

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>24 SEPTEMBER 2014</b>
<b>TITLE OF REPORT:</b>	<b>P141024/F - PROPOSED ERECTION OF 4 NOS. POULTRY BUILDINGS, ASSOCIATED FEED BINS, HARD-STANDINGS AND ACCESS ROAD AT LAND AT FLAG STATION, MANSELL LACY, HEREFORD, HR4 7HN</b>  <b>For: Mr Davenport per Mr Ian Pick, Llewellyn House, Middle Street, Kilham, Driffield, YO25 4RL</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141024&amp;search=141024">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141024&amp;search=141024</a>

**Date Received: 7 April 2014**

**Ward: Wormsley Ridge**

**Grid Ref: 341135,245364**

**Expiry Date: 7 July 2014**

Local Member: Councillor AJM Blackshaw

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

- 1.1 Located in open countryside, the application site forms part of an arable field bounded on three sides by a mature tree-lined hedge, acting as a natural visual screen to the site. Immediately adjacent to the north west of the site is a dwelling known as Flag Station, this grade II listed building is a former railway station situated alongside the site of a former railway line, (dismantled), which runs along the north eastern side of the site. Access to the site is via a farm track which leads directly onto the A480 also to the North-West.
- 1.2 The application proposes the construction of four broiler units, housing a total up to 180,000 birds, each building measuring 94.48 metres x 24.38 metres, with a ridge height of 6.144m. In addition twelve number feed bins, a hard standing area, improvements to the access track and a drainage attenuation pond are proposed.
- 1.3 The proposal operates on a 35 day growing cycle with 7 days thereafter for cleaning out and preparation for the arrival of day-old chicks. There would be 8 flocks per annum.
- 1.4 Traffic movements in total are stated to be 78 visits per flock, so a total of 156 movements, with 624 and 1248 respectively per annum.
- 1.5 A screening opinion carried out in accordance with Environmental Impact Assessment Regulations 2011 in relationship to the application, for the erection of four broiler buildings, twelve number feed bins, hard standing, access improvements and drainage attenuation pond for housing of up to 180,000 broilers dated 23 April 2014 established the development as EIA Schedule 1 development, therefore an Environmental Statement in support of the application is mandatory.

- 1.6 The application is accompanied by an Environmental Statement(ES).The adequacy of the statement has been assessed with particular regard to the requirements of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations.2011.
- 1.7 An e-mail from the applicant dated 1<sup>st</sup> July 2014 confirms that woodland screening outside of the application site, (on land in the applicant's control), is to remain.
- 1.8 This application is presented to the Committee following the quashing of the previous decision to approve, by the High Court on 4<sup>th</sup> September 2014. The Order was made by consent in relation to procedural error. A copy of this can be viewed on the Council's planning website via the following link.

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141024&search=141024>

## **2. Policies**

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

The following sections are of particular relevance:

Introduction - Achieving Sustainable Development  
 Section 3 - Supporting a Prosperous Rural Economy  
 Section 7 - Requiring Good Design  
 Section 11 - Conserving and Enhancing the Natural Environment  
 Section 12 - Conserving and Enhancing the Historic Environment

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

S1 - Sustainable Development  
 S2 - Development Requirements  
 S6- Transport  
 S7 - Natural and Historic Environment  
 S10 - Waste  
 DR1 - Design  
 DR2 - Land Use and Activity  
 DR3 - Movement  
 DR4 - Environment  
 DR7 - Flood Risk  
 DR9 - Air Quality  
 DR13 - Noise  
 DR14 – Lighting  
 E13 - Agricultural and Forestry Development  
 E16 - Intensive Livestock Units  
 T8 - Road Hierarchy  
 T11 - Parking Provision  
 NC1 - Biodiversity and Development  
 NC6 - Biodiversity Action Plan Priority Habitats and Species  
 NC7 - Compensation for Loss of Biodiversity  
 NC8 - Habitat Creation, Restoration and Enhancement  
 NC9 - Management of Features of the Landscape Important for Fauna and Flora  
 LA2 - Landscape Character and Areas Least Resilient to Change  
 LA4- Protection of historic parks and gardens  
 LA5 - Protection of Trees Woodlands and Hedgerows  
 LA6 - Landscaping Schemes  
 CF2 - Foul Drainage  
 HBA4 - Setting of listed buildings.

