

Minutes of the meeting of Planning and regulatory committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 14 March 2018 at 2.00 pm

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

Councillors: BA Baker, PJ Edwards, AW Johnson, JLV Kenyon, MD Lloyd-Hayes, FM Norman, AJW Powers, NE Shaw, EJ Swinglehurst and SD Williams

In attendance: Councillor BA Durkin

154. APOLOGIES FOR ABSENCE

Apologies were received from Councillors CR Butler, DW Greenow, KS Guthrie, EL Holton, TM James, A Seldon and WC Skelton.

155. NAMED SUBSTITUTES

Councillor AW Johnson substituted for Councillor CR Butler, Councillor MD Lloyd Hayes for Councillor A Seldon, Councillor NE Shaw for Councillor KS Guthrie and Councillor SD Williams for Councillor WC Skelton.

156. DECLARATIONS OF INTEREST

None.

157. CHAIRMAN'S ANNOUNCEMENTS

None.

158. 173477 - LAND TO THE WEST OF THE NOGGIN FARM, MUCH MARCLE, HEREFORDSHIRE

(Proposed erection of agricultural buildings, associated infrastructure and landscaping to support a new agricultural enterprise.)

(Councillor Johnson left the meeting during consideration of this application.)

The Senior Planning Officer (SPO) 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 criteria for public speaking, Dr S Grant, a local resident, spoke in objection. Mr M Tucker, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor BA Durkin, spoke on the application.

He made the following principal comments:

- A previous application on a nearby location had been withdrawn principally because it had been considered that it would have an adverse landscape impact. The site now proposed, although lower in the skyline was on top of a hill and would itself have an adverse landscape impact. It overlooked the Malvern Hills AONB. Account also needed to be taken of the height of the proposed buildings which were quite large. The proposal was contrary to policy LD1.
- Access was off a very narrow lane. The proposal would generate additional traffic.
- The proposal was contrary to policy SD1.
- There was a better alternative site within the applicant's landholding.
- The proposal would require considerable amounts of water for the livestock and it was not clear where this would be obtained from. There was concern about water run-off and the release of nitrates. The proposal was contrary to policies SD3 and SD4.
- It was contrary to policy RA6. The development was not commensurate with its location and setting, caused unacceptable adverse impacts to the amenity of nearby residents by generated traffic movements that could not safely be accommodated within the local road network; and undermined the achievement of water quality targets in accordance with Policies SD3 and SD4.
- He questioned the nature of the proposed farming business and whether it would bring benefits.
- The Parish Council and local residents objected to the proposal.

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

- In reply to questions the SPO commented that Welsh Water had not been a consultee as there was currently no water supply. As indicated in the update the applicant intended to create a mains water connection. No water was to be taken from the existing supplies on the hillside provided by an aquifer and borehole.

The Development Manager added that the County Land Agent considered the scale of the buildings to be appropriate for the proposed operation. In respect of the specific policies relevant to the application the relevant Neighbourhood Development Plan policies could be given significant weight.

It was noted that the proposal was in the Severn catchment area.

- There had been no objections from Natural England, the Conservation Officer (Landscapes, Ecology), Transportation Manager and the Drainage Manager. The County Land Agent endorsed the proposal. Whilst the concerns expressed by the local resident who had spoken at the meeting were understood, there were no grounds upon which to refuse the application.
- There was a negative impact on the amenity of the local resident who had spoken. It appeared that they would be compelled to cease using their private borehole and use and pay for mains water instead. There was also an issue with water run-off from the site. The proposal appeared to be in conflict with policies SD1, SD3 and SD4.
- The site was exposed near the top of a ridge. There was a better location within the holding.
- The Development Manager commented in relation to protecting water quality that the condition in the update proposed no groundwater abstraction should be permitted. Noting that the local resident may not want to connect to the proposed mains supply, this could be strengthened to require the applicant to demonstrate the resident's existing water supply would not be adversely affected. The SPO confirmed that the

technical consultees had required significant pre-commencement conditions and the development could not proceed if the conditions could not be discharged to the satisfaction of technical advisers. Monitoring was also required.

