

# A G E N D A

## Northern Area Planning Sub- Committee

Date: **Wednesday, 12th May, 2004**

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Time: **10.30 a.m.**

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Place: **The Council Chamber,  
Brockington, 35 Hafod Road,  
Hereford**

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

*For any further information please contact:*

*Heather Donaldson, Members' Services,  
Tel 01432 261829*

***e-mail***

***hdonaldson@herefordshire.gov.uk***

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**County of Herefordshire  
District Council**



# AGENDA

## for the Meeting of the Northern Area Planning Sub-Committee

To: Councillor J.W. Hope (Chairman)  
Councillor J. Stone (Vice-Chairman)

Councillors B.F. Ashton, Mrs. L.O. Barnett, W.L.S. Bowen, R.B.A. Burke, P.J. Dauncey, Mrs. J.P. French, J.H.R. Goodwin, K.G. Grumbley, P.E. Harling, B. Hunt, T.W. Hunt, T.M. James, Brig. P. Jones CBE, R.M. Manning, R. Mills, R.J. Phillips, D.W. Rule MBE, R.V. Stockton and J.P. Thomas

	Pages
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>3. HEAD OF PLANNING SERVICES REPORT</b>	1 - 28
To consider and Take any appropriate action on the attached reports of The Head of Planning Services in respect of Planning Application Ref. DCNC2004/0321/F (Brierley Court Farm), for the northern area of Herefordshire, and to authorise him to impose any additional conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection by members during the meeting and also in the Council Chamber from 10.00 a.m. on the day of the meeting.	



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## **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

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**1 DCNC2004/0321/F - CONSTRUCTION OF AMENITY BUILDING, TOILET BUILDINGS AND SITEWORKS FOR 300 UNIT CARAVAN STANDING FOR FARMWORKERS ACCOMMODATION AT BRIERLEY COURT FARM, BRIERLEY, LEOMINSTER, HEREFORDSHIRE, HR6 0NU****For: S & A Property Ltd per McConaghy BGP Architects, 2 Shrubbery Avenue, Worcester, WR1 1QH****Date Received:**  
9th February 2004**Expiry Date:**  
5th April 2004**Ward:**  
Leominster South**Grid Ref:**  
48709, 56068

Local Members: Councillors R Burke and J P Thomas

**1. Site Description and Proposal**

- 1.1 The application site lies on the south side of the u/c 93600 road, approximately 600m, as the crow flies, west of Brierley. The site is rectangular in shape, and flat in nature and was previously used for hop growing. It has a roadside frontage of approximately 180m and stretches for approximately 420m to the northern boundary of approximately 240m, amounting to approximately 8.6 hectares in total, of grades 1 and 2 agricultural land.
- 1.2 The site does not benefit from any special landscape designation, being neither within an Area of Outstanding Natural Beauty, nor Area of Great Landscape Value. The draft Supplementary Planning Guide, Landscape Character Assessment, defines the site as lying within an area of Principal Settled Farmlands, on landscape that is resilient to change.
- 1.3 The scheduled Ancient Monument, Ivington Camp Hillfort, lies approximately 1 Km to the south-west. The rivers Arrow and Little Arrow approximately 1 Km and 0.5 Km to the north. There are a number of public rights of way in close proximity from which the site would be visible.
- 1.4 This application, which is part retrospective, proposes the use of the site as a caravan park for 300 static caravans, initially to house 1000 seasonal agricultural workers, to be employed in strawberry picking. An amenity building is also proposed, which is L-shaped in plan, the 'long' elevations measuring approximately 37m x 55m. The span of the building is 15m. The ridge height measures approximately 4.2m with eaves at 2.5m.
- 1.5 This building comprises a training/cinema room, internet room, library, medical rooms, TV room, office and stores, reception area, shop, kitchen, laundry, sauna, bar and dining area, games area, disco and small gym. In addition, a separate building is proposed adjacent to this, providing changing/shower facilities with further laundry facilities for workers. This building measures approximately 22m x 9.6m, of mono pitch design, the highest element of which measures 4.5m.

- 1.6 Both buildings are steel framed and propose profile steel sheet cladding and roof.
- 1.7 Additional facilities include a small outside pool of 12m x 6m, and a football pitch and volleyball courts in the south-west corner of the field. A further lavatory/shower block of mono pitch design is proposed in this location measuring 22.2m x 10m. All caravans are to be plumbed to the proposed sewage treatment plant in the adjoining field, subject of a separate application. The caravans are located in hardstandings and served by either 4.5m or 3.5m access roads. A 2.5m galvanised chain link fence is proposed around the perimeter of the site, under the existing hedgeline. Landscaping is proposed, but detail is limited.

## **2. Policies**

### **2.1 Leominster District Local Plan (Herefordshire)**

- A1 – Managing the district's assets and resources
- A2(D) – Settlement hierarchy
- A6 – Sites of local importance for nature conservation
- A7 – Replacement habitats
- A9 – Safeguarding the rural landscape
- A12 – New development and landscape schemes
- A13 – Pollution control
- A14 – Safeguarding the quality of water resources
- A15 – Development and watercourses
- A16 – Foul drainage
- A22 – Ancient Monuments and archaeological sites
- A23 – Creating identity and an attractive built environment
- A24 – Scale and character of development
- A28 – Development control criteria for employment sites
- A31 – Employment generating uses within or around the market towns
- A35 – Small scale new development for rural businesses within or around settlements
- A41 – Protection of agricultural land
- A43 – Agricultural dwellings
- A54 – Protection of residential amenity
- A58 – Mobile homes
- A68 – Water supply
- A70 – Accommodating traffic from development
- A78 – Protection of Public Rights of Way

### **2.2 Hereford and Worcester County Structure Plan**

- H20 – Residential development in open countryside
- RC1 – Use as full-time homes
- RC2 – Locational requirements
- CTC9 – Development criteria
- A1 – Development criteria

### 2.3 Herefordshire Unitary Development Plan (Deposit Draft)

S1 – Sustainable development  
S2 – Development requirements  
S7 – Natural and historic heritage  
DR13 – Noise  
DR14 – Lighting  
H8 – Agricultural and forestry dwellings and dwellings associated with rural businesses  
H11 – Residential caravans  
E10 – Employment proposals within or adjacent to rural settlements  
E11 – Employment in the countryside  
E13 – Agricultural and forestry development  
E15 – Protection of Greenfield land  
T8 – Road hierarchy  
LA6 – Landscaping schemes  
Arch 3 – Scheduled Ancient Monuments  
CF2 – Foul drainage