## 2.3 Herefordshire Local Plan Core Strategy

SS1 - Presumption in Favour of Sustainable Development  
SS4 - Movement and Transportation  
SS5 - Employment Provision  
SS6 - Addressing Climate Change  
RA6 - Rural Economy  
MT1 - Traffic Management, Highway Safety and Promoting Active Travel  
E1 - Employment Provision  
LD1 - Local Distinctiveness  
LD3 - Biodiversity and Geo-diversity  
LD5 - Historic Environment and Heritage Assets  
SD1 - Sustainable Design and Energy Efficiency  
SD2 - Renewable and Low Carbon Energy  
SD3 - Sustainable Water Management and Water Resources  
SD4 - Wastewater Treatment and River Water Quality  
ID1 - Infrastructure Delivery

## 2.4 Other Material Considerations Landscape Character Assessment

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

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

## 3. Planning History

3.1 None identified.

## 4. Consultation Summary

### Statutory Consultees

4.1 Natural England raises no objections having referred to Habitat Regulations, Wildlife and Countryside Act SSSI, protected species and biodiversity enhancements.

4.2 The Environment Agency raises no objections, making reference to particular elements of the proposal and that the site will fall within Environmental Permitting (England and Wales) Regulations. The Environmental Permit (EP) will control day-to-day general management and issues such as emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation. Comment on each element is summarised below.

- Ammonia - no modelling required.
- Odour –without prejudice, on the basis of the information provided, likely to be in position to grant EP.
- Noise – low probability of complaints.
- Dust - Provided 'Best Available Techniques' are employed then would not anticipate a nuisance to residents living nearby.
- Flood Risk - refer to lead local flood authority in this case Balfour Beatty as council's consultant.
- Water management - to be reviewed with EP application.
- Manure management – required to submit manure management plan.
- Pollution Prevention - measures to be incorporated in EP to protect ground and surface water.

### Internal Council advice

- 4.3 Environmental Health Manager, (Land Contamination) - raises no objections.
- 4.4 Environmental Health Manager, (Amenity and Pollution) - raises no objections, advising that the site will be subject to an EP and that given the distances involved he does not expect any nuisance from light, dust, noise or odour (providing best practice is observed as per EP). A condition on manure transportation is recommended.
- 4.5 Transportation Manager - raises no objections.
- 4.6 Conservation Manager (Building Conservation) - raises no objections, advising:

'Pre-application discussions were held with the agent on the site in December 2013 and various suggestions for mitigation were made.

The site lies to the south of Flag Station, a former railway station on the disused Midland Railway branch line to Hereford, Hay and Brecon. The Station and the adjacent platform are grade II listed, dating from 1863, and are located some distance off the A480. Flag Station is used as a dwelling in the ownership of the applicant and there are modern farm buildings forming an agricultural yard to the east of the listed building.

The proposal for 4 nos. poultry units is situated in the field to the south of Flag Station on the other side of the line of the disused railway. Given the proximity of the proposal to the grade II listed Flag Station and its platform it is necessary to ensure that there is compliance with Policy HBA4, Setting of Listed Buildings.

It is proposed to keep the poultry units to the southern end of the application field in order to reduce their impact on the setting of the listed buildings. This is in line with our site discussions. There are already modern farm buildings to the east of the listed structures which affect the setting of the listed buildings. It is not considered that the current proposal would significantly affect the setting of Flag Station, not least due to the level of mature trees and general landscaping between the listed building and the proposal site.

In addition to the location of the proposal within the field the colours proposed for the metal cladding are considered appropriate for the rural surroundings. The dark green will tend to allow the buildings to recede visually rather than being prominent to view.

To the north of the proposed units a new hedge is proposed. This is to act as a further visual barrier between the listed building and poultry units, though a further improvement would be to have a tree belt in addition to the hedge. Given the existing tree cover around the field it would seem appropriate to reinforce that character.

Overall the proposal should have no detrimental impact on the setting of the listed building, Flag Station, given the mitigation measures proposed.'

