

Minutes of the meeting of Planning and regulatory committee held as an online only meeting on Wednesday 3 June 2020 at 10.30 am

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

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

In attendance: Councillors Jennie Hewitt and Kevin Tillet

112. APOLOGIES FOR ABSENCE

None.

113. NAMED SUBSTITUTES

None.

114. DECLARATIONS OF INTEREST

Agenda item 6: Land at Greyfriars Bridge Hereford

Councillor Rone declared an other declarable interest as he owned a property adjacent to part of the site area.

Councillor Seldon declared an other declarable interest as he knew a local resident.

Councillor Milln declared that he had made a representation in objection to the proposal prior to his election to the council. He confirmed that he would consider the matter with an open mind.

115. MINUTES

RESOLVED: That the minutes of the meeting held on 3 June 2020 be approved as a correct record and signed by the Chairperson.

116. CHAIRPERSON'S ANNOUNCEMENTS

The Chairperson reminded the Committee that if they received additional material relating to an application on the agenda they should ensure officers were aware of it to enable relevant information to be included in the schedule of updates to the Committee.

117. 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.)

(Councillor Millmore joined the meeting after the start of the officer presentation and accordingly had no vote.)

The Development Manager gave a presentation on the application.

In accordance with the criteria for public speaking for virtual meetings, Mr S Kerry, of Hereford City Council submitted a written submission in opposition to the scheme that was read to the meeting by the legal adviser to the Committee. Mr R Binnersley, a local resident, spoke in opposition to the scheme, as a virtual attendee. Mr D Throup of the Environment Agency, the applicant, made a submission by video recording in support of the application.

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

He made the following principal comments:

- He considered that the Environment Agency's (EA) stated aim to reduce the whole life cost of the defences was a more significant factor in the application than the EA had indicated in its video submission. The proposal would not improve the flood defence capacity. The cost saving needed to be weighed against the impact on the appearance of the site.
- There had to date been no failure to deploy the defences.
- Discussions with the Environment Agency initiated by the Leader of the Council and the Cabinet Member – Infrastructure and Transport aimed at achieving more local control of the demountable defences, with a saving to the EA, had led nowhere. The EA had rejected all proposals. There had been no amendments to the proposals since December 2018.
- The City Council, Herefordshire Council's Executive, and local residents, with one exception, opposed the proposal.
- The proposed glass Panels would be at risk of graffiti to the detriment of the appearance of the area. The EA had been unable to offer a solution.
- A disconnect would be created between the river and path alongside that was promoted as a tourism, walking and cycling route.
- He questioned the arrangements for operating the new flood gates.
- The major concern was the setting and appropriateness of the glass wall. It would have an irreversible adverse impact on an historic, iconic view of the City.
- The Core Strategy (CS) contained many policies designed to protect the visual environment and heritage and historic setting. The site contained ancient monuments, historic and listed buildings, and a site of special scientific interest.
- The proposal would provide no gain to the flood defences, and no improvement in addressing flood risk. It was primarily a cost saving exercise by the EA.

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

- The approval of the left bank development set a precedent and the glass flood defence panels were not therefore inappropriate in themselves. Their height would, however, be detrimental to the enjoyment of the area, separating people from the river.
- A view was expressed that whilst the left bank development might be considered to make a positive contribution to the area it was to be doubted whether the proposed flood defences would be viewed in the same light.
- The current demountable barriers were not complex to erect and had been effective.
- There was a risk of graffiti.
- The proposal would have an adverse impact on the view of the City.
- The principal consideration was policy LD4 and the weight to be given to preserving, conserving and enhancing the listed buildings and scheduled monuments in the area. Historic England may have said there was a “limited impact”. However, that recognised that there was some impact.
- The EA’s proposal had a limited benefit that was insufficient to outweigh the harm caused by the height of the panels that would remove a clear and unobstructed view of the river.
- A view was expressed that a permanent barrier was needed and glass panels, as proposed, would be the least intrusive solution. It was requested that consideration be given to requiring non-reflective glass.

