been received, or where the proposal is contrary to adopted planning policy
- (c) the application is submitted by a council member or a close family member such that a council member has a material interest in the application
- (d) the application is submitted by a council officer who is employed in the planning service or works closely with it, or is a senior manager as defined in the council's pay policy statement, or by a close family member such that the council officer has a material interest in the application
- (e) the application, in the view of the assistant director environment and place, raises issues around the consistency of the proposal, if approved, with the adopted development plan
- (f) the application, in the reasonable opinion of the assistant director environment and place, raises issues of a significant and/or strategic nature that a planning committee determination of the matter would represent the most appropriate course of action, or
- (g) in any other circumstances where the assistant director environment and place believes the application is such that it requires a decision by the planning and regulatory committee.

The regulatory functions of the authority as a licensing authority are undertaken by the Committee's licensing sub-committee.

Who attends planning and regulatory committee meetings?

Coloured nameplates are used which indicate the role of those attending the committee:

| | |
|-----------|--|
| Pale pink | Members of the committee, including the chairman and vice chairman. |
| Orange | Officers of the council – attend to present reports and give technical advice to the committee |
| White | Other councillors may also attend as observers but are only entitled to speak at the discretion of the chairman. |

Public Speaking

The public will be permitted to speak at meetings of the Committee when the following criteria are met:

- a) the application on which they wish to speak is for decision at the planning and regulatory committee
- b) the person wishing to speak has already submitted written representations within the time allowed for comment
- c) once an item is on an agenda for planning and regulatory committee all those who have submitted representations will be notified and any person wishing to speak must then register that intention with the monitoring officer at least 48 hours before the meeting of the planning and regulatory committee
- d) if consideration of the application is deferred at the meeting, only those who registered to speak at the meeting will be permitted to do so when the deferred item is considered at a subsequent or later meeting
- e) at the meeting a maximum of three minutes (at the chairman's discretion) will be allocated to each speaker from a parish council, objectors and supporters and only nine minutes will be allowed for public speaking
- f) speakers may not distribute any written or other material of any kind at the meeting
- g) speakers' comments must be restricted to the application under consideration and must relate to planning issues
- h) on completion of public speaking, councillors will proceed to determine the application
- i) the chairman will in exceptional circumstances allow additional speakers and/or time for public speaking for major applications and may hold special meetings at local venues if appropriate.

Minutes of the meeting of Planning and regulatory committee held at The Council Chamber - The Shire Hall, St. Peter's Square, Hereford, HR1 2HX on Wednesday 13 September 2017 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor J Hardwick (Vice-Chairman)

Councillors: BA Baker, WLS Bowen, DW Greenow, KS Guthrie, JA Hyde, TM James, JLV Kenyon, PM Morgan, FM Norman, AJW Powers, A Seldon, NE Shaw and EJ Swinglehurst

41. APOLOGIES FOR ABSENCE

Apologies were received from Councillors C Butler, PJ Edwards, EL Holton and WC Skelton.

42. NAMED SUBSTITUTES

Councillor JA Hyde attended the meeting as a substitute member for Councillor C Butler, Councillor WLS Bowen for Councillor PJ Edwards, Councillor PM Morgan for Councillor WC Skelton and Councillor NE Shaw for Councillor EL Holton.

43. DECLARATIONS OF INTEREST

Agenda item no. 11 – 171931 – Cop Castle, Bringsty Common, Bromyard, Worcester, Herefordshire WR6 5UN

Councillor NE Shaw declared a schedule one disclosable pecuniary interest as the applicant. He would leave the meeting room at the start of the item and remain absent from proceedings for the entirety of the discussions and decision-making.

There were two further declarations of interest please see minutes 47 and 48 below.

44. MINUTES

RESOLVED: That the Minutes of the meeting held on 2 August 2017 be approved as a correct record and signed by the Chairman.

45. CHAIRMAN'S ANNOUNCEMENTS

The Chairman requested that if members felt that a site visit in respect of any applications on the agenda was required then this should, where possible, be raised as a proposal at the start of the item.

46. APPEALS

The Planning Committee noted the report.

47. 162261 - LAND OFF ASHFIELD WAY, BROMYARD, HEREFORDSHIRE, HR7 4BF

During consideration and determination of the application Councillor Seldon acted as the local ward member and exercised no voting rights.

The principal planning officer provided a presentation on the application and confirmed that following the consultation response of the Herefordshire Clinical Commissioning Group (CCG) an allocation of funding had been included in the heads of terms to deliver improvements to the local surgery.

In accordance with the procedure for public speaking at planning and regulatory committee, Mr R Page of Bromyard and Winslow Town Council, spoke in opposition to the application. Mrs C Hughes, a local resident, speaking on behalf of residents of Ashfield Way spoke in objection.

Councillor A Seldon, the local ward member, spoke on the application and made the following points:

- The response from the CCG had acknowledged the strain on the local surgery and an allocation of section 106 funding was required. The surgery was one of the busiest in Herefordshire and a large influx of residents would undermine the provision of primary and secondary healthcare to new and existing residents.
- The site was a windfall development and had not previously been allocated in any local plans.
- Core Strategy Policy BY1 identified the construction of a minimum of 500 houses and 5 hectares of employment land up to 2031 and took account of infrastructure requirements.
- Under Policy BY2 the site at Hardwick Bank had been identified as the preferred strategic housing site after consultation with the Town Council. Taking into account the housing proposed for the Hardwick Bank site, the likely re-development of the highways depot and the current application Bromyard could potentially experience an increase of 900 houses and it was doubted whether the infrastructure was in place to support this expansion.
- It was important for the committee to consider each application brought before it on an independent and individual basis. However, a strategic oversight of the impact of a high level of housing development on Bromyard should be borne in mind.

- The impact of additional housing on St Peters primary school was raised. The school was close to capacity and the application would have significant impact on educational infrastructure.
- Councillor Seldon declared a personal interest as Vice Chairman of the Governing body of St Peters primary school.
- The application had not identified employment land and was contrary to policies SS5 and BY1.
- The reasons proposed to approve the application, particularly the lack of 5 year housing supply and the absence of a neighbourhood plan at Bromyard, were questioned. A solar farm had recently been refused on an adjacent site due to impact on landscape, policy LD1 had been cited in the reasons for the refusal. Recent legal precedent supported the refusal of the application on landscape grounds.
- In the event that the application was approved a condition was requested which ensured that local residents and the town council was involved at an early stage in discussions concerning a reserved matters application.

In the committee's discussion of the application the following principal points were raised:

- A demand in the county for new housing was relevant.
- It was important that local residents and the town council were involved in layout and landscaping elements of any further application.
- The impact of the site on the highways infrastructure was not felt to be significant. A pedestrian crossing to link the site to the local school should be included in any future application.
- The site was well screened by established trees which should be retained in any future application. A planting scheme should form part of any reserved matters application, specifying density and exact number. The feathering of the site (transition from the development to the countryside) within the landscape was important along with provision for biodiversity and wildlife.
- The absence of employment land was a concern particularly given the age profile of residents in Bromyard. Land in Bromyard had been identified for development and the current application was contrary to the requirements for employment land outlined in policies SS5 and BY1.
- There were concerns regarding the impact of the development on the landscape. Some members felt that the suitability and sustainability of the proposed site were not acceptable.
- The application highlighted the importance to local communities of ensuring that a neighbourhood development plan was in place.
- There was an acceptance of the assessment of sustainable development associated with the site and that this principle was sufficient to overcome the objections on landscape ground and the provisions of LD1.

The local ward member was given the opportunity to close the debate. He explained the circumstances around the absence of a neighbourhood development plan in Bromyard and urged the committee to give weight to landscape issues in determination of the application.

Councillor PM Morgan proposed and Councillor EJ Swinglehurst seconded a motion to approve the application in line with the officer recommendation. The motion was carried; 9 in favour; 3 against; and 2 abstentions.

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. **No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:**
 - a. **Wheel cleaning apparatus which shall be operated and maintained during construction of the development hereby approved.**
 - b. **Parking for site operatives and visitors which shall be retained and kept available during construction of the development.**
 - c. **A noise management plan including a scheme for the monitoring of construction noise.**
 - d. **Details of working hours and hours for deliveries**
 - e. **A scheme for the control of dust arising from building and site works**
 - f. **A scheme for the management of all waste arising from the site**
 - g. **A travel plan for employees.**

The agreed details of the CMP shall be implemented throughout the construction period.

Reason: In the interests of the residential amenity of properties within the locality and of highway safety in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.
6. **Prior to the first occupation of any of the dwellings hereby approved a Travel Plan which contains measures and targets to promote alternative sustainable means of transport for residents and visitors with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the development. A detailed written**

record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the Local Planning Authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

7. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

8. The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located, marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

9. The recommendations for species mitigation and habitat enhancements set out in the ecologist's reports for this application from Shropshire Wildlife Surveys be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. Prior to commencement of the development, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to inspect the site and ensure there is no impact upon protected species by clearance of the area. A species mitigation and ecological enhancement plan should be submitted to the local authority for approval and the scheme implemented as approved.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012

amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

10. G03 Retention of existing trees/hedgerows
11. G10 Landscaping scheme
12. G11 Landscaping scheme - implementation
13. H06 Vehicular access construction
14. I44 No burning of materials/substances during construction phase
15. I55 Site Waste Management
16. M17 Water Efficiency - Residential
17. Prior to the commencement of development the developer shall agree in writing with the local planning authority a scheme for the delivery of the open market housing hereby approved. This scheme shall comprise a schedule outlining the number of 2, 3 and 4 (+) bed dwellings proposed at the Reserved Matters stage; the overall mix being in general accord with the Council's Local Housing Market Assessment (or any successor document, adopted for these purposes by the local planning authority).

Reason: To define the terms of the permission and to comply with Policy H3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. Non Standard

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. Non Standard
3. HN04 Private apparatus within highway
4. HN01 Mud on highway

5. **HN28 Highways Design Guide and Specification**
6. **HN25 Travel Plans**
7. **HN05 Works within the highway**
8. **Non Standard**
9. **Non Standard**

Councillor Seldon took his seat on the committee at 11.10 a.m.

(The meeting adjourned between 11.10 a.m. and 11.24 a.m.)

48. 164024 - FORMER COUNCIL OFFICE, 39 BATH STREET, HEREFORD, HEREFORDSHIRE, HR1 2HQ

The Acting Development Manager gave a presentation on the application. It was summarised that the public benefits arising from the application outweighed the potential impacts on the designated heritage asset (Central Conservation Area) and the application was therefore recommended for approval.

In accordance with the procedure for public speaking Mrs Gale, local resident, spoke in objection to the application. Mr Neep, agent to the applicant, spoke in support of the application.

Councillor Hyde declared a personal interest in the application as a cabinet support member who had regularly attended the council offices in Bath Street.

In the committee's discussions of the application the following principal points were made:

- The development represented much needed city accommodation and made good use of a brownfield site. The plans not only proposed development but created a community in the heart of the city.
- The plans, including the layout of the site and the incorporation of existing buildings, were commended as an example of high quality design.
- Sympathy was expressed for local residents who may be affected during any potential construction period but it was acknowledged that planning conditions would be imposed to regulate the building phase, including dust suppression. The planting of mature trees on site was requested to address concerns regarding the impact of the development on the visual amenity of neighbouring properties. The enhancement of landscaping on the site was also raised as a method of mitigating some impacts including noise and views.
- The absence of consultation with the local Clinical Commissioning Group (CCG) was noted and it was felt that applications of significant size should warrant consultation with local health bodies. The council and the developer had responded positively to concerns expressed by the City Council and the Hereford Civic Society.

- The installation of PV cells on the flat roofing sections of the development was raised which could provide energy production for the locality.
- The installation of a sprinkler system in the proposed buildings and the provision of stairwells were questioned.
- The Chairman explained that the concerns of the local resident regarding dust from the site would be raised with the local ward member and contact with building control at the council should be maintained to ensure any issues which arose were reported promptly and addressed.

The Acting Development Manager responded to the queries raised: the CCG had been approached during the consultation; the sprinklers and the stairwells were issues which would be addressed during the building regulations stage; condition 15 ensured the screening of the site on Lloyd Street; the installation of PV cells had not been included in the designs due to the energy efficiency of the fabric-first approach to construction, their appearance, cost and future maintenance. The Lead Development Manager confirmed that conditions had been proposed for parking, restricting the hours of construction and the production of a Construction Environmental Management Plan which would relate to dust and would be enforced.

Councillor JA Hyde and Councillor WLS Bowen proposed a motion to approve the application in accordance with the officer recommendation. The motion was carried unanimously.

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

1. **A01 Time limit for commencement (full permission)**
2. **C08 - Amended plans**
3. **C13 - Sample of external materials**
4. **LBC 17 - Contract for redevelopment before demolition.**
5. **LBC 21 - Recording of demolished structures to EH level ½**
6. **LBC 25 - Roof materials and colour.**
7. **LBC 33 - Masonry details, samples and sample panel on site.**
8. **LBC 38 - Details of heads and cills.**
9. **LBC 40 - External Joinery details including colour.**
10. **LBC 41 - Roof windows.**
11. **LBC 45 - Rainwater goods.**
12. **LBC 57 - External M&E services.**
13. **E01 - Site investigation archaeology**
14. **C90 - Protection of trees/hedgerows that are to be retained**
15. **C95 - Details of boundary treatments**

16. **C96 - Landscaping scheme**
17. **C97 - Landscaping scheme - implementation**
18. **CAL - Access, turning area and parking**
19. **CB2 - Secure /covered cycle parking provision**
20. **CAC - Visibility over frontage**
21. **CAZ - Parking for site operatives**
22. **CBK - Restriction of hours during construction**
23. **CCB - Scheme for refuse storage**
24. **CD2 - Habitat enhancement scheme**
25. **CD4 - No surface water/land drainage to connect to public system**
26. **CE6 - Efficient use of water**
27. **Construction environmental management plan**

INFORMATIVES:

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.

(The meeting adjourned between 12.10 p.m. and 12.15 p.m.)

49. 163327 - WHITE HOUSE FARM, ARCHENFIELD, HAY-ON-WYE, HEREFORD, HEREFORDSHIRE, HR3 5TB

The principal planning officer gave a presentation on the application and updates/additional representations received following the publication of the agenda were provided in the update sheet as appended to these minutes.

In accordance with the procedure for public speaking Mr Gardiner of the Archenfield Campaign spoke in objection to the application and Mr Morgan, the applicant, spoke in support of the application.

In accordance with the council's constitution, the local ward member Councillor PD Price, spoke on the application.

He made the following principal comments:

- The significant issue relating to the application concerned the impact of the proposed structure on the landscape. The planting and hedges that had been

proposed as part of the application would help to mitigate the impact of the structure on the landscape. The barn proposed in the application was recessed into the hillside which reduced its impact on the landscape.

- The view of the landscape officer had changed during the application process. At first there had been no objection and the application was likely to be determined by delegated, officer decision. Following objections from the Archenfield Campaign the officer had raised an objection.
- Elements of the report from the landscape consultant (Carly Tinkler), on behalf of the Archenfield Campaign, were questioned and it was felt there were certain inaccuracies which could be misleading. The location of the application site was within the Wye Valley but there were consistent references in the report to the Golden Valley. The reference to the deer park was also questioned which was considered to be at a significant distance from the site.
- A large barn, on higher ground than the application site existed at Upper Broadmeadow Farm, close to Archenfield. The area was a rural and agriculture landscape where structures of this type were found.
- There were limited long distance views to the application site and contrary to the statement in the landscape report it was not felt that the development could be readily viewed from popular, long-distance paths nearby. The report had stated that users of the local footpaths would be adversely affected by the development but these paths were only rarely used and mitigation could be implemented including the planting of hedgerow.

In the committee's discussion of the application the following principal points were made:

- The barn proposed in the application was for agricultural purposes located in a rural, agricultural setting. It was a rural enterprise which would support the local rural community and agriculture in the area.
- The area in which the development was proposed was not a busy tourist area, the local footpaths were not regularly walked. The application site was not adjacent to a village. The proposed development when viewed from the higher ground at Bullens Bank would be recessed in to the foot of the hillside and the proposed paint colour would mitigate the impact of the structure on the landscape and wider panoramic view to an acceptable level.
- The significant level of mitigation proposed, including planting and painting of the barn, would offset the impacts of the development on the landscape. The lack of an objection from Natural England was considered significant.
- The potential noise from crowing cockerels from the barn was raised.
- The proposal was contrary to the NPPF which stated that development should protect or enhance the natural environment. The application site was located in an area which was proposed for AONB status and was close to a national park. The proposal was considered contrary to SS6 and LD1 of the Core Strategy which sought to conserve and enhance the landscape.
- The scale of the building was of concern, its industrial appearance and the impact upon the quality of the landscape.

- The area did benefit from tourism and the development would not assist the economic and strategic objectives of the county to increase visitor numbers.
- The adequacy of the road network serving the site, particularly with HGVs accessing the site during construction and ongoing operations. The significant distances involved in the transportation of feed to the site and the exporting of eggs was raised.

The principal planning officer responded to the comments of members that the potential noise from cockerels had been addressed in the report and was not felt to pose an unacceptable impact upon amenity. In addition it was commented that the report submitted by the Landscape Consultant on behalf of the Archenfield Campaign was not claiming views from the Deer Park but rather described the character of the wider landscape before focusing on significant viewpoints.

The local ward member was given the opportunity to close the debate. He commented he had significant concerns regarding the report submitted by the Landscape Consultant on behalf of Archenfield Campaign. The production of phosphates through chicken manure would be a valuable resource given the general shortage of the material. The miles involved in the transportation of food to the site and export of eggs was how the food network across the country operated. The size of the building in the application was governed by the contract that would be in operation which specified the inputs and outputs required in production.

Councillor DW Greenow proposed and Councillor BA Baker seconded a motion to approve the application on the grounds that: the impact of the development on the landscape character and appearance was not considered adverse; and the mitigation proposed, including the landscaping scheme and colour of materials would adequately limit any adverse impacts. The motion was carried: 9 votes in support and 6 votes against.

The principal planning officer outlined a number of conditions to attach to the permission including: time period for commencement; compliance with submitted plans; implementation of works to the vehicle access onto the C1208 and the provision of the vehicle turning area; grampian condition securing implementation of planning permission 170836 prior to commencement of the development, thus improving visibility onto the B4348; implementation of landscaping scheme & maintenance for ten years; delivery hours condition; building only to be used for fertile egg production; drainage condition; construction & environmental management plan condition; and colour of materials condition. The committee agreed the conditions and requested that any further conditions be agreed in consultation with the chairman of the committee and the local ward member.

RESOLVED: That officers named in the Scheme of Delegation to officers be authorised to grant planning permission subject to any conditions considered necessary by officers on the basis that the the impact of the development on the landscape character and appearance was not considered adverse; and the mitigation proposed, including the landscaping scheme and colour of materials would adequately limit any adverse impacts.

1.45 p.m. – Councillors Norman and Hyde left the meeting.

(The meeting adjourned between 1.45 p.m and 1.55 p.m.)

50. 171411 - ONE DWELLING LAND ADJ. SUNNY BANK COTTAGE, LITTLE BIRCH

The senior planning officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet attached to these minutes.

In accordance with the procedure for public speaking, Mr M Morley, Little Birch Parish Council, spoke in support of the application and Mr Jones, the applicant spoke in support of the application.

In accordance with the Council's constitution, the local ward member, Councillor DG Harlow, spoke on the application.

He made the following principal points:

- There was a high level of support locally for the application. 21 letters in support had been received and the parish council had also expressed its support;
- The lack of a five year housing supply and the requirement for the committee to exercise balance and judgement in determination of the application. The application would enable the applicant to construct a house suitable for the elderly and allow him to remain in the village he had always lived in, into his old age.
- There was not a neighbourhood development plan for Little Birch in place but this was currently in process and was being produced.
- The sustainability assessment in the report was questioned as the lay out of the village of Little Birch was sprawling in nature and there was not a natural centre to the village.

In the Committee's discussion of the application the following principal points were made:

- Consideration of the need for additional retirement homes in the county.
- The absence of a neighbourhood development plan and the position of the proposed site within the curtilage of the village.
- Sympathy was expressed for the applicant but it was feared that the approval of the application would establish a precedent which would result in additional developments in the open countryside in the village.
- The application was felt to be premature, pre-empting the finalisation of the neighbourhood development plan. The site could be included in the neighbourhood development plan but the committee should not override the existing planning policy framework to grant permission. Consistency of decision making, in accordance with policy, was necessary.

The lead development manager commented that the neighbourhood development plan for the area was currently at the regulation 14 stage. No weight could be given to the plan until it reached a more advanced stage.

The local ward member was given the opportunity to close the debate and commented that he would encourage the finalisation of the neighbourhood development plan.

Councillor JLV Kenyon proposed and Councillor DW Greenow seconded a motion to approve the application. The motion was lost: 2 in favour and 11 against.

Councillor A Seldon proposed and Councillor WLS Bowen seconded a motion to refuse the application in line with the reasons outlined by the officer in the report. The motion was carried: 11 in favour, 1 against and 1 abstained.

RESOLVED: That planning permission be refused for the following reason

- 1. The proposal represents unjustified unsustainable residential development in an open countryside location contrary to the Herefordshire Local Plan: Core Strategy policies SS1, SS6, RA2 and RA3 and the relevant aims and objectives of the National Planning Policy Framework.**

2.29 p.m. Councillor Shaw left the meeting.

51. 171931 - COP CASTLE, BRINGSTY COMMON, BROMYARD, WORCESTER, HEREFORDSHIRE, WR6 5UN

The planning officer provided a presentation on the application.

In the committee's discussion of the application, the following principal points were made:

- The importance of considering applications of elected members at meetings of the planning committee to ensure transparency and probity.
- The application was supported.

A motion was proposed by Councillor WLS Bowen and seconded by Councillor EJ Swinglehurst to approve the application. The motion was carried unanimously.

RESOLVED: That listed building consent be granted subject to the following conditions:

- 1. D01 – Time limit for Commencement (Listed Building Consent)**
- 2. B02 – Development in Accordance with Approved Plans and Materials**

INFORMATIVES

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.

52. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix - schedule of updates

The meeting ended at 2.35 pm

Chairman

PLANNING COMMITTEE

Date: 13 September 2017

Schedule of Committee Updates/Additional Representations

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

SCHEDULE OF COMMITTEE UPDATES

163327 - ERECTION OF A BARN EGG UNIT FOR FERTILE EGG PRODUCTION AT WHITE HOUSE FARM, WATERY LANE, HAY-ON-WYE, HEREFORD, HR3 5TB

For: Mr Morgan per Mr Hugh Morgan, White House Farm, Watery Lane, Archenfield Hay-on-Wye, Hereford, Herefordshire HR3 5TB

ADDITIONAL REPRESENTATIONS

Telephone calls questioning whether the ecology / bio-diversity matters have been adequately addressed given that it appears that any surveys may have taken place outside of the optimum survey period(s).

A petition with twenty-one signatories objecting to the application on landscape & amenity grounds has been received.

OFFICER COMMENTS

To address on record the aforementioned concerns the Planning Ecologist further advises me that:-

“All ‘Phase 1’ ecological surveys and reports will include reference to limitations of the survey and that dates or timings may be outside “optimal survey periods” – this does not indicate that the survey as undertaken is not relevant or appropriate. If the habitats identified and described, supported by available existing ecological record evidence, show a potential for a specific important protected species or habitat then further ‘optimal period surveys’ will be clearly identified and recommended within the discussion and recommendation sections of the ‘Phase 1’ ecological report. This is one of the features of a report that a LPA Ecologist looks for and assesses as part of their review and comment process. In this instance the ecological report by Craig Emms clearly demonstrates, and so concludes that, there are no habitats, likely structures or ecological features or indications of species usage that would require optimal period surveys to be recommended or carried out. This is supported by the lack of relevant biodiversity records held at the Herefordshire Biological Record Centre for this locality. This conclusion is supported and recognised by the Council’s Ecology team.

It has been recognised that the proposed development falls just within a 50m buffer of Hardwicke Brook Local Wildlife Site and in line with the Council’s own guidance and wider best practice the potential impacts on this aquatic LWS have been identified and the appropriate mitigation clearly recommended. If planning permission were to be granted this detailed mitigation, ecological risk avoidance measures and ecological working methods would be the subject to final approval and

[Type text]

implementation through a pre-commencement condition for a detailed Construction Environmental Management Plan.”

Following yesterday’s Committee Site Visit I can confirm the following approximate distances to residential properties (i.e. the houses themselves) in the vicinity:-

- ‘Archenfield Cottage’ – approx. 100 metres to the south-east;
- ‘Archers Cottage’ – approx. 200 metres to the north-west; and
- ‘Redley’ – approx. 250 metres to the west.

NO CHANGE TO RECOMMENDATION

171411 - PROPOSED DWELLING AT LAND ADJACENT TO SUNNYBANK COTTAGE, LITTLE BIRCH, HEREFORDSHIRE

For: Mr & Mrs Jones per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, Herefordshire HR1 1LH

ADDITIONAL REPRESENTATIONS

None

OFFICER COMMENTS

For the avoidance of any doubt, it is confirmed that the applicant attached 18 letters of support (see paragraph 1.4 of the report) within the planning application itself.

During the actual public consultation exercise three (not 4) letters of support have since been received, along with support from the Parish Council (see paragraph 5.1 of the report).