In respect of other historic assets the advice is as follows

Keepers Lodge is situated further up the former railway line from the application site and there are a number of mature trees which almost completely block any intervisibility between the proposed buildings and the listed building. It is not considered that the impact on the listed building is either significant or detrimental.

The registered parkland at Foxley is situated a considerable distance from the application site and at a much higher ground level. The parkland as perceived from the main road is dense woodland with a strong boundary onto a series of cultivated fields. The proposed landscaping

works on the application site would augment the existing mature trees on the boundary of the site. When this is combined with the distance and existing landscape between the site and Foxley it is considered that there would be no adverse impact on the setting of the registered garden.

Westmoor walled garden is a considerable distance from the application site and at a higher ground level. Between the walled garden and the application site are four properties in a cluster called Westmoor. The landscaping associated with these properties would effectively block any intervisibility between the listed structure and the application site and the setting is not considered to be affected by the proposal.

Due to their distance from the site and the lack of intervisibility between the site and the heritage assets, it was not originally considered necessary to make specific comment on the effect or otherwise on the setting, despite having been given consideration.

As noted in my previous response, the landscaping belt to the north of the proposed units is of great importance in mitigating the impact of the site on Flag Station. Certainly if the existing landscape had not already included mature and tall trees the setting of the heritage asset would have been severely compromised and a scheme would not have been supported. The scheme is now only supported provided that the landscaping belt is enacted and is of sufficient density to mask the buildings behind.

#### 4.7 Conservation Manager (Landscape) main points are summarised below:

- The site functions as a small but important element in the natural and historic landscape.
- The landscape is of good quality and high sensitivity.
- The site is likely to be of limited ecological value with the exception of boundary and watercourse.
- The visual envelope of the site is limited due to surrounding hills and mature vegetation.
- The landscape has capacity to accept appropriately sited and designed agricultural built development
- Adverse effects on heritage are possible and without screening could be significant however, mature and good quality screening is noted.
- The proposal introduces both benefits and adverse effects in term of natural landscape and biodiversity.
- The site has a limited visual envelope and a few publicly accessible viewpoints. Visual effects are unlikely to be significant, subject to screening.
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It concludes:

I do not object to the proposals in principle but effective and appropriate mitigation is required in order to avoid adverse effects in the longer term, and to safeguard the amenity of residents at Flag Station and Shetton Barns to the south west. Without it, the development could be contrary to planning policy including UDP Policy LA2 Landscape character. If permission is granted for this development, the following conditions should be attached:

G02 – Retention of trees and hedgerows

G04 – Protection of trees/hedgerows that are to be retained

G10 – Landscaping scheme

G11 – Landscaping scheme – implementation

G14 – Landscape management plan.

#### 4.8 Conservation Manager (Ecology) raises no objections subject to conditions in order to ensure development is carried out in accordance with recommendations as set out in the ecological reports submitted in support of the application.

#### 4.9 Conservation Manager (Archaeology) raises no objections.

4.10 The Land Drainage Manager recommends conditions to be attached to any approval notice issued with regard to surface water outfall to the receiving water course and on-site attenuation structure.

## 5. Representations

5.1 Foxley Group Parish Council raises no objections.

5.2 Bishopstone Parish Council has responded to the application indicating:

‘At their meeting yesterday Bishopstone Group Parish Council voted to oppose the above application and made the following comments regarding its impact on residents at Shetton.

1. The site is not appropriate for this type or size of development,
2. The application is not accurate as it lists only three dwellings that will be affected and ignores at least 9 other dwellings at Shetton, situated within 300-400 metres of the proposed site,
3. There is a high risk of flooding and of pollution caused either by flooding or when cleaning out,
4. There will be high levels of pollution by dust, noise, odour and emissions but assessments of these have only been carried out towards the A480 and not towards the dwellings at Shetton,
5. The screening mentioned in the application consists of mature trees. If the application is granted it should be subject to a condition for sectional felling and replanting of this woodland in such a way as to maintain an adequate permanent screen, and
6. A full Environmental Impact Assessment should be carried out before the application is considered.’

