

Agenda

Planning and regulatory committee

Date: **Wednesday 3 June 2020**

Time: **10.30 am**

Place: **Online only meeting**

Notes: This meeting will be streamed live on the Herefordshire Council YouTube channel.

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A recording will be made available through the Council's website shortly after the meeting has concluded.

For any further information please contact:

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Agenda for the meeting of the Planning and regulatory committee

Membership

Chairperson Councillor John Hardwick
Vice-Chairperson Councillor Alan Seldon

Councillor Graham Andrews
Councillor Paul Andrews
Councillor Polly Andrews
Councillor Toni Fagan
Councillor Elizabeth Foxton
Councillor Bernard Hunt
Councillor Terry James
Councillor Tony Johnson
Councillor Mark Millmore
Councillor Jeremy Milln
Councillor Paul Rone
Councillor John Stone
Councillor Yolande Watson

Agenda

	Pages
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 declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.	
4. MINUTES To approve and sign the minutes of the meeting held on 12 May 2020.	11 - 18
5. CHAIRPERSON'S ANNOUNCEMENTS To receive any announcements from the Chairperson.	
6. 184520 - LAND AT GREYFRIARS BRIDGE, HEREFORD Replace the demountable flood defences with permanent glass panel flood walls and flood gates. This aims to reduce the whole life costs of the defences and reduce the risk of failure to deploy during flooding. The new passive defences will be located entirely along the within the footprint of the existing defences, and will be designed to fit into the existing supports. When open the floodgates will maintain current access routes for pedestrians and maintenance.	19 - 30
7. 192711 - FARMSTEAD SOUTH EAST OF BAGE COURT, DORSTONE, HEREFORD, HR3 5SU Erection of a cattle shed, 1 bay extension to an existing general purpose agricultural storage building and landscaping.	31 - 44
8. DATE OF NEXT MEETING Date of next meeting – 24 June 2020	

The Public's Rights to Information and Attendance at Meetings

Herefordshire Council is currently conducting its public committees, including the Planning and Regulatory Committee, as "virtual" meetings. These meetings will be video streamed live on the internet and a video recording maintained on the council's website after the meeting. This is in response to a recent change in legislation as a result of COVID-19. This arrangement will be adopted while public health emergency measures including, for example, social distancing, remain in place.

Meetings will be streamed live on the Herefordshire Council YouTube Channel at

<https://www.youtube.com/HerefordshireCouncil>

The recording of the meeting will be available shortly after the meeting has concluded on the Planning and Regulatory Committee meeting page on the council's web-site.

<http://councillors.herefordshire.gov.uk/ieListMeetings.aspx?CId=264&Year=0>

YOU HAVE A RIGHT TO: -

- Observe all "virtual" 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. (These will be published on the Planning and Regulatory Committee meeting page on the council's web-site. See link above).
- 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. (These will be published on the Planning and Regulatory Committee meeting page on the council's web-site. See link above).
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Access to this summary of your rights as members of the public to observe "virtual" meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect documents.

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.

Councillor John Hardwick (Chairperson)	Herefordshire Independents
Councillor Alan Seldon (Vice-Chairperson)	It's Our County
Councillor Graham Andrews	Herefordshire Independents
Councillor Paul Andrews	Herefordshire Independents
Councillor Polly Andrews	Liberal Democrat
Councillor Toni Fagan	The Green Party
Councillor Elizabeth Foxtan	It's our County
Councillor Bernard Hunt	True Independents
Councillor Terry James	Liberal Democrat
Councillor Tony Johnson	Conservative
Councillor Mark Millmore	Conservative
Councillor Jeremy Milln	The Green Party
Councillor Paul Rone	Conservative
Councillor John Stone	Conservative
Councillor Yolande Watson	Herefordshire Independents

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?

The following attend the committee:

- Members of the committee, including the chairperson and vice chairperson.
- Officers of the council – to present reports and give technical advice to the committee
- Ward members – The Constitution provides that the ward member will have the right to start and close the member debate on an application.

(Other councillors - may attend as observers but are only entitled to speak at the discretion of the chairman.)

How an application is considered by the Committee

The Chairperson will announce the agenda item/application to be considered. The case officer will then give a presentation on the report.

The registered public speakers will then be invited to speak in turn (Parish Council, objector, supporter). (see further information on public speaking below.)

The local ward member will be invited to start the debate (see further information on the role of the local ward member below.)

The Committee will then debate the matter.

Officers are invited to comment if they wish and respond to any outstanding questions.

The local ward member is then invited to close the debate.

The Committee then votes on whatever recommendations are proposed.

Public Speaking

The Council's Constitution provides that 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 (see note below)

- 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.

(Note: The public speaking provisions have been modified to reflect the “virtual” meeting format the Council has adopted in response to a recent change in legislation as a result of COVID-19. Those registered to speak in accordance with the public speaking procedure are able to participate in the following ways:

- *by making a written submission*
- *by submitting an audio recording*
- *by submitting a video recording*
- *by speaking as a virtual attendee.)*

Role of the local ward member

The ward member will have an automatic right to start and close the member debate on the application concerned, subject to the provisions on the declaration of interests as reflected in the Planning Code of Conduct in the Council's Constitution (Part 5 section 6).

In the case of the ward member being a member of the Committee they will be invited to address the Committee for that item and act as the ward member as set out above. They will not have a vote on that item.

To this extent all members have the opportunity of expressing their own views, and those of their constituents as they see fit, outside the regulatory controls of the Committee concerned.

Minutes of the meeting of Planning and regulatory committee held as an online only meeting on Tuesday 12 May 2020 at 10.30 am

Present: Councillor John Hardwick (chairperson)
Councillor Alan Seldon (vice-chairperson)

Councillors: Graham Andrews, Paul Andrews, Toni Fagan, Elizabeth Foxton, Mark Millmore, Jeremy Milln, Paul Rone and Yolande Watson

In attendance: Councillor Elissa Swinglehurst

104. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Hunt, Johnson and Stone.

105. NAMED SUBSTITUTES

None.

106. DECLARATIONS OF INTEREST

Councillor Swinglehurst declared an other declarable interest because she knew one of the objectors.

107. MINUTES

RESOLVED: That the minutes of the meeting held on 11 March 2020 be approved as a correct record and signed by the Chairman.

108. CHAIRPERSON'S ANNOUNCEMENTS

The Chairperson confirmed that application 194408 Crumplebury Farm Whitbourne had been withdrawn from the agenda.

109. 194408 - CRUMPLEBURY FARM, WHITBOURNE, WORCESTER, WR6 5SG

This item was withdrawn from the agenda.

110. 193391 - HOMELEIGH, WELSH NEWTON, MONMOUTHSHIRE, NP25 5RR

(Proposed replacement dwelling and garage.)

The Development Manager gave a presentation on the application.

The Committee had deferred consideration of this application at its meeting on 11 March 2020.

In accordance with the criteria for public speaking for virtual meetings, Mr C Bligh, of Welsh Newton and Llanrothal Parish Council spoke in opposition to the scheme, as a virtual attendee. Mr A Hawkins, the applicant, submitted a written submission in support of the application that was read to the meeting by the legal adviser to the Committee.

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

She made the following principal comments:

- The following concerns had been raised by the Committee when it had deferred consideration of the application in March: whether or not the proposal was for a replacement dwelling or a new build, conflict with Neighbourhood Development Plan (NDP) policy WNL5, the environmental impact – particularly on hedgerows and the need to consider the impact on the residential amenity of the neighbouring properties.
- The current application did not satisfactorily address the concern about the impact on residential amenity. It was fundamentally the same building only moved so that the highest point of the building was now directly in line with the outlook from Hazeldene. The 6m high ridge line was only a few meters distant from the boundary of the neighbouring property and would be a significant change.
- There is no right to a private view and consequently it is not a material planning consideration. However, there was recent guidance and precedent supporting the right to visual amenity as part of residential amenity as a material consideration.
- The Burnthouse Farm windfarm inquiry was cited. This stated in essence that where the impact on amenity was judged to be sufficiently severe by virtue of the size, scale and proximity of a development this could be a ground for refusal.
- According to the current guidance, factors that contribute to this judgement include whether a development is 'inescapably dominant' or 'unpleasantly encroaching'.
- The part of Hazeldene that would be most severely affected is a disabled person's dwelling, and the side garden is the only outside amenity space that is wheelchair accessible from this part of the house.
- Due to the scale and proximity of the proposed development on a particularly sensitive receptor the current application failed to address the problem of residential amenity and was therefore contrary to Core Strategy policies SD1, NDP WNL4 and the core principle of the NPPF in paragraph 17.
- The revised application provided the 25 degree light calculation requested and showed that the proposed dwelling in its new location met this benchmark. However, she questioned whether relocating the building so that the highest point was now directly in line with the adjacent property was a positive response.
- She considered the revised application had made matters worse. All that was needed was the removal of the garage portion, or for it be built as a car port with a flat roof, or disaggregated and placed elsewhere on the site, or for the whole build to be moved a couple of meters to the south. Instead the build was being moved to the north. It had increased the impact on Hazeldene, emphasised the linear nature of the relationship between the three buildings and increased the conflict with the NDP.
- In assessing the impact on residential amenity consideration needed to be given to the natural light available to the affected property. Hazeldene was surrounded by trees and partially cut into the slope of the land. The French windows were the only

ones that received good natural light and therefore this elevation of the house was more sensitive to change.