- The use of farmyard manure would probably be more advantageous to the land than artificial fertilisers currently being used on it.

The local ward member was given the opportunity to close the debate. He reiterated his opposition to the scheme.

Councillor Edwards proposed and Councillor Lloyd Hayes seconded a motion that the application be approved in accordance with the printed recommendation with the additional conditions as set out in the update sheet and strengthened wording to require the applicant to demonstrate the resident's existing water supply would not be adversely affected. The motion was carried with 7 votes in favour, 1 against and 2 abstentions.

RESOLVED: That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

1. **A01 - Time limit for Commencement (Full Permission)**
2. **B02 - Development in Accordance with Approved Plans and Materials**
3. **H03 - Visibility Splays**
4. **H09 - Driveway Gradient**
5. **H06 - Vehicular Access Construction**
6. **H13 - Access, Turning Area and Parking**
7. **H20 - Road Completion in 2 Years**
8. **H27 - Parking for Site Operatives**
9. **H29 - Secure Covered Cycle Parking Provision**
10. **The recommendations for species mitigation and habitat enhancements set out in the ecologist's report from EDP dated August 2017 should be followed unless otherwise agreed in writing by the local planning authority. A working method statement for protected species together with an enhancement plan integrated with the landscape scheme should be submitted to the local planning authority in writing. The plan shall be 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) and 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).

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

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (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) and 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).

12. F13 - Restriction on Separate Sale
13. G02 - Retention of Trees and Hedgerows
14. G04 - Protection of Trees/Hedgerows that are to be Retained
15. G10 - Landscaping Scheme
16. G11 - Landscaping Scheme – Implementation
17. I32 - Details of Floodlighting/External Lighting
18. Pre commencement drainage condition requiring and securing:
 - Detailed construction drawings that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features;
 - Detailed construction drawings of proposed features such as attenuation features and outfall structures;
 - Amended calculations of the proposed discharges rates and attenuation volumes using FEH 2013 data;
 - If unlined attenuation features are proposed, confirmation of groundwater levels to demonstrate that the invert level can be located a minimum of 1m above groundwater levels;
 - Assessment of potential failure of above-ground attenuation features, including assessment of residual risks to downstream receptors, and proposed mitigation and management measures;
 - Details of how overland flows from outside of the site boundary have influenced the design of the drainage system;
 - Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system;
 - Detailed construction drawings of the foul water drainage strategy showing how foul water from the development will be disposed of and illustrating the location of key drainage features;
 - Infiltration rates at the location(s) and proposed depth(s) of any proposed foul water drainage fields, undertaken in accordance with BS6297 and Building Regulations Part H;
 - If infiltration to ground is proposed, confirmation of groundwater levels to demonstrate that the invert level of any drainage fields can be located a minimum of 1m above groundwater levels;

- Detailed calculations of proposed infiltration features informed by the results of infiltration testing;
- Demonstration that appropriate access is available to maintain drainage features;
- Completed application for Ordinary Watercourse Consent for any proposed structures within an ordinary watercourse or works within 8m of an ordinary watercourse.
- Details of management of any contaminated washdown water from the livestock and sheep buildings.
- Sufficient hydrological information/evidence to confirm that existing private water supplies will not be adversely affected together with appropriate monitoring arrangements.

Reason: To ensure adequate drainage arrangements are in place and to protect and prevent pollution and to comply with Herefordshire Core Strategy policies RA6, SD3 and SD4.

- 19 There shall be no groundwater abstraction of water serving the land, or buildings hereby permitted, as located on the land edged red and blue on the approved plans. Furthermore, all water serving the land edged red and blue on the approved plans and buildings hereby permitted shall be supplied from rainwater harvesting or mains water supply only unless otherwise approved in writing by the local planning authority.

Reason: To protect the water supply to adjoining existing dwellings and to conform with Herefordshire Core Strategy policies SS1, SD3 and SD4

- 20 Prior to the first use of the buildings hereby permitted, the existing accesses shall be closed with details agreed in writing by the Local Planning Authority and thereafter maintained as such.

