

A G E N D A

Planning Committee

Date: **Friday, 11th April, 2008**

Time: **10.00 a.m.**

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

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

For any further information please contact:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Planning Committee

To: Councillor TW Hunt (Chairman)
 Councillor RV Stockton (Vice-Chairman)

Councillors ACR Chappell, PGH Cutter, H Davies, GFM Dawe, DW Greenow, JW Hope MBE, B Hunt, G Lucas, RI Matthews, R Mills, PM Morgan, JE Pemberton, AP Taylor, DC Taylor, WJ Walling, PJ Watts and JD Woodward

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<p>1. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
<p>2. NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.</p>	
<p>3. DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p> <p style="text-align: center;">GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS</p> <p>The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.</p> <p>A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.</p> <p>Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is and leave the meeting room.</p>	
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To consider a revised planning application which has been referred to the Committee because the Southern Area Planning Sub-Committee was mindful to approve contrary to policy and officer recommendations.	

13. **DCSW2007/3846/O - RESIDENTIAL DEVELOPMENT, POND, PARKING FOR VILLAGE HALL AND SURGERY. PROPOSED LANDSCAPING AND TREATMENT PLANT. DEMOLITION OF PACK HOUSE, REMOVAL OF STATIC CARAVANS, COURT FARM, MUCH BIRCH, HEREFORDSHIRE, HR2 8HT.** 99 - 106
- For:** F. M. Green per Brian Griffin P & C C Ltd, The Cottage, Green Bottom, Littledean, Gloucestershire, GL14 3LH
- Ward: Pontrilas**
- To consider an application which has been referred to the Committee because the Southern Area Planning Sub-Committee was mindful to approve it contrary to policy and officer recommendations.
14. **DCCW2007/3940/F - PROPOSED DEVELOPMENT OF TWO BUILDINGS (4 UNITS) FOR SMALL BUSINESS B1 AND B8 USE - LIGHT INDUSTRIAL AT MARSHALL BUSINESS CENTRE, WESTFIELDS TRADING ESTATE, HEREFORD, HR4 9NS** 107 - 114
- For:** Marshall Business Centre per Mr. S. Potter, Pomona Office, Pomona Drive, Kings Acre Road, Hereford, HR4 OSN
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- To consider an application which has been referred to the Committee because the Central Area Planning Sub-Committee was mindful to refuse permission for Unit 2 contrary to policy and officer recommendations.
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- For:** Arena Estates Ltd, per Mr SRB Bell, Stephen R. Bell Design, 173 Lower High Street, Stourbridge, West Midlands, DY8 1TG
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- To consider a planning application which has been referred to the Committee because the Central Area Planning Sub-Committee was mindful to refuse it contrary to policy and officer recommendations.
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- For:** Director of Childrens Services per Property Services, Herefordshire Council, Franklin House,4 Commercial Road, Hereford, HR1 2BB
- Ward: Bircher**
- To consider an application which relates to Council owned property.
17. **DATE OF NEXT MEETING**
- 23 May 2008

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday, 29 February 2008 at 10.00 a.m.

Present: Councillor TW Hunt (Chairman)
Councillor RV Stockton (Vice Chairman)

Councillors: ACR Chappell, PGH Cutter, H Davies, GFM Dawe, DW Greenow, KS Guthrie, JW Hope MBE, B Hunt, RI Matthews, PM Morgan, JE Pemberton, AP Taylor, WJ Walling, PJ Watts, JB Williams and JD Woodward

In attendance: Councillors JG Jarvis and SJ Robertson

89. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors G Lucas, R Mills and DC Taylor.

90. NAMED SUBSTITUTES (IF ANY)

The following named substitutes were appointed;-

MEMBER	SUBSTITUTE
G Lucas	PD Price
R Mills	K Guthrie
DC Taylor	JB Williams

91. DECLARATIONS OF INTEREST

Councillor JB Williams declared a personal interest in Agenda Item No 15. (Minute 103) - DCNW2007/3633/F - change of use from agricultural land to 6 holiday lodges (lodge style caravans) at Park Gate Farm, Lyonshall

92. MINUTES

93. CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that an additional meeting had been arranged for 23 May 2008 because of the gap between the meetings in April and July.

The Development Control Manager said that the Appeal lodged by S&A Davies regarding unlawful development in connection with their fruit growing business at Brierley Court had recently been lost in the High Court and that they now had to comply with the Council's enforcement action for its removal.

94. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 16 January and 13 February 2008 be received and noted.

95. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 23 January and 20 February 2008 be received and noted.

96. SOUTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 6 February 2008 be received and noted.

97. ARCHAEOLOGY AND DEVELOPMENT SUPPLEMENTARY PLANNING DOCUMENT

The Conservation Manager presented a report about a draft consultation of a Supplementary Planning Document (SPD) which set out the Council's policies and approach to managing archaeology within the planning process. He advised that the SPD was included in the Council's Local Development Scheme and was being produced in accordance with regulations introduced under the Planning and Compulsory Purchase Act 2004. It expanded upon a range of archaeology policies set out in Development Plan Documents and would form an important part of the Herefordshire Unitary Development Plan. He said that when it was adopted the SPD would be a material consideration in the determination of planning applications.

Councillor GFM Dawe was concerned that the proposals should include provision for Ward Members to be informed of archaeological investigations in their wards at the earliest opportunity. He also felt that the document was somewhat verbose and would benefit from an executive summary. The Conservation Manager drew attention to the section which made provision for Ward Members to be kept informed of activities. He explained that the document needed to be as comprehensive as possible to provide information for developers but he welcomed the views of the Committee which would be incorporated into the draft where appropriate.

RESOLVED

THAT subject to the foregoing, it be recommended to the Cabinet Member (Environment and Strategic Housing) that the draft Archaeology and Development Supplementary Planning Document be published for consultation purposes.

98. HEREFORDSHIRE SHOP FRONT DESIGN GUIDE

The Conservation Manager presented a report about a draft Shop Front Design Guide which was proposed for consultation with relevant parties. He said that prior to Herefordshire becoming a Unitary Authority, shop front guidance documents were in place for Hereford City and South Herefordshire. The two documents had been amalgamated and enhanced to produce a single document which was aimed at providing guidance which would apply throughout the County. The Team Leader (Building Conservation) explained the main features of the new document and how it could be applied to ensure that the unique features and character of the towns, villages and Conservation Areas were complimented and retained, particularly where the shop front was part of a Listed Building. He advised on the internal consultation that had taken place with officers and proposed that consultation should now take place with relevant parties. Any material objections would subsequently be considered and reported back to the Planning Committee and Cabinet Member for

final approval of the Design Guide.

The Committee asked questions about the way in which the guidance would be applied to the Edgar Street Grid in Hereford in relation to the historic City and to the market towns. The Conservation Manager explained the powers that were available to the Council in addition to the guidance, including listed building consent, Article 4 Directions and the removal of Permitted Development Rights.

RESOLVED

THAT the Herefordshire Shop Front Design Guide be commended to the Cabinet Member (Environment and Strategic Housing) for consultation purposes.

99. PROPOSED CHANGES TO TREE PRESERVATION ORDER PROCEDURES

A report was presented by the Conservation Manager about a consultation document from the Department of Communities and Local Government (CLG) about proposals to change Tree Preservation Order (TPO) procedures. He provided the Committee with details of the proposals and was of the view that the proposed changes may result in minor savings in some areas of work but that in other areas there may be increased pressure on staff resources. This would be dependent on the extent to which the public requested pre-application advice and the ability to bring forward changes in working practices through the application of new technology. In researching the effects that the changes might have, attention had been drawn to the need to establish a programme for the review of TPOs; particularly those containing 'Area' designations and those made prior to March 1975 and this may have resource implications for the service. He advised that he would need to prepare a further report to the Committee about these matters.

The committee discussed the details of the proposals and Councillor ACR Chappell was of the view that it was imperative that Local Ward Members be consulted on any proposals for their Wards and that neighbour notification should also include local residents associations where appropriate. The Conservation Manager mentioned that there was already provision to consult the Local Ward Member, parish/town Council and Area Planning Sub-committee. He would also take on board the comments of the Committee.

RESOLVED

THAT the proposed changes to the Tree Preservation Order procedures recommended by the Department for Communities and Local Government, be supported, subject to further clarification and guidance relating to submission of supporting evidence in connection with 'health and safety' related applications; and satisfactory provision being made for local consultation.

100. CONSERVATION AREA APPRAISALS FOR KINGTON AND PEMBRIDGE

The Team Leader (Building Conservation) presented the report of the Head of Planning Services about the latest draft Conservation Area Appraisals prepared for initial consultation with relevant parties. He said that In April 2006 the Committee had recommended the consultation arrangements regarding a programme for the preparation of appraisals and management proposals for sixteen Conservation Areas in Herefordshire. . The results of the consultation process had helped to formulate the management proposals which formed part of the next stage of work in

relation to the particular Conservation Areas. The Appraisals which had been approved for consultation to date were Hampton Park, Almeley, Weobley, Ross On Wye, Mordiford, Dillwyn, Aylestone Hill, Bosbury, Cradley, Much Marcle, Orleton and Sutton. He presented details of the draft Conservation Area Appraisals which had been prepared for Kington and Pembridge and these were discussed by the Committee. He advised that the final two areas to be covered were Leominster and Hereford City although the latter would be part of the urban characterisation study as part of the Local Development Framework for Hereford.

Councillor Mrs JE Pemberton was concerned that when the study had been undertaken for Mordiford it had been agreed that meetings should be arranged involving Local Members and the parish council. The Conservation Manager explained that the studies themselves had involved a considerable amount of effort and staffing resources but that the stage had now been reached where the local Members and parish councils could be involved. In answer to a question by Councillor RV Stockton the Head of Planning Services said that the recent appraisals concentrated on the historic core of the town or village involved compared to those undertaken in the previous decades which included a wider envelope. He said that the development of land outside this core however was carefully controlled by the Unitary Development Plan in relation to each Conservation Area. Councillor PGH Cutter congratulated the officers for their hard work in undertaking such important studies.

RESOLVED THAT:

the Cabinet Member (Environment) be requested to accept the appraisals for Kington and Pembridge together with the issues raised in association with them for consultation with interested parties.

101. CONSULTATION ON PLANNING APPLICATION REQUIREMENTS

The Development Control Manager presented a report about the new planning application procedures and the outcome of consultation on the document "Planning Application Requirements (Local)". He said that the Government had decided to introduce a National Standard Planning Application form which would be mandatory from April 2008. The Government had established minimum standards for planning applications which must be met by applicants. These would comprise of national minimum standards, to be known as Planning Application Requirements (National). The government had also made provision for Local Planning Authorities to set their own local requirements, known as Planning Application Requirements (Local). In order for the local requirements to be enforceable they had to be publicised and consulted upon before being brought into use and a programme for consultation was agreed by the Committee in September 2007. He provided the Committee with details of the consultation process which included:

- presentation of the draft PAR(L) to an Agents' Forum in January 2008
- Written consultation with City, Town and Parish Councils in January and February 2008
- written consultation with normal statutory consultees on planning applications at the same time
- written consultation with a selection of non-statutory consultees taken from the list in the Council's Statement of Community Involvement, i.e. including those with County-wide interests and who comment most frequently on planning applications – also in January and February 2008

The Development Control Manager said that eleven further representations had

been received from Parish Councils, interest groups and local agents. Arising from these he would be undertaking some minor updating of the document where appropriate but added that the main composition of the document would remain the same. He also reported on the outcome of meetings with the Planning Portal in respect of the implementation of the standard planning application forms known collectively as 1-APP, and with Northgate, the supplier of the Council's IT System for processing planning applications. The Committee noted the details of the new arrangements and agreed with the approach suggested by the Development Control Manager for the introduction of, and compliance with, the requirements.

RESOLVED THAT:

the Planning Application Requirements (Local) document be adopted for use subject to any minor drafting changes to be agreed with the Chairman, and be brought into operation on a date also to be agreed with the Chairman but in any event, no later than the implementation date for the standard planning application form 1-APP and the final adoption of the Supplementary Planning Document on Planning Obligations.

102. LOCAL GOVERNMENT CALL IN DIRECTIONS CONSULTATION REPORT

A report was presented by the Head of Legal and Democratic Services about consultation from the Department for Communities and Local Government with regard to the call- in procedures in relation to planning applications. He advised that the Department had issued the consultation paper in December 2007 and that it set out revised procedures regarding the call in directions for matters to be considered by the Secretary of State. The government's view was that the present call in process was delaying the process of dealing with planning applications and therefore his intention was to ensure that as many applications are dealt with at a local level by the local authorities concerned. The Head of Legal and Democratic Services explained how the new proposals would operate and drew attention to the guidance document which had been sent to Members. The Committee endorsed the approach suggested by the Head of Legal and Democratic Services in dealing with the issues.

RESOLVED THAT:

- (a) **the committee's observations on the consultation be noted and reported to the Department for Communities and Local Government**
- (b) **an update report to be made available to the committee following the publication of the final guidance by the Communities and Local Government Department.**

103. DCNW2007/3633/F - CHANGE OF USE FROM AGRICULTURAL LAND TO 6 HOLIDAY LODGES (LODGE STYLE CARAVANS). PARK GATE FARM, LYONSHALL, HEREFORDSHIRE, HR5 3HY

The Development Control Manager referred to a letter dated 26 February which had been sent to Members in support of the application. He advised that the letter raised no new planning issues in relation to the application. He said that the Northern Area Planning Sub-Committee was mindful to grant planning permission contrary to recommendation and that the Head of Planning Services had decided to refer the matter to the Planning Committee. The Sub-Committee had given weight to the relatively secluded nature of the site which would limit the impact of the proposed lodges in the wider landscape. It had also felt that the nature of this type of tourism

was car based anyway and, consequently, the argument against the development on grounds of its likely encouragement of the use of private transport was not appropriate. It did not feel that the presence of the unregistered park carried significant weight and was of the view that the scheme would help to boost tourism. It also noted that the application for six lodges had been scaled down from the initial proposal for twelve and decided that permission should be subject to conditions which would secure full disabled access to all of them and that there should be a time restriction in the length of stay in them to prevent them becoming permanent residential units.

The Committee discussed details of the application and noted the views of the Area Planning Sub-Committee. Councillor ACR Chappell had a number of concerns about the rural economy and felt that initiatives such as this would help to stimulate it.

Councillor DW Greenow referred to the comments by the local gamekeeper about shooting in the area and had some concerns about the safety issues regarding those who would be holidaying in the proposed chalets. Councillor JD Woodward asked about the proposed occupancy and the Development Control Manager advised that the Northern Area Planning Sub-Committee had proposed conditions that would limit occupancy for holiday use only. Councillor RI Matthews felt that the proposal was attractive and imaginative. Councillor B Hunt said that the Sub-Committee had felt that the proposal would be of considerable benefit to the rural economy and would be unobtrusive in the landscape. The head of planning Services advised that regardless of the views of the Sub-Committee, the proposed development, by virtue of its scale, nature and siting would be an inappropriate form of development that would have a detrimental impact on the landscape and character of the immediate area and on the unregistered park contrary to policies S1, S6, DR2, DR3, DR2, LA2, E12, RS14 and LA4 of the Herefordshire Unitary Development Plan. It would also be contrary to the objectives of PPS7 regarding Sustainable Development in Rural Areas. Having further considered the matter the Committee did not feel that there were sufficient grounds to breach the Council's planning policies and that the application should be refused.

RESOLVED THAT

planning permission be refused for the following reason:

the proposed development, by virtue of its scale, nature and siting would be an inappropriate form of development that would have a detrimental impact on the landscape and character of the immediate area and on the unregistered park contrary to policies DR2, LA2, E12 RST 14 and LA4 of the Unitary Development Plan 2007. The proposed development, by virtue of its scale and siting would be an unsustainable form of development contrary to policies S1, S6, DR2 and DR3 of the Unitary Development Plan as well as the objectives of PPS7 Sustainable Development in Rural Areas.

104. DCCW2007/3403/F - PROPOSED CONVERSION OF EXISTING STONE BARN AND ATTACHED ANCILLARY BUILDING INTO 2 NO. RESIDENTIAL UNITS AT WOODFIELDS FARM, TILLINGTON COMMON, TILLINGTON, HEREFORDSHIRE, HR4 8LP

The Development Control Manager said that the Central Area Planning Sub-Committee was minded to grant planning permission contrary to recommendation. He said that three further letters have been received in support of the application. The letters were from residents local to Tillington and supported the provision of new family housing in the village which they felt would be of benefit to the local community, especially given the local connections of the applicants. He advised that

the view of officers was that these did not change the planning policy principles at stake. The Officers were prepared to recommend approval for the conversion of the substantial stone barn to a single new residential property, in accordance with the Council's policies, but the creation of the second residential unit did not comply with policy for the reasons explained in the report in that the conversion would require the substantial extension of the buildings and the re-use/replacement of elements of the complex which were not worthy or capable of conversion without major reconstruction. The proposal was therefore contrary to policies HBA12 and HBA13 of the Herefordshire Unitary Development Plan.

Councillor SJ Robinson, the local Ward Member, said that the Sub-Committee had noted the local origins of the applicant and the stated desire to accommodate members of their extended family in the two new units. She was of the view that the additional units would help to sustain the rural area in general and Tillington in particular and was an appropriate form of affordable housing. She pointed out that the new development would not occupy a larger footprint than the buildings currently on site and would not extend the range of farm buildings into the countryside. The proposals would also enhance the area. In view of the local circumstances and the full support of the Parish Council, she felt that permission should be granted, possibly on the basis of a personal permission.

In accordance with the criteria for public speaking, Mrs Reynolds of Burghill Parish Council and Mrs Eagling the applicant, spoke in favour of the application.

Councillor RI Matthews was of the view that the application had considerable merit in providing accommodation for a local family. He was of the view that the Officers supported part of the scheme and that the imposition of appropriate conditions could tie it to the existing complex so that it could not be sold separately. The Committee discussed the merits of the application and the Head of Planning Services reiterated that the proposal conflicted with the development plan policies which sought to restrict barn conversions where substantial redevelopment of former barns was required to create a new residential unit to modern standards. Notwithstanding these views, the Committee decided that there were sufficient grounds for an exception to be made to the Councils policies and that permission could be granted.

RESOLVED THAT:

That the Head of Legal and Democratic Services be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 tying the new units to the existing farmhouse with conditions limiting occupancy of the units by the family, and any other appropriate conditions felt to be necessary by the Head of Planning Services.

105. DCSW2007/3515/F - THE ERECTION OF A DETACHED FARM DWELLING WITH GARAGE AND SMALL STORE, UPPER NEWTON FARM, VOWCHURCH, HEREFORD, HR2 0QU

The Development Control Manager said that the application was a minor modification to one previously refused by the Committee. The new application had been referred directly to the Planning Committee given the previous known support of the Southern Area Planning Sub-Committee to the original application. He said that the comments of the Council's County Land Agent had been received. His advice was that there had been no substantial change since the previous proposal. The extra stock number was minimal but does raise the SMD over the threshold. On the financial aspect the financial appraisal is on gross margin figures rather than audited accounts and there was no indication of increased costs. The financial

position had to be as existing and based on audited accounts. The financial test is not passed

The comments of the applicant's agricultural advisor have been received in response to those of the Council's County Land Agent. These comments referred to the fact that increased costs were included in the gross margin data. Also it is stated that the release of capital from the dwelling at Kentchurch (where the applicant currently lives) is not 'irrelevant' as stated by the County Land Agent.

The Development Control Manager said that the representations on behalf of the applicant did not significantly change the basis of the application. The County Land Agent remained of the view that the case for a new dwelling has not been made with regard to the Council's own policies in the Unitary Development Plan or the advice in Planning Policy Statement 7 as set out in the report to Committee.

The representations received clarify the basis of data provided and make reference to the views of the Council's County Land Agent, as regards the sale of property in Kentchurch. This sale is not relevant to the financial and functional viability of the enterprise at Upper Newton Farm.

In accordance with the criteria for public speaking, Mr Herdman of Vowchurch and District Group Parish Council and Mr Howey the agent acting on behalf of the applicant, spoke in favour of the application.

Councillor JB Williams, the local Ward Member, said that consideration needed to be given to the nature of the farm and the family circumstances of the applicant, who currently lived nine miles away, and his parents who currently live in the existing farmhouse. He pointed out that the land was not suitable for arable use and that livestock use needed a considerable amount of management and care, particularly at peak times. He felt that the needs of the farm were sufficient to justify a second dwelling and that the existing barns on the site were not suitable for conversion because of their headroom and setting on bedrock which would be expensive to excavate. There was a low level of traffic and objections from the Transportation Manager could not be supported. Councillor Greenhow shared these views and Councillor Price was of the view that there was sufficient flexibility within Policy PPS 7 for an exception to be made. Councillor PM Morgan pointed out that the existing farmhouse had been used by the family for four generations and did not see why a new dwelling was necessary in the open countryside in conflict with the Council's planning policies. The Chairman agreed with this view and felt that further investigation needed to be made by the family to explore alternatives which would meet the Councils policies.

Notwithstanding these views and the case put forward by the Officers, the Committee decided that there were sufficient grounds for an exception to be made to the Councils policies and that permission could be granted.

RESOLVED THAT:

That the Head of Legal and Democratic Services be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 tying the new unit to the existing farmhouse, and any other appropriate conditions felt to be necessary by the Head of Planning Services.

106. DCSE2007/3931/F - INSTALLATION OF SINGLE STOREY STRUCTURE FOR EXTENDED SCHOOLS SERVICES UNIT. JOHN KYRLE HIGH SCHOOL, LEDBURY ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7AJ

The Development Control Manager reported the following:-

Ross on Wye Town Council – No objections

A letter of objection has been received from M Lewis, 50 Three Crosses Road. The reasons are that building is too close to the boundary, in the past there have been supervision difficulties with pupils in the vicinity and there has been damage to her property and pupils have entered it. The new building would bring similar problems.

Councillor JE Pemberton asked for a deferral of the application for an appraisal into the costs of the proposals, the operation of the scheme and how any hazards would be dealt with. Councillors Watts and Woodward expressed similar views. The Southern Team Leader said that his report covered the planning issues involved and that any other matters were outside the remit of the Committee. A motion that the application be deferred was lost.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

INFORMATIVES:

1 N19 - Avoidance of doubt

2 N15 - Reason(s) for the Grant of Planning Permission

107. DATE OF NEXT MEETING

11 April 2008

The meeting ended at 1.41 p.m.

CHAIRMAN

PLANNING COMMITTEE

11 APRIL, 2008

**REPORT OF THE NORTHERN AREA PLANNING
SUB-COMMITTEE**

Meeting held on 12 March, 2008

Membership:

Councillor J.W. Hope M.B.E (Chairman)

Councillor P.M. Morgan (Vice-Chairman)

**Councillors LO Barnett, WLS Bowen, RBA Burke, ME Cooper,
JP French, JHR Goodwin, KG Grumbley, B Hunt, RC Hunt, TW Hunt,
TM James, P Jones CBE, R Mills, RJ Phillips, A Seldon, RV Stockton,
J Stone, JK Swinburne, PJ Watts**

PLANNING APPLICATIONS

1. The Sub-Committee has dealt with the planning applications referred to it as follows:-
 - (a) applications approved as recommended – 3
 - (b) applications refused as recommended - 0
 - (c) applications deferred for further information/site inspection – 1
 - (d) applications approved or refused against officer recommendation - 1
 - (e) number of public speakers – 1 parish/town council representative, 3 objectors and 3 supporters

PLANNING APPEALS

2. The Sub-Committee received information reports about 2 appeals received, 2 dismissed, 1 upheld and 1 withdrawn.

**J.W. HOPE M.B.E
CHAIRMAN
NORTHERN AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for meeting held on 12 March, 2008.**

PLANNING COMMITTEE

11 APRIL 2008

REPORT OF THE CENTRAL AREA PLANNING SUB-COMMITTEE

Meeting held on 19 March 2008

Membership

Councillors:

JE Pemberton (Chairman)
GA Powell (Vice-Chairman)

PA Andrews, WU Attfield, DJ Benjamin, AJM Blackshaw, ACR Chappell, SPA Daniels, H Davies, GFM Dawe, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, TW Hunt (ex-officio), MD Lloyd-Hayes, RI Matthews, AT Oliver, SJ Robertson, RV Stockton (ex-officio), AP Taylor, AM Toon, NL Vaughan, WJ Walling, DB Wilcox and JD Woodward.

PLANNING APPLICATIONS

1. The Sub-Committee has met once and dealt with the planning applications referred to it as follows:-
 - (a) applications approved as recommended - 5
 - (b) applications minded to refuse, contrary to recommendation - 2 [referred to Head of Planning Services]
 - (c) site inspections - 2
 - (d) number of public speakers - 5 (objectors - 1, supporters - 4)

PLANNING APPEALS

2. The Sub-Committee received information reports about 2 appeals that had been received and 3 appeals that had been determined (2 upheld, 1 withdrawn).

**JE PEMBERTON
CHAIRMAN
CENTRAL AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for the meeting held on 19 March 2008**

PLANNING COMMITTEE

11 APRIL 2008

**REPORT OF THE SOUTHERN AREA PLANNING
SUB-COMMITTEE**

Meetings held on 5 March 2008 and 2 April 2008

Membership:

**Councillors: Councillor G Lucas (Chairman)
Councillors PD Price (Vice-Chairman)**

**CM Bartrum, H. Bramer, PGH Cutter, MJ Fishley, A.E. Gray,
TW Hunt (Ex-officio), JA Hyde, JG Jarvis, RH Smith, RV Stockton (Ex-
officio), D.C. Taylor and J.B. Williams**

PLANNING APPLICATIONS

1. The Sub-Committee has dealt with the planning applications referred to it as follows:-
 - (a) applications approved - 4
 - (b) applications minded to approve - 2
 - (c) applications deferred - 4
 - (d) number of public speakers - 10 (3 objectors and 7 supporters)

PLANNING APPEALS

2. The Sub-Committee received information reports on 6 appeals received and 14 appeals determined (10 Dismissed, and 4 Upheld).

**G. Lucas
CHAIRMAN
SOUTHERN AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for the meetings held on 5 March 2008 and 2 April 2008.**

POLYTUNNELS SUPPLEMENTARY PLANNING DOCUMENT

Report By: Forward Planning Manager

1 Wards Affected

County-wide

2 Purpose

- 2.1 To receive and agree for consultation purposes a draft supplementary planning document (SPD) setting out further planning guidance on polytunnel development. This document is included within the Council's Local Development Scheme (January 2008) and is being produced in line with the regulations of the new planning system introduced under the Planning and Compulsory Purchase Act 2004.

3 Financial Implications

- 3.1 Costs such as printing and undertaking the consultation exercise will be met from approved budgets.

4 Background

- 4.1 This supplementary planning document is being produced to expand upon and provide additional information and guidance in support of policies contained within the Herefordshire Unitary Development Plan. As there is no single polytunnels policy within the Plan, a range of policies will need to be considered when assessing such proposals.
- 4.2 The purpose of the document is to make clear to applicants and interested parties the policy areas and requirements such development proposals will need to address and against which they will ultimately be assessed. Once adopted, it will become a material consideration in the determination of planning applications. The document will replace the Council's Voluntary Code of Practice to control polytunnels which has been suspended.
- 4.3 In July and as part of initial consultation and information gathering, the Council published an Issues Paper and sought the views of Parish Councils, statutory undertakers, interested organisations, growers and stakeholders as to the form that this document should take. This was followed by structured consultation events with both representatives from the farming/growing community and with local individuals and representatives from interested lobby groups. The consultation process follows the Council's Statement of Community Involvement and comments received to date are summarised in a separate 'Consultation Statement' which can be viewed on the Council's website. These comments have helped shape the draft SPD.

- 4.4 In accordance with Government guidance, the SPD is subject to a Sustainability Appraisal, which can also be viewed on the Council's website. The Sustainability Appraisal tests the performance of the SPD against a series of environmental, social and economic objectives. The appraisal will review any changes proposed to the SPD as it progresses to completion.

5 Aims of the SPD

- 5.1 The aim of the SPD is to assist all involved as to the requirements and issues to be addressed in any polytunnel development proposal. In so doing it attempts to:
- Help clarify the forms of development that will require planning permission;
 - Set out the planning issues associated with the erection of polytunnels;
 - Set out the UDP policies that will need to be addressed;
 - Make clear the additional information that would need to accompany an application; and
 - Set out the Council's pre-application planning guidance.

