

A G E N D A

Southern Area Planning Sub- Committee

Date: **Wednesday, 20th August, 2008**

Time: **2.00 p.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:

*Ricky Clarke, Democratic Services Officer, Tel:
01432 261885 Fax: 01432 260286
E-mail: rclarke@herefordshire.gov.uk*

Herefordshire Council

AGENDA

for the Meeting of the Southern Area Planning Sub-Committee

To: Councillor PGH Cutter (Chairman)
Councillor MJ Fishley (Vice-Chairman)

Councillors CM Bartrum, H Bramer, BA Durkin, AE Gray, TW Hunt, JA Hyde, JG Jarvis, G Lucas, PD Price, RH Smith, RV Stockton, DC Taylor and JB Williams

	Pages
<p>1. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
<p>2. DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p> <p>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>	
<p>3. MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 23 July 2008.</p>	1 - 4
<p>4. ITEM FOR INFORMATION - APPEALS</p> <p>To note the contents of the attached report of the Head of Planning Services in respect of the appeals received or determined for the southern area of Herefordshire.</p>	5 - 6

PLANNING APPLICATIONS

To consider and take any appropriate action in respect of the planning applications received for the southern area and to authorise the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary.

Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.

- | | |
|--|----------------|
| <p>5. DCSE2008/0996/F - HOMME FARM, HOM GREEN, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7TF.</p> <p>To continue to erect, take down and re-erect polytunnels rotated around fields as required by the crops under cultivation.</p> | <p>7 - 34</p> |
| <p>6. DCSE2008/1376/F - H. WESTON & SON, THE BOUNDS, MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NQ</p> <p>Proposed extension to existing building to form an open sided loading bay.</p> | <p>35 - 40</p> |
| <p>7. DCSW2007/0064/F - BAGE COURT, DORSTONE, HEREFORD, HR3 5SU.</p> <p>Conversion of redundant traditional farm buildings to eight houses and one annexe.</p> | <p>41 - 52</p> |
| <p>8. DCSW2007/2194/O - THE LAURELS FARM, BRAMPTON, KINGSTONE, HEREFORD, HEREFORDSHIRE, HR2 9NF.</p> <p>Vehicular access amendments and site for agricultural dwelling.</p> | <p>53 - 58</p> |
| <p>9. DCSE2008/1803/F - REAR OF HAZELNUT COTTAGE, LLANGROVE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6EZ.</p> <p>6 new detached houses.</p> | <p>59 - 68</p> |

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 23 July 2008 at 2.00 p.m.

Present: Councillor PGH Cutter (Chairman)
Councillor MJ Fishley (Vice Chairman)

Councillors: CM Bartrum, H Bramer, BA Durkin, AE Gray, G Lucas,
RH Smith, DC Taylor and JB Williams

In attendance: Councillors TW Hunt and RV Stockton

19. APOLOGIES FOR ABSENCE

Apologies were received from Councillors JA Hyde, JG Jarvis and PD Price.

20. DECLARATIONS OF INTEREST

There were no declarations of interest made.

21. MINUTES

RESOLVED: That the Minutes of the meeting held on 25 June 2008 be approved as a correct record and signed by the Chairman.

22. ITEM FOR INFORMATION - APPEALS

The Sub-Committee noted the Council's current position in respect of planning appeals for the southern area of Herefordshire.

23. DCSE2008/1120/F - OAK HOUSE NURSERY SCHOOL, BRAMPTON ABBOTTS, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7JD. (AGENDA ITEM 5)

Two storey extension to Oak House Nursery School, comprising a special needs and staff training room at first floor, and a baby room at ground floor, plus entrance lobby.

The Senior Planning Officer reported the following updates:

- The applicant had provided a travel plan, a copy of this had been passed to the Traffic Manager for observation.
- A further letter of objection had been received from Mr and Mrs Cunningham.

Councillor BA Durkin, the local ward member, noted that the travel plan had now been submitted by the applicant. He felt that the parking issues had not materialised and therefore supported the application.

RESOLVED

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 H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

3 H29 (Secure covered cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

4 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 and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

5 G02 (Retention of trees and hedgerows)

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan

INFORMATIVES:**1 N19 - Avoidance of doubt - Approved Plans****2 N15 - Reason(s) for the Grant of Planning Permission****24. DCSW2008/1264/O - LAND ADJACENT TO THE BOUND HOUSE, DIDLEY, HEREFORDSHIRE, HR2 9DA. (AGENDA ITEM 6)**

Erection of detached bungalow and garage.