5.3 The National Farmers Union, (West Midlands Branch), has responded in support of the application indicating that the Council should support a strong farming industry within the County in order to feed the global population and that the proposed development represents an acceptable sustainable form of development in the local community that will benefit rural businesses.

5.4 Herefordshire Campaign for the Protection of Rural England objects to the application indicating that there is a failure:

- to regard material considerations,
- to consider impacts on the residential amenity of 11 dwellings,
- to consider impact on tourism and
- to consider adequately the effects on the quality of local watercourses.

5.5 Letters of objection have been received from

- David and Sophie Palmer, (several), The Stables Mansel Lacy,
- Lawrence and Suzanne Jevson-Hughston, Cork and Bottle Cottage, Shetton, Mansel Lacy,
- Caroline Worle, The Brewery, 3, Shetton Barns, Mansel Lacy, (several),
- Roger and Patricia Stokes, Shetton Cottage, Mansel Lacy,
- Pamela Powell, Shetton Farm, Mansel Lacy, (several via email),
- D.I & P.E. Powell, Shetton Farm, Mansel Lacy,
- Daniel. Powell, Shetton Farm, (via email), Mansel Lacy
- Josh Powell, Shetton Farm, (via email), Mansel Lacy
- Chloe Powell, Shetton Farm, (via email), Mansel Lacy
- Lyn Burwood, Beaumont, Bishopstone,

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

- Mr. & Mrs. M. Davey, Greentrees, Bishon Lane, Bishopstone,
- Mr. & Mrs. J. Fisk, Stone Cottage, Bishon Lane, Bishopstone,
- Roger Stokes, Shetton Cottage, Mansel Lacy,
- Sue Hubbard, 2, Glebe Cottages, Byford,
- Jacqueline and Michael Jones, Westlands, Mansel Lacy,
- Mr. M. Hillary and Family, Cork and Bottle Barn, Mansel Lacy,
- Mr. D. Bedford, c/o Crop spraying services, Spond, Hereford,
- M/s Nancy Malins, 1 Nelson Cottages, Bridge Sollers,
- Dorothy Lloyd, 2 Croft Road, Clehonger, Hereford.

Issues raised can be summarised as follows:

- Visual impact on the surrounding landscape, which includes reference to nearby development, historic assets and public rights of way's and walks. Concerns about whether existing vegetation will be retained to screen the development.
- Noise, dust, pests (flies) and odour issues in relationship to residential amenity.
- Drainage/flooding issues and concerns about climate change, and in particular concerns in relationship to Yazor Brook.
- Site selection in relationship to other sites in the control of the applicant.
- Comments about alleged inaccuracies in the Environmental Statement submitted in support of the application, such as distances to dwellings outside the applicants control and not referred to in the Environmental Statement.
- Impact on surrounding businesses, and tourism interests. (Holiday and wedding venue and Yoga business).

5.6 A letter has been received from the applicant's agent in response to a letter of objection received to the application dated 8<sup>th</sup> May 2014 from D.I. & P.E Powell. It can be summarised as follows:

- The shelter belt on the southern side of the development provides an effective screen from Shetton Farm. The applicants have no objections to a condition requiring that this shelter belt has to remain in place with appropriate replanting to maintain the screen in its present form and height.
- In terms of the odour and noise assessments, which do not specifically reference Shetton Farm and the 7 barn conversions by name, it is confirmed that they have all been taken into account in the assessments. Within the noise assessment, they are referred to as receptor A, and within the Odour Assessment, receptor 3.
- Drainage from the proposed development has been designed in accordance with the SuDS requirements. The development includes capacity on site for volume storage of a 1 in 100 rainfall event with 20% for climate change added. The surface water from the development will only be released into the brook at a greenfield runoff rate. The way in which the drainage has been designed complies with the legislative requirements and will maintain the status quo with no additional loadings on the brook. The design has been accepted by the Council's drainage team.
- The siting of the development was chosen due to its planning merits. The site has a direct access to the A480 which complies with national standards in terms of visibility splays. The site is also located adjacent to an existing range of modern farm building, and has the benefit of an existing dwelling for occupation by a farm manager. In terms of landscape impact, the siting is exceptional, and the site is effectively hidden within the landscape. The site is also sufficiently separated from existing private dwellings to comply with the requirements of the Environmental Protection Regulations, as demonstrated by the odour

and noise modelling, and the response of no objections from the Environment Agency who is the monitoring authority for this development.