Reason: In the interests of highway safety and to enhance the character and appearance of the countryside hereabouts and to comply with Herefordshire Core Strategy policies MT1 and LD1.

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **HN01 - Mud on Highway**
3. **HN04 - Private Apparatus within Highway**
4. **HN05 - Works Within the Highway**
5. **HN10 - No Drainage to Discharge to Highway**
6. **HN24 - Drainage Other than via Highway System**
7. **HN28 - Highways Design Guide and Specification**

(The meeting adjourned between 3.15 – 3.20 pm.)

159. 173476 - LAND TO THE WEST OF THE NOGGIN, MUCH MARCLE, HEREFORDSHIRE

(Proposed erection of temporary agricultural workers dwelling with associated parking and residential curtilage.)

(Councillor Edwards and Councillor Johnson had left the meeting and were not present during consideration of this application.)

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, as appended to these Minutes. He noted the interrelationship with the previous agenda item – application 173477. He confirmed that the site was not within an AONB and there were no designated heritage assets on the adjoining site. He reported that the Neighbourhood Development Plan could be given moderate weight.

In accordance with the criteria for public speaking, Mr W Grant, local resident, spoke in objection. Mr M Tucker, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor BA Durkin, spoke on the application. He referred to the comments he had made on the previous agenda item - application 173477. He sought clarification on the temporary status of the proposed dwelling, the report noting that the applicants intended to replace it with a permanent dwelling after 3 years, and assurance that it would be an agricultural tied dwelling and would not become a house available for disposal on the open market.

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

- The Development Manager commented that the conditions on the application for a temporary dwelling restricted occupancy to an agricultural worker. Any future application would be considered based on an assessment of the long term viability of the business and if a permanent permission was considered acceptable a s106 agreement could be made tying the occupancy to an agricultural worker and to the holding in accordance with policy RA4. In relation to a possible extension of the three year period to assess viability, he added that this could be considered. However, a 3 year period was a well-established period for assessing viability. The applicant could also apply for an extended period.
- Whilst there was a concern that the development appeared to be a more substantial dwelling than was often provided in such cases it appeared to be modest and in keeping.
- Clarification was sought on the fact that the applicant did have a cottage in his ownership on the landholding that could accommodate an agricultural worker. It was suggested that he could have submitted an application for the buildings the subject of application 173466 to be closer to that house rather than seeking to create another house in this remote location, the justification for which was that the agricultural worker had to be in proximity to those buildings.

The SPO commented that in relation to the cottage that the applicant had made a separate application for a replacement dwelling to which the existing dwelling, an unlisted heritage asset, would be an annex.

He added that condition 14 provided that if the holding proved to be unviable the temporary dwelling would have to be removed. Condition 12 would prevent the

separation of the proposed temporary dwelling from the agricultural buildings and their disposal as individual components.

The local ward member was given the opportunity to close the debate. He expressed a concern as to what might happen on the expiry of a temporary three year permission.

Councillor Kenyon proposed and Councillor Baker seconded a motion that the application be approved in accordance with the printed recommendation with the additional condition as set out in the update sheet and strengthened wording to require the applicant to demonstrate the resident's existing water supply would not be adversely affected. The motion was carried with 8 votes in favour, none against and 3 abstentions.

RESOLVED: That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

1. **A01 - Time Limit for Commencement**
2. **B02 - Development in Accordance with Approved Plans and Details**
3. **H03 - Visibility Splays**
4. **H09 - Driveway Gradient**
5. **H06 - Vehicular Access Construction**
6. **H13 - Access, Turning Area and Parking**
7. **H20 - Road Completion in 2 Years**
8. **H27- Parking for Site Operatives**
9. **H29 - Secure Covered Cycle Parking Provision**
10. **The recommendations for species mitigation and habitat enhancements set out in the ecologist's report from EDP dated August 2017 should be followed unless otherwise agreed in writing by the local planning authority. A working method statement for protected species together with an enhancement plan integrated with the landscape scheme should be submitted to the local planning authority in writing. The plan shall be 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) and 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).
11. **An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (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) and 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).