6 SPD Outline

- 6.1 The SPD is made up of the following sections:
- Sections 1 and 2: Introduction and Context – setting out role and purpose, use of polytunnels/methods of growing, associated development, planning control, planning policy context and main UDP policies.
 - Sections 3 and 4: Planning Issues – outlining and assessing the planning issues that most frequently arise when planning applications are considered. Setting out policy guidelines.
 - Section 5 – sets out the additional information that may need to be submitted with a planning application.
 - Section 6 – advice and opportunity for pre-application discussions, advice on types and forms of applications including 'whole farm plans'.

7 SPD Process

- 7.1 When agreed the draft SPD will be published for consultation purposes. Consultation will be in accordance with the procedures set out in the Council's Statement of Community Involvement. A Sustainability Appraisal and Consultation Statement will accompany the SPD. All comments received from this further consultation will be reported back to this Committee along with recommended changes.

RECOMMENDATION

THAT the Cabinet Member (Environment and Strategic Housing) be recommended to agree the publication of the Draft Supplementary Planning Document for consultation purposes.

Background papers

Local Development Scheme (January 2008)
Statement of Community Involvement (March 2007)
Herefordshire Unitary Development Plan (March 2007)
Sustainability Appraisal – Subsidiary Scoping Report October 2007.

Polytunnels

Supplementary Planning Document

April 2008



Draft Polytunnels Supplementary Planning Document (SPD)

April/May 2008

Draft Polytunnels Supplementary Planning Document (SPD)

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SECTION 1: INTRODUCTION

ROLE AND PURPOSE OF THE SPD

- 1.1 With the use of polytunnels for agricultural soft fruit production expected to rise, Herefordshire Council have prepared this supplementary planning document (SPD) to help potential applicants prepare their planning applications. It will also provide useful information to officers of the Council and other interested parties, local residents for example, on how the Council expects the many issues to be addressed within planning applications.
- 1.2 The SPD, which replaces a previous voluntary code of practice, will assist in clarifying which polytunnel developments will require planning permission and highlight the planning policy issues and requirements such proposals will need to address. It will expand upon and provide more detailed planning guidance on a number of relevant, but non polytunnel-specific UDP policies.

CONSULTATION

- 1.3 In July 2007, the Council published an Issues Paper to enable early consideration and comment to be made to the SPD. This was followed by structured consultation events with both representatives from the farming/growing community and with local individuals and representatives from interested lobby groups. The consultation process follows the Council's Statement of Community Involvement and responses are detailed in a separate 'Consultation Statement' which can be found on the Council's website. Those responses have helped shape the draft SPD.

SUSTAINABILITY APPRAISAL

- 1.4 In accordance with Government guidance, this SPD is subject to a Sustainability Appraisal, which can be viewed on the Council's website www.herefordshire.gov.uk. The Sustainability Appraisal tests the performance of this draft SPD against a series of environmental, social and economic objectives. These were devised as part of the General Scoping Report of the Sustainability Appraisal of the Herefordshire Local Development Framework, which can also be found on the Council's website.

WHAT ARE POLYTUNNELS?

- 1.5 Typically a polytunnel consists of galvanised steel hoops covered with transparent polythene sheeting and are mainly used as cost effective greenhouses. There are various sizes and differing materials used in their construction and also differences in the methods of fixing to the ground. How they are assembled and the level of on-site construction required also varies depending on the type of polytunnel used. Many tunnels used in soft fruit production tend to be 'multispan' structures, where two or more tunnels are linked to form a much larger structure. Technology in this area is expanding apace and additional extras such as ventilation kits, irrigation systems or windows as well as alternative materials are frequently being introduced.

- 1.6 This SPD is primarily concerned with the agricultural 'industrial'-scale use of polytunnels for plant protection. Where they are used for the production of soft fruit, polytunnels provide the benefits of extending the growing season, widening the variety of crops grown and providing some protection against pests and diseases. Other benefits to soft fruit producers will be identified later in this document.

THE INCREASING USE OF POLYTUNNELS

- 1.7 Crop production in the UK currently accounts for 24% (or 4.4 million hectares) of land in agricultural use¹. Whilst Defra figures show a national overall decline in the total land used for soft fruit production between 1994 and 2004 they also reveal an increase in total soft fruit production². More fruit is being produced from less land. Defra information also shows an increase in the protected planted area for both fruits and vegetables. Within Herefordshire, the land used for soft fruit production has increased by 61% since 2001, however still accounts for only 2% of cropping land in the county³. Finally, and over recent years the value of fruit has increased by 16% to £285 million to meet increased demand⁴.

TABLE TOP AND RAISED BED GROWING

- 1.8 Recently soft fruit production has been evolving and there is a move amongst growers towards the use of 'table top' methods of production, whereby crops are grown in raised beds. The plants grow in substrate bags or trays containing coir, peat or coco peat, which sit on platforms, raised a few feet above ground level. The raised beds are connected to a system that irrigates the crops and provides necessary nutrients and pesticides. Such crops are grown within a polytunnel-protected environment.
- 1.9 As the crops are not grown in the ground, there is no need to rotate them in the usual way. This method of production requires significant financial investment. It is estimated by some growers that at least ten years production is needed to recoup the cost of installing the table top growing infrastructure.
- 1.10 In terms of planning, the use of table top growing methods will mean that polytunnels and their associated infrastructure will be erected on a permanent basis. In addition, it would seem logical to suggest that since plants are grown in substrate, the location of the tunnels would not be soil dependant, although it is recognised that being near to a reliable water source is necessary for irrigation.

¹ ONS Official Yearbook 2005

² Defra Basic Horticultural Statistics 2005

³ Herefordshire Partnership, Quarterly Economic Bulletin (August 2007)

⁴ ONS Official Yearbook 2005

SECTION 2: PLANNING CONTEXT

POLYTUNNELS AND PLANNING CONTROL

- 2.1 The question of whether or not polytunnels require planning permission has hinged on the initial consideration of two questions:
- (i) Are polytunnels ‘development’? and
 - (i) If they are ‘development’, are they ‘permitted development’?
- 2.2 Whether or not a proposal constitutes ‘development’ is guided by section 55(1A) of the 1990 Act, where development is defined as:
- “the carrying out of building, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land”*
- 2.3 It is the first part of this statement that is most pertinent to the issue of polytunnels, i.e. does the erection of a polytunnel constitute a ‘building operation’? The answer to this question is found not in legislation, but in caselaw. Essentially, three tests have emerged from previous key cases, known as Cardiff Rating⁵, Skerrits of Nottingham⁶ and the Brinkman⁷ cases. These tests are:
- (i) Size – a building is most usually something that is constructed on-site rather than being bought ready made.
 - (ii) Permanence – a building is characterised by a physical change of some permanence.
 - (iii) Physical attachment – for example; foundations. Method of fixing to the ground is considered as inconclusive in itself, but can influence the other two factors.
- 2.4 In order to help simplify the question of whether or not a certain polytunnel development will require planning permission, the following flow chart can be used. Whilst there may be occasional examples of polytunnels that do not require planning permission (e.g. genuinely very small cloches for a single season upon an allotment), the majority of polytunnels normally utilised by commercial soft fruit growers in the county do represent development. However, each case should be treated on its merits and the three tests of size, degree of permanence, and physical attachment to the ground should continue to determine whether or not they constitute ‘development’ requiring planning permission.
- 2.5 Where an agricultural polytunnel is assessed and subsequently considered to constitute ‘development’, then the local planning authority will need to determine whether it falls within the definition of ‘permitted development’ under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (known as the GPDO).
- 2.6 In some circumstances, certain developments (such as agricultural operations) are allowed to take place without the need to apply for planning permission. In such cases the statutory planning system provides for what is known as ‘permitted development’, in certain strictly set out situations, as defined in the GPDO. The

⁵ Cardiff Rating Authority v Guest Keen Baldwin’s Iron and Steel Company Limited [1949] 1 KB 385

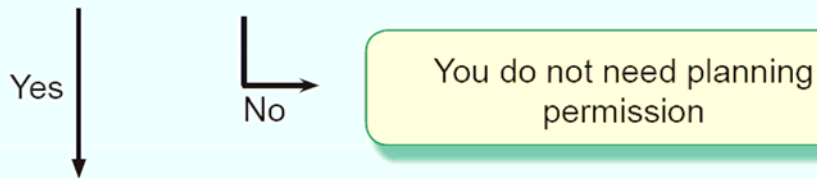
⁶ Skerrits of Nottingham Limited v Secretary of State [2000] 2 PLR 102

⁷ Brinkman Brothers Limited v Chichester District Council T/APP/X/98/L3815/003017/P6

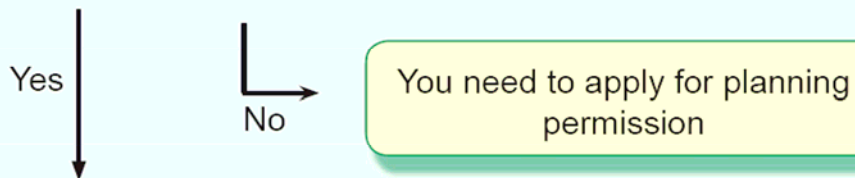
following electronic link provides detailed guidance on this legislation:
http://www.opsi.gov.uk/si/si1995/Uksi_19950418_en_1.htm

Does your Polytunnel(s) Need Planning Permission?

Does your proposal involve 'development'?



Does it have 'permitted development rights'?



Check if you need the local planning authority's prior approval for certain details, such as : siting, design, appearance, landscaping.



Associated Development

- 2.7 The development of polytunnels, particularly those on a large scale, will invariably also involve the need for other ancillary works or buildings. These may include, for example; seasonal workers' accommodation, toilet blocks, sewage treatment works, utility buildings, recreational facilities, drainage or irrigation works etc. Ideally planning applications for polytunnels should also include such associated developments. This will enable a comprehensive assessment of all relevant planning issues.
- 2.8 Where planning applications for various developments are to be submitted separately, then the application for polytunnels should come in advance of applications for associated developments, since it is the presence of the tunnels which dictates the necessity for other related proposals.
- 2.9 This SPD includes guidance on water resources and the need to avoid flood risk, together with the likely need for drainage works or water collection facilities to be included in applications for polytunnel developments. Planning policy guidance for associated buildings is guided by both national and local planning policies and is therefore not covered in this document.

PLANNING POLICY CONTEXT

- 2.10 When planning applications are submitted to the local planning authority they must be determined in accordance with the local development plan, unless material considerations indicate otherwise⁸. In Herefordshire the development plans are the Herefordshire Unitary Development Plan (UDP) and the Regional Spatial Strategy for the West Midlands. Other further guidance relative to the development of polytunnels is contained within national policy statements (PPGs and PPSs) whilst the Herefordshire Landscape Assessment Interim SPG provides detailed information on landscape character.
- 2.11 The following table shows a list of the UDP policies which could be of relevance to proposals for polytunnel development within the County and outlines examples of issues they cover. There will be a number of these policies which are only relevant in certain instances.

Key UDP Policies	Examples of Issues Addressed through Policies
S1 Sustainable development	<ul style="list-style-type: none"> ▪ General sustainability considerations ▪ Protection & enhancement of natural environment & historic heritage ▪ Safeguarding of visual amenity & landscape character ▪ Support for sustainable economic activity & high and stable levels of employment ▪ Support for sustainable approaches to land use & management in rural areas ▪ Avoidance or minimisation of adverse impacts of human activities, land uses & development on the physical environment
S2 development requirements	<ul style="list-style-type: none"> ▪ Ensuring that new development is sustainable & is designed within environmental constraints ▪ Taking a risk-based, precautionary approach to flood risk

⁸ The Planning System: General Principles Para. 10 (2005, ODPM)

	<ul style="list-style-type: none"> ▪ Avoiding developments with significant negative environmental effects & providing mitigation/compensation where this is unavoidable ▪ Taking account of existing & proposed infrastructure (e.g. water supply, water resources, highway network)
S4 employment	<ul style="list-style-type: none"> ▪ Building a strong, competitive economy with a balanced mix of businesses, jobs & homes through which the local economy can flourish
S6 transport	<ul style="list-style-type: none"> ▪ Promotion of safe, efficient & sustainable movement of people & goods within the context of reducing the need to travel
S7 natural & historic heritage	<ul style="list-style-type: none"> ▪ Herefordshire's historic & natural heritage will be protected, restored or enhanced
DR1 design	<ul style="list-style-type: none"> ▪ Promoting or reinforcing character & appearance of locality in terms of layout, scale, mass etc. ▪ Respecting the context of the site ▪ Including measures to address the conservation of energy & water and avoiding nuisance & pollution
DR2 land use & activity	<ul style="list-style-type: none"> ▪ Avoiding prejudice to the amenity or continued use of adjoining land & buildings
DR4 environment	<ul style="list-style-type: none"> ▪ Minimising resource use, including water & energy ▪ Safeguarding the availability & quality of surface & groundwater supplies ▪ Avoiding the creation of or exacerbation of flooding or pollution problems ▪ Avoiding adverse effects to other land users, residential amenity or the environment
DR6 water resources	<ul style="list-style-type: none"> ▪ Resisting development where there is an unacceptable risk to the availability or quality of water resources
DR7 flood risk	<ul style="list-style-type: none"> ▪ Flood risk assessments ▪ Avoiding the unacceptable risk of flooding
DR13 noise	<ul style="list-style-type: none"> ▪ Inclusion of appropriate measures to mitigate noise impact to acceptable levels ▪ Consideration of the quiet enjoyment & tranquillity of the wider countryside, landscape, wildlife areas & historic features
E13 agricultural & forestry development	<ul style="list-style-type: none"> ▪ Avoiding adverse impacts on residential amenity and the environment
T6 walking	<ul style="list-style-type: none"> ▪ Acknowledgement of individual & network value of walking routes ▪ Demonstration that local/strategic significance of walking routes through development sites is considered ▪ Respecting utility, convenience, recreational value, attractiveness & historical significance of public rights of way ▪ Ensuring public right of ways are kept open and usable during development works
T8 Road Hierarchy	<ul style="list-style-type: none"> ▪ New accesses onto the strategic highway network will not be encouraged & should not inhibit the strategic function of these routes. ▪ Development proposals needing access onto the road network should have regard to certain issues (as set out).
LA1 Areas of Outstanding Natural Beauty	<ul style="list-style-type: none"> ▪ Giving priority to the protection & enhancement of the natural beauty & amenity of AONBs ▪ Providing guidance on which types of development will be permitted and of exceptions to this.
LA2 landscape character & areas least resilient to change	<ul style="list-style-type: none"> ▪ Avoiding adverse effects on overall character of the landscape or its key attributes or features ▪ Landscape character should influence design, scale, nature & site selection
LA3 setting of settlements	<ul style="list-style-type: none"> ▪ Avoiding development which has adverse effects on the landscape setting of settlements ▪ Protection & enhancement of visual approaches into settlements,

	views of key buildings, ridgelines & valued surrounding open countryside, for example
LA4 protection of historic parks & gardens	<ul style="list-style-type: none"> ▪ Avoiding adverse effects on the historic character, appearance & setting etc of registered & unregistered parks & gardens ▪ Submission of historic landscape appraisal report & restoration scheme where proposals affects such areas
LA5 protection of trees, woodlands & hedgerows	<ul style="list-style-type: none"> ▪ Provides for the enhancement and protection of trees and hedgerows
LA6 landscaping schemes	<ul style="list-style-type: none"> ▪ Submission of landscaping schemes where development proposals will affect the visual amenity or character of the location
NC1 biodiversity & development	<ul style="list-style-type: none"> ▪ Consideration of the effects on biodiversity & features of geological interest ▪ Retention of existing wildlife corridors with layout & design ▪ Avoidance of adverse effects on adjacent biodiversity, or proposals which lead to fragmentation, increased isolation or damage to protected habitats or species
NC2 sites of international importance	<ul style="list-style-type: none"> ▪ Development which would adversely affect such sites will not be permitted other than in exceptional circumstances
NC3 sites of national importance	<ul style="list-style-type: none"> ▪ Development which would adversely affect such sites will not be permitted other than where the reasons clearly outweigh the nature conservation value of the site & the national policy to safeguard the network of such sites
NC4 sites of local importance	<ul style="list-style-type: none"> ▪ Development which would adversely affect such sites will not be permitted other than where there would be no harm to the substantive nature conservation value of the site, or where mitigation & compensatory measures can be taken, or where the reasons for development clearly outweigh the need to safeguard the nature conservation value of the site
NC5 European & nationally protected species	<ul style="list-style-type: none"> ▪ Development which would adversely affect particular species will not be permitted ▪ Where a need for development is demonstrated, strict conditions/agreements will be imposed
NC6 Biodiversity Action Plan priority habitats & species	<ul style="list-style-type: none"> ▪ Proposals that threaten priority species or habitats will not be permitted unless reasons for development clearly outweigh the need to safeguard the habitat or species
NC8 habitat creation, restoration & enhancement	<ul style="list-style-type: none"> ▪ The design of new developments should, wherever possible, enhance existing wildlife habitats & provide new habitats for wildlife as opportunities arise
NC9 Management of features of the landscape important for flora & fauna	<ul style="list-style-type: none"> ▪ Proposals including measures for the creation, restoration, enhancement or protection of biodiversity will need to provide for the management and monitoring of those features concerned.
HBA4 setting of listed buildings	<ul style="list-style-type: none"> ▪ Seeks to protect the setting of listed buildings
ARCH 1 – 6 Archaeology	<ul style="list-style-type: none"> ▪ Policies protecting sites / structures of archaeological importance.
RST9 Herefordshire & Gloucestershire Canal	<ul style="list-style-type: none"> ▪ Historic route of the H & G canal & associated infrastructure will be safeguarded. ▪ Where original alignment cannot be re-established, a corridor allowing for deviations should be safeguarded. ▪ New developments on/adjacent to Canal will be required to incorporate land for restoration. ▪ Development which would prevent or prejudice the restoration of a continuous route will not be permitted.

SECTION 3: PLANNING ISSUES

3.1 There will be a variety of planning issues associated with the erection of polytunnels. The following list is not exhaustive, but outlines the planning issues that most frequently arise when applications for planning permission are being considered:

- **Economic Need and Impacts**

Issues of relevance to the determination of planning applications may include the potential economic advantages and disadvantages to both the individual grower and to the wider local and national economies and the potential impacts on local tourism and leisure industries or on local services for example.

- **Landscape and Visual Impacts**

The prominence of polytunnels in the landscape is an important consideration, particularly where a development is proposed in an AONB or close to a listed building or other sensitive area.

- **Residential Amenity**

Those living close to polytunnels may be adversely affected due to negative visual impacts, dust, noise or increased traffic movements for example.

- **Transport**

Any highway safety issues should be considered, particularly since polytunnel developments are frequently associated with increased heavy vehicular traffic along narrow country lanes.

- **Water**

Flood risk and surface water run-off should be carefully addressed, as should potential adverse impacts on local water resources. Active management techniques and mitigation measures proposed should also be taken into account.

- **Biodiversity**

Ecological surveys or analyses will provide essential information on how an expanse of polytunnels may affect the biodiversity of an area.

- **Public Rights of Way**

Both the use and enjoyment of public rights of way should not be adversely affected by the erection of polytunnels and the Herefordshire Council has a legal duty to assert and protect the rights of the public in these respects.

- **Archaeology**

Polytunnels and, more often, their associated works, such as the installation of irrigation systems and the creation of access roads or hardstandings, have the potential for impacting on archaeological interests.

SECTION 4: DETAILED ASSESSMENT OF PLANNING ISSUES

- 4.1 The following section sets out in detail how the various planning issues previously outlined by the Council should be considered by the applicant at the pre-application stage and by the Council once applications have been submitted.
- 4.2 Although there are often many planning issues that need to be considered when assessing the appropriateness of a polytunnel scheme, a refusal or approval of an application may, in many instances, be the result of a balancing of two key issues: economic benefits/impacts and landscape impacts. It is therefore these that are first discussed below, followed by a number of other planning considerations that must be fully addressed in order that all potential issues surrounding an application can be adequately considered. Although the list is comprehensive, it may not be exhaustive, depending on the particular circumstances of the proposal.

➤ **ECONOMIC NEED AND IMPACT**

- 4.3 A fundamental argument in favour of polytunnels is the economic benefit (primarily for farmers, but also potentially for the wider local or national economy), which can be derived from their use, resulting in the production of high value fruit or vegetables.
- 4.4 Herefordshire's economic vulnerability is reflected in and recognised by its inclusion in a wide range of European, national and local funding schemes. The narrow economic base inherited from pre-industrial times largely persists in Herefordshire, where there is still a dependency on food production, processing, rural resource management and tourism.
- 4.5 Planning policies at national, regional and local levels recognise the importance of the agricultural sector. PPS7 advises local authorities to support development proposals that enable farming to become more competitive, sustainable and environmentally friendly and to adapt to changing markets. Herefordshire is part of the Rural Renaissance Zone defined in the Regional Spatial Strategy (RSS) for the West Midlands. Policy PA15 seeks to promote agriculture and farm diversification. Including new innovative crops, on-farm processing and local marketing.
- 4.6 The UDP's overall development strategy was produced in the light of the need to promote a diverse and strengthening rural economy, whilst protecting its quality landscapes and making sustainable use of natural resources. Policy E13 deals with agricultural development and the supporting text refers to the need to balance landscape impact against the operational needs of agriculture, recognising that necessary development are often prominent in the rural landscape.
- 4.7 The economic argument is of particular importance when polytunnel developments are proposed in AONBs. In such instances an applicant must show clear evidence that the development is necessary in terms of providing direct benefits to the local community for example in relation to local services or facilities, particularly in the light of any potential harm to the landscape which may be identified.

4.8 Where applications relate to undesignated landscapes these economic arguments are still appropriate since economic benefits to the County (and the UK) are important planning considerations, alongside environmental ones.

(a) Commercial Economic Benefits

4.9 The soft fruit industry has, both within previously submitted planning applications/appeals and through general information (such as that produced by British Summer Fruits) outlined the potential economic benefits of producing fruit under cover and these arguments can be produced as part of a planning application. (Where information is commercially sensitive this will be treated confidentially by the Council and any associated paperwork kept out of publicly available files.) The following points were derived primarily from the British Summer Fruits website (www.britishsummerfruits.co.uk) and may be relevant to a planning application:

- *Demand for High Quality Produce* – it is argued that it is no longer realistic or economic to grow crops such as strawberries in the UK climate to the standards of reliability and quality demanded by today's customers without tunnel protection. This situation also applies to other UK grown crops such as tomatoes, onions, carrots, potatoes, peppers and flowers.
- *Production Yield and Costs* – Prior to the introduction of polytunnels, only 50% of an average yield consisted of class 1 fruit. Protecting fruit under tunnels has increased this to 90%. Protected soft fruit on average produces 30-35% improved class 1 yield versus outdoor non-protected production. This makes growing the crop economically viable. For a grower, this can mean the difference between having a prosperous business and going out of business, since labour costs are too great to afford picking off large percentages of low grade or unsaleable fruit.
- *Demand and Supply* – UK consumers are now demanding a reliable, year-round supply of soft fruits. Where crops are grown in the open air, production is unpredictable due to rainfall preventing harvesting and spoiling fruit. Poly tunnel growing enables a continuous and reliable supply of fresh and quality fruit, which is grown and sold in this country.
- *Growth and Diversification of Agricultural Sector* – The British soft fruit industry has used polytunnel systems to lengthen the growing season from six weeks to eight months or more. This has significantly reduced the amount of soft fruit imported into the UK, ensuring that the British soft fruit industry is economically successful in a period when, in general, the UK agricultural sector is in a period of decline.

(b) Wider Benefits to the Local Rural Economy or the National Economy

4.10 In addition to the commercial/business economic benefits of producing crops under tunnels, there may also be economic benefits to both the economy of the wider rural community and the agricultural economic prosperity of the country as a whole. It is those benefits to the local or national economy that are likely to carry the more weight in the determination of a planning application than those economic benefits to individual businesses. Therefore properly evidenced statements of such advantages should be an important component of any planning application.

- *Employment and the Rural Economy* – The soft fruit industry is labour intensive compared to many other parts of the agricultural sector. Staff working on fruit farms where polytunnels extend the growing season can be employed for longer parts of the year than was previously the case before the

introduction of tunnel growing. During harvesting, seasonal workers are brought in to a growing area. They then contribute to the local economy by spending money in local shops and businesses and making use of local services, for example. In addition soft fruit enterprises will purchase goods and services from elsewhere both locally and in the UK, helping to support jobs in supplier companies.

- *Impact on local services.*

The number of employees required to work on fruit farms has resulted in an increase in inward migration to rural areas. Although local inhabitants have objected to this because of the perceived pressures this is putting on local services such as schools, police, doctors' surgeries and even on internet terminals in libraries, this is a moot point. Conversely, others argue that the general decline in rural services that has taken place over recent years has been reversed as a result of an increase in demand for the services they provide. Local bus services are said to be better supported, as are shops, pubs, schools etc. This could be helping to keep these services alive in rural locations, where they have previously struggled to remain economically viable. The positive or negative influence of an increase in local populations, whether temporary or permanent, should be addressed as part of the assessment of the economic effects that polytunnel proposals may have on localities.

- *Pesticide Usage* – The use of polytunnels results in significant reductions in moisture related diseases such as botrytis, downy mildew and black spot, meaning that fewer pesticides to control these types of diseases have to be purchased and used (this can equate to a 50% reduction in botrytis fungicide use or more). This can be beneficial not only for the economic viability of the farm, but also for the environment.

- *Reduction in Food Miles* – Over the last 10 years the substitution of imported fruit for local fruit has resulted in significant sustainability benefits of reducing the international transportation of fruit by air and road. For instance, until recent years fruit was air-freighted from California as the main source of late summer and early autumn soft fruit, but these imports have been eliminated. Nationally this import substitution is valued at over £100 million. Although the contributions that individual farms make are relatively small, it is considered that weight should be attributed to their share of this overall national economic benefit.

- 4.11 The decision of the Council that weight should be given to the economic benefits of increased covered soft fruit production when assessing planning applications was supported by the comments of an Inspector in the appeal decision in 2008 on a soft fruit enterprise at Kings Caple⁹.

<p>SUPPLEMENTARY GUIDELINE 1: ECONOMIC BENEFITS [RSS Policy PA15 and UDP Policy S4]</p>
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<p>The benefits of polytunnels in enabling the production of increased quantities and qualities of soft fruit, the sustainability benefits of reducing food miles and the positive contribution to the rural economy are all matters</p>

⁹ The Planning Inspectorate Appeal Decision Ref. APP/W1850/C/07/2041603 Land at Pennoxstone Court, Kings Caple, Herefordshire, HR1 4TX (08.01.08).

to which considerable weight will be accorded in the balance of considerations.

(c) Local Tourism and Leisure – Economic Impacts

- 4.12 In addition to the economic points raised above, there is also another side to the economic impacts of polytunnels, which must also be considered. Landscapes, particularly those that are specifically protected, are an important focus for tourism and other leisure visits to the countryside of Herefordshire, bringing income to the wider rural economy. The visual impacts of polytunnel use could prove detrimental to these interests. It is acknowledged that there is little current statistical evidence produced by the Council or others on the effect of polytunnels on tourism.

➤ **LANDSCAPE AND VISUAL IMPACTS**

- 4.13 In Herefordshire where the high quality of the landscape is part of the intrinsic character of the area, the visual impact of polytunnels is invariably the most significant planning issue in connection with polytunnel development. The much valued landscape assets are irreplaceable and must be conserved if sustainable development is to be achieved. It is the Council's ambition to regenerate rural areas and encourage sustainable development in living communities, whilst recognising the need to protect the historic landscape character and identity.
- 4.14 Applications for tunnels will be expected to fully address the landscape impacts of the proposal, both individually and in the context of other similar developments within visual proximity of the proposal site.
- 4.15 The Supplementary Planning Guidance (SPG) document *Landscape Character Assessment* (2004) provides the guidance necessary to enable applicants to ensure that their development proposals comply with the landscape policies of the UDP. It is intended to promote the use of landscape assessment as part of the development control process, to increase awareness of the countryside's character and to ensure that future development is compatible with that character.
- 4.16 It is often inevitable that proposals for development in the countryside will alter the appearance of the landscape. However, the Council's planning policies stress the importance of ensuring that change should be appropriate to its setting and not be allowed to overwhelm and destroy the inherent character of the landscape. The landscape's ability to accept a polytunnel development without undue harm should be a prime consideration.

(a) Protected Landscapes

- 4.17 Areas of Outstanding Natural Beauty are statutory landscape designations. Local planning authorities have a duty of care to protect, conserve and enhance the natural beauty and character of these nationally important, high quality landscapes.
- 4.18 The UDP also contains specific policies for development in the two AONBs in Herefordshire, which seek to complement both AONB management plans and reconcile development needs and visitor pressure with the conservation of the landscape and natural resources.
- 4.19 In AONBs, UDP policy LA1 states that development will only be permitted where, amongst other things, it does not adversely affect the intrinsic natural beauty of the landscape. Clearly the protection of such nationally designated landscapes is of

utmost importance and development that adversely impacts upon them will not generally be permitted.