### 2.4 Planning Policy Guidance Notes

PPG1 – General Policy and Principles  
PPG7 – The Countryside – Environmental Quality and Economic and Social Development  
PPG9 – Nature Conservation  
PPG15 – Planning and the Historic Environment  
PPG16 – Archaeology and Planning  
PPG18 – Enforcing Planning Control  
PPG24 – Planning and Noise  
PPG25 – Development and Flood Risk

## 3. Planning History

- 3.1 NC04/0902/F - Proposed sewage treatment plant and pumping station, received 25 March 2004, on adjoining field. Undetermined.
- 3.2 NC04/0557/S - General purpose storage building adjoining field. Prior Approval required 26 March 2004.
- 3.3 NC04/0224/S - Construction of new roads (from Arrow Fishery to site, across adjoining fields). Prior Approval Not Required 6 February 2004.
- 3.4 NC2004/0551/H – Remove 10 metres of Hedgerow – on land opposite side of road.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Environment Agency: ‘The site lies within the Agency’s Indicative Floodplain. However a satisfactory Flood Risk Assessment (FRA), as undertaken by JBA Consulting, was recently submitted by Dossor Blackham to the Agency’s Flood Defence team. This confirmed that the site is outside of the flood risk area.

On the understanding of the above, the Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning conditions are imposed:

**CONDITION:**

No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage and regulation has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented in accordance with the details approved by the local planning authority prior to the construction of any impermeable surfaces draining to the system.

**REASON:**

To prevent the increased risk of flooding.'

'The Agency has no objection in principle to the proposed siting of caravans (in the area edged red), however the access is located within the 1 in 100 year floodplain, as shown on the JBA Consulting details (Fig. 3.1b). The Agency are on the understanding that this access is being constructed under permitted development rights, rather than constituting a new form of construction as part of the proposed development.

Under these circumstances, the Agency would not object to the use of that access so long as the "existing highway" access, as shown on drawing 0101/B, as submitted with the application, through the village of Brierley is also available to site occupants (even if only during periods of flood warning).'

'I would like to confirm that the Agency's Environmental Management team have had initial discussions with the applicant/agent who proposed to apply for S101A first time sewerage for the village with a view to connecting in this development. In the meantime, a temporary package treatment plant system is proposed to discharge to the Little Arrow and it is understood (through discussions with the LPA) that this may involve the submission of amended plans (or a further planning application).

The Agency ask that the LPA pursue the option of a connection to the mains foul sewer, in line with Planning Circular 3/99 - Your attention is drawn to point 3, which states that "when drawing up sewerage proposals for any development, the first presumption must always be to provide a system of foul drainage into a public sewer" ... Only "If, by taking into account the cost and/or practicability, it can be shown to the satisfaction of the LPA that connection to the public sewer is not feasible, a package sewerage treatment plant incorporating a combination of treatment processes should be considered ..."

If the LPA are content not to confirm the foul drainage proposals, before determining this application, it is recommended that the condition requiring the use of a treatment plant is amended, as follows, so that the development should connect to the mains foul sewer with temporary use of a treatment plant (unless otherwise previously approved in writing by the LPA). Details of a phased foul drainage scheme should be required for approval before the commencement of development and thereafter implemented in accordance with the approved details.'

- 4.2 River Lugg Internal Drainage Board: 'We are in receipt of the above application and it is noted that foul water is to be directed to a package treatment works, which will eventually outfall into an open watercourse. The Council will need to be satisfied that the treatment works satisfy the Environment Agency and your Council, and that discharge complies with the appropriate legislation.

Discharge is likely to be into open watercourses within the Drainage Board's district. The developer will be required to obtain a consent from the Drainage Board for works affecting any watercourse within their district.

The applicant states surface water is to be to the existing land drainage system. The developer will be required to confirm that surface water is to be directed to a soakaway system. When doing so, your Council will also need to be satisfied, by obtaining percolation test results from the developer, that a soakaway system at this location will be effective.'

- 4.3 English Heritage: 'The area of the proposed development does not impact on any areas designated as Scheduled Ancient Monuments. For the purposes of the Act, however, the site of a monument includes not only the land in or on which it is situated but also any land comprising or adjoining it, which appears to the Secretary of State to be essential for the monument's support and preservation.

The proposed development is very large, especially within the context of the essentially rural nature of the area, and will have an impact upon the setting of the major Scheduled Hillfort of Ivington Camp.

Although it is difficult to place the overall development from the information supplied, I estimate that the proposed development location is over one kilometre from the nearest part of the hillfort. I also note that the development would be at least partially screened from the hillfort by Brierley Wood that extends to the north-east of the monument. These two factors would go some way towards mitigating the visual impact of the proposed development upon the setting of the monument.'

In addition, they recommend a pre-determination archaeological evaluation.

#### Internal Council Advice

- 4.4 Chief Conservation Officer:

#### Landscape:

'The application site is a large, rectangular flat field previously used for hop growing. It lies in an area of intensively farmed, flat, fertile land much of it now under polytunnels.

The site lies just outside an Area of Great Landscape Value, to the north of Ivington Camp, from where it can be readily viewed. A mature hedge borders the site on all sides although along the western boundary, in particular, it is very 'gappy' consisting in part of little more than a row of birch trees.

The development to create a large caravan park with ancillary buildings and other facilities will introduce a very large built element within the open countryside. Generally, because the land is flat, the development will be unobtrusive from the north, east and west. However, the view from the public footpaths at Ivington Camp will be significantly affected. Although the impact of the development could be softened by tree planting, the topography renders it impossible to provide effective screening.

I would recommend that the applicant is required to provide a visual impact assessment, followed by a landscape design which addresses the screening issues. The landscape plan that the applicant has provided is inadequate. It does not address the screening issues or provide sufficient details to be meaningful.'

Archaeology:

'The archaeological evaluation at Brierley Court is now effectively complete on the ground. There will of course be a short delay while the archaeological contractors, Border Archaeology, prepare their report.

However, having monitored the work on a number of occasions, I am now in a position to make some provisional and informal comments on what the evaluation has revealed (please note these are without prejudice to my further formal comments when the report is available).

As anticipated, there are significant below-ground archaeological remains on the site. It would appear for instance that along the mid-western part of the site there are the peripheral remains of a Romano-British farmstead or similar. Some interest has also been revealed towards the south-eastern corner, again Romano-British in date. I should shortly be able to provide you with an approximate plan of these areas of interest.

It would appear however that other parts of the site have only limited archaeological potential. In the circumstances, I would currently regard a potential refusal for archaeological reasons alone as difficult to sustain.'

It would appear that further investigation is required, following on from the initial investigation. This can be secured by imposition of a condition.

Ecology:

'As the site has been intensely farmed, the ecological value of the land is low, except for the hedgerow and ditch network around the site. The hedgerow is in poor condition and is very 'gappy' in many locations and contains a number of rabbit burrows.