- 12. F13 - Restriction on Separate Sale**
- 13. F14 - Removal of Permitted Development Rights**
- 14. F20 - Temporary Permission and Reinstatement of Land**
- 15. F27 - Agricultural Occupancy**
- 16. No development shall take place on the construction of the temporary dwelling as hereby permitted until the agricultural buildings approved under planning permission 173477 have been constructed are ready for use.**

Reason: Having regard to the agricultural need, ensuring the agricultural business is established and to facilitate the integration of the dwelling into the landscape in this open countryside location and to comply with Herefordshire Core Strategy policies SS1, RA3, RA4, LD1 and SD1

- 17. G02 - Retention of Trees and Hedgerows**
- 18. G04 - Protection of Trees/Hedgerows that are to be Retained**
- 19. G10 - Landscaping Scheme**
- 20. G11 - Landscaping Scheme – Implementation**
- 21. I32 - Details of Floodlighting/External Lighting**
- 22. Pre commencement drainage condition requiring and securing:**
 - Detailed construction drawings that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features;**
 - Detailed construction drawings of proposed features such as attenuation features and outfall structures;**
 - Amended calculations of the proposed discharges rates and attenuation volumes using FEH 2013 data;**
 - If unlined attenuation features are proposed, confirmation of groundwater levels to demonstrate that the invert level can be located a minimum of 1m above groundwater levels;**
 - Assessment of potential failure of above-ground attenuation features, including assessment of residual risks to downstream receptors, and proposed mitigation and management measures;**
 - Details of how overland flows from outside of the site boundary have influenced the design of the drainage system;**

- Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system;
- Detailed construction drawings of the foul water drainage strategy showing how foul water from the development will be disposed of and illustrating the location of key drainage features;
- Infiltration rates at the location(s) and proposed depth(s) of any proposed foul water drainage fields, undertaken in accordance with BS6297 and Building Regulations Part H;
- If infiltration to ground is proposed, confirmation of groundwater levels to demonstrate that the invert level of any drainage fields can be located a minimum of 1m above groundwater levels;
- Detailed calculations of proposed infiltration features informed by the results of infiltration testing;
- Demonstration that appropriate access is available to maintain drainage features;
- Completed application for Ordinary Watercourse Consent for any proposed structures within an ordinary watercourse or works within 8m of an ordinary watercourse.
- Details of management of any contaminated washdown water from the livestock and sheep buildings.
- Sufficient hydrological information/evidence to confirm that existing private water supplies will not be adversely affected together with appropriate monitoring arrangements

Reason: To ensure adequate drainage arrangements are in place and to protect and prevent pollution and to comply with Herefordshire Core Strategy policies RA6, SD3 and SD4.

23. There shall be no groundwater abstraction of water serving the dwelling hereby permitted, as located on the land edged red and blue on the approved plans. Furthermore, all water serving the dwelling hereby permitted shall be supplied from rainwater harvesting or mains water supply only unless otherwise agreed in writing by the local planning authority..

Reason: To protect the water supply to adjoining existing dwellings and to conform with Herefordshire Core Strategy policies SS1, SD3 and SD4

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. HN01- Mud on Highway
3. HN04 - Private Apparatus within Highway
4. HN05 - Works within the Highway
5. HN10 - No Drainage to Discharge to Highway
6. HN24 - Drainage other than via Highway System

7. HN28 - Highways Design Guide and Specification

160. 174198 - LAND AT SOUTH LEA, ASTON CREWS, ROSS-ON-WYE, HR9 7LW

(Proposed new 3 bedroom, single storey, eco-fully-accessible house.)

(Councillors Edwards and Johnson had left the meeting and were not present during consideration of this application.)

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, as appended to these Minutes.

In accordance with the criteria for public speaking, Mr W Meynell, the applicant's agent, spoke in support of the scheme.