- 4.20 Whilst it may be possible to accommodate change within particularly sensitive or ancient landscapes, the scale of the change is likely to be very limited before the character of the landscape is compromised. This is especially true if the least resilient attributes of landscape character are those that are affected by the change.
- 4.21 In addition to the statutory development plan, the local planning authority will also take account of such non-statutory documents like AONB management plans during the determination of a planning application. Therefore developments that conflict with these aims are unlikely to be supported.
- 4.22 Although some have argued that there should be a blanket ban on polytunnel development in AONBs, this is not a feasible option. There may very well be instances where small scale tunnel developments may be acceptable and it should be acknowledged that AONBs are working landscapes where farming and other businesses should be allowed to thrive where there are no significantly detrimental impacts on the intrinsic natural beauty and character of the protected landscape.

SUPPLEMENTARY GUIDELINE 2: AREAS OF OUTSTANDING NATURAL BEAUTY
[UDP Policy LA1]

In AONBs, in marginal cases where economic benefits are being weighed against landscape impact, priority will be afforded to the landscape over all other planning considerations.

(b) Landscapes with no statutory designations

- 4.23 Policy LA2 of the UDP states that proposals for new development that would harm the character of the landscape, or its key attributes, as described in the Supplementary Planning Guidance: *Landscape Character Assessment* (2004) will not be permitted and that new development should take account of landscape character. With polytunnel developments, it is most often the large scale, cumulative impact and prominent visibility of such schemes that causes harm to landscape character.
- 4.24 The capacity of different landscape types to accommodate change should be assessed (with information contained in the Landscape Character Assessment SPD and site visits providing the necessary guidance). Some landscapes may be less sensitive, such as those that are intensively farmed, and should be able to tolerate a wider range and higher (although not unlimited) level of change. Development of polytunnels in such areas would reduce the risk of weakening characteristics considered essential to their definition.
- 4.25 One of the major objections raised to polytunnel development is the sheer scale of coverage of land in any one area. This often occurs gradually as farmers expand their polytunnel requirements year on year. The effect on the landscape of an area can be significant and therefore the cumulative impact of tunnel developments will be fully considered during the planning application process. Where it is considered that the policies of the UDP that seek to protect landscape character or that on the setting of a settlement (LA3) would be breached by a new polytunnel proposal then it will be refused.

- 4.26 Encouraging growers to take a 'whole farm plan' approach to planning for polytunnels (see Section 6) would help the local planning authority to understand the potential cumulative impact of a number of closely located applications, in addition to the impact of rotating polytunnels on one farm from year to year or at different stages in the fruit growing process. The idea is to clarify where an applicant can and cannot erect polytunnels and under what restrictions. The 'whole farm approach' is promoted by the local planning authority, particularly during pre-application discussions, or where it is understood that polytunnels are likely to be erected on different parts of a farm at different times and where there are contiguous farms using polytunnels. A section on pre-application procedures is set in Section 6.

SUPPLEMENTARY GUIDELINE 3: CUMULATIVE IMPACT - LIMITS TO POLYTUNNEL COVERAGE
[UDP Policies S1, S2, S7, LA1, LA2, LA3 and E13]

The local planning authority will normally seek to secure, via an appropriate legal mechanism (usually a planning condition), a limit as to the total area of an agricultural holding or unit that may accommodate polytunnels.

SUPPLEMENTARY GUIDELINE 4: LANDSCAPE CHARACTER ZONES
[UDP Policies S1, S2, S7, LA1, LA2, LA3 and E13]

The local planning authority will normally seek to define distinct landscape character zones upon each agricultural holding or unit and secure, via an appropriate legal mechanism (normally a planning condition), a limit as to the total area of polytunnels within each distinct landscape character zone.

(c) Landscape - Mitigation

- 4.27 Clearly where it is considered by the local planning authority that a polytunnel proposal would cause unacceptable harm to the landscape, it will be refused. However, where it is considered that a development can be made acceptable by mitigation measures this may be reflected in a conditional planning permission. Depending upon the proposal concerned, these mitigation options could include:

(i) Landscaping/Screening – a condition could be attached to a planning permission stating that some form of tree planting is necessary to screen the polytunnels. However, in Herefordshire the nature of the rolling topography can often mean that tree screening is not successful in hiding the potential glare of fields of plastic sheeting, since the tunnels are visible from nearby high ground. Similarly, tree screening can be inappropriate in sensitive landscapes where the normal pattern of low vegetative cover (such as maintained hedgerows) may be detrimentally altered if tall trees are used to disguise polytunnel developments. Tree screening, where it is considered appropriate, can provide the opportunity to re-establish historic field patterns; however this can take decades to become truly effective. If it is possible within the business plan for a farm to identify areas where new polytunnels are likely to be required in the next 2/3 years, then potentially planning permissions can be obtained in advance (using the whole farm approach) so that landscaping schemes involving new planting can be implemented before the polytunnels are erected, giving them time to become effective.

Pre-application consultation with the conservation officers of the Council and their subsequent recommendations should be taken into account and conditions will be imposed on planning permissions as appropriate.

(ii) Use of non-reflective materials – some experiments have taken place using different coloured or less- reflective alternatives to the usual type of plastic tunnel sheeting, however, results have proved disappointing due to poor light levels reaching the plants beneath and no marked reduction in the negative impacts of the tunnels' appearance. Planning applicants should ensure that the technical specifications of the tunnels are detailed, including the type of material proposed as a covering to the metal frames.

SUPPLEMENTARY GUIDELINE 5: LANDSCAPE IMPACT – MITIGATION
[UDP Policies S1, S2, S7, DR1, LA1, LA2, LA3 and E13]

The local planning authority will not allow polytunnels to be erected in areas or individual fields that create a significant visual intrusion within the landscape and where their impacts cannot satisfactorily be mitigated by a landscaping scheme comprising indigenous species in the medium term.

(iii) Periods of coverage – when crops do not need to be protected, all polythene should be removed from the metal hoops of the tunnels during these periods of the year to help minimise the visual impacts of the development.

SUPPLEMENTARY GUIDELINE 6: POLYTHENE REMOVAL
[UDP Policies S1, S2, S7, DR1, LA1, LA2, LA3 and E13]

The local planning authority will normally attach a planning condition to any grant of planning permission ensuring that polytunnels are not covered with polythene during certain period(s) of each calendar year.

(d) Listed Buildings, Historic Parks and Gardens

- 4.28 The erection of polytunnels, construction of reservoirs and other associated works (such as the access roads and hardstandings) are likely to have a significant impact on the landscape and setting of designated and other national or regionally important sites. These impacts will be assessed in accordance with policies LA4 and HBA4 at the pre-determination stage of a planning application and, where appropriate, propose mitigation measures to address any adverse impacts.
- 4.29 The effect of a development on the character and setting of listed buildings is a particular material consideration in determining planning applications, since there are a plethora of such buildings throughout the Herefordshire countryside. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving listed buildings or their settings. The UDP similarly contains policy HBA4 which seeks to protect the setting of listed buildings. Whether or not a polytunnel development would adversely affect such a building should be assessed by a relevant historic buildings/conservation expert, who will determine whether or not impacts are sufficiently detrimental to warrant refusal of an application on these grounds or suggest mitigation measures where necessary.

**SUPPLEMENTARY GUIDELINE 7: SETTING OF LISTED BUILDINGS
[UDP Policy HBA4]**

Polytunnel developments that adversely affect the setting of listed building(s) will be not be permitted by the local planning authority.

**SUPPLEMENTARY GUIDELINE 8: HISTORIC PARKS AND GARDENS
[UDP Policy LA4]**

Polytunnel developments will not be permitted upon a registered historic park or garden nor will developments be allowed that adversely affect their setting. The same approach will apply to unregistered parks and gardens recognised and identified by Herefordshire Council as having local importance.

(e) Herefordshire and Gloucestershire Canal

- 4.30 The route of the Herefordshire and Gloucestershire Canal is the subject of long-term restoration project with the aim of re-opening the canal link between Hereford and Gloucester. It is recognised by Herefordshire Council that there are potential recreation, tourism and economic benefits to be gained from the project and the canal corridor has therefore enjoyed planning protection for many years.

**SUPPLEMENTARY GUIDELINE 9: SAFEGUARDED ROUTE OF
HEREFORDSHIRE AND GLOUCESTERSHIRE CANAL
[UDP Policy RST9]**

No polytunnels shall be erected within the safeguarded route of the Herefordshire and Gloucestershire Canal.

➤ **HIGHWAY MATTERS**

(a) Highway Safety and Access

- 4.31 It is primarily the increase in the number and frequency of lorry movements on narrow rural lanes both during the harvesting season and when the tunnels are erected or dismantled that is the cause of concern amongst those living close to polytunnels. Some, however, state that a high level of HGV movements occurs during most months of the year. The lorries have caused worries over highway safety, noise (particularly early in the morning and later in the evenings), damage to highway surfaces and their verges over time and mud and dust in the roads causing hazardous driving conditions. In addition to lorries, there is concern amongst local residents that when fruit pickers are being employed during harvesting, there is also general increase in the amount of cars and buses on rural lanes, used to transport employees to the fields, which again is a cause for concerns over highways safety.
- 4.32 Full consultation should take place with the local highways authority prior to the determination of planning applications to ensure that issues of highway safety are addressed. Where appropriate planning conditions should be imposed as recommended.
- 4.33 Some large scale developments may require a Transport Assessment/Study. This will be dependant upon existing and anticipated vehicular movements, including

heavy or large vehicles. However, in all other instances applications should be accompanied by a written statement (which could be incorporated in the Design and Access Statement) which addresses the amount and type of traffic to be generated and the adequacy of the local highway network to cater with that traffic both in terms of design and capacity. Other matters such as the adequacy of the vehicular means of access(es) to the application site and the adequacy or otherwise of visibility splays should be addressed.

**SUPPLEMENTARY GUIDELINE 10: HIGHWAY SAFETY
[UDP Policy T8]**

The applicant will need to demonstrate that the vehicular means of access(es) and the local highway network (in terms of both design and capacity) are adequate to cater with the traffic generation, addressing both numbers and types of vehicles.

(b) Public Rights of Way

- 4.34 The public rights of way service of the Herefordshire Council has a legal duty to assert and protect the rights of the public to the use and enjoyment of any public right of way (PROW) in the county (section 130 Highways Act 1980). In addition, PPG17 states that rights of way are an important recreational facility, which local authorities should protect and enhance. Local rights of way in Herefordshire are part of our heritage and form a major recreational resource. They help boost tourism and contribute to local rural economies, in addition to providing a convenient means of travel. For these reasons the UDP contains a number of policies which are relevant to the assertion and protection of the rights of users of PROWs in the County (S1, S2, DR1, DR2, DR4, E13 and T6).
- 4.35 Polytunnels can have significant impacts on public rights of way since they are often located in fields crossed by these access routes. They can affect both the use and enjoyment of a PROW. Over the last few years the Council has received numerous valid reports from members of the public describing the impact of polytunnels on their use and enjoyment of public paths in the County. The main problems encountered are:
- the obstruction of the PROW by polytunnel support frames, plastic sheeting, growing beds, wires and ancillary materials such as boxes, irrigation pipes and sundry tools and equipment;
 - water run-off leading to waterlogged surfaces;
 - the day to day farming operations associated with polytunnel crop production, including heavy and light mechanical vehicles, over spraying with chemicals and water and erecting and removing frames and plastic sheeting;
 - damage to the surface of paths caused by vehicles;
 - the loss of long distance views from a PROW crossing land covered by tunnels;
 - the loss of short distance views available to the public from the PROW crossing land covered by tunnels;
 - the impact on views from a distant PROW over land covered by polytunnels;
 - litter and general mess associated with a labour intensive operation;
 - lack of sufficient toilet and washing facilities for polytunnel workers leading to 'misuse' of adjoining hedges and woodlands;
 - noise and dust associated with increased machinery movement in the area; and
 - the destruction of natural and historic features such as path surfaces, hedgerows and ditches etc.

- 4.36 Mitigation of the impacts of polytunnels on public rights of way is something that developers should take into consideration when seeking planning permission.

**SUPPLEMENTARY GUIDELINE 11: PUBLIC RIGHTS OF WAY
[UDP PolicyT6]**

There shall be no polytunnels erected within 2 metres of the centre line of a public right of way and no polytunnels sited within 3 metres of bridleway.

- 4.37 Where distant views over polytunnels are available from a PROW the guidance is as follows:
- Consideration should be given to impacts on both the local tourist economy and on those who choose to live and work in Herefordshire, particularly in designated areas such as AONBs and Conservation Areas.

➤ **RESIDENTIAL AMENITY**

- 4.38 In areas where polytunnels are erected close to dwellings, local residents are frequently aggrieved by a number of issues which affect their residential amenity, including:

(a) Negative visual impacts of polytunnels

- 4.39 This is particularly problematic when the tunnels are in close proximity to domestic curtilages. It is because the tunnels can be substantial in height; highly visually intrusive because of the white, reflective appearance of the plastic and they usually cover large expanses of land that problems are caused for those living close by. Additionally, the polytunnel frames often remain in place during the winter months over several years and can still have a negative visual impact on the locality.

**SUPPLEMENTARY GUIDELINE 12: REDUNDANCY OF POLYTUNNELS
[UDP Policies DR2 and E13]**

**The local planning authority will attach a condition to any planning permission stating that:
'In the event of the polytunnels hereby permitted becoming redundant for the growing of _____, the polytunnels, including the supporting structures and any structures, fixtures and fittings within them, shall be removed from the application site within a period of twelve months.'**

(b) Noise

- 4.40 In addition to noise created by an increase in vehicular movements, those living in close proximity to agricultural polytunnels have indicated that there is an appreciable amount of noise generated by the, often significant, numbers of fruit pickers during the harvesting season. As well as general noise, this can be exacerbated by the use of radios being played at high volume. It is reported to be the case that the majority of such noise occurs during the early hours of the morning and later in the evening when pickers arrive and depart the fields.
- 4.41 In order to alleviate noise impacts, Environmental Health legislation is the standard control mechanism, however, conditions can also be attached to permissions which

regulate the times when noise-generating activities can take place. This is particularly relevant if polytunnels are located close to residential properties. In addition to planning conditions, good management can help alleviate potential problems particularly those associated with the playing of music close to residential properties and should be practised by tunnel farmers in order to help maintain respectful relationships with those who live close to the tunnels.

SUPPLEMENTARY GUIDELINE 13: RESIDENTIAL AMENITY – NOISE
[UDP Policies DR2 and E13]

The local planning authority will refuse planning applications that would result in an undue loss of amenity by way of noise to the occupiers of residential properties by either an intensification of use of an existing access resulting from a polytunnel development or a new vehicular means of access.

(c) Plastic Sheeting (local environmental impacts)

- 4.42 There are concerns over the impacts of sections of plastic sheeting coming away from the tunnel frames in high winds and blowing onto adjacent properties and into roads. The plastic can become particularly brittle when it has been used over several seasons due to the effects of sunlight and heat.
- 4.43 The majority of plastic sheeting used to cover polytunnels is not yet biodegradable and is therefore difficult to dispose of once it needs to be replaced. A typical lifespan for the thicker plastics is up to five years. Since it is in farmers' interests to replace plastic sheeting which is damaged, it is unlikely that planning conditions would be appropriate to regulate when the sheeting is replaced. Conditions could be used to ensure that waste plastic is disposed of promptly and appropriately to avoid nuisance to the local environment. Similarly if a polytunnel operation ceases for any reason the owner should be made to remove any waste plastic promptly and completely. Local burning as a form of disposal is not a desirable option since this releases harmful chemicals into the atmosphere, however, if the sheeting can be recycled this would be a preferable solution.

(d) Lighting

- 4.44 Where artificial lighting either for growing or for security is proposed, this should be included within the planning application. There can be adverse impacts on the amenities of those living near to the site as a result of light spillage, which may be mitigated through careful positioning, screening or limitations on brightness.

SUPPLEMENTARY GUIDANCE 14: EXTERNAL LIGHTING
[UDP Policies DR2, DR14 and E13]

The local planning authority will normally attach a planning condition requiring full details of all external lighting (if any) to be installed upon the site (including upon the external elevations of the building(s) or polytunnel(s).

(e) Proximity to dwellings – Mitigation

- 4.45 A condition could be imposed stating that polytunnels should not be erected within a certain distance of dwellinghouses, for example 50 metres depending on the scheme in question. Deviations from this general safeguarding distance may be permitted in

certain circumstances. The distance of 50 metres was used in the Polytunnel Voluntary Code of Practice.

SUPPLEMENTARY GUIDELINE 15: RESIDENTIAL AMENITY – DISTANCE FROM DWELLINGS (BUFFER ZONES/ZONES OF TRANQUILITY)
[UDP Policies DR2 and E13]

No polytunnels or associated development (works, storage, servicing accesses, toilets etc) shall be sited within a minimum distance of 30 metres of the boundary of any residential curtilage and 50 metres of any dwelling.

- 4.46 If such a requirement is part of a permission then it will also be made clear through the use of planning conditions that any 'buffer' or 'zone of tranquillity' must be kept free from all associated storage, not be used as a vehicular access or for general activities connected with the operation of the tunnel growing or harvesting. This is necessary to ensure that the amenities of those living nearby are not detrimentally affected by noise, vehicular activities and adverse visual impacts of the storage or tunnel associated materials. Consultations have revealed that existing buffer zones are kept free of tunnels; however the space is frequently made use of for a range of other activities which impact adversely upon their residential amenities.

SUPPLEMENTARY GUIDELINE 16: RESIDENTIAL AMENITY – ZONES OF TRANQUILITY
[Policies S2, DR2 and E13]

The local planning authority will normally attach a planning condition ensuring that any 'zones of tranquillity' around polytunnels are permanently kept free from associated storage, are not used as vehicular accesses or for other activities connected with the operation of the tunnel business.

- 4.47 In addition to providing 'buffer zones' around the margins of polytunnel sites where they are close to residential properties, it may also be appropriate to impose conditions relating to the maximum acceptable height of the tunnels in sensitive locations. Tunnel heights can vary significantly depending on the crop being grown and the methods of production. To clarify the maximum permitted height would ensure that residential amenities can be protected.

SUPPLEMENTARY GUIDELINE 17: POLYTUNNEL HEIGHT
[UDP Policies S1, S2, S7, DR1, E13, LA1 LA2 and LA3]

The local planning authority will normally attach a planning condition to may grant of planning permission controlling the height of the polytunnel(s) above existing ground level.

➤ **WATER**

(a) Flood Risk

- 4.48 The risk of increased surface water run-off is likely to rise with the use of polytunnels because of the impermeable layer that plastic sheeting on a large scale can create.

This is similar to the surface water run-off problems created in urban areas by roads and hard surfacing etc. With an increase in run-off, particularly during periods of heavy rainfall, there is often a greater risk of localised flooding. Indeed this problem has already been reported by those living close to existing polytunnel development who consider that the flooding of nearby roads has become a more frequent problem since the tunnels have been erected.

- 4.49 The susceptibility of land to flooding is a material consideration when assessing planning applications. This applies to polytunnels just as it does to other forms of development. Both the Government and the UDP set out the importance that is attached to the management and reduction of flood risk in the planning process, recognising the uncertainties that are inherent in the prediction of flooding and that flood risk is expected to increase as a result of climate change.
- 4.50 It is necessary for the local planning authority to ensure that development in flood risk areas, or elsewhere in catchments, does not create or exacerbate flood risk to other land. For these reasons the UDP states;
- “...development within land at risk of flooding should generally be avoided, and will only be permitted where no alternative location is available on land at lower risk of flooding and which is otherwise suitable in planning terms... Developments in flood risk areas should result in no net loss of flood plain storage, should not impede water flows and not increase flood risk elsewhere.”* (UDP, paragraph 4.5.7)
- 4.51 The Environment Agency recommends that polytunnels be sited outside any areas at high risk of flooding (as defined in PPS25, i.e. with a 1% annual probability of occurrence) to avoid impact on flood flows and in the interest of preventing flood risk elsewhere. In addition, it is not in most cases considered desirable or practicable for applicants to operate tunnels in these flood prone areas.
- 4.52 Prospective developers are guided specifically by policies DR4 and DR7 of the UDP and the Environment Agency will be consulted on planning applications for larger polytunnel developments or those in areas particularly prone to flooding and their advice taken into account. A flood risk assessment may be needed in accordance with the requirements of Government planning guidance on flooding provided in PPS25. (See Section 5 for more information on Flood Risk Assessments).

SUPPLEMENTARY GUIDELINE 18: FLUVIAL FLOODPLAINS [UDP Policy DR7]

No polytunnels shall be sites within the fluvial floodplain (i.e. the 1% plus climate change fluvial floodplain extent).

(b) Surface Water Drainage

- 4.53 Mitigation measures will often play an important role in schemes for polytunnel development. Careful active management of surface water run-off can often be highly beneficial, including the use of drains and gulleys that allow water to be diverted into watercourses (where it could be used for crop irrigation) and other sustainable water management techniques or the erection of polytunnels so that they run parallel to the natural contours of a field, rather than at right angles to them, thus potentially slowing down the flow of rainwater run-off down slope with the result of reducing the possibility of flooding on adjacent lower lying ground.

**SUPPLEMENTARY GUIDELINE 19: SURFACE WATER DRAINAGE
[UDP Policy DR7]**

A Flood Risk Assessment will be required for all developments over 1 hectare, which should address surface water run-off. Any such drainage report should consider restricting run-off to the Greenfield rates and detail what attenuation is to take place designed to the 1% with climate change standard (Annex B2 PPS25) to prevent flood risk along with how the polytunnels are designed to prevent run-off and erosion issues.

(c) Water Resources

- 4.54 Policies DR4 and DR6 of the UDP provide guidance on the need to protect the availability and quality of water resources. Water is an essential resource, the pollution of which can have serious effects on drinking water supplies (including private water supplies) and ecology. Inappropriate agricultural activities can be a risk to both surface and groundwater quality and quantity. In particular, groundwater requires particular protection from both contamination and over-exploitation. The availability of groundwater can be affected by changes in land use such as the increased use of large-scale agricultural polytunnels, which may restrict recharge through increases in impervious surfaces or the diversion of flows. Groundwater forms part of the base flows of watercourses and is vital to ensure the dilution of discharges, maintenance of water supplies and biodiversity. Both water efficiency and water neutrality (betterment) are key elements of the Government's climate change (reduction) agenda.
- 4.55 In some parts of Herefordshire there are issues surrounding 'low flows' of local rivers (information is based on the Environment Agency's Catchment Abstraction Management Strategies (CAMS)), such as the potential loss of flora and fauna and changes in species distribution. Whilst many existing polytunnel businesses and applicants for new polytunnel planning permissions either already use or seek to use trickle irrigation methods. This form of irrigation is currently exempt from requiring an Environment Agency water abstraction licence. However, the Water Act 2003 ends this exemption and will bring trickle irrigation into the licensing system. It is expected that these new controls will not be implemented by the Environment Agency before October 2008 at the earliest.
- 4.56 The Environment Agency does, however, seek detailed information on proposed water use and water management from prospective polytunnels developers, since these are material considerations in determining whether or not to grant planning permission. This is particularly important in the context of both low flow problem areas and where there may be a potential detrimental impact on the water environment of SSSIs and SACs (such as sedimentation, pollution or adverse impacts on biodiversity).
- 4.57 Planning applications for polytunnels on a significant scale (on sites of 1 hectare or more) should therefore detail the proposed water use in the context of the catchment area and water management techniques through the production of a detailed Water Resources Study/Audit. In cases where small scale polytunnels, not proposing to use water irrigation from low flow rivers or in areas away from SSSIs or SACs then a brief statement of water use and efficiency techniques could suffice. (For more information on Water Resources Studies and Audits see Section 5).

➤ **BIODIVERSITY**

- 4.58 Since the effects on the biodiversity of an expanse of polytunnels, (including effects of irrigation techniques, soil sterilisation, loss of habitat and chemical usage) are not always apparent; any planning application for polytunnels should include an ecological survey/analysis. This should include plans for the protection and enhancement of the biodiversity of the area and proposals for mitigation techniques, in line with the guidance provided in PPS9. Further advice on ecological assessments is provided in Section 5.
- 4.59 The way in which land is reinstated following the cessation of polytunnel use on an area of land is critical in terms of both biodiversity and visual impact. During the assessment of a planning application, the local planning authority will need to be satisfied that there has been detailed consideration of high quality land reinstatement and even improvement of the natural environment. The imposition of a planning condition regarding reinstatement may be deemed necessary if planning permission is granted for the development in question.

SUPPLEMENTARY GUIDELINE 20: ECOLOGY

[UDP Policies NC1, NC2, NC3, NC4, NC5, NC6, NC7, NC8 and NC9]

The local planning authority will need to be satisfied that the habitats of protected species (if any) are protected or mitigated.

SUPPLEMENTARY GUIDELINE 21: ECOLOGY

[UDP Policies NC1, NC2, NC3, NC4, NC5, NC6, NC7, NC8 and NC9]

The local planning authority will seek the creation, restoration and enhancement of habitats.

➤ **ARCHAEOLOGY**

- 4.60 The development of polytunnels and associated works such as the installation of irrigation systems (reservoirs, pipes etc) and the creation of access roads and hardstanding areas has the potential for impacting on archaeological deposits and other historic environment interests. It will be important to assess the impact of such proposals in line with policies ARCH3, ARCH4, ARCH5 and, where appropriate, carry out pre-determination investigation (ARCH1) or post-determination recording (ARCH6).
- 4.61 Reservoirs are particularly intrusive elements of a polytunnel development in relation to the historic environment due to the scale of the earthmoving operations involved and the permanency of the created feature.

SECTION 5: ADDITIONAL INFORMATION

5.1 In order for a comprehensive planning assessment to be made by the local authority when a planning application is submitted for consideration, it may be necessary for the applicant to supply additional information. This is particularly the case if the application is for large-scale development or where the development site is located in a sensitive area. Pre-application discussions should take place with a development control officer prior to submission to ascertain what additional documentation may be deemed necessary. Applications for planning may fail due to lack of sufficient evidence.

5.2 In addition to the standard requirement of four copies of application forms, appropriately scaled and detailed plans, elevations and requisite fee, the following additional information may be required:

DESIGN AND ACCESS STATEMENTS

5.3 Any new development will require an overall design concept to be submitted based on survey and analysis data to establish a framework for the detailed design of the scheme. This will assist in assessing the application against the Council's design policies and objectives. Proposals for larger polytunnel developments should explain the principles that have been adopted for the site and its wider context. An annotated plan should be submitted with a planning application showing the site's relationship with the surrounding pattern and form of land uses and activities, landscape, key characteristics and features.

5.4 Relevant adjacent development, particularly if there are existing polytunnels, access to the site, all vehicular and pedestrian movements, natural features including watercourses, hedgerows, trees and any wildlife habitats, views into and out of the site, on-site structures and the form and condition of site boundaries should be addressed.

5.5 Where relevant to the proposal, full planning applications for complex or large-scale polytunnel schemes or those which are proposed in sensitive areas should be accompanied by a design statement containing a site appraisal and written explanation. A design statement would typically include the following:

- design principles and design concept;
 - how these are reflected in the layout, scale, visual appearance and landscape;
 - how the design relates to its site and wider area, including how the development has been planned to minimise the effects on the environment; and
 - a summary of the above where this would be of value in public consultation.

5.6 Transportation matters should be addressed, including detail of the amount of traffic generated (both hourly and daily) and its type together with an assessment of the adequacy of the local highway network to cater with the traffic generated in terms of both design and capacity. Means of vehicular access(es) to the site, together with the proposed visibility splays will need to be provided.

LANDSCAPE OR VISUAL IMPACT ASSESSMENTS

- 5.7 All applicants will be expected to fully address the landscape impacts of a polytunnel proposal, both individually and in the context of other similar developments within visual proximity of the proposal site.
- 5.8 A landscape impact assessment will be necessary for the vast majority of planning applications since it is the potential harm to the landscape of an area which is one of the key planning considerations in such schemes.
- 5.9 There are numerous publications available which describe various techniques available to identify and assess the landscape and visual effects of development or change. It is now generally recognised that The Landscape Institute of Environmental Management and Assessment *Guidelines for Landscape and Visual Impact Assessment* (2nd Edition, SPON Press) is the definitive work in this field.