Therefore I recommend that a landscape and nature conservation management plan for the site should be submitted to and approved in writing by the local planning authority before implementation. The plan shall cover general proposals such as

- wetland habitat enhancement utilising the ditches along the boundary
- conserve and enhance the hedgerow pattern and strengthen the patterns of tree cover.

## 4.5 Head of Engineering and Transport: Transportation Issues

Transportation issues can be grouped under the following broad headings:

- Traffic generation;
- Site access road details;
- HGV impact; and
- Sustainable access.

These are discussed in turn in the following paragraphs.

Traffic Generation

The applicant's state at paragraph 6.1.6 (f) of the solicitors' statement that 3,000 tonnes of produce will be removed over a 150 day season during 2004. This appears to be contradicted in paragraph 6.3.1, which states that the maximum output could be up to 10,000 tonnes per season.

In the absence of detailed information from the applicants, it is estimated that 3,000 tonnes output would generate up to 15 HGV movements on peak days. Based on an output of 10,000 tonnes this could rise to some 45 HGVs per day.

It is noted within the supporting statement that a reservoir is required on site, which will require gravel extraction. It is not stated how many HGV trips this will generate and over what time period (although this does not form part of the current application and so can be addressed as and when such an application is submitted).

It is noted within the supporting statement that workers will not be permitted to own cars. However, the site will require management and servicing trips. These are not quantified by the applicants, however it is anticipated that the site amenity centre will require some 20 - 30 staff. Further staff will be required to oversee picking operations, the numbers of which are also not quantified.

In order to mitigate the impact of the above the applicants propose a new access route from the farm centre to the B4361. This will utilise an existing ghost island junction at the B4361 and it is accepted that the traffic generated by the proposals will be confined to site roads and the B4361. In spite of the lack of detailed information, it is considered that traffic volumes will be unlikely to cause congestion on the B4361.

In view of the estimated staff numbers it is anticipated that the proposed 10 parking spaces on-site will be insufficient for demand, and should be increased to 20 spaces. The site layout also appears to lack a dedicated parking/turning area for service vehicles and HGVs, which must be provided in accordance with appropriate standards.

### Site Access Road Details

As noted above, the applicants propose a new access road to traverse the site, bypassing the unclassified highway no. 93600, Brierley Lane. A site access road crossover is proposed on Brierley Lane to the west of the village. No details have been forthcoming of the proposed crossover in terms of visibility splay requirements. The proximity of the proposed crossover to a bend in the existing highway is also a concern in terms of highway safety.

Whilst I understand that works have already commenced on-site, no works should be taking place until a suitable design has been submitted and approved in writing by the Transportation Manager.

A site meeting was held on 20<sup>th</sup> April 2004 and conditions are proposed to secure an appropriate and safe design of the crossover.

### HGV Impact

The supporting statement notes that produce will be transported to Marden for packaging. This will entail up to 45 HGVs a day accessing Marden. No details of HGV routes have been provided by the applicants and in the absence of an appropriate routing agreement it is considered that peak time operations by HGVs could at best cause congestion and at worst a hazard to other road users. It is not known whether the proposals will generate increased tractor traffic on the off-site road network.

The increased HGV movements will result in an additional road maintenance requirements along the routes taken and may cause additional long-term damage to Leystone Bridge (a listed structure). It is noted, however, that these HGV movements are associated with the horticultural activity and not the provision of caravan accommodation or the amenity block. As such their effects are likely to occur with or without the development applied for and consequently conditions cannot be imposed on the applicant to mitigate these effects.

As highway authority, the council do have powers to recharge the costs of any "exceptional" damage to highways although such damage is difficult to prove and so these powers are rarely exercised. If the applicant were willing to enter a voluntary agreement to ensure HGVs follow the most appropriate route and to make a significant financial contribution towards the additional road and bridge maintenance then these difficulties could be avoided.

### Sustainable Access

No Green Travel Plan has been provided, as requested.

The supporting statement notes that casual workers will not be permitted to own cars and that private buses will be provided for the transportation of workers. Details of the nature and times of the proposed private operations have not been provided. While this is in principle welcomed in terms of reducing the traffic impact of the overall site, it is anticipated that site workers will also use the existing bus service no. 492 Hereford-Leominster route, which currently receives substantial subsidy from the Council. Given the number of workers, even a small percentage using the service could result in the buses becoming full, denying their use to existing users for whom the council subsidy is provided.



The development will thus put pressure on existing public transport services in the area, to the detriment of the level of service provided to regular users. As such, a financial contribution towards the cost of subsidising bus services in the area should be made.

No details of the potential for the reduction of service/management staff trips by car have been provided and the proposed contribution towards bus services will also benefit support staff wishing to access the site.

### **Conditions**

Should planning permission be granted the following conditions are required:

#### Standard Conditions:

H03 - Visibility splays at the crossover junction shall be 4.5m x 120m to the west and of 4.5m depth up to the bend in the u/c road 93600 to the east. Appropriate junction control markings and signing will be required, with the u/c road 93600 retained as the priority road.

H05 - 16m.

H13 - 20 parking spaces.

H16

H17        } on-site/off-site highway details.  
H18        }

H21

H26 - access for all site traffic via the internal site access road network and the B4361 only, subject to submission of details.

H29 - parking for 30 cycles minimum.

HN4/5/10/13

#### Additional Conditions:

"The development hereby permitted shall not be brought into use until a Green Travel Plan has been submitted to and agreed in writing by the local planning authority."

*Reason: to promote sustainable access to the site.*

S106 Agreement

It is recommended that the applicant be asked to enter into a Section 106 Agreement, or other suitable legal agreement, containing as many as possible of the following items, in order to address the transport implications of the development:

## 1. HGV Use and Routes

- (a) An agreement on the routes and types of service vehicles to be used.

*Reason: In the interests of highway safety and to safeguard amenity.*

## 2. Contribution towards cost of bus services

An appropriate contribution towards public transport services.

- (a) The amount of this contribution should reflect the seasonality of the development and the fact that the residents of the development will only form a proportion of the bus passengers. As such, taking into account current levels of subsidy paid by the Council, it is considered to be reasonable to require the payment of £150,000 to cover a proportion of the subsidy costs over five years from permission being granted.

- (b) In addition, a further financial contribution of £5,000 to enable a safe and suitable bus stop facility to be provided on the B4361 close to the access to the site.

*Reason: To safeguard amenity.*

I would be grateful if you could continue to press for the additional information requested from the applicant and incorporate the above comments in full in any report you may be preparing in relation to this application.