There was general support for the application as an exceptional, energy efficient sustainable dwelling, with a good setting in the landscape.

An observation was made that that the application had not been subject to peer review as required by paragraph 55 of the National Planning Policy Framework. However, the setting was not isolated, the proposal was sustainable and the exceptional design and concept weighed in favour of this particular application.

Councillor Norman proposed and Councillor Powers seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 10 votes in favour, none against and no abstentions.

RESOLVED: That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

- 1. A01 - Time Limit for Commencement (Full Permission)**
- 2. B02 - Development in Accordance with Approved Plans and Materials**
- 3. H20 - Road Completion in 2 Years**
- 4. H06 - Vehicular Access Construction**
- 5. H09 - Driveway Gradient**
- 6. H12 - Parking and Turning - Single House**
- 7. M17 - Water Efficiency - Residential**
- 8. H27 - Parking for Site Operatives**
- 9. H29 - Secure Covered Cycle Parking Provision**
- 10. The recommendations for species and habitat enhancements set out in the ecologist's report from November 2016 and great crested newt report of June 2017 should be followed unless otherwise agreed in writing by the local planning authority. A working method statement for protected species present together with an enhancement plan integrated with the**

landscape plan should be submitted to the local planning authority in writing. The plan shall be 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) and to comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy and to meet the requirements of the National Planning Policy Framework (NPPF).

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

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (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) and to comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy and to meet the requirements of the National Planning Policy Framework (NPPF).

12. Prior to the commencement of the development hereby permitted, the following details shall be submitted to the Local Planning Authority for written approval –

Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features:

- 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 allowing for the potential effects of climate change;
- Details of proposed outfall structures. Any discharge of surface water or foul water to an ordinary watercourse will require Ordinary Watercourse Consent from Herefordshire Council prior to construction.
- Results of infiltration testing undertaken in accordance with BRE365;
- Confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of.
- Demonstration of the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage

The development shall thereafter be carried out in accordance with the approved details and thereafter be maintained as such.

Reason: To protect water quality hereabouts, in the interests of the environment and public safety, minimise the impact of development on water quality and surface water flooding and to comply with Herefordshire Core Strategy policies SS1, LD2, SD3 and SD4.

13. F14 - Removal of Permitted Development Rights

14. G09 - Details of Boundary Treatments

15. G10 - Landscaping Scheme

16. G14 - Landscape Management Plan

17. I33 - External Lighting

18. C01 - Samples of External Materials

161. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting had changed to 11 April 2018 with site inspections on 10 April.

Appendix - Schedule of Updates

The meeting ended at 4.10 pm

Chairman

PLANNING COMMITTEE

Date: 14 March 2018

AFTERNOON

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

173477 - PROPOSED ERECTION OF AGRICULTURAL BUILDINGS, ASSOCIATED INFRASTRUCTURE AND LANDSCAPING TO SUPPORT A NEW AGRICULTURAL ENTERPRISE AT LAND TO THE WEST OF THE NOGGIN FARM, MUCH MARCLE, HEREFORDSHIRE

For: Mr Boulton-Brooks per Mr Matthew Tucker, Embassy House, Queens Avenue, Bristol, BS8 1SB

ADDITIONAL REPRESENTATIONS

The Council's Environmental Health Manager comments:–

My comments are with regard to potential noise and nuisance issues that might arise from development and also in relation to any representations made with regard to potential impacts on the sufficiency of private water supplies.

The immediate neighbours have raised concerns regarding the potential impacts of the proposal of two barns and a residential property on their private water supplies. The applicant is requested to supply further information regarding the proposed water source to be used in relation to the development and is also advised that they are likely to be requested to undertake a hydrogeological assessment of the impact of this on neighbouring water sources.

The comments regarding drainage arrangements made by Balfour Beatty are noted.

I recommend a condition that specifies that all external lighting must be approved in writing by the local authority.

Lastly, I recommend that the northern elevations to both proposed barns are made solid (with ventilation as need be). This is supply some mitigation to the residence at Messcott from potential sources of nuisance.