NO CHANGE TO RECOMMENDATION

| | |
|-------------------------|--|
| MEETING: | PLANNING AND REGULATORY COMMITTEE |
| DATE: | 4 OCTOBER 2017 |
| TITLE OF REPORT: | APPEALS |

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not an executive decision

Recommendation

That the report be noted.

APPEALS RECEIVED

Application 171105

- The appeal was received on 1 September 2017
- 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 Derek Cornes
- The site is located at Little Howle Farm, Howle Hill, Nr Ross-on-Wye, Herefordshire
- The development proposed is Proposed erection of two bedroom bungalow. Construction of new access and associated development.
- The appeal is to be heard by Written Representations

Case Officer: Miss Emily Reed on 01432 383894

Application 170609

- The appeal was received on 1 September 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Non determination
- The appeal is brought by Mr Julian Parry
- The site is located at Land to the East of Holme Copse House and Brick House, Ocle Pychard, Herefordshire, HR1 3RE
- The development proposed is Application to erect two detached 4 bedroom houses each with detached single storey garage
- The appeal is to be heard by Written Representations

Case Officer: Mr Andrew Prior on 01432 261932

APPEALS DETERMINED

Enforcement Notice 170069

- The appeal was received on 11 January 2017
- 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 Mark Dew
- The site is located at Land at Doward Farm, Whitchurch, Ross on Wye, Herefordshire
- The breach of planning control alleged in this notice is:

Without planning permission the unauthorised material change of use of land from agricultural to a mixed use of agricultural and for siting of numerous old/scrap cars, vans and non-agricultural vehicles.

- The requirements of the notice are:

Permanently remove the numerous old/scrap cars, vans and non-agricultural vehicles from the land thereby causing the cessation of its (sic) mixed use on the land.

Decision:

- The enforcement notice is quashed.

Case Officer: Mr Scott Low on 01432 261814

Application 163115

- The appeal was received on 27 June 2017
- 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 C/O Agent
- The site is located at Land East of Pine Lodge, Dinmore, Herefordshire, HR1 3JR
- The development proposed was A new house and detached garage to replace the collection of
- The main issue is whether the development would be located such that its future occupiers would have acceptable access to goods and services.

Decision:

- The application was Refused under Delegated Powers on 26 January 2017
- The appeal was Dismissed on 31 August 2017

Case Officer: Mr M Tansley on 01432 261815

Application 164113

- The appeal was received on 27 June 2017
- 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 Mr Nirmal Suman
- The site is located at Withington Post Office and Stores, 6 Springfield Road, Withington, Hereford, Herefordshire, HR1 3RU
- The development proposed was Proposed extension and alterations to existing Post Office, stores and dwelling to a form new (A5) hot food takeaway.
- The main issues are the effect of the proposal on highway safety, and the effect on the living conditions of the occupiers of neighbouring properties with regard to noise and disturbance.

Decision:

- The application was Refused under Delegated Powers on 24 April 2017.
- The appeal was Allowed on 31 August 2017.

Case Officer: Mrs Charlotte Atkins on 01432 260536

Application 164102

- The appeal was received on 27 June 2017
- 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 Mr D Brown
- The site is located at Land adjacent to Moorend Wychend Road, Much Cowarne, Herefordshire
- The development proposed was Site for residential development of 3 no. detached dwellings with associated garages and private gardens.
- The main issue is whether the development would represent the acceptable spatial growth of the existing settlement.

Decision:

- The application was Refused under Delegated Powers on 8 March 2017.
- The appeal was Allowed on 31 August 2017

Case Officer: Mr Andrew Prior on 01432 261932**Application 163400**

- The appeal was received on 27 June 2017
- 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 Land at Church Field, (opposite The Firs),, Brimfield, Ludlow, Herefordshire
- The development proposed was Site for proposed housing development.
- The main issues were:
 - Whether the appeal site is an appropriate location for housing with regard to the development plan and the National Planning Policy Framework (the Framework); and
 - The effect of the proposal on the significance of a designated heritage asset.

Decision:

- The application was Refused under Delegated Powers on 13 January 2017
- The appeal was Dismissed on 1 September 2017

Case Officer: Mr Andrew Prior on 01432 261932**Application 170215**

- The appeal was received on 22 May 2017
- 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 Mr Phin Leng
- The site is located at Outbuilding at 179 Whitecross Road, Hereford, HR4 0LT
- The development proposed was Conversion of existing outbuilding into new residential accommodation.
- The main issue(s) was:
 - Whether the proposal would provide acceptable living conditions existing and future occupiers, with regard to outdoor amenity space and overlooking.

Decision:

- The application was Refused under Delegated Powers on 21 March 2017
- The appeal was Dismissed on 5 September 2017

Case Officer: Mr Fernando Barber-Martinez on 01432 383674

Application 161859

- The appeal was received on 22 May 2017
- 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 Mr S Fraser
- The site is located at Land West of Larksmead, Brampton Abbots, Ross-On-Wye, Herefordshire, HR9 7JE
- The development proposed was Proposed residential dwelling
- The main issue was:
 - The effect on the character and appearance of the area and whether the proposal would conserve and enhance the natural beauty of the Wye Valley Area of Outstanding Natural Beauty (AONB)

Decision:

- The application was Refused at Planning Committee against Officer Recommendation on 7 December 2016
- The appeal was Allowed on 5 September 2017

Case Officer: Mr Simon Withers on 01432 260612

Application 170677

- The appeal was received on 12 June 2017
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Non determination
- The appeal was brought by Mr Clive Grindon
- The site is located at Land at Castle End, Lea, Ross-on-Wye, Herefordshire
- The development proposed was Application for up to 10 new residential properties, vehicle turning, manoeuvring and landscaping
- The main issue is the effect of the proposal on highway safety.

Decision:

- The appeal was Allowed on 18 September 2017
- An Application for the award of Costs, made by the Council against the Appellant was dismissed.
- An application for the award of Costs, made by the Appellant against the Council was allowed.

Case Officer: Mr C Brace on 01432 261947

Application 161482

- The appeal was received on 14 June 2017
- 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 Mr Greg Mifflin
- The site is located at Land East of The Rosie Public House, Coldwells Road, Munstone, Hereford
- The development proposed was Construction of a detached self-build dwelling with integral one bedroom dependent relative annexe to replace the existing static caravan and new children's play area for the pub.
- The main issues were:
 - a) Whether satisfactory living conditions would be provided for future occupiers of the proposed development with regard to noise and disturbance;
 - b) The effect of the proposed development on the viability of a community facility; and
 - c) The effect of the proposed development on the character and appearance of the surrounding area.

Decision:

- The application was Refused under Delegated on 13 October 2016
- The appeal was Dismissed on 19 September 2017

Case Officer: Mrs Charlotte Atkins on 01432 260536

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

| | |
|---|---|
| MEETING: | PLANNING AND REGULATORY COMMITTEE |
| DATE: | 4 October 2017 |
| TITLE OF REPORT: | 163391 - PROPOSED ERECTION OF FOUR POULTRY UNITS, FEED BINS, SERVICE BUILDING, ALTERATIONS TO EXISTING ACCESS AND ASSOCIATED DEVELOPMENT AT BOWLING GREEN FARM, CLEHONGER, HEREFORDSHIRE. For: Mr Whittal per Mr Graham Clark, Newchurch Farm, Kinnersley, Hereford, Herefordshire HR3 6QQ |
| WEBSITE LINK: | https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163391&search=163391 |
| Reason Application submitted to Committee - Redirected | |

Date Received: 24 October 2016

Ward: Wormside &
Stoney Street

Grid Ref: 346390,237252

Expiry Date: 11 September 2017

Local Members: Councillors JF Johnson & SD Williams

For the avoidance of doubt the access is in Clehonger Parish (Stoney Street Ward) whilst the vast majority of the development is in Allensmore Parish (Wormside Ward)

1. Site Description

- 1.1 The application site lies to the south of the B4349 east of the village of Clehonger some 1.75km by road to the A465 that provides a direct route into Hereford. The application site has an existing vehicular means of access onto the B4349. In addition to the application site including this vehicular means of access it incorporates, amongst other areas, an area of land approximately 400 metres to the south. It is worth noting at this stage that this parcel land to the south is not visible from the B4349 due to the topography of the landscape hereabouts. The land rises from the road level (Approx. 107.4m AOD) to a high point of approx. 110.8m AOD before dropping to a level of approx. 103 m AOD at the bottom of the field upon which the poultry units are proposed to be sited.
- 1.2 Running through the application site to the east of the proposed poultry units is public bridleway CH18. This runs in a north – south direction from the B4349. This public right of way is located some 90 – 100 metres east of the proposed buildings. To the west and south of the site is public footpath AN2. The distance from this public footpath to the proposed poultry buildings varies between 230m – 500 m.

- 1.3 The landscape hereabouts is gently undulating. There are hedgerows with tree and a few woodland blocks such as that known as 'Courtlands Plantation' some 300 metres south of the site.
- 1.4 There are no residential properties within 400 metres of the proposed poultry buildings. The closest properties are 'The Old Laundry House' and 'Dunan House' in excess of 400 metres from the proposed poultry buildings. To the west and south-west of 'Dunan House' is a plantation of coniferous trees.
- 1.5 The main farm complex of Bowling Green Farm including the Farmhouse is on the northern side of the B4349 some 415 metres west of the entrance to the application site.
- 1.6 It is understood that the existing farm business includes arable and livestock farming activities. It is understood that the farm extends to 730 acres including 710 acres of arable production. Existing stock on the farm includes 12,000 free range laying hens which are accommodated within a purpose built unit in the farmyard at Bowling Green Farm. It is understood that the existing business employs three full-time agricultural workers.
- 1.7 As described above the main part of the development would be located at the bottom end of an existing arable field south of the B4349. It is proposed to erect four poultry units that would house a maximum of 212,000 broiler birds in total, split between four sheds.

Proposal

- 1.8 The proposal essentially involves:-
- Four poultry units measuring 106.6 metres x 24.3 metres with an eaves height of 2.57 metres and a ridge height of 6.07 metres. These profile metal sheeted buildings would have an Ardenne (RAL 7022) colour to their elevations and Anthracite (RAL 7016) colour to their roofs;
 - Eight feed bins in total – (i.e. two feed bins at the front of each unit) measuring 8.6 metres in height;
 - Service building measuring 6.1m x 6.1 m x 2.6 metres to eaves x 3.42 metres to ridge and car parking area;
 - Widening of the existing vehicular entrance onto the B4349 and upgrading of the existing access track leading to the proposed poultry units by additional stone and scalplings. This would involve 20 metres of hedgerow removal to the west of the existing access together with a further 20 metres of hedgerow translocation further to the west. 39 metres of hedgerow would need to be removed to the east of the existing vehicular access with a further 40 metres translocated. This would secure visibility splays of 2.4 metres x 124 metres in a westerly direction and 2.4 metres x 129 metres in an easterly direction. Translocating a 40 metres section of an existing hedgerow on the northern side of the B4349 would ensure forward visibility for those travelling out of Clehonger in an easterly direction to 160 metres (Drawing number 17480-02 Revision A). In addition the access would be designed to allow for two vehicles to pass and another passing place would be provided some 260 metres south of the access where the vehicle track turns to the west. At a point approximately mid-way down the field in which the poultry units are proposed to be sited, the track would divert in a south-easterly direction from its current route; the remainder of the existing track being removed);
 - Landscaping works. These would involve hedgerow tree planting within the existing western, northern and southern boundaries of the field within which the poultry units are proposed to be sited together with a new hedgerow with hedgerow trees being planted in a north-south alignment through the aforementioned field some 24 metres east of the proposed poultry sheds. In addition, a series of tree / woodland blocks are proposed to the north, east and south of the proposed building (see drawing PRI19723-11 Sheet 2 of 2); and

- Provision of an attenuation pond some 270 metres west of the site of the proposed poultry sheds.

- 1.9 The poultry units would be located at the southern end of the field in two pairs running parallel to the southern boundary in an east-west direction. The “front” of the units would face a central courtyard where all activities including vehicle turning / manoeuvring would take place. This is the area where bird delivery and collection, cleaning of units, feed delivery and collection of water would take place.
- 1.10 The poultry units would be built on a level platform at 103m above ordnance datum (AOD). This would require a cut and fill exercise and result in the units being dug in by up to approximately 2 metres on their northern boundary. Excess soil will be spread on land within the application site at an average depth of 103mm.
- 1.11 In the earlier withdrawn application it was proposed to dispose of some of the manure on the host farm whilst complying with all current Government Regulations and advice. However, this was met by objection from many in the local community. As a consequence the applicant is now proposing to transport all of the manure off the Farm (3,320 tonnes). However, if the LPA considered it appropriate he would be willing to dispose of 1,391 tonnes of this manure on the farm that has sufficient capacity.
- 1.12 The surface water from the proposed buildings would be discharged to the attenuation pond to the west via a swale ditch. Water from the attenuation pond would discharge into an unnamed ditch to the south of the attenuation pond via an existing land drain.
- 1.13 Dirty water from the clean-out process would be collected through a dedicated sealed drainage system to underground dirty water tanks. These would be located underneath the central yard and be sized to accommodate the volumes of water used in each production cycle. The dirty water would be removed from the tanks and either spread in appropriate locations and conditions on the applicant’s holding or taken to third party land.
- 1.14 It is understood that the proposed development would provide 1 full-time job and 1 part-time job whilst assisting in securing the longer-term future of the three existing farm employees.
- 1.15 It is understood that the applicant envisages that supervision in terms of the welfare of the livestock would be provided by a Site manager who it is envisaged would be accommodated in rented accommodation in the locality, although it is envisaged that if from the outset that were not possible that supervision and management would be provided by the applicant himself from the Farmhouse at Bowling Green Farm.

The proposal is EIA development and is accompanied by an Environmental Statement.

Production cycle

- 1.16 The chicks would be brought in from a hatchery with the average crop cycle being approximately 32 days for thinning and then a full destocking at around 38 days plus the clean-out period. At the end of the growing period they would be collected and transported to a processing plant. Each cycle, including cleaning of the sheds will be 45 days leading to 8 cycles per annum.
- 1.17 Before chicks arrive the bedding would be put into the buildings, which consist of wood shavings to a depth of around 2cm. The houses are warmed to a temperature of around 34 degrees. The buildings would be heated using mains gas. The temperature is reduced as the birds grow older and the ventilation rate conversely increases. The feed would be supplied by the processing company. It would be mixed according to the birds requirements at each stage

of growth. The water would be supplied by nipple drinkers which offer water in demand to minimise spillage.

- 1.18 At the end of the production cycle, the birds are removed and transported to the processing site. The buildings then go through their clean-out phase which involves dry-cleaning to remove organic material, wash down and disinfecting. The normal turn around period is around seven days before the buildings can be re-stocked and the cycle starts again. The break between crops could be longer at certain times of the year such as Christmas or if clean-out is delayed.

Vehicle Movements

- 1.19 The vehicle movements generated from the proposed poultry site are set out in the table below. This shows a worst case scenario. Vehicle movements associated with manure removal could be reduced by 12 per cycle.

| Activity | Vehicle type | No. per flock cycle |
|------------------------|-----------------|---------------------|
| Chick delivery | HGV | 4 |
| Feed delivery | HGV | 25 |
| Bird collection | HGV | 28 |
| Manure removal | Tractor/trailer | 28 |
| Shavings delivery | HGV | 2 |
| Dirty water collection | Van | 2 |
| Carcass collection | Van | 2 |
| Staff vehicles | Car | 88 |
| Catching gangs | Minibus | 4 |
| Cleaning teams | Minibus | 4 |
| Maintenance | Cars/vans | 1 |
| Vets/inspectors etc | Car | 1 |

- 1.20 The busiest period in terms of the HGV generation of the site will be on day 32 and 38 when the birds are taken to factory. At its peak, the development proposals would generate 20 two-way HGV trips (10 in, 10 out) on day 32, and 36 two-way HGV trips (18 in, 18 out) on day 38 of the 45 day cycle.
- 1.21 The poultry unit would operate an 11 hour day for the majority of the flock cycle. On days where the birds are removed (usually during dark hours), operation would increase to 13 hours. Day 38 is the busiest day equating to 36 movements (18 in, 18 out) over a 13 hour period. This equates to 2.7 movements per hour or 1.35 in, 1.35 out movements.
- 1.22 In summary, the maximum daily HGV movements which would be generated by the development proposals would be 36 two-way HGV movements (18 in 18 out) for one day during each 45 day cycle. The maximum daily car, van and tractor movements which would be generated by the development proposals would be 28 two-way movements (14 in, 14 out) during day 41 and day 42 of the 45 day cycle. In total the manure removal would equate to 56 two-way movements (28 in, 28 out) during each cycle.
- 1.23 The majority of operational days (42 days in total) will generate between zero and four two-way HGV movements per day.
- 1.24 For the avoidance of doubt this proposed development already has the benefit of an Environmental Permit issued by the Environment Agency (Permit reference: - EPR/LP3433WG) on the 16th August 2017. An Environmental Permit deals with the following areas:-

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

- Management - including general management, accident management, energy efficiency, efficient use of raw material, waste recovery and security;
- Operations – including permitted activities, operating techniques, closure and decommissioning;
- Emissions to water, air and land – including to groundwater and diffuse emissions, transfer off site, odour, noise and vibration, monitoring;
- Information – including records, reporting and notifications;
- Poultry production – including the use of poultry feed, housing design and operation, slurry and manure storage and spreading.

All of the above are permitted within the requirements of Best Available Techniques (BAT).

It is a fundamental of Planning that one should not deal with matters that are controlled under separate legislation.

2. Policies

2.1 The Herefordshire Local Plan Core Strategy.

The policies that are considered to be of relevance to consideration of this application are:-

| | | |
|-----|---|--|
| SS1 | - | Presumption in favour of sustainable development |
| SS4 | - | Movement & Transportation |
| SS5 | - | Employment Provision |
| SS6 | - | Environmental Quality |
| MT1 | - | Traffic Management, Highway Safety and Promoting Active Travel |
| E1 | - | Employment Provision |
| LD1 | - | Landscape & Townscape |
| LD2 | - | Bio-Diversity & Geo-Diversity |
| LD3 | - | Green Infrastructure |
| SD1 | - | Sustainable design and energy efficiency |
| SD3 | - | Sustainable Water Management & Water Resources |
| SD4 | - | Waste Water Treatment and River Quality |
| RA6 | - | Rural Economy |

The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy/2

2.2 National Planning Policy Framework (NPPF)

Paragraphs 1 – 14 (inclusive) are considered to be of relevance

Paragraph 17 is considered to be of relevance

Section 1 entitled 'Building a strong, competitive economy' is considered to be of relevance.

Paragraph 32 is considered to be of relevance.

Section 11 entitled 'Conserving and enhancing the natural environment' is considered to be of relevance.

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

- 2.3 Clehonger Parish Council and Allensmore Parish Council both intend producing Neighbourhood Development Plans. They designated their areas on 21 November 2014 and 26 May 2017 respectively. Neither have progressed to Regulation 14 stage.

3. Planning History

- 3.1 P153121/F – Proposed erection of 4 no. poultry buildings, feed bins, boiler building, straw storage building, hardstanding and attenuation pond – Withdrawn.

4. Consultation Summary

Statutory Consultations

4.1 The Environment Agency state:-

“Thank you for referring the above application which was received on the 28 October 2016. We would offer the following comments for your consideration at this time.

- 4.1.1 **Environmental Permitting Regulations:** The proposed development will accommodate up to 212,000 birds, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. The EP controls day to day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed.
- 4.1.2 Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. It will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will take action in-line with our published Enforcement and Sanctions guidance.
- 4.1.3 A Permit application has been submitted and is due for public consultation in the week beginning 7 November 2016.
- 4.1.4 For the avoidance of doubt we would not control any issues arising from activities outside of the permit installation boundary. Your Public Protection team may advise you further on these matters.
- 4.1.5 **Flood Risk:** The site is located in Flood Zone 1 (low probability) based on our indicative Flood Zone Map. Whilst development may be appropriate in Flood Zone 1 a Flood Risk Assessment is necessary.
- 4.1.6 Assessment (FRA) is required for ‘development proposals on sites comprising one hectare or above where there is the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off.
- 4.1.7 Under the Flood and Water Management Act (2010) the Lead Local Flood Authority (LLFA) should be consulted on the proposals and act as the lead for surface water drainage matters in this instance.
- 4.1.8 **Water Management:** Clean Surface water can be collected for re-use, disposed of via soakaway or discharged directly to controlled waters. Dirty Water e.g. derived from shed

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

washings, is normally collected in dirty water tanks via impermeable surfaces. Any tanks proposed should comply with the Water Resources (control of pollution, silage, slurry and agricultural fuel oil) Regulations 2010 (SSAFO). Yard areas and drainage channels around sheds are normally concreted.

- 4.1.9 Shed roofs that have roof ventilation extraction fans present, may result in the build up of dust which is washed off from rainfall, forming lightly contaminated water. The EP will normally require the treatment of roof water, via swales or created wetland from units with roof mounted ventilation, to minimise risk of pollution and enhance water quality. For information we have produced a Rural Sustainable Drainage System Guidance Document, which can be accessed via: <http://publications.environment-agency.gov.uk/PDF/SCHO0612BUWH-E-E.pdf>
- 4.1.10 **Manure Management (storage/spreading):** Under the EPR the applicant will be required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the applicants land ownership. It is used to reduce the risk of the manure leaching or washing into groundwater or surface water. The permitted farm would be required to analyse the manure twice a year and the field soil (once every five years) to ensure that the amount of manure which will be applied does not exceed the specific crop requirements i.e. as an operational consideration. Any Plan submitted would be required to accord with the Code of Good Agricultural Policy (COGAP) and the Nitrate Vulnerable Zones (NVZ) Action Programme where applicable.
- 4.1.11 The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields.
- 4.1.12 Separate to the above EP consideration, we also regulate the application of organic manures and fertilisers to fields under the Nitrate Pollution Prevention Regulations. We can confirm that Bowling Green Farm is located within a NVZ.
- 4.1.13 **Informative:** All pollution prevention guidance (PPGs) that was previously maintained by the Environment Agency has been withdrawn from use and can now be found on The National Archives (<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>) but may still be of assistance to inform the above. Pollution prevention guidance contained a mix of regulatory requirements and good practice advice. The Environment Agency does not provide 'good practice' guidance. Current guidance explains how to: report an environmental incident, get permission to discharge to surface or groundwater, manage business and commercial waste, store oil and any oil storage regulations, discharge sewage with no mains drainage, work on or near water and manage water on land."
- 4.2 **Welsh Water:** - No objection
- 4.3 **Natural England originally stated:-**
- "Thank you for your consultation on the above dated and received by Natural England on 27 October 2016.
- 4.3.1 Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.
- 4.3.2 **NO OBJECTION**
Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

European sites – River Wye Special Area of Conservation

- 4.3.3 Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the River Wye Special Area of Conservation and has no objection to the proposed development.
- 4.3.4 To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:
- Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses at Bowling Green Farm, Clehonger in Herefordshire.
 - Design and Access Statement.

Cage Brook Valley Site of Special Scientific Interest (SSSI), Littlemarsh Common SSSI and the River Wye SSSI

- 4.3.4 Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which these sites have been notified and has no objection.

Other advice

- 4.3.5 Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Should the proposal change, please consult us again.”

and then further stated:-

- 4.3.6 “Natural England has previously commented on this proposal and made comments to the authority in our letter dated 28 November 2016.
- 4.3.7 The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.
- 4.3.8 The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.”

Internal Council Consultations

- 4.4 Public Rights of Way – “Public bridleways CH18 and AN1 will not be obstructed by the new units. Public footpath AN2 will be in close proximity to the proposed attenuation pond. Providing there is no risk of the pond flooding and spreading over the footpath, PROW will not object to the development”.
- 4.5 The Senior Landscape Officer originally stated:-

“1. Planning Context

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

1.1 National Planning Policy Framework

- 11. 109 Conserving and enhancing the natural environment
- 11. 112 Economic and other benefits of versatile agricultural land

1.2 Herefordshire Local Plan Core Strategy 2011 – 2031 (October 2015)

- SS6 - Environmental Quality and Local Distinctiveness
- SS7 - Addressing Climate Change
- LD1 - Landscape and Townscape
- LD2 - Biodiversity and Geodiversity
- LD3 - Green Infrastructure
- LD4 - Historic Environment and Heritage Assets
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Waste Water Treatment and River Water Quality

1.3 Designations/Constraints

- Listed Buildings – Clehonger Court, The Barn Grade II – No impact envisaged (Conservation Advisor to provide further information)
- Unregistered Parks and Gardens – Allensmore Court – No impact envisaged. Belmont House – No impact envisaged
- Agricultural Land Classification – Grade 2 Very good soils
- Flood zones and Ground Water Sensitivity areas - (Drainage engineer to provide further information)
- Footpaths/Bridleways – Footpath AN2 to the south west and Bridleway AN1 to the east.

1.4 Herefordshire Landscape Character Assessment

Principal Settled Farmlands – Main Characteristics are: ‘hedgerows used for field boundaries’. Secondary characteristics are ‘mixed farming land use’.

2. Landscape and Visual effects

I have read the Landscape and Visual Impact Assessment, prepared by ACD ENVIRONMENTAL, Document No PPR19723lvia, Revision C and Dated Oct 16 and the Environmental Statement, Chapter 7, Landscape and Visual Impact Assessment, Document No HA24899, prepared by Berrys. I have also seen the Landscape Proposals Plan, Drawing No PR119723-11E, Revision E.