ECONOMIC ASSESSMENTS

- 5.10 Economic arguments as discussed in section 4 above are often technical ones and in order for the local planning authority to assess their validity and importance adequately, they must be set out in robust manner which is fully evidenced. To simply include in the information accompanying a planning application a set of broad statements will not be acceptable.
- 5.11 In instances where the polytunnels proposed are on a small scale, a simple business case may suffice. It is important to clarify requirements with an officer of the planning – development control department prior to the submission of a planning application. The more economic information that can be provided, the better the understanding of an applicant’s business venture and associated business case, and its likely impact of the local economy. Appendix 1 provides some helpful background questions which an applicant is encouraged to answer:
- 5.12 A comprehensive economic impact assessment or appraisal should be submitted alongside proposals for large-scale polytunnel schemes. Again, it is essential to discuss the proposal with a planning officer prior to submission of an application.
- 5.13 In respect of the potential impacts of a large-scale polytunnel development in the AONB, the applicant may find it appropriate to submit a balance sheet analysis of the economic issues and the wider relationship between agriculture and other interests. This would establish the relative contribution of each to the local economy.
- 5.14 Appendix 2 sets out an example of the components of a balance sheet analysis, which could be used to outline how such a study might be structured¹⁰.
- 5.15 Since it is likely that such in depth economic analyses are likely to be very costly, it may be useful for large-scale growers who anticipate that they will be required to submit such detailed planning applications in the future to work together to produce an economic assessment analysis, thereby reducing costs and avoiding unnecessary duplication of work. This could be particularly relevant in Herefordshire where there are a number of large-scale soft fruit producers in one county. Where a proposal site does not fall within a designated landscape area, it may still be necessary to

¹⁰ Source: An Investigation into Polytunnel Development in AONBs and National Parks – The Countryside Agency, January 2006, Entec UK Limited

undertake a similar balance sheet analysis, since the high quality of landscapes throughout the County is one of its primary assets that is afforded specific protection through the UDP.

FLOOD RISK ASSESSMENTS

5.16 In areas particularly prone to flooding and in respect of planning applications for larger polytunnel developments (sites of 1 hectare or more), the Environment Agency will be consulted. A Flood Risk Assessment may be necessary in accordance with the requirements of PPS25. Where such a Flood Risk Assessment is deemed necessary, it should be appropriate to the scale and nature of the development and should consider:

- (f) flood risk and surface water run-off implications;
- (g) any increase risk arising elsewhere;
- (h) measures proposed to deal with these risks and effects, e.g. restricting run-off to the Greenfield rates;
- (i) explaining what attenuation measures are in place designed to the 1% with climate change standard (annex B2 PPS25) to prevent flood risk; and
- (j) how the polytunnels are designed to prevent run-off and erosion issues.

WATER RESOURCES STUDIES/AUDITS

5.17 Planning applications for polytunnels on a significant scale (sites of 1 hectare or more) should detail the proposed water use in the context of the catchment area and water management techniques through the production of a detailed Water Resources Study/Audit. The Water Audit could include the identification of a number of water efficiency measures such as, for example;

- rainwater harvesting from water run-off from the polytunnels and/or re-circulation programmes, and
- the use of buffer zones around polytunnels to help prevent chemical leaching into streams and nearby watercourses.

5.18 In cases where small scale polytunnels, not proposing to use water irrigation from low flow rivers or in areas away from SSSIs or SACs, a brief statement of water use and efficiency techniques could suffice.

ECOLOGICAL APPRAISALS/NATURE CONSERVATION ASSESSMENTS

5.19 A wildlife habitat survey will be required where a proposal affects a site which is known to have, or is suspected to have, any species protected under the Wildlife and Countryside Act 1981, Conservation (Natural Habitats etc) Regulations 1994 or Protection of Badgers Act, 1992. This will include badgers, bats, certain reptiles and breeding birds. Should habitats or species of significance be identified, further assessment will be required to determine the impact of the development on the wildlife and proposed mitigation to minimise the impact. Applications for the development in the countryside which affect sensitive areas which must be accompanied by ecological assessments and include proposals for long-term maintenance and management.

5.20 The following list should enable potential applicants to satisfy the expected level of detail required as part of a tunnel application:

- An ecological assessment of the site in the form of an extended phase 1 habitat survey at an appropriate time of year and an assessment of the presence of protected species. This should include maps showing habitats present, distribution of species and the location and type of existing and proposed polytunnels.
- Nearby designated sites should be identified along with any potential impacts upon them. Natural England and the Environment Agency will be consulted as to the need for Appropriate Assessments where a Special Area of Conservation (SAC) may be affected.
- Further protected species surveys at an appropriate time of year and following Natural England (or other approved) guidelines will be required for any protected species that have potential to be present or have been found.
- An assessment of the impact of the tunnels and associated working practices upon habitats and protected species. Strategies will be required to mitigate and compensate for any impacts.
- The retention of existing trees, hedgerows and other biodiversity features on the site should be sought, and also opportunities for biodiversity enhancement within the proposals. This could include provision of bird and bat boxes/tubes as well as the planting of native species within landscaping schemes and restoration of habitats.
- Opportunities for creation of BAP habitats where appropriate.
- Compliance with Herefordshire Council's UDP policies for nature conservation (NC1-NC9) and Government Guidance. (See Herefordshire Council's Biodiversity SPG for further information).

STATEMENT OF COMMUNITY CONSULTATION

- 5.21 Since many proposals for large-scale polytunnel development are likely to produce significant public interest or controversy and can often affect the amenities of nearby residents, where this is likely to be the case, it is advised that the applicant enter into early discussions with local people in order to iron out any potential problems before planning permission is sought. Sometimes this will also involve important consultees such as the Environment Agency, English Nature and the Council's traffic manager. Planning officers will, at this early stage, advise applicants if their proposals are likely to be considered 'significant' and therefore need to be the subject of specific community involvement measures. This advice is contained formally within the Council's *Statement of Community Involvement*.
- 5.22 At the application stage, a statement of community consultation should be submitted to the local planning authority detailing how the applicant has approached this and what the outcomes were. This will assist the passage of the application through the planning process.

OTHER INFORMATION

- 5.23 In addition to the aforementioned documents, there may be a variety of other studies or assessments which may need to accompany certain planning applications depending on their scale and location. The Council's development control officers will be able to discuss such requirements with potential applicants on a case by case basis. It is therefore important for potential developers to engage in pre-application discussions. The following lists sets out the majority of possible additional information that may be required:

- Draft Travel Plans
- Legal Agreements
- Sustainability Appraisal
- Listed Building or Conservation Area Appraisal
- Archaeological Assessment
- Noise Assessment
- Rights of Way Assessment
- Transport Assessments

SECTION 6: PRE-APPLICATION PLANNING GUIDANCE

TEMPORARY PLANNING PERMISSIONS

- 5.24 During the consultation process of producing this document, it was suggested that permanent planning permissions should not be permitted for polytunnels. Instead permissions could be granted on a temporary basis; meaning that there would be some certainty about how long polytunnels would be located in any particular field. This argument, however, is one that is not straightforward.
- 5.25 Where polytunnels are required for the production of ground grown crops to be rotated on a predetermined regular basis, for example every three years, then it may be reasonable for a time limited planning permission to be granted. Indeed, granting permission for three or four years would provide some certainty to those living or working nearby that the tunnels would not be a permanent feature of the landscape.
- 5.26 However, the lifespan of a crop varies according to crop type and variety. Some strawberries may be re-established after three years, whereas raspberries and cherries will remain in situ for much longer. Therefore any rotation periods must take into account the needs of the crop. To apply only permissions limited to two or three years would therefore not be appropriate to the needs of growers, particularly as future crop breeding will improve the productive life of many plant types. In addition, it may not be economically viable for polytunnels and associated infrastructure to be developed for only a short time, then subsequently removed. When an application for planning permission is received, it should be made clear by the applicant that the tunnels are only required in certain positions for a limited period, then an appropriate time limited planning permission can be considered.

PRE-APPLICATION DISCUSSIONS

- 5.27 It would assist both potential applicants and the local planning authority if a tiered planning approach is taken to large scale polytunnel developments. This would highlight any significant issues at an early stage in the process and identify the likely viability of an application and the required additional information. This would reduce the likelihood of a significantly adverse impact case coming to the application stage, thus reducing workload pressures within the local planning authority and unnecessary expenditure on the part of the applicant.
- 5.28 The following steps outline the most appropriate way to approach polytunnel development proposals that require planning permission:
1. Pre-application assessment and informal discussion to highlight significant issues and guide what additional information will be required.
 2. A checklist of what information is required for the planning application based on the initial assessment drawn up by the case office in conjunction with the applicant.
- 5.29 It should be made clear during pre-application discussions that although such an assessment will highlight significant issues relating to the proposal it might be

necessary to carry out further assessment work to inform the determination, depending on the scale, location and nature of the proposal.

WHOLE FARM PLANS

- 5.30 Whilst applicants have the right to apply for planning permission on the basis of each individual polytunnel or each individual field, it is the view of the local planning authority that it would be preferable for applications relating to large agricultural holdings to be presented as a 'whole farm' application. Such applications ensure a holistic approach rather than a piecemeal approach and give certainty to both the applicant to plan the business and the local community as to the longer-term environmental impacts.
- 5.31 The most appropriate way to approach this matter is for applicants to engage with the local planning authority in pre-application discussions to establish the planning constraints. The applicants would then need to engage with officers of the Council, the local community and other bodies (e.g. Environment Agency) to address the identified planning constraints. A sieve-map analysis can then be created whereby one can attempt to agree where upon the holding polytunnels should not be sited (if anywhere). This would normally then leave less sensitive area(s) where polytunnels could potentially be sited. However, this does not mean that all such areas should be covered due to the issue of cumulative landscape impact highlighted earlier within this SPD.
- 5.32 Whole farm plans can be useful on farms where crop rotation methods are employed. Usually if planning permission is granted on a field by field basis, then each time the polytunnels (plastic and frames etc) are removed the grower will have to re-apply for planning permission to re-erect them in a few years' time. However, if a whole farm plan planning permission is granted then removal and re-erection of tunnels will not require repeat planning permissions so long as the land in question was appropriately zoned as part of the original permission. This approach is helpful to both nearby homeowners and to growers since it will provide both certainty as to where polytunnel are to be erected and give the grower the opportunity to formulate longer term business plans for the farm holding.
- 5.33 Attached, as Appendix 3 is a copy of a Committee Report in relation to a 'whole farm' planning application at Withers Farm north of Ledbury, where a sieve-map analysis was undertaken.

APPENDIX 1: ECONOMIC CRITERIA – BUSINESS CASE

Polytunnel Business Case – Economic Criteria

1.	Estimated acreage?
2. 2a. 2b. 2c.	Estimated tonnage to be grown? Likely market destinations? Use of local hauliers? Source of packaging?
3.	Gross value added – estimated market value of crop?
4. 4a. 4b.	Approximate numbers of people to be employed? Hourly rate x hours per week x number of weeks? Weekend working?
5.	Fulltime/seasonal worker split?
6. 6a. 6b. 6c. 6d. 6e.	Local/Migrant worker split? Age group targeted? Single/Accompanied by partner and/or children? Likely accommodation provision and location? Nearest shops? Likely use of public transport?
7. 7a. 7b. 7c.	Will any other supporting infrastructure need to be built? If so, what? Likely estimated cost? How would you identify a contractor for the work?
8.	What would the land be used for if not under polytunnels?
9.	Likely impact on existing business, if project not proceeded with?

APPENDIX 2: ECONOMIC BALANCE SHEET ANALYSIS

Suggested Components of a Balance Sheet Analysis of the Impact of Polytunnels on a Protected Landscape

Aim:

To establish the costs and benefits associated with large-scale polytunnel development in a protected landscape.

Objectives:

1. to determine the contribution of agriculture and tourism to a locality
2. to determine the economic benefits for agriculture attributable to polytunnel use
3. to determine the tourism uplift attributable to the presence of a particular landscape without polytunnels

Method:

- Literature review
- Establish economic baseline for both tourism and agriculture (specifically horticulture and polytunnels) – ONS, local authority data etc.
- Survey tourist authorities/boards/local authority tourism departments applicable to AONBs
- Perform a 'balance sheet' analysis using figures identified, interpolating where appropriate.

Key Study Considerations:

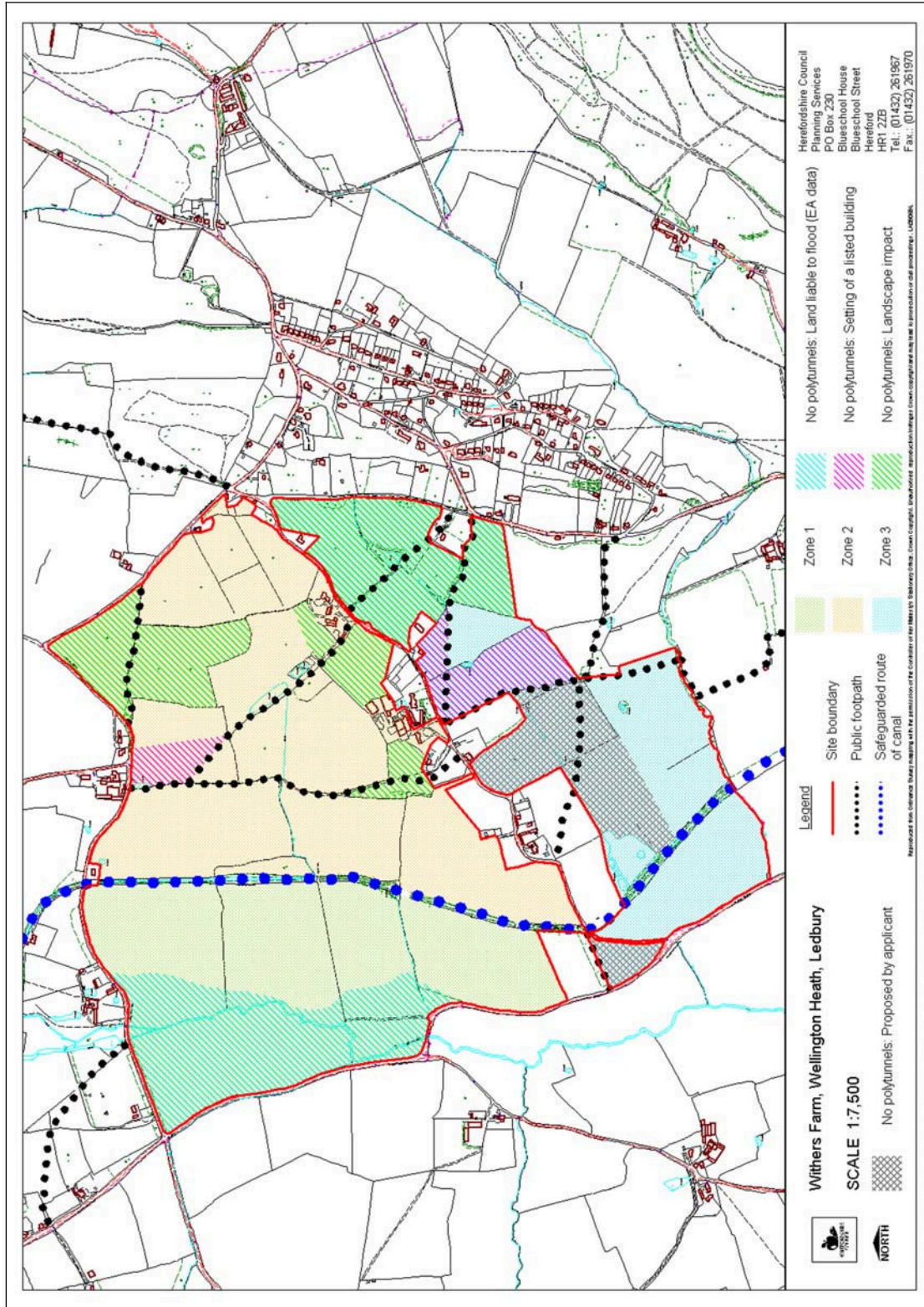
AGRICULTURE:

1. Economic uplift attributable to polytunnels – production, labour force etc.
2. National vs. local benefit
3. Growth potential
4. Contribution of polytunnels to local rural economy

LEISURE AND TOURISM:

1. Actual and potential leisure and tourism uplift attributable to AONB designation. Establish the baseline position: GDP, trends, number of tourists, number of employees, role in rural economies and visitor surveys of reasons for visits.
2. Is the attractiveness of the AONB based purely on visual quality? Landscape may be just one factor. There are wider considerations such as: season/weather, choice (competing locations) and state of the economy.
3. Indicators of the impacts of polytunnel development in AONBs:
 - number of visitors
 - number of return bookings recorded by B & Bs, hotels, guest houses etc
 - people active in local tourist economy
 - day trip vs. overnight stays
4. Growth potential
5. Market niches

APPENDIX 3: EXAMPLE OF WHOLE FARM, SEIVE-MAP ANALYSIS



MODEL FARM SUPPLEMENTARY PLANNING DOCUMENT

Report By: Forward Planning Manager

1 Wards Affected

Ross-on-Wye East

2 Purpose

- 2.1 To receive and agree for consultation purposes a draft supplementary planning document (SPD) comprising a development brief for land at Model Farm to ensure its sustainable development. This document is included within the Council's Local Development Scheme (January 2008) and is being produced in line with the regulations of the new planning system introduced under the Planning and Compulsory Purchase Act 2004.

3 Financial Implications

- 3.1 Costs such as printing and undertaking the consultation exercise will be met from approved budgets.

4 Background

- 4.1 Model Farm is Council owned land located in the Hildersley area of Ross-on-Wye, approximately one mile to the east of the town centre. The site, which totals some 15 hectares is within the settlement boundary of Ross-on-Wye and is identified in the adopted Herefordshire Unitary Development Plan under policy E3 as an allocated employment site.
- 4.2 This supplementary planning document (SPD) has been prepared by consultants on behalf of Ross Area Partnership and Herefordshire Council. It has been produced to expand upon and provide additional information and guidance in support of policies contained within the Herefordshire Unitary Development Plan and in particular particularly policy E3. It forms a development brief which expands upon the outline planning permission gained in January 2008 for the development of employment uses including B1, B2 and B8 together with the change of use an adjacent landscape buffer zone. Whilst that permission agreed a new vehicular access to be formed onto the A40(T) to the south east corner of the site, matters concerning the layout, scale, appearance and landscaping of the development were reserved for future consideration. Once adopted the SPD will become a material consideration in the determination of planning applications.
- 4.3 Whilst significant consultation has already taken place through the UDP process and more recently through the outline planning application, preparation of this document will be subject to further consultation in

accordance with the Council's Statement of Community Involvement. Comments received to this draft are to be summarised in a separate Consultation Statement and will help shape the final document. Comments will be able to be viewed on the Council's website.

- 4.2 In accordance with Government guidance, this SPD is subject to a Sustainability Appraisal. The Sustainability Appraisal tests the performance of the SPD against a series of environmental, social and economic objectives. The appraisal will review any changes proposed to the document as it progresses to completion.

5 Aims of the SPD

- 5.1 The principal aim of the SPD is to set out a clear vision for the development and delivery of the site to meet the needs of Ross-on-Wye. It will guide the sustainable development of Model Farm and also help prospective developers achieve a high quality development, maximising the site's contribution to the development of the local economy. In so doing the SPD will:

- Provide guidance on the existing planning policy framework which will influence the delivery of any future planning application;
- Identify the development requirements and constraints of the site;
- Provide guidance on the delivery of high quality design and landscaping principles for the site;
- Provide guidance on the delivery of access and movement to, from and within the site; and
- Ensure that the development can become fully integrated with the surrounding area.

6 Development Objectives

- 6.1 The principal development objective identified for the site is the creation of a pathfinder employment development, assisting in the growth of the local economy and providing diversified sources of employment away from traditional industries. The SPD confirms a preference for the development of innovative knowledge based businesses which will act as a catalyst for future employment and economic growth within the area. This will result in a diversifying away from a local economy that has been dominated by a number of large storage, distribution and general industrial uses. To achieve this will involve the delivery of a mix of employment uses including high quality commercial space, offices and an element of live/work development with supporting infrastructure.
- 6.2 In addition to the delivery of a pathfinder employment development, the SPD requires proposals to deliver a scheme which:
- Is a highly sustainable low carbon development
 - Is innovative in design

- Promotes vibrant community development
- Is affordable
- Promotes the development of a modern enterprise cluster within the area.

7 Development Requirements

7.1 The SPD requires a comprehensive design approach to be taken to the site as a whole to ensure full integration of all components of the scheme, including the different business uses proposed. Consideration of the site in its entirety will enable the design and layout of the scheme to develop in a cohesive manner and create a sense of identity. Whilst the UDP through policy E3 identifies a number of development issues that need to be addressed within any development, the SPD expands upon and provides additional policy guidance under the following headings:

- Building form and layout
- Access and movement
- Archaeology
- Green buffer
- Landscaping, boundary treatments and nature conservation
- Drainage and aquifer
- Planning obligations

7.2 Further sections describe the additional information that is required to accompany a planning application i.e. design and access statement, surface water drainage scheme, ecological assessment, whilst a number of design principles are set out which any proposal are required to address.

7.3 An element of the Model Farm site has been identified as being appropriate for the delivery of a new form of economic development comprising a live/work development. The SPD describes the live/work concept and its benefits in the context of Ross-on-Wye. Growth in the live/work employment sector provides a significant opportunity for the diversification and growth of rural economies, previously dependent on agricultural and traditional economies.

8 SPD Process

8.1 When agreed the draft SPD will be published for consultation purposes. Consultation will be in accordance with the procedures set out in the Council's Statement of Community Involvement Submission. A Consultation Statement will accompany the SPD. All comments received from this consultation exercise will be reported back to this Committee along with recommended changes.

RECOMMENDATION

THAT the Cabinet Member (Environment and Strategic Housing) be recommended to agree the publication of the draft supplementary planning document for consultation purposes.

Background papers

Local Development Scheme (January 2008)
Statement of Community Involvement (March 2007)
Herefordshire Unitary Development Plan (March 2007)



HEREFORDSHIRE
COUNCIL

Shaping our Place 2026

Model Farm, Ross-on-Wye

Supplementary Planning Document

January 2008

Local Development Framework

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Appendix

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1. Introduction

1.1 Background

This development brief outlines the approach that should be taken to the development of Model Farm, Ross-on-Wye for employment purposes. Model Farm has been allocated for employment use in the Herefordshire Unitary Development Plan (adopted 23rd March 2007).

The brief sets out a clear objective for the development of the site, including the incorporation of a number of employment uses and associated development. This brief has been prepared by Hunter Page Planning on behalf of Herefordshire Council. Any enquiries relating to the brief should be directed to:

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1.2 Status of the Brief

This document is to be formally adopted by Herefordshire Council as a Supplementary Planning Document (SPD) to assist in the delivery of the designated employment allocation set out in Policy E3 of the Herefordshire Unitary Development Plan (UDP) at Model Farm, Ross-on-Wye. Once adopted, the brief will form a material consideration in the determination of any future planning application on the site.

In accordance with the Council's adopted Statement of Community Involvement and Town and Country Planning (Local Development) (England) Regulations 2004 the arrangements for consultation have been complied with in the preparation of the brief. The Consultation Statement details the consultation carried out on the SPD to date and how the results have been taken into account in the preparation of the final SPD. Furthermore, a Sustainability Appraisal has been undertaken in accordance with the Herefordshire UDP approach and that set out in *Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents* (November 2005, DCLG). It demonstrates how social, economic and environmental constraints and opportunities can be considered and utilised, consistent with the delivery of sustainable development.

Purpose of the Brief

The principal aim of the brief is to set out Herefordshire Council's clear vision for the development and delivery of the site to meet the needs of Ross-on-Wye. It will guide the sustainable development of Model Farm and also help prospective developers achieve a high quality development, maximising the site's contribution to the development of the local economy. In doing so, this brief will need to:

- Provide guidance on the existing planning policy framework which will influence the delivery of any future planning application.
- Identify the development requirements and constraints of the site.
- Provide guidance on the delivery of high quality design and landscaping principles for the site.
- Provide guidance on the delivery of access and movement to, from and within the site.
- Ensure that the development can become fully integrated with the surrounding area.

1.3 Site Context and Surrounding Area

The site is located in the Hildersley area of Ross-on-Wye, with the town centre located approximately 1 mile to the west of the site. Ross-on-Wye is the principal service centre serving the large surrounding rural hinterland in South Herefordshire. Whilst adjacent to the built form of the settlement, Model Farm is located within the settlement boundary of Ross-on-Wye, as identified on the UDP proposals map.

The site consists of a farmyard, including a farm house and a number of agricultural buildings of varying architectural merit, along with the surrounding agricultural land. The A40(T) forms the southern boundary. The north, west and eastern boundaries are not clearly delineated and lie across open fields. The established residential development to the west is separated from the site by a green buffer zone. The northern and eastern boundary of the site is flanked by open countryside.

An existing employment site, Hildersley Farm Industrial Estate, is located on the opposite side of the A40, to the south of the site.

The site is widely visible from the surrounding area, although is not distinct in appearance. The topography of the site undulates, although not significantly. From the A40, the land slopes gently down to the existing farm yard and then elevates slightly to the north towards Highfield Farm. There are a number of existing hedgerows, mature and semi mature trees located across the site. A small pond is located to the south east of the farm yard. In addition, the site is within the source protection zone of the Alton Court aquifer.

There are no public rights of way across the site, although access to Highfield Farm is achieved via a track through Model Farm.

In the wider context, Gloucester and Hereford are both located approximately 12 miles from the site, which also benefits from good access to the M50 motorway and surrounding transport network. The site is located on the A40(T) Hereford to Gloucester trunk road, near to the Ross-on-Wye bypass which connects onto the M50 which in turn links to the M5, the A49 to Hereford and on to Shrewsbury, and the A449 to South Wales.

1.4 Sustainability Analysis

A Sustainability Appraisal has been undertaken for the site and is available separately to this development brief. However, a brief summary of the key sustainability considerations is provided here.

Public transport opportunities exist in proximity to the site and potentially can be enhanced further. There is limited existing pedestrian access to the site and this must be enhanced, along with the implementation of cycle links, to and from the site to the town centre.

The employment based development of the site provides an opportunity to enhance the sustainability of Ross-on-Wye as a whole, minimising the need for residents to commute to other sources of employment and delivering economic development objectives for the town and surrounding area.

Furthermore, any future proposal will include measures for the delivery of a low carbon development where possible. Including the retention of existing buildings where appropriate, maximising solar gain and utilising renewable energy sources.

There are a number of natural features on the site which are considered to be of environmental value, including the Alton Court Aquifer, mature hedgerows and a series of water features. Measures should be taken to protect the environmental assets on the site in conjunction with any development.

1.5 Planning Policy Context

This development brief has been prepared within the existing planning policy framework at national, regional and local level. At a national level, the government guidance is provided through a series of Planning Policy Guidance Notes (PPG) and Statements (PPS). A number of PPG's and PPS's are relevant to the future development of Model Farm, which are as follows:

- PPS1 –Delivering Sustainable Development (adopted January 2005)

- PPG4 – Industrial and Commercial Development and Small Firms (November 1992)
- Emerging PPS4 (Consultation Paper) – Planning for Sustainable Economic Development (December 2007)
- PPS9 – Biodiversity and Geological Conservation (adopted August 2005)
- PPG13 – Transport (adopted March 2001)

PPS1: Delivering Sustainable Development (January 2005)

PPS1 promotes the delivery of sustainable development by emphasising the need to ensure high quality development through good and inclusive design. At the same time PPS1 seeks to ensure that new development should generally enhance existing communities and improve access to jobs.

Future proposals will be required to demonstrate consistency with the information contained within PPS1.

PPG4: Industrial and Commercial Development and Small Firms (November 1992)

PPG4 provides guidance on the location of new industrial and commercial developments. The locational demands of business and commerce are key considerations in the preparation of development plans, including access to the workforce catchments, the market, other business and other transport considerations.

Consultation Paper on a New PPS 4: Planning for sustainable Economic Development (December 2007)

The emerging PPS4 sets out the forthcoming guidance on the delivery of new economic development. Once adopted it will replace the existing PPG4 and will form a material consideration in the determination of planning applications relating to the delivery of new commercial development. The document provides guidance on the location of new economic development in light of recent advances in technology, the global economy and spatial planning trends.

PPG13: Transport

PPG13 sets out policies for the integration of planning and transport. Within it, the emphasis is placed upon reducing the need to travel, especially by the private motor car. The site location enables access to be achieved by modes of transport other than the car and any proposed development will be expected to make provision for green cycle and pedestrian links between the site and the town centre.

Any future planning application will be required to demonstrate the contribution the proposal will make to the utilisation of sustainable forms of transport.