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

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

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

- 6.1 The application proposes construction of four separate broiler units each measuring 94.48 metres x 24.38 metres with a ridge height of 6.144 metres for the housing of up to 180,000 birds along with control rooms and storage space attached to each building, also proposed are twelve feed bins, hard standing area, access improvements and a drainage attenuation pond.

- 6.2 This application has been subject to an Environmental Statement, which accompanied the application together with associated documents. The Environmental Statement has been considered together with the accompanying planning application and supporting information and all other representations/consultation responses.

- 6.3 Regard must be had to the adopted development plan for the purposes of determination and determination must be made in accordance with the plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004). Saved policies remain in force and carry weight, where they accord with the NPPF.

- 6.4 The National Planning Policy Framework (NPPF) is a key material consideration at this time. It is to be regarded in its entirety, and sets out a presumption in favour of 'sustainable development' and details three strands of sustainability (economic, social and environmental).

- 6.5 The key issues relate to

Alternative sites  
Economic, Business and Tourism  
Landscape and heritage assets  
Residential amenity  
Transport/ Highway safety  
Drainage/Flooding  
Ecological issues

### Alternative Sites

- 6.6 The development is a farming enterprise proposal between a landlord and a farming business tenant and family, and proposes to locate the development on a site close to a dwelling in the applicant's control, which can be used as a dwelling for a site Manager. To the rear of this dwelling are farm buildings used in connection to the farming enterprise concerned.

- 6.7 Other sites adjacent to the main farmstead of the farming business operated by the tenant have been assessed, and considered unacceptable owing to impacts on setting of a listed building, landscape impact, (sites are more visual and in particular from the A480 public highway), and proximity to dwellings in occupation outside the control of the farming enterprise concerned. The consideration of alternative sites is therefore considered acceptable



### Economic, Business and Tourism Issues.

- 6.8 Whilst intensive poultry development is often controversial, the economic benefits of such development have to be considered. In this instance the broiler production is in relation to the 'Cargill' chicken processing plant based in Hereford, where major expansion is necessary to remain competitive in the industry.
- 6.9 In terms of economic impact it is further noted that tourism in the area is an important factor for consideration. To the west of the application site, is a group of converted barns known as Shetton Barns, from part of which a holiday business is operated, contributing to the local economy. These dwellings, as well as other dwellings within their vicinity, (including Shetton Cottage, Cork and Bottle Barn and Cork and Bottle Cottage from where it appears a 'Yoga' business is located, and other isolated farmhouse and private dwellings, as well as farming businesses), have been taken into account when considering these issues. Having regard to distances involved and the existing vegetation which acts as a screen to the site, (which also includes some evergreen), the control available via the Environmental Permit and additional landscape mitigation, on balance, are considered to provide sufficient mitigation so as not to be so harmful to business as to justify refusal of planning permission.
- 6.10 Consequently the proposed development is considered acceptable on this subject in respect to key policy E13 as well as other relevant HUDP policies and that of the NPPF particularly Section 3, Supporting a prosperous rural economy.

### Landscape and Historic Heritage

- 6.11 This is a major development in open countryside, however, with appropriate mitigation through the imposition of conditions it is considered that concerns about impact on the character of the landscape can be addressed sufficiently to satisfy key policies LA2, LA5 and LA6 and the aims set out in Section 11, Conserving and enhancing the natural environment in the NPPF. This includes management of the adjoining woodland as well as additional planting on site. The external colour of the main buildings is considered acceptable, however, the external colour of the feed bins is not specified and therefore it is recommended that a condition is imposed to address this issue.
- 6.12 Flag Station, a grade II listed building, lies adjacent to the site. The setting of which will be affected as a result of the proposed development. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 imposes a duty on local authorities to have special regard to the desirability of preserving the building or its setting, when determining applications.
- 6.13 In addition the impact upon the following assets has also been considered: Keepers Lodge – grade II listed building, Foxley, grade II\* registered park and garden and Westmoor gardens – also grade II.
- 6.14 The Conservation Manager (Historic Buildings) has considered the impact of the proposal upon these historic assets and concludes that with mitigation, including retention of the woodland, the proposal is considered to meet the requirements of key policies HBA4 and LA4 of the HUDP and Section 12 Conserving and enhancing the historic environment (NPPF)