In response to questions the Development Manager commented:

- His understanding was that the EA would retain responsibility for the maintenance and specification of the flood gates and glass panels and monitoring them and would meet the associated costs.
- In terms of the discussions about more local control of the existing demountable defences he did not consider that this could be given weight. The focus should be on whether the proposal was acceptable in terms of its environmental impact. Similarly the whole life cost of the proposal was not a relevant consideration.
- The demountable barriers had been deployed on only a few occasions. They had remained in place for some time during the severe floods in February.
- The specification of the glazing could be conditioned if the Committee requested it.

The Lead Development Manager commented that there were no objections from the statutory consultees or internal consultees. The council’s Health, Safety and Resilience Team had stated that there was benefit in having permanent barriers as opposed to demountable defences.

The local ward member was given the opportunity to close the debate. He reiterated concern about providing an additional opportunity for graffiti. Whilst the left bank development was in keeping with the area, the proposal was wholly out of keeping with the buildings and setting on which it would have an impact. The demountable barriers had worked well and had only had to be deployed infrequently for a limited time. The proposal should be refused on the grounds that it was contrary to policies LD1, LD4, SS6, HD2 and E4.

A motion that the application be approved in accordance with the Case Officer’s recommendation was lost.

Councillor Watson proposed and Councillor Fagan seconded a motion that the application be refused with 12 votes in favour, 2 against and no abstentions.

RESOLVED: That planning permission be refused and that officers named in the scheme of delegation to officers be authorised to detail the conditions and reasons put forward for refusal by the committee on the grounds that the proposal was contrary to CS policies LD1, LD4, SS6, E4 and HD2 – specifically stating that the natural, social, and cultural capital value outweighed the need or demand for the application.

118. 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.)

The Senior Planning Officer (SPO) gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these minutes.

In accordance with the criteria for public speaking for virtual meetings, Mr P Kemble made a submission by audio recording in objection to the scheme on behalf of The Golden Valley Action Group. Mr I Pick, the applicant's agent, 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 Hewitt, spoke on the application.

She made the following principal comments:

- In weighing the benefits of the scheme against the adverse impacts, the benefits appeared to be solely to the applicant. The adverse impacts included the effect on air and water quality and the visual impact on the landscape and therefore on the sustainability of the community.
- She questioned the statement in the officer report that the proposed buildings fell under any trigger sizes that would require an assessment for air pollution emissions. Regard should be had to the combined increase in floorspace the proposal entailed, given that the barns were going to be contiguous with each other.
- Account should be taken of the wider and cumulative activity on the farm given the sensitivity of the site, sitting in the valley bottom, source of the River Dore.
- A slurry management programme should have been submitted. She was concerned that the increase in livestock numbers would have an adverse effect on the SSSI and River Dore.
- The officer report cited policy SD3: sustainable water management and water resources. The development considerably increased the roof surface area but there was no calculation of this and the consequences of the rainwater run-off. There was no water management programme.
- Heavy rain had eroded and badly damaged the road surface of Scar Lane making it impassable to traffic. The Bage Farm sat alongside Scar Lane below the source of the River Dore which ran around the perimeter of the farmyard. On a visit, she had seen large piles of uncovered manure in the field opposite the farm on the other side of Scar Lane which was next to the river
- Natural England's MAGIC website providing data on the natural environment identified the area in which the Bage Farmstead sits as a high priority area for catchment sensitive farming. It was in a water quality priority area. High priority

issues at the site were identified as: surface water nitrates, sediment issues, phosphate issues, and flood risk management. It also identified a high level of groundwater vulnerability to a pollutant discharged at ground level on the hydrological, geological, hydrogeological and soil properties.

- The proposal appeared contrary to policy SD4: development should not undermine the achievement of water quality targets for rivers within the county.
- Residents did not understand why previous planning infringements had gone unchallenged. Basing the application on the current situation, as created by one infringement – allowing the line of the farmstead to be eroded, seemed to reward the infringement
- The visual impact of increased roof space would lead to an industrial feel to the farmyard seen from Merbach Hill or from Arthur's Stone.
- The council should seek to promote sustainable farming.

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

- The proposal represented a substantial development out of keeping with the setting. The site had reached capacity.
- There were concerns about the detrimental effect on the landscape of the Golden Valley and the Black Mountains.
- Consideration should be given to water quality issues.
- The Committee should defer consideration of the application pending a site visit.
- Several members expressed the view that the addition of farm buildings of the size proposed to an existing farm in a farming area was acceptable.