Regional Spatial Strategy for the West Midlands (June 2004)

The Regional Spatial Strategy for the West Midlands provides the region specific planning guidance for the area, including Herefordshire. Ross-on-Wye is located within the Rural Regeneration Zone (RRZ).

Future proposals for Model Farm must demonstrate consistency with the relevant development objectives set out in the RSS.

Herefordshire Unitary Development Plan (adopted 23rd March 2007)

The adopted Herefordshire UDP provides the local planning framework which guides development within the County during the plan period (2001 – 2011). Ross-on-Wye is designated as one of 5 market towns suitable for additional growth required to meet the County's strategic and local development objectives. The UDP allocates Model Farm for employment use in Policy E3.

Policy E3 refers to Model Farm, and states:

'The need for additional employment land at Ross-on-Wye was initially considered and discounted during the preparation of the South Herefordshire District Local Plan. The Inspector recommended that the need for additional land be reviewed through Plan formulation. Accordingly, a study has been undertaken as part of the process of preparing the UDP. This compares employment land supply with the land and premises requirements of indigenous firms, inward investment and start ups, and concludes that a site of 10 to 13 hectares capable of accommodating a range of requirements for Part B uses will be required within the Plan period.'

A 10 hectare site to the south east of Ross-on-Wye has been identified at Model Farm to meet the need of employment land. The site is located at an important entrance to the town and consists of a farm and surrounding agricultural fields with a field buffer to the nearby residential area. The site is bounded by the A40 to the south, agricultural fields to the east and north and residential properties to the west. A high quality development for B1, B2 and B8 uses will be accommodated on the site. The site is located on the source protection zone of the Alton Court aquifer and the Environment Agency will need to be satisfied that any future development include suitable pollution prevention measures in order to protect ground and surface waters. A pond is located on the site which will need to be carefully integrated within a scheme. Access to the site will be directly onto the A40. The developer of this site (together with that of the proposed housing at Tanyard Lane) will be required to make a contribution to the design and geometry of the Overross roundabout to achieve a nil detriment in traffic terms together

with the creation of suitable pedestrian and cycle connections to encourage 'green traffic' movements between the site and the town centre. Further negotiations relating to these requirements will need to be undertaken between the Highway Agency and the Council. The land is open to long distance views, particularly from the east. A comprehensive landscaping scheme will form a key element of any proposal and will need to address this issue as well as include a landscape buffer between the site and residential properties to the west. The open land concerned is designated as subject to policy HBA9. A development will be prepared to guide development.'

In addition, the UDP sets out a number of further policies which should be taken into account in the determination of planning applications and these will guide any future development of the site. These policies have been given due consideration throughout this development brief and are listed in Appendix 1.

2. Development Requirements

2.1 Development Objectives

The principal development objective identified for the site is the creation of a pathfinder employment development, assisting in the growth of the local economy and providing diversified sources of employment away from traditional industries. There will be a preference for the development of innovative knowledge based businesses which will act as a catalyst for future employment and economic growth within the area. The Ross-on-Wye economy is currently dominated by a number of large storage, distribution and general industrial uses. This brief will guide the development of Model Farm away from traditional employment provision, providing a catalyst for economic diversification within the town.

In order to achieve this objective, the proposal will include the delivery of a mix of employment uses including high quality commercial space, offices and an element of live/work development. The necessary support infrastructure will also be required to assist in the creation of a new business cluster, for example the provision of a business hub to promote integration and support for companies.

In addition to the delivery of a pathfinder employment development within rural market towns, any future proposal will deliver a scheme which:

- Is a highly sustainable low carbon development
- Innovative in design
- Promotes vibrant community development
- Is affordable
- Promotes the development of a modern enterprise cluster within the area

2.2 Land Use

Paragraphs 6.4.22 and 6.4.23 of the UDP provide an outline of the principal development requirements for Model Farm, which include:

- Provide a high quality development for B1, B2 and B8 uses on the site
- Include suitable pollution prevention measures for ground and surface water within the source protection zone for the Alton Court aquifer, which satisfy the Environment Agency
- Integrate the existing pond into a future development scheme.
- Provide access from the A40
- Make a contribution (along with the developer of the proposed housing at Tanyard Lane) to the design and geometry of the Overross roundabout to achieve at least a nil detriment in traffic terms together with a suitable pedestrian and cycle connections to encourage 'green traffic' movements between the site and the town centre.
- Provide a comprehensive landscaping scheme to ensure that the long distance views of the site are not detrimentally affected.
- Provide a buffer between the existing residential properties to the west and the site.

Land uses proposed should be informed by the existing and future employment requirements and economic climate within the area. Flexibility should be applied to the employment use proposed on the site in order to respond to the changing economic demands of the area in order to benefit the overall development of the local economy and employment opportunities within Ross-on-Wye.

A mix of small start up business and employment uses will be preferred to the dominance of larger B8 uses such as has previously taken place on other employment sites particularly at Overross, due to its attractive location for distribution along the motorway network.

2.3 Building Form and Layout

A comprehensive design approach will be taken to the site as a whole to ensure full integration of all components of the scheme, including the different business uses proposed. Consideration of the site in its entirety will enable the design and layout of the scheme to develop in a cohesive manner and create a sense of identity.

A key consideration of sustainable design, in accordance with the delivery of sustainable development, is the concept of local distinctiveness. The relationship between landscape, the pattern of land uses and activities, morphology, local building materials and styles which define the character of the local area and a

sense of place are central to the design of any future proposal. The development proposal should serve to reinforce local distinctiveness, having regard to the setting and its key characteristics. However, a responsive modern approach to enhancing the local character will be promoted.

Future proposals will be accompanied by a BREEAM assessment of new buildings and initiatives to reduce the carbon footprint of the proposed development by 10%, in accordance with the delivery of sustainable development. The completion of a BREEAM assessment will aid in improving the environmental performance of buildings. Passive design measures, (e.g. building orientation to maximize natural light) are strongly encouraged in order to increase and promote sustainable development not only on this site, but also countywide.

With regard to the layout of the proposal and the incorporation of a number of employment uses on the site, the amenity of neighbouring residents should be considered.

UDP policy DR2 sets out the guidance for consideration in the delivery of varying land uses and activity.

2.4 Access and Movement

Vehicular access will be directly from the A40(T) only. The point of access should be in accordance with the details submitted as part of planning application ref: DCSE2007/3140/O. The access will be provided to the standards and requirements of the Highways Agency. Access will also need to be maintained to Highfield Farm to the north, which is currently achieved via Model Farm.

Consideration will also need to be given to the movement of commercial and domestic vehicles within the site.

A pedestrian and cycle link will be required between the site and Ross town centre. This will also enable access to the buffer area identified between the existing residential area to the west and Model Farm. Access to public transport should also be a consideration in any future development proposal. Access to and from the site by modes of transport other than the car should be a genuine option for future users. Specific regard should be given to UDP Policy DR3 which sets out the local planning policy for movement within new developments. Specific guidance on the provision for cycling within new developments is also included in Policy T7 and should be considered accordingly.

A significant amount of car parking will be required, given the size of the site and its commercial use. However, any future proposal should aim to try and reduce the dominance of the car within the commercial elements of the site. Car parking courts should not be visually dominant. Shared surfaces should be utilized within any live/work development to further reduce the dominance of the car. Future

proposals should also promote access and movement by non car modes and make provision for cycle parking. Consideration should be given to the provision of parking for commercial vehicles such as delivery lorries. Proposals for additional parking should be in accordance with the guidance set out in UDP Policy T11 and PPG13.

Planning applications will need to be accompanied by a comprehensive transport assessment, which demonstrates the ability of the existing infrastructure to absorb the proposal and how alternative modes of transport will be promoted for future users and residents. Regard will be had for the information contained within PPG13, the Local Transport Plan and circular 04/2001 in the completion of a Transport Assessment.

Applicants are advised to have regard to the specific access requirements of people, including those with disabilities. A comprehensive design and access statement will be required with any planning application. This will need to set out how the requirements of people with disabilities have been taken into account in the design of the proposal. Consideration should be given to the advice contained within UDP Policy T16 which refers to the provision of access to all in new developments.

2.5 Archaeology

Prior to submission of any planning application, investigatory work will be required to determine the presence of any archaeology on the site. Suitable mitigating works will be required to preserve archaeology in situ or its removal in accordance with the preparation of a working brief to be approved by Herefordshire Council.

2.6 Green Buffer

The green buffer to the west of the site is protected through UDP Policy HBA9. This buffer should provide an area of open space between the two land uses, which not only protects the amenity of the neighbouring residents but is also a facility of benefit to the local area.

Proposals should incorporate the area of open space into any scheme and make provision for its use for community benefit. The area will be protected from any future development, maintaining an open space between the two adjoining land uses.

2.7 Landscaping/Boundary treatments and Nature Conservation

A number of mature hedgerows have been identified as important in an initial ecology survey undertaken on the site (available separately); it is recommended that these are incorporated and preserved within any proposal. There are also a

number of semi-mature trees across the site. Whilst it is recognized that not all existing vegetation is of significant ecological or arboricultural merit or practical to retain as part of a comprehensive development, it is considered that the retention of vegetation identified as being of value is retained. It is recommended that an arboricultural assessment is undertaken prior to the submission of any planning application and any trees or vegetation of value are identified and incorporated within the proposal.

In terms of the proposed landscaping, the design of the site should address the existing biodiversity requirements of wildlife found on the site. Ecology surveys have been undertaken and their findings should be attended to. This requirement will influence the proposed layout of the scheme, in terms of the need to retain identified areas of vegetation and existing ponds, as identified in Policy E3.

The site is widely visible within the wider landscape; therefore a combination of soft and hard landscaping should be utilized to minimize the impact of the development. A comprehensive landscaping scheme and design will be required to ensure that the development does not unacceptably impact on appearance of the wider area and should include a range of tree planting and landscape enhancements.

Suitable mitigation for the species identified on the site will be required with any planning application.

2.8 Flood Risk Assessment

Although the site is not within Flood Risk Zone 2 or 3, a Flood Risk Assessment (FRA) is required, as per the requirements of PPS25. Early consultation with the Environment Agency is recommended as they will be a statutory consultee in regards to any planning application on the site.

Detailed proposals will be in accordance with the information set out in the FRA submitted as part of planning application ref: DCSE2007/3140/O and provide details of the drainage arrangements for the scheme.

2.9 Drainage and Aquifer

Any proposal will need to ensure that suitable pollution prevention measures are incorporated in order to protect ground and surface waters. The Environment Agency will need to be consulted regarding the proposed measures and be satisfied that they are suitable and appropriate, in accordance with UDP Policy E3.

Drainage proposals will be required to ensure that they do not detrimentally impact on source protection zone of the Alton Court Aquifer. The Environment Agency should be satisfied with the proposed drainage scheme.

2.10 Planning obligations

Herefordshire Council's Planning Obligations SPD, available as a separate document, will inform planning obligations expected from the development of the site. This provides advice and guidance to developers and applicants on the use of planning obligations and how UDP policy DR5 is implemented.

Planning obligations will as a minimum be required to secure any necessary highway improvements, including a nil detriment effect at the Overross roundabout, the delivery of the identified live/work hub and to secure the promotion of sustainable modes of access to the site.

Draft Heads of Terms for any section 106 and section 278 Agreements will be expected to form part of any planning application and should incorporate a commitment to completing within the defined timescales.

2.11 Planning Application Requirements

Developers are encouraged to hold early pre-application discussions with the Council. The developer will be responsible for obtaining all necessary planning permissions, Building Regulation Approvals and any other relevant consent.

Planning applications should include the following information, as detailed within this development brief:

- Transport assessment and travel plan
- Arboricultural assessment
- Ecology surveys and proposals
- Design and access statement
- Landscaping scheme
- Statement of community involvement and consultation
- Pollution protection measures for the Alton Court Aquifer
- Sustainability appraisal
- Flood Risk Assessment
- Contaminated Land Assessment

The statement of community involvement and consultation is part of the requirement to undertake community involvement in the production of a detailed proposal, consistent with the delivery of sustainable development and the guidance within PPS1. Accordingly, applicants will need to:

- Inform local community groups and residents of the proposal
- Arrange a public meeting or exhibition, presenting the proposals to the local community at an accessible venue. An opportunity for members of the public to provide their response to proposals should also be provided.

- The findings and considerations raised through the public consultation process should be detailed in a Statement of Community Involvement to be submitted with the planning application.

Applications should be accompanied by coloured plans and illustrative material that is easily understood for the benefit of planners, councillors, residents and other statutory consultees.

Regard must be given to Herefordshire Council's adopted Statement of Community Involvement (SCI), available online at www.herefordshire.gov.uk.

3. Live/work Concept

3.1 Inclusion of Live/work

Improvements in the cost and accessibility of advanced telecommunications, changes in work/life balance, removal of the need to commute and the opportunity to combine work space and the home under one roof are among some of the reasons driving the growth in the live/work sector in both rural and urban areas. The footloose nature of many home based businesses enables rural areas to become attractive locations.

Furthermore, a growth in the live/work employment sector provides a significant opportunity for the diversification and growth of rural economies, previously dependant on agricultural and traditional economies. Planning guidance on live/work is contained in the draft PPS4, informed by the Planning White Paper (2007) and the Barker Review of Employment Land use suggests new forms of economic development including live/work units. The Model Farm site is an appropriate one to deliver these emerging policy objectives.

The inclusion of an element of live/work development on Model Farm could contribute to the creation of a critical mass for home-based businesses contributing to the local economy. Furthermore, the provision of a sufficient number of units in the cluster would ensure that they can support a hub facility which in turn will provide business services for the units. Further information regarding the Live Work concept, benefits and in the context of Ross on Wye can be found in appendix 4.

4. Design

4.1 Design and Access Statement

Inline with the Planning and Compulsory Purchase Act 2004, a design and access statement is required with any planning application. The design principles

will need to be set out in detail and it should be established how the design principles have arisen within the wider context of the surrounding area. It should not be just a descriptive analysis of the proposal.

UDP Policy DR1 sets out the requirements for design and more detailed guidance is provided in the Council's Design and Development Requirements Supplementary Planning guidance (July 2004).

4.2 Design Principles

In summary, the following principles will need to be addressed within any development proposal:

- Create a high quality commercial development to include high quality employment uses and associated infrastructure.
- Produce low carbon building through sustainable construction methods and high eco-ratings, following the completion of a BREEAM assessment.
- Address energy efficiency of buildings and introduce renewable energy sources where possible and viable.
- Retain existing buildings where appropriate.
- Provide a design which reflects the character of the local area and the setting of the site.
- Provide for a range of users, including the provision of affordable units for both new and established businesses.
- Respond to the site constraints identified
- Respond to the design advice regarding the building form and layout of the proposal.
- Incorporate appropriate landscaping proposals to ensure the character of the area is maintained and minimize the potential impact on the surrounding landscape.
- Mitigate any adverse effects on biodiversity and retain existing areas of particular biodiversity merit, as identified in the accompanying ecology surveys.
- Ensure that the mix of uses is appropriate in respect of any impacts that they may have on adjacent users and ensure that the amenity of neighbouring residents is preserved.
- Promote access to and from the site by modes of transport other than the car.
- Enhance walking and cycling links to Ross-on-Wye town centre.
- Integrate the site with existing infrastructure.
- Design a permeable built environment, with due consideration given to ensuring that commercial and domestic traffic is mixed and segregated where appropriate.
- Promote shared surfaces and the reduce the dominance of the vehicular traffic

- Use sustainable drainage techniques where possible.
- Incorporate the principles of 'designing out crime'
- Design for waste minimization principles in regards to both the construction of the site, and the future use of the site, through the provision of recycling facilities and other appropriate waste management techniques.
- Promote an inclusive environment through design, with users of all dispositions in mind.

5.0 Conclusion

The development of this site provides the opportunity to develop a modern, well designed and innovative employment development that will:

- Create a high quality employment development promoting innovative business uses
- Promote the development of an enterprise business cluster within the area
- Utilize sustainable construction methods
- Be affordable to a range of users
- Be integrated within the landscape through design and layout

Appendix 1

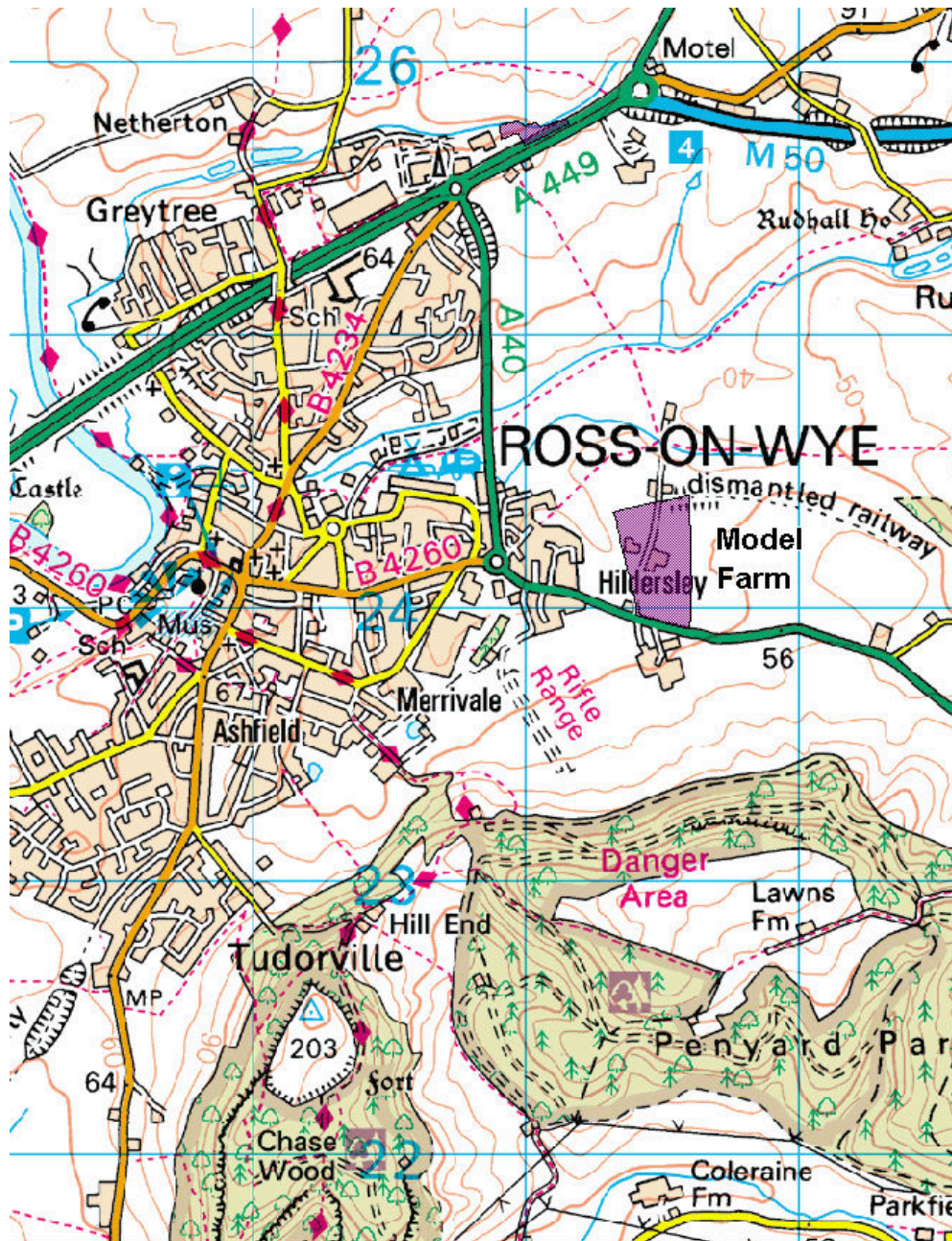
UDP Policies

Relevant UDP Policies:

- S1 Sustainable Development
- S2 Development Requirements
- S4 Employment
- S6 Transport
- DR1 Design
- DR3 Movement
- DR4 Environment
- DR5 Planning Obligations
- DR6 Water Resources
- DR7 Flood Risk
- E3 Employment
- E8 Design Standards for Employment Sites
- T1 Public Transport Facilities
- HBA12 Re-use of rural buildings

Appendix 2

Site Location Plan



Map Title Description MODEL FARM, ROSS ON WYE

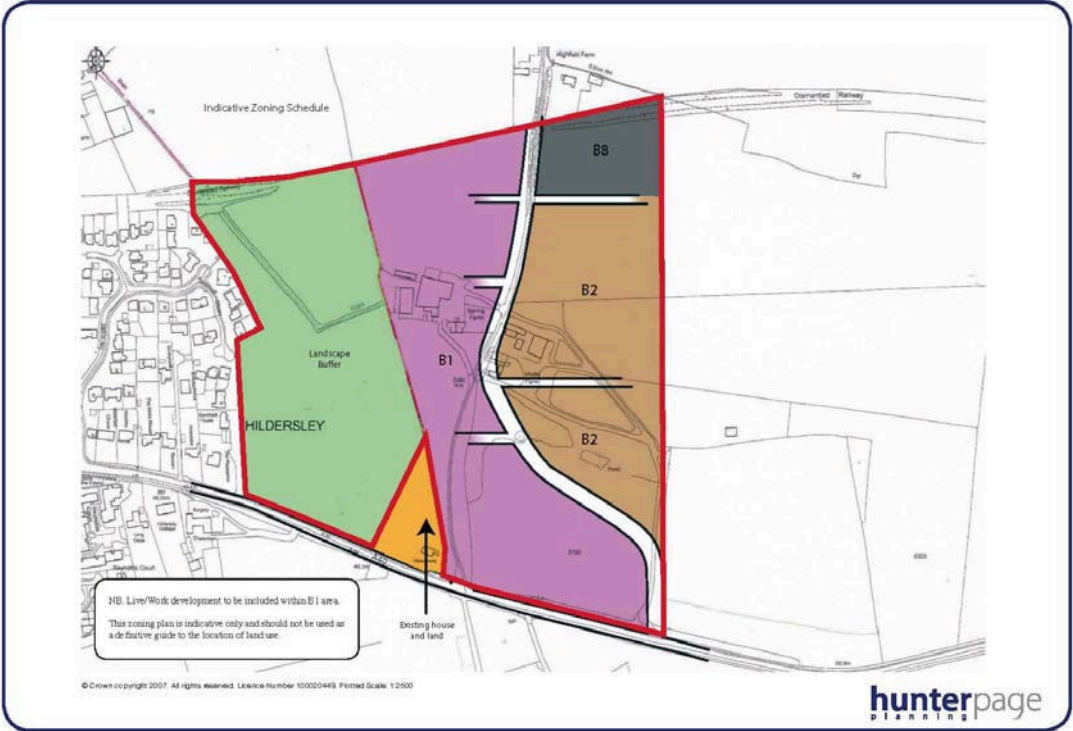
Scale 1: 20,000

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Herefordshire Council
Planning Services,
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Hereford, HR4 0XH
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Appendix 3

Indicative Master Plan



Appendix 4

Live/work supplement

The potential benefits of live/work property at Ross-on-Wye

1. What is live/work?

Typically a live/work property is for those who need much more than a room in a house to run their business from home. This can either be because of the nature of the business (eg textile design, photography). Or because the business proprietor has staff and finds a normal home inappropriate for this.

The growth of live/work - purpose-built mixed-use property - is closely linked to the ongoing growth in home working in the UK, which has doubled in ten years. Over two million now work mainly from home and over 40% of all businesses are now home based, according to a 2006 DTI survey.

One of live/work's key sustainability benefits is its reduced use of natural resources:

- one property is constructed not two (owner would otherwise require a separate home and workspace)
- one property to power and heat not two – a significant reduction in waste of electricity, gas, water.

Live/work is often constructed on brownfield sites. And live/work units are ideal for businesses in sectors with low environmental impact.

This is not a wholly new idea. Living above your workshop, shop or office was a common way to use buildings before the industrial revolution.

2. Economic benefits of live/work

There are many different types of live/work property, each attempting to fulfil a different role. There is no one ideal model. The needs of rural and city centre schemes, for example, are very different – one to establish a thriving business environment where little exists, the other to cut the costs of premises for start up businesses seeking to be near centres of economic activity. However, if the purpose of a live/work scheme is to **boost enterprise** and well paid knowledge-based work, the factors below are important in all areas:

3. Building design that includes workspace

Schemes that are marketed as live/work but have no special design features to enable work, just a spare room, are least likely to sustain work use.

Those designed with functional work space – preferably separate from the living space – are the most likely to do this. In particular, units should enable work to continue if the owner is away. Staff should be able to work there without feeling they are in their manager's home. And owners should be able to visit clients or go on holidays knowing that their accommodation is secure and their colleagues are continuing the business from the part of the unit designed for this.

The whole scheme's look is also important. If it looks businesslike (especially if it looks attractive and modern, with good signage and each unit having a 'shop front' for its workspace) it will encourage business.

A scheme needs to be well landscaped, ideally with shared communal space to enable resident live/workers to become familiar with neighbouring businesses. But the units must also appeal as comfortable living space, perhaps with its own aspect looking away from the work areas. The best live/work schemes combine both and have an inherent live/work 'feel'.

4. Creating a live/work business 'cluster'

Live/work developments often include a shared 'hub' building for residents (and non residents), to use equipment such copiers/scanners, to have meetings and to network with one another. Some hubs also have reception staff and even facilities such as video conferencing.

Having a hub at the heart of a live/work scheme makes it easier to create a successful business cluster - a dynamic enterprise community. The aim is to encourage businesses to collaborate and become stronger by working with one another, as well as using each other's services. A graphic designer may need IT support. An e-commerce operation may need a delivery or marketing company, and so on.

5. Flexibility for business growth

A mixed live/work unit should enable the equivalent of at least 1.5 jobs, ideally with space for 3, 4 or more. It should also have sufficient space for a business to take on more staff and (significantly in the live/work sector) the use of freelance/occasional subcontractors. Without this flexibility, a small business will find it hard to expand/contract to suit its needs. If there are larger units (or normal workspace-only units) nearby, that will also encourage businesses to stay and grow within the vicinity – further strengthening the cluster.

6. Work-life balance

If possible the units should keep working and living areas separate within the building. Open plan shared space can work for some, but it can also disrupt home life. This is not a problem for young start up businesses, but as these people become older, they may well need space that is separate from work. If possible, a separate floor or separate areas within the live/work unit (underneath or to the side) – each with a different feel – would achieve this.

In more open-plan units (which have the advantage of flexibility), split floor levels are particularly popular. But where families are involved, it is advisable to completely separate live and work, but keep the workspace easily accessible to the family members that use it.

7. Affordability

By combining workspace and home costs in one building, a live/worker can make their money go further, enabling them to invest more in their business. They can also reduce the risk of their business failing.

By its very nature, live/work is more affordable than having to pay for a separate home and workspace. On larger schemes, it may also be possible to have a number of lower cost affordable live/work units offered as part of the mix. These can be available to rent or for shared ownership and can be prioritised for local people, managed by a housing association.

8. Saving time

With a live/work unit, there is no need to commute to work. This can save businesses a considerable amount of time, which in itself will allow more time to be spent on business and also on the family. The national average commute time is 45 minutes per day. Five days a week at this rate means wasting at least half a working day every week commuting - not to mention the time it takes to recover from the journey when you reach work or home.

Live/work units are a good way to make the most of that precious modern commodity - time.

9. Environmental benefits

Live/work helps promote sustainable development in many ways. Use of one property not two by businesses that would otherwise be considering separate premises will significantly reduce carbon used in the construction process and in fuel/power use afterwards:

- one property is constructed not two (owner would otherwise require a separate home and workspace)
- one property to power and heat not two – a significant reduction in waste of electricity, gas, water.

A live/work development can also help to sustain a modern 'daytime economy' - people working locally rather than commuting. This can boost spending on local services, for example post office facilities, pubs and restaurants etc. A more sustainable business base is possible with enhanced daytime buying power and recruiting power. Live/work can also result in increased security at night, with more properties occupied 24 hours, reducing fear of crime in town centres and other neighbourhoods.

Live/work is often constructed on brownfield sites. And live/work units are ideal for businesses in sectors with low environmental impact.

The other key sustainability benefit of live/work is its ability to cut commuting. With no need for owners to commute to work, there will be fewer journeys, reducing carbon emissions. This will be particularly relevant in comparison with the likely levels of in-commuting during rush hours, were the site to be restricted only to traditional employment use.

Part of the live/work scheme's aim should be to attract those who might otherwise commute to run their business from home in a more sustainable market town location. The green aspects of live/work can also make live/work attractive to potential live/workers.

Sustainability impact summarised: what can live/work deliver at Ross-on-Wye?