## 4.6 Head of Environmental Health and Trading Standards comment as follows:

“Schedule I Paragraph (7) of the Caravan Sites and Control of Development Act 1960, provides exemption for the need of a site licence for a caravan site where it is situated on agricultural land for use by agricultural workers on that land during a particular season. It would appear from this that the proposed site at Brierley Court may be exempt from Site Licence requirements and I am sure the applicants will agree. However, Paragraph 13 of the same Schedule allows the enforcing authority to apply to the Minister for the exemption to be removed. I am unable to give a definite answer at this stage as to whether a site licence will be required. Importantly the proposed site will be a permanent site and not for a particular reason. Regardless of whether a site licence is required, however, I recommend that the model standards be met. I confirm that I have no objection as regards the proposal. Should noise nuisance occur from unacceptable behaviour by site residents e.g. loud music from discos, powers are available under the Environmental Protection Act 1990 to control the nuisance. Controls however would not be available as regards any increase in disturbance to local residents due to normal day to day comings and goings etc.”

4.7 Public Rights of Way: No objection.

## 5. Representations

5.1 Leominster Town Council: Recommends refusal for a series of reasons, summarised below:

- 1) Impact on visual amenity.
- 2) Scale of development and number of employees out of proportion with the immediate area, constituting over-development. Appears to be more workers than land would support.
- 3) Noise and light pollution.
- 4) Disturbance to immediate neighbours.
- 5) Fire hazard to crops on adjoining land.
- 6) Even with internal road network, public highway inadequate.
- 7) Unsustainable pressure on Emergency Services
- 8) Concern about use outside of cropping season.

The reply goes on to list a number of policies with which the proposal conflicts.

5.2 Hope-under-Dinmore Parish Council: Supports residents of Ivington, Newtown, south-west Leominster and Aulden in their objections:

- loss of grade 1 and 2 agricultural land
- visual impact
- water supply
- noise/light pollution

5.3 Ford & Stoke Prior Parish Council: Objects to the scale of development, having a deleterious effect on local countryside, population and amenities. Concern about use beyond picking season. Suggests any permission be limited to 3 years, and no use of facilities beyond that of seasonal workers.

5.4 Monkland and Stretford Parish Council protest for the following reasons: Impact of polythene and polytunnels, potential trouble in town between students and locals. Work has already commenced.

5.5 Leominster Civic Trust: Consider that the site lies within an Area of Great Landscape Value and Landscape Least Resilient to Change, and oppose the application as inappropriate in such an area, at the foot of Ivington Camp:

- substantial visual impact on Brierley, contrary to policy
- visible from Cockcroft, damaging tourism, thus unsustainable.

They consider that if minded to approve, should be called in.

They consider that the supporting statement reinforces these concerns and that the proposal is contrary to policy.

5.6 CPRE: Detrimental impact on landscape, within Area of Great Landscape Value, and Landscape Least Resilient to Change. Adverse impact on character of Brierley and surrounding area.

- 5.7 Green Party: Object to industrial nature of the enterprise, unsightly spread of polytunnels and volume of traffic.
- 5.8 41 letters of objection have been received to date from or on behalf of addresses in Ivington, Cockcroft, Aulden, Knapton Green, Newtown, Elms Green, Hope-under-Dinmore, Leominster, Birley, Hereford, and two from further afield. A letter has also been received from the agent Richard Buxton, Environmental and Public Law for Arrow Valley Residents Association.

The objections are summarised as follows:

1. 300 caravans equals approximately 2000 employees.
2. No expectation to connect to main sewer.
3. Retrospective elements of application.
4. Contrary to aims of promoting tourism.
5. Questions Home Office scheme.
6. Information on growth of market contrary to other evidence - Stewart Stubbings to Hereford Council 29.3.04.
7. Disturbance through early start to working day.
8. General questioning of and disagreement with the supporting statement and that this if anything reinforces the concerns previously set out.
9. Refusal to employ local pickers.
10. Determination should await decision on S.T.W.
11. Are workers at Brierley being used at Marden?
12. Decision should await polytunnel procedure.
13. Proposal contrary to policies set out in supporting statement which purports to be in support.
14. Brierley residents only support proposal since the alternative would be worse, located in the centre of Brierley.
15. Other farmers have hired workers from S & A Davies. They should be banned from doing so.
16. Benefit to Herefordshire is minimal.
17. Highway safety issue.
18. Other options were available - not to carry out unauthorised development.
19. Development within floodplain.
20. Seasonal workers will cause trouble in town.
21. Very few local employees.
22. Serious deleterious effect on village and surrounding environment.
23. Pollution - light/noise including refrigeration equipment.
24. Chain link fence unsightly.
25. Could be located on Leominster Enterprise Park.
26. What use of caravans outside of picking season?
27. Industrial scale of development out of keeping with traditional mixed farms of Herefordshire.
28. Pickers should be bussed from Marden or brownfield site such as Moreton Camp.
29. Emergency services/social services overstretched.
30. Loss of countryside which should be protected for its sake - PPG7.
31. 1000 pickers more than enough to pick 250 acres of strawberries, only 350 are required at Brierley – the remainder would be employed elsewhere.
32. Given intensive nature of strawberry growing cultivation will have to stop in a few years and need for caravans will cease.
33. Contrary to Policies A1, A2D, A9, A25, A41, A43, A54, A70, DR13 and DR14.
34. Impact on visual amenity, including from public footpaths and Ivington Camp.

35. Farm workers' accommodation was never meant to be on this scale.
36. A list of mitigation action has been submitted by the adjoining landowner.
37. Application should have been subject to Environmental Impact Assessment.
38. The public meeting was not 'equally' divided as suggested.
39. Do not believe no complaints at Marden during 2003.
40. Big business is allowed to rape an area of beautiful countryside.
41. Criticizes bank for lending money for proposal without the benefit of planning permission.
42. Unconvinced by the local benefit argument.
43. Soft fruit farming is detrimental to the tourism industry, a far greater contributor to the Herefordshire economy.

Minutes of the public meeting referred to are available for inspection.

5.9 Many of these letters also referred to matters beyond the scope of the current application, including:

- housing on the former hopyard site
- reservoir
- agricentre
- polytunnels
- use of toxic chemicals to sterilise soil
- covering land in black plastic
- irrigation

5.10 A petition of 283 signatures was received on 9 March objecting to the proposal.

5.11 Additionally, a further petition with 70 signatures was received on 19 March urgently requesting that Hereford Council take out an immediate Injunction against S & A Davies Ltd to halt unauthorised works at Brierley Court.

5.12 In response to the supporting statement, the Arrow Valley Residents Association have responded at length. It is understood that a copy of this response was being sent to all Members of this Committee. A summary of the document, which exceeds 30 pages, follows.