I have visited the site and the surrounding areas on Thursday 29th September 2016.

I have also visited the site on Wednesday 7th December 2016 with the Case Officer and the Road Safety Officer to assess a new access point along the B4349 to the east of the existing access point. From a landscape perspective this new access point and access track would have a higher visual impact, compared to the existing access point and existing access track. As the existing access track runs parallel and adjacent to an existing native hedgerow it provides a screen and backdrop to the track. From this perspective the existing entrance and existing access track is the preferred Landscape option.

These are my landscape comments which reference to this application relating to the following above planning policy statements:

2.1 The National Planning Policy Framework, Item 11, 109 states: 'The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and soils'

The Landscape Character of the site is that of Principal Settled Farmlands with native hedgerows used as field boundaries in a mixed farming land use context. The landscape is open and rural with no development distractions to the eye when seen from nearby public rights of way. From these public rights of way near to the development site, farms and hamlet properties can be seen in the distance. The proposal for four poultry units is isolated in this open rural landscape setting. There are no landscape or environmental designations within or adjacent to the proposed development site.

There will be a loss of existing native hedgerow at the site entrance along the B4349 road for site line visibility reasons. Reinstatement of this native hedgerow in an appropriate position for visual mitigation reasons will take up to five years to mature.

There will also be a loss of Grade 2 agricultural soils within the development site. These are classified as very good agricultural soils. Where these soils are reused for a screening bund they should be clearly identified on the landscape plan. The proposed bund should blend into the existing contouring of the land so as to have minimal land form change while providing partial screening for the proposed development. This bund should be seeded with an appropriate grass seed mix.

The proposed buildings as seen on the Landscape Proposals Plan, Drawing No PR119723-11E, Revision E, now sit better in the landscape as a linear form adjacent and parallel to the linear hedgerow on the southern boundary. The proposed buildings should as far as possible also not detract from the character of this rural landscape. As this is an open landscape especially when seen from the main visual receptor the nearby Bridleway AN1 to the east, colour proposals for the buildings are of great importance. Recommended colours for the buildings to blend into this landscape are HPS200 Ultra range Ardenne (Ral 7022) for elevations including doors and HPS200 Ultra range Anthracite (Ral7016) in a matt finish for the roofs.

2.2 The National Planning Policy Framework, Item 11, 112 states: 'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'

The Agricultural Land Classification of the site is that of a Grade 2 soil which is considered to be a Very Good agricultural soil. There would be a loss of this high quality agricultural soil in the proposed development area.

2.3 The Herefordshire Local Plan Core Strategy 2011 – 2031, Dated October 2015, following policies state:

2.4 SS6. Environmental quality and local distinctiveness: 'Development proposals should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations'.

There are no landscape/environmental designations within or adjacent to the proposed development site. The development proposals are within an open rural landscape context. The proposed development and its access proposals should therefore reflect the local character of this landscape with reference to mitigation and enhancement proposals.

There are several footpaths and a bridleway within the zone of theoretical visibility. Nearby public rights of way will experience significant visual effects during the operational phase when mitigation measures have not taken effect. The main visual impact will be seen from the main visual receptor the Bridleway AN1 to the east of the proposed buildings. Mitigation measures proposed for a native hedgerow and native trees on this eastern boundary should be planted at the first appropriate opportunity. There will also be a visual impact on completion of the works when seen from this Bridleway AN1 for a minimum period of up to five years till the native hedgerow and proposed native trees mature. The development proposals when seen from other other public rights of way in the Zone of Theoretical Visibility are partially screened by existing mature hedgerows in the landscape. Further native tree planting within the existing native hedgerows along the site boundary will in the future (five years plus) further dilute views of the proposed development.

2.5 SS7. Addressing climate change: 'Development proposals will be required to include measures which will mitigate their impact on climate change'.

With future erratic weather predicted due to climate change the risk of flooding is expected to increase. Comments on the Sustainable Urban Drainage proposals for roof water run-off with this application can be obtained from the Herefordshire Council Flood Risk Management Team.

2.6 LD1. Landscape and townscape: 'Development proposals should'

- Demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas;
- Conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, nationally and locally designated parks and gardens and conservation areas; through the protection of the area's character and by enabling appropriate uses, design and management;
- Incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings; and
- Maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement to trees lost through development and new planting to support green infrastructure.

In the surrounding landscape there are two unregistered Parks and Gardens, Allensmore Court and Belmont House. Due to the topography of the surrounding landscape and existing mature woodlands and hedgerows in the wider landscape, no visual impact is envisaged on the setting of these designated heritage assets.

2.7 LD2. Biodiversity and Geodiversity: 'Development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire'.

Further information on biodiversity can be obtained from our Ecologist.

2.8 LD3. Green Infrastructure: 'Development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure'

The Landscape Proposals Plan, Drawing No PR119723-11E, Revision E, now shows all existing site boundary hedgerows having native tree planting proposals. A native woodland proposal to the south of the proposed poultry units also has appropriate native trees. A new native hedgerow with native trees on the eastern boundary will also in time (five years plus) provide a visual mitigation measures with reference to the nearby Bridleway AN1.

2.9 LD4. Historic environment and heritage assets: 'Development proposals should protect, conserve and where appropriate enhance heritage assets'

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

Due to distance and the landscape topography no impact on the setting of the Grade II Listed Building at Clehonger Court are envisaged. Further information can be obtained from our Conservation Officer.

2.10 SD1. Sustainable design and energy efficiency: 'Development proposals should create safe, sustainable, well integrated environments for all members of the community'

Any lighting proposals associated with the development should reduce/prevent night sky light pollution.

2.11 SD3. Sustainable water management and water resources: 'Measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk; to avoid and adverse impact on water quantity; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation'.

Information from our GIS data base indicates there is a small area of surface water flooding on the proposed site with a 0.1% annual chance of flooding. Sustainable drainage proposals have been proposed for the roof rain water run – off. Our Flood Risk Management Team can provide further information on this proposal.

2.12 SD4. Waste water treatment and river water quality: 'Development should not undermine the achievement of water quality targets for rivers within the county, in particular through the treatment of wastewater'.

The site is within a Ground Water Vulnerability Minor – I1 zone. Our Flood Risk Management Team can provide further information.

3. Recommendations

The proposal is a large development within an open rural context with a loss of Grade II agricultural soils. There are no landscape or environmental designations within or adjacent to the proposed development site. The Landscape impact of this application is related to visual impact. On balance therefore with appropriate mitigation proposals and enhancement proposals to mitigate visual impacts, I have no objections to this application.

I would recommend the following landscape conditions:

3.1 No development shall commence on site until a landscape design has been submitted to and approved in writing by the Local Planning Authority. The details submitted should include:

Soft landscaping

a) A plan showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, species and canopy spread, together with an indication of which are to be retained and which are to be removed.

b) A plan showing the layout of proposed trees, hedgerow and grass areas. The plan is to show tree protection zones. The Landscape Proposals Plan PR119723-11E is also to show further native tree proposals adjacent to the proposed native hedgerow on the eastern boundary. This will be an extension of proposed trees to the NE corner of the site. Further native tree planting should also be proposed on the southern boundary parallel to the existing hedgerow.

c) A cross section drawing of the proposed screening mound (fill material) which includes the proposed buildings.

- c) A written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment.

Hard landscaping

- a) Existing and proposed finished levels or contours. The fill areas are to be clearly indicated.
- b) The position, design and materials of all site enclosure.
- c) Vehicular layout and pedestrian areas
- d) Hard surfacing materials
- e) Minor structures (e.g. lighting, refuse areas, etc.) Night lighting proposals are to be as specified in the Landscape and Visual Impact Assessment Report, Dated July 2015, Page 13, Potential Light Pollution.
- f) Location of proposed functional services above and below ground (e.g. drainage, power, communications cables, etc. indicating routes, manholes, supports etc.)

Protection of trees and hedgerows

- a) Root Protection Areas for each existing and proposed hedgerow/tree/group of trees must be defined in accordance with BS3998:2010 – Tree Work – Recommendations, shown on the site layout drawing.
- b) Temporary protective fencing must be erected around each hedgerow, tree or group of trees. The fencing must be at least 1.25 meters high and erected to encompass the whole of the Root Protection Areas for each hedgerow/tree/groups of trees.
- c) No excavations, site works or trenching shall take place, no soil, waste or deleterious materials shall be deposited and no site huts, vehicles, machinery, fuel, construction materials or equipment shall be sited within the Root Protection Areas for any hedgerow/tree/group of trees.
- d) No burning of any materials shall take place within 10 meters of the furthest extent of any hedgerow or the crown spread of any tree/group of trees to be retained.
- e) There shall be no alteration of soil levels within the Root Protection Areas of any hedgerow/tree/group of trees to be retained.

3.2 Sustainable drainage proposals for all roof runoff water.

- a) The proposed attenuation pond should be clearly identified on the landscape plan/s and the embankment proposals of the pond should include appropriate native marginal planting.

3.3 A Landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

3.4 Landscape maintenance arrangements. No development shall take place until a scheme of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.”

4.5.1 Then further stated:-

“With reference to your below email I have checked the attached Landscape Proposals Plan, Drawing No PR119723-11E, Revision E.

These are my Landscape comments with reference to this latest Landscape Plan:

1. The linear poultry units now lie better in this linear hedgerow landscape.
2. Any cut material to be used as fill material on site should be shown on the Landscape Proposals Plan. Proposed grass cover for any proposed fill material areas should also be identified on the Landscape Plan.
3. All existing nearby hedgerows now have further appropriate native tree planting proposals.
4. The native woodland proposal to the south of the proposed poultry units now has appropriate native tree planting.
5. The proposed native tree planting on the eastern boundary is now satisfactory.
6. The proposed native mixed hedgerow on the eastern boundary is now satisfactory.
7. The existing native hedgerow running parallel and adjacent to the access road now has appropriate native tree proposals.

4.5.2 Based on the above landscape amendments on the Landscape Proposals Plan, Revision E, I can now approve this application.

The applicant should now provide:

1. A written landscape specification giving details of cultivation and other operations associated with plant and grass establishment.
2. A Landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas; &
3. Landscape maintenance arrangements. No development shall take place until a scheme of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.”

4.6 The Planning Ecologist originally stated:-

“Having looked at the supplied ecological report by Betts Ecology (dated October 2016) I am happy that this has addressed my colleagues previous concerns over Great Crested Newts and the off-site pond has been deemed as ‘poor’ habitat suitability index. The report has a good set of appropriate recommendations and I would suggest that these are included as conditions. I also note that Natural England have responded with ‘no objection’ as regards potential significant effects on the River Wye SAC/SSSI.

Nature Conservation – Protection/Mitigation

The recommendations (protection, mitigation and working methods) as identified in recommendations of the ecological report by Betts Ecology dated October 2016 shall be fully implemented as stated, unless otherwise agreed in writing by the planning authority.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy, the National Planning Policy Framework and the NERC Act 2006.

Nature Conservation – Tree & Hedgerow Protection

A detailed BS5837:2012 tree and hedgerow survey with an accompanying detailed protection plan and working method statements shall be undertaken, supplied and approved prior to any work commencing on site. The approved plan shall be fully implemented as stated, unless otherwise agreed in writing by the planning authority.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy, the National Planning Policy Framework and the NERC Act 2006.

Nature Conservation – Enhancement

Prior to commencement of the development, a habitat enhancement scheme integrated with the detailed landscape scheme covering the site and the offsite SuDS-Drainage pond should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy, the National Planning Policy Framework and the NERC Act 2006

Informative:

The enhancement plan should include details and locations of any proposed Biodiversity/Habitat enhancements as referred to in NPPF and HC Core Strategy. At a minimum we would be looking for proposals to enhance bat roosting and bird nesting to be incorporated in to the new buildings or nearby retained features as well as consideration for amphibian/reptile refugia, hedgehog houses and invertebrate/pollinator homes within the landscaping/boundary features. The plan should include full details of how the proposed final drainage/SuDS pond will be managed and enhanced. No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative.”

and further states:-

“The updated report for great crested newt assessment show a low risk for impact upon great crested newts. Therefore, I am happy to revert to the previous conclusions in comments by James Bisset for a number of conditions to be attached to any approval.

There will be no requirement at this time for any further Habitats Regulations Assessment for this development given the results of the ammonia assessment and Natural England’s comments.”

4.7 The Land Drainage advisor originally stated:-

“Introduction

This response is in regard to flood risk and land drainage aspects

Our knowledge of the development proposals has been obtained from the following sources:

- Application for planning permission;
- Flood Risk Assessment (Ref: K10591/3 Rev 3 Oct 2016);
- Location Plan (Ref: HA2489901);
- Block Plan (Ref: HA2489902);
- Package Treatment Plant details;
- Design and Access Statement;
- Landscape Proposals (Ref: PRI19723-11D);

Site Location

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), November 2016



Overview of the Proposal

The Applicant proposes the construction of 4 poultry units feed bins, service building, alterations to existing access, 5 parking spaces and associated development. The site covers an area of 15.6ha and is currently used for agricultural purposes. An unnamed watercourse runs approximately 163m to the southwest of the proposed development site and a pond is located at the most westerly point of the site. The topography of the site slopes down from approximately 111m AOD in the north to approximately 99m AOD in the south.

A former application P153121 was made by the applicant for this site in 2015. The Flood Risk Assessment submitted at this time addressed the respective risks of the site flooding.

The layout of the proposed development has altered since the original submission. The proposed new layout alters the original arrangement of the 4 poultry units and includes a service building with a generator. It also upgrades the existing site track with additional stone and scalpings, and widens the track. It proposes using tarmac on the first 20m at the entrance to the site, while the rest of the track would be constructed of permeable material. These changes would increase the total impermeable area of the site to 14,967 m²

As the flood risk aspects of the application were addressed under the former application, this review only considers Surface Water Drainage.

Surface Water Drainage

As part of the FRA the Applicant has provided details of the surface water drainage strategy that is proposed for the development.

The four poultry units are now all aligned on the same level, accordingly under the proposed arrangement, surface water runoff that descends down the field will spill onto the concrete upstand.

The development is estimated to introduce approximately 1.5ha of impermeable surface which could increase local flood risk. Of particular importance is the area of existing flood risk to the A465 downstream of the site, believed to be attributable to the culverting of an existing field drain, but which could be further exacerbated by uncontrolled runoff from the development.

In order to manage the increased surface water runoff from the development the Applicant has proposed to construct an attenuation pond to the west of the main development, with an outfall discharging into the adjacent field drain.

It is not clear if the field drain into which a connection is proposed is under the riparian ownership of the Applicant and it is recommended that this is confirmed. If a new connection is proposed then a Land Drainage Consent will be required.

The applicant has proposed utilising a 50mm diameter orifice plate to attenuate flow within the attenuation pond. A perforated riser pipe has also been proposed to mitigate the risk of blockage.

The Ramblers Association have objected to the proposal to utilise a small orifice at this location, as they consider that it will be likely that surface water flooding may occur which may affect an adjacent footpath. We concur with this comment and consider that efforts should be made to reduce the amount of storm water that may need to be stored in the pond during flood events.

In accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems, the Applicant must demonstrate that flows can be restricted as far as practical to the equivalent greenfield runoff rates for all events between the 1 in 1 year and 1 in 100 year return periods, including an appropriate allowance for the potential effects of climate change.

The Applicant is requested to consider altering the proposed design. Under the current proposals land drainage flows will spill onto the hardstanding. Accordingly provision needs to be made to ensure that land drainage flows can spill past the proposed development, thus isolating this flow from rainwater that strikes the hardstanding.

We support the concept of attenuating the surface water serving the hardstanding within an attenuation pond. However a 300mm freeboard is considered necessary, compliant with The SUDs Manual Section 23.4.

Roof water could be diverted via closed drains to a shallow tank on lower ground at the south east corner of the proposed building. The roof water would be relatively clean and so it should be possible to attenuate flows via a small orifice. Discharge of this flow would need to be considered, it should be noted that if the flows replicate greenfield rates then local discharge may prove possible.

We note that the attenuated volume for the hardstanding runoff will be lower than had originally been proposed. We would accept the use of a 50mm orifice with an oversized perforated riser pipe, subject to the provision of calculations to demonstrate that for the entire development that there is no increased risk of flooding to the site or downstream of the site as a result of

development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change. The design details for the orifice and perforated pipe need to be presented for review, this feature should be designed to facilitate easy cleansing.

A trial pit to determine the level of groundwater in the vicinity of the proposed attenuation pond remains to be completed. Ground levels in the vicinity of the proposed attenuation pond are also required.

The design features drainage channels graded at 1/100. As the site is in excess of 200m long, the receiving conveyance channel at the west of the plot will be around 2.5m deep. The Applicant is requested to clarify which type of drain is proposed at this location.

The Applicant has proposed installing soakaway trenches alongside the access tracks. We confirm our acceptance of this proposal, as although the soakage rates are low, the areas to drain are also minimal in comparison with the main area of the site. However as the access roads are sloped we consider that the base of the respective soakaway trenches should be horizontal and should be built in an intermittent fashion to prevent the movement of water down the trench.

It is noted that it is proposed that the first 20m of the access road shall be bituminous. The paved section needs to be inclined with a cross fall to prevent rainwater ponding behind the bituminous material and spilling onto the highway.

The Applicant states that foul and surface water will be separated in order to prevent contamination of the watercourse. The inside of the proposed broiler buildings will be sealed and drained to a containment tank prior to being periodically emptied by a vacuum tanker. The concrete apron will be enclosed by a catchment drain with a switch system to allow contaminated water during the cleanout operation to also be drained to the containment tank. This arrangement is acceptable.

Foul Water Drainage

The Applicant has stated that a 'Package Treatment Plant' will be used to manage foul water.

In accordance with Policy SD4 of the Core Strategy, the Applicant should provide a foul water drainage strategy showing how it will be managed. Foul water drainage must be separated from the surface water drainage. The Applicant should provide evidence that contaminated water will not get into the surface water drainage system, nearby watercourse and ponds.

The Applicant is requested to clarify how the package treatment works will discharge flows. Calculations should be presented demonstrating compliance with the General Binding Rules, based on guidance contained in British Water 'Flows and Loads'.

In accordance with Building Regulations Part H Drainage and Waste Disposal:

- Septic tanks and cesspools should be located a minimum of 7m from habitable buildings;
- If infiltration is proposed, the discharge from any septic tank should be located a minimum of 10m away from watercourses and 15m away from buildings.
- If infiltration is proposed, the discharge from any package treatment plant should be located a minimum of 10m away from watercourses and 10m away from buildings.

The EA will not usually accept the discharge from any septic tank within Zone 1 of a groundwater SPZ or within 50m of a groundwater abstraction point.

Overall Comment

The proposed surface water drainage strategy is not considered acceptable. However a revised submission could be made to address the concerns that have been raised.

We recommend that the following information is provided prior to the Council granting planning permission for this development:

- Provision of a revised drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of on-ground conveyance and storage features;
- A revised surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with an appropriate increase in rainfall intensity to allow for the effects of future climate change;
- Confirmation of groundwater levels to demonstrate that the proposed attenuation pond will be able to store runoff from the design storm events;
- Provision of ground levels in the vicinity of the proposed attenuation pond;
- A detailed foul water drainage strategy showing how foul water from the proposed package treatment works will be disposed of;
- Discharge of new outfalls discharging surface water to an ordinary watercourse will require Ordinary Watercourse Consent from Herefordshire Council prior to construction”

and then further stated:-

“Introduction

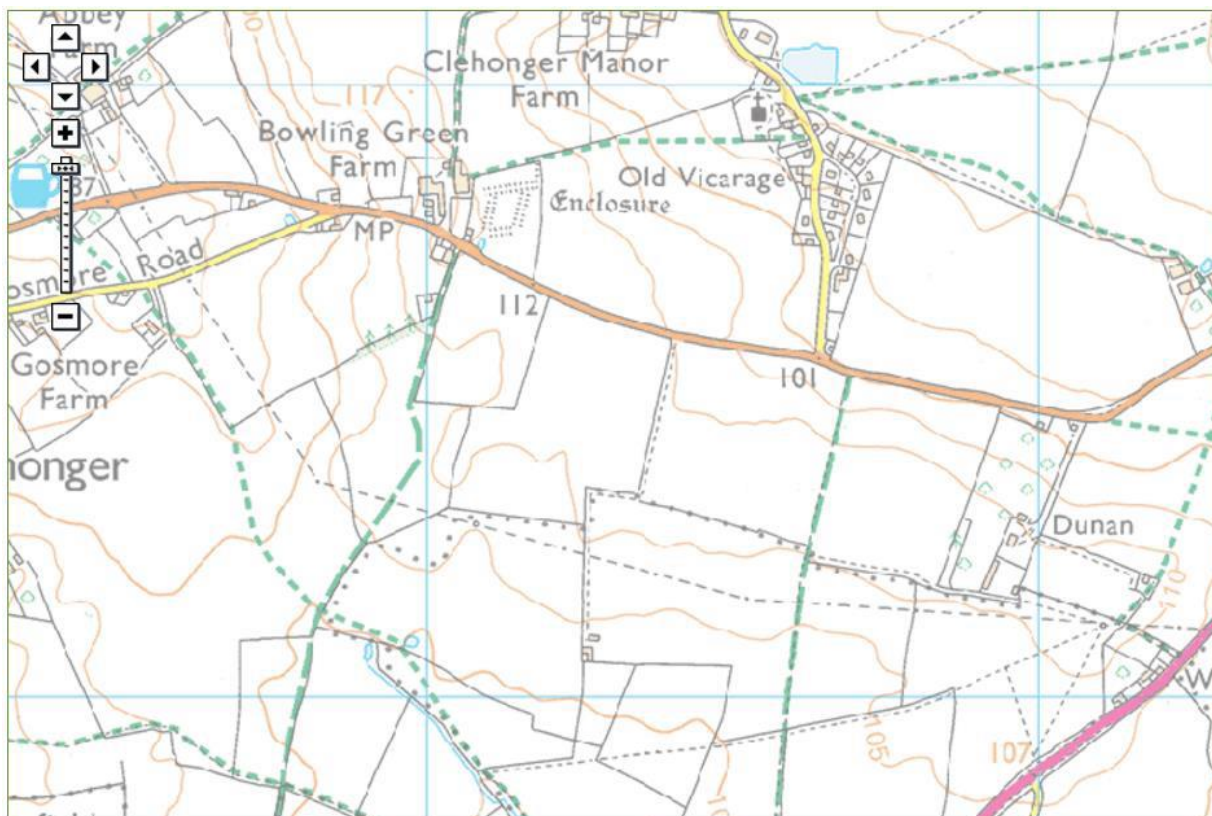
This response is in regard to flood risk and land drainage aspects.

Our knowledge of the development proposals has been obtained from the following sources:

- Application for planning permission;
- Flood Risk Assessment (Ref: K10591/3 Rev 3 Oct 2016);
- Location Plan (Ref: HA2489901);
- Block Plan (Ref: HA2489902);
- Package Treatment Plant details;
- Design and Access Statement;
- Landscape Proposals (Ref:PRI19723-11D);

Site Location

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), November 2016



Overview of the Proposal

The Applicant proposes the construction of 4 poultry units feed bins, service building, alterations to existing access, 5 parking spaces and associated development. The site covers an area of 15.6ha and is currently used for agricultural purposes. An unnamed watercourse runs approx. 163m to the southwest of the proposed development site and a pond is located at the most westerly point of the site. The topography of the site slopes down from approx. 111m AOD in the north to approx. 99m AOD in the south.

A former application P153121 was made by the applicant for this site in 2015. The Flood Risk Assessment submitted at this time addressed the respective risks of the site flooding.

The layout of the proposed development has altered since the original submission. The proposed new layout alters the original arrangement of the 4 poultry units and includes a service building with a generator. It also upgrades the existing site track with additional stone and scalpings, and widens the track. It proposes using tarmac on the first 20 m at the entrance to the site, while the rest of the track would be constructed of permeable material. These changes would increase the total impermeable area of the site to 14,967 m²

As the flood risk aspects of the application were addressed under the former application, this review only considers Surface Water Drainage.

Surface Water Drainage

As part of the FRA the Applicant has provided details of the surface water drainage strategy that is proposed for the development.

The four poultry units are now all aligned on the same level, accordingly under the proposed arrangement, surface water runoff that descends down the field and track will spill onto the concrete upstand.

The development is estimated to introduce approximately 1.5ha of impermeable surface which could increase local flood risk. Of particular importance is the area of existing flood risk to the A465 downstream of the site, believed to be attributable to the culverting of an existing field drain, but which could be further exacerbated by uncontrolled runoff from the development.

In order to manage the increased surface water runoff from the development the Applicant has proposed to construct an attenuation pond to the west of the main development, with an outfall discharging into the adjacent field drain.

It is not clear if the field drain into which a connection is proposed is under the ownership of the Applicant. We assume that because the drain serves a ditch on the applicants land, the drain was laid across third party land to a receiving ditch by the existing land owner or his/her predecessor. The applicant will need to clarify how they would intend to ensure the free passage of water along the field drain in the event of a blockage.

The applicant has proposed utilising a 98mm diameter hydrobrake to attenuate flow within the attenuation pond. A perforated riser pipe has also been proposed to mitigate the risk of blockage, details have now been provided.

The Ramblers Association originally objected to the proposal to utilise a small orifice at this location, as they considered that it will be likely that surface water flooding may occur which may affect an adjacent footpath. We consider that the revised proposal should mitigate the risk of blockages.