Further comments were received from the Environmental Health Manager on 12 March 2018 responding to further details and amended plans provided by the applicants' agent. These further comments state:–

Neighbouring residents have raised concerns regarding the potential impacts on private water supplies in the vicinity that might arise from this proposal. The applicant has supplied details of a proposal to create a mains water connection from the connection point in the road south westwards to a property at point A on the Welsh Water map and I am advised that it is the intention if permission is granted for both livestock buildings and the proposed agricultural workers dwelling to be connected to this mains.

To safeguard the local private water supplies I therefore recommend a condition that there should be no groundwater abstraction for this site and all water to be supplied from rainwater harvesting or mains. I note the comments that Welsh Water have made about the water pressure and it will be incumbent on the applicant to ensure that there are adequate water storage arrangements at the proposal.

The applicant has also supplied revised drawings showing the northern elevations to both sets of barns made more solid.

I therefore have no objections to this proposal.

OFFICER COMMENTS

The applicants' agent responded to the original comments from the Environmental Health Manager with a written response and amended plans, addressing these points in turn:

Noise and Nuisance

The proposed agricultural buildings are required predominantly to house cattle and ewes. For reference the following periods are when the animals will be housed within these buildings –

Calves under three months old will be housed in the young livestock building for 48 weeks per year and there will be no more than 75 in the building at any one time. A maximum of 150 older cattle, between 3 and 16 months in age, will be housed in the building for 5 to 6 months from November onwards. Breeding ewes, approximately 200, will be housed in the sheep building for no more than 6 weeks during the spring months. For the remainder of the year, the animals will be turned out and are likely to be some distance from the neighbouring residential properties.

The proposals include openings in the northern elevations of both the young livestock and sheep buildings. The openings are required for two reasons: the ease of operation associated with the farm; and, principally, for the welfare of the animals with respect to the necessary levels of ventilation required. Concerning the latter, it is important that livestock, when housed within the proposed buildings, have access to good levels of ventilation. In order to reduce potential noise arising from these buildings without compromising animal welfare, the Applicant would be willing to include 2.7m gate on the north elevations of these buildings which are openable but remain closed during hours when the farm is not operational.

Amended plans based on the above have been provided and now form the plans and details considered. These will be shown within the presentation.

It is also emphasised the proposals also include a significant amount of woodland planting to around the parameters of the Site, and the proposed buildings and nearby residential properties, which will act as an acoustic barrier for sounds arising from the agricultural buildings.

Private Water Supplies

A partner of Applicant, Noggin Ridge LLP, owns Upper Greens Place which is located 600m to the north-west of the proposed Site for the agricultural enterprise at Upper Greens Place. Planning permission (reference: P163596/F) was granted in January 2017 for a replacement dwelling at Upper Greens Place. As part of this permission, the Applicant has obtained, and paid for, a new connection to Welsh Water mains supply. A plan showing this is within the presentation.

The Applicant has also confirmed that a connection to Welsh Water will also be extended to Hillcrest Cottage (the Applicant does not own this property).

The Applicant would extend the Welsh Water connection to the Lower Noggin to service the temporary agricultural workers dwelling and to provide a water point for farm works associated with the proposed agricultural buildings. At the same time, the Applicant would be willing to provide spurs / connection points to the extended Welsh Water connection at the nearest practicable point to residential properties: Messcott and The Noggin. This would

enable these properties to upgrade their water supply and to benefit from mains water rather than rely upon natural springs as a source of water.

The Applicant has accepted that a Welsh Water connection need to be in place prior to commencement and / or occupation of the proposed buildings for agricultural purposes and therefore, agree that a prior to commencement/ occupation condition is required to ensure that the Welsh Water connection is installed.

Proposed Conditions

The Applicant also agrees the details of any external lighting scheme will need to be submitted to and approved by the Local Planning Authority. A condition for this is already recommended as set out in the Report.