- It was welcome that the high boundary wall originally proposed had been removed. However, there was now no provision for any boundary treatment at this point. She requested that removal of permitted development rights be considered both to ensure that any subsequent boundary structure was acceptable and that the building could not be extended without the need for planning permission.
- There should be more positive proposals for sustainability beyond 'aims' to be sustainable and 'perhaps' installing a heat recovery system. It was important that a firm commitment was given to the use of renewables to provide that confidence.
- She noted the pre commencement condition for a full ecology survey and emphasised the importance of this. She questioned why other recent applications on the common had been required to do a full dormouse and full ecological survey before applying for planning permission. She highlighted provisions of policy LD2.
- There was still conflict with the NDP in a number of areas: WNL1 (2) - to preserve the darkness and tranquillity of the area at night. WNL1 (8) - mature and established trees should be protected and incorporated into landscaping schemes, WNL1 (12) - new development must take account of known surface and sub-surface archaeology, WNL4 – new development should enhance and reinforce the local distinctiveness of the area (the reason for the parish council's continued objection). The proposal was also contrary to Core Strategy policies LD1 and RA2 (1) - character and setting of the site or RA2 (3) make a positive contribution to the surrounding environment and its landscape setting.
- In the absence of a percolation test – which had been required prior to the application for the other proposal on the common – there remained a degree of concern about the ability of the site to drain effectively. She requested a pre commencement condition as to agreed drainage solutions if the site failed a percolation test.
- The application would make a modest contribution to the housing land supply (although the parish has exceeded its target) but there were costs that needed to be weighed in the planning balance.
- The parish council had objected to the application. Local people did not support it, although the principle of a development on the site was acknowledged by everyone.
- The application was overbearing, with significant and demonstrable harm to the visual amenity of Hazeldene in particular and thus in conflict with policies SD1, WNL4 and the NPPF. It had an adverse effect on the character of the settlement as described in the NDP and was in conflict with policies LD1, RA2, WNL4 and the NPPF. She requested the application be refused.

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

- It was acknowledged and welcomed that the applicant had tried to make amendments to address the concerns expressed by the Committee.
- The site was narrow and the dwelling had quite a large footprint. It was, however, compliant with the NDP policy that house sizes should be limited to a maximum of 2/3 bedrooms.
- Given the presence of an existing dwelling and permitted development rights it was questioned whether not granting permission would have a more adverse effect than approving the application.

In response to questions the Development Manager commented as follows:

- He outlined the extension to the existing dwelling that the applicant would have been allowed to make under permitted development rights. He also observed that the applicant would be permitted to build quite a large outbuilding on the site without seeking planning permission. In considering the application for the replacement dwelling the Committee could decide to remove permitted development rights to control any additional extensions or alterations.
- In terms of requiring a drainage test regard had been had to the fact that there was an existing dwelling. The applicant could improve the drainage of that dwelling under permitted development rights. The requirements that would have been applied in the case of a new dwelling had therefore not been considered appropriate. However, there was a condition requiring a pre-commencement agreement for foul and surface water drainage.
- In response to an observation that the current dwelling was called Homelea and the application referred to the proposed new dwelling as Homeleigh, he confirmed that there would only be a single dwelling on the site if the application were approved. A condition required demolition of the existing dwelling. The name given to the property was a matter for the owner.
- In relation to requiring a full ecological survey to be undertaken he referred to condition 10. Clarification could be sought from the Conservation Manager (Ecology) to ensure that this condition met the desire for such a survey to be undertaken and the condition could be amended as appropriate to ensure that was the case. The Lead Development Manager commented that the relevant councillor, the proposer of a motion to approve the application, would be consulted to ensure they were content with the proposed condition.

In conclusion, the Lead Development Manager highlighted that the Parish Council had agreed that the revised application satisfactorily addressed all issues to which it had previously raised objection except that relating to the character of the settlement and had registered an objection on that basis. He requested that the Committee take this into account. He also suggested with regard to the removal of permitted development rights that conditions should be amended as necessary to encompass control of boundary treatments.

The local ward member was given the opportunity to close the debate. She remained concerned about the impact on residential amenity of neighbouring properties, and the impact on the character of the settlement. She welcomed the proposed removal of permitted development rights.

Councillor Fagan proposed and Councillor Paul Andrews seconded a motion that the application be approved in accordance with the printed recommendation with additional conditions to remove permitted development rights and to address boundary treatments.

The motion was carried unanimously with 10 votes in favour, none against and no abstentions.

RESOLVED: that planning permission be granted subject to the following conditions, the removal of permitted development rights, and provision for control of boundary treatments:

1. **C01 Time limit for commencement (full permission)**
2. **C07 Development in accordance with approved plans and materials**

3. **C13 Samples of external materials**
4. **CE6 Efficient use of water**
5. **CBK Restriction of hours during construction**
6. **All foul water shall discharge through connection to new private foul water treatment system with final outfall to suitable soakaway drainage field on land under the applicant's control; and all surface water shall discharge to appropriate SuDS or soakaway system; unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4.

7. **The detailed Bat protection, mitigation, compensation and working methods scheme, as recommended in the ecology report by europaeus land management services dated August 2019 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved features.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2017 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.

8. **Prior to the commencement of the development a tree protection plan in accordance with BS5837:2012 shall be submitted and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details for the duration of the construction phase.**

Reason: To safeguard all retained trees during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

9. **No boundary hedgerow shall be cut down to under 1m high, uprooted or otherwise removed in any manner during the construction phase and thereafter for 10 years from the date of first use of any element of the completed development; unless otherwise agreed in writing by the planning authority.**

Reason: To ensure that all trees, hedgerows and biodiversity features are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2018)), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies LD1-3.

10. **Prior to commencement of any site clearance, preparation or development, a fully detailed and specified Ecological Working Method Statement (EWMS) based on all relevant ecological surveys and including details of appointed Ecological Clerk of Works, shall be provided to the local planning authority. The EWMS should consider all relevant species, but in particular Dormice, Reptiles and Amphibians. The approved EWMS and**

Biodiversity Net Gain features shown on Plan 39-2101-F3 (September 2019) shall be implemented in full and hereafter maintained unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species and habitats are protected and conserved having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework , NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3.

11. a) At no time shall any external lighting be installed on the site without the written approval of this local planning authority.
- b) No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation and biodiversity enhancement features.
- c) No external lighting should illuminate any biodiversity enhancement or boundary feature.

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/18).

12. CAH - Driveway gradient
13. CAI -- Parking – single/shared private drives
14. CAT - Construction Management Plan
15. CB2 - Secure covered cycle parking provision
16. CBK - Restriction of hours during construction
17. CBM - Scheme of foul and surface drainage disposal
18. CA1 – Landscaping scheme
19. CA2 – Landscape maintenance plan
20. Removal of existing dwelling on the site
21. CBM – Foul and surface water strategy
22. 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 accord with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

23. The Remediation Scheme, as approved pursuant to condition 20 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 and agreed in writing 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 accord with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

24. 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 accord with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

25. Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D and E of Part 1 or Class A of Part 2 of Schedule 2, shall be carried out.

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policy WNL4 of the Welsh Newton and Llanrothal Neighbourhood Development Plan and the National Planning Policy Framework

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. 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 proposed development is near to a former quarry which is later described in our records as an area of unknown filled ground. Because of this the applicant may wish to consider the installation of precautionary gas protection measures/membranes.
3. I11 – Mud on highway
4. I09 – Private apparatus within the highway
5. I45 – Works within the highway
6. I05 – No drainage to discharge to highway
7. I47 – Drainage other than via highway system
8. I35 – Highways Design Guide and Specification
9. The proposed development is near to a former quarry which is later described in our records as an area of unknown filled ground. Because of this the applicant may wish to consider the installation of precautionary gas protection measures/membranes.

111. DATE OF NEXT MEETING

Noted.

The meeting ended at 11.45 am

Chairperson

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	3 June 2020
TITLE OF REPORT:	<p>184520 - REPLACE THE DEMOUNTABLE FLOOD DEFENCES WITH PERMANENT GLASS PANEL FLOOD WALLS AND FLOOD GATES. THIS AIMS TO REDUCE THE WHOLE LIFE COSTS OF THE DEFENCES AND REDUCE THE RISK OF FAILURE TO DEPLOY DURING FLOODING. THE NEW PASSIVE DEFENCES WILL BE LOCATED ENTIRELY ALONG THE WITHIN THE FOOTPRINT OF THE EXISTING DEFENCES, AND WILL BE DESIGNED TO TO FIT INTO THE EXISTING SUPPORTS. WHEN OPEN THE FLOODGATES WILL MAINTAIN CURRENT ACCESS ROUTES FOR PEDESTRIANS AND MAINTENANCE AT LAND AT GREYFRIARS BRIDGE, HEREFORD.</p> <p>For: Mr Barker per Miss Eva Van Maren, Rightwell House, Bretton, Peterborough, PE38DW</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=184520&search=184520
Reason Application submitted to Committee – Redirection	

Date Received: 12 December 2018

**Ward: Hinton &
Hunderton**

Grid Ref: 350859,239534

Expiry Date: 14 February 2020

Local Member: Councillor Kevin Tillett

Updated

The following report and recommendation was prepared for consideration at the Planning and Regulatory Committee on 11 February 2020. A Site Inspection took place but following that the application was withdrawn from the agenda with the agreement of the applicant to enable further discussions to take place with the Cabinet Member.

Further discussions have taken place as intended but no agreement has been reached as to any alternative options and accordingly there have been no amendments to the scheme. The applicant has advised that they wish the current scheme to be considered.

The following report has been updated to incorporate two further pieces of correspondence that would have been referred to in the Schedule of Updates. Specifically these include a letter of objection from the Leader of Herefordshire Council and a letter of support from a resident of Riverside Court, which will be summarised in the Representations section below.

Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

Otherwise the report remains in its original form.