- a live/work **community** all on one site
- reduced reliance on **commuting**

- **sustainable use of property** - one building not two, less land and materials used, lower fuel emissions and energy use
- attraction of **higher value businesses** and associated spending power to the neighbourhood
- enhanced range and quality of employment **opportunities** locally, including for skilled graduates
- lower costs for those struggling to **afford** separate premises - workspace and home
- suitable premises for **higher value** micro-businesses, particularly in the creative, technology and knowledge sectors
- suitable premises for **workshop/studio** type businesses that require more space than normal residential property provides
- more powerful **broadband** connection for resident businesses and potentially other local residents, businesses and home-workers
- improved neighbourhood **security** through continual occupation.

Prepared by Live Work Network for Ross Area Partnership, July 2007

DEVELOPMENT CONTROL: ANNUAL REPORT FOR 2007/08

Report By: Head of Planning Services

Wards Affected

County-wide

Purpose

1. To inform members about Development Control performance for 2007/08 and prospects for 2008/08.

Financial Implications

2. None.

Background

- 3 The purpose of this report is to set out a summary of the Development Control Team's achievements in 2007/08. This report is intended for use as a reference document to inform Members of current trends in Development Control and continues the sequence of 6-monthly reports to the Planning Committee.

This report is quite different from the Annual Monitoring Report which is prepared by the Forward Planning Team as a statutory requirement under the new regulations for the Local Development Framework.

Principal Outputs

These are grouped under four headings:

- A. Pre-application Enquiries
- B. Planning Decisions made
- C. Appeals
- D. Enforcement

A. Pre-application Enquiries

4. The Team continues to deal with over 2,000 pre-application enquiries annually. Some of the enquiries are relatively trivial but some took nearly as long as a planning application itself to deal with. Where there has been a formal exchange of correspondence the details are recorded on the MVM database. Additionally, over 1000 email enquiries have been made to the planningenquiries@herefordshire.gov.uk email address. These were previously dealt with by the Planning Receptionists at Blueschool House, but they are now dealt with by planning officers in the "Back office". Pre-application enquiries will be an increasing area of work following the introduction of Planning Application Requirements (Local) and the new 1-APP application form and

related processes as reported to the Committee on 29th February 2008. Active consideration is being given to schemes for charging for pre-application advice.

B. Planning Decisions Made

5. The most important Development Control outputs have been the BVPI indicators (Note: they are due to be replaced from 1st April onwards – see paragraph 9 below). These feed directly into the departmental and directorate Service Plans and count towards the Council’s CPA rating. The most significant for performance monitoring is BV 109, the speed of processing planning applications.
6. The out-turn figures for 2005/06 , 2006/07 and the first 11 months of 2007/08 are as follows:

Table 1				
BVPI 109 – Speed of Processing Planning Applications				
BV 109 figures	Target	2005/06	2006/07	2007/08
Major applications %age determined in 13 weeks	60%	61%	75%	68%
Minor applications %age determined in 8 weeks	65%	74%	83%	80%
Other applications %age determined in 8 weeks	80%	82%	91%	89%

7. The step change in performance between 2005/06 and 2006/07 has now stabilised with results for “minor” and “other” applications stabilising at around 80% and 90% respectively. The out-turn for major planning applications continues to be affected by the number of Section 106 agreements required and is more variable as a result. However, overall, all three targets have been met, with a margin to spare, and that has contributed directly to the Environment Directorate going from a two-star to a three-star service for CPA purposes. Additionally, the elections in May 2007 resulted in many applications being held up until the programme of Committees resumed in June.
8. The Planning Delivery Grant has now stopped and is being replaced by a Planning and Housing Delivery Grant. Development Control performance is no longer rewarded financially for meeting targets. However, failure to meet the minimum national targets may result in some grant money available being abated. It is therefore important that at least the minimum national targets continue to be achieved.
9. The Government has announced a new set of National Indicators to replace the Best Value Performance Indicators with effect from April 2008. BVPI 109 is due to be continued in the form of NI 157 with two variations: firstly there is no explicitly stated minimum target, and secondly “County Matters”, i.e. those applications such as those for minerals and waste which are determined by County and Unitary authorities, have their own separate measurement – with a target determination date of 13 weeks. There will be a continuing need to maintain and monitor performance against NI 157 (speed of processing planning applications) but there is also a need to develop our own set of local indicators to monitor and manage the performance of the development control within the overall remit of Planning Services and our work towards the Council’s strategic objectives.

Delegation

- 10. In 2005/06 88% of planning applications were determined under delegated powers. In 2006/07 that figure remained stable at 88%. In 2007/08 it has risen by one percent to 89%.

Recommendations

- 11. Planning Committees do not always follow recommendations. In work with other local planning authorities the Audit Commission has used two thresholds of concern; both measuring the number of applications determined contrary to Officer's recommendation as a percentage of decisions on all applications (delegated and committee):
 Upper threshold 2%
 Lower threshold 0.5%
 Performance outside these two thresholds would be a matter of concern.
- 12. In 2005/06 the percentage of overturned recommendations for all committees together was 1.2%, i.e. more-or-less midway between the two concern thresholds. In 2006/07 this figure increased to 2.1%. In the first eleven months of 2007/08 this figure has risen to 68 out of 2791 total determinations giving a percentage of 2.4% and now should be considered as a matter of concern. The consequences of approving proposals contrary to recommendation does appear to raise issues with the policies in the Unitary Development Plan. Where permission is refused contrary to recommendation it creates difficulties in defending subsequent appeals, and that is reflected in the appeal statistics below. Further monitoring of this trend is anticipated with the Chairmen's Group.

C. Appeals

- 13. The Authority's success rate with planning appeals is a national Best Value Performance Indicator although the target level is set locally and the national BVPI is concerned only with appeals against refusals of planning permission. There are a variety of other appeal types as seen below. This indicator is due to be dropped in the forthcoming National Indicator set.

Year	Appeals allowed	Total Appeals determined	%age allowed
2005/06	28	104	27%
2006/07	22	102	22%
2007/08	32	88	36%

- 14. The national Average performance against this BVPI has remained steady at around 33%.
- 15. The out-turn shown in the above table is a very serious drop in performance compared with the previous two years. The Council has had an exemplary appeal success rate hitherto and it is therefore important to draw lessons from this change for the worse. The single most noticeable feature is the high level of appeals against refusals which were contrary to officers' recommendation. Of the 32 upheld appeals in 2007/08 seventeen of them concerned refusals in this category. Where such appeals are dealt with by public inquiries consultants are used to give the Council's case the best

Further information about this report is available from Peter Yates, Development Control Manager on 1782

possible support, but it remains difficult to defend decisions which appear on their merits to be weak cases. Where such appeals have been dealt with by written representations or hearings planning officers normally defend the council's decision themselves, sometimes with local member support, but such appeals normally have a much lower success rate and, in 2007/08 there have been a noticeably higher number of refusals contrary to officer recommendation than in previous years. (See also the section of Recommendations above).

- 16. In accordance with BV 204 the above data concerns only appeals against refusals of planning permission. There are various other types of appeal decisions which are also key outputs for the Team. One of the most significant is Enforcement Appeals – this too is a very important quality outcome. In this area the Council has been much more successful so far, with 18 enforcement appeals being determined sixteen were dismissed – the percentage of enforcement appeals allowed = 11%.
- 17. By comparison the most recent published national figures are:

Year	%age appeals allowed
2004/05	24%
2005/06	24%
2006/07	23%

In this context the Enforcement Appeals performance can be seen to be exemplary. Indeed, in comparison with national figures it can be seen that, of 94 English local planning authorities which had dealt with 10 or more enforcement appeals, Herefordshire Council came 10th overall for enforcement appeal success rates.

- 18. Eight other appeals have been determined in 2006/07 so far as follows

Type	Number	Upheld/Dismissed
Appeal against Hedgerow Protection Notice	3	3 dismissed
Agricultural Notification	1	1 dismissed
Advertisement appeals	4	1 upheld/ 3 dismissed
Appeals Against Refusal of Lawful Development Certificates	3	2 upheld/1 dismissed
Listed Building Consent	2	1 upheld / 1 dismissed

- 19. If all appeal types are considered together the overall success rate is 38 appeals upheld out of 113 in total, i.e. a figure of 34% which is around the national average.
- 20. There has been two awards of costs against the council in 2007/08.

D. Enforcement

- 21. There are no national Best Value Performance Indicators for planning enforcement. A new Planning Enforcement Policy was brought into operation in March 2007 which includes a requirement for reporting on Enforcement activity to this Committee. Since April 2006 enforcement activity has been monitored on a monthly basis and the tables

below set out the results for the first eleven months of 2007/08. The final tables for the whole of 2007/08 will be circulated at the meeting.

22. In the first eleven months of 2006/07 a total of 547 new enforcement enquiries have been received and 537 cases have been closed.

No apparent breach (not development)	96
No apparent breach (permitted development)	87
Not expedient to enforce	87
Compliance achieved through negotiation	174
Planning permission granted	84
Passed on to other Service Areas	9
Total cases closed	537

Planning Contravention Notices	77
Breach of Condition Notices	15
Enforcement Notices	25
Listed Building Enforcement Notice	1
Section 215 Notices	2
Stop Notices	1
Prosecutions	2
Default Action	2
Total Number of Formal Actions	125

- 15 All the Area Sub Committees have commented on the number of retrospective planning applications being submitted. Accordingly, since April 2006 a specific check has been kept on these. In the period April 2007 to March 2008 a total of 158 retrospective planning applications have been received as a result of enforcement action. These applications have, between them, generated £42,475 in planning application fee income. Whilst the number of applications may seem quite high, it may be of interest to note that the planning system has always allowed for retrospective applications and, indeed, good enforcement practice specifically affords developers the opportunity to remedy a breach of control by applying for permission. It is, perhaps, worth noting that retrospective applications have a lower success rate than other planning applications: only around 68% of retrospective planning applications have been approved in 2007/08, compared with 81% for all applications.

RECOMMENDATION

THAT:

The report be noted, subject to any comments Members may wish to make to the Cabinet Member, Environment.

**DCSE2008/0119/O - SITING OF BUNGALOW IN
REPLACEMENT OF EXISTING RESIDENTIAL
CARAVAN AT LAND AT TREWAUGH FARM, THREE
ASHES, HEREFORDSHIRE, HR2 8LY**

**For: Mr M Williams per Paul Smith Associates, 19 St
Martins Street, Hereford, HR2 7RD**

Date Received: 17th January 2008 Ward: Llangarron Grid Ref: 51153, 22338

Expiry Date: 13th March 2008

Local Member: Councillor Mrs J Hyde

Introduction

This application was considered by the Southern Area Planning Sub-Committee at its meeting on 5th March 2008 when Members resolved to grant planning permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

At its meeting on 5th March 2008 the Southern Area Planning Sub-Committee was recommended to refuse this application for the following reason:

- 1. Having regard to policy H.7 of the Herefordshire Unitary Development Plan 2007 the local planning authority considers the proposal is unacceptable in that it is not for the replacement of a building with established residential use rights. Furthermore, the proposed replacement of the caravan for a dwelling would lead to a substantial increase in its size and scale and as such the resultant scheme could not be considered comparable.**

In the debate the Members of the Area Sub-Committee gave weight to the existence of the lawful development certificate for a caravan on the site, which could be replaced by another temporary structure such as a "log cabin" style caravan, and the suggestion put forward by the agent that the occupant of the caravan would be able to assist in the running of the farm. Members also gave weight to the fact that the intended occupant of the new dwelling is a close family member of the occupant of the main farmhouse and this can be seen as enabling an extended and local family to stay together in the community to the benefit of local community life. They also took into consideration the support of the Parish Council. They noted the previous recent refusal and the difficulty which the applicant had apparently experienced when trying to raise a mortgage to replace the caravan with a log cabin or similar (which would still need to meet the legal definition of a "Caravan" in order to benefit from the Lawful Development Certificate. It was, however, noted that the normal requirements of the functional and financial tests for a new farmworker's dwelling had not been established in this case.

In the light of the above arguments it was resolved to grant planning permission.

The application raises the following issues:

1. The site is outside an identified rural settlement and, therefore, needs to be judged against policy H.7. It does not meet any of the exceptions in that policy.
2. The implied agricultural need has not been argued in any formal sense by the agent or the applicant. There is no evidence to support the functional or financial test necessary to justify an agricultural worker's dwelling.
3. The applicant's case is based principally on the fact that there is a potentially permanent residential presence on the site through the existence of the lawful development certificate for one caravan. That, however, is for a use of land and is quite different from development in the form of a permanent new dwelling on the site (in addition to the existing farmhouse), and different planning policy considerations apply.
4. The proposed new bungalow is specified in the design and access statement as a structure which would be significantly larger than the caravan and more conspicuous on the site. In the absence of any justification for a dwelling of the size proposed that would not be acceptable in this rural location.
5. In these circumstances an approval would be contrary to the Council's policies to exercise strict control over proposals for new development in the open countryside.

Since the meeting on 5th March no new information about the suggested agricultural need has come forward. In the light of the above, it can be seen that the proposal conflicts with the development plan policies which seek to restrict development in the open countryside without special justification. Consequently, the application is referred to this meeting for further consideration.

The original report to the Southern Area Planning Sub-Committee follows.

1. Site Description and Proposal

- 1.1 Trewaugh Farm is on the north-east side of the narrow unclassified 71215 that leads from the B4251 to Llangarron. The site is located in open countryside. Treegwynt, a bungalow, is on the opposite side of the road.
- 1.2 This is an outline application to replace an existing residential caravan which, is positioned in a garden on the south-east side of the farmhouse and to the rear of a range of traditional and modern farm buildings, with a bungalow. Within this garden area are 2 polytunnels and 2 greenhouses. The application reserves all matters for future consideration.

2. Policies

2.1 Planning Policy Statements

- PPS1 - Delivering Sustainable Development
- PPS7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007

- Policy S1 - Sustainable Development
- Policy S2 - Development Requirements
- Policy DR1 - Design

- Policy H7 - Housing in the Countryside Outside Settlements
- Policy H8 - Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses

3. Planning History

- 3.1 DCSE2006/1405/U Use of land for the siting of a residential caravan and use of land as its residential curtilage. - Granted 20.06.06
- DCSE2006/3871/O Siting of single storey dwelling in replacement of existing residential structure. - Refused 30.01.07

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager recommends conditions.

5. Representations

- 5.1 A Design and Access Statement has been submitted

Application Site and Locality:

- The level application site comprises a parcel of land used as a vegetable garden by the applicant, which incorporates a collection of glasshouses and polytunnels.
- The site abuts a farmstead and is well bounded to the north and east by mature hedgerows, to the south by a large barn and to the west by a sizeable residential property.
- There are severely restricted public views of the application site from the public highway.

Proposed Development:

- The planning application seeks to replace a lawful caravan with a small bungalow;
- Although all matters are reserved for subsequent approval, it is envisaged that the eaves and ridge heights of the structure would measure 2.5 metres and 4.8 metres respectively.
- Its floor area would be approximately 100 square metres.

Area Analysis:

- The application site adjoins the applicant's farmyard and a very large residential property occupied by the applicant's son and family.
- By virtue of the mature site boundaries and the proximity of large structures, the present residential caravan and accompanying polytunnels have very little visual impact upon the locality.

Design Response to the Built Environment:

- The application proposes the erection of a modest sized structure to minimise its visual impact over and beyond that of the existing, the mobile home or log cabin that could be erected in its place without the approval of the Council and the collection of glasshouses and polytunnels on the site would be removed.
- There is no reason to suppose that this bungalow would be any more noticeable within the landscape than the existing caravan and structures it is proposed to replace.
- The creation of a bungalow would be preferable in visual terms to the permanent presence of mobile units the appearance of which are utilitarian and bright in colour.

Access to the Development:

- The application site lies in open countryside in planning policy terms. It lies some distance from a settlement with a range of community facilities and amenities.
- Given that a residential caravan pre-exists and could be replaced by a larger caravan without the need for planning permission, the proposed development would be "sustainable neutral".
- There would be no greater reliance upon the use of the private motorcar than would arise from the continued lawful occupation of the existing residential caravan.

5.2. In a covering letter submitted with the application, the applicant's agent has said:

- The Council's only reason for refusal of the previous application did not entail the replacement of a "building" with residential use rights and that the dwelling would be substantially larger than the present caravan.
- It is important to note that in all other respects, the Council raised no objection to this proposal.
- The Council did not consider that the proposal would have been unsustainable, harmful to the landscape, visual or residential amenity or highway safety terms.
- Since the decision it has been agreed the caravan can be replaced by a larger caravan/mobile home or log cabin.
- My client's daughter who will occupy this site with her young family has tried unsuccessfully to obtain a mortgage for a log cabin.
- Therefore if she is to occupy this site she has no other option than to resubmit an application to erect a small bungalow as a replacement of the caravan.
- The Certificate of Lawful Existing Use or Development for the caravan does not restrict the identity of the occupier.
- The applicant seeks merely to replace the lawful use of his land with a permission to erect a bungalow that will be occupied only by his daughter her husband and their 2 young children.
- This permission will enable her to live closer to her father and to her extended family in a location where she was born and bred.
- The applicant's daughter assists on a part time basis with all aspects of the family farm and is "on call" for 24 hours a day to attend to any urgent matters.
- Policy H7 permits the erection of a new dwelling in the open countryside where it is "a replacement for, and comparable in size and scale with and on the same site as an existing building with established residential use rights".
- There exists a contradiction in the treatment of residential caravans in the Unitary Development Plan. Whereas policy H7 refers to a building being replaced, policy H11 draws no distinction between caravans and residential buildings. It states

"Proposals for the use of caravans or mobile homes for permanent residential use will be subject to the same locational requirements as permanent residential development".

- It is illogical to argue that in planning terms a permanent residential caravan equates with a dwelling - as in policy H11 - but at the same time resist the replacement of the same caravan with a dwelling.
 - Given this application replaces a caravan that possess established residential use rights, I can see nothing in the UDP that prevents its replacement with a dwelling.
 - The site is well screened and there will be no material difference between the retention of the caravan, the installation of a log cabin or the erection of a bungalow.
 - Indeed the life span of a dwelling would be considerably longer than a caravan/mobile home.
 - In support of my client's application I would draw your attention to a very similar scenario to an allowed appeal decision in Cornwall where the Inspector said the impact of a dwelling would be "slight".
 - My client would have no objection to a condition restricting occupation of the dwelling to his daughter and her dependents.
- 5.3 Llangarron Parish Council support this application, but request that a Section 106 Agreement be imposed upon the application.

The full text of these letters can be inspected at Southern Planning Services, Garrick House, Widemarsh Street, Hereford, and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 This application is to replace a caravan that has established residential use; DCSE2006/1405/U refers, with a bungalow.
- 6.2 The site is located in open countryside where policy H7 applies. The policy states that housing development outside Hereford, and the market towns, the main villages and smaller settlements will be limited to that which meets an essential agricultural, forestry or other economic or farm diversification requirements; or it results from the conversion of an existing rural building, or the replacement of a building with established residential use rights provided it is comparable in size and on the same site. There is no exception in the policy for the replacement of what is a non-permanent structure with a permanent dwelling.
- 6.3 The bungalow could be occupied by persons(s) who would assist on a part time with all aspects of the family farm and would be available on call to attend urgent matters. However, no agricultural appraisal has been submitted with the application to establish a functional need for the bungalow. In the absence of any agricultural need for this bungalow the proposal is contrary to policies H7 and H8 of the Herefordshire Unitary Development Plan 2007.
- 6.4 Whilst the site is well screened from public view this in itself is not a good enough reason to permit housing development in this location contrary to policy and damaging to the protection of the countryside as a whole.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1 Having regard to policy H7 of the Herefordshire Unitary Development Plan 2007 the local planning authority considers the proposal is unacceptable in that it is not for the replacement of a building with established residential use rights. Furthermore, the proposed replacement of the caravan for a dwelling would lead to a substantial increase in its size and scale and as such the resultant scheme could not be considered comparable.**

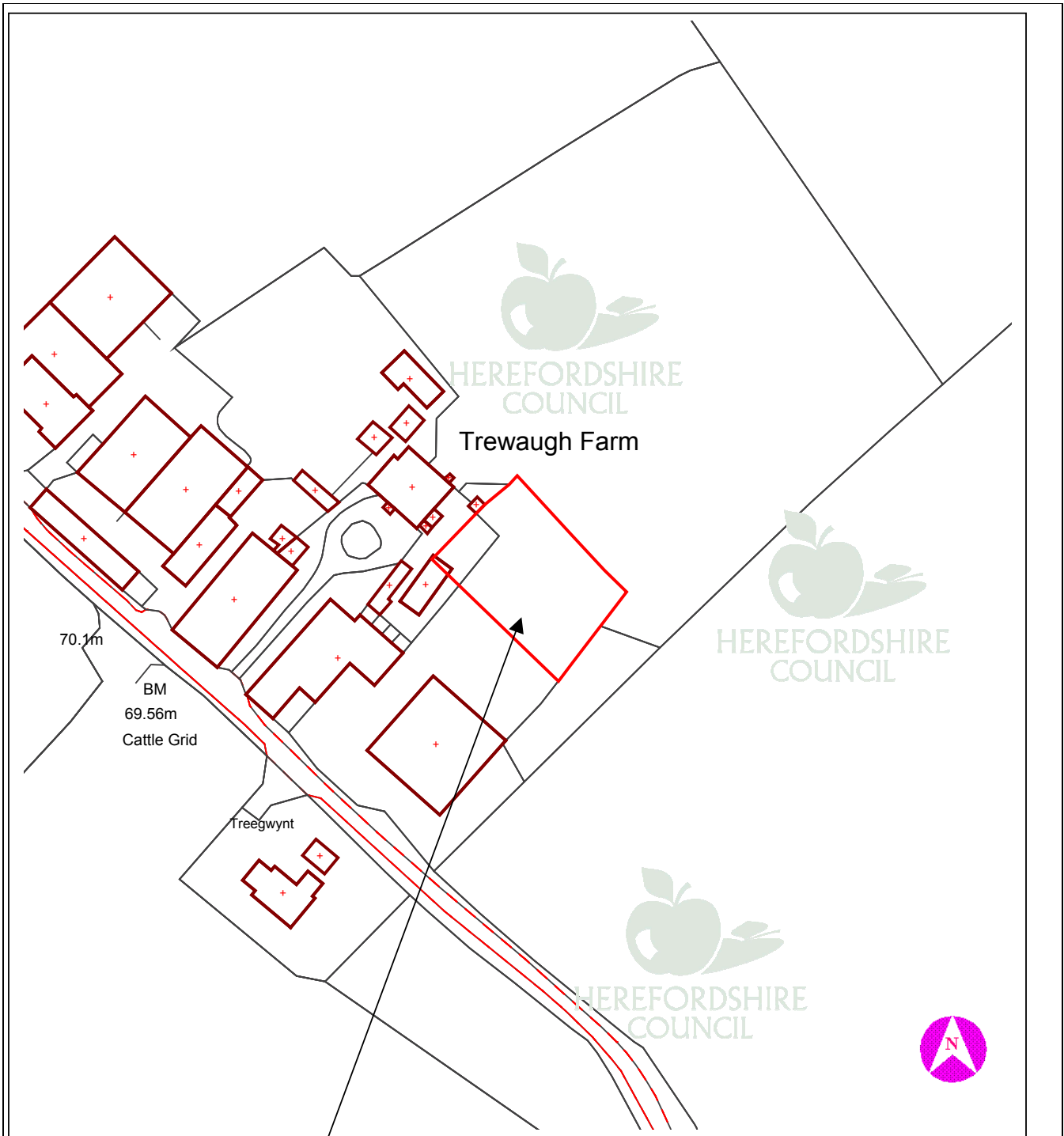
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2008/0119/O

SCALE : 1 : 1250

SITE ADDRESS : Land at Trevaugh Farm, Three Ashes, Hereford, Herefordshire, HR2 8LY

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**DCSW2007/3846/O - RESIDENTIAL DEVELOPMENT,
POND, PARKING FOR VILLAGE HALL AND SURGERY.
PROPOSED LANDSCAPING AND TREATMENT PLANT.
DEMOLITION OF PACK HOUSE, REMOVAL OF STATIC
CARAVANS, COURT FARM, MUCH BIRCH,
HEREFORDSHIRE, HR2 8HT**

**For: F. M. Green per Brian Griffin P & C C Ltd, The
Cottage, Green Bottom, Littledean, Gloucestershire,
GL14 3LH**

Date Received: 17th December 2007

Ward: Pontrilas

Grid Ref: 50356, 30456

Expiry Date: 11th February 2008

Local Member: Councillor R. H. Smith

Introduction

This application was considered by the Southern Area Planning Sub-Committee at its meeting on 5th March 2008 when Members resolved to grant planning permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

At its meeting on 5th March 2008 the Southern Area Planning Sub-Committee was recommended to refuse this application for the following reasons:

- 1. The proposed development does not constitute infilling development, accepted windfall development or accepted affordable housing, therefore the development is contrary to the provisions of Policies H.6, H.9 and H.10 of the Herefordshire Unitary Development Plan 2007.**
- 2. A habitat survey/mitigation report has not been provided in relation to fauna utilising the existing site and therefore the proposal does not satisfy the need to establish the bio-diversity of the scheme and is contrary to the provisions of Policies NC1, NC2, NC3, NC4 and NC5 of the Herefordshire Unitary Development Plan 2007**

In the debate the Members of the Area Sub-Committee acknowledged that the proposal does not accord with the policies of the Unitary Development Plan identified in the reasons for refusal but they felt that in this case an exception should be made because:

1. there is an unmet need for affordable and specialist housing in the rural areas
2. Much Birch has many facilities which make it a suitable settlement for additional housing including a primary school, church, community hall and doctors' surgery. The village is also on a main bus route
3. the site is itself very unkempt and untidy and a well designed new housing scheme would be a significant improvement over the current state of the site. Furthermore the site clearly counts as previously development land

4. the development would bring a specific benefit of additional parking facilities for the church, surgery and village hall.
5. the second (biodiversity) reason for refusal could be overcome with conditions.

In the light of the above arguments it was resolved to grant planning permission.

The application raises the following issues:

1. Much Birch is defined as a Smaller Settlement in the Unitary Development Plan. This categorisation acknowledges that local facilities are present, but none-the-less limits development to small individual infill plots only. Smaller Settlements do not have "Village Envelopes" or "Settlement Boundaries" as a result of the deliberations of the Unitary Development. This status was carefully argued over and justified through the UDP process and is now the current policy of the Council. In these circumstances the relevant Policy is H6 and the proposals are directly contrary to this policy.
2. The understanding of rural housing need, as expressed by members, is not supported on the basis of current UDP figures. Herefordshire currently has an adequate five year supply of land for house building based on UDP policies and the advice in Planning Policy Statement 3. There is an acknowledged shortage of affordable housing but this scheme proposes only 35% affordable housing as though this were a site in a market town or a main village. The "35%" policy does not apply to exception sites on the edge of rural settlements. There is therefore no basis for the development in terms of housing land supply.
3. The development could, potentially, comply with Policy H10 for Affordable Housing if it were entirely for affordable housing and the need had been identified in an up-to-date housing needs survey. However, there is no such survey in place for Much Birch and the proposal includes no details of any evidence of either a specific affordable housing need or the support of a Registered Social Landlord. The Strategic Housing Team have not been involved. The proposal is therefore outside the provisions of Policy H10 and neither does it meet the requirements of Policy H9. In order to overcome this the proposal would have to be for exclusively affordable housing (and not just 35% affordable housing as proposed) and would need the active support of the Strategic Housing Team.
4. The site is, indeed, a "Brownfield" site, but that alone does not justify redevelopment for housing purposes.
5. The principal community benefit argued by the applicants is the provision of additional car parking for the doctors' surgery, church and village hall. This would introduce additional traffic onto a narrow lane and would, of itself, encourage further journeys by private car. Whilst this is not so great an issue as to justify a further reason for refusal in this case, neither is it a positive argument for permitting new housing contrary to policy.
6. The other main benefit of the scheme, i.e. tidying up the site, is likewise, not an adequate reason to permit development which is contrary to policy. In any event, the tidying of the site could be achieved through enforcement action if it were considered expedient.
7. It is acknowledged that the biodiversity reason for refusal could be overcome through further negotiation as suggested by Members, but that still leaves the essential policy objection to the development in place.

8. In these circumstances an approval would be contrary to the Council's policies to exercise strict control over proposals for new development in the open countryside.

It is clear from the above that the proposal conflicts with the development plan policies which seek to restrict development in the rural areas without special justification. Consequently, this application is referred to this meeting for further consideration.