- Closest residents are in fact at Gotts Gardens 250m to the west, with Ivington Park Farm Lane being a similar distance to those at Brierley.
- Brierley does not 'support' the proposal, they are caught between 'a rock and a hard place' with threats of caravans being placed around the hamlet.
- Many problems have been experienced at Brook Farm, Marden.
- Comments on company make-up and financial returns.
- Reference to land available for growing strawberries limited to a maximum of 231 acres.
- Refers to loss of poplar plantation in 2018.
- Hereford Council should not approve application on the basis of such a limited business case.
- Includes data on a number of strawberry pitches requires – at most 550.
- It comments on other development proposals i.e. housing, reservoir and agricentre.
- Considers that strawberry farming is not sustainable.
- That the proposal would be detrimental to the tourism industry, of far greater importance to Herefordshire economy.

- Disagrees with conclusion that there was no alternative but to commence development due to delays imposed on S & A during purchase.
- The document counters arguments that the proposal is supported in policy terms.

Most recently they comment upon the nature of letters of support, many (78%) being identical circulated letters, some with no address, and some from companies but without company headed paper, and some duplicated.

They also refer to reference to 2000 pickers at Brierley, being first mentioned in the agents letter of 13 April, doubling capacity as originally discussed are proposed.

5.13 Further objection has been received from DPDS Consulting on behalf of Mr Greene, in response to the supporting statement. It points out what they consider the key features of the supporting statement.

- Inadequate/insufficient information. Much of the document is irrelevant and does not address the planning issues.
- Location in Open Countryside – no justification provided for this.
- Visual impact of the Development. Failure to assess visual impact in documented way; with only general comments to landscaping. Materials proposed out of keeping with natural environment. Limited details of lighting, with no reference to DETR publication Lighting in the Countryside.
- Noise – the proposal is bound to generate considerable noise.
- Site drainage/sewerage proposals – must be resolved prior to determination.
- Planning Policy – no reference to Leominster District Local Plan or Hereford and Worcester County Structure Plan, reference only to draft UDP.

Proposal should be subject to Environmental Impact Assessment.

Based on current information the application can only be refused. If Members are minded to approve the application it should be notified to the Secretary of State as a departure application.

5.14 Representations have also been received from addresses within Brierley. These included initial objections and concerns, many of which have now been overcome or following further consultation with the applicant. The main points being that the assurances given by the applicant should form the basis of a Section 106 legal agreement, and that given the alternative of an 'uncontrolled' permitted development fall back available to the applicant, a controlled operation is preferable.

5.15 In addition, a letter has been received from the Brierley Residents Committee, received 10 March, signed by 20 residents. This includes references to the assurances given, and again a request that they form part of a Section 106 legal agreement. These assurances relate to proper management of the site, a plan of operation with the Police (including 10 min response); measures to minimise noise and light pollution, from both accommodation and operational activities, indigenous trees and hedging around perimeter to disguise chain link fence, and to hide new roadway, no more employees accommodated than those needed to farm the strawberries growing at Brierley Court Farm; signs stating Access Only, no S & A vehicles permitted.

More recently a letter from J Clark of Brierley Cottage comments upon the supporting statement as follows:

‘The original plan takes into account the hamlet environs, however there may be expansion of the business which had not been envisaged. We are concerned about the expansion of the site, which could have the effect of creating an omnipresent “plastic lake” within this unique valley of farmland, woods and hillfort.

What would be the status of the amenity building after the initial temporary period?’

- 5.16 In support the applicant has latterly submitted a statement explaining the proposal. Receipt of this was notified to all those who had made representation.

The statement includes information on the profile of the company, Brierley Court Farm, the economic case for development, the proposals themselves, reference to policy issues, the consultation carried out and a comment on the premature commencement of development.

Set out below is a summary.

1. The S & A Group operates (1) through S & A Produce (UK) Limited which delivers quality soft fruits to households countrywide via the major supermarkets having graded and processed and packed the fruits through its own uniquely designed automated packhouse and (2) through S & A Soft Fruit Limited which prepares and plants and nurtures and picks the strawberry harvests and presents them to S & A Produce (UK) Limited for onward sale to the consumers.
2. S & A Produce (UK) Limited has invested approximately £4.8 million in buildings and machinery and packhouse technology at Marden.
3. Under the Home Office Seasonal Agricultural Workers Scheme (SAWS) the S & A Group have been selected and appointed as an authorised manager of immigrant workers. This planning application is directly related to the expectation of the Home Office for the integrated and total management of workers under SAWS under appropriate conditions and standards.
4. The S & A Group is based in Marden Herefordshire and employs in Herefordshire 130 permanent local employees earning gross approximately £3.2 million.
5. The S & A Group contributes approximately £8.4 million directly into the Herefordshire local economy by purchasing supplies and services from local sources.
6. The S & A Group promotes a strategy of rejecting casual itinerant unauthorised callers for occasional labour to avoid any risk of chaos on their sites. This is a most important facet of the operational strategy of S & A Group as this strategy avoids the consequences of new European Union accession country citizens becoming speculative and uncontrolled labourers seeking casual work.
7. The site for the student seasonal workers accommodation caravans and the associated amenity centre is set out in a field known as West Field of approximately 18 acres and positioned to the west and as far from the hamlet of Brierley as land ownership and flood plain constraints allows.

8. The strawberry plantations at Brierley for 2004 will require 1000 workers to pick and increased acreage in future years will require additional numbers. The essential crucial supply line of seasonal workers has required S & A Group to develop a reputation and skill in the selection and management and entertainment of their immigrant work force.
9. S & A Group has participated in several years of discussions with the UK Government Home Office and DEFRA and the NFU and other specialist associations to design a programme for the management of immigrant seasonal agricultural workers. The S & A Group programme is approved by the Home Office and is cited as an example and model for other applicants.
10. Without reliable supply lines of seasonal labour the sustainability of the business would be in doubt. The new European Union accession countries from 1 May 2004 will be able to offer their free roaming citizens for work in the UK but these workers who can leave at their own discretion, as well as arrive when they want are not the dedicated incentivised agricultural students which are preferred by the S & A Group.
11. There was not a single complaint received from the village of Marden during 2003 arising from the presence or behaviour from any of the 900 students on site.
12. One key feature of this relationship is the accommodation and proximity to the place of work. Picking can start early in the morning. Picking can start on short notice. Picking is subject to prevailing weather conditions. Picking is not good if the weather is too hot and the crop is easily crushed. Students have come to pick and want to use their time profitably. All these reasons combine to require the accommodation units to be near to the place of work.
13. If any picker transport in/out for casual irregular seasonal pickers was necessary the traffic movements would be colossal and have serious adverse effect not only on the road network and neighbourhood and environment generally but also on the efficiency and effectiveness of the pickers and their performance.
14. The linkage between the strawberry fields and the campus and the amenity centre on the same integrated cohesive site enables the benefits of living and working on site to be maximised, and the severe disadvantages of distant or scattered accommodation units to be avoided.
15. A new internal farm road ensures that traffic generated bypasses the hamlet of Brierley. The quality and quantity of the road is to preserve and protect the strawberry crop during transit. Landscaping and screening will be planted to screen traffic from houses at the eastern end of the hamlet of Brierley.
16. Refrigerated lorries to the site for delivery of plants and collection of fruit will be 13.5m long, carrying up to 44 tonnes. Lorries carrying picked fruit can carry only 6.5 tonnes.
17. Brierley Court cropping for 2004 is estimated at 200 planted acres at approximately 15 tonnes per acre, producing 3000 tonnes, therefore some 450 related lorry movements over about 150 day harvesting season (June-Nov).