### Environmental Health / Residential Amenity Issues.

- 6.15 Information submitted in support of the application indicates that manure generated on site is to be used as a fertiliser on arable ground in the control of the applicant and a neighbouring farm. This is considered a sustainable use and it is recommended that a condition is imposed with regards to a manure management plan which would include movement in covered trailers

- 6.16 The Environmental Health Officer raises no objections, referring to the requirement for the site to have an Environmental Permit, (EP), issued by the Environment Agency. Contact has been made with the Environment Agency, by the applicants, who report that the Environment Agency raise no objections to the issuing of a permit for development as indicated. (They raised no objections to this application and neither do they request any conditions to be attached to any decision notice). The permit covers ecological and amenity issues such as noise, odour and dust etc. If these issues could not be addressed in a satisfactory manner in accordance with the thresholds for the issuing of a site permit then the EA would not issue a permit and the site would be unable to lawfully operate.
- 6.17 Whilst the commentary prior to policy E16 states 'units should be sites at least 400m from non-agricultural dwellings or buildings; planning applications for units within 400m of a protected building will be carefully assessed'. This careful assessment includes consideration of the control exerted by an Environmental Permit and in the light of para 122 of the NPPF.
- 6.18 The nearest non-protected buildings are in the order of 320m from the proposed buildings. When taken together with mitigation through conditions the impact on the properties in the locality is not considered to be so harmful as to warrant refusal.
- 6.19 With consideration to the above-mentioned development, in terms of environmental health and residential amenity issues, the application is considered acceptable and in accordance with policies of the HUDP, in particular key policies S1, DR2, DR4, DR9, DR13, DR14, E13 and E16 as well as the NPPF.

#### Public Highway Access and Transportation Issues.

- 6.20 The use of the A480 public highway in relation to this application and cumulative impact with other road users is considered acceptable. The Transportation Manager raises no objection.
- 6.21 The Environmental Statement makes reference to vehicle movements in relationship to the proposed development and this issue is considered to be addressed satisfactorily.
- 6.22 Therefore public highway issues are considered to have been addressed satisfactorily, (the site will have direct access from the applicant's land onto the A480 public highway). The Transportation Manager recommends a condition with regards to access turning and parking.
- 6.23 Therefore on public highway and transportation matters the application is considered acceptable and in accordance with policies S1, S6, DR3 T8 and other relevant HUDP policies as well as the NPPF.

#### Drainage and Flooding Issues.

- 6.24 Many of the letters of objection received raise issues in relation to flooding, with regards to the nearby Yazor Brook and capacity concerns, surface water run off and issues in relation to drainage and development on site.
- 6.25 The Environment Agency raises no objection on this matter and the Land Drainage Manager also raises no objection, recommending conditions with regards to surface water outfall and attenuation structure.
- 6.26 Whilst concerns as raised by the objectors on this matter are noted, the development has to be considered on the merits of the application and potential for flooding/drainage issues in relation to the development. The application proposes an attenuation pond in order to manage drainage on site and as such none of the statutory or internal consultees raise objection on this matter. Therefore it is considered that this matter is addressed satisfactorily and it is

recommended that conditions with regards to surface water outfall and on-site attenuation as recommended by the Land Drainage Manager are imposed.

- 6.27 Therefore on flooding and drainage matters the application is considered acceptable and in accordance with policies S1, DR4, DR7 and other relevant HUDP policies and the NPPF.

#### Ecology

- 6.28 Ecological issues are considered to be addressed satisfactorily and it is recommended that a condition is imposed in order to ensure that the recommendations as set out in the ecology report submitted in support of the application are adhered to.
- 6.29 Natural England has been consulted on the application raising no objection.
- 6.30 On ecological issues the application is considered satisfactory and in accordance with policies NC1, NC3, NC6, NC7 NC8 and other relevant HUDP policies and Section 11 of the NPPF.