The applicant has demonstrated that it would be possible to attenuate flow from a 100 year + 40% climate change storm within the proposed basin and swale. Simulations have also been provided for 2 year and 30 year storms (with climate change), these indicate that only shallow water levels are predicted. The 40% climate change scenario relates to perceived changes over the next century.

We recognise that the attenuation has been designed for excessive storms in accordance with the Non-Technical Standards for Sustainable Drainage Systems. We note that the SuDS have been designed to accommodate runoff from the concrete hardstanding and buildings.

Under the current scenario, the land is drained towards receiving ditches. The ground will absorb some rainwater during ordinary rainfall. With the proposed swale and attenuation basin, land drainage water from higher ground that has not been absorbed by the ground will spill into the new system. In an acute rainstorm, the excess water would fill the basin quicker and the overflow may come into operation. However as the SuDS have been designed for storms that have a low probability of occurring, the calculations indicate that there will be sufficient capacity to retain the inflows from land drainage within the swale and basin. Consequently the risk of increased flooding at the A465 culvert is regarded as low.

We note that a 150mm freeboard has been proposed for the basin. The freeboard proposed for the swale is effectively zero (reported as 5mm, item 4.10). We consider that some localised ground raising will be required to ensure that the swale does not overtop. Furthermore, the guidance we follow suggests designing for a 300mm freeboard, compliant with The SUDs

Manual Section 23.4. It should be possible to spread excavated material to create a permanent freeboard measuring 150mm to 300mm, without adversely affecting field drainage.

We recommend that the attenuation basin is designed to allow soakage during moderate rainstorms, so the pond should not be lined. Ground levels in the vicinity of the proposed attenuation pond are required.

The Applicant has proposed installing soakaway trenches alongside the access tracks. We confirm our acceptance of this proposal, as although the soakage rates are low, the areas to drain are also minimal in comparison with the main area of the site. However as the access roads are sloped we consider that the base of the respective soakaway trenches should be horizontal and should be built in an intermittent fashion to prevent the movement of water down the trench.

It is noted that it is proposed that the first 20m of the access road shall be bituminous. The paved section needs to be inclined with a cross fall to prevent rainwater ponding behind the bituminous material and spilling onto the highway.

The Applicant states that foul and surface water will be separated in order to prevent contamination of the watercourse. The inside of the proposed broiler buildings will be sealed and drained to a containment tank prior to being periodically emptied by a vacuum tanker. The concrete apron will be enclosed by a catchment drain with a switch system to allow contaminated water during the cleanout operation to also be drained to the containment tank. This arrangement is acceptable.

Foul Water Drainage

The Applicant has stated that a 'Package Treatment Plant' will be used to manage foul water.

In accordance with Policy SD4 of the Core Strategy, the Applicant should provide a foul water drainage strategy showing how it will be managed. Foul water drainage must be separated from the surface water drainage. The Applicant should provide evidence that contaminated water will not get into the surface water drainage system, nearby watercourse and ponds.

The Applicant is requested to clarify how the package treatment works will discharge flows. Calculations should be presented demonstrating compliance with the General Binding Rules, based on guidance contained in British Water 'Flows and Loads'.

In accordance with Building Regulations Part H Drainage and Waste Disposal:

- Septic tanks and cesspools should be located a minimum of 7m from habitable buildings;
- If infiltration is proposed, the discharge from any septic tank should be located a minimum of 10m away from watercourses and 15m away from buildings.
- If infiltration is proposed, the discharge from any package treatment plant should be located a minimum of 10m away from watercourses and 10m away from buildings.

The EA will not usually accept the discharge from any septic tank within Zone 1 of a groundwater SPZ or within 50m of a groundwater abstraction point.

Overall Comment

Subject to the provision of the following information, the proposed surface water drainage strategy is considered acceptable.

- The applicant should clarify how they would intend to ensure the free passage of water along the field drain in the event of a blockage.

We recommend that the following information can be provided as Planning Conditions:

- Provision of a plan that identifies levels identified by topographical survey in the vicinity of the proposed pond and those areas of the swale affected by high water levels, with proposed ground re-profiling to achieve the required freeboard. Cross sections of the proposed pond are also required to facilitate construction.
- A detailed foul water drainage strategy showing how foul water from the proposed package treatment works will be disposed of.”

4.8 The Engineering Manager states:-

“COMMENTS:-

Visibility splays – The previous application stated a visibility splay of 160m. The visibility from the proposed site has been assessed as part of this application. The recorded 85th%tile speed equates to 124m in a westerly direction and 129m in an easterly direction using MfS2 2.0 second desirable SSD (Sight stopping distance). The proposals are to remove 39m of hedgerow to the east of the access with 40m of hedge re-alignment, this meets with an on site assessment. The proposed changes to the hedgerow to the west equates to 13m removal and 17.6m of realignment, having reviewed the situation on site the visibility splay should equate to have 20m of hedge removal adjacent to the site and 20m of hedgerow realignment.

Forward visibility – The forward visibility should equate to the SSD and therefore the required distance is 124m to the west. The number of HGV along this section of the B4349 equates to 9% of the total number of vehicles. The previous application showed a distance of 160m visibility splay, having reviewed the situation on site the 160m forward visibility could not be met due to the hedgerow alignment. Whilst the proposed forward visibility meets with the SSD, to increase the forward visibility further then approximately 40 metres of hedgerow on the northern side could be realigned to allow for turning vehicles to be seen for a greater distance.

Other Poultry units in the area-. Since this applications submission, an application for 8 poultry units has been received from a site located along Stone Street in Madley. The bowling green site’s movements have not been assessed with the proposal of the 8 poultry units at Stone Street therefore the full impact of the additional movements has not been fully assessed. Concerns are raised regarding the management of HGVs as the Bowling Green application and the Stone Street application would not be covered by the same HGV management plan. The HGVs would be traveling along the same highways network to the same location, therefore increasing the potential conflict and increased vehicle movements.

Movements – The submitted speed and volume survey shows that over a 24 hour period there is 300 HGV movements (OGV1 and OVG2) along the B4349; this equates to an average of 12.5 vehicles per hour. The busiest days (days 32 and 38) would equate to an additional 20/36 HGV movements over the 11 hour period. The submitted document states that there will only be an increase in HGV movements on the busiest day of 2 HGVs, however this appears to be based on a 24 hour period and not the proposed 11 hour cycle the poultry units would be using. The proposals would equate to an additional 4 HGV movements per hour to and from the site (2 in, 2 out).

Chicken manure – Whilst at present the proposals are to remove the chicken manure to a third party site, this could change with farm economics and would result in higher movements between Bowling Green farm and the proposed site, therefore increasing the number of right hand turning movements undertaken by slower moving vehicles into the site.

It should be noted that moving the access towards to the east of the proposed/existing access would not improve the visibility from the access, as the carriageway incline prevents vehicles from being fully seen in both directions. The access would also be closer to the junction of the C1200 and B4349, and the accident cluster site associated with this junction.

Turning on site – The submitted plans do not show a turning area for the HGVs. If the HGVs are to drive around the development then a vehicle tracking plan should be shown.

Without the additional information I have no other option than to recommend refusal on Highway grounds due to the potential conflict with normal use of the highway by car, bus or other modes of transport and the increased movements of both poultry units sites, therefore there is potential for significant HGV movements which may compromise highway safety and increase collisions.”

and then further stated:-

“The previous consultation regarding this site raised a number of issues.

1. Visibility splays from the access - The submitted plans have altered the visibility splays to meet the requirement stated.
2. Forward visibility to the access - the hedgerow on the northern side of the B4349 is to be realigned to accommodate the 160m forward visibility. The changes to the hedgerow should be maintained to prevent the forward visibility reducing due to the growth of the hedgerow.
3. Other Movements of poultry units in the area – The impact on the highways network has been assessed with other developments in the area and has recorded that the impact of the other site with the Bowling Green site as negligible. As previously stated the proposed movements from the Bowling Green site equates to 4 HGV movements per hour (2 in, 2 out).
4. Chicken manure – waste to be taken off site by third party, current provision of farm brings in turkey manure. To reduce the number of vehicles accessing the highway waste could be spread on the fields south of the B4349.
5. Turning on site – the submitted documents now shows that the site can accommodate the turning of an HGV.

If minded to approve please condition as follows: -

CAB – as showing on drawing number 17480-02

Condition the realignment of the northern hedgerow as shown on drawing number 17480-02

CAD 32M

CAE –Width of access should be able to fully accommodate a 2 HGV (in and out movements, which do not restrict visibility)

CAH, CAL, CAT,

I11, I09, I45, I05, I47, I35.

Condition the Construction management plan.”

4.9 The Environmental Health Section originally stated:-

“The most likely causes of concern for neighbours from operational activities associated with this type of development are:-

1. Odour, directly from the poultry houses which will vary during a growing cycle but is particularly elevated during harvesting and cleaning operations and can be a problem associated with the storage, disposal and associated manure spreading activities. There were also concerns with this application because of the cumulative effect due to a nearby free range chicken houses.

2. Noise, from ventilation systems, deliveries and harvesting.
3. Air Quality - Dust /particulates, including bio-aerosols.
4. Insect and rodent infestations.
5. Nuisance from artificial lighting

The application has addressed these matters in the following manner:

- A Dispersion Modelling Study of the impact of Odour from the proposal and Free Range Chicken enterprise at the Bowling Green by Steve Smith, AS Modelling & Data Ltd. dated 4th October 2016 has been produced in support of the application. This report predicts 'that at all the discrete receptors considered, the odour exposure would be below the Environment Agency's benchmark of a 98th percentile hourly mean of 3.0 ouE/m³ (ouE/m³ is the recognised unit used to express the level of odour and is referred to as an odour unit and this level would only be exceeded for 2% of time) as being acceptable in this situation. Elevated levels that might be expected during the clearing of the houses have also been taken into account although there are no recognised standards and these episodes would be of short duration. See sections 3.1, 3.5.1 and 5 of the report. The Amenity section of the Environmental Statement advises that manure from the development will be exported and taken to third party land and will not be stored on the site and section 3 of the Non Technical Summary advises that all dead birds will be collected daily and stored in a sealed carcass bin for disposal by a licensed fellmonger. These are therefore not expected to be a source of nuisance.
- A noise impact assessment of predicted noise levels, report dated the 18th October 2016, has been undertaken by Matrix Acoustic Design Consultants and submitted with the application. The report concludes that the fan noise and transport noise will not result in an adverse noise impact. I have given this report due consideration and I am satisfied with its conclusions.
- The application addresses concerns as regards particulates within the amenity section of the Environmental Statement. To elaborate the DEFRA research that has shown that levels fall to background levels at distances of 100m. DEFRA research project AC0104 report concludes that 'it represents one of the most comprehensive studies to quantify PM (small particulate) emissions from poultry housing to date and that based on it's findings that whilst concentrations in poultry buildings represent a risk to workers that the levels emitted are sufficiently dilute over a short distance from the building so as not to pose a risk to those living in the vicinity of the poultry houses. Small particulate matter (PM10) were found to be reduced to background levels within 100m from the poultry houses. It is recognised that fine particulate matter (PM2.5) can travel long distances but the source cannot always be readily identified. Local Air quality standards for particulates might be exceeded due to emissions from poultry houses however this is of concern where large growing operations are located at very close proximity to receptors i.e. dwellings. Government Guidance LAQM.TG(09) provided screening criteria for local authorities to identify sites which would require further detailed assessment. This required them to identify farms housing in excess of 400,000 birds if mechanically ventilated, 200,000 birds if naturally ventilated and 100,000 birds for any turkey unit if they were within 100m of a residence. DEFRA commissioned a review of Air Quality impacts Resulting from Particulate Emissions from Poultry Farms published 2012 concluded that the local air quality objectives for PM10 should not be exceeded for farms below this screening criteria, however that monitoring studies also show that the criteria may be overly conservative. It also provided comment for further consideration as to how this assessment might be improved. Recently published guidance (T16) provides a calculation based on the number of birds and distance from receptor. This

calculation is not considered to be necessary where the above criteria is not exceeded, however the calculation indicates that there would be no significant risk of exceeding the national; 24hr mean PM10, objective as a consequence of this proposal. Any impact due to this proposal would be minimal. This proposal therefore does not raise concerns as regards local air quality.

- The application states that as this proposal will employ stringent controls to prevent rodents and fly infestations. Experience of this type of development indicates that these are not of concern.
- The location and the proposed lighting does not give rise to concern that light nuisance may be caused.

This proposal will fall within the scope of the environmental permitting legislation, which considers all forms of pollution to air, land and water, including odour, noise, and pest control. It therefore requires a permit from the Environment Agency to operate. The Agency is the appointed body recognised as being the appropriate competent experts. The legislation covering the permitting regime allows for a refusal to grant a permit, should the applicant not be able to demonstrate that the process can operate without causing undue harm. Also once a permit has been granted it is an offence not to comply with its requirements which can be varied if necessary or the permit may be suspended and/or withdrawn.

Any problems that might be caused by the construction of the development is likely to be short lived and whilst not being subject to the afore mentioned permitting regime it is subject to other environmental legislation including controls as provided by the Control of Pollution Act 1974 and the Environmental Protection Act 1990 available to the Local Authority.

In conclusion the supporting information demonstrates that problems should not be caused by odour noise or other nuisance and the proposal does not give rise to concerns that local air quality standards might be exceeded.

Finally if it is minded to grant permission I would suggest that conditions might be considered as regards:

- Restricting the use of the housing to a maximum of 8 rearing /crop cycles in any 12 month period.so as to reflect the assumptions made in the supporting documentation.
- That manure/ litter not to be stored on site and removed in covered vehicles. (The Environmental permit will not control off site activities.)

I trust this is of assistance to you, however should you require any further advice or clarification of the above please do not hesitate to contact me.”

then further stated:-

“ODOUR IMPACT

- Whilst there is an element of uncertainty associated with all modelling, the model used is an accepted tool and there is no reason to suspect that the Dispersion Modelling is inherently unreliable. The consultant appears to suitably qualified and experienced. His work on another recent application for an intensive poultry was subject to a review, including independent modelling commissioned by the Council. This showed his work to be reliable, indeed a little conservative in that his modelling indicated higher odour levels at a number of properties than those reported by the consultant instructed by the Council.
- The report clearly concludes that the Environment Agency’s benchmark level for this type of development will not be exceeded.

- There are no recipients predicted to be subject to exceedances of the 98th percentile benchmark hourly mean of 30µE/M3 (the Environment Agency's benchmark).
- The odour modelling has taken into account increased odour levels as would be expected during clean out of the houses.
- The existence of nuisance depends on a number of factors including duration, intensity/nature of malodorous events. It is my experience that due to the separation distance of this proposal from neighbours it is unlikely to be the cause of 'nuisance'. This proposal will however be subject to the controls imposed by an Environmental Permit not the Statutory Nuisance regulatory regime available to the Local Authority in situations where nuisance arises due to activities not regulated by Environmental Permits. I would refer you to my comments in my initial consultation response as regards the powers available to the Agency as regards Environmental Permits.
- The requirements as regards odour management at the poultry unit are addressed by the above mentioned Environmental Permit. Odour nuisance arising from the spreading of poultry litter on other land is subject to the controls provided to the appropriate local authority by Part 3 of the Environmental Protection Act 1990. Advice as to how odour may be controlled during manure spreading is available in the DEFRA publication – Protecting our Water, Soil and Air, A Code of Good Agricultural Practice for Farmers, Growers and Land Managers.

MANURE MANAGEMENT

- The use of organic manures such as poultry litter is considered good practice and such manures a valuable asset. It is common practice for farmers to buy/bring in such manures to fertilise their land when they do not produce sufficient for their own requirements. The spreading of the manures is subject to appropriate national regulatory controls which can be more stringent in certain areas such as Nitrate Vulnerable Zones. DEFRA provide advice in the Guide to Good Agricultural Practice and although this code is not mandatory, should pollution occur due to non compliance with its advice then any defence against legal action may be jeopardised. The Agency's consultation response makes reference to this code.

Advice on how to best use manures is also provided in Government publications such as the Fertiliser Manual.

NOISE IMPACT ASSESSMENT

- The principal assessment method in this type of situation is BS 4142:2014-Methods for rating and assessing industrial and commercial sound. The methodology prescribed requires that the specific sound, in this case sound generated by the likely activities at the poultry houses is compared to existing background sound levels. The greater the excess of the specific sound, when adjusted for acoustic features – the rating level, over backgrounds the more likely an adverse impact can be expected. The use of microphones on tripods during baseline/background monitoring is to provide information on typical levels without the development. If this monitoring is done close to a noise source such as a road then background levels are likely to be elevated and the assessment more favourable.

DUST/PARTICULATES

- I am cognisant of the USA and German reports referred to. My response is based on the latest national advice for Local Air Quality Management which is identified in my consultation response.
- The current advice from the Health Protection Agency and Herefordshire's Consultant in Public Health is that "Intensive farms may cause pollution but provided they comply with

modern regulatory requirements any pollutants to air, water and land are unlikely to cause serious or lasting ill health in local communities”

- Regard as to the need for filtration systems is part of the Environmental Permitting process.”

and then further state:-

“I would refer you to memorandum dated 2 January 2017. The relocation of the 2 southern poultry houses will have minimal effect on the matters considered and therefore I do not wish to make any further comment.”

- 4.10 The Principal Building Conservation Officer is satisfied that there would not be any adverse impact upon the setting of any heritage assets in the locality, including All Saints Church.

5. Representations

- 5.1 Allensmore Parish Council object to the proposed development. They state:-

“The Allensmore Parish Council have heard representations from the public on the planning application 163391 for broiler rearing buildings at Bowling Green Farm.

The Parish Council wish to object to the application because of the following, non exhaustive, factors:

1) **Concern that flooding issues would be exacerbated**

Allensmore already experiences problems from flooding after periods of persistent rainfall. The watercourse into which water from the attenuation pond is proposed to discharge has flooded in recent years including in the Goosepool area and also further downstream where the watercourse crosses Church Road, Allensmore. This flooding has caused serious difficulties accessing the nearby properties and to vehicles and others using Church Road, Allensmore. Whilst the attenuation pond is designed to moderate the rate of water discharge (assuming it is properly maintained and works exactly as intended), it is also designed to ensure that all the rain from the very considerable roof area of these sheds will discharge into this watercourse. Given that the flooding experienced in these areas has persisted for days, then the continuing discharge from the pond means that a considerable additional volume of water is added to compound the problem of flooding. This means the flooding would be deeper and last for longer. The fact that this water will, to a degree, be contaminated by the dust and debris discharged from the fans and deposited on the roof of the shed to be washed off by the rain, further aggravates this issue. The Parish Council also wish to highlight this concern on behalf of the residents who may be unaware of this potential impact from a development on the other side of the parish.

- 2) The proposal will inevitably lead to an **increase in large Heavy Goods Vehicle movements** on relatively narrow and busy country lanes and roads. The Parish Council has noted the stretch of road between the Bowling Green Farm and Dunan as having had a higher than average propensity for accidents to occur. The proposal to widen the splay has been considered, however, it is not believed that this will assist greatly in minimising the potential risks to road users.
- 3) **The issue of odour and toxic content** of air ejected from the units containing spores, faecal matter, bacteria, pathogens and dust particles (list not exhaustive), on a continuous basis, and with periods of high level nuisance likely due to strong effluent smells when the buildings are cleared. Concern over increased levels of odour nuisance from the broiler shed clear out process and consequent effects to human health in terms of breathing, medical problems and lung conditions.

- 4) **Impact of odour, noise and heavy goods vehicle movements** on local businesses. Impact on quality of life for local residents. Issues for tourism, walking and enjoyment of the countryside due to noxious and unpleasant smells emanating from the units. Proximity to residences, and relatively short distance from local schools, and the fact that odours and toxins carry on the wind over a long distance.
- 5) **Concern regarding potential leach out and overspill from attenuation pond**, and during wash down processes, leading to increased levels of contamination and phosphates in the water course and local river tributaries. Broiler units are a known and proven generator of high levels of phosphates from foul water run off. Particular concern was raised over the possible contamination, by faecal matter and pathogens etc, of local bore hole water supplies, which, once contaminated, will be very difficult to restore.
- 6) It is noted that there has been a change of position of the units in the latest application version, to attempt to facilitate better concealment, but the fact that the area covers the same acreage as two football pitches and will still be visible from a nearby bridle path, and a footpath, plus other vantage points mean that the objection via landscape amenity stands. The revised plan has also moved the houses closer to certain residences and this may impact on the enjoyment of their properties.”

5.2 Clehonger Parish Council object to the proposed development. They state:-

“The Clehonger Parish Council have heard representation from the public on the planning application 163391 for broiler rearing buildings at Bowling Green Farm.

The Parish Council wish to object to the application because of the following, non exhaustive, factors:

- 1) An increase in large Heavy Goods Vehicle movements on relatively narrow and busy country lanes and roads without pavements. The road concerns were raised about the recent history of accidents between Bowling Green farm and Dunan, and potential for increased risk of collisions between these with HGVs turning right towards Hereford into fast approaching traffic from the Clehonger direction with limited viewing ability. The Parish Council has noted the reporting of a higher than average propensity for accidents to occur, on the particular stretch of road in question, and, whilst the mitigating splay proposal is acknowledged, it is not believed that this will assist greatly in minimising the potential risks to road users.
- 2) Issue of odour and toxic content of air ejected from the units containing spores, faecal matter, bacteria, pathogens and dust particles (list not exhaustive), on a continuous basis, and with periods of high level nuisance likely due to strong effluent smells when the buildings are cleared. Concern over increased levels of odour nuisance from the broiler shed clear out process and consequent effects to human health in terms of breathing and lung conditions.
- 3) Impact of odour, noise and heavy goods vehicle movements on local businesses. Impact on quality of life for local residents. Issues for tourism, walking and enjoyment of the countryside due to noxious and unpleasant smells emanating from the units.
- 4) Concern regarding potential leach out and overspill from attenuation pond, and during wash down processes, leading to increased levels of contamination and phosphates in the water course and local river tributaries. Broiler units are a known and proven generator of high levels of phosphates from foul water run off.

- 5) Concern over flooding issues from larger building footprint in an area prone to flooding leaving less available drainage capacity. It is noted that there had been a change of orientation of the units, to attempt to facilitate better concealment, but the fact that the area covers the same acreage as two football pitches and will still be visible from a nearby bridle path, and a footpath, plus other vantage points mean that the objection via landscape amenity stands. The presence of the units is likely to reduce amenity for residents, walkers and tourists. The area where the watercourse meets the footpath by Goosepool to the A465 floods even though the culvert has been cleared, with waters backing up both sides of this main road. Any additional water, plus reduced soak-away, could likely exacerbate the flood risk.”

5.3 133 letters of objection have been received as a consequence of the statutory publicity process. These raise a significant number of issues, which are summarised below:-

- This type of factory-style intensive livestock rearing is unsustainable on many fronts. They create excessive food miles, including via the importation of foodstuffs and processing of the birds.
- The production of this form of poultry meat is dependent on the widespread use of antibiotics (to prevent the transmission of disease within the flock) and there is increasing evidence that this is transmitting a consequent anti-biotic resistance among humans.
- Due to the emissions to air, land and water, such factories blight adjoining land for future development.
- Cleaning operations use powerful chemicals, which will transmit to the water environment.
- This form of farming is unethical, with birds reared indoors, in cramped conditions. The production of low-quality cheap chicken, should not be at the expense of animal welfare.
- It is anticipated that shorter crop cycles than those predicted in the application will be possible in the very near future. This would serve to make many of the accompanying reports e.g. odour, noise and traffic, completely unreliable as they would grossly underestimate the adverse impacts associated with the proposal.
- There is little consideration of the adverse impacts the proposal will have on the health and wellbeing of the local community. It is acknowledged that tourism is a larger contributor to the Herefordshire economy than agriculture and yet these broiler units, which serve little economic purpose beyond the interests of the farmer, are likely to have a disproportionate impact on local tourism businesses.
- Dwellings locally are served by a private water supply and concern is expressed that the proposal will contaminate groundwater and thus these supplies.
- The erection of these units on unspoilt, agriculturally productive land cannot be regarded as being ‘in keeping’ with the character of the landscape.
- The development is enormous and will blight views from the network of local footpaths and bridleways. The proposed landscaping is not sufficient, will take years to mature and is deciduous.
- Significant concern is expressed in relation to emissions to air, via uncapped ridge-mounted fans that are apparently without filters. There is a significant body of evidence originating overseas, which links respiratory conditions in humans with exposure to high levels of dust and other airborne particulates.
- In this respect, the application does not appear to give sufficient credence to the potential adverse impacts on human health, with particular emphasis on the risks to children attending the local primary school.
- There are many examples of the poultry farms expanding after the initial grant of planning permission. What assurance is there that this won’t happen here?
- The plans for manure management are unclear. Is there sufficient land upon which to spread the chicken litter, over which fields and at what time of year? Large tumps of chicken litter in fields adjoining residential property present their own risks to health and amenity, including by way of malodour and pests.
- There are concerns that the exportation of manure from site will result in unregulated use by others, which the potential to overload fields, resulting in pollution of the water environment.