1. Site Description and Proposal

- 1.1 The application site comprises the existing flood defences located on the south side of the River Wye between Greyfriars Bridge and the tennis courts located at the north-west corner of the Bishops Meadow Playing Field.
- 1.2 The site lies within the Central Conservation Area and the Hereford Area of Archaeological Importance. There are a number of individual designated assets in close proximity to the flood defence. The Wye Bridge (Grade I and a Schedule Ancient Monument), Riverside Court (Grade II), Tara House and the associated former barn and warehouse (Grade II) are located in close proximity. To the north and visible from the footpath the runs alongside the flood defences are Hereford Cathedral (Grade I), the Bishops Palace (Grade II*) and Gwynne House and associated barn (both Grade II).
- 1.3 The River Wye is designated as a Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and Special Wildlife Site (SWS).
- 1.4 Planning permission was granted for the flood defences (known as The Hereford (Belmont) Flood Alleviation Scheme) in its current form pursuant to Application DCCE2006/2037/F and incorporated the provision of demountable panels and flood gates. The current proposal (entitled "Hereford Invest to Save" by the applicant) seeks to replace the demountable panels with permanent glass panels. The permanent stainless steel framed panels would sit within the existing channel recesses (which are exposed when the demountable panels are not deployed) and between the existing brick piers that particularly characterise the design approach adopted for the original scheme. The existing horizontal cross-rail between the brick piers would be removed. The proposal also entails the introduction of 3 hinged flood gates (at the existing metal stepped river access and adjacent to the tennis courts) and 1 "flip up" gate atop the existing stepped embankment adjacent to The Warehouse (currently vacant offices). In addition the demountable section of the defence under the Greyfriars Bridge would be replaced by a low wall with glass panel.
- 1.5 The project was the subject of a Screening Opinion pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 which concluded that it did not amount to development requiring an Environmental Statement (5 December 2017).

2. Policies

- 2.1 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:-
 - SS1 – Presumption in favour of sustainable development
 - SS6 – Environmental quality and local distinctiveness
 - SS7 – Addressing climate change
 - 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
 - SD3 – Sustainable water management and water resources
- 2.2 National Planning Policy Framework (NPPF)

Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

The following sections are considered relevant to this proposal

Promoting healthy and safe communities
Achieving well designed places
Meeting the challenge of climate change, flooding and coastal change
Conserving and enhancing the historic environment

- 2.3 National Planning Policy Guidance (NPPG)
- 2.4 Hereford Area Plan is at the drafting stage and accordingly cannot be given any weight in the decision making process
- 2.5 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-
- 2.6 The 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

3. Planning History

- 3.1 DCCE2006/2037/F – Construction of flood defence walls and embankments together with strengthening existing walls between Greyfriars Bridge and Wyelands Close. Approved

4. Consultation Summary

Statutory Consultations

- 4.1 Historic England – No Objection

The proposed replacement of the demountable flood defences with permanent glass panel flood walls and flood gates is within the Central Hereford Conservation Area, Hereford Area of Archaeological Importance, adjacent to the Scheduled Wye Bridge and in the setting of a number of listed buildings. A site meeting (May 2018) and pre-application advice (June 2018) was provided to the applicant and is reflected in the current application.

It is considered that the proposals will have a limited impact on the significance of the heritage assets.

If not required for safety reasons, Historic England would prefer to see crossrails removed from the scheme, as these inhibit views into and across the river and City Centre, which is a key feature of the Conservation Area. We would also advise that the gates and rails around the steps and ramp should be of one colour and complement the surround colour palette to help them visually diminish into the landscape.

Recommendation

Historic England has no objection to the application on heritage grounds. Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

- 4.2 Natural England – No objection

NO OBJECTION

Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

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

Internationally and nationally designated sites

The application site is within the catchment of the River Wye which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The SAC is notified at a national level as the River Wye Site of Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest. Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

European site - River Wye SAC - No objection

Natural England notes that the HRA has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

The assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of information provided. Natural England concurs with this view.

River Wye SSSI - No objection

Based on the plans submitted. Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

4.3 Highways England offer no objection

Internal Council Consultations

4.4 Conservation Manager (Building Conservation) – No objection

We would not have any objections to the proposals as they would not harm the setting of heritage assets or the character and appearance of the Conservation Area.

4.5 Conservation Manager (Ecology) – No objection

Based on available information I can see no ecology concerns with the proposed works. There is no reason or available evidence to consider that these works will have any effects on, or disturbance to, protected species or local biodiversity.

The application is subject to Habitats Regulation Assessment – Natural England have indicated in their response that they have “No Objection” to the Appropriate Assessment provided by the applicant and this LPA has no reason not to adopt, and so does formally adopt, this existing HRA to discharge our legal duties.

4.6 Conservation Manager (Archaeology) – No objection

In principle, I have no objection to this proposal, which in itself would not in my view occasion harm to the historic environment.

However, if this application is approved, I think it essential that an effective long term programme of maintenance cleaning etc. is insisted upon and complied with. The transparency and general condition of the panelling must be assured.

4.7 Transportation Manager - No objection

Having reviewed the information provided the local highway authority has no objection to the proposals

4.8 Public Rights of Way Manager – No objection

The proposed work is to take place in close proximity to public bridleways HER32A and HER32B. If work is likely to endanger bridleway users, a temporary closure must be applied for.

4.9 Land Drainage – No objection

We do not object to this planning application

4.10 Herefordshire Council Health, Safety and Resilience Team – No objection

No objection to this application; there is benefit to having permanent barriers as opposed to demountable defences that need to be fitted in periods of adverse weather.

5. Representations

5.1 Hereford City Council - Objection

Hereford City Council Planning Committee objected to Planning Application 184520, on the basis that the new flood defences are not in keeping with the areas aesthetics and would also draw attention from those with a proclivity to daubing graffiti on such surfaces. The area already suffers from high levels of graffiti due to the low amount of lighting and pedestrian traffic at night, and glass surfaces such as this would only serve as ideal space for more graffiti. The glass nature of the new defences is also out of touch with the local atmosphere; while the Left Bank is a modern structure, the riverside itself is of a quaint and rustic aesthetic, and is a quintessential 'Hereford' location, which would not be well served by clashing modern glass decoration. Councillors also expressed concern over how the glass would be cleaned, as it would likely be prone to algae growth.

5.2 A letter of objection from the Leader of the Council was received, the content of which is recorded in full as follows:

The Leader of the Council supports Hereford City Council and residents in this matter and wishes its objection to the Environment Agency's application for permanent glass panels alongside the riverbank in this location to be considered.

The administration sees no reason why the demountable barriers need to be replaced by permanent glass panels which are inappropriate in this historic riverbank setting. The amenity of this setting and its unrestricted views of the historic core of the medieval City of Hereford, including the Bishop's Palace and the Cathedral would be significantly harmed by modern glass

Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

panels and the river 'disconnected' from the users of the footpath and Bishop's Meadow. There has further been inadequate consultation with the Hereford and District Angling Association who own the fishing rights and object to this application.

With the support of the Cabinet, the Cabinet Member with responsibility for flood defences and the public realm has asked for this application to be deferred whilst a discussion takes place to ascertain if a more satisfactory solution could be found, such as a service arrangement between Herefordshire Council and the EA, whereby the panels are stored locally and deployed by Herefordshire Council or its contractors on request from the Environment Agency. This has been refused. This is a most unsatisfactory response considering the need for statutory agencies and local authorities to work together. Such an arrangement would be more practical and efficient than current arrangements and considerably more cost effective than the proposal for permanent glass panels. The EA has already made it clear, I believe, that local partnership with HC or its contractors or a 'volunteer' would be needed in any case with regards to its proposed scheme before you today as a 'glass door' by the tennis courts will still need to be manually closed and locked during any flood alert. It is therefore entirely sensible that a similar arrangement could be entered into to deploy the existing temporary demountable panels locally, panels which are required no more than once or twice a year for a few days each time.

The Leader of the Council urges this Committee to defer or reject this application.

5.3 10 objections have been received (2 from the same local resident). The concerns can be summarised as follows:

- Cost saving justification for the permanent glass panels is not convincing
- Permanent glass panels would be distracting and reflective adversely affecting views to and from the Old Bridge and the north bank of the river
- Permanent glass panels would reduce enjoyment of/connection with the river
- Current structure was subject of extensive public consultation and provides a good balance between flood control and maintaining visibility of the river
- Glass surfaces will require frequent cleaning/ maintenance and will be subject to algae build-up and other deposits
- Will be a target for vandalism and graffiti
- Replacement of damaged glass panels will be far more expensive than current arrangements
- Adverse impact on views to the Cathedral and Bishops Palace
- Self-cleaning glass requires regular flow of water to activate - will not function in more sheltered locations and will be susceptible to mould growth
- No wind survey undertaken
- Technically flawed proposal with no discernible public benefit
- Proposal will not enhance the setting of listed buildings or the conservation area and should be refused

5.4 A letter of support was received from a resident of Riverside Court which can be summarised as follows:

- Some objectors are claiming algae will be a problem on the glass barrier. This is a non event. Algae is formed by an excess of nutrients and light. It is only an issue in an aquarium environment. The river water will rarely be in contact with the glass (only at times of potential flood), will be fast flowing and during winter months. There are no conditions that will cause algae to grow on the glass. Based on this objection no new building should pass a planning application if it contains glass for fear of algae on the glass
- Can't live in fear of being able to build new exciting structures in case a criminal element may damage them. I will admit there is some graffiti to one section of the wall in a tricky to reach place. But I would say glass is not going to be an attractive target for graffiti- it is not

Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

a good surface for paint to adhere to, it is easily cleaned, and the person causing the criminal damage is likely to be spotted. It is then a matter for the police. I am hoping that the Council's objection is not driven out of fear of paying for cleaning this structure. If the council cleaned up the graffiti already present it may discourage further activity. To further put this in perspective, graffiti and criminal damage in Hereford and this area is minimal. We even have a little field experiment to demonstrate this. Some time ago a large metal and glass map was erected on the pavement of the old bridge, just past the Left Bank. It has been in place a while. There is no graffiti, there is no damage, it is in the same condition as when it was erected, it has not become a magnet for criminal damage, graffiti or even algae (apparently it gets everywhere).