#### **Conclusions.**

- 6.31 There have been a number of competing elements to consider, not least of which have been the economic and amenity issues, landscape and historic heritage issues. The preceding sections of this report set out these and other issues and how they have been addressed through the application submission and/or the imposition of conditions.
- 6.32 The application is large in scale however, it is considered that the development can be integrated in to the environment in a satisfactory manner. The application represents sustainable development and the site is considered to be a suitable location for such farming practices. Sufficient mitigation measures are introduced to minimise any visual intrusion and adequately mitigate harm.
- 6.33 It is also important to note that a number of issues which regularly arise in such applications are dealt with through the Environmental Permitting Regulations, administered by the Environment Agency. A balancing exercise is required to address such competing material considerations. Paragraph 122 of the NPPF provides that local planning authorities should focus on whether the development itself is an acceptable use of land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.
- 6.34 Having taken into account all representations and the environmental information and assessing in relation to the Herefordshire Unitary Development Plan policies and the National Planning Policy Framework it is considered that the proposal complies with the relevant policies contained therein and consequently the balance lies in favour of granting planning permission subject to the conditions set out below.

#### **RECOMMENDATION**

**That officers named in the Scheme of Delegation to Officers are authorised to grant full planning permission, subject to the conditions below and any other further conditions considered necessary:**

- 1. A01 Time limit for commencement (full permission)**
- 2. B02 Development in accordance with approved plans and materials**
- 3. Notwithstanding the approved plans all the external colouring of the feed**

silos hereby approved shall be to colour code 'Juniper Green' BS12B29).

**Reason:** With consideration to the impact on the surrounding landscape and to comply with Policies DR1 and LA2 of the Herefordshire Unitary Development Plan.

4. H13 Access, turning area and parking
5. Prior to the commencement of the development hereby permitted, full details of all external lighting to be installed upon the site (including upon the external elevations of the buildings) shall be submitted to and be approved in writing by the local planning authority. No external lighting shall be installed upon the site (including upon the external elevations of the buildings) without the prior written consent of the local planning authority. The approved external lighting shall be installed in accordance with the approved details and thereafter maintained in accordance with those details.

**Reason:** To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

6. I55 Site Waste Management
7. L04 Comprehensive & Integrated draining of site
8. All manure moved off site will be so in covered and sealed trailers.

**Reason:** In consideration of the amenity of the surrounding area and to comply with Policy DR4 of the Herefordshire Unitary Development Plan (and the National Planning Policy Framework).

9. G02 Retention of trees and hedgerows
10. G04 Protection of trees/hedgerows that are to be retained
11. G10 Landscaping scheme
12. G11 Landscaping scheme - implementation
13. G14 landscape management plan
14. On commencement of the development, the mitigation as proposed must be carried out in accordance with Recommendations 1 to 4 set out in the ecologist's badger report submitted in support of the application from Betts Ecology dated March 2014. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

**Reason:** To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Statement and the NERC Act 2006.

15. The recommendations set out in section 7.4 the ecologist's report from

**Bretts Ecology dated September 2013 must be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme must be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works must be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

**Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6, NC8 and NC9 of Herefordshire Unitary Development Plan, in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.**

- 16. No development will take place until the developer has provided detailed construction drawings of the proposed surface water outfall to the receiving watercourse to be submitted to and approved in writing by the Local Planning Authority.**

**Reason: To ensure the integrity of the receiving watercourse and to comply with Policies DR4 and DR7 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

- 17. No development will take place until the developer has provided detailed construction drawings of the proposed attenuation structure to be submitted to and approved in writing by the Local Planning Authority. The details submitted must include information pertaining to the depth, levels and dimensions of the structure.**

**Reason: To ensure that the development has sufficient capacity to attenuate surface water runoff up to and including the 1% annual probability event (including climate change allowance) to ensure no increased flood risk to people of property elsewhere and to comply with Policies DR4 and DR7 of the Herefordshire Unitary 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 Environmental Information and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. HN05 Works within the highway**
- 3. N11A Wildlife and Countryside Act 1981 (as amended) - Birds**

Decision: .....