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

- The applicant's own report recognises the impact that this inappropriate factory-style development will have. It does not fit into the landscape or agricultural environment. It is isolated and there are no other buildings of such scale in close proximity.
- Mildly contaminated roof water will discharge to the attenuation pond, which will outfall to a ditch, local watercourse and eventually the R.Wye SAC/SSSI. This is prejudicial to water quality, which is already, in some instances, failing to meet EU quality targets.
- The application does not promote any screen planting from the south or westerly aspects.
- These installations have an enormous prejudicial impact on the health and wellbeing of local communities. They blight the countryside, increase traffic congestion and pollution and danger to other road users.
- Herefordshire is a beautiful county, but fast getting an (unwelcome) reputation as the home to the greatest density of intensive poultry farms. When is enough, enough?
- The access is onto a busy and fast-flowing stretch of the B4349. Evidence suggests that accidents and near misses are very common. The junction with Church Road is a blackspot. Visibility on egress towards Clehonger is limited.
- It is common for vehicles making the right turn into Church Road to be subject to impatient motorists overtaking. Adding the considerable slow-moving HGV manoeuvres is only liable to make a bad situation worse.
- There is little assessment of the impact of airborne emissions on wildlife. There is evidence to suggest that native species planting is not compatible with ammonia dispositions, which is relevant in the context of the proposed landscaping.
- The landscape report understates the value of the landscape and does not address the issue of the loss of agriculturally productive land. The viewpoints assessed are not wholly representative; some mid-distance views are not assessed.
- The submitted noise assessment overstates the distance to the nearest dwellings.
- Constant low-level noise associated with the roof-mounted fans is not given sufficient credence in the reports.
- The employment benefits of these schemes are not obvious.
- There are at least 12 other broiler farms within a 5 mile radius of the site, including sites at Madley (Stoney Street) and Kingstone (Arkstone). There are 90 in the county as a whole. The cumulative impacts of these in terms of impacts on human health, the air and water environments and traffic is not known or accounted for.
- The odour associated with this form of 'farming' is obnoxious. Odour modelling cannot replicate the impacts experienced in real life. It is well known that those living near to existing farms will frequently suffer from unpleasant odour; which is particularly prevalent during the clean-out operations.
- The Council has a paucity of policy in relation to such developments.
- There are moral and ethical objections to this method of food production. It is not unlikely that the demand for food produced in this manner will reduce in the future. Do we need more units for this supposed unmet demand?
- Developments such as this will mean that increasingly the countryside will lose its intrinsic appeal. The landscape is a resource that should be enjoyed by all, not prejudiced for cheap food production.
- The number and severity of adverse impacts arising outweigh any benefits arising.
- The application has not adequately assessed the impact on Old Clehonger and its built heritage; specifically All Saints Church.
- Old Clehonger is also in line with the prevailing winds and residents will be liable to suffer from the odour impacts and any airborne particulates.
- Taken with the recent large-scale approvals for housing in Clehonger, Kingstone and Madley and the proposed route of the by-pass, local residents are suffering disproportionately.
- The outfall from the attenuation pond relies on a culvert under the A465 which is prone to blockage. It is likely that the drainage scheme will exacerbate flood risk on adjoining land.

- The application has not properly assessed the impacts on the amenity of the public footpaths or the effects on the health of walkers and horse-riders; that will be exposed at close proximity to airborne emissions.
- It is remarkable that Welsh Water, Environment Agency and Natural England can be satisfied with this proposal.
- The drawings are insufficiently detailed for the actual cut and fill exercise to be properly understood.
- The application needs to be considered in the light of up to date guidance. The Environmental Health Officer's response cites out of date guidance material.
- Some people living locally have chosen to live in the area as a consequence of the clean air.
- The ES reports that Skylarks are likely to nest on site and other red list species locally e.g. Curlew and Lapwing. Compensation is proposed in the form of appropriate management of grassland. What mechanism is there for ensuring that this will be brought about?
- The impacts of transporting such quantities of birds on open-sided lorries is not assessed. The quantity of Cargill lorries on local roads is noticeable and liable to increase. The effects on walkers and cyclists is undetermined.
- This country exports chicken, so self-sufficiency could be assisted by reducing exports.
- The ES (Landscape Report) describes the landscape impacts as moderate, when any objective analysis should record it as large or very large.
- This site would not be acceptable for residential or other employment development, so why is factory-farming acceptable?
- There are many planning appeals, including Bage Court, Dorstone, where Inspectors have judged landscape impacts to be sufficiently adverse to dismiss appeals.
- Will this application be the forerunner to an application for a manager's dwelling? There are many similar examples elsewhere in the county.
- Following withdrawal of the first application there has been little or no effort to engage with the local community.
- What provisions will be made for the monitoring of ammonia, noise and dust emissions?
- In no way can this development be said to accord with planning's duty to create healthy communities. It is contrary to Core Strategy Policies SS4, SS6, RA6 and MT1.
- If minded to approve, the Council should insist on more robust landscaping and sustainable water management that does not threaten the quality of existing water courses or exacerbate flood risk locally.

5.4 Six letters of support have been received. In summary, these:

- recognise the need for increased production of chicken;
- highlight improvements in the management and performance in terms of noise and odour emissions of new poultry units;
- highlight positive aspects arising from farm diversification; &
- Consider that suggested impacts in terms of odour, flood risk and highway safety are overstated.

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163391&search=163391

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

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

Principle of Development

- 6.1 The application is for the provision of an agricultural development. For the avoidance of doubt agriculture is defined in Section 336 of the Act as follows:-

“Agriculture includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and ‘agriculture’ shall be construed accordingly.”

- 6.2 It is generally accepted that rural areas / the countryside are appropriate to accommodate agricultural related developments, although clearly there are many caveats to ensure that environmental quality is not adversely affected to an unacceptable degree.

There are policies within the adopted Development Plan (Herefordshire Local Plan Core Strategy 2011-2031) that support the more traditional employment sectors such as farming and food manufacture (Policy S5), support the diversification of existing agricultural businesses (Policy RA6) and developments that provide employment (Policy E1).

Landscape Impact

- 6.3 In my view, invariably one the main issues in consideration of such applications tends to be landscape impact. When referring to landscape impact I am referring to both impact upon landscape character and visual impact.
- 6.4 Firstly, it is worth noting that the landscape hereabouts has no specific designation (e.g. AONB). The Landscape Character of the site is that of Principal Settled Farmlands with native hedgerows used as field boundaries in a mixed farming land use context. The landscape is open and rural with no development distractions to the eye when seen from public rights of way. From these public rights of way near to the development site, farms and hamlet properties can be seen in the distance. It is, however, considered that the landscape hereabouts has moderate capacity for change. The landscape hereabouts is considered to have medium sensitivity. For comparison, it is considered that this landscape has greater capacity to accommodate change than the landscape that was the subject of a poultry related application (163327), albeit of a smaller scale, that was permitted at the last Planning Committee. That proposal lay within Natural England's 'Black Mountains and Golden Valley National Character Area'.
- 6.5 It is the case that traditionally Farm buildings tend to be closely grouped with the host Farmhouse such that one has tightly knit clusters of development that have developed organically over time.
- 6.6 In my view the proposal could be described as being out of character in that it provides an isolated major development in open countryside divorced from existing built form. However, there are reasons for this site selection that I understand. The existing Farmstead at Bowling Green Farm has a poor vehicular access in terms of visibility, is sited on high and very visible ground and has several dwellinghouses (other than that of the applicant) in relatively close proximity; including the listed 'Manor Cottages'. It is considered that the applicant has selected the most appropriate location on his holding to site this scale and form of development. The proposal is not only on relatively low ground but is a considerable distance from residential properties.

- 6.7 I must, however, highlight that the proposed development introduces major built form into what is currently largely undeveloped open countryside and as such is out of character. I consider the significance of this effect / impact to be moderate.
- 6.8 In terms of visual impact, the proposal has, in my opinion, been very well considered. Every attempt has been made to reduce the visual impact by:-
- siting the built form at the bottom of the field. That field is beyond a localised high point such that the buildings would not be visible from the B4349;
 - whilst there is local widening of the vehicular means of access, internally the access track largely runs parallel to an existing native hedgerow that provides a screen and backdrop to the track.
 - Where the access route departs from the existing field edge it would be mitigated by woodland belt planting;
 - The “internal courtyard” to the four proposed building is particularly well designed in that it encloses activities, feed bins, manoeuvring vehicles etc.; and
 - The colour choice of the materials would be entirely appropriate for this location and assist in assimilating the development into the landscape.
- 6.9 There can be no doubt that the development would be readily visible from bridleway AN1 to the east. However, this is very much a localised view only persisting for approximately 500 metres. In my opinion, this would be satisfactorily mitigated by the proposed new hedgerow (with hedgerow trees within it) and the proposed tree planting to the north and east of the proposed buildings.
- 6.10 Similarly the proposed development would be visible from a section of public footpath AN2 to the west and south. However, again these views would, in my opinion, be satisfactorily mitigated by existing intervening landscaping supplemented by the proposed landscaping that includes trees within the hedgerows along the western and southern boundaries of the field in which the development would be sited and a group of trees to be planted approximately 100 metres to the south of the proposed buildings.
- 6.11 Therefore I am of the view that whilst there is a degree of harm to landscape character and visual amenity it would be moderate and that the visual impact would be mitigated by the proposed colour scheme of the development and the landscaping / planting proposed. It is not considered that there is fundamental conflict with policy LD1 of the Herefordshire Local Plan Core strategy 2011-2031 in that the site selection is well considered, there is no harm to the setting of the settlement of Clehonger, the site is not within a area designated for its landscape value, the colour palette proposed is appropriate and the landscaping scheme assists in integrating the proposed development into the landscape.

Highways

- 6.12 Strategically I consider the site to be well sited. Effectively the site is such that vehicles only need to travel some 1.75km to the east along the B4349 (that is not single track) before joining the primary highway network of the A465. I think it is worth noting that the site is located such that the heavy vehicles / lorries travelling to and from the site would not need to travel through the village to the west.
- 6.13 The Engineering Manager is satisfied that the highway network has sufficient capacity to cater for the additional traffic generated by the proposed development. In terms of movements I think it is worth noting that existing traffic flows on an average weekday on the B4349 are 3,830 eastbound and 3,682 westbound. When one then looks at the proposed vehicle movements one can recognise that the additional movements on the network would be insignificant. Even on the day in the cycle with the highest HGV movements (Day 38 with 36 two-way HGV movements – 18 in and 18 out), there would only increase the number of vehicle movements on the network

on that day by less than 0.5%. It is considered that in terms of capacity the highway network has sufficient capacity to cater with the additional traffic that the proposal would generate.

- 6.14 In terms of safety, the area to consider is the safety of the proposed access. It has been established that the eastbound 85th percentile speed along the B4349 hereabouts is 46 mph and the westbound 85th percentile speed along the B4349 hereabouts is 45 mph. The eastbound visibility proposed is 2.4 m x 129m and the westbound visibility proposed is 2.4 m x 124m. The Engineering Manager has confirmed that this meets the required standards and would not prejudice highway safety. There has been concern as to forward visibility of vehicles approaching from the west travelling in an easterly direction. Forward visibility is at the moment impeded to a degree. It is proposed to increase the forward visibility to 160 metres by translocating a section of hedgerow on the northern side of the B4349 to the west of the site access. If one calculated the required forward visibility based on the 85th percentile speed the required forward visibility would be 127 metres but in this instance our Engineering Manager has negotiated the 160 metres distance.
- 6.15 There is no landscape or ecology / bio-diversity objection to the sections of hedgerow removals and translocations required to provide the visibility referred to above.
- 6.16 In summary, it is considered that the highway network has more than sufficient capacity to accommodate the limited traffic associated with the proposed development and that the visibility splays would ensure that the access is safe. As a consequence there would not be any undue risk to highway safety. As a consequence the proposal is considered to comply with policies SS4 and MT1 of the Herefordshire Local Plan Core Strategy 2011- 2031.

Vehicle movements associated with manure

- 6.17 I think it is worth addressing the matter of vehicle movements associated with manure. It appears to me that it is fundamentally more sustainable to dispose of manure on the host farm rather than exporting it – dependent, of course, upon the capacity of the holding concerned.
- 6.18 The previously withdrawn planning application proposed a degree of manure being spread upon the host Farm at Bowling Green Farm. However that resulted in objections and to appease local residents the applicant is now proposing to transport all the manure arising from the proposal off the Farm. To me that is fundamentally unsustainable. As I understand it the Farm currently imports manure that is spread on the Farm. It is understood that at present the Farm imports some 500 tonnes of Turkey manure per annum in 34 tractor and trailer loads. This does not require planning permission and clearly it must be more sustainable to spread manure what one creates on one's own Farm rather than import it.
- 6.19 It is understood that the proposed development would create some 3,320 tonnes of manure per annum (415 tonnes per cycle). It is understood that of that 1,391 tonnes *could* be spread on the host Farm whilst complying with whilst all the Government Regulations and advice with respect agricultural land management (e.g. *Nitrate Pollution Prevention Regulations 2015, Water resources (Control of Pollution) (Silage, Slurry and agricultural Fuel oil) (England) Regulations 2010 (SSAFO), Cross Compliance (The Guide to Cross Compliance 2017), The Government's Statutory Code of Good Agricultural Practice Protecting our Water, Soil and air, The industry good practice guidance entitled 'Think manures' and 'Tried & Tested Nutrient Management Plan'*).
- 6.20 Clearly, to export that 1,391 tonnes of manure off-site that could be accommodated on-site would appear to be fundamentally unsustainable creating unnecessary vehicle movements further afield. Furthermore the Farmer could still continue to import manure. In fact, one could create the scenario where the very manure that is exported on-site is then purchased and imported back to the Farm.

- 6.21 It is for that reason that I do not recommend a planning condition requiring all the manure to be exported off-site. If the aforementioned 1,391 tonnes of manure were to be spread on-site rather than exported, vehicle movements associated with removal would be reduced by approximately 12 movements per cycle). It is recognised; however, that some of the manure that would be spread on some parts of the Farm would involve some vehicles entering and exiting the site from the B4349, but clearly their journey lengths would be short and this more sustainable.

Manure Spreading

- 6.22 If manure arising from the sheds is to be stored and spread that would be controlled via the Environmental Permit.
- 6.23 The spreading of imported manure does not require planning permission but clearly any responsible farmer will be fully aware of the Government Regulations and advice with respect agricultural land management (e.g. *Nitrate Pollution Prevention Regulations 2015*, *Water resources (Control of Pollution) (Silage, Slurry and agricultural Fuel oil) (England) Regulations 2010 (SSAFO)*, *Cross Compliance (The Guide to Cross Compliance 2017)*, *The Government's Statutory Code of Good Agricultural Practice Protecting our Water, Soil and air*, *The industry good practice guidance entitled 'Think manures' and 'Tried & Tested Nutrient Management Plan'*).
- 6.24 I would add that I am concerned as to the increasing propensity of those objecting to poultry units to consider that if a matter is not seemingly covered by other legislation that it somehow automatically becomes a Planning matter. Firstly, the Government does not choose to legislate / control everything. They may issue guidance or voluntary codes and assume compliance. One example is concern relating to agricultural activities resulting in diffuse pollution of water, with a focus on phosphorus. As I see it at present, the Government has no legislation in that respect (although there is guidance to farmers). They clearly are considering legislation as in September 2015 the Government via the Department for Environment Food & Rural Affairs (DEFRA) published a document entitled 'Consultation on new basic rules for farmers to tackle diffuse pollution from agriculture in England'. To date there has not, to the best of my knowledge, been any further movement to legislation. It is noteworthy that this guidance arose from DEFRA as opposed to the Department for Communities and Local Government (that issues documents relating to Planning); suggesting that the Government does not regard this as a Planning matter.

Loss of quality agricultural land

- 6.25 It is recognised that the proposed poultry units would be located on land shown as Grade 1 or 2 on the Land Classification Map. It is recognised that Central government policy seeks to protect the best agricultural land in that paragraph 112 of the National Planning Policy Framework (NPPF) states:-

"Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality"

- 6.26 In this case, whilst some 1.5 hectares of agricultural land would be built upon it would remain in food production (i.e. chickens). The level of food production would undoubtedly increase significantly from what I understand to be an annual potato crop to over 1.6million chickens per annum.
- 6.27 In addition, this approximate 1.5 hectare area represents just some 0.5% of the entire arable holding at Bowling Green Farm. The total amount of arable land at the farm is some 287 hectares (710 acres). As such, this represents a very small proportion of the existing arable land holding.
- 6.28 I would refer one to the economic and social benefits outlined later within this report also.
- 6.29 I therefore conclude that I do not consider that a refusal on the basis of a loss of the best and most versatile agricultural land is justified in this case.

Ecology / Bio-diversity

- 6.30 As is evident from the consultation responses earlier within this report no objections are raised by either Natural England or the Council's own Planning Ecologist.
- 6.31 One will note that Natural England have responded with 'no objection' as regards potential significant effects on the River Wye SAC/SSSI.
- 6.32 In terms of the sections of hedgerow along the B4349 that are proposed to be removed or translocated these have been found to be species-poor and dominated by hawthorn and blackthorn.
- 6.33 I am satisfied that there is no conflict with policy LD2 of the Herefordshire Local Plan Core Strategy 2011- 2031.

Flood Risk / Surface Water Drainage

- 6.34 The site is located in Flood Zone 1 (low probability) based on the Environment Agency's indicative Flood Zone Map. The Flood Map indicates that the site is not located near any significant water features, the closest being the Cage Brook over 2km away. The nearest water feature to the site is a field drain located approximately 150m south-west of the main development site, however the development is at an elevated position and therefore unlikely to be at risk. This is demonstrated by the EA Risk of Flooding from Surface Water flood map which indicates a surface water flow route along the drain and suggests that this would not affect the development with the development shown to be at very low risk of flooding from surface water.
- 6.35 The EA Risk of Flooding from Surface Water flood map does, however, identify an area at risk of surface water flooding downstream of the site, believed to be associated with the culverting of the field drain beneath the A465. This is supported by anecdotal evidence from local residents. The management of surface water runoff from the proposed development is therefore of importance. However, as is confirmed by the consultation response from the Council's Land Drainage advisor reported above he is satisfied with the proposed surface water drainage arrangements and is satisfied that the risk of increased flooding at the A465 culvert is regarded as low.

Foul Water Drainage

- 6.36 The Applicant has stated that a 'Package Treatment Plant' will be used to manage foul water. The applicant, via a planning condition, would need to provide a detailed foul water drainage strategy showing how foul water from the proposed package treatment works will be disposed of.

Heritage

- 6.37 I am satisfied that the proposal would not affect the setting of the closest heritage asset, St. James Church.

Other Matters – Air Quality including dust & ammonia, odour, noise & ammonia

- 6.38 As stated earlier the Environmental Permitting regime administered by the Environment Agency (EA) deals with emissions to water, air and land and in this case an Environmental Permit has been granted. It is also a fundamental principle that the Planning process should not get involved in matters control. However, to reassure Members make a number of observations.

Air Quality

Dust

- 6.39 Air quality is addressed in Chapter 6 of the submitted Environmental Statement. In terms of dust the Environmental statement states in 6.2.4 that:-

“ The threshold criteria for PM10 in relation to poultry farms is where housing in excess of 400,000 birds (if mechanically ventilated) and exposure within 100m from the poultry units. The proposal at Bowling Green Farm is for a total of 212,000 birds and the nearest residential property is over 400m as measured from the property to the nearest part of the poultry unit.”

- 6.40 This is the advice provided by DEFRA in their document Local Air Quality Management, Technical Guidance (TG16), April 2016.
- 6.41 Nevertheless using the screening calculation provided for poultry units falling within the above definition the result indicates that air quality as regards particulates at the nearest receptor will be substantially below the National Air Quality Standard. The nearest receptor is over 400m away from the site and there are only 224,000 birds, including those at the nearby free range operation. Even if a separation distance of 100m and a bird number of 400,000 is used and assuming an elevated background level of 30 to address any local emissions that may not have been included in the national background level mapping, resultant particulate levels would still be below the daily mean national threshold level.
- 6.42 The Public Health England advice is that '*Intensive farms may cause pollution but provided they comply with modern regulatory requirements any pollutants to air, water and land are unlikely to cause serious or lasting ill health in local communities.*' This was supported by Herefordshire's Consultant in Public Health who stated that the '*response is an evidence-based statement, there I suggest in terms of our response we stick to the statement in the conclusion of this report "Intensive farms may cause pollution but provided they comply with modern regulatory requirements any pollutants to air, water and land are unlikely to cause serious or lasting ill health in local communities"*'.

- 6.43 The poultry rearing activity at the proposed development has the benefit of an Environmental Permit issued by the Environment Agency who regulate / control all polluting emissions. I understand that Public Health England is a consultee in the permitting process.

Ammonia

- 6.44 Ammonia emission rates from the proposed poultry houses have been assessed and quantified based upon the Environment Agency's standard ammonia emission factors. The ammonia emission rates have then been used as inputs to an atmospheric dispersion and deposition model which calculates ammonia exposure levels and nitrogen and acid deposition rates in the surrounding area.
- 6.45 At all receptors considered, the predicted process contributions to the maximum annual mean ammonia concentration and nitrogen deposition rate are below the appropriate Environment Agency lower threshold percentage of Critical Level or Critical Load for the designation of the site.
- 6.46 I understand that the Environmental Permitting regime would also have considered carbon dioxide emissions and bio-aerosols.

Odour

- 6.47 The application is accompanied by an odour dispersion modelling study and refers to the 'Guidance on the assessment of odour for planning' published by the Institute of Air Quality Management as well as the Environment Agency guidance H4 Odour Management.
- 6.48 The Environment Agency H4 Odour Management guidance classifies odours from intensive livestock as moderately offensive and sets a benchmark odour criteria of 3.0 ouE/m³ (European Odour Units per metre cubed).
- 6.49 In this case the 98th percentile hourly mean odour concentration at nearby residences would be below the Environment Agency's benchmark for moderately offensive odours, a 98th percentile hourly mean of 3.0 ouE/m³ over a one year period.
- 6.50 Therefore I am satisfied that the occupiers of dwellinghouses in the vicinity would not suffer an undue loss of amenity by way of odour. As a consequence I conclude that there would not be conflict with policies SS6 and SD1 as far as they relate to the impact of odour upon residential amenity.

Noise

- 6.51 A noise survey has been conducted to determine the typical background noise levels at the nearest dwellings to the proposed poultry units. The extract fans and transport noise (HGV movements and loading / unloading) as a result of the proposed poultry units have been assessed in accordance with BS4142:2014.
- 6.52 The Council's Environmental Health Section agrees with the conclusions that there would be not any undue loss of amenity to occupiers of existing dwellinghouses in the area by way of noise. As a consequence I conclude that there is no conflict with policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031.

Cumulative Impacts

- 6.53 I consider that the submitted Environmental Statement accompanying this application appropriately addresses the issue of cumulative impact in terms of major schemes with planning permission in the locality that have been granted planning permission but not yet implemented.

Economic & Social Benefits

- 6.54 Chicken is a consumer staple and is brought more than any other meat in the UK. The poultry meat industry makes a significant contribution to GDP with exports also. The proposal would offer the benefit of increasing agricultural capacity and food capacity. Moreover, agriculture has a major role in the economy of Herefordshire and plays an important part in the health and vibrancy of local communities. The proposal would clearly involve capital investment, most of which may support local contractors and suppliers. Whilst only two additional people (1 full-time & 1 part-time) would be employed at the Farm as a consequence of this development, the scheme would have a wider impact both in contributing to a successful part of the UK economy and in supporting other local businesses.
- 6.55 In this respect the proposed development would be in accordance with Policy RA6 of the Herefordshire Local Plan Core strategy, which indicates that a range of economic activities will be supported, including proposals which support and strengthen local food and drink production and support the retention of existing agricultural businesses. The proposal would clearly contribute to the economic and social objectives of the National Planning Policy Framework (NPPF).