The Principal Planning Officer reported the following update:

- Two further letters of support had been received from local residents. The support from local residents was acknowledged but did not outweigh the "in principle" policy objections set out in the Officer's appraisal.

In accordance with the criteria for public speaking Mr Jones, the applicant, spoke in support of his application.

Councillor MJ Fishley, the local ward member, thanked the Chairman for bringing the application before the sub-committee. She felt that the application was not in breach of policies S1 and S6 of the Unitary Development Plan as there was a bus stop at the front of the premises allowing the applicant's to benefit from sustainable travel. She referred members to the guidance contained within the Council's Corporate

Plan, which encouraged older people to be able to stay in their own homes. In summing up she advised the sub-committee that the health of the applicant had deteriorated since the original Section 106 agreement was agreed in 1991 and that the afore mentioned agreement should now be removed and the application approved.

Councillor RH Smith felt that the UDP could prove restrictive in some instances and that there should be provision to approve applications contrary to policy in some exceptional circumstances. However he felt that the applicant's circumstances were not exceptional and that the application should be refused as per the Officer's recommendation.

A motion to refuse the application failed and the resolution below was then agreed.

RESOLVED

That planning permission be refused for the following reasons:

- 1 The proposal site is outside any designated settlement and therefore constitutes development in open countryside where new residential development would only be permitted in exceptional circumstances. It is not considered that the personal circumstances of the applicant outweigh this presumption. Therefore, the proposal is contrary to the provisions of Policy H7 of the Herefordshire Unitary Development Plan 2007.**
- 2 The development of this site would not be sustainable and would place reliance on the use of the motor vehicle. Therefore, the proposal is contrary to the provisions of Policies S1 and S6 in the Herefordshire Unitary Development Plan 2007.**

25. DCSE2008/0791/F - TAN HOUSE FARM, LITTLE PUCKMOOR, UPTON BISHOP, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7UP. (AGENDA ITEM 7)

- 1) Barn A use of permitted barn to house extensively farmed livestock on periodic basis.*
- 2) Barn B part use of permitted barn for use as a stable.*
- 3) Drainage provision of a grey water soakaway to serve existing office (retrospective application)*

The Planning Officer reported the following update:

- An email had been received from the applicant.

In accordance with the criteria for public speaking, Miss Rigby, the applicant, spoke in support of her application.

Councillor BA Durkin, the local ward member, advised members that there had been some objection to the application from local residents however he felt the application constituted an agricultural use and was therefore in keeping with planning policy.

RESOLVED

That planning permission be granted subject to the following condition:

- 1 G02 (Retention of trees and hedgerows)**

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan

INFORMATIVES:

- 1 N19 - Avoidance of doubt - Approved Plans**
- 2 N15 - Reason(s) for the Grant of Planning Permission**

The meeting ended at 2.30 p.m.
<LAYOUT_SECTION>

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCSE2008/0404/F**

- The appeal was received on 24 July 2008
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Kewmoor
- The site is located at Land to the rear of the Kings Head Hotel, High Street, Ross-on-Wye, Herefordshire. HR9 5HL
- The development proposed is Proposed conversion of disused garage building at rear of hotel to eight dwellings.
- The appeal is to be heard by Hearing

Case Officer: Edward Thomas on 01432 260479

Application No. DCSE2008/0019/O

- The appeal was received on 31 July 2008
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr C. Palmer
- The site is located at Land adjacent to Hazelnut Cottage, Llangrove, Ross-on-Wye, Herefordshire, HR9 6EZ
- The development proposed is Site for proposed dwelling (max 90 square metres/2 bed).
- The appeal is to be heard by Hearing

Case Officer: Edward Thomas on 01432 260479

APPEALS DETERMINED**Application No. DCSE2008/0039/F**

- The appeal was received on 14 April 2008
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mrs F Drummond
- The site is located at Green Orchard, Ryefield Road, Ross-on-Wye, Herefordshire, HR9 5LS
- The application, dated 21 December 2007, was refused on 12 February 2008
- The development proposed was Removal of existing house and construction of nine flats, including car parking and landscaping and utilising existing vehicular access.
- The main issues are: 1) the effect on the character and appearance of the area of Ryefield Road, 2) whether the living conditions of neighbours would be unreasonably harmed and 3) the effect on the safety and free-flow of traffic.