The report to the Southern Area Planning Sub-Committee follows:

1. Site Description and Proposal

- 1.1 The 0.59 hectares application site comprises a packing shed, a tall steel framed building and, to the west, a small area of trees encircling a pond. To the west and south-west of the pond are static caravans. There is an access road that skirts the northern side of the packing shed. This road serves Mayfield Cottage and Worcester Cottage, it then leads south-westwards across arable land.
- 1.2 The outline application proposes 9 new dwellings with the means of access the only reserved matter to be determined at this stage. Access is taken off a road that leads southwards from the A49(T) past the Doctor's Surgery and Community Hall and parish church, before continuing south past the packing shed, a spur road continues westwards past the northern end of the packing shed, it serves two private dwellinghouses and farm land further to the south-west.
- 1.3 An indicative plan provides details for a layout of 9 dwellings, comprised of 4 detached dwellings either side of the new access road, a pair of semi-detached dwellings in the north-western area of the site and, in the south-western area, a terrace of 3 dwellings; these have been identified by the applicant as being affordable dwellings. The remaining six dwellings will be open market dwellings. An existing pond will be filled in and a new one is proposed to the south of the site.
- 1.4 It is proposed to create a parking area for the benefit of users of the Doctor's Surgery, Community Hall and the church, e.g. for weddings, on the eastern edge of the site. This area adjoins Avalon, a dwelling immediately to the north of the application site.

2. Policies

2.1 Planning Policy Statement

- PPS1 - Delivering Sustainable Development
- PPS7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007

- Policy S1 - Sustainable Development
- Policy S2 - Development Requirements
- Policy DR2 - Land Use and Activity
- Policy DR3 - Movement
- Policy DR4 - Environment
- Policy H6 - Housing in Smaller Settlements
- Policy H7 - Housing in the Countryside Outside Settlements
- Policy H10 - Rural Exception Housing

3. Planning History

3.1 None identified.

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Traffic Manager states that the carriageway will need to be adopted as well as the access to the unclassified road (u/c 71606). It would need to comply with the design guide.

4.3 The Conservation Manager states, notwithstanding that the plan submitted is indicative, that the layout does not integrate in this settlement. Vehicular circulation dominates the scheme.

4.4 Council's Ecologist states that an assessment needs to be undertaken for great crested newts and bats. An ecological survey needs to be commissioned.

5. Representations

5.1 In a statement that accompanied the application the applicant's agent makes the following main points:

- means of access to be determined at this state
- advice from the Barker Review, National Housing and Planning Advice Unit Paper, PPS1 and PPS7
- development centres on pack house/cold store grouping to south of A49(T) at Much Birch
- large and tall steel framed building used for packing and storage of fruit and vegetables, on 24 hour basis year round, to be demolished
- building has ground floor of approximately 674m, portion two-storey
- number of static caravans to south, plus water collection sump and hard cored area
- almost level site
- no settlement boundary for Much Birch
- number of facilities, village hall, Doctor's Surgery, primary school, church, good transport links and pavements to bus stops
- not within flood risk area
- not an infill site
- a windfall site; 35% dwellings affordable in accordance with Policy H9
- applicant will discuss provision of dedicated housing, i.e. for age groups, tenure types
- outline for 4 detached dwellings, 2 semi-detached and 3 terraced properties
- additional parking be made available to Parish along eastern frontage of site for up to 30 light vehicles (lack of parking for village hall, surgery and nearby church)
- treatment plant provided, as well as new pond
- access maintained to east, provides access to Court Farm to the south

- site arguably within boundaries of settlement, noisy pack house would be replaced by small residential development
- County has not built enough new houses over last 10-20 years
- Much Birch covered by Policy H6, site not covered by it nor Policy H10
- similar to Policy H4, except Much Birch is defined as a smaller settlement
- exception given need for more housing, removal of packing shed, caravans, provision of affordable dwellings, affordable housing for over 55s if required, and settlement has good range of facilities
- provides local need housing as required by PPS7, and affordable housing in PPS3
- an exception site, considerable merit for settlement and also long lasting benefits.

5.2 In a Design and Access Statement:

- site area 0.4 hectares, housing density 22.5 dwellings per hectare. Density higher than surrounding area, however it is in accordance with Government advice and provisions of the Unitary Development Plan
- accessed via a central 'T' road to serve two existing dwellings
- separate parking for 30 vehicles provided to east of site, for those going to church, Village Hall and Doctor's Surgery
- indicative layout provided
- maximum height 8.5m for detached dwellings and 7m for elsewhere
- properties surrounding site mix of bungalows and two-storey dwellings
- dwellings to west will be viewed together with layout of terrace, detached and semi-detached dwellings
- good visibility onto A49(T)
- scheme drawn up with community involvement, i.e. Much Birch Parish Council, a number of design features included at their request.

5.3 Much Birch Parish Council make the following observations:

"Application is supported by the Council and request that the affordable housing offered is for the over 55s. The Council welcome the parking facilities for both the village hall and doctor's surgery, as parking at present is a problem for these at present."

5.4 Three letters of representation have been received from:

A. Beaumont, Worcester Cottage, Much Birch, HR2 8HT
Mr. J. & Mrs. M. A. Pearl, Mickleden, Much Birch, HR2 8HT
Mr. J. Hollingshead, Avalon, Much Birch, HR2 8HT

The following main issues are raised:

- two detached houses will overlook my property
- a lot of water comes down the lane from the A49, only one drain on this lane
- a lot more traffic (farm traffic, including mini-buses, vehicles in connection with hall, surgery and church) lane needs improving and maintaining
- have right of way over road serving the development
- drainage from my property (Worcester Cottage) and Mayfield Cottage runs onto the site and then onto Court Farm via drain. Flow slowed by excavation works at pack house
- my land flooded; rectified by drainage which will be severed by development

- removal of pack house, an eyesore will greatly improve area as will removal of rubbish and temporary buildings
- additional car parking provided, alleviates problems in vicinity, i.e. Hall and Surgery
- urge Council to approve application.

The full text of these letters can be inspected at Southern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 The main issue is the status of the site with regard to the Unitary Development Plan. Much Birch is designated as a smaller settlement and the criteria for such settlements is set out in Policy H6. The applicant's agent also states correctly that the development proposed falls outside the remit of Policy H6 given that the site does not constitute limited infilling, as defined by Policy H6 of the Unitary Development Plan. This principle has already been endorsed in various appeal decisions including one relating to residential development on the Mushroom Farm site further along the A49(T), close to the Axe and Cleaver Public House.
- 6.2 The other relevant housing policy is Policy H10 which sets out the criteria for sites adjoining those sites identified in Policy H6, i.e. smaller settlements such as Much Birch and larger settlements listed in Policy H4. The identified sites need to be environmentally acceptable, have good access to facilities, but also crucially provide only affordable housing, no market housing is permissible. The need for affordable housing also needs to be substantiated by a local housing need survey, normally in the form of a parish survey. The policy also requires that such housing provision as identified by the housing needs survey could not be otherwise met on another site in the parish. It is evident that the application has not addressed the issues of need identified by a recent parish survey nor evidence that this need could not be provided on another site. In any event Policy H10 (Rural Exception Housing) wholly relates to affordable housing and cannot apply to the proposed open market housing.
- 6.3 Reference is made by the applicant's agent to Policy H9 in the Unitary Development Plan which relates to 'Affordable Housing'. It relates to allocated and windfall sites. These sites relate though only to Hereford and the market towns (excluding Kington) together with settlements identified in Policy H4, i.e. larger settlements. The affordable provision of 35 per cent of dwellings being for affordable housing relates to market towns and larger settlements, but not to smaller settlements such as Much Birch. Therefore the application does not satisfy the requirements of Policy H9.
- 6.4 The second issue relates to the existing pond which the Council's Ecologist has identified as possibly providing a habitat for great crested newts and bats. A survey has been carried out, however at the time of drafting this report it has not been possible to re-consult the Council's Ecologist. The requirements set out in Policies NC1, NC2, NC3, NC4 and NC5 seek to determine the effect of development on biodiversity has not, therefore, been met. Whilst the proposal entails the provision of a new pond, until such time as the authority can determine the importance of the existing pond and its environs the application is contrary to the provisions of policies in the Unitary Development Plan cited above that seek to assess existing wildlife habitats and mitigate for new development.
- 6.5 The remaining issues relating to drainage issues raised by residents in the vicinity of the site are matters that would normally be addressed within the remit of a detailed

planning application. Third party rights are matters that are treated separately from any planning permission granted.

- 6.6 The principal community benefit offered by the applicant is the provision of additional car parking spaces for public use. This is not sufficient to outweigh the conflict with Herefordshire Council's own planning policies and would arguably lead to additional traffic which would not, of itself, be desirable.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The proposed development does not constitute infilling development, accepted windfall development or accepted affordable housing, therefore the development is contrary to the provisions of Policies H6, H9 and H10 of the Herefordshire Unitary Development Plan 2007.**
- 2. A habitat survey/mitigation report has not been provided in relation to fauna utilising the existing site and therefore the proposal does not satisfy the need to establish the bio-diversity of the scheme and is contrary to the provisions of Policies NC1, NC2, NC3, NC4 and NC5 of the Herefordshire Unitary Development Plan: 2007.**

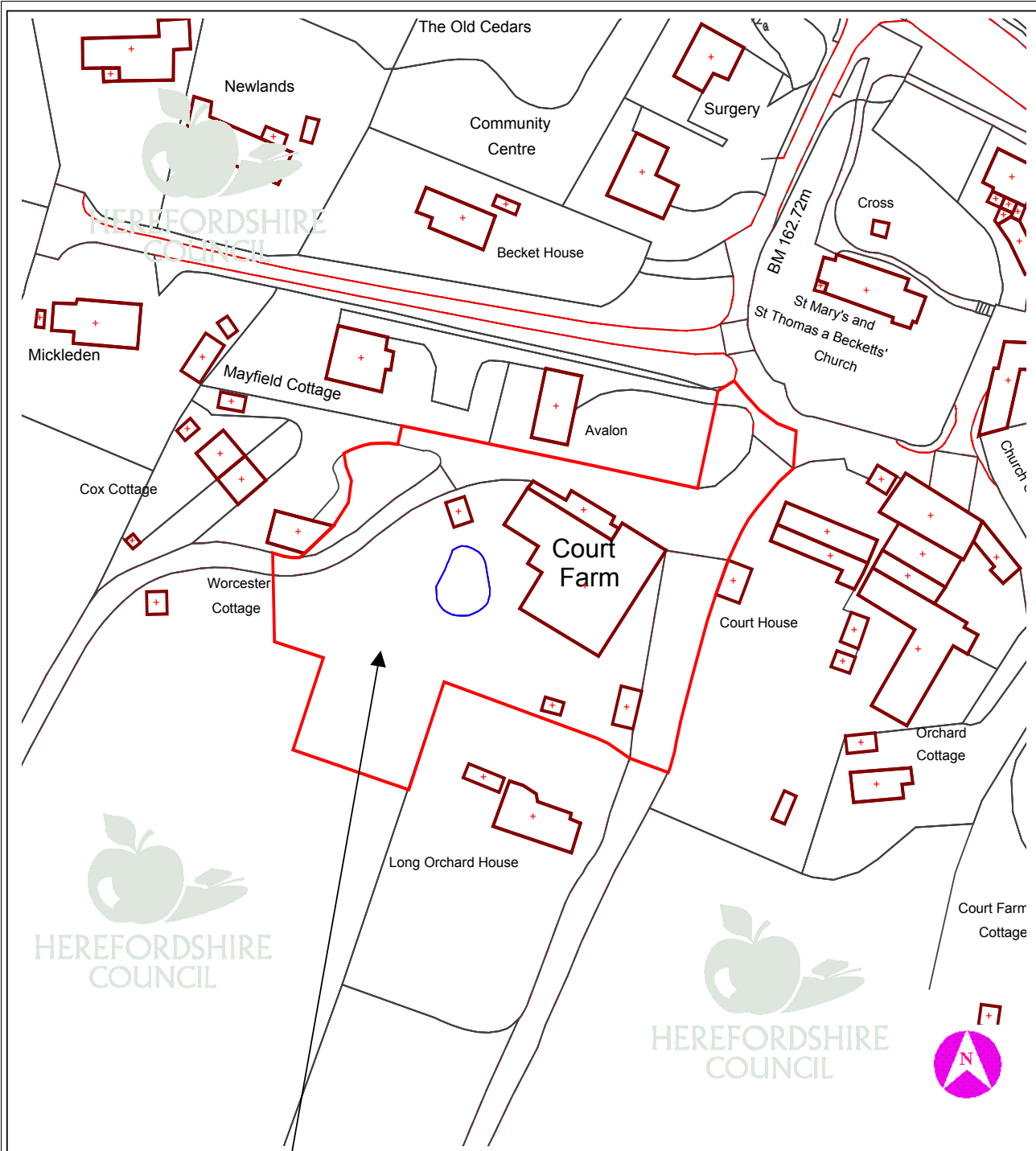
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2007/3846/O

SCALE : 1 : 1250

SITE ADDRESS : Court Farm, Much Birch, Herefordshire, HR2 8HT

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DCCW2007/3940/F - PROPOSED DEVELOPMENT OF TWO BUILDINGS (4 UNITS) FOR SMALL BUSINESS B1 AND B8 USE - LIGHT INDUSTRIAL AT MARSHALL BUSINESS CENTRE, WESTFIELDS TRADING ESTATE, HEREFORD, HR4 9NS

For: Marshall Business Centre per Mr. S. Potter, Pomona Office, Pomona Drive, Kings Acre Road, Hereford, HR4 OSN

Date Received: 24th December 2007 Ward: Three Elms Grid Ref: 50346, 41121

Expiry Date: 18th February 2008

Local Members: Councillors Mrs. P.A. Andrews, Mrs. S.P.A. Daniels and Ms. A.M. Toon

Introduction

This application was considered by the Central Area Planning Sub-Committee at its meeting on the 19th March 2008 when Members resolved to grant permission for Unit 1 as per the recommendation but refuse permission for Unit 2 contrary to the recommendation in the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

In the debate Members of the Area Sub-Committee gave weight to the objections from local residents, and were concerned with noise impacts and the visual impact on the nearest residential properties.

It was resolved to grant permission for unit one but refuse permission for unit two on the grounds of adverse impact on the amenities of the nearest house. The Committee's intentions could only be achieved through a grant of permission subject to a condition to exclude unit 2 from the permission.

The application raises the following issues;

1. The site is allocated for employment use and the economic benefits of the development therefore carry significant weight.
2. There is no support from the Environmental Health Manager for a refusal based on noise generation or other environmental effects. Conditions are also recommended to further minimise any environmental impacts.
3. The differences between the circumstances of the two buildings are so similar that it is inconsistent to grant planning permission for one and withhold it for the other.
4. The difference between the two buildings is dependent solely on the circumstances of one dwelling within 15 metres of the boundary of the site with unit 2. The principal impact on residential amenity would be limited to the fact that the new building would be clearly visible from the house – unit two being sited at the bottom of the garden. However, this is a property that adjoins a well established allocated employment site

and the scale, design and orientation of the building is such that there will be no harmful impact on the amenity of the occupants of nearby properties.

5. A condition to effect the split decision required by Committee could itself be challenged as unreasonable given its effect would be to withhold permission from half of the total scheme.

In light of the above it can be seen that the proposal complies with the development plan, consequently concerns raised by Members in determining to refuse planning permission for unit 2 would be difficult to defend in the event of an appeal. For these reasons the application is referred to this meeting for further consideration

The report to the Central Area Planning Sub-Committee on the 19th March follows.

1. Site Description and Proposal

- 1.1 The application site comprises approximately 0.5 hectares of allocated employment land forming part of Westfield Trading Estate, accessed off Faraday Road
- 1.2 The application seeks permission for the erection of two single storey B1/B8 industrial buildings, with an aggregate floor area of 465m². Each building will be sub-divided into 2 self-contained units.
- 1.3 The central part of the application site is occupied by a large two storey building known as Marshall Business Centre, the remaining area being laid to hard standing serving as a parking and circulation area. Building 1 will be sited adjacent to the northwest corner of the site, whilst building 2 will be sited in the southeast corner.

2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S4	-	Employment
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR14	-	Lighting
Policy E6	-	Expansion of Existing Businesses
Policy E8	-	Design Standards for Employment Sites
Policy T11	-	Parking Provision

3. Planning History

- 3.1 None relevant.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water – No objection but suggest the use of standard drainage conditions.

Internal Council Advice

4.2 Environmental Health & Trading Standards Manager:

Comments on Original Submission

No objection. The Residents Group have contacted the Environmental Health Department regarding this application and have raised concerns regarding the likelihood of noise from the proposed development. There are two Residents Groups active in this area who liaise with the Council primarily regarding noise from Gelpack Printers and both noise and odour from Sun Valley. The complaints regarding noise in this area are primarily from those two sources, however there is a history of complaints regarding various businesses who operate from this area, obviously any intensification will increase the likelihood of further complaints being received. However, as far as I am aware there are no current ongoing investigations regarding noise from this area. Therefore I would recommend conditions to control hours of use, noise attenuation and no external use of plant or machinery. A condition controlling the hours of work during construction is also recommended. The delivery door on unit number 3 does not face into the business centre but north towards residential accommodation. This is likely to increase the likelihood of noise being heard by nearby residents as the building is not acting as a noise barrier. Ideally this door should be moved to face west to reduce the likelihood of complaints. The Council has also received complaints regarding the number of seagulls who nest in this area and the noise the birds generate, particularly during the breeding season. The control of seagulls is difficult and the prevention of nesting is considered to be the most successful approach in tackling the problem. Sun Valley take steps to reduce the number of birds by netting the roofs of their buildings and removing any nests. This action is likely only to displace any birds in the area and it is important that other potential nesting sites are designed to not attract birds and where possible netted or spiked to stop the birds landing. I would therefore advise the applicant to consider this problem when designing and proofing the buildings.

Comments on Revised Scheme

I have reviewed the amended plans for the proposed business centre, and I have no additional comments to make regarding the changes. Although the relocation of the door will reduce the likelihood of complaints being received, I still believe that there is the potential for nuisance to be caused due to noise, so the previously recommended conditions are still considered necessary.

4.3 Traffic Manager: No objection, but recommend conditions to secure the provision of details of parking and manoeuvring area, cycle storage and a travel plan.

5. Representations

5.1 Hereford City Council: No objections.

5.2 Letters of objection have been received from 23 properties in Grandstand Road and 6 properties in Armadale Close, summarised as:

- Application site is not large enough for the proposed development.
- The buildings are too large.
- The buildings are too close to the boundary with adjoining residential properties.

- The design and external materials do not match the surrounding buildings.
- Application is too vague, no details about the occupants, or hours of use.
- Storage use will be a fire risk.
- The application is speculative development.
- The development will give rise to additional noise and traffic.
- The existing car parking area is an important barrier to noise and other environmental nuisance and should be retained rather than built on.

Comments on Revised Scheme

5.3 Hereford City Council – No objection

5.4 In response to consultation on the revised plans 5 letters of objection have been received, which raise additional comments summarised as:

- The location of the proposed buildings has not changed
- The buildings are still too high.
- The application still does not give details of the proposed use.
- The relocated door will make no difference.
- Birds will still land on the roof
- The proposed development will devalue the adjoining residential properties

5.5 In addition a petition signed by 28 people has been received, stating that the revisions will be of no advantage to residents of Grandstand Road or Armdale Close

The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 Having regard for the relevant policies, the primary issues in determining this application are considered to be:

- The Principle of Development
- Design and Layout
- Residential Amenity
- Access and Highways Issues

Principle of Development

6.2 The application site lies within a designated area safeguarded for B1, B2 and B8 employment purposes within the Herefordshire Unitary Development Plan 2007. Therefore the proposed development is acceptable in principle, subject to other material considerations being satisfactorily resolved.

Design and Layout of the Development

- 6.3 As originally submitted the application sought permission for buildings with a ridge height of 5.76 metres with an eaves height of 4.67 metres. However in response to the concerns raised in the letters of objection the applicants agent has revised the design of the buildings resulting in a reduction in ridge height to 5.47 metres, and through introduction of an asymmetric roofline the eaves height on the boundaries with the adjoining residential properties has been lowered to 4 metres. Furthermore in response to the comments of the Environmental Health & Trading Standards Manager, the doorway on unit 3 was relocated, and the applicant has agreed to incorporate bird-proofing measures to discourage birds from using the new buildings.
- 6.4 Although it is noted that a number of letters of objection refer to the inappropriate external appearance of the buildings, the utilitarian appearance of the buildings is representative of modern commercial buildings, and is not untypical of a number of commercial buildings in the wider locality.
- 6.5 Therefore having consideration for the character and appearance of both the existing site and that of the wider locality, the siting, scale, massing and general design of the proposed buildings are considered to be acceptable.

Residential Amenity

- 6.6 The average distance between the rear of the adjoining dwellings and the proposed buildings ranges between 27 and 30 metres, the one exception to this being a property known as 17 Grandstand Road where the distance falls to 15 metres.
- 6.7 Whilst it is acknowledged that the proposed development will inevitably alter the setting and outlook of the neighbouring properties, particularly those whose curtilages will abut the area behind the proposed buildings, having consideration for the existing relationship that the neighbouring properties have with the designated employment area, the siting of the proposed buildings close to the boundary is not considered to give rise to sustainable grounds for refusal in this instance.
- 6.8 With regard to the concerns raised in the letters of objection about noise, it is considered that the potential for disturbance can be satisfactorily mitigated. In this respect the comments of the Environmental Health & Trading Standards Manager are noted and appropriate conditions are recommended together with conditions to control external lighting.

Access and Highways

- 6.9 Whilst the concerns raised about the a potential increase in traffic are noted, it is not considered that the modest increase in vehicular movements which may be generated will materially alter these pre-existing highway conditions. The comments of the Traffic Manager are noted and appropriate conditions are recommended to secure the prior approval of parking areas, secure cycle storage and a travel plan.

Conclusion

- 6.10 Overall the proposal complies with the relevant policies in the Development Plan, and as such, approval is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A01 (Time limit for commencement (full permission)).**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **B01 (Samples of external materials).**

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

3. **E05 (Restriction on hours of use (industrial)).**

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

4. **Notwithstanding the provisions of paragraph 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A or B of Part 8 and of Schedule 2, shall be carried out.**

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining properties and to comply with Policies DR1 and E8 of the Herefordshire Unitary Development Plan 2007.

5. **The development hereby permitted shall not be brought into use until areas for the manoeuvring, parking, loading and unloading of vehicles have been laid out, consolidated, surfaced and drained in accordance with a scheme to be submitted to and approved in writing by the local planning authority and such areas shall thereafter be retained and kept available for those uses at all times.**

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

6. **H29 (Secure covered cycle parking provision).**

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

7. **H30 (Travel plans).**

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives.

8. **F01 (Scheme of noise attenuating measures).**

Reason: To safeguard the amenity of the area.

9. F04 (No open air operation of plant/machinery/equipment).

Reason: To protect the amenities of nearby properties.

10. F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

11. F32 (Details of floodlighting/external lighting).

Reason: To safeguard local amenities.

12. No external flues or extractor equipment shall be installed at the premises without the prior written approval of the local planning authority.

Reason: In the interests of the amenity of the area and to comply with Policy DR4 of the Herefordshire Unitary Development Plan 2007.

13. F22 (No surface water to public sewer).

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

14. F28 (No discharge of foul/contaminated drainage).

Reason: To prevent pollution of the water environment.

Informatives:

1. N03 - Adjoining property rights.

2. If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Consultants on Tel: 01443 331155.

3. N19 - Avoidance of doubt.

4. N15 - Reason(s) for the Grant of PP/LBC/CAC.

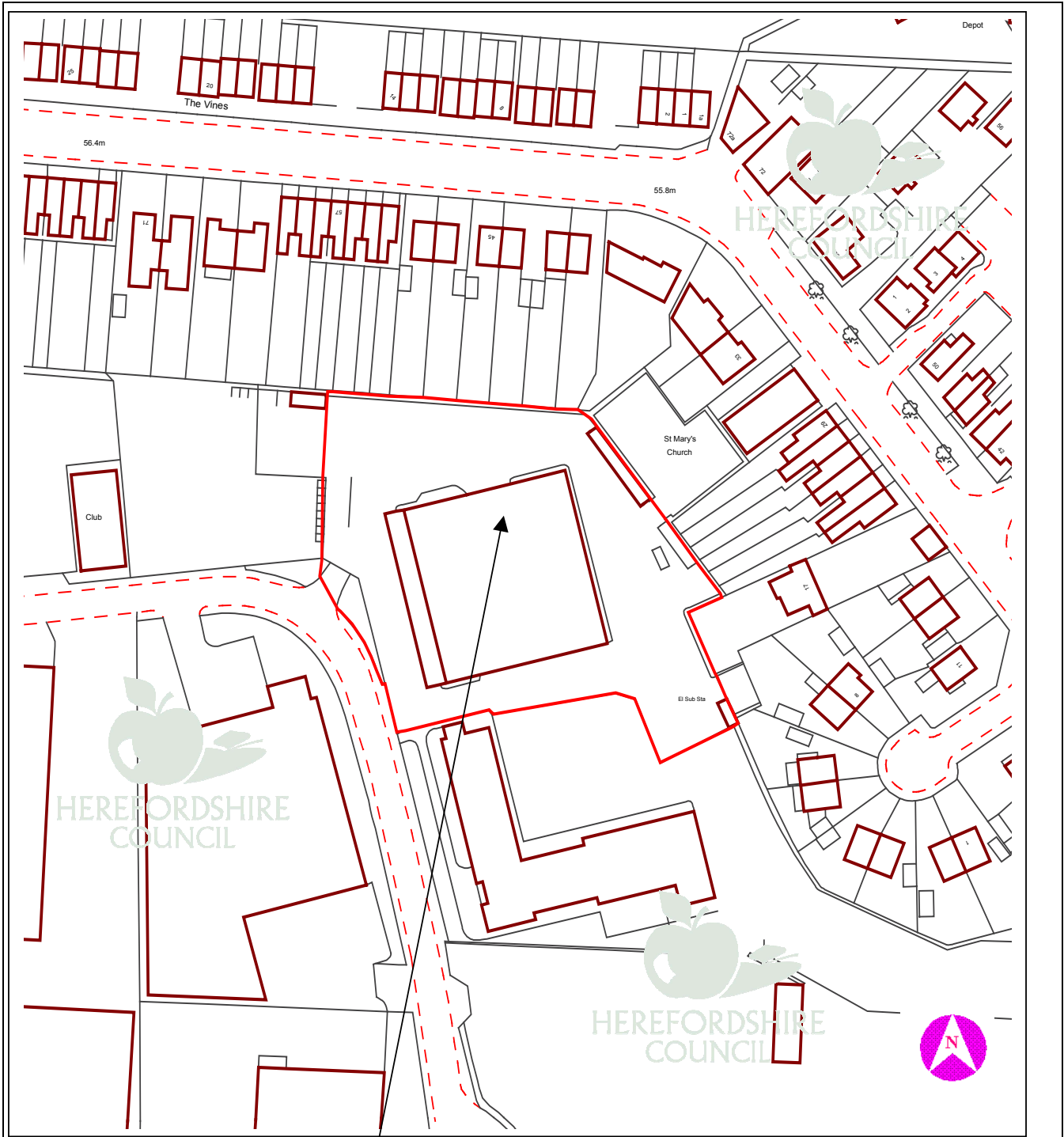
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2007/3940/F

SCALE : 1 : 1250

SITE ADDRESS : Marshall Business Centre, Westfields Trading Estate, Hereford, HR4 9NS

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DCCE2008/0220/F - ERECTION OF 6 NO APARTMENTS IN TWO STOREY FORM TOGETHER WITH ASSOCIATED CAR PARKING. 84 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1JJ

For: Arena Estates Ltd, per Mr SRB Bell, Stephen R. Bell Design, 173 Lower High Street, Stourbridge, West Midlands, DY8 1TG

DCCE2008/0225/C – DEMOLITION OF EXISTING DWELLING AND ERECTION OF 6 NO APARTMENTS IN TWO STOREY FORM TOGETHER WITH ASSOCIATED CAR PARKING. 84 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1JJ

For: Arena Estates Ltd, per Mr SRB Bell, Stephen R. Bell Design, 173 Lower High Street, Stourbridge, West Midlands, DY8 1TG

Date Received: 31st January, 2008 Ward: Aylestone Grid Ref: 52305, 41072

Expiry Date: 27th March, 2008

Local Members: Councillors N. Vaughan, D.B. Wilcox

Introduction

These applications were considered by the Central Area Planning Sub-Committee at its meeting on the 19th March 2008 when Members resolved to refuse permission contrary to the recommendation in the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

At its meeting on 19th March 2008 the Central Area Planning Sub-Committee was recommended to approve this application for the following reasons:

1. The site is allocated as a residential area in the Unitary Development Plan where there is no policy objection to the principle of residential redevelopment including flats.
2. The demolition concerns the loss of one house. The Conservation Manager considers that the house itself is of little intrinsic merit and the proposed replacement building would preserve the character and appearance of the Conservation Area.
3. There will be no increased impact on the amenity of neighbours
4. The trees worthy of retention are being retained
5. Adequate parking is being provided along with a safe access
6. A Section 106 contribution is proposed to fund the cost of a Traffic Regulation Order

In the debate the members of the Area Sub-Committee gave weight to the objections from local residents and were concerned at the loss of the existing single dwelling and its replacement with 6 self contained flats. They were also concerned about increased traffic and car parking.