- objectors are calling the proposal an “eyesore”. I am not sure what this is based on and such opinions on architecture are very subjective. If objectors were to take a look at the glass reinforcements at Upton Upon Severn, a small town plagued by flooding in the past, they may realise that actually these structures can enhance upon the natural aesthetics of a place
- objectors are making the assumption that the Environment Agency are always going to get the existing temporary barriers up in time. No guarantee of this. One only needs to remember the repeated flooding of Bewdley to realise that the barriers may not actually be in place in time to prevent flooding. If someone is offering to build permanent barriers that protect my property from flooding, at no cost to myself, with no environmental impact or detriment to the area, then I say thank you very much and fully embrace and support the proposal.

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=184520&search=184520

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

Policy context and Principle of Development

6.1 Section 38 (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 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) whilst the National Planning Policy Framework 2019 and associated National Planning Policy Guidance represent relevant material considerations.

6.3 Prior to assessing the acceptability of the proposal, and since there is reference made to the justification for this permanent panel arrangement in both the applicants submission and a number of the objections received, it is worth setting out why it has been brought forward. The following extract sets out the applicants rationale for the proposal which in broad terms is based upon maintaining the same level of protection whilst reducing the risks associated with a failure to deploy the demountable panels; reducing the costs associated with deploying or making ready to deploy the panels and enabling any savings to be directed towards flood protection and responding to other incidents in Herefordshire:

The Environment Agency is a public body sponsored by the Department for Environment, Food and rural affairs (DEFRA). The Environment Agency has the powers (but not a legal obligation) to manage flood risk from main rivers and the sea. The EA is also a Category 1 responder under the civil contingency's act.

Any savings in cost and manpower from these scheme improvements will enable the Environment Agency to further improve our operational response to the wider communities at risk to flooding in Herefordshire. The installation of a passive system will enable the Environment Agency to aid and assist in the operational response to flooding within Herefordshire.

The area defended by the scheme will benefit from the upgraded flood defences by providing a permanent and more resilient level of flood protection, thereby reducing the risk of flooding to the area defended by this scheme.

With both the demountable components and operatives being located off site there is always a risk of them not being deployed or operative being unable to attend site before a flood. The construction of the scheme improvements will eliminate these risks providing an in situ scheme.

Finally we always look to reduce the potential health and safety risks to both our operatives and members of the public during the deployment of the existing defences.

The Environment Agency has in place robust operational procedures for the deployment of the demountable defences. Through these scheme improvements we are striving to reduce those risks and continually improve how we deliver flood resilience to the community.

I hope this clarifies the Environment Agency's rationale for providing these scheme improvements which will provide a more resilient scheme to the 69 residential properties and 27 commercial properties already protected by the Hereford (Belmont) Flood Alleviation scheme. The improvements will provide substantial whole life cost saving to public expenditure for the remaining life of the scheme and release a substantial operational resource to respond to other flooding incidents within Herefordshire and better manage both the public's and our operatives' safety during times of flood.

Heritage/Townscape Considerations

- 6.4 Whilst understanding the context for the application, this is not in itself under consideration, but rather the environmental implications of replacing the demountable panels with a combination of permanent glass panels and flood gates. In this regard it is the sensitivity of the site in terms of heritage constraints that requires the closest scrutiny. The principal focus of concern relates to the section of the defence alongside the well-used footpath between the Wye Bridge and The Warehouse (currently unoccupied)
- 6.5 Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Area) Act 1990 establish a legal obligation for any development that may affect a listed building or its setting or affect the character of a Conservation Area, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and the character and appearance of the designated area.
- 6.6 These principles are effectively addressed within CS policy LD4 which requires development proposals to protect, conserve and where possible enhance heritage assets and their settings in a manner appropriate to their significance.
- 6.7 Additionally, paragraphs 193-197 of the NPPF establish a heritage impact test to be applied where harm to the relevant heritage asset is identified.

- 6.8 A number of the objections have referred to the sensitivity of the location in terms of its visual relationship with listed buildings (in particular the Wye Bridge, also a SAM) and the impact of permanent panels upon views towards the Cathedral and the Bishops Palace. This sensitivity cannot be underestimated and has been given careful consideration in my assessment of the proposal. Counter to the concerns raised by the City Council and residents, it is noteworthy that neither Historic England nor the Conservation Manager raise any objections with regard to the impact of this proposal. Historic England attribute only a limited impact on the significance of the heritage assets in the locality and the Conservation Manager considers that there would be no harm. With specific regard to the comments made by Historic England, it is confirmed that the existing cross rail between the brick piers of the defence wall would be removed with the permanent glass panels slotting into the exposed recessed channels designed to receive and support the demountable panels.
- 6.9 The permanent panels would have a height of 600 mm but importantly would not result in any increased height to the structure, sitting below the level of the existing brick piers. The stainless steel frame of the panel would be a combined height of 80 mm leaving a total of 520 mm of glass.
- 6.10 It is considered that the introduction of the permanent glass panels would enable the removal of the cross rail and the visible elements of the exposed recessed channels, which are not particularly aesthetically pleasing elements of the existing structure. This is reflected in the comments from Historic England and it is considered that this aspect of the proposal is a residual enhancement.
- 6.11 The presence of glazing alongside the River Wye is already noticeable at the Left Bank and in this regard further glazing is not considered to be especially alien or out of keeping. Notwithstanding this, the majority of the concerns raised in relation to the adverse impact of the permanent glass panels relate to the deterioration of the glazing over time and/or the risk of graffiti and other acts of anti-social behaviour (scratching and the like). This concern is appreciated, but attention is drawn to NPPF paragraph 183 which advises that the focus of planning decisions should relate to whether the proposed development is an acceptable use of land, rather than the control of separate control regimes. In this regard it is not considered that weight should be afforded to the reservations expressed about future maintenance arrangements; the feasibility of self-cleaning glass; criticisms of the financial justification or the risk assessment undertaken by the applicant. This cannot form part of the assessment of the impact of the development on the historic environment.
- 6.12 Assuming an appropriate maintenance regime is put in place, it is not considered that the glazed panels would impair the appreciation of the Wye Bridge, the Cathedral and Bishops Palace nor the River Wye. In this regard, and on balance, I conclude that the proposal would not result in harm to the setting or significance of the individual designated assets that in turn contribute to the character and appearance of the Conservation Area. By extension, it would therefore preserve the historic environment, obviating the requirement to consider the public benefits of the proposal; satisfying the legal obligation to have special regard to the identified assets and according with CS policy LD4.
- 6.13 The provision of a part brick/part glazed wall under the section of the Greyfriars Bridge is not contentious in my view and similarly the combination of swing gates and flip up flood gate occupy less sensitive locations and will not have any noticeable visual impact.
- 6.14 In order to mitigate some of the concerns, a condition requiring details of the long term maintenance regime for the glass panels is recommended together with a requirement to agree the finish of the flood gates to ensure that they harmonise with their respective visual backdrops.

Biodiversity

- 6.15 The River Wye is designated as a Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and Special Wildlife Site (SWS). This combination of European, national and local designation requires due consideration although the potential impacts associated with these works is limited. This is reflected in the advice received from the Conservation Manager (Ecology) and Natural England.
- 6.16 The required Habitat Regulations Assessment has been undertaken by the Council (as the competent authority) and Natural England raises no objection.
- 6.17 In this regard no conflict with CS policies LD2 and SD4 are identified

Other Matters

- 6.18 Residents living alongside the river and with an outlook towards the city centre have raised concerns about the potential impact upon their residential amenity associated with a permanent barrier. This appears to link to the concerns expressed about future maintenance since if the glass panels were kept in good condition, there would be no adverse impact. I find no basis upon which to require a wind analysis to be carried out for a structure of this relatively modest height.
- 6.19 No highway safety matters arise in the context of this proposal.

Conclusion and Planning Balance

- 6.20 The proposed development will maintain the existing level of flood protection to properties and businesses in the locality and having regard to the applicant's submission will in the long term result in cost savings that can be targetted to other flooding incidents, since it will not be necessary to deploy the same number of operatives to install the demountable barriers. Furthermore, it is submitted that there will be a reduced risk of flooding associated with any future failure to deploy the current defences. Counter to this, a number of objections shed doubt upon the savings/benefits associated with the proposal and express concern that the permanent glass panels will adversely affect the character and enjoyment of the area and have a detrimental impact upon the setting of listed buildings.
- 6.21 On balance, the proper maintenance of the permanent glass panels, which must be assumed, would not in your officers opinion result in any adverse visual impact and would enable users of the footpath and residents to maintain a visual connection with the river and the views towards the City Centre. The Conservation Manager (Building Conservation) does not consider there to be any harm to the setting or significance of nearby heritage assets and whilst Historic England's comments might be regarded as attributing less than significant harm, no objection is raised and the benefits of removing the cross rail are recognised in their comments.
- 6.22 It is concluded that whilst there may be limited economic benefits associated with the proposal, the social benefits of maintaining the current levels of flood protection and reducing the risks associated with a failure to deploy the demountable barriers are noted. Whether the decision-maker agrees or not with these limited benefits, it is not considered that there is any environmental harm or harm to the character and setting of nearby heritage assets and certainly none that would outweigh the identified benefits. As such, the proposal can be characterised as sustainable development and accordingly recommended for approval

RECOMMENDATION

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. **Time limit for commencement (full permission)**
2. **Development in accordance with approved plans and materials**
3. **Prior to the installation of the permanent glass panels, full details of their specification and a long term maintenance plan together with details relating to the deployment of the flood gates shall be submitted to and approved in writing by the local planning authority. The maintenance and deployment plan shall be strictly adhered to thereafter.**

Reason: To ensure a satisfactory appearance and maintain flood protection in accordance with policies LD1, LD4, SD1 and SD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

4. **Prior to the installation of any of the flood gates hereby approved details of the materials and external appearance to be used in their construction shall be submitted to an approved in writing by the local planning authority.**

Reason: To ensure a satisfactory appearance in accordance with policies LD1, LD4 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

5. **Restriction of hours during construction**
6. **Construction Management Plan**

INFORMATIVES:

1. **Application Approved Without Amendment**

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.