CHANGE TO RECOMMENDATION

An additional condition added as requested by the Environmental Health Manager is proposed –

There shall be no groundwater abstraction of water serving the land, or buildings hereby permitted, as located on the land edged red and blue on the approved plans. Furthermore, all water serving the land edged red and blue on the approved plans and buildings hereby permitted shall be supplied from rainwater harvesting or mains water supply only unless otherwise approved in writing by the local planning authority

Reason: To protect the water supply to adjoining existing dwellings and to conform with Herefordshire Core Strategy policies SS1, SD3 and SD4

For clarity a further condition regarding the closing up and making good of the existing access is also recommended and has been agreed with the applicant –

Prior to the first use of the buildings hereby permitted, the existing accesses shall be closed with details agreed in writing by the Local Planning Authority and thereafter maintained as such.

Reason: In the interests of highway safety and to enhance the character and appearance of the countryside hereabouts and to comply with Herefordshire Core Strategy policies MT1 and LD1.

173476 – PROPOSED ERECTION OF TEMPORARY AGRICULTURAL WORKERS DWELLING WITH ASSOCIATED PARKING AND RESIDENTIAL CURTILAGE AT LAND TO THE WEST OF THE NOGGIN, MUCH MARCLE, HEREFORDSHIRE

For: Mr Boulton Brooks per Mr Matthew Tucker, Embassy House, Queens Avenue, Bristol, BS8 1SB

ADDITIONAL REPRESENTATIONS

The Council's Drainage Engineer confirms in principle they do not object to the proposals, however they recommend that the following information is provided within suitably worded planning conditions –

- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- 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;
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of including percolation testing undertaken in accordance with BS6297.

The Council's Environmental Health Manager comments –

Neighbouring residents have raised concerns regarding the potential impacts on private water supplies in the vicinity that might arise from this proposal. The applicant has supplied details of a proposal to create a mains water connection from the connection point in the road south westwards to a property at point A on the Welsh Water map and I am advised that it is the intention if permission is granted for both livestock buildings and the proposed agricultural workers dwelling to be connected to this mains.

To safeguard the local private water supplies I therefore recommend a condition that there should be no groundwater abstraction for this site and all water to be supplied from rainwater harvesting or mains. I note the comments that Welsh Water have made about the water pressure and it will be incumbent on the applicant to ensure that there are adequate water storage arrangements at the proposal.

OFFICER COMMENTS

The comments from the Drainage Engineer are noted. These precise requirements will be incorporated into Condition 22 as listed within the Recommendation of the report.

CHANGE TO RECOMMENDATION

An additional condition added as requested by the Environmental Health Manager is proposed –

There shall be no groundwater abstraction of water serving the dwelling hereby permitted, as located on the land edged red and blue on the approved plans. Furthermore, all water serving the dwelling hereby permitted shall be supplied from rainwater harvesting or mains water supply only unless otherwise agreed in writing by the local planning authority..

Reason: To protect the water supply to adjoining existing dwellings and to conform with Herefordshire Core Strategy policies SS1, SD3 and SD4

**174198 - PROPOSED NEW 3 BEDROOM, SINGLE STOREY,
ECO-FULLY-ACCESSIBLE HOUSE AT LAND AT SOUTH LEA,
ASTON CREWS, ROSS-ON-WYE, HR9 7LW**

**For: Mrs Burns per Studio Bark, Studio 1k Autumn Yard,
Autumn Street, London E3 2TT**

ADDITIONAL REPRESENTATIONS

A further three letters of support have been received, the comments are summarised as –

- consider it to be a innovative and forward thinking building that would benefit the area
- As long term residents of Aston Crews we would like to express our full support for the proposed development
- the design is forward thinking and innovative and would not impose on any aspect of village life
- It is clear that the modern design using non standard construction methods has been thought about with great care and attention to detail and coupled with its eco friendly credentials
- Consider the proposal is an absolute enhancement to the area
- The proposal 'raises the bar'
- We hope to see this project proceed

OFFICER COMMENTS

These representations add further local support to the proposals.

NO CHANGE TO RECOMMENDATION