It was resolved to refuse permission.

The application raises the following issues:

1. The site is allocated for residential use and there is no policy basis to object to the principle of a development of self contained flats in this location.
2. The Conservation Officer's views are quite clear – the existing dwelling is not considered to be worthy of retention in its own right subject to the quality of the replacement and in this regard, the scheme in design terms would be an enhancement and generally harmonious with the character of the Conservation Area.
3. There is no support from the Traffic Manager for a refusal based on access, parking or the capacity of the localised road network
4. There is no increased overlooking or other adverse effect on neighbouring properties.

In light of the above the proposal complies with the development plan, and the objections raised by Members would not be tenable as reasons for refusal in the event of an appeal. The original Central Area Sub-Committee report follows below incorporating updates including a Section 106 Heads of Terms.

1. Site Description and Proposal

- 1.1 The site lies on the eastern side of Aylestone Hill, north and adjacent to the junction with Walney Lane. No 84 Aylestone Hill is a detached two storey three bedroom dwelling with rendered elevations under a hipped slated roof and is located in the north eastern corner of the site. Vehicular access is gained via Walney Lane with a further pedestrian access directly off Aylestone Hill to the west. The site is bounded to the north east and west by a mixture of hedgerow, stone wall and mature trees, one of which is a large mature Cedar. Ground levels generally fall northward away from Walney Lane into the site and eastwards away from Aylestone Hill.
- 1.2 Conservation Area Consent is sought for the demolition of the existing dwelling. Alongside this, planning permission is also sought for the construction of a replacement development comprising of four two bedroom and two one bedroom apartments located within a single detached building arranged on two floors. The design of the building is to follow a classical Georgian appearance with symmetrically positioned sash windows on each floor under a hipped slate roof. The existing access off Walney Lane is to be closed off and a new vehicular access created again off Walney Lane serving a parking area for nine vehicles. The remainder of the site will be appropriately landscaped to retain its existing appearance.

2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007:

- S2 - Development requirements
- S3 - Housing

S7	-	Natural and historic heritage
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H15	-	Density
H16	-	Car parking
T7	-	Cycling
HBA4	-	Setting of listed buildings
HBA6	-	New development within conservation areas
HBA7	-	Demolition of unlisted building within conservation areas
CF2	-	Foul drainage

3. Planning History

- 3.1 CE2007/3011/F - Demolish existing property and replace with 6 apartments in two storey form together with associated car parking. Application withdrawn 30th October, 2007.
- 3.2 CE2007/3012/C - Demolish existing property and replace with 6 apartments. Application withdrawn 30th October, 2007.

4. Consultation Summary

The comments apply to both applications unless otherwise stated.

Statutory Consultations

- 4.1 Welsh Water: No objection subject to conditions regarding foul and surface water drainage including a note to advise the developers there are no foul or surface water sewers in the immediate vicinity and therefore an off-site sewer connection will be required.

Internal Council Advice

- 4.2 Traffic Manager: Recommend that nine car parking spaces are provided to give an average of 1.5 per unit. Cycle parking should also be provided in accordance with the Highway Design Guide and clarification that the visibility splays can be achieved alongside the existing hedgerows and trees.
- 4.3 Conservation Manager – Conservation Areas and Historic Buildings:

CE2008/0225/C

The existing house is a common building of its type. It would appear to have been constructed on the site of the original stable block of the adjacent listed house, which was demolished. Whilst not particularly in keeping with the character of the conservation area it does not particularly detract from the area and therefore can be viewed as a relatively neutral feature. We would therefore not object to its demolition provided that a building that would be in keeping with the character of the area is constructed.

CE2008/0220/F

The proposal is an improvement over the previously withdrawn scheme being a Classical style house of symmetrical form typical to Aylestone Hill. Minor improvements to the design could be undertaken such as the removal of the projecting wing to the south(right) elevation. Although this would result in a minor reduction in space it would result in a building that would be appropriate to the proposed style. If this option were undertaken it would be recommended that a parapet be added to reduce the impact of the roof and break up its mass. The door case needs to be added to and enhanced, as it is to subdued for a building of this quality. It may be preferable to construct a porch of an appropriate scale to reflect the buildings status. We would also recommend that as a minor alteration to the landscaping that a footpath is constructed down to Aylestone Hill and an appropriate gate is erected. This is so that the buildings focus is clearly seen to be from Aylestone Hill, as currently the side access drive would conflict with this proposal.

4.4 Conservation Manager – Trees

No objection in principle. The Beech Tree is young and should adapt to any change in its environment. I recommend that this can and should be retained. No objection to the loss of the other Leynadii trees but recommend compensatory planting.

5. Representations

5.1 Hereford City Council: The applications should be refused as the loss of this building would have an adverse impact on the Conservation Area.

5.2 Conservtaion Advisry Panel – Important landscape location, design rejected as lost opportunity on design grounds, should be a contemporary design, landscape proposal and trees not indicated and should be considered

5.3 Thirteen letters of objection have been received, the main points raised are:

1. The development will result in a significant increase in traffic on Walney Lane which is a highly unsuitable highway for any increased traffic.
2. The Aylestone Hill/Walney Lane junction is dangerous particularly during peak school periods and the proposed access is too near this junction.
3. Inadequate parking is provided.
4. The existing dwelling is a traditional style cottage worthy of retention.
5. The removal of further trees within the site is unacceptable.
6. The creation of additional hard surface where there previously was garden would increase surface water run-off.
7. The development constitutes an over development of the site.
8. The demolition of the existing building can not be considered sustainable development.
9. The development of flats will be out of character with the area which is predominantly single dwellings.
10. Walney Lane is a green lane and should remain as such
11. If approved access should be directly off Aylestone Hill rather than Walney Lane.
12. The proposed development will be incongruous.
13. The development will not maintain the character of the Conservation Area being three times larger than the existing cottage.
14. The development will lead to increased noise from additional traffic to the detriment of local amenity.
15. The development will set a precedent for other similar developments in the area.
16. The development exceeds the building line in Walney Lane.

17. Any trees proposed to be removed should be replaced with trees of a similar size.
 18. There will be considerable disruption during the construction phase particularly if it coincides with the construction of the two dwellings approved at 17 Walney Lane.
 19. If permission is approved the developer should be required to connect to the new mains foul drainage when completed as the existing foul drainage is inadequate and causes localised pollution.
 20. The development will have a detrimental impact on the setting of the adjacent Listed Building.
- 5.4 The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 The first issue to consider is the principle of demolishing the existing dwelling. The dwelling is of 20th Century origin, is not listed but falls within a Conservation Area. The existing dwelling undoubtedly maintains the character and appearance of the Conservation Area. The Conservation Officers view, however, is that the existing dwelling is of minimal merit and its demolition can be considered acceptable subject to the quality of the replacement development.
- 6.2 The proposed replacement building will be a two storey detached building comprising four 2-bedroom and two 1-bedroom flats, three flats on each floor. The building is sited broadly in the same position as the existing dwelling following the notional building line of properties fronting Aylestone Hill to ensure it reads as part of the historic street scene.
- 6.3 Whilst the proposed building is significantly larger in footprint and scale than the existing dwelling, the building to plot ratio is still generous by modern development standards. Furthermore, the development will be of a comparable scale to other large properties in the locality including the neighbouring property - 88 Aylestone Hill. The development does encroach nearer Walney Lane than other properties in the locality. To ensure the impact of this is minimised the slab level is to be excavated into the rising ground level. The result of which is there a difference of around 1.5 metres between the slab level of the proposed development and the level of Walney Lane. There is scope to further reduce the impact by lowering the slab level of the dwelling by an additional 300 mm. This matter can be dealt with by condition. Overall, whilst the scale of the replacement building is substantially larger than the existing, it is not considered that the development will appear unacceptably large within the site or out of proportion with other properties in the locality. As such the principle of the siting and scale of the development is considered acceptable.
- 6.4 The design has evolved since the withdrawal of the previous applications in October 2007 to create a more classical appearance. The proposal now follows a typical Georgian design incorporating features such as symmetrically positioned sash windows at ground and first floor, hipped roof, large chimney stacks and a strong centrally located entrance feature. The amended design will now harmonise with the character and appearance of other properties in the Conservation Area including the property immediately north, which is Grade II Listed. The amendments also address the concerns of the Conservation Officer.
- 6.5 Three windows are proposed at first floor overlooking the neighbouring property and their garden. However, there are already windows at first floor within the existing dwelling overlooking the neighbouring property and their garden and therefore it is not

- considered that there will be any material increase in overlooking. In retaining the slab level of the dwelling as low as possible and the fact that the majority of the property is a reasonable distance from the neighbouring boundary to the east, the development will not appear overbearing or result in an unacceptable loss of sunlight. The neighbouring property's amenity can be further safeguarded through the retention of the existing mature boundary hedge along the eastern boundary.
- 6.6 A tree survey has been provided to evaluate the quality and health of existing trees on site and identify the impact of the development on trees to be retained. The development has been specifically sited to ensure there is no impact on the mature Cedar and its root protection zone. Elsewhere, a cluster of Leylandii trees are located near the junction with Aylestone Hill which the tree report recommends can be removed. The development also necessitates the removal of a further semi-mature Leylandii in the south east corner of the site and may have an adverse impact on the semi-mature Beech tree in a similar location although there is sufficient space for this to be retained in the short term. Other boundary vegetation and hedges are to be retained to safeguard the character of the site.
- 6.7 To address the concerns of members and the Traffic Manger, the number of parking spaces has been increased form eight to nine which equates to one space per flat with three visitor spaces. This is considered adequate particularly given the characteristics of the site. Space for additional parking is available but it is considered that the extent of hardstanding should be minimised within the frontage of the development to maintain the landscaped garden area. A low impact surface for the parking area such as grass-creet or similar can be used to minimise the impact of the hardstanding and this matter can be controlled by condition.
- 6.8 The Traffic Manager confirms that the access is safe in terms of its proximity to the Aylestone Hill junction and adequate turning and manoeuvring space will be available within the site to enable a vehicle to enter and leave the site in a forward gear. The proposals also include the closure of the existing vehicular access adjoining the neighbouring property.
- 6.9 A condition is recommended requiring that the development connects to the new mains foul drain when available in line with other recent permissions in the locality. Negotiations on the development have been on-going for approximately 8 months therefore given this situation and the fact that application was submitted in advance of the adoption of the Supplementary Planning Document on Planning Obligations, it is not considered reasonable to asses the development against the SPD. However, to address the concerns of local residents regarding indiscriminate parking on the recently widened section of Walney lane, the applicants have agreed to fund the cost if investigating and if the criteria is met, implementation of a Traffic Regulation Order. This would enable the introduction of double yellow lines along the widened section of Walney Lane and the recommendation reflects this requirement.
- 6.10 The demolition of the existing dwelling is only justified on the basis of a high quality replacement development. It is now considered that this requirement has been achieved with the proposed development, which will assimilate into its environment and enhance the character and appearance of the Conservation Area. There are also developments of flats in locality both in the form of new build and conversion of existing buildings and therefore the introduction of further six flats will not be out of keeping with the residential character of the area. The development is therefore acceptable in accordance with the relevant Unitary Development Plan Policies.

RECOMMENDATION

- 1) The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 subject to the Heads of Terms attached to this report an any additional matters and terms as he considers appropriate.
- 2) Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered necessary by officers.

Note to applicant:

- 1) This permission is granted pursuant to an agreement under Section 106 of the Town and Country Planning Act 1990.

CE2008/0220/F

- 1 **A01 (Time limit for commencement (full permission))**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 **B01 (Samples of external materials)**
Reason: To ensure that the materials harmonise with the surroundings.
- 3 **H13 (Access, turning area and parking)**
Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.
- 4 **G04 (Landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
- 5 **G05 (Implementation of landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
- 6 **G09 (Retention of trees/hedgerows)**
Reason: To safeguard the amenity of the area.
- 7 **G18 (Protection of trees)**
Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.
- 8 **H29 (Secure covered cycle parking provision)**
Reason: To ensure that there is adequate provision for secure covered cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

- 9 Notwithstanding the submitted details, the finished floor level of the development hereby permitted shall be constructed at 76.400

Reason: in order to define the permission and to ensure the development is of a scale and height appropriate to the site and its surroundings.

- 10 F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

- 11 H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety.

- 12 The development hereby permitted shall not be occupied until evidence documenting the foul drainage connection to the mains sewer has been submitted to and approved in writing by the local planning authority.

Reason: To ensure satisfactory drainage arrangements are provided.

- 13 Foul and water surface discharges shall be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

- 14 No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the local planning authority.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

- 15 Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

- 16 F39 (Scheme of refuse storage)

Reason: In the interests of amenity.

- 17 The development shall be designed and constructed to meet level three of the Code for Sustainable Homes: A Step change in Sustainable Home Building Practice Design dated December 2006 or equivalent standard as may be agreed in writing with the local planning authority. No development shall commence until authorised certification has been provided confirming compliance with the agreed standard and prior to the occupation of the last dwelling, further certification shall be provided confirming that the development has been constructed in accordance with the agreed standard.

Reason: To promote the sustainability of the development hereby approved in accordance with Policies S1 and H13 of the Herefordshire Unitary Development Plan and PPS1 Supplement 'Planning and Climate Change'

INFORMATIVES:

- 1 **There are no foul/surface water sewers in the immediate vicinity. It is therefore likely that off-site sewers will be required to connect to the public sewerage system.**

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on 01443 331155.

- 2 **N15 - Reason(s) for the Grant of PP/LBC/CAC**

- 3 **N19 - Avoidance of doubt**

DCCE2008/0225/C

- 1. **C01 (Time limit for commencement (Listed Building Consent)**

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2. **G18 (Protection of trees)**

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

- 3 **C14 (Signing of contract before demolition).**

Reason: Pursuant to the provisions of Section 71(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

INFORMATIVES:

- 1 **N15 - Reason(s) for the Grant of PP/LBC/CAC**

- 2 **N19 - Avoidance of doubt**

Decision:

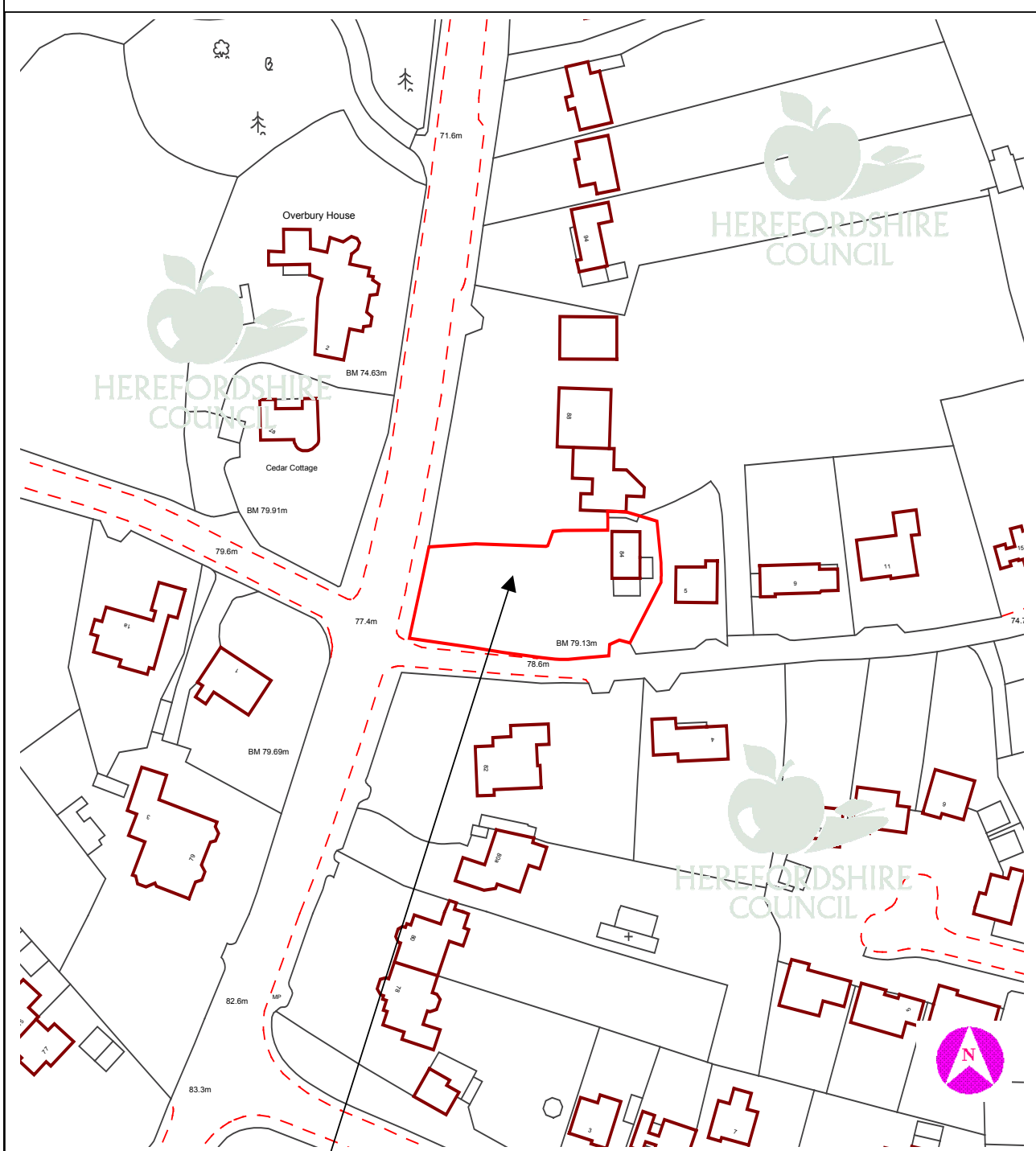
Notes:

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Background Papers

Internal departmental consultation replies.

Further information on the subject of this report is available from Mr R Pryce on 260756 Ext 0756



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APPLICATION NO: DCCE2008/0220/F

SCALE : 1 : 1250

SITE ADDRESS : 84 Aylestone Hill, Hereford, Herefordshire, HR1 1JJ

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HEADS OF TERMS

Proposed Planning Obligation Agreement

Section 106 Town and Country Planning Act 1990

Planning Application – DCCE2007/0220/F

- Erection of 6 apartments together with associated parking

84 Aylestone Hill, Hereford, HR1 1JJ.

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council £6000 upon commencement of the development. The money shall be used for the investigation and implementation of a Traffic Regulation Order to enable the introduction of double yellow lines on the widened section of Walney Lane. In the event the Traffic Regulation Order criteria is not met, any remaining money shall be used for the enhancement of sustainable transport infrastructure in the Alyestone Ward.
2. The contribution shall be indexed linked.
3. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purposes specified in clause 1 within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
4. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Russell Pryce
Team Leader - Central

26th March 2008

DCNW2008/0221/F - INSTALLATION OF TWO TEMPORARY UNITS AND REMOVAL OF TWO UNITS. ORLETON PRIMARY SCHOOL, ORLETON, LUDLOW, HEREFORDSHIRE, SY8 4HQ

For: Director of Childrens Services per Property Services, Herefordshire Council, Franklin House, 4 Commercial Road, Hereford, HR1 2BB

Date Received: 25th January 2008

Ward: Bircher Grid Ref: 49710, 67350

Expiry Date: 21st March 2008

Local Member: Councillor W L S Bowen

1. Site Description and Proposal

- 1.1 The site for the proposed development forms part of the school complex, alongside the southern side of the main school building.
- 1.2 Adjacent to the southern boundary of the application site are residential curtilages to two separate dwellings.
- 1.3 The application proposes two replacement pre-fabricated structures - Unit 'A' as indicated on the plans submitted as part of the application is for use as a classroom and Unit 'B' as a pre-school facility.
- 1.4 The existing pre-fabricated units are on the area of land where it is proposed to locate Unit 'A'. Unit 'B' is proposed on land 3 metres from the southern boundary. Both units are considerably larger than the existing two on site.
- 1.5 Also forming part of the application is a proposal for a new hard-surfaced playing area, directly abutting the northern side of the proposed Unit 'B' with a new access gate into it from the western side, and a new link fence alongside the eastern boundary of Unit 'B' and the proposed play area.

2. Policies

2.1 Herefordshire Unitary Development Plan

S1	-	Sustainable Development
S2	-	Development Requirements
S11	-	Community Facilities and Services
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
CF5	-	New Community Facilities
CF8	-	School Proposals

3. Planning History

- 3.1 NW01/1820/F Single-storey extension - Approved 28th August 2001
- 3.2 N98/0385/N Extension of existing hard-play area - Approved 7th September 1998

4. Consultation Summary

Statutory Consultations

- 4.1 Sport England - no objections raised.

Internal Council Advice

- 4.2 The Transportation Manager raises no objections subject to inclusion of standard conditions with respect to parking provision.
- 4.3 The Environmental Health Manager raises no objections.

5. Representations

- 5.1 Orleton Parish Council has responded to the application stating:

"No objections to Unit A. Unit B impacts too much on neighbouring property in its proposed position. More car parking will need to be provided".

- 5.2 A letter of objection has been received from:

Mr R. Ball, 1 The Halletts, Orleton

Objection raised refers to:

- Location of proposed Unit B just 3 metres from boundary.
 - Over-looking of garden from window in southern elevation of Unit B.
 - Impact of additional traffic on adjoining public highway.
 - If there is a genuine need for additional units, why can the structure not be located elsewhere?
- 5.3 A further letter in support of the application has been received from the Council's Property Services stating that the location for Unit B has been decided based on a number of factors:
- Need for segregation between school activities and that of nursery users.
 - Need to locate Unit 'B' at this specific location , in order to allow a hard-play area to exist adjacent to the unit.
 - The existing school football pitch needs to be retained and, therefore, the site for Unit 'B' as proposed is the only alternative site available. The letter acknowledges that viewing implications will arise for the neighbouring properties.

The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 The key issues in respect of this application are:

- Location of proposed Unit 'B'
- Car parking
- Impact on amenity and privacy of adjoining neighbours

6.2 Location of Proposed Unit 'B'

The site for Unit 'B' was considered the most acceptable site in consideration of the schools existing site layout, the need to retain the existing school's playing field for sporting activities, and the need to segregate from the main school campus users of Unit 'B', the pre-school nursery facility.

6.3 Car Parking

The Council's Transportation Manager has raised no objections subject to conditions in relationship to a cycle parking facility and provision of a Travel Plan.

6.4 Impact on Amenity and Privacy of Adjoining Neighbours

Objections have been raised to the proximity of Unit 'B', with residential neighbours. The proposed location of Unit 'B' is 3 metres from the adjoining boundary. Unit 'B' is proposed for use as a separate pre-school nursery facility, with a separate access into office accommodation on the southern side of the proposed unit. Nursery access is proposed on the western side of Unit 'B'.

6.5 The nearest dwelling to this Unit is located approximately 12 metres away. In between is the dwelling's residential curtilage, the Unit itself is located 3 metres from the dwelling's boundary within the school complex.

6.6 In consideration of the distances involved, use of the proposed building including the office use, on the southern side, amenity and privacy are not sufficiently compromised to merit refusal of the application. A condition can be attached to any subsequent approval notice issued, with regards boundary fencing. The proposed unit being only single storey in height within an existing school complex.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. The existing modular units as indicated on drawing number PSD/H/08/02 shall be removed from the site within two months of first use of the development hereby approved.

Reason: In the interest of the amenity of the surrounding area.

3. The premises shall be for use only as indicated on drawing number PSD/H/08/02 submitted as part of the application for planning determination and for no other purpose (including any other purpose in Class 'C2' of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity.

4. The use hereby permitted shall not be open outside the hours of 8.00 am - 5pm Mondays to Fridays.

Reason: To safeguard the amenities of the locality.

5. G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

6. H29 (Secure covered cycle parking provision)

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

7. H30 (Travel plans)

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives.

Informative(s):

1. **N15 - Reason(s) for the Grant of Planning Permission**
2. **N19 - Avoidance of doubt**
3. **HN25 - Travel plans**
4. **HN26 - Revised Travel Plan**

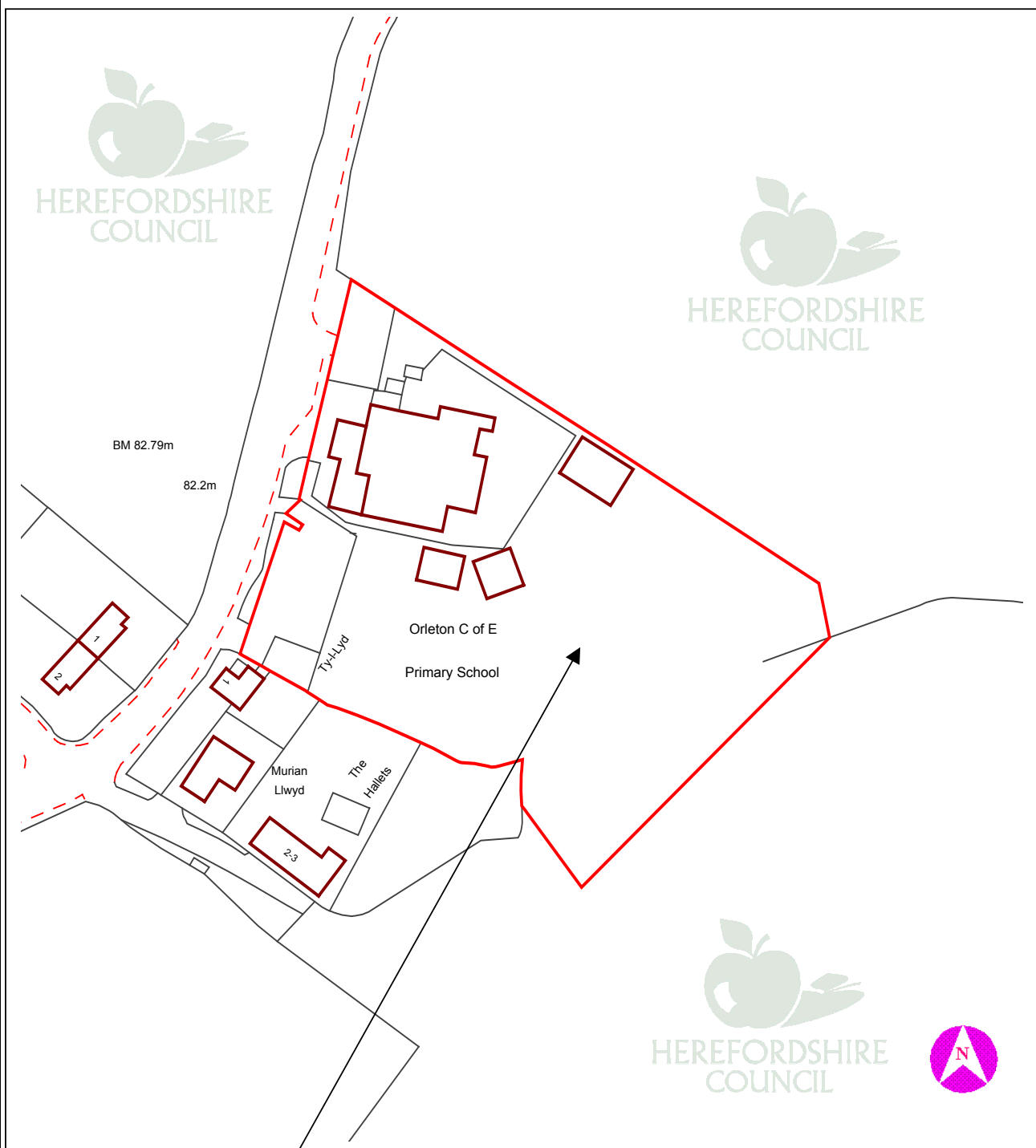
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2008/0221/F

SCALE : 1 : 1250

SITE ADDRESS : Orleton Primary School, Orleton, Ludlow, Herefordshire, SY8 4HQ

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