In response to questions the SPO commented:

- In relation to air and water quality issues the Conservation Manager (Ecology) had made no objection to the proposal. The new building and the increase in the footprint of the building to be extended did not exceed any of the thresholds required for a Habitat Regulations Assessment. The new cattle building would not be contiguous with the existing storage building which would remain as a storage building. All manure will be solid with no slurry given that the cattle would be on straw.
- The impact on the line of the former Golden Valley Railway had not been considered because it was not a designated heritage asset.
- Roofing materials were governed by a proposed condition.
- The height increase in the new building in comparison with the other buildings had been considered acceptable in landscape terms and appropriate for a building to house cattle.
- No external lighting was proposed.
- It would not be customary to commission a full surface water drainage strategy for an agricultural building. The proposal was a relatively modest increase in the footprint. This could be conditioned if the Committee wished. There was no known flood risk from surface water run off at the site.

The Lead Development Manager commented that the application was for a relatively modest development. The key issue was visual impact as referred to in previous appeal decisions on the site. The proposal was contained within the building complex. A new landscape barrier would enhance the setting of new and existing buildings. There were no objections from statutory or internal consultees. The Parish Council supported the

proposal. There had been letters of objection. He suggested the Committee might wish to consider additional conditions to require a surface water management plan and no external lighting unless agreed by the local planning authority.

The local ward member was given the opportunity to close the debate. She reiterated that she would like consideration be deferred pending a site visit to assess the visual impact of the proposal. A hedge limiting further development to the west of the farm was welcome but it did not screen the development. The proposed surface water management plan was also welcome. She remained concerned that the development was not being assessed as one building, reiterating concern about water quality.

Councillor Rone proposed and Councillor Johnson seconded a motion that the application be approved in accordance with the printed recommendation with additional conditions requiring a surface water management plan and no external lighting unless approved by the local planning authority. The motion was carried with 13 votes in favour, 2 against and no abstentions.

RESOLVED: That planning permission be granted subject to the conditions below and two additional conditions for a surface water management plan and no external lighting unless agreed by the local planning authority 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.**

119. DATE OF NEXT MEETING

Noted.

Appendix - Schedule of Updates

The meeting ended at 1.15 pm

Chairperson

PLANNING AND REGULATORY COMMITTEE

Date: 3 June 2020

Schedule of Committee Updates/Additional Representations

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

SCHEDULE OF COMMITTEE UPDATES

TITLE OF REPORT:	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 For: Mr Morgan per Mr Ian Pick, Station Farm Offices, Wansford Road, Nafferton, Driffield, East Yorkshire YO25 8NJ
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ADDITIONAL REPRESENTATIONS

Two additional letters of representation have been made since the publication of the agenda. These are set out in full as follows;

1. *I have had the opportunity to read your report to Committee. However, I would be grateful if you would confirm to me:-*
 - a. *The existing type and number of livestock?*
 - b. *The proposed increase in number of livestock (and type)?*
 - c. *The area of existing agricultural land (in hectares) owned by the applicant at Bage Court Farm?*
 - d. *The area (in hectares) of any agricultural land rented by the applicant in the vicinity?*
 - e. *How many agricultural buildings are currently on-site and what is their combined floorspace (gross external measurements sq m).*

The reason I ask these questions is I remain unsure as to why yet a further new building is required in this location when there does not appear to be any evident increase in the size of the holding and / or livestock numbers. Clearly in the open countryside one should restrict new buildings and I understand that agricultural buildings should be demonstrated to be "reasonably necessary" for the purposes of agriculture. You are aware of the complex and controversial Planning history relating to this site. It was for that reason that I had previously suggested that you engage the services of a suitably qualified agricultural expert (I understand that Herefordshire Council occasionally engage the services of Robert Fox) to address the issue as to whether this further building is actually needed. Nobody wishes a building to be permitted that becomes redundant with inevitable pressure for another use.

2. *On the surface this appears to be a simple, straight-forward planning application which, in isolation, it is and intended to be so. But, considered in the light of the previous planning history relating to this site and the accumulated levels of legal and illegal activity now carried out at the site, it should be rejected.*

The initial buildings on this site were permitted to replace the old and obsolete buildings at Bage Court itself, within the hamlet of The Bage. Permission was also granted to convert the obsolete buildings into residential property and that development was commenced with demolition of some small buildings and the improvements to Scar Lane junction.