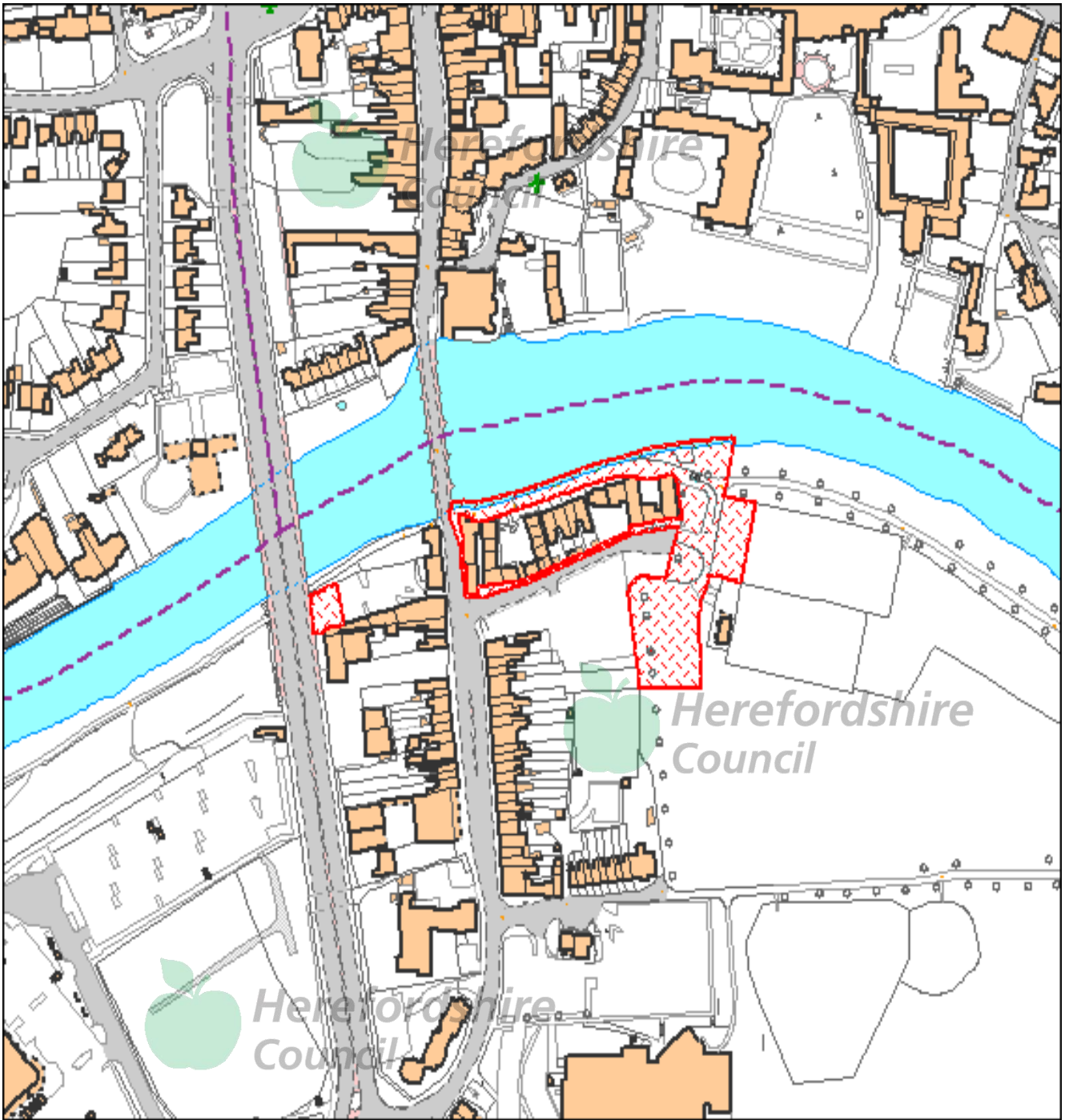
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 184520

SITE ADDRESS : LAND AT GREYFRIARS BRIDGE, HEREFORD

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Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	3 June 2020
TITLE OF REPORT:	<p>192711 - ERECTION OF A CATTLE SHED, 1 BAY EXTENSION TO AN EXISTING GENERAL PURPOSE AGRICULTURAL STORAGE BUILDING AND LANDSCAPING. AT FARMSTEAD SOUTH EAST OF BAGE COURT, DORSTONE, HEREFORD, HR3 5SU</p> <p>For: Mr Morgan per Mr Ian Pick, Station Farm Offices, Wansford Road, Nafferton, Driffield, East Yorkshire YO25 8NJ</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=192711&search=the%20bage
Reason Application submitted to Committee – Re-direction	

Date Received: 30 July 2019

Ward: Golden Valley
North

Grid Ref: 330214,243034

Expiry Date: 20 February 2020

Local Member: Councillor Jennie Hewitt

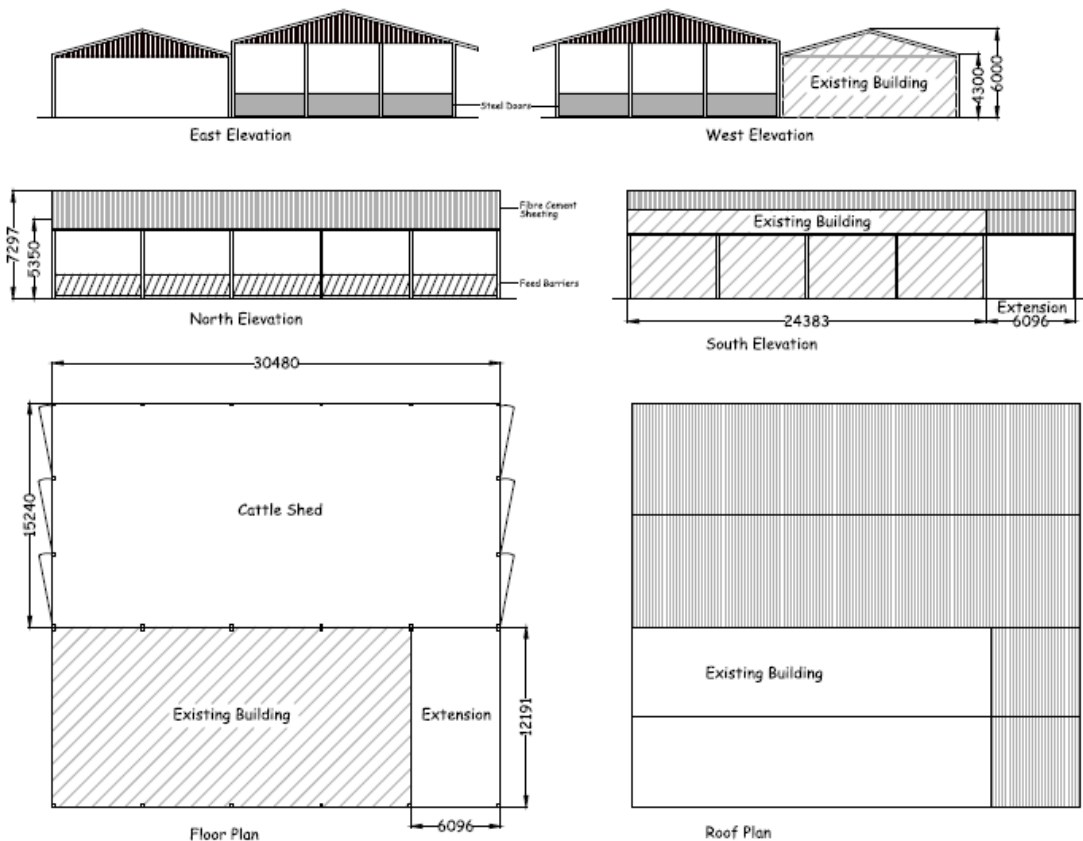
1. Site Description and Proposal

- 1.1 Located within the upper Golden Valley in western Herefordshire, some 14 miles west of the City of Hereford, the application site relates to a group of modern agricultural buildings which are found 0.5 miles to the South East of Bage Court and within the rural parish of Dorstone. The site is accessed off both Scar Lane and from the B4348 – the main road running through the Golden Valley and connecting the communities of Ewyas Harold/Kingstone with Peterchurch, Dorstone and Hay on Wye.
- 1.2 The application site is located within the base of the Golden Valley and the site and the immediate surrounds are essentially level, although the ground rises to the north and east of the site, climbing towards Merbach Hill and Arthurs Stone which can be found to the north and east respectively. A post and wire fence delineates the southern boundary of the site from the open countryside beyond and the western extreme of the site opens up to a large field which was in use for arable crop production at the time of visiting. Mature hedgerows and trees generally separate the site from Scar Lane and the agricultural land to the north.
- 1.3 The application seeks planning permission for the erection of one cattle shed together with a one-bay eastern extension to an existing agricultural storage building. The proposed cattle shed would be located to the immediate north, and adjoining the general purpose agricultural building found to the south which is subject to the one bay extension. The new building would be of a typical agricultural appearance, with a pitched roof of fibre cement sheeting and a maximum

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260612

height at the ridge of almost 7.3 metres. Its length is proposed to be 30.5 metres and this would match the resultant length of the building to the south which would be subject to the 6.1 metre building. The extension would match the design and ridge-line of the existing building.