18. Transport is provided for workers' trips on outings and regular visits to nearby farms. Cars are forbidden.

19. A statement was also submitted by the architect setting out design considerations.

20. DEFRA AND FARMING as taken from the DEFRA website 15 March 2004:

"The Government's policy is to secure an environment in which a competitive and sustainable agricultural industry with a strong market orientation can flourish."

"The British food and farming industries must respond to the demands of consumers for food of the highest quality, meeting the diverse needs of diverse people."

"The strategy for sustainable farming and food ... the food chain ... the whole chain is faced with the constant need to adapt to changing circumstances and become more efficient. Increasingly, businesses are competing in a global market and the consequent demands for cost reduction are felt the length of the chain from retailers and caterers to wholesalers and processors and ultimately to farmers and growers ..."

21. PPG7 THE COUNTRYSIDE:

C10: "Although featuring the issue of glass house development the stated comment on horticulture is relevant to this application. The UK faces intense competition from overseas growers and it is important that the horticultural industry is not held back by over-restrictive approaches to developments which could be sited without detriment to the surrounding area."

C12: "The Government attaches great importance to encouraging new sources of jobs and services in rural areas and maintaining a strong agricultural and horticultural industry."

Annex I.1: "One of the few circumstances in which isolated residential development in the countryside may be justified is when accommodation is required to enable farm or forestry workers to live at or in the immediate vicinity of their place of work."

22. S & A Group have conducted consultations with a variety of special interest groups and offered opportunities to discuss and to visit the site at Brierley Court and at Marden.

23. These consultees include neighbouring landowners Pryce and Taylor and Duggan and Leighton and Greene all of whom have indicated at one time an acceptance or tolerance of the scheme subject to some suggestions of some details.

24. More regular discussions have taken place with individual residents of the hamlet of Brierley and the Brierley Residents Association. Apologies have been tendered when damage has been done to a private verge by lorries and remedial arrangements put in place. Lorry delivery times have been structured to avoid clashes with local school runs. The Brierley Residents Association are understood to have petitioned supporting the application.
25. S & A Group participated in the public meeting convened by residents of the village of Ivington held at the Royal Oak, Leominster, on 12 March 2004 and a meeting convened in Ivington on 26 March 2004.

The essence of the objections from these meetings was

- a. criticism of premature development
- b. criticism of intensive strawberry farming
- c. criticism of the impact of polytunnels

It should be noted

- a) Without the development of the caravan site and amenity centre there could be no appropriate controlled management of pickers and their accommodation and containment and transport and entertainment under the Home Office approved SAWS scheme.
- b) That strawberry farming is an approved and permitted agricultural land use and one which is encouraged by consumers – Herefordshire has several intensive strawberry farms.
- c) The impact of polytunnels is a matter of current and continuous review by Herefordshire Council and the other Councils. Herefordshire and elsewhere has many many acres of existing polytunnels.
26. S & A Group started the development the subject of this application before planning permission was granted. Such premature development has upset certain members of the public who expressed their dismay both to the media and at the public meeting. S & A Group accept the rebuke and tender by way of explanation the need to commence the development in order to ensure the minimum disruption and distress to the community by the operation of the farming activities when seasonal workers arrive on 1 May 2004.
27. The business imperative arises out of the unexpected opportunity to buy the Brierley Court Farm when marketed in May 2003. The vendors insisted on exchange of contracts before their yearend of end June and completion at the end of July. The growing hops could not be harvested until end of September 2003.
28. Only with the completion of the hop harvest could certain essential ground surveys be undertaken.
29. Those essential preliminary surveys and their results then had to be shared with and approved by the Environment agency and by Welsh Water.

30. A planning application could not be lodged until the chosen site had been selected and surveyed and because of sewerage factors the associated issues of ground conditions and gradients have been resolved.
31. The need for seasonal workers starts on 1 May 2004.
32. If the site and centre were not built then the Home Office SAWS scheme based on carefully selected students and standards of accommodation would fail.
33. There was no alternative but to start premature development and to comply with the SAWS scheme. S & A explained the position to those most personally affected in Brierley and to the Planning Officers. Brierley accepted the position as being in their best interests. The Planning Officers correctly advised that any premature development was at the developer's risk of a refusal by the Planning Committee.

A further letter dated 13<sup>th</sup> April 2004 has been received which included a copy of the Home Office Seasonal Agricultural Workers Scheme, along with a copy of the rules relating to the management of the Marden site, to be replicated at Brierley. It advises that:

- Brierley would be occupied between weeks 21 – 42, but likely to be lengthened in 2005 from week 3 to week 42.
- Some caravans will house 5 workers, others 3, with company average of 4.
- No intention to use facilities other than for workers, though no objection to community use by Brierley residents.
- Peak picking period estimated to be between weeks 25 and 30, with 2000 pickers predominantly from Brierley but some from Marden.
- Discussion is ongoing in respect of main sewage connection, and when available opportunity will be made for Brierley residents to connect to it.
- 'We also discussed the position of the S&A Group in the event that the Planning Committee were minded to accede to the pleas of certain objectors and for the planning permission to be refused. The effect of absence of either the caravan site and/or the amenity centre would expose the S&A Group to the search for alternative pickers whom to process the strawberry crop. The only alternative source of labour will be those itinerants who are applying for jobs from the new so called accession countries joining the European Union. Citizens of those countries have access to the UK and will be able to travel under their own arrangements in their own transport to the Brierley Court site in order to offer themselves for work.

Their accommodation needs would have to be met either in the totality or in such temporary accommodation with the caravans on the Brierley Court estate in such locations scattered throughout the estate as would seem as efficient as possible in those circumstances. The disruption to the residents of Brierley and elsewhere would be considerable and therefore I find it difficult to conclude that those objectors who are arguing for cessation of the construction of the caravan site and of the amenity centre are concerned with the impact on the local community.