Decision: The appeal was **DISMISSED** on 1 August 2008

Case Officer: Yvonne Coleman on 01432 383083

Further information on the subject of this report is available from the relevant Case Officer

Enforcement Notice EN2007/0099/ZZ

- The appeal was received on 23 November 2007
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr J Williams
- The site is located at Middle Common Piggeries, Lower Maescoed, Herefordshire, HR2 0HP
- The breach of planning control alleged in this notice is:
Without planning permission, change of use of the land and buildings from use for agriculture to the use of war games.
- The requirements of the notice are:
Cease the use of the land and buildings for the use of war games and remove all external structures presently used as hideouts that have been erected in connection with this use.
- There are 3 main issues: 1) the implications of the use for neighbours living conditions with particular reference to noise and disturbance; 2) the effect of the use on the character of the countryside; and 3) the effect of the development on users of the public footpath that crosses the site.

Decision: The appeal was **DISMISSED** and the Enforcement Notice is **UPHELD** on 28 July 2008

Case Officer: Lisa Hughes on 01432 260141

Application No. EN2007/0112/ZZ

- The appeal was received on 23 November 2007
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr C Williams
- The site is located at Shop Vach Farm, Lower Maescoed, Herefordshire, HR2 0HP
- The breach of planning control alleged in this notice is:
Without planning permission, change of use of the land and buildings from residential and agriculture to a mixed use of residential, agriculture and the operation of war games.
- The requirements of the notice are:
Cease the use of the land and buildings for the use of war games and remove all external structures presently used as hideouts that have been erected in connection with this use.
- There are 4 main issues: 1) the effect of the use on the character and appearance of the countryside; 2) the effect of the development on users of public footpaths that cross the land; 3) the extent of dependence upon the private car; and 4) the implications of the use of for neighbours living conditions with particular reference to noise and disturbance

Decision: The appeal was **DISMISSED** and the Enforcement notice is **UPHELD** on 28 July 2008

Case Officer: Lisa Hughes on 01432 260141

If members wish to see the full text of decision letters copies can be provided

5 DCSE2008/0996/F - TO CONTINUE TO ERECT, TAKE DOWN AND RE-ERECT POLYTUNNELS ROTATED AROUND FIELDS AS REQUIRED BY THE CROPS UNDER CULTIVATION, HOMME FARM, HOM GREEN, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7TF.

For: E.C. Drummond & Son per Antony Aspbury Assoc. Ltd, 20 Park Lane, Business Centre Park, Lane Basford, Nottingham, NG6 0DW.

Date Received: 14 April 2008

Ward: Kerne Bridge

Grid Ref: 57814, 21926

Expiry Date: 14 July 2008

Local Member: Councillor JG Jarvis

1. Site Description and Proposal

- 1.1 Homme Farm is located approximately one kilometre to the south-west of Ross-on-Wye, on land enclosed along its western edge by the River Wye. The whole of the application site is located within the open countryside and within the Wye Valley Area of Outstanding Natural Beauty (AONB). The application site comprises 377 hectares of land that extends eastwards, from the River Wye, towards the B4234, the Ross-on-Wye - Walford road.
- 1.2 The Council's Landscape Character Assessment identifies part of the site that comprises the floodplain of the River Wye as Riverside Meadows with the remainder of the site being described as Principal Settled Farmlands. The area is of significant landscape and built historic interest: Hill Court is a listed building and registered garden and Old Hill Court is a listed building and unregistered garden. There are a number of other listed buildings within the application site. In addition, Goodrich Castle, a Scheduled Ancient Monument (SAM), occupies a spur of land to the south, and overlooks the application site. Howle Hill, Bulls Hill and Coppett Hill are located to the east of the application site. The site abuts the River Wye Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). Parts of the site are within the flood plain of the River Wye. Various Public Rights of Way cross and provide views towards the application site.
- 1.3 The application is for the erection of (Spanish) polytunnels to be used for the growing of soft fruit to be rotated around the holding. The polytunnels comprise curved and interlinked metal frames, the legs of which are inserted into the ground and typically their width is 6.5 - 8 metres with the height of 3 - 3.7 metres. Their length varies. The frames are covered with clear polythene during the harvesting period. The polythene is removed from November to January.
- 1.4 This proposal relates to some 377 ha of land owned by the applicant. Of the total 377 hectares, 152 hectares (which are shaded pink on Plan DLA 1226/06 Rev A) would not be tunnelled at any time for a variety of landscape, amenity, environmental and operational reasons. The net area of resulting land on which tunnels will be rotated from year to year would be 225 hectares. Within these 225 hectares, no more than

54 hectares (24%) will be covered with tunnels at any one time and there would be a limit of 10 hectares on the coverage in any single block of tunnels.