- 1.4 The proposal also includes the insertion of a 91 metres soft-landscape barrier, running for the length of the south-eastern boundary of the site and allowing a gap of around 4.5 metres from the south-eastern building line of the proposed extended and new building. The barrier would comprise of native species Hawthorn, Hazel and Holly which would be interested with Oak, Hornbeam and Sycamore tree species.
- 1.5 One is referred to the below proposed drawings which clearly illustrates the proposal



Proposed plans and elevations

2. Policies

- 2.1 The Herefordshire Local Plan - Core Strategy (CS) 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/download/downloads/id/1788/core_strategy_sections_combined.pdf

- SS1 - Presumption in favour of sustainable development
- SS6 - Environmental quality and local distinctiveness
- RA6 - Rural economy
- MT1 - Traffic management, highway safety and active travel
- LD1 - Landscape and townscape
- LD2 - Biodiversity and geodiversity

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260612

LD3 - Green infrastructure
SD1 - Sustainable design and energy efficiency
SD3 - Sustainable water management and water resources
SD4 - Waste water treatment and river water quality

2.2 Dorstone Neighbourhood Development Plan (made 17 February 2017)

ENV 1 Conservation, heritage and landscape
E1 Small businesses, farming and employment

https://www.herefordshire.gov.uk/download/downloads/id/8739/neighbourhood_development_plan_adopted_version.pdf

2.3 National Planning Policy Framework (NPPF)

Chapter 2 - Achieving sustainable development
Chapter 4 - Decision-making
Chapter 6 - Building a strong and competitive economy
Chapter 9 - Promoting sustainable transport
Chapter 12 - Achieving well-designed places

3. Planning History

- 3.1 172894 - Erection of an agricultural building for free range egg production with associated egg packing area and feed bin. Appeal Dismissed – 16 March 2018
- 3.2 161909 - Erection of an agricultural building for free range egg production with associated feed bins and hardstanding areas. Appeal Dismissed – 29 March 2017
- 3.3 143343 - Proposed erection of 2 no. broiler rearing unit with associated feed bins, hardstanding and attenuation pond. Appeal Dismissed – 24 December 2015
- 3.4 111368 - Erection of general purpose agricultural building. Approved – 4 August 2011
- 3.5 082211 - Erection of general purpose agricultural building. Approved – 8 September 2008

4. Consultation Summary

Internal Council Consultations

4.1 Transportation Manager – no objection.

4.2 Conservation Manager (Ecology)

20 August 2019 - The additional cattle shed has a floor area of 464.5msq. This falls under any trigger sizes (500msq) for air pollution emissions in regards to any Sites of Special Scientific Interest as identified through natural England's details SSSI Impact Risk Zone data set. Based on this information no detailed air emissions assessment is required for this specific development at this location. No likely significant effects on any relevant SSSI have been identified.

There are no further ecology comments on this this development within an existing developed farm complex.

3 January 2020 - Following the receipt of amended plans, the following comments were made; -

No further comments

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260612

4.3 Conservation Manager (Landscapes)

30 October 2019 - 30/10/2019 - The proposal is for a cattle shed and a one bay extension to an existing unit. I have visited the site and spoken with the applicant and have the following comments to make:

The farmstead and associated outbuildings lie within the Golden Valley, the site has been the subject of numerous applications and appeal decisions and I am satisfied that its sensitivity in landscape terms has already been fully established. I do not therefore consider it necessary to comment in depth upon the baseline, as this can be readily understood from my previous comments in relation to previous development upon the site.

In terms of the proposal before me now, I consider that the extension of the built form to the east adjacent to existing units is a logical progression and efficient use of the existing space. I note that the proposals include Yorkshire cladding for the walls which I consider to be an appropriate choice of material. Having revisited the elevated views from Scar Lane I do have a concern in relation to the selection of roofing material which is proposed as fibre cement sheeting, however I note the applicant's comments in respect of how this material weathers down in time. In any case roofing material should be agreed with the local planning authority and the applicant has indicated a willingness to be flexible over this matter.

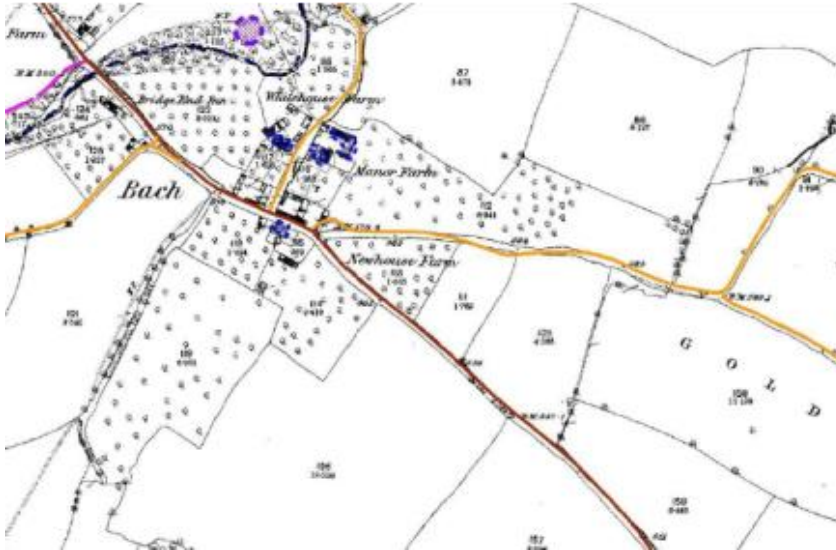
In relation to the extension of built form in a southerly direction I do not wish to encourage incremental spread of development into the wider Golden Valley, however I am mindful that the built form extends up to and not beyond the existing fence line. Because of this I have reviewed the historic mapping in order to understand if the fenced boundary was an historic hedgerow. The mapping indicates this may well have been the case and on this basis therefore, I would recommend the reinstatement of hedgerow. I have no objection to the boundary being amended by two to three metres to allow for maintenance of buildings, however the boundary will need to be a strong landscape buffer which indicates where built form can extend to.

Given the landscape sensitivity in this instance I do not consider it appropriate to secure landscape plans via condition; the plans should be submitted as part of the application and as minimum should include the following:

- A triple staggered mixed native hedgerow
- Hedgerow trees – spacing 15-30m, size heavy standard, mix of species; oak, damson, crab apple, hornbeam, sycamore.

The plans should be supported by a maintenance programme for a minimum of a 5 year period to ensure their successful establishment.

I would also recommend the case officer seeks to secure lighting via a condition.



Historic Map circa 1840

7 November 2019 – Following the receipt of amended plans, the following comments were made; -

I have reviewed the submitted landscape plans, I am content with the triple staggered hedgerow shown, additional tree planting is required for the full length of the hedgerow including the section adjacent to the shed.

12 January 2020 – Following amended plans showing additional tree planting, the Landscape Office has no objection to the proposal.

4.4 **Environmental Health (Contamination)** – no comments.

5. Representations

5.1 Dorstone Parish Council

10 September 2019 - At a meeting of Dorstone Parish Council a majority of councillors supported the application. Concern was raised at the impact the development would have on the landscape, in particular the extension would go beyond footprint of the existing buildings

9 December 2019 – Following receipt of amended plans, the following comments were made; -

Dorstone Parish Council considered the landscape officer report and the proposed landscape scheme for this sensitive site, they support the amendments concerning the landscape tree planting, ensure the plan is carried out, in full, in view of historical non- compliance with conditions on this same site.

5.2 Letters of objection have been received from 22 parties. It is noted that some of these originate from the same household. The points raised can be summarised as follows; -

Planning Procedure

- Concerns with regards to the location of site notice.
- Object to further intensive farming in Dorstone Parish.
- No landscape consultation has been undertaken and this was a major consideration in previous appeals at the site.

- Approving application would undermine the preceding three appeal decisions at the site.
- Planting scheme on website is not legible

Landscape and Design

- Application extends the building line at the site
- Landscape considered to be more than highly valued by inspector in previous appeal decisions at the site.
- Building should be positioned to the western side of the 2017 permitted barn.
- The increase in size of the barns is of an industrial scale.
- New building line should be established to the east of the complex with all future building to the west.
- Building should be reduced in height as it would be the highest barn within the complex.
- Refusal of agricultural building only a few hundred metres was refused on landscape grounds (182422/PA7).
- Have a duty to preserve this historical landscape and Area of Outstanding Natural Beauty
- The amended drawings still lead to an encroachment into the open countryside to the east and therefore would not screen the building given its height.
- Wider margin of tree planting is required between the development and The Bage and the road and trees are omitted from the section along the western elevation of the barn.
- Landscape Officer presents conflicting views with regards to the spread of development at the site.
- Re-instatement of south-east historical hedge as a landscape barrier does not justify increased development.
- Roofing should be anthracite in colour
- Oak trees should be Durmast Oaks and not Rubor.
- Sycamore Trees are boring and instead *Populus nigra*, *Tillia cordata* or *Castanea sativa* should be used.

Future Development

- Fears that the application is made on the premise that it is an ongoing attempt to overturn the previously three dismissed appeal decisions for broiler units/application would be pre-cursor and set a precedent to future development.
- New buildings should not extend beyond the existing building line as this would lead to an everlasting spread of buildings. This should be a condition of any approved scheme.
- If approved, no new building should be allowed for 5 more years.