We contend that the construction programme being promoted and the subject of the planning application is in fact in the best interests of the local community. The residents of Brierley who are the nearest neighbours understand the prevailing circumstances including the absence of adequate accommodation and adequate selection and control of the seasonal workers.'

A breakdown of the labour requirements has been submitted which includes estimates of the number of pickers required during the picking season.

- 5.17 57 letters of support have been received from 48 different businesses. A letter of support has also been received from the NFU and Hereford and Worcester Chamber of Commerce. Additionally 24 letters of support from individuals within the County have been received with a further 8 from outside the County, 7 more have no address. 2 letters have been received from employees.
- 5.18 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford, and prior to the Sub-Committee meeting.

## **6. Officers Appraisal**

- 6.1 The application and more particularly the commencement of development has been the source of much concern and debate. Members will be aware of the requirement to determine the application on its merits, taking into account planning policies and material considerations, and not to be swayed by the unauthorised development to date.
- 6.2 Notwithstanding the above, it would be useful at this juncture to set out the position vis-à-vis permitted development.

Part 5 of The Town and Country Planning (General Permitted Development) Order 1995 states:

### Class A Permitted Development

**A.** The use of land, other than a building, as a caravan site in the circumstances referred to in paragraph A2.

"A1 Development is permitted by Class A subject to the condition that the use shall be discontinued when the circumstances specified in paragraph A2 cease to exist, and all caravans on the site shall be removed as soon as reasonably practicable.

A2 The circumstances mentioned in Class A are those specified in paragraphs 2 to 10 of Schedule 1 to the 1960 Act (cases where a caravan site licence is not required), but in relation to those mentioned in paragraph 10 do not include use for winter quarters.

### Permitted Development

**B.** Development required by the conditions of a site licence for the time being in force under the 1960 Act.

The relevant section of The Caravan Sites and Control of Development Act 1960 states:

“7. Subject to the provisions of paragraph 13 of this Schedule, a site licence shall not be required for the use as a caravan site of agricultural land for the accommodation during a particular season of a person or persons employed in farming operations on land in the same occupation.

8. Subject to the provision of paragraph 13 of this Schedule, a site licence shall not be required for the use of land as a caravan site for the accommodation during a particular season of a person or persons employed on land in the same occupation, being land used for the purposes of forestry (including afforestation).

Paragraph 13 sets out that ‘The Minister’ may withdraw any of the listed exemptions.

- 6.3 Consequently, if it were the intention to remove the caravans at the end of the season, they would constitute permitted development. Class B permits development required by conditions of a site licence, this could include such things as infrastructure, hard standings, toilet facilities, etc. However, as the 1960 Act states that ‘a site licence shall not be required ...’ it may be argued that Class B does not come into play, and thus all work for infrastructure etc. does not then fall into the category of permitted development.
- 6.4 The definition of agriculture at Section 336 of The Town and Country Planning Act 1990 includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes.
- 6.5 As part of initial discussions about the proposal consideration was given to the need for an Environmental Impact Assessment under The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999. It was determined that the proposal did not require such an Assessment.

The consideration of this matter required assessment as to whether the proposal meets any of the criteria, including thresholds, under various headings.

Circular 2/99 Environmental Impact Assessment, advises in para 44: ‘It should not be presumed that developments falling below those thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Equally, developments which exceed the thresholds will not in every case require assessment. The fundamental test to be applied in each case is whether that particular type of development and its specific impacts are likely, in that particular location, to result in significant effects on the environment.’

The proposal did not meet these criteria or thresholds. Nevertheless, as advised in Circular 2/99, it was also considered whether the nature and essence of the proposal warranted such a report. Part 12 of the Regulations refers to Tourism and Leisure proposals, with a threshold for caravan sites of 1 hectare. It was considered that the nature and essence of a holiday related use was considerably different to that proposed, particularly in terms of traffic generation, intensity of use on site and facilities required.

- 6.6 The list of policies set out earlier in the report is a measure of the number of different issues, which are relevant in determining an application of this nature. A number of those policies relate to 'technical' issues such as drainage, to which there are technical solutions, which can be required by condition. In determination of this application the main issues would appear to be the impact on visual amenity and character of the area, including upon the Scheduled Monument, the justification for residential accommodation in the countryside, highway safety, and the impact upon amenity of nearby residents.
- 6.7 The site is not located within an Area of Great Landscape Value or Landscape Least Resilient to Change as suggested in some of the representations. The landscape, characterised as Principal Settled Farmland, a landscape that is resilient to change. Of concern in these locations is the degradation and loss of hedgerows and intensification of farming practices resulting in a simplistic visual uniformity as landscape character is eroded. In this instance, the site for the caravan park is within a former hop field. It has not been necessary to remove hedges to achieve a site of this size. Whilst the proposal is necessitated by intensive agricultural practice it is not of itself such an activity.
- 6.8 It is inevitable that a proposal of this scale, in a location crossed by public rights of way, and elevated viewpoints, will be visible from a relatively wide area. However, other than within the immediate locality, the site is not visible from longer distance views, and cannot be seen from the B4361. A landscaping scheme has been included which has been subject to criticism from the Council's landscape officer. There is scope, however, for additional planting to soften the impact more than currently shown.
- 6.9 English Heritage have commented on the proposal, but do not recommend refusal on the impact of the site upon the setting of the Scheduled Monument, Ivington Camp.
- 6.10 Lying in open countryside, the justification for residential accommodation relies on criteria (i) of Policy A2(D) of the Leominster District Local Plan, i.e.

It is necessary for the efficient running of agricultural or forestry enterprises, and meets the criteria laid down in Policy A43. Policy A43 relates to agricultural dwellings.

The applicant has advised that 1000 pickers will be required in the first season with increased acreage in future years requiring additional workers. As currently proposed, the application provides for 3-4 workers per caravan. There is no alternative accommodation available either at Marden, or within Leominster, for this number of workers, even if daily transport was a sustainable option.

- 6.11 In order to reduce the volume of traffic through Brierley itself an internal farm road is being constructed, with access via the Arrow Fishery, to a point close to the site where it crosses the unclassified road between Brierley and Ivington. Had it not been for this road, the traffic implications would have been far more critical.

- 6.12 Nevertheless there are a number of issues raised by the Transportation Manager, which need addressing.

The issue of the farm access road and the crossing point adjacent to the site has been considered, and a visibility splay of 120m x 4.5m in a westerly direction is required. This will entail the removal of hedgerow to achieve.