1.5 The application is supported by a number of documents:

Town Planning Statement

Proposes that a balance should be struck between any perceived harm to interests of acknowledged importance and the demonstrable benefits of the development. The principal consideration in this instance is the degree of any impact on the natural beauty and amenity of the Wye Valley AONB, how far this impact can be mitigated and, to what extent any residual adverse impact is outweighed by the benefits to agriculture, to the economy, to biodiversity and to sustainability.

Design and Access Statement

This points out that the tunnels are physically and functionally related to their agricultural use (the growing of soft fruit), the tunnels are temporary, and consist of tubular steel, galvanised framework made up of:

- Y shaped legs of 1.5 - 2 metre length, with a flighted end, which are wound into the ground (usually by machine) to a depth of 0.5 to 0.75 metres.
- A semi circular hoop slots over the legs and thus forms blocks of tunnels several bays wide.
- Bracing bars known as end kits secure the first and last hoops of the polytunnel.
- The size of the tunnel varies according to the crop and other considerations, but the bay width typically varies between 6.5 and 8 metres and the height between 3 and 3.7 metres.

The Landscape and Visual Assessment

This provides a detailed appraisal with plans and photographs of the landscape and visual effects of the development. It concludes with regard to the landscape that there will be a high impact on the character of the AONB, but that the magnitude is moderate due to the limited impact on the surrounding area as a result of the location, topography and presence of mature vegetation, including woodlands, orchards and hedgerows. In addition, the commitment not to erect any tunnels at all in sensitive areas of the application site, the overall limit on the extent of tunnel coverage at any one time; the limit on coverage in any single block, long term landscape management arrangements minimise the visual impact is described.

Business and Economic Appraisal

The business depends on the income of the soft fruit enterprise as a core profitable enterprise. EC Drummond and Son has used this enterprise to build the business as a whole and it is integral to overall business profitability. The business as a whole spends 46% of total expenditure within the local area. 44% of spending by local businesses supplying EC Drummond was in the local area. The business impact on the local economy is over £26 million. If polytunnels are not used the soft fruit enterprise would cease and the impact would be reduced by £6 million, this is a substantial negative impact on the local economy. Employment in soft fruit at the farm is 3 full-time partners, 14 full-time equivalents and up to 450 staff employed for picking and packing.

Drainage Appraisal

This explains the water management regime at The Homme and the special measures for irrigating crops (called 'trickle irrigation') and for managing the water draining from the cropped areas. It concludes that the tunnels will have no detrimental impact on drainage when compared to the alternative use, row crops.

Water Resources Risk Evaluation

This demonstrates that although the water abstraction predates the Water Act 2003 and is, accordingly unregulated, it complies with the current legal framework.

Ecology Survey

Examines the ecological impacts of the proposed tunnels.

Miscellaneous Documents

Document containing 81 letters of support from customers and suppliers of the applicant's farm business and from interested local residents. The applicant undertook public consultation exhibition in March 2008. 86 local people visited the exhibition and 78 made written comments that are submitted in a further document.

Following concerns raised in response to the initial consultation by the Environment Agency, Natural England and the Wye Valley Area of Outstanding Natural Beauty Partnership the scheme has been amended to include the following additional information:

- A reduction in covered tunnels at any one time from 60 hectares to 54 hectares
- Additional land adjacent to the River Wye to be included within the exclusion zone
- A projected 10 year rotational plan
- Additional ecological report incorporating a survey of fields not assessed in the first ecological report, an assessment of watercourses on the holding, badger sett location and mitigation proposals
- A supplementary drainage report relating to run-off, polytunnel location and siting, flood risk and site management
- Confirmation that no polytunnels to be erected on land below 35 metres AOD
- Additional landscape proposal showing three additional lateral (east/west aligned) hedgerows due east of the dismantled railway

2. Policies**2.1 Planning Policy Statements**

- | | | |
|-------|---|--|
| PPS1 | - | Delivering Sustainable Development |
| PPS7 | - | Sustainable Development in Rural Areas |
| PPS9 | - | Biodiversity and Geological Conservation |
| PPG13 | - | Transport |
| PPG15 | - | Planning and the Historic Environment |
| PPG21 | - | Tourism |
| PPG25 | - | Planning and Flood Risk |