Over the years, further individual applications have been made for additional buildings on the site which have been granted and implemented thus creating a major complex. During this period three applications were also made for industrial units for poultry adjacent to the site. These were all refused on appeal.

Last year the applicant illegally erected four food silos on the site without planning permission. The County Council officers decided, after consultation with Councillor Price, that no enforcement action should be taken about the food silos and thus allowed industrial farming into Dorstone Parish by default. The applicant then illegally adapted two of the buildings on the site into industrial piggeries and commenced using the buildings for industrial activity.

The planning permissions for these buildings were granted strictly for agricultural purposes associated with the land at Bage Court Farm. Currently illegal major structural work is being carried out on further buildings on this site and it appears these will be used as industrial piggeries also.

It is very concerning that despite a history of non-compliance with planning conditions these illegal activities are allowed to continue by Herefordshire County Council officers and no enforcement actions are taken. Namely:

- 1) The illegal erection and operation of four food silos on the site.*
- 2) The illegal conversion of buildings to allow intensive farming activities to be undertaken.*
- 3) The continued use of the development site at Bage Court Farm for farming activities after commencement of the development.*

Current government policy relating to agriculture is moving away from intensive animal farming to more sustainable farming methods. The adopted Dorstone Neighbourhood Plan is clear that 75% of residents polled are against intensive farm in the Parish.

The majority of the buildings at this site are in use for intensive animal husbandry throughout the year. As such, levels of activity have intensified which is out of proportion for the normal farming processes throughout the Golden Valley for which permissions were granted at this site. In particular, dumping of substantial quantities of the manure arising and constant loader activities over extended hours cause nuisance to residents of the Parish.

The headwater stream of the River Dore actually runs through the site which, with the ever increasing intensity of livestock on the site, puts the river at greater risk of pollution and contamination.

Approval of this current application would add to the intensity and issues. This site is already the largest complex in the Golden Valley.

Since the majority of the buildings on the site are used for intensive animal husbandry the obsolete buildings at Bage Court Farm are still in daily use for food storage and processing, lambing, and any treatment of the sheep flock of the holding.

Because of the history of planning associated with this site the Planning Committee should give full consideration to all these issues that are involved and reject this application. If the County Council was minded to grant permission for such an increase in this industrial complex then it should impose appropriate conditions to mitigate the effects. These conditions should be carefully worded and enforceable, by law if necessary. They should include:

- a) *A wide tree planting margin planted all round the site installed prior to commencement of the buildings to ensure that the condition is, this time, met.*
- b) *No further buildings to be allowed on the site or the holding.*
- c) *Cessation of all farming activities at the development site at Bage Court Farm.*

In addition to the above, members will be aware of further correspondence sent to them directly on behalf of the Golden Valley Action Group. In summary, the correspondence raises concerns with regards to the how officers have addressed a number of points raised in subsequent representations. It also attaches these previous representations for reference and sets out details of the Group's speech which is to be read out during the Committee.

OFFICER COMMENTS

The enterprise is well-established and continues to grow and the applicant has identified a need for additional livestock accommodation/storage.

The following additional details have been provided by the applicant in relation to the justification of the proposal;

As pig numbers have increased and required housing in the existing buildings, the applicant has identified the requirement for additional buildings in order to grow cattle numbers. The traditional buildings at Bage Court Farm are no longer within the ownership of the applicant. They are owned by the applicants brother, and the applicant has 18 months left on a lease on these buildings, following which he has to vacate (the traditional buildings at Bage Court have an extant planning permission for residential conversion and this requires the removal of the modern farm buildings). The total land available to the applicant is 350 acres. The applicant has 1,000 fattening pigs, around 650 breeding ewes and 45 cattle which he intends to expand.

Notwithstanding the above submission, the question of 'need' is acknowledged and addressed accordingly at Paragraph 6.10 of the officer's report.

Comments relating to previous enforcement matters at the site or future concerns in this regard are noted but as set out at Paragraph 6.4 of the officer's report, this application has been assessed on its own merits.

Correction – Paragraph 6.12 of the Committee Report should read as follows;

The proposal would extend the length of the existing agricultural storage building by 6.09 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.

NO CHANGE TO RECOMMENDATION