- 6.13 There remains concern over the impact of HGV many between the site and Marden. These movements occur not as a direct result of the application for the caravan site, but from the cultivation of the adjoining farmland for strawberry growing. These movements would take place regardless of the application, and without the internal farm roads constructed would have a far greater impact upon the local road network at Brierley. Consequently whilst the request for a routing agreement is noted it could not be insisted upon, nor form the basis of a refusal in its absence.
- 6.14 The majority of the workers will live on site, with the company providing their own transport when movement between Brierley and Marden is necessary. However, there are other local workers to whom a green travel plan could apply, and a condition can require this.
- 6.15 The other planning conditions sought can be imposed where deemed appropriate.
- 6.16 Reference is made to the need for a Section 106 Agreement. A contribution towards public transport is considered reasonable.
- 6.17 These matters have been raised with the applicant who has indicated a willingness to discuss these matters further. They do reiterate that they do provide transport for their workers, and that a coach on standby for 100 days would only cost £25,000.
- 6.18 The impact of the proposal upon amenity of local residents appears to have been assuaged, as far as Brierley residents are concerned, through the operation of the Home Office SAW Scheme, and the assurances provided by the applicant. It is understood that these do not necessarily overcome the concerns of other respondents. Pollution related issues can be controlled by condition and the Environmental Protection Act. The sewage treatment plant to serve the site is subject of a separate application. The Environment Agency has confirmed that an application for Consent to Discharge has been submitted.
- 6.19 An archaeological evaluation has been undertaken, and whilst the final report is not available at the time of preparing this report, it is understood that there are no grounds for refusal.
- 6.20 If it is considered that the case for 300 caravans, accommodating 1000 seasonal workers initially is not made, then clearly the proposal would be contrary to Policy A2(D). If it is accepted that there is justification, it must be weighed against the impact upon visual and local amenity, together with other policies and material considerations. How much weight to give each element is a matter of individual interpretation.

- 6.21 Your officers consider that a sufficient case has been made to justify 300 caravans, moreover that the balance of considerations, including the fall back permitted development situation, which could see caravans, if not all 300, on site for up to 9 months, (the weeks 4 – 42 as referred to in the latest letter from the applicant) and policies and other guidance is such that a temporary permission for the caravans is acceptable. The permanent amenity buildings could not reasonably be so conditioned.
- 6.22 Reference has been made in local representation to the need for a Section 106 agreement. Given adherence to the applicant's own management arrangements and connection with Home Office SAWS, this is not considered necessary. It is considered that a condition can cover the relevant points.
- 6.23 A suggestion has been made that if members are minded to grant permission they will first need to refer the matter to the secretary of State. The requirements are set out in Circular 19/92. The agent for the objector has been advised that such consideration will have to be given, that it will be a matter for Committee as to whether or not the application is contrary to policy, based on what weight is given to particular elements of the consideration. The Circular sets out the criteria should such a decision be required:
- a) development which consists of, or includes the provision of
    - i) more than 150 houses or flats, or;
    - ii) more than 10,000 square metres of retail floor space;
    - iii)
  - b) development of land of an interested planning authority, or for the development of any land by such an authority, whether alone or jointly with any person; or
  - c) any other development which, by reason of its scale or nature or location of the land, would significantly prejudice the implementation of the Development Plan's policies and proposals ...”

Your officers do not consider that the criteria are met, regardless of the decision.

## RECOMMENDATION

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

- 1 - E23 (Temporary permission and reinstatement of land (mobile home/caravan, and toilet facility adjacent to the sports field) (5 years). The use of the amenity building shall also cease at this time.**

**Reason: The local planning authority is not prepared to permit a residential [caravan] in this location other than on a temporary basis having regard to the special circumstances of the case.**



- 2 - The occupation of the caravans shall be limited to persons employed in agriculture at Brierley Court Farm, or the associated operation of the applicant at Marden, under the Home Office Seasonal Agricultural Workers Scheme, or equivalent, unless otherwise previously agreed in writing by the local planning authority.

Reason: Planning permission has only been granted given the farming requirements of Brierley Court Farm, and the existing operation at Marden.

- 3 - Before any of the caravans are occupied details of the proposed means of foul drainage shall have been submitted to and approved in writing by the local planning authority, and shall be available for use. Any connection to a treatment works other than the mains shall be for a temporary period not exceeding 5 years from the date of this permission.

Reason: In order to ensure that satisfactory drainage arrangements are provided.

- 4 - B01 (Samples of external materials) (No further development ...)

Reason: To ensure that the materials harmonise with the surroundings.

- 5 - D03 (Site observation - archaeology )

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

- 6 - F14 (Time restriction on music) (delete 'in the premises', insert 'on the site')

Reason: In order to protect the amenity of occupiers of nearby properties.

- 7 - F32 (Details of floodlighting/external lighting )

Reason: To safeguard local amenities.

- 8 - G04 (Landscaping scheme (general) (No further development ...)

Reason: In order to protect the visual amenities of the area.

- 9 - G05 (Implementation of landscaping scheme (general)

Reason: In order to protect the visual amenities of the area.

- 10 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

- 11 - G10 (Retention of trees)

Reason: In order to preserve the character and amenities of the area.

**12 - H05 (Access gates)(16 metres)**

**Reason:** In the interests of highway safety.

**13 - H13 (Access, turning area and parking)(20 spaces)**

**Reason:** In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

**14 - H16 (Parking/unloading provision - submission of details)**

**Reason:** To minimise the likelihood of indiscriminate parking in the interests of highway safety.

**15 - H17 (Junction improvement/off site works)**

**Reason:** To ensure the safe and free flow of traffic on the highway.

**16 - H18 (On site roads - submission of details)**

**Reason:** To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

**17 - H21 (Wheel washing)**

**Reason:** To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

**18 - H26 (Access location)(access for all site traffic via the internal site access road network and the B4361 only, subject to submission of details)**

**Reason:** In the interests of highway safety.

**19 - H29 (Secure cycle parking provision)(parking for 30 cycles minimum)**

**Reason:** To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

**20 - The site shall be managed in accordance with terms and conditions to be agreed in writing with the Local Planning Authority , within one month of the date of this permission.**

**Reason:** In the interest of amenity.

**21 - Within one month of the date of this permission a Green Travel Plan shall have been agreed in writing by the Local Planning Authority. The operation of the Green Travel Plan will form part of the overall management of the site in accordance with the conditions 13 above.**

**Reason:** In order to promote sustainable transport.

- 22 - No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the local planning authority. Such scheme shall be implemented before the first use of the development hereby approved.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

**Informatives:**

- 1 - N15 (Grant of PP/LBC/CC)
- 2 - The applicant is advised to contact the local planning authority to consider suitably alternative uses of the amenity building.

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