7. Planning Balance

- 7.1 In conclusion, it is considered that the proposed development would cause harm to the character of the countryside hereabouts, but that the moderate visual impact would satisfactorily be mitigated by the proposed landscaping and carefully considered colour finishes to the buildings. The economic and social benefits are considered to outweigh the limited harm to the character of the countryside hereabouts that has no specific designation and whose sensitivity is considered to be moderate. In all other respects the proposal is considered to be acceptable. It is therefore concluded that the proposal would comply with the overarching aims of the Framework and it would constitute sustainable development.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;**

Reason:- As required by Section 91 of the Town and Country Planning Act 1990;

- 2. The development hereby permitted shall be carried out in strict accordance with the following approved plans:-**

- Location Plan – Drawing number HA24899/01 Revision A (Scale 1:2500 @ A2);**
- Access arrangements / Upper Section of Proposed Block – Drawing number HA24899/06 Revision A (Scale 1:500 @ A1);**
- Block Plan – Drawing number HA24899/02 (Scale 1:500 @ A1);**
- Floor Plans and Elevations and Poultry Service Buildings – Drawing number HA24899/03 Revision A (Scales 1:100 & 1:200 @ A1);**

- **Site Sections – Drawing number HA24899/04 (Scale 1:250 @ A1);**
- **Landscape Proposals – Drawing number PRI19723-11 Sheet 1 of 2 (Scale 1:1000 @ A1);**
- **Landscape Proposals – Drawing number PRI19723-11 Sheet 2 of 2 (Scale 1:1000 @ A1);**
- **Site Access – Visibility Splays – Drawing number 17480-02 Revision A (Scale 1:1000 @ A3); and**
- **Max Legal Articulated Lorry Tracking – Drawing number 17480-04 (Scale 1:500) @ A3);**

except where otherwise stipulated by conditions attached to this permission;

Reason:- To ensure that the development is satisfactorily integrated into the landscape in accordance with policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031;

3. **The visibility splays in both directions shown upon Drawing number 17480-02 Revision A (Scale 1:1000 @ A3) together with the 160 metre forward visibility shall be provided with no obstruction above 600mm above carriageway level shall be provided prior to commencement of the development hereby permitted and thereafter shall be maintained as such;**

Reason:- In the interests of highway safety in accordance with policies SS4 and MT1 of the Herefordshire Local Plan Core Strategy 2011-2031;

4. **The translocation of hedgerows required to meet the requirements of condition 3 shall not take place between 1st April and 31 August (inclusive) in any calendar year;**

Reason:- To ensure that the hedges to be translocated have the best opportunity of survival without dying, to accord with policies SS6, LD2 and LD3 of the Herefordshire Local Plan Core Strategy 2011-2031;

5. **Any of the sections of translocated hedgerows that within a period of ten years of their translocation die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation;**

Reason:- To ensure that the development is satisfactorily integrated into the landscape in accordance with policies SS6, LD2 and LD3 of the Herefordshire Local Plan Core Strategy 2011-2031;

6. **All planting detailed upon Landscape Proposals – Drawing number PRI19723-11 Sheet 1 of 2 (Scale 1:1000 @ A1) and Landscape Proposals – Drawing number PRI19723-11 Sheet 2 of 2 (Scale 1:1000 @ A1) shall be carried out in the first planting season following completion of the development or first use of any of the buildings for agricultural purposes (whichever is the sooner). Any trees or plants that within a period of ten years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation;**

Reason:- To ensure a satisfactory appearance to the development in the landscape, in accordance with policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031;

7. Prior to the first use of the buildings for agricultural purposes all external elevations of all of the buildings (including the service building & including the doors any louvres and steel supports to those buildings) shall be finished with the HPS200 Ardenne (RAL 7022) matt colour and the roof of the buildings, ridge vents and feed bins shall be finished with HPS200 Anthracite (RAL7016) matt colour and shall thereafter be maintained with those colour finishes;

Reason:- To ensure a satisfactory appearance to the development in the landscape in accordance with policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031;

8. Prior to the first use of any of the buildings hereby permitted the vehicle access (including passing bays along the internal access route) and vehicle / turning / manoeuvring areas shown upon the approved plans shall be provided and thereafter kept free of obstruction for use by motor vehicles;

Reason:- In the interests of highway safety in accordance with policies SS4 and MT1 of the Herefordshire Local Plan Core Strategy 2011-2031;

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

- A habitat enhancement scheme integrated with the approved landscaping and attenuation pond;
- A hedgerow and tree protection strategy during the construction phase including a protection plan informed by the advice contained with BS5837:2012;
- A plan that identifies levels identified by the topographical survey in the vicinity of the proposed pond and those areas of the swale affected by high water levels, with proposed ground re-profiling to achieve the required freeboard;
- Scaled cross sections of the attenuation pond; and
- A detailed foul water drainage strategy showing how foul water from the package treatment works would be disposed of;

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

Reasons:-

- a) To secure ecological / bio-diversity enhancement in accordance with policy LD2 of the Herefordshire Local Plan Core Strategy 2011-2031;
- b) To ensure that existing green infrastructure is retained, in accordance with policy LD3 of the Herefordshire Local Plan Core Strategy 2011-2031; and
- c) To ensure satisfactory foul and surface water drainage arrangements in accordance with policies SS6, SD3 and SD4

10. No existing trees or hedgerows within the application site or on the boundaries of the application site shall be removed;

Reason:- To safeguard existing green infrastructure in accordance with policy LD3 of the Herefordshire Local Plan Core Strategy 2011-2031.

11. There shall be no more than eight cropping cycles in any one calendar year;

Reason:- So that the environmental impact of any intensification of production / use can be fully assessed against the provisions of the Development Plan and any other material planning considerations;

12. No gates across the vehicular access shall be provided within 32 metres of the southern carriageway edge of the B4349;

Reason:- In the interests of highway safety in accordance with policies SS4 and MT1 of the Herefordshire Local Plan Core Strategy 2011-2031;

13. No part of the vehicle access shall exceed a gradient of 1:12;

Reason:- In the interests of highway safety in accordance with policies SS4 and MT1 of the Herefordshire Local Plan Core Strategy 2011-2031;

14. CAT Wheel Washing

Reason:- In the interests of highway safety in accordance with policies SS4 and MT1 of the Herefordshire Local Plan Core Strategy 2011-2031;

INFORMATIVES:

1. Statement of Positive & Pro-active Working – the Local Planning Authority have acted positively and pro-actively in their processing of this application by engaging with the agent for the applicant in a positive manner to address all of the relevant material planning considerations. The Local Planning Authority has made every attempt to process and determine the application in as timely fashion as has been possible given the scale of the application and the issues that have arisen. 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. I11 - HN01 Mud on highway
3. I09 - HN04 Private apparatus within highway
4. I45 - HN05 Works within the highway
5. I05 - HN10 No drainage to discharge to highway
6. I47 - HN24 Drainage other than via highway system
7. I35 - HN28 Highways Design Guide and Specification

Decision:

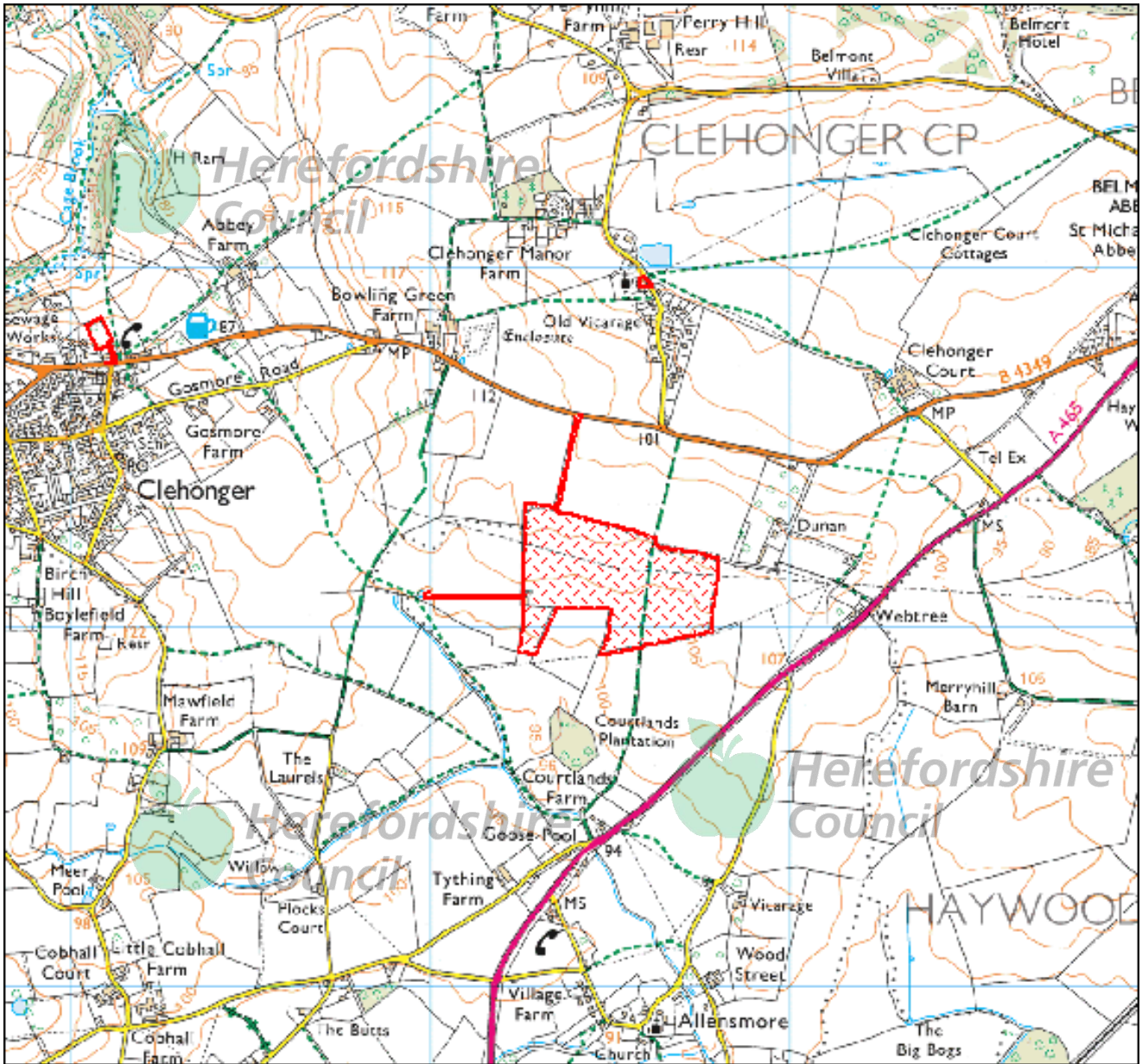
Notes:

.....

Background Papers

Internal departmental consultation replies.

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



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APPLICATION NO: 163391

SITE ADDRESS : BOWLING GREEN FARM, CLEHONGER, HEREFORDSHIRE

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

| | |
|---|---|
| MEETING: | PLANNING AND REGULATORY COMMITTEE |
| DATE: | 4 OCTOBER 2017 |
| TITLE OF REPORT: | <p>171573 - SITE FOR THE PROPOSED ERECTION OF UP TO 10 DWELLINGS WITH GARAGES AND CONSTRUCTION OF ACCESS ROAD (IN LIEU OF PLANNING PERMISSION 151315 ON ADJACENT SITE). LAND ADJACENT TO GARRISON HOUSE, ORDNANCE CLOSE, MORETON-ON-LUGG, HEREFORDSHIRE.</p> <p>For: Mr Williams per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford HR1 1LH</p> |
| WEBSITE LINK: | https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=171573&search=171573 |
| Reason Application submitted to Committee – Re-direction | |

Date Received: 3 May 2017

Ward: Sutton Walls

Grid Ref: 350283,245805

Expiry Date: 15 August 2017

Local Member: Councillor KS Guthrie

1. Site Description and Proposal

- 1.1 The application site is located to the north west of the village of Moreton On Lugg. The site comprises an irregular shaped parcel of agricultural land that is 1.08 hectares in size. The site lies to the east of Ordnance Close, an un-adopted road that is accessed from the A49 and that currently serves nine dwellings, including Garrison House.
- 1.2 The site is currently laid to grass and has a number of trees to the boundaries and within the site itself. The trees are subject to a group Tree Preservation Order. To the east of the site lie the residential dwellings in St Peters Close, and to the south west the dwellings on St Andrews Close. To the north lies continued agricultural land with Moreton Business Park further to the north.
- 1.3 The application seeks outline planning permission with all matters bar access reserved for the erection of up to 10 dwellings with garages and the construction of the access road. The applicant has confirmed that it is the intention to develop this site as self build plots and as such seek a planning permission that would allow the construction of the access and site road with matters in respect of appearance, scale, layout and landscaping for each plot being considered at Reserved Matters stage by purchasers of these plots. It would remain possible, however, that the site could be developed as a whole.
- 1.4 In recognition of the principal on site constraint the application is supported by a Tree Survey, Arboricultural Impact Assessment (AIA) Arboricultural Method Statement and Tree Protection Plan. A Phase 1 Habitat Survey report has also been submitted along with a Sustainable Urban Drainage Scheme that includes results of a drainage inspection and percolation testing.

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

- 1.5 Plans have also been submitted that identify the access to the site from the A49 along Ordnance Close before accessing the site via the existing gateway and turning north east. The plans also show, indicatively, the position of the road, dwellings and garages, along with the position of the trees and the root protection areas. Extracts of these plans have been inserted below for ease of reference; the site location plan also showing the dwellings in St Peters Close and St Andrews Close.



Site Location Plan

Proposed Layout

- 1.6 The application has also been submitted on the basis that should planning permission be implemented, then the planning permission for nine dwellings on the adjoining land to the west i.e. Garrison House (151315), would not be implemented. The reason for this being based on the constraints of the highway network locally. These applications have been made by the same applicant and the land is in their control and ownership. A section 106 agreement would be entered into to ensure that only one of the planning permissions could be implemented.
- 1.7 Members may recall that the previous application (151315) was considered and approved by the Planning Committee on 28 October 2015 and that a site visit was undertaken at the time. You can see the details of this application online at:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=151315&search=151315

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

| | | |
|-----|---|--|
| SS1 | - | Presumption in Favour of Sustainable Development |
| SS2 | - | Delivering New Homes |
| SS3 | - | Releasing Land for Residential Development |
| SS4 | - | Movement and Transportation |
| SS6 | - | Addressing Climate Change |
| RA1 | - | Rural Housing Strategy |
| RA2 | - | Housing in settlements outside Hereford and the market towns. |
| H1 | - | Affordable Housing – Thresholds and Targets |
| H3 | - | Ensuring an Appropriate Range and Mix of Housing |
| MT1 | - | Traffic Management, Highway Safety and Promoting Active Travel |
| LD1 | - | Landscape and Townscape |
| LD2 | - | Biodiversity and Geodiversity |
| LD3 | - | Green Infrastructure |
| LD4 | - | Historic Environment and Heritage Assets |
| SD1 | - | Sustainable Design and Energy Efficiency |

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

- SD3 - Sustainable Water Management and Water Resources
- SD4 - Wastewater Treatment and River Water Quality
- ID1 - Infrastructure Delivery

The Herefordshire Local Plan - Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy/2

2.2 National Planning Policy Framework

In particular chapters:

Introduction - Achieving sustainable development

Section 4 - Promoting sustainable communities

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

Section 12 - Conserving and enhancing the historic environment

- 2.3 Moreton On Lugg Neighbourhood Area was designated on 14 October 2013, but a plan is not being progressed. The Parish Council expressed within the minutes of their meeting dated 7th February 2017, that they were unlikely to continue and would prefer to be included within the Rural Area Development Plan Document (RADPD). Accordingly, neither the NDP nor the RADPD have any weight for the purpose of decision making on planning applications.

https://www.herefordshire.gov.uk/info/200185/local_plan/298/rural_areas_site_allocation_development_plan_document

3. Planning History

- 3.1 SH860657PF - Residential Development – Planning Permission Refused
(Larger site – 1.63 ha – refused on impact character and highway visibility)
- 3.2 SH890410/PO - Residential development of detached houses incorporating surgery – refused and dismissed on appeal.
(Larger site – 1.57 ha – Impact upon character of area. Highways issues can be addressed by conditions)
- 3.3 SH900513PO – Residential development – Planning Permission Refused and dismissed on appeal.
(0.5 ha - Impact on character of area when viewed from the A49. Highways refusal can be resolved by condition)
- 3.4 CW1999/2596/F – site for the proposed erection of a detached dwelling – refused and dismissed on appeal.
(Outside of settlement boundary, impact on character and undermine recreation policy on protected space)
- 3.5 CW2002/3246 - removal of broken branch to trunk of horse chestnut tree
- 3.6 CW2002/3458 - felling of 1 scots pine
- 3.7 CW2007/2715 - to crown reduce one lime tree by 20%
- 3.8 130112 - Crown thin lower crown of 1 Tilia by 20%. Fell 3 Acer. Fell 4 Fraxinus. Retain 4 stems on 1 Fraxinus and coppice remaining. Retain 2 stems on 1 Fraxinus and coppice remaining.

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

Coppice 1 Fraxinus and pollard 1 Fraxinus. Fell 2 Crataegus. Fell 6 Aesculus. Remove pruningstubs and deadwood from 3 Quercus Robur

- 3.9 151315 – (adjacent site) Proposed demolition of existing house and erection of 9 dwellings – Approved with Conditions and Section 106 agreement. (Planning Committee 28/11/2015)

4. Consultation Summary

Statutory Consultations

4.1 Highways England

Referring to the planning application reference above for the proposed erection of up to 10 dwellings with garages and construction of access road (in lieu of planning permission 151315 on adjacent site)... Highways England's formal recommendation is that we have No objection.

4.2 Welsh Water

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No development (including the raising or lowering of ground levels) will be permitted within 3 metres either side of the centreline of the public sewer.

A condition and advisory note is recommended.

4.3 Natural England

As submitted, the application could have potential significant effects on the River Wye Special Area of Conservation and River Lugg Site of Special Scientific Interest. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

Confirmation on foul sewerage connection and details of surface water management plan.
Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's advice on other issues is set out below.

To avoid damage to the special interest of the River Wye Special Area of Conservation and River Lugg Site of Special Scientific Interest mentioned above, a condition requiring a Construction Environmental Management Plan should be submitted and agreed with the Local Planning Authority prior to the commencement of any works. The Construction Environmental Management Plan should describe how construction works will avoid damage to the designated site. In particular what measures will be in place in the event of a heavy rain fall to ensure that hazardous liquids and other building materials will not enter the river or pollute the river.

Additional information required:

- Confirmation from the relevant statutory body that connection to the mains sewer system (as proposed) is possible; and that the local public sewer system has the capacity to effectively manage the full increased volume of foul water that will produced by the development.

- How the potential increased run-off from new development will be managed and what system will be put in place to mitigate it. The details of mitigation measures proposed.

Further comments dated 22nd September 2017

No objection - subject to appropriate mitigation being secured

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of River Wye Special Area of Conservation
- damage or destroy the interest features for which River Lugg Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- *No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works, managing surface water discharge, has been submitted to and approved in writing by the Local Planning Authority. Any sustainable drainage systems to be constructed should be maintained for the lifetime of the development.*

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Subject to the above appropriate mitigation being secured and confirmation of the connection to sewer mains for the treatment of foul effluent, we advise that the proposal can therefore be screened out from further stages in the Habitats Regulations Assessment process, as set out under Regulation 61 of the Habitats Regulations 2010, as amended.

Internal Council Consultations

4.4 Conservation Manager (Ecology) (May 2017)

The proposed development lies within the SSSI/SAC Impact Risk Zone “Any discharge of water including to mains sewer” whereby Natural England should be a statutory consultee. The application will also have to be assessed by this authority through a Habitat Regulations Assessment Screening to ensure that all ‘likely significant effects’ on the SAC/SSSI are fully mitigated. This assessment needs to be undertaken BEFORE any determination can be made. I note from the supporting information that surface water will be managed by on-site soakaway systems and hence the development would have no immediate impacts upon local surface water management. Connection to the mains sewer system is proposed for foul water from the development. In order to allow Natural England to assess the application and for this authority to undertake the required screening I would request:-

Confirmation from the relevant statutory body that connection to the mains sewer system (as proposed) is possible; and that the local public sewer system has the capacity to effectively manage the full increased volume of foul water that will produced by the development.

Other possible ‘likely significant effects’ can be managed and mitigated through appropriate conditions requiring the submission of a Construction Environmental Management Plan. (I note that there are significant trees on the proposed site, including TPO trees and an arboriculture report has been supplied that our Tree Officer should be consulted on. Approved tree and hedgerow protection plans and working methods should be included in the CEMP along with all relevant ecological Risk Avoidance Measure and details of how all other construction process potential pollutants, contaminants, spills and discharges will be managed and mitigated.

Nature Conservation Protection

Before any work begins, equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) shall be supplied to the planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have been finally removed.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

Having reviewed the very slim walkover ecological survey I would have to request that this is fully revisited and resubmitted at Reserved Matters, as there is no mention of the protected species (otter, grass snake and bats) that have been historically recorded on or within 500m of the site and so should be considered in more detail. It would appear the 'desktop' element of the report has been omitted as a search through the local Biological Records Centre would have raised these records and allowed the relevant detailed survey work and further considerations to be carried out prior to submission of existing report. A more detailed review of local records, detailed Optimal Period surveys and reference to all reptiles and more consideration for use of the area by commuting and foraging bats is requested – this could be provided prior to Outline determination otherwise more detailed Optimal Period surveys and report will be required under Reserved Matters – suggested Condition are inserted in the recommendation below.

Subject to confirmation that connection to the public sewer is possible and that sufficient capacity exists within this sewer system; and with the inclusion of the suggested full ecological surveys, CEMP and biodiversity enhancement scheme, I am happy that I can conclude through HRA review that this development should offer NO unmitigated 'likely significant effects' on the relevant SAC/SSSI IRZ and I would have no objection to the proposed development.

Confirmation has since been received and the Ecologist has confirmation that they can conclude with this confirmed and conditions based on my suggestions I am happy that this development should show no unmitigated 'Likely Significant Effects' on the SAC/SSSI and local ecology.

4.5 Conservation Manager (Landscape):

From a landscape position I have no objection to the principle of residential development upon the site and I consider that the indicative drawings demonstrate that there is capacity for 10 dwellings.

There are a number of aspects in relation to the landscape features on site and the nature of the proposal which I would draw to the attention of the planning officer:

- There are a number of trees on site which contribute in a large way to its landscape character and these should be retained. I am aware that these trees are protected as part of a Tree Preservation Order and as the submitted tree survey indicates many of these trees are category A or B quality. I do not intend to comment any further in respect of the trees as I am aware that the Tree Officer has been consulted and will comment in due course.
- In terms of the settlement pattern of Moreton on Lugg the site lies immediately north, adjacent to existing built form within the village. For the most part the site lies within the landscape character type; Principal Settled Farmlands, however the northernmost tip extends into Riverside Meadows. Given that Riverside Meadows is an essentially unsettled landscape built form should not extend into this type and the layout of the proposal should

reflect this transition between villagescape and open countryside. I consider that this view is consistent with the advice given at the pre-application stage in 2016.

- Currently the quality of treatment of the boundaries is varied, most likely due to the fact that it has developed in an ad hoc manner. Historic maps indicate that the site was originally part of a larger field that has been subdivided and developed around during recent years. The northern boundary which is currently delineated by fencing would benefit from a substantial landscape buffer to filter views of the proposal from the surrounding open countryside. The eastern boundary which meets rear gardens off St Peter's Close also needs consideration. I would recommend hedgerow planting with intermittent trees, particularly at the south eastern end where residential amenity of 118 and 120 could be affected.
- Finally I note that on mapping that there appears to be a link between the C1120 and the site, I have not checked this on site, however I think it is important to establish a pedestrian link between the site and the village and would recommend that this be opened up if possible.
- Landscaping plans and proposed management can be submitted via a condition as part of the reserved matters.

4.6 **Conservation Manager (Tree Officer)** (Original response - July 2017)

1. All trees are covered by a tree preservation order (TPO227/A3) which was confirmed in 1987. The age of the trees recorded during the tree survey suggest that these were present when the TPO was made.
2. I note that the layout does incorporate all of these protected trees in to the scheme. However, due to their size and species type, this may be inappropriate. It may be practically viable to incorporate the trees, but I have concerns that they will become subject to post development pressures. Large trees in close proximity to new dwellings can present an overbearing effect to their occupants, which then may lead to questions being asked regarding the tree safety and the associated pruning or felling. As these trees are important within the landscape, I feel that these potential pressures could be avoided through major layout changes.
3. The areas of most concern relate to trees adjacent to Plots 1, 4, 5, 6, 7 and 10. Even though the new dwellings are set outside the root protection areas of these trees, it doesn't automatically mean that it is acceptable. As well as the size of the trees (and overbearing effect), trees to the south of Plots 4, 6, 7 and 10 would also present a light availability issues.
4. There may be scope to remove some of the less important trees to allow successful retention of the better trees but this will require further consultation with the LPA.
5. The tree constraints plan does not have reference numbers for each tree which means that it is difficult to identify them and their species type against the layout, and therefore difficult to establish their appropriateness. This plan should be updated with these reference numbers to correlate with the tree survey.
6. Although the AIA (Stretton Tree Services_28th Feb_2017) states in paragraph 7.1, that there will have to be no facilitation pruning to implement the development proposals, I note that canopies of trees adjacent to Plot 1 and 10 will require pruning works to enable scaffolding to be erected/construction of dwellings. The BS5837:2012 tree survey did not record the canopy spreads of the trees at each cardinal point, lowest branch direction and canopy height (which is a requirement of a BS5837 tree survey). This would help position

dwellings and give a true indication to where facilitation pruning will be required. This should be updated to include this information.

7. The submitted Arboricultural Method Statement (AMS) (Stretton tree services) did not include a full tree protection plan and the information contained within seemed very generic. I consider that a more site specific AMS will be required if the application progresses. This should include specific details on all construction activities close to trees which could impact their overall health and a specification drawing for the tree protection fencing.
8. Tree 2504 within the tree survey is identified as 'Young' in age but the height was measured at 16m with a stem diameter of 370mm, is this correct?

I consider that a reduction of plot numbers and layout change should be implemented to allow additional space around retained trees. This will ensure their longevity within the landscape and not present conflicts with future residents. I therefore object to the current development proposals.

Comments in relation to amended site layout - September 2017

I have seen the amended site layout which now positions the indicative locations of the properties out side of the Root Protection Areas. Therefore I do not have an objection to the proposals.

The report does state that no felling or facilitation pruning will be required therefore any future tree work will require a separate planning application because the trees on the site are protected by Tree Preservation Order 227 G3.

A condition is recommended to ensure protection during construction and this is detailed in the recommendation section below.

4.7 Transportation Manager:

Highways England have submitted a no objection to the proposal and the impact on the A49

The Estate prior to the proposed development is a private road which is functional but not to adoptable standards, as such it would not be adopted by the council

Previous application approved with conditions for 9 houses 151315 on the adjacent site. I understand the application is a replacement to the extant permission and only one site will be developed.