Residential Amenity

- Additional building to the east would exacerbate the unpleasant smells (i.e. during mucking out of the sheds).

Agricultural Justification

- Applicant does not demonstrate sufficient need for the new buildings and the cattle could be housed in existing buildings
- Buildings should only be permitted where they are reasonably necessary for the purposes of agriculture and should be designed for the purpose of agriculture.

- It is essential that an agricultural expert is consulted.
- Details of all the land owned by the applicant should be submitted along with a detailed explanation of all the existing agricultural activities taking place.
- Details of the proposed use of the buildings should be provided (i.e are the cattle to be housed in the buildings or permanently?)
- Market trend for beef is in decline with no sign of change and therefore the shed will likely be used for the pig enterprise.
- Questions with regard to why the applicant did not build the western end of the existing barn and is instead proposing an extension to the eastern end – there appears to be no need for this.

Economy

- Proposed agricultural buildings would negatively impact tourism within the Golden Valley and would create no jobs.

Neighbourhood Development Plan

- Dorstone Neighbourhood Development Plan is strongly against intensive farming.

Ecology and Climate

- Application lacks information with regard to concrete apron, details of protected species or hedgerows to be affected.
- Foul sewerage would leak into the River Dore and this would be exacerbated by increasing periods of heavy rainfall and the intense use of the buildings for the housing of cattle and pigs.
- Climate change should result in a temporary moratorium on any project which would exacerbate such issues – i.e 80 additional cattle.

Highways

- The local highway network is not designed to cater for intensive and unsustainable farming practices and not enough information re access has been submitted.
-

Other

- Applicant has already carried out unauthorised development at the site (i.e. feed bins).
- Increase in buildings on the site is regrettable given that the historic buildings at Bage Court have not been converted as previously approved.
- Proposal would greatly increase the risk of disease and pollution
- Dorstone is on the cusp of being recognised as an area of International Archaeological Significance (Arthur's Stone, the Dorstone Dig and Snodhill Castle) – this significance is believed to be greater than Stonehenge.
- Applicant has used all permitted development rights which are specifically designed to control and block creeping expansion.
- The agent employed who primarily deals with applications for poultry units raises concerns with regards to the underlying intent for the application.
- Scar Lane floods and therefore the submitted application form does not provide the correct answer and the relevant section.
- The 'No' answers to waste storage and collection on the submitted application form are not sufficient

- If permission is given, a condition should be attached so that all hedges on the farm are cut in a three year rotation and thus giving more resource and habitat to the wildlife.

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=192711&search=the%20bage

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

Procedural Matters

- 6.1 Comments received contain some concerns with regards to the advertisement of the application. It is noted that the application was advertised by way of a site notice on the access to the site off Scar Lane and the B4348 on 8 November 2019 and the Council is satisfied that it has fulfilled its statutory duty in this regard. All interested parties were subject to re-consultation on any material amendments to the proposal throughout the course of the application process.
- 6.2 As set out above, it is confirmed that the Landscape Officer has been consulted on the proposal, including on any amended drawings and additional information submitted. Whilst the resolution is rather low, the submitted landscaping specification is considered legible to Officers and therefore has been subject to adequate assessment.
- 6.3 In addition, comments have been made which highlight comparisons of the scheme with regards to nearby refused application 182422/PA7 and other previous applications under the 'prior notification process' at the application site. Whilst the planning matters pertaining to the this scheme will be discussed in the below sections, it is advised that this application is made in full and is therefore assessed with regards to the adopted Development Plan for this part of Herefordshire and not, The Town and Country Planning (General Permitted Development) (England) Order 2015.
- 6.4 Whilst the concerns as raised in the representations are appreciated, it is advised that this application cannot be assessed with speculative assumptions in mind and is to be assessed on its own merits.

Policy Context and Principle of Development

- 6.5 Section 38 (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."*
- 6.6 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the 'made' Dorstone Neighbourhood Development Plan (DNDP). At this time the policies in the DNDP relevant to the determination of this application can be afforded weight as set out in paragraph 48 of the National Planning Policy Framework 2019, which itself is a significant material consideration.
- 6.7 Objective 8a of the CS seeks to support and encourage the development and diversification of the county's historic strength in land-based industries, including agriculture and food production, to provide for the maintenance of a thriving, productive, efficient, competitive and sustainable agricultural sector, recognising the high importance of this sector to the county's economy as a whole and to the rural economy in particular. Policy RA6 of the CS in turn therefore provides

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260612

support to the rural economy by supporting the small scale expansion of existing rural businesses, subject to them ensuring that the development is of a scale which would be commensurate with its location and setting; does not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise, dust, lighting and smell and finally, does not generate traffic movements that cannot safely be accommodated within the local highway network.

- 6.8 At Chapter 6 of the NPPF, paragraphs 83 and 84 respectively set out their support for the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and the development and diversification of agricultural and other land-based rural businesses.
- 6.9 Further, the DNDP supports intensive livestock units that demonstrate no significant adverse landscape, environmental or amenity impact, and with access arrangements that fully satisfy the requirements of the Highway Authority.
- 6.10 The proposal presents a modest extension to an existing agricultural storage building and the erection of one cattle building. The comments received which question the need for additional buildings are acknowledged, however, the rural enterprise is well-established and by virtue of the application, it is understood that the applicant seeks to expand the enterprise and thus requires additional agricultural storage space and livestock housing. It is considered that the buildings would be of a typical functional agricultural appearance which are considered to be reasonably necessary for the purposes of agriculture. It is therefore considered that there is policy support for the principle of the development.
- 6.11 With the principle of this form of development having been established, the main issues to consider in the determination of this planning application are those of visual amenity and the impact the proposal would have on the wider landscape setting, impacts on the amenity of neighbours, highways impacts and that on biodiversity and ecological networks.

Landscape Impact

- 6.12 The proposal would extend the length of the existing agricultural storage building by 6.9 metres and erect an additional cattle building for the resultant length of the above, with a ridge height 1.15 metres in excess of the existing building to be extended.
- 6.13 As a starting point, Policy ENV 1 of the DNDP states that development proposals will be supported where they conserve or enhance the character of the Conservation Area, including its listed buildings, archaeological sites, and heritage features; as well as its important open space, main views from locations freely accessible by the general public and landscape features and views.
- 6.14 Whilst the site is not located within the Dorstone Conservation Area, given the sites location at approximately 1 mile to the north-west of Dorstone, and given the topography of the land to the north and east of View 9 (V9), The Bage is not visible from this northern part of Dorstone and the proposal would not lead to any harm to this identified view.
- 6.15 The policy also sets out that development proposals should be of a scale and design which would ensure that any new build would merge seamlessly with the existing landscape and those identified landscape features of open fields and high hedgerows and trees – these features which the DNDP considers typically characteristic of the area and thus contributing to the valued landscape of the Golden Valley. Further, the DNDP supports intensive livestock units that demonstrate that there would be no significant adverse landscape, environmental or amenity impact, and with access arrangements that fully satisfy the requirements of the Highway Authority.

- 6.16 Policy SD1 of the CS requires development proposals to respect the scale, height, proportions, massing and architectural detailing of surrounding development with Policy LD1 requiring development proposals to ensure that the landscape setting has positively influenced the design and site selection.
- 6.17 The design of the buildings is typical in their agricultural appearance and undisputedly they are not of any special architectural merit. However, they are functional and their design reflects that of the existing built form by virtue of the materials and scale, and would not appear alien within the existing cluster of buildings. However, given the sensitivity of the site, external materials are recommended to be controlled by way of condition attached to any approval of this application. Crucially however, the extension and new building would have a direct and close relationship with the existing buildings and would form part of the operational farmstead. They would have a functional link and would not appear as detached from the existing complex. What is more, whilst the increased height of the new building is appreciated, given its close proximity to the other buildings it is not considered that this would result in the building appearing as overly dominant within the complex or overbearing within the wider landscape setting.
- 6.18 As a number of the received representations refer to, the site has been subject to a rather extensive set of planning history, largely pertaining to three refused applications for a poultry unit to the south of the site, two of which were appealed and later dismissed on landscape grounds. These appeal decisions (APP/W1850/W/17/3188897 and APP/W1850/W/16/3162464) are material to the consideration of this application so far that is relevant to the nature of this proposal. Re-affirmed by the level of public interest which this application has generated, officers concur with the inspector that the surrounding landscape of the Golden Valley is valued and forms a special landscape area between the Black Mountains to the west and the Herefordshire lowlands to the east. The inspector notes that the area around the appeal site, by virtue of its mosaic of fields, hedgerows, woodland and villages combined with its steep sided valley slopes, appears to be integral to the *'...strong sense of transition from the wild and remote beauty of the upland plateau to the cultivated intimacy of lowland England'* referred to in the summary profile of NCA99. Further, they observed that it is a working landscape with capacity to accommodate new farm buildings but also consider that it is part of a valued landscape.
- 6.19 In addressing the concerns raised by representations, there are considered to be marked differences between the previously dismissed poultry units schemes and this submission. It was considered that due to a combination of their length, enclosed and utilitarian design, and facing materials, the proposed poultry units were considered to have an austere industrial appearance. The inspector also added that the design of the proposed poultry units would contrast notably with the open sided nature of the existing buildings of the complex, a contrast in which would cause harm to the landscape setting when viewed from the B4348 and Scar Lane and other viewpoints. The proposed buildings would, as mentioned, clearly relate to the existing complex given their siting and by virtue of their open-sided design and through the use of matching materials, would positively assimilate into the established built form which would minimise any impact on the landscape setting. Therefore, whilst it is accepted that the proposal would increase the bulk of the site and that inevitably, this would be visible from a number of vantage points, the additions are not considered as such which would be wholly incongruous with the rural landscape setting, by virtue of their appropriate scale and design.
- 6.20 Moreover, negotiations with the applicant have resulted in the proposal being inclusive of a soft landscape barrier along the entirety of the south-eastern boundary of the site, and therefore running approximately 4.5 metres from the side building lines of the proposed buildings. Notwithstanding the comments received which describe the proposals as inadequate or lacking excitement, it is considered that barrier would include an appropriate range of native hedgerow and tree species. One would be reminded that the existing boundary treatment is that of a post and wire fence which does result in the site appearing as rather exposed and somewhat unplanned and unestablished, especially when viewed from high ground from Scar Lane to the