Notes: .....

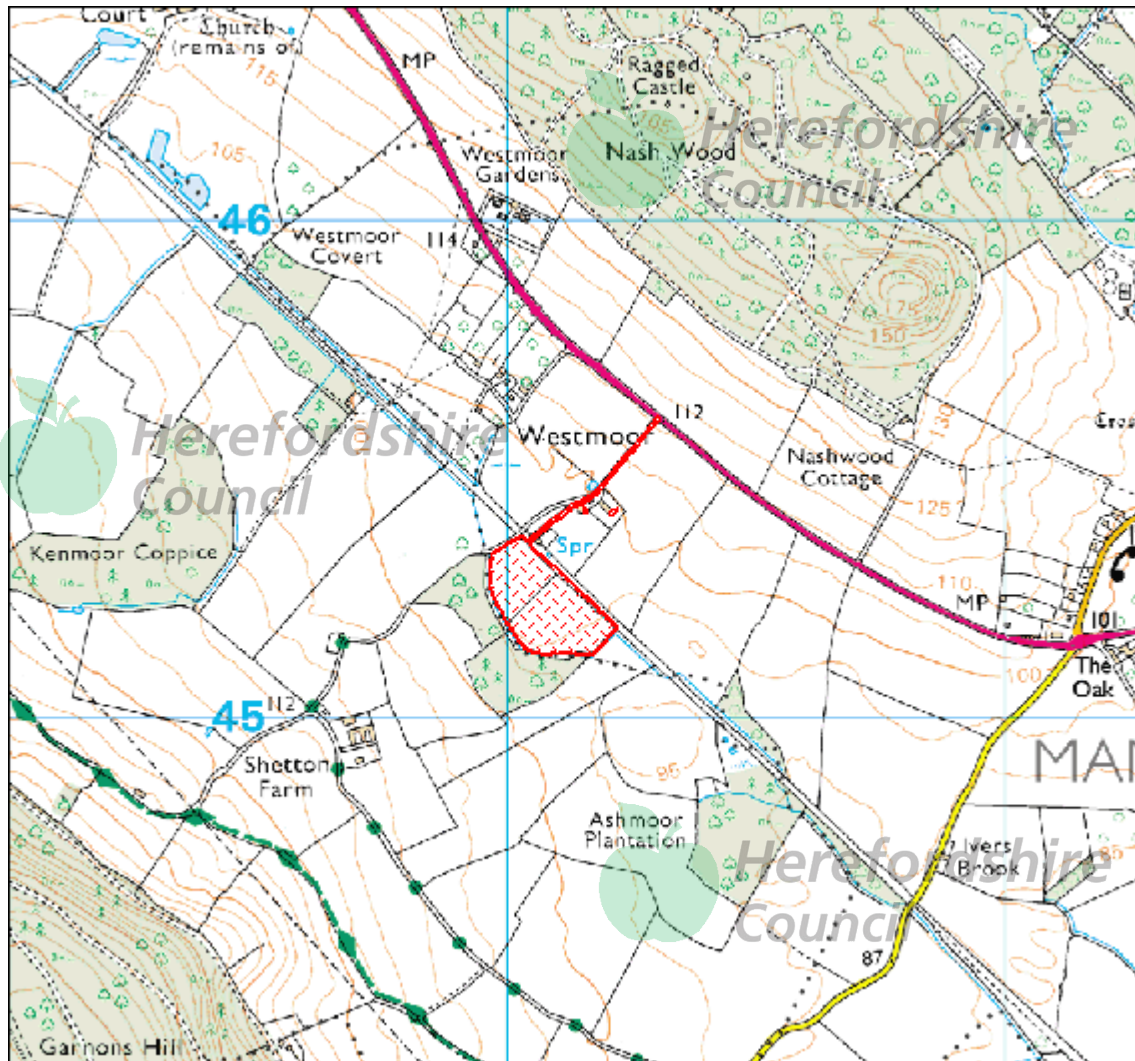
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Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

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## **Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 141024/F

**SITE ADDRESS :** LAND AT FLAG STATION, MANSELL LACY, HEREFORD, HR4 7HN

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