The application is for outline, as such, access is considered along with the indicative layout plan. The internal layout has a straight section which may introduce higher speeds the councils design guide which require the speeds to be contained to 15mph. If the straight is to remain, other features will be required to fulfil that function, this will need to be conditioned.

If the above can be incorporated into the scheme, the intensification is not significant and if you are minded to approve, the attached conditions and informatives are required to make the development acceptable in highway terms.

4.8 Environmental Health Officer (Contaminated Land):

According to our records, the proposed development is, in part, within 250m of an unauthorised tip. This is a potentially contaminative use. As such I'd recommend conditions (included in the recommendation section below)

4.9 Land Drainage Officer:

In principle we do not object to the proposals, however we recommend that the following information is provided within suitably worded planning conditions:

- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Evidence of infiltration testing results undertaken in accordance with BRE365;
- Evidence that the Applicant has sought and agreed permissions to discharge foul water from the site with the relevant authorities;
- Demonstration that appropriate pollution control measures are in place prior to discharge;
- Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems;

5. Representations

5.1 Moreton-on-Lugg Parish Council has made the following comments:

Residents were invited to voice their comments on the amended application. It was noted that many residents have expressed their personal feelings by sending in individual letters of objection to the Planning Officer.

The Parish Council's objections are primarily based on:

1. The increased traffic along the un-adopted road known as Ordnance Close.
2. Already there have been 3 fatalities on the A49 since 2009 – sadly all of these within 500 yards of the entrance to Ordnance Close which is almost opposite the entrance to Upper House Farm. The Parish Council were reminded that the farm has planning permission to double its existing chicken houses from 3 to 6 which will create double the amount of large slow-moving vehicles entering and leaving the A49.
3. These additional slow-moving vehicles together with the planned extra vehicles turning into and leaving Ordnance Close are bound to cause a massive hazard for other road users.
4. Major concerns with regard to speed along this stretch of road have already been acknowledged and there have been repeated requests for the speed limit to be reviewed and reduced to 50mph – these requests have been denied.
5. At present the traffic is fast moving from both directions which will be forced to dramatically slow down – without any pre-warning signs - to allow vehicles to turn into Ordnance Close and/or Church House Farm. The likelihood of following fast moving traffic shunting into each other must be viewed as a dangerous even life-threatening possibility.
6. It was acknowledged that future planning applications for adjacent fields are very likely to be submitted, even linked into this development, which would again increase the usage of the un-adopted Ordnance Close with its associated access to and from the A49 The Parish

Council uphold all observations, objections and complaints with regard to the additional traffic and problems it could cause both along the un-adopted Ordnance Close; access on to and from the A49 and therefore wish to illustrate by means of this letter their objection to the amended planning application for land adjacent to Garrison House, Moreton on Lugg.

5.2 44 letters of objection have been received plus a petition of 40 signatures who are against the development. The content of these can be summarised as follows:

Highway Safety

- Junction with A49 is dangerous, perilous and woefully inadequate with frequent near misses and 2 fatalities;
- Would be danger not just for those using Ordnance Close but all road users.
- Hair pin bend on approach from north
- Accidents when indicating to turn right, hit from the rear
- Without a filter lane to turn right there is confusion
- Proliferation of signs and new cycleway do not help.
- Concern during construction phases – larger vehicles
- No consideration of pedestrians – conflict of users with no footway for last 40m.
- Long walk to services and concern for children getting to the bus stop for school
- The proposal will be a major traffic increase on a road not designed for that purpose.
- Additional traffic and use of the A49 has not been considered – including the poultry sheds, application at Church Farm (Moreton-on-Lugg), the increase in activity at Moreton Park and impact of the large residential developments in Hereford.

Legal Issues / Rights of Way

- Ordnance Close is a private road
- Maintenance is currently the residents' responsibility – who would be responsible for maintenance with the excess wear and tear?
- Council should not override the wishes of local residents in respect of who can use the private road.

Biodiversity and loss of Green Space

- Site is a valuable wildlife site in Herefordshire and should be encouraged not destroyed.
- There has been a decline in wildlife as this has been discouraged.
- The constant mowing of the site has discouraged flora and fauna and there has been a systematic destruction of the site that has made it inhospitable.
- Former meadow
- Adjoining sites are still rich in biodiversity and wildlife.
- Used to be used for grazing of animals and horses.
- Sighting of woodpeckers (regularly) and other species that are in decline
- Trees have been providing a safe haven
- Site was saved as recreational / open space and should remain as such. Greenspace is important for all to enjoy.
- Dispute the findings of the reports submitted with the application
- Increased noise and light pollution will have an impact upon biodiversity.
- Access to this field has only been restricted for a couple of years.
- Conflict in comments from ecologist and Tree Consultant and presence of bat roosts.
- Roost in neighbouring properties.

Trees

- Number of trees that have been felled in last few years have been noted. Felt that this is deliberate to facilitate the development of the site.
- TPO's should be upheld. They seem to have lost their integrity? Have these been checked properly?
- Concern that the trees removed were not diseased as stated as have been in full bloom historically from season to season.
- Previously advised trees could not be felled as TPO'd.
- Concern that TPO'd trees outside of the site will be affected by development phases.

Amenity and Privacy

- Trees not identified on the surveys have been removed by the applicant – they were healthy.
- The development will affect the Roots of the trees.
- Proposed dwellings will mean a complete loss of privacy and amenity depriving occupants of the enjoyment of using their conservatory, gardens and decking.
- Loss of outlook across the open field.
- Impact of noise, dust, disturbance during the construction phases.
- Reduced number of trees has meant that the industrial buildings can be seen and reduced noise mitigation for dwellings.
- Loss of amenity due to disturbance of the additional vehicles travelling along Ordnance Close.

Drainage

- Change of use of the land will change the hydrologic properties of the land and could result in flood risk
- Potential impacts upon the SSSI / SAC
- Would welsh water systems be able to cope?

Other Issues

- No benefits to the local residents or the village
- Four previous refusals on the grounds of environment and highway safety – no change so should be upheld
- The site is not located in a sustainable location or village
- Application lacks vital information
- Site was MOD owned and former Prisoner of War camp - concern about potential contamination and bunkers being located within the site. Potential asbestos from buildings?
- Houses are not needed and large detached four bed houses are not needed locally
- The site will always be detached from the rest of the village
- SHLAA designated this as land with significant constraints
- Concern that the two developments will go ahead – how will this be prevented?
- Concern that the further fields will be developed
- Loss of value of properties locally due to development
- OS map base is incorrect and gardens of 21 – 25 St Andrews Close extend to site boundary.
- Is there sufficient primary school capacity to accommodate these properties?
- Potential for an impact on Village Park that backs onto the site.

5.3 The applicant has also submitted a letter of support, responding to the representations. This can be summarised as follows:

- The Highways Agency has said the junction meets all the standards. This advice is as per the previous application for essentially the same number houses.
- The tree protection order covers the whole field, not individual trees. Shortly after I purchased the field a full tree survey was undertaken. Permission was obtained and only trees where I had express permission to remove or prune them have been touched. The only exception to this would be the twin stemmed Ash that was felled on 28th February 2017 as a matter of emergency following a report (with photos) sent by Dan Stretton the tree surgeon and agreed by the Councils Tree Officer.
- All the trees that remain in the field now are to stay and will not be affected in any way by the building process or the new houses - as per the requirements & restrictions set out in the 2nd survey.
- Privacy & landscaping - The indicative layout clearly shows all houses would be at least 20 meters away which I understand meets the specifications for privacy. Happy to discuss erecting a 2 metre high close boarded fence round the entire perimeter of the site if this allows people not to feel over-looked. I would also undertake to plant suitable hedging and trees on the northern boundary or wherever else were deemed appropriate. One great advantage of a 1 hectare plot with many mature trees already present and just 10 houses appropriately spaced between them is that the site will have an "established" feel straight away unlike so many new "estates" built on greenfield sites.
- Wildlife – I cut the grass once a week not because I want to damage or destroy the wildlife but rather I like the effect of creating park like grounds. Also regular cutting keeps the weeds down without using pesticides. Rabbits and moles are considered pests and I have done my best to eradicate them. There were many bats around before I started mowing the field and there are just as many now. The latest tree report specifically mentions them roosting in the large Oak near the eastern boundary as does the habitat survey. The flowers, plants and hedging of 10 separate gardens is likely to encourage more not less wildlife and of course all the houses would have to be fitted with bat box's in line with current requirements.
- Meadow – Had been rented 15 years previously and then unoccupied for 3 years when purchased in 2012. It was full of weeds, brambles and nettles, six feet high in places. Garden rubbish had also been tipped.
- Position within the village – distance from the end of St. Peters Close and the furthest point of the proposed development the distance to the shop, chip shop, church, church hall etc. is much the same. If you were going to the bus stop on the A49 from the end of St. Peters Close it would be some 200 yards more compared with the proposed development site. Site is no more remote or removed than many other parts of the village and in fact much closer than some.
- Loss of amenity of an Open Space – Site never been common land or a public park. Parish Council were gifted some 4 acres of land which includes a wood, field, play area and park used as open space.
- Previous Planning history – policy position has changed over time.
- If this application is successful the current approved development for the Garrison House site will be deleted via a section 106 agreement.

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=171573&search=171573

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

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

- 6.1 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Policy Context

- 6.2 The Herefordshire Local Plan - Core Strategy (CS) is the development plan for the area and a range of relevant CS policies are listed above. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms that proposals that accord with the policies of the CS (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise. SS1 also imports an equivalent of the NPPF paragraph 14 'test' where relevant policies are out-of-date, stating that permission will be granted unless material considerations indicate otherwise – taking into account whether "any adverse impacts of granting permission would *significantly* and *demonstrably* outweigh the benefits when assessed against the policies in national policy taken as a whole or specific elements of national policy indicate that development should be restricted.
- 6.3 It is also the case that the Council cannot demonstrate a 5 year housing land supply with requisite buffer. This year's Annual Monitoring Report confirms a supply of 4.54 years. This is relevant insofar as the CS and NPPF both seek to boost significantly the supply of housing and confirm that housing applications should be considered in the context of the positive presumption. As a consequence of the housing land supply position, the policies in the Core Strategy relating to the supply of housing are out of date by reason of paragraph 49 of the NPPF. Although these policies are out of date, the weight that they should receive is a matter of planning judgment for the decision-maker.
- 6.4 As per the NPPF, the delivery of sustainable housing development to meet objectively assessed need is a central theme of the CS. Policy SS2 'Delivering new homes' confirms that Hereford, with the market towns in the tier below, is the main focus for new housing development. In the rural areas new housing development will be acceptable *"where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community."*
- 6.5 Policy RA1, Rural housing distribution, explains that the minimum 5,300 new dwellings will be distributed across seven Housing Market Areas (HMAs). This recognises that different parts of the County have differing housing needs and requirements. The Parish of Moreton-on-Lugg lies within the rural part of the Hereford HMA, which is tasked with an indicative housing growth target of 18% (1870 dwellings).
- 6.6 The Core Strategy identifies Moreton-on-Lugg as one of the County's rural settlements that will be the main focus for proportionate housing growth in the plan period to 2031. Policy RA1 calculates an indicative housing growth target for the Parish, based on an increase of 18% of

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

existing dwellings for the Hereford Housing Market Area. This amounts to a minimum of 63 new dwellings for the plan period. Commitments and completions total 14 leaving a residual figure of 49 new dwellings. The commitments include the 9 dwellings approved under the associated application at Garrison House (151315), which would fall away if this proposal is approved. This target is to be used as a basis for the production of Neighbourhood Development Plans (NDPs) where local evidence and environmental factors will determine the appropriate scale of development. The Core Strategy leaves flexibility for NDPs to identify the most suitable housing sites. Whilst the neighbourhood area for Moreton-on-Lugg was designated in October 2013, the Parish has since withdrawn from the Neighbourhood Planning process. Moreton on Lugg will therefore be included in an upcoming Rural Areas Site Allocations Development Plan Document (RASADPD)

6.7 As an identified settlement, Policy RA2 (Housing in settlements outside Hereford and the market towns) is relevant. The policy states:

“Housing proposals will be permitted where the following criteria are met:

- 1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.15 proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;*
- 2. Their locations make best and full use of suitable brownfield sites wherever possible;*
- 3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and*
- 4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.*

Specific proposals for the delivery of local need housing will be particularly supported where they meet an identified need and their long-term retention as local needs housing is secured as such”

6.8 Ordnance Close comprises a cul-de-sac of two storey dwellings with those to the north being semi-detached properties, with the exception of Garrison House, and those to the south being detached properties. The dwellings have good sized residential curtilages and off road parking. The frontages of the properties that are seen on the approach to this site are predominately open plan and laid to lawn. The areas to its south and east are also predominantly residential areas, again consisting of detached and semi-detached dwellings with off road parking and gardens. The site has a clear relationship with the built form of these areas and its northern boundary has considered to ensure that this does not protrude beyond the boundaries of these residential properties.

6.9 Officers are satisfied that this site lies adjacent to the main built up part of the settlement. Its design and layout would be in the form of a cul-de-sac, interspersed with mature trees. This is consistent with the local context and area, with a density also comparable to its surroundings.

6.10 The application is outline only with all matters reserved except for access, which is gained via Ordnance Close. Whilst an indicative plan has been submitted with the application, the layout, scale, appearance and landscaping would form part of a Reserved Matters application. The indicative plan has been provided to demonstrate that the site can accommodate 10 dwellings having regard to the site context and constraints such as the TPO trees and drainage.

- 6.11 The applicant has confirmed that it would be the intention to develop the site for 'self build plots. Therefore the access road would be constructed and plots sold on a plot by plot basis. Reserved matters applications would therefore be submitted that would need to deal with the details that are reserved. It is at the Reserved Matters stage that some of the matters and concerns being raised by objectors to the proposal would be addressed e.g. layout relative to adjoining properties, propensity for overlooking, landscaping and boundary treatments. This application seeks only to establish the principle of developing up to 10 dwellings on the site, along with the means of access.

Landscape Character

- 6.12 The requirements of RA2 are underpinned by Policy LD1 Landscape and townscape. Development proposals need to demonstrate that features such as scale and site selection have been positively influenced by the character of the landscape and townscape, and that regard has also been had to the protection and enhancement of the setting of settlements. Development proposals should also conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including locally designated parks and gardens; and should incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings.
- 6.13 In addition, proposals should maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement of trees lost through development, and new planting to support green infrastructure.
- 6.14 Representations make reference to the appeals on the site from the 1980's and 1990's that did, amongst other issues of protected open space and highway safety, have reference to the impact upon the character of the area and landscape on the edge of the settlement.
- 6.15 The Councils landscape officer has considered the proposal in its current context and their assessment is provided above. No objection has been raised but it is acknowledged that the retention of the trees (as proposed) and the provision of a detailed landscaping plan that has particular regard to the boundaries will be important. These matters will be considered at Reserved Matters stage.
- 6.16 Officers would also advise that when considering the degree of adverse impact upon the landscape it is accepted that the site is undesignated and its immediate surroundings have already undergone substantial change during the 20th century. The policy context from the decisions around 30 years ago is also significantly different; insofar as the positive presumption now applies in circumstances where the Council cannot demonstrate a 5-year supply with buffer.

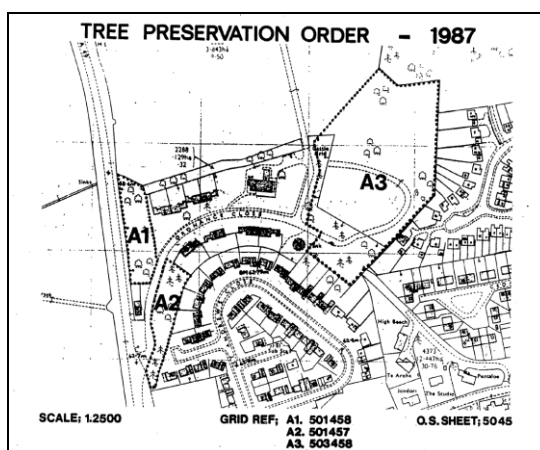
Trees and Open Space

- 6.17 As noted in representations received the application site has formerly been designated as protected open space within development plans, including the Unitary Development Plan. The site has never been public open space, although it would appear that there may have been a desire for this at some point in the past. The site is no longer designated and is afforded no protection in this way. This matter could have been the preserve of the NDP were one being pursued.

- 6.18 The site is also subject to a group Tree Preservation Order (A3 on plan below) and the relevant reports have been submitted with the application. This TPO was served in 1987, and was confirmed in 1989. The area is described as consisting mainly of ash, birch and beech and the reason for the order being:

That these three areas are planted with a wide variety of tree species of varying ages which form an important feature of Ordnance Close and the surrounding area. The Secretary of State for defence has indicated that the land could be used for residential use and this Order will safeguard the trees should the land cease to be Crown Land or becomes subject to a private interest.

- 6.19 As detailed above, these trees have been subject to a number of applications and permission has been obtained for the removal of and works to trees. The application does not propose the removal of any of the remaining trees and plans have been amended to address concerns raised and demonstrate that the proposal can be undertaken whilst respecting these remaining trees and their root protection areas. Careful consideration will be needed at reserved matters stage to ensure siting of the dwellings within each plot continues to preserve the protected trees in accordance with the requirements of policy LD2 of the Herefordshire Local Plan and guidance contained within the National Planning Policy Framework. Conditions are recommended to ensure protection during construction phases.



TPO Plan



Proposed layout (indicative)

- 6.20 This application does not propose any works to the trees and any works would require separate applications and consent.

Biodiversity

- 6.21 The application submission has been supported by a Phase 1 Habitat survey. Policy LD2 of the Core Strategy seeks to ensure that development proposals conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire. It is noted that local residents raise concern about the site's biodiversity value being undermined in recent years but also raise concern about the impacts of the development on the wildlife in the area. The Council's Ecologist raises some concerns about the level of survey work but is satisfied that, with the conditions suggested that require much more detailed reports before works commence and before reserved matters stages, that the proposal would comply with the requirements of the policy. Detailed landscape plans should also include reference to the ecological recommendations and enhancement that can be achieved with appropriate planting, mitigation and protection. Conditions are suggested below.

- 6.22 As advised above by both Natural England and the Councils Ecologist, the application could have potential significant effects on the River Wye Special Area of Conservation and River Lugg Site of Special Scientific Interest and it was therefore important to clarify the Drainage Arrangements for the site. Welsh Water have not raised any objection to the mains connection and further details in relation to surface water have confirmed the use of soakways. The Councils ecologist has confirmed that this approach is acceptable and that it will be able to confirm no likely significant effects on the SSSI and SAC. Natural England have been re-consulted upon the receipt of the Welsh Water comments and we await their response to this matter.
- 6.23 In addition to this, and to avoid damage to the special interest of the River Wye Special Area of Conservation and River Lugg Site of Special Scientific Interest mentioned above, a condition is recommended that requires a Construction Environmental Management Plan to be submitted and agreed with the Local Planning Authority prior to the commencement of any works.
- 6.24 Therefore, subject to the confirmation from Natural England, matters raised in respect of the ecological impact of the drainage proposals have been addressed with the confirmation of a mains connection for foul drainage. A detailed condition is also recommended in this respect of the drainage arrangements for the site and it is expect that this should also be detailed at Reserved Matters Stages.

Design and Amenity

- 6.25 Core Strategy policy SD1 (Sustainable Design and Energy Efficiency) seeks to secure high quality design and well planned development, that contributes positively to the character of the area and that development successfully integrates into the existing built, natural and historic environment. This policy also seeks the inclusion of physical sustainability measures, including orientation of buildings, provision of water conservation measures, storage for bicycles and waste, including provision for recycling and enabling renewable energy and energy conservation infrastructure.
- 6.26 Policy SD3 deals, among other things, with water consumption and a condition is recommended to address this requirement. The use of sustainable construction methods is also pursued in this policy.
- 6.27 These requirements must be considered alongside those of residential amenity in the progression of any approval. The concerns of the local residents and neighbours about loss of privacy and amenity would need to be carefully considered in the siting, orientation and design of the dwellings. However the indicative plan has been provided that demonstrates that dwellings can be sited to ensure that adequate distances to the dwellings on St Peters Close are provided to allow for acceptable relationships between the dwellings. It is appreciated that the current occupants have enjoyed the benefit of an open view and that there amenity will be affected by the development. However, these relationships in such areas are not uncommon and would not form the basis of a reason for refusal. A condition requiring the details of new boundary treatments is also recommended to ensure that privacy is further protected for existing and proposed occupants.

Highway Safety

- 6.28 Ordnance Close is a privately owned road that is dual width and has a footway running along its northern side, crossing to the south side at the approach to the A49 Junction with the exception of a short stretch. There is good pedestrian connectivity to the main village, via the footway along the A49 and back towards the village and its services, as well as access to the bus stop on the A49. In 2015 a new cycleway and improvements were delivered as a part of the Moreton Business Park development.

6.29 Local residents raise three key issues:

1. The access to the site is via an un-adopted road that is not entirely in the ownership of the applicant and that residents share the cost of maintaining;
2. Highway safety issues in respect of the junction of Ordnance Close and the A49 (intensification of use and highway safety)
3. Pedestrian safety

6.30 These issues, including the legal position of ownership and maintenance were very carefully considered and explored during the determination of the application for the 9 houses on the adjoining site. It was concluded at this point that the un-adopted road *is* capable of absorbing the additional traffic movements without detriment to highway or pedestrian safety. In that respect it complies with the requirements of policy MT1 of the Core Strategy. This application will effectively replace this planning permission (and this will be secured by a legal agreement). This application seeks permission for up to 10 units and therefore there is potential for movements of one additional dwelling (plus Garrison House) but this slight increase is not considered to be critical to the capabilities of the use of Ordnance Close and no objection is raised.

6.31 Objections have also been raised to the proposal having specific regard to highway safety at the junction of the A49 and Ordnance Close. These concerns relate primarily to the movements required when entering the site from both the north and south where vehicles are slowing or stopping to turn and where other vehicles using the A49 have to slow to accommodate this. Objectors also note the recent accidents on the A49 (recorded and not reported or recorded) in the locality and the concern about the speeds along this highway.

6.32 Highways England has the jurisdiction over the A49 and as such they are the Statutory Consultee in this instance. As per the previous application, where this issue was explored in some detail, they raise no objection to this proposal. This comment has been given on the basis of this application being in lieu of the one that has already gained approval. On this basis, officers are of the opinion that the proposal would comply with the requirements of policy MT1 of the Core Strategy and with the requirements of paragraph 32 of the NPPF that states that development should only be prevented or refused on transport grounds where the residual cumulative impact of the development are severe.

6.33 Comments have also been raised about pedestrian connectivity of the site to the village. Ordnance Close has a footway until a point with a 40 / 50m section being along the private road before joining with the relatively new path and cycleway on the A49. This footway continues through the village. During the last application the possibility of creating a footway along this stretch was considered as the land to the east of the roadway is also in the applicant's control. However, concern was expressed that this would lead to the loss of the trees, that are also subject of a group TPO, along this frontage. It was concluded that the speeds and visibility on this section were acceptable to share with pedestrians for this short section and this decision is a material consideration in the determination of this application. The possibility of providing a footway connection from the site to the main village along the driveway that serves the dwelling known as Pentaloe (opposite the church) was also considered but this is not in the control or ownership of the applicant and was not considered as a possibility.

Section 106 contributions and Affordable Housing provision

6.34 Policy H1 of the Core Strategy established the affordable housing targets for the County. This policy states that all new open market housing proposals on sites of more than 10 dwellings which have a maximum combined gross floor space of more than 1000 sqm will be expected to contribute towards meeting affordable housing needs. This application relates to a development

under the threshold of ten dwellings and as such there is no requirement for affordable housing. In line with guidance contained within the national Planning Practice Guidance, the scheme also falls below the threshold for section 106 contributions.

- 6.35 In this instance, the section 106 agreement is needed to ensure that only one of the proposed schemes is implemented.

Conclusions

- 6.36 Both Core Strategy policy SS1 and paragraph 14 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where they accord with the development plan. The sites location is well located to the main settlement of Moreton-on-Lugg and has good access to local services and public transport offering a genuine opportunity for alternative means of travel to its occupants. The principle of development is considered to be acceptable, with detailed design matters being considered in the Reserved Matters stage to ensure compliance with, in particular Policies RA2, SD1, LD1 and LD2 of the Core Strategy.
- 6.37 Officers are of the opinion that the existing un-adopted road that serves the development is sufficient to absorb the additional traffic generated from the development and Highways England have raised no objection to the proposed development. The concerns raised by the Parish Council and local residents have been carefully considered but officers are still of the opinion that this relatively small scale development would comply with the requirements of policy MT1 of the Core Strategy and with the guidance contained within the National Planning Policy Framework. The fact that this application replaces that previously approved on the adjoining site is also a material consideration and a legal agreement will ensure that this matter is secured.
- 6.38 Matters of impact upon biodiversity, landscape character and the impact upon the protected trees have been carefully considered and it is resolved that additional work can be undertaken that will ensure that the requirements of policies LD1 and LD2 are met.
- 6.39 Having regard to the three indivisible dimensions of sustainable development as set out in the Core Strategy and NPPF, officers conclude that the scheme, when considered as a whole, is representative of sustainable development and that the presumption in favour of approval is therefore engaged. The contribution that the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic and social roles.
- 6.40 The Council acknowledge that there continues to be a deficit in terms of a five year housing land supply. Small scale sites such as the one proposed are vital to support the growth required over the plan period. This proposed development is compliant with the policies of the Herefordshire Local Plan Core Strategy and is considered to be sustainable development, for which there is a presumption in favour. It is officers' recommendation that this proposal is approved with the appropriate conditions, subject to the completion of the Section 106 agreement to secure the implementation of only one permission.

RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement that ensures implementation only in lieu of planning permission 151315 that planning permission be granted subject to the following conditions and any others considered necessary by officers named in the scheme of delegation to officers:

- 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. **CNS - Contaminated Land**

be appended to any approval to consider risk from this and any other identified given the proposed sensitive residential use.

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 shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.**

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

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.**

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

3. **If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the**

developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

7. CNS – Trees

The development shall be carried out strictly in accordance with recommendations set out within the following documents: 'Arboricultural Impact Assessment & Arboricultural Method Statement. Arbortech dated 03-05-2017.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with the requirements of policy LD2 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National planning Policy Framework

8. CNS – Drainage

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

9. CNS – Biodiversity

Prior to commencement of the development, an extended Ecological Survey with relevant Optimal period surveys should be carried out and a detailed report with recommendations for specific ecological Risk Avoidance Measures and mitigation should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

10. CNS – Biodiversity

Prior to commencement of the development, a detailed habitat enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the

Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

11. C97 – Landscape Implementation
12. CAE – Vehicular Access Construction
13. CAL – Access, turning area and parking
14. CAQ – On site roads – submission of details
15. CAR – On site roads – phasing
16. CAS – Road Completion in 2 years
17. CAT – Wheel Washing
18. CAZ – Parking for site operatives and Construction Environmental Management Plan.
19. CB2 – Secure Cycle Parking Provision
20. CBK – Hours of working during construction
21. CE6 – Water Efficiency

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. **The applicants attention is drawn to the comments of the Land Drainage Officer and their requirements in respect of condition 8**

3. **With reference to condition 8**

Welsh Water / Dwr Cymru advise that their records show that the proposed development site is crossed by a public sewer and watermain with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located, marked out on site before works commence. Thereafter, no part of any building will be permitted within 3 metres either side of the centreline of the rising main.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and

lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

4. **With reference to condition 6**

The assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2012.

And as a final technical point, we require all investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.

5. **With reference to conditions 9&10**

The enhancement plan should include details and locations of any proposed Biodiversity/Habitat enhancements as referred to in NPPF and HC Core Strategy. At a minimum we would be looking for proposals to enhance bat roosting, bird nesting and invertebrate/pollinator homes to be incorporated in to the new buildings as well as consideration for hedgehog houses within the landscaping/boundary features. No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative.

6. **I11 - HN01 Mud on highway**

7. **I54 - HN19 Disabled needs**

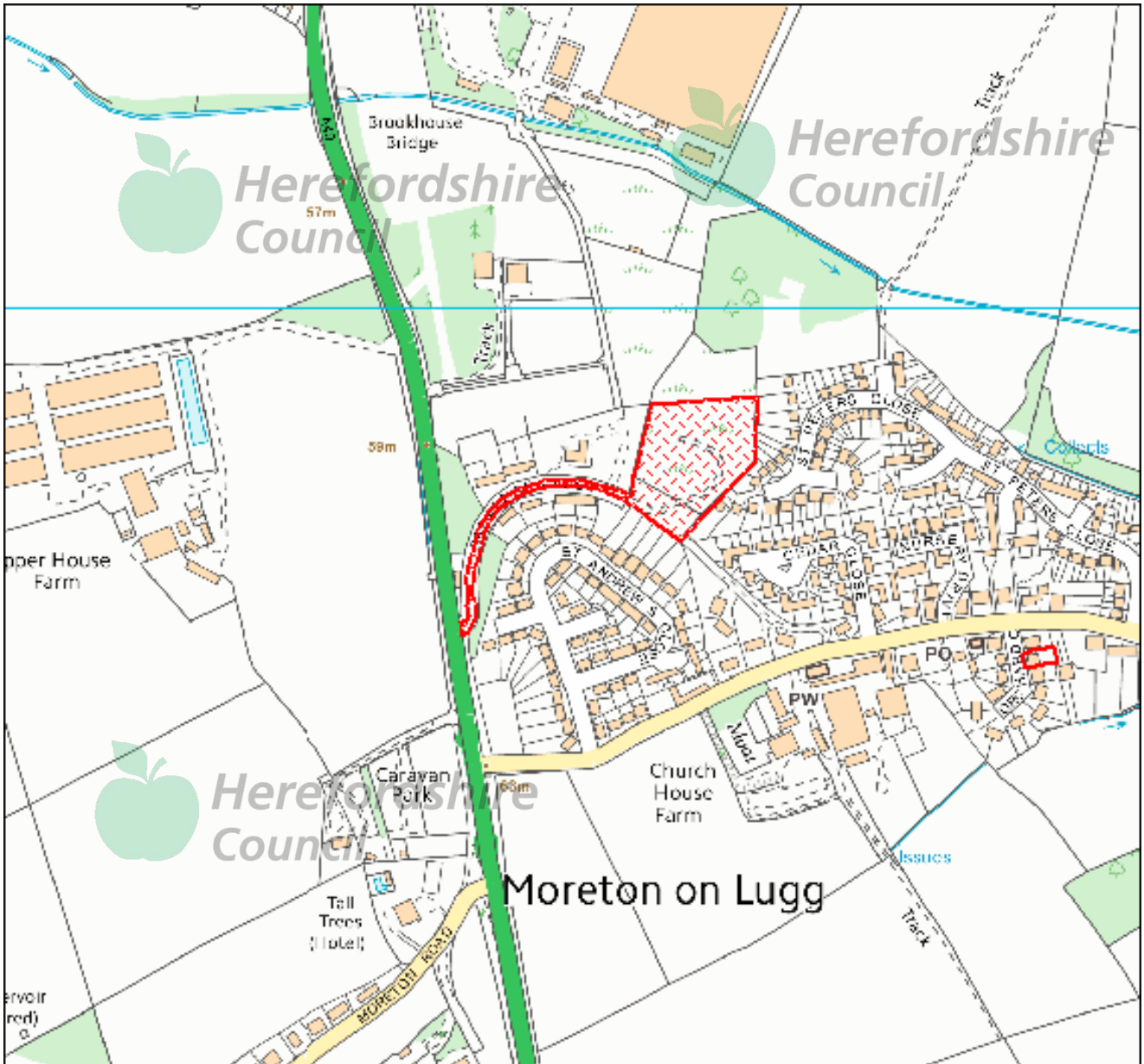
8. **I35 - HN28 Highways Design Guide and Specification**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 171573

SITE ADDRESS : LAND ADJACENT TO GARRISON HOUSE, ORDNANCE CLOSE, MORETON-ON-LUGG, HEREFORDSHIRE

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

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|---|---|
| MEETING: | PLANNING AND REGULATORY COMMITTEE |
| DATE: | 4 OCTOBER 2017 |
| TITLE OF REPORT: | 172420 - PROPOSED SINGLE STOREY DWELLING AT LAND ADJACENT THE OLD CHAPEL, TILLINGTON, HEREFORD. For: Mr Crockett per Mrs Angela Tyler, 39 Grandison Rise, Hereford, Herefordshire, HR1 1PP |
| WEBSITE LINK: | https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=172420&search=172420 |
| Reason Application submitted to Committee – Member application | |

Date Received: 29 June 2017

Ward: Queenswood

Grid Ref: 345619,245986

Expiry Date: 20 September 2017

Local Member: Councillor PE Crockett (Councillor WLS Bowen is fulfilling the role of local ward member for this application.)

1. Site Description and Proposal

- 1.1 The site lies to the north of the C1095 road between Tillington and Tillington Common, some 4km north west of the edge of Hereford city. There is a gated vehicular access off the C1095 leading onto lower ground enclosed on the three remaining sides with wooden fences. The site lies to the immediate west of the Old Chapel (which is a small red brick and tile roadside building now converted to a dwelling. There are sporadic roadside dwellings along the C1095 but none immediately adjoining. The opposite side of the road is largely open and undeveloped with some dwellings set back deeper from the road which are accessed some distance to the east along a private lane.
- 1.2 The proposal is for a single storey dwelling with 2 parking spaces and a package sewage treatment unit, with driveway and some native tree and shrub planting to the frontage. The existing boundary treatments are shown to be retained.
- 1.3 The building has a broadly H-shaped plan with two side mono-pitched roofs tying into a pitched roof in between. Proposed materials are grey zinc roof, grey aluminium triple glazed windows, with render and timber cladding to elevations.
- 1.4 The application promotes the proposed dwelling as a Paragraph 55 (National Planning Policy Framework) innovative and sustainable design proposal. The application is accompanied by a 3d visualisation along with a visualisation of street-scene with the proposed building.

 Further information on the subject of this report is available from Mr Fernando Barber-Martinez on 01432 383674

2. Policies

2.1 Herefordshire Local Plan: Core Strategy

- SS1 - Presumption in Favour of Sustainable Development;
- SS2 - Delivering New Homes;
- SS6 - Environmental Quality and Local Distinctiveness;
- RA2 - Housing Outside Settlements Hereford and the Market Towns (Stoke Cross/ Stoke Lacy);
- RA3 - Herefordshire's Countryside;
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel;
- LD1 - Landscape and Townscape;
- LD2 - Biodiversity and Geodiversity;
- LD4 - Historic Environment and Heritage Assets;
- SD1 - Sustainable Design and Energy Efficiency;
- SD4 - Waste Water Treatment and River Water Quality;

2.2 National Planning Policy Guidance:

Chapter 6: Delivering a Wide Choice of High Quality Homes;
Chapter 7: Requiring Good Design;
Paragraph 14: Presumption in Favour of Sustainable Development;
Paragraph 49: 5 Year Housing Land Supply;
Paragraph 55: New Housing in the Countryside.

2.3 National Planning Practice Guidance:

Use of Planning Conditions (ID21a);
Planning Obligations (ID23b);
Design (ID26): Form, Scale, Details, Materials.

2.4 Neighbourhood Plan

Burghill Neighbourhood Development Plan (BNDP) was presented for examination in August 2016, but it was not recommended to progress to examination due to a number of issues including the BNDP production process and deliverability of allocated sites. The progression to examination report can be found on the following link.

https://myaccount.herefordshire.gov.uk/media/5038978/burghill_progression_to_examination_decision_document.pdf

The emerging BNDP is being amended in response to the comments received at Regulation 16 stage (consultation). Therefore the current status of the plan is that has no material weight in decision making.

2.5 The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy/2

3. Planning History

3.1 142839 Dwelling: Refused 6 November 2014 as follows:

“The application site lies outside of any defined settlement boundary in an unsustainable rural location. In relation to Policies SI and H7 of the Herefordshire Unitary Development Plan and paragraph 55 of the National Planning Policy Framework the proposal does not accord with any of the limited exception criteria, which allow for residential development within open countryside. Furthermore the development is not considered to represent a sustainable form of development having regard to its location and the guidance contained within the National Planning Policy Framework. Therefore the proposal is contrary to policies 81 and H7 of the Herefordshire Unitary Development Plan and guidance contained within the National Planning Policy Framework, particularly in paragraphs 7, 8, 14 and 55.”

111396 Extension to chapel: Refused and dismissed on appeal.

4. Consultation Summary

Statutory Consultations

4.1 Natural England: No response.

Internal Council Consultations

4.2 Transportation Manager: No objection subject to conditions to ensure visibility is maintained and construction details of access

Conservation Manager (Ecology): The site falls within the River Wye SAC/SSSI Impact Risk Zone (amended October 2016) “Any discharges of water or liquid waste including to mains sewer”. This means that this Authority has a Duty of Care under NERC and Habitat Regulations to undertake an assessment of the relevant ‘Likely Significant Effects’ (LSE); and that Natural England should be a statutory consultee. The identified LSEs are management of foul water and any final outfall from foul water management systems and additional surface water run-off.

The further information requested below MUST be supplied PRIOR to determination of this application

In order to complete the required SAC/SSSI Habitat Regulation assessment I require confirmation that the final outfall from the proposed Package Treatment Plant will be managed through a soakaway/spreader field so that this Authority is sufficiently satisfied that no Phosphates will be released directly in to any local watercourse, stream or culvert. (Phosphates are not directly removed by standard type PTP or septic tanks). (NERC Act, Habitat Regulations, Core Strategy SD4 and LD2)

I note that surface water is going to be managed on site through a harvesting/soakaway system

Subject to the above assurance on final outfall being received in writing and subject to implementation as part of any planning consent and with surface water managed through soakaway I would be happy to determine that this development should have NO unmitigated ‘likely significant effects’ on the River Wye SAC/SSSI

In addition as per NPPF Guidance and Core Strategy LD2 all developments should show how they are going to enhance the area for biodiversity. To secure these enhancements I would request ecological enhancement planning condition and appropriate informative note.

5. Representations

5.1 Burghill Parish Council: Objection

1. Supporting documentation from the agent states that this application is made under Section 55 of the National Planning Policy Framework which makes provision for exceptional and sustainable development in the countryside. It is noted that such development should demonstrate truly innovative and outstanding design, reflect the highest standards in architecture, enhance its immediate setting and be sensitive to the defining characteristics of the local area. Councillors agreed that the proposed development failed to meet these requirements. The site was considered cramped with little opportunity to use softening landscape features on either side of the property, which was also bounded by close board fencing inappropriate within the rural environment. Also the design was inconsistent with the neighbouring built form, namely the Old Chapel.

2. In addition concern was expressed by Councillors regarding drainage issues relating to the site which falls significantly away from the highway to the rear curtilage of the site. This could pose problems for septic tank drainage etc as no mains drainage infrastructure served the area around Tillington Common.

3. Councillors also discussed planning applications pertinent to this site, PA170424 - The Old Piggery and PA142839, a previous application for this particular site. Here issues of sustainability were raised that the proposed dwelling lay within 'no safe walking distance' of the school some 1.5 kilometres away, and 1.3 kilometres from nearest services in Tillington including the shop and public house. The Planning Authority acknowledged this when considering the previous applications and stated that there would have to be a presumption in favour of car use.

4. Councillors heard that the Planning Authority had previously determined that the site lay outside any main or smaller settlement a view consistent with the Parish Councils emerging NDP and also acknowledged by the applicant's decision to apply under Section 55 of the NPPF, a site in open countryside.

Burghill Parish Council therefore resolved to object to the application.

5.2 To date some 20 representations, of which 17 support, 2 general comment and 1 objection have been received raising the following points:

- nearby planning history relevant;
- Core Strategy is relevant here;
- concern at future development in Tillington Common.

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=172420&search=172420

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

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

6.1 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.2 Here, the Herefordshire Local Plan ('HLP') is the development plan. The Core Strategy (CS) is a fundamental part of the HLP and sets the overall strategic planning framework for the county, shaping future development.

6.3 The strategic Policy SS1 sets out a presumption in favour of sustainable development as required by the NPPF and directs that proposals which accord with the policies of the CS shall be approved, unless material considerations indicate otherwise. One such consideration is the NPPF which advises at paragraph 47 that Local Authorities maintain a robust five year supply of housing land. At present, the Council cannot demonstrate a 5-year supply of housing land and as such the policies of the CS cannot be inherently relied upon, although still retain weight dependent upon their consistency with the NPPF.

6.4 The delivery of sustainable housing development to meet objectively assessed needs is a central CS theme, reflecting the objectives of the NPPF. Policy SS2 'Delivering new homes' directs that Hereford and the market towns shall be the main focus for new housing development with proportionate growth of sustainable rural settlements, which are listed at figures 4.14 and 4.15, also supported. Tillington (some distance to the east) is one of those settlements. Tillington Common is not listed.

6.5 In terms of rural settlements, CS Policy RA2 firstly requires that proposals accord with the relevant Neighbourhood Development Plan ('NDP') or where there is no NDP with the Council prepared Rural Areas Site Allocation Development Plan Document, both of which will prescribe a 'settlement boundary'. The application site is within the Parish of Burghill which is preparing a Neighbourhood Development Plan, however, due to housing allocation objections this has no material weight in decision making (presently).

6.6 The site of the dwelling is not immediately adjacent to the settlement of Tillington, therefore cannot be considered to be within or adjacent to an identified settlement and is consequently contrary to Policy RA2. Policy RA2 requires that housing proposals be *located within or adjacent to the main built up area*. Accordingly the site is considered to be in open countryside where policy RA3 is the appropriate policy.

6.7 It is not considered that the proposal satisfies any of the criteria (1-7) in that Policy that would allow for such development at this rural location namely:

- Meets and agricultural or forestry need or farm diversification enterprise;
- Is for a rural enterprise;
- Is a replacement dwelling;
- Sustainable re-use of redundant or disused building in association with Policy RA5 [This proposal does not involve the re-use of an existing building];
- Is rural exception housing (Policy H2);
- Exceptional or innovative design;
- Site for Needs of gypsies or travellers.

6.8 Nor does this proposal satisfy Policy H2 (rural exceptions sites) which allows for affordable housing schemes where:

- This assists in meeting a proven local need;
- Affordable housing is made available and retained in perpetuity for local people in need of affordable housing; and
- The site respects the characteristics of its surroundings, demonstrates good design; and offers reasonable access to a range of services and facilities normally identified in a Policy RA2 settlement.

6.9 This is in a countryside location and not considered to be a sustainable location for new private market housing which does not satisfy any exception in Policy RA3 or that defined in Paragraph 55 of the NPPF.

Design/Landscape

6.10 The dwelling design is considered to be visually interesting and appropriately modest in scale and massing. Whilst contemporary in its design, it would not have a significant visual impact when viewed from west and east along the main road, although it is not considered to be locally distinctive or compatible with the pattern and design of more traditional brick and tile buildings found in the locality. Accordingly the proposal is considered to be out of character with the sporadic roadside development that characterises this locality.

6.11 It is appreciated that design is a subjective matter, but in the context of this site, your officer's opinion is that this architectural design is not of the exceptional or innovative standard envisaged in paragraph 55 of the NPPF, but is rather an interesting modern design on what is a small plot of land. Furthermore it has not been considered by a design organisation such as carried out formerly by CABI (now the Design Council), or by an independent architectural peer review group to substantiate its claims as a 'para 55 dwelling'

Accessibility

6.12 The C1095 is a two way road and at the existing point of access into the field there is a relatively straight section of road. This is considered acceptable in terms of highway safety but the lack of pedestrian connectivity to the nearest identified settlement adds further weight to the poor sustainability of the site in policy terms.

Ecology

6.13 There are no adverse ecological implications from the siting and construction of the dwelling and access road. Ecological enhancement could be secured by way of a planning condition.

Historic Environment/ Heritage Assets

6.14 There are no designated or undesignated heritage assets affected by the proposal.

Waste Water

6.15 A package sewage treatment unit would be provided which would provide capacity to deal with waste water from the proposed dwelling. There is sufficient room within the site for the installation of underground soakaway pipes.

Conclusion

- 6.16 Whilst the Council has been found unable to demonstrate an NPPF compliant 5 yr housing land supply for the reasons explained within this report, the CS is considered to accord with the aims and objectives on the NPPF in this instance and the housing supply policies of the CS. Policy SS2 and the housing supply dimensions of Policies RA1, RA2 and RA3 in particular, are considered to retain significant weight.
- 6.17 The site is located in a rural location - sufficiently separate from Tillington (to the east) settlement so as not to be Policy RA2 compliant.
- 6.18 Paragraph 55 of the NPPF also states that new isolated homes in the countryside should be avoided unless there are special circumstances. The proposal is not locally distinctive (being out of character sporadic roadside development), and it is a subjective professional judgment as to whether the proposal is in fact innovative or of exceptional design envisaged by policy makers at a national level which would otherwise allow for such a proposal at this location as per the exceptions in Policy RA3. Previously confirmation would be obtained from organisations such as CABE (or other peer review groups) to confirm the quality of the design. This has not happened in this case.
- 6.19 In relation to the planning balance, it is considered that the environmental harm identified in this case would significantly outweigh the modest economic and social benefits that would be associated with a small scale residential development such as this. Accordingly the proposal is not considered to be representative of sustainable development as envisaged by the NPPF.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The proposal by reason of its design and location in open countryside and in the absence of any exceptional circumstances would be contrary to Policies SS1, SS2, SS3, SS6, RA2 and RA3 of the Herefordshire Local Plan: Core Strategy and the National Planning Policy Framework.**
- 2. The proposed building design is not considered to be locally distinctive or compatible with the pattern and design of more traditional brick and tile buildings found in the locality. Accordingly the proposal is considered to be out of character with the sporadic roadside development that characterises this locality thereby contrary to Policies SD1 and LD1 of the Herefordshire Local Plan Core Strategy.**
- 3. The proposed design is not considered 'exceptional' as per the intent of Paragraph 55 of the National Planning Policy Framework (as expanded in the subsequent criteria contained in Policy RA3 of the Herefordshire Local Plan: Core Strategy) in that the proposed design is on a cramped site and screened site on lower ground between sporadic older roadside dwellings, which affords little opportunity for the appreciation of an 'exceptional' design in a high quality landscape setting. The level of innovation in terms of its sustainable/ design credentials is not out of the ordinary.**

INFORMATIVE

- 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 and identifying matters of concern with the proposal and discussing those with the applicant. 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 harm which have been clearly identified within the reason for the refusal, approval has not been possible.**

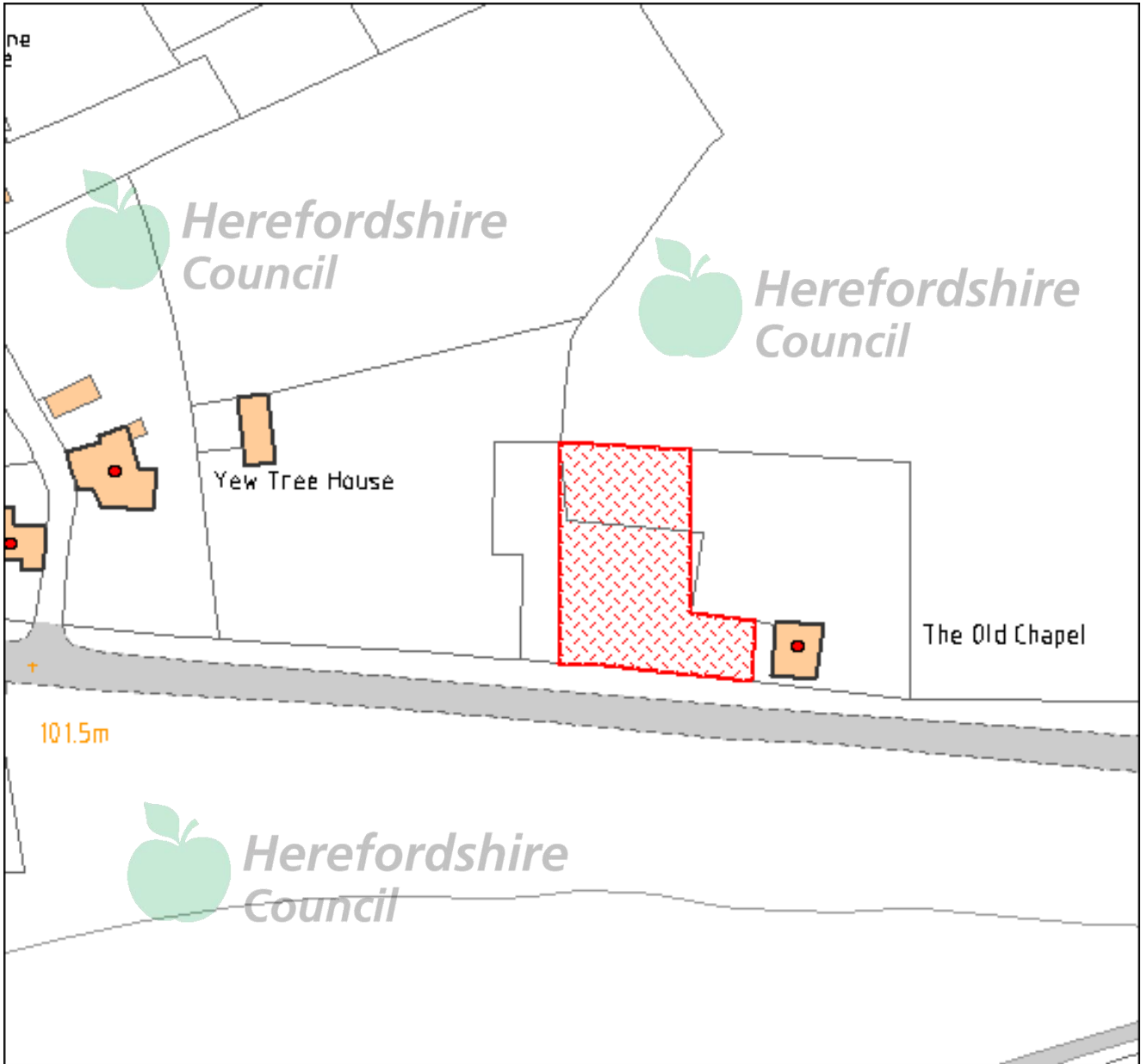
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 172420

SITE ADDRESS : LAND ADJACENT THE OLD CHAPEL, TILLINGTON, HEREFORD, HEREFORDSHIRE

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