east and from the south/west when viewed from the B4348. Concerns with regards to the encroachment of the site into the open-countryside to the south-east have been raised through representations to this application but it is understood that this is a longstanding concern within the community. Whilst the Local Planning Authority cannot introduce speculative assumptions as to whether or not the applicant wished to further expand the complex in this direction, it is considered that such development would likely lead to unacceptable landscape harm. Taking account of this, it is considered that the proposed landscape barrier would present as a natural demarcation of this south-eastern boundary. Noting that Policy LD3 of the CS seeks to retain and provide additional green infrastructure through the proposition of additional trees and hedgerows, the proposal would accord with this requirement whilst also softening the appearance of the additions. The proposed landscaping barrier, which implementation of would be secured by way of condition, would ensure that the proposal would merge seamlessly with the existing built form and the valued landscape character. As such, the proposal is therefore in compliance with Policy ENV 1 of the DNDP and Policy LD1 of the CS.

- 6.21 With the above in mind, whilst the landscape character is appreciated and widely valued, it is not one in which is designated and does not form part of an Area of Outstanding Natural Beauty. The overall scale, design and massing of the proposed buildings, whilst clearly adding to the bulk, would not be considered to cause harm to the landscape setting, aided through the provision of the soft landscaping barrier.

Amenity

- 6.22 The proposed additions relate to an existing and established complex which form the centre of operations for the applicants agricultural business. The application site is divorced from immediate residential neighbours and therefore it is no way considered that any resultant intensification in operations (which are not likely to be significant if commensurate to the scale of built expansion) would have any undue adverse impact on any neighbouring residents through noise or odour. Further to this, the use of the buildings has been questioned but it is noted the use is for agricultural purposes. The NPPF makes it clear that there may be other regimes which control the use, pollution control or livestock numbers for example, but this is beyond the scope of development management. In summary, the proposal does not identify any conflict with the development plan with regards to its anticipated impact on the amenity of neighbours.

Ecology and Biodiversity

- 6.23 Concerns have been raised with regards to the proposal's impact on species and also the quality of river water within the River Dore; the tributary of which lying within close proximity to north of the site and on the opposite side of Scar Lane.
- 6.24 Policy E1 of the DNDP sets out that development proposals should not have any adverse impacts on the River Wye Special Area of Conservation (SAC), echoing the requirements set out in more detail at Policy SD3 and SD4 of the CS.
- 6.25 The applicant has advised that given the building would be for the housing of cattle, all manure will be solid with no slurry given that the cattle would be on straw, as is standard practice.
- 6.26 The Council's Ecologist has commented that the additional cattle shed would have a floor area of 464.5msq. This falls under any trigger sizes (500msq) for air pollution emissions in regards to any Sites of Special Scientific Interest as identified through natural England's details SSSI Impact Risk Zone data set. Based on this information, there is no detailed air emissions assessment required for this development at this location. Noting that the site is outside the River Wye Special SAC, there are no other triggers for a Habitat Regulations Assessment (HRA) process and there are therefore no likely significant effects on any other relevant SSSI.

Highways

6.27 The proposal would lead to a modest expansion of the agricultural business and the existing access off the B4348 and Scar Lane would be used as existing, with no alteration to this arrangement being suggested. The expansion of the enterprise resultant of the increased building footprint at the site is not considered such that would lead to a vehicular uplift which would be considered as severe, with regards to the impact on the local highway network when having regards to Policy MT1 and Policy E1 of the DNDP.

Flooding

6.28 The application site is not found within a Flood Zone and therefore there is no requirement for the applicant to submit a Flood Risk Assessment (FRA) as part of the submission. In any case, the use is considered as less vulnerable and the proposal is not considered to result in an increase in flooding risk in the locale.

Archaeology

6.29 The proposed buildings would relate to an existing and established complex and given the proximity between the site and any scheduled monuments, there is considered to be no harm.

Conclusion

6.30 The application would result in the modest expansion to a small scale rural enterprise, fulfilling economic objectives of sustainable development. The proposed buildings, by virtue of their design, scale and siting would positively respond to the existing and established complex of buildings and are not considered to cause harm to the wider landscape setting. Moreover, no harm to ecological networks or the local highway network is identified. Overall, the proposal is considered to accord with the provisions of the Dorstone Neighbourhood Development Plan, the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework. The proposal is therefore considered a sustainable form of development and is accordingly recommended for approval subject to the conditions as set out below.

RECOMMENDATION

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. Time limit for commencement (full permission)**
- 2. Development in accordance with the approved plans**
- 3. Samples of external materials**
- 4. Prior to the first use of the buildings hereby approved all planting, seeding or turf laying shall be carried out in accordance with the approved landscaping scheme (JM/04A – received 12 January 2020 and planting specification – received: 7 November 2019). Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the Landscape and Maintenance and Management Plan – received: 7 November 2019. The landscaping barrier shall remain in perpetuity.**

Reason: To ensure implementation of the landscape scheme approved by local

planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, Policy ENV 1 of the Dorstone Neighbourhood Development Plan and the National Planning Policy Framework.

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. 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.**

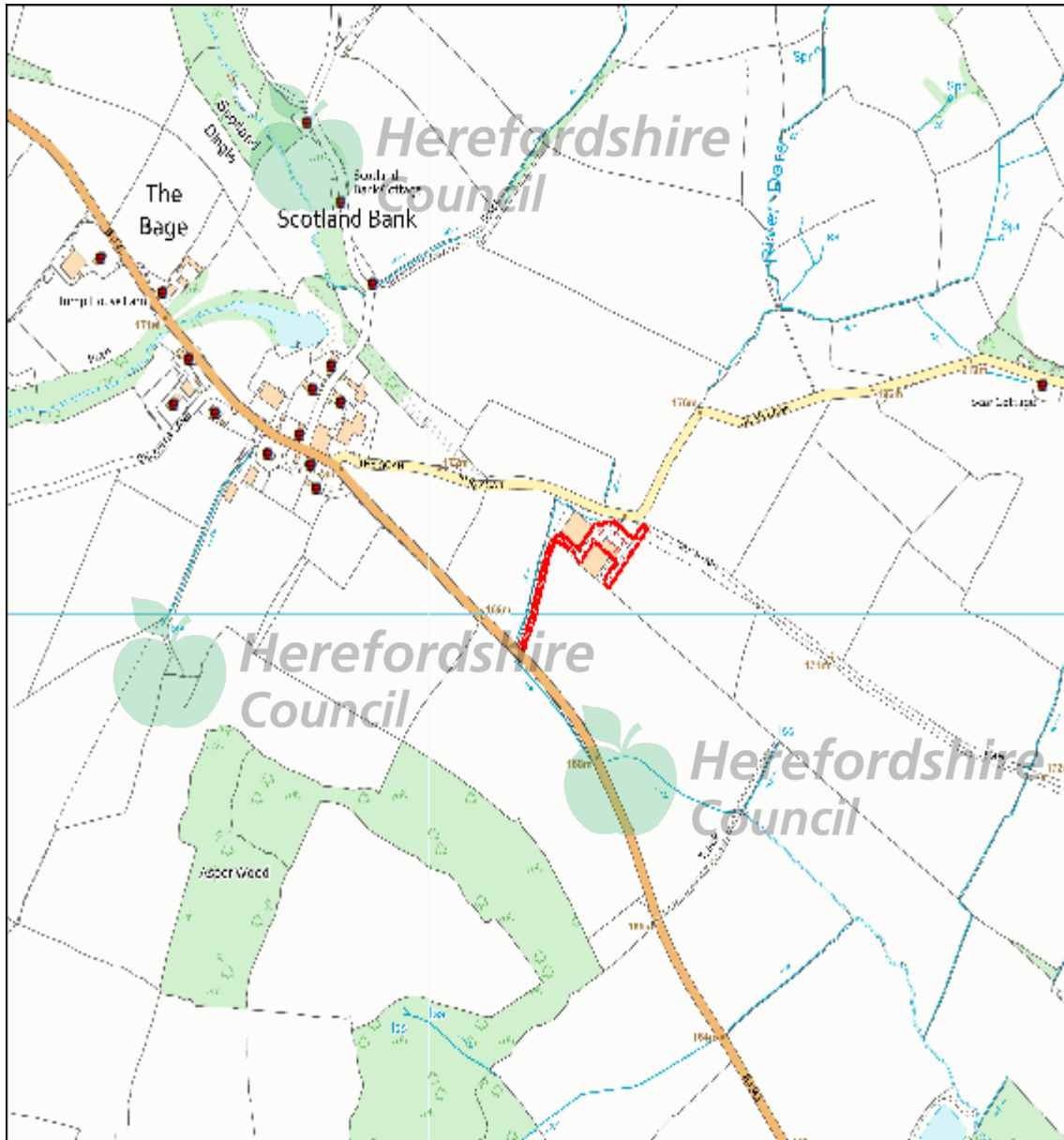
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 192711

SITE ADDRESS : FARMSTEAD SOUTH EAST OF BAGE COURT, DORSTONE, HEREFORD, HEREFORDSHIRE, HR3 5SU

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