2.2 Regional Spatial Strategy for the West Midlands

- Policy PA14 - Economic Development and the Rural Economy
- Policy PA 15 - Agriculture and Farm Diversification
- Policy QE1 - Conserving and Enhancing the Environment
- Policy QE5 - Protection and Enhancement of the Historic Environment
- Policy QE6 - The Conservation, Enhancement and Restoration of the Region's Landscape
- Policy QE7 - Protecting, Managing and Enhancing the Region's Biodiversity and Nature Conservation Resources
- Policy QE8 - The Water Environment

2.3 Herefordshire Unitary Development Plan 2007

Part I

- Policy S1 - Sustainable Development
- Policy S2 - Development Requirements
- Policy S4 - Employment
- Policy S6 - Transport
- Policy S7 - Natural and Historic Heritage

Part II

- Policy DR1 - Design
- Policy DR3 - Movement
- Policy DR4 - Environment
- Policy DR6 - Water Resources
- Policy DR7 - Flood Risk
- Policy E13 - Agricultural and Forestry Development
- Policy LA1 - Areas of Outstanding Natural Beauty
- Policy LA2 - Landscape Character
- Policy LA4 - Protection of Historic Parks and Gardens
- Policy LA5 - Protection of Trees, Woodlands and Hedgerows
- Policy LA6 - Landscaping Schemes
- Policy NC1 - Biodiversity and Development
- Policy NC2 - Sites of International Importance
- Policy NC3 - Sites of National Importance
- Policy NC5 - European and Nationally Protected Species
- Policy NC6 - Biodiversity Action Plan Priority Habitats and Species
- Policy NC7 - Compensation for Loss of Biodiversity
- Policy NC8 - Habitat Creation, Restoration and Enhancement
- Policy NC9 - Management of Features of the Landscape Important for Flora and Fauna
- Policy HBA4 - Setting of Listed Buildings

2.4 Other Policy and Guidance

Draft Polytunnel Supplementary Planning Document
 Landscape Character Assessment
 Wye Valley Area of Outstanding Natural Beauty Management Plan 2004-2009

3. Planning History

- | | | | | |
|-----|-----------------|---|---|---|
| 3.1 | DCSE2002/2715/S | Offices and amenities. | - | Prior approval not required
01.10.2002 |
| | DCSE2002/3635/S | Implement store | - | Prior approval not required
15.01.2003 |
| | DCSE2008/0995/F | Construction of irrigation lakes and associated conservation ponds. | - | Withdrawn |

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency originally objected to the proposal but following consultation on the additional information their objection has been withdrawn subject to the following:

Our previous letter of objection sought clarification on the siting of polytunnels within the 'floodplain' and clarification on surface water proposals for area C in the absence of the proposed reservoir being in place, to attenuate this water.

The supplementary report from JDIH dated 26 June 2008 addresses the concerns raised in previous consultations.

1. Fluvial Flood Risk

We are satisfied with the reports recommendations that no development should be situated below the 35m AOD contour line.

We would recommend a condition be imposed to ensure that there are no polytunnels (subject to this permission) sited on land lower than 35m AOD (nominal extent of the 1% plus climate change) as follows.

CONDITION:

There shall be no polytunnels sited on land lower than 35.0m AOD, as indicated upon Figure 3 'Flood Elevations' The Homme Supplementary Report dated 26/06/08, unless otherwise agreed in writing by the Local Planning Authority.

REASON - To maintain the conveyance of flood flows and to prevent the increased risk of flooding elsewhere.

Note - We note that SuDs techniques will be incorporated at the lowest point down catchment of each tunnel block below the 35m AOD contour, including grassed buffer strips and swales, where buffer strips already exist (to be extended) and we have no objection to this.

CONDITION:

There shall be no new buildings, structures (including polytunnels, gates, walls and fences) or raised ground levels within 8 metres of the top of bank of the River Wye (Main River), inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.

REASON: To maintain access to the watercourse for maintenance or improvements.

Consent note to above - Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of The Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the main river.

2. Surface Water

The drainage strategy for Area C has been re-assessed to ensure that a "Greenfield" scenario is generated with the development of leg row channels. The range of values for the critical storm events, including 1% with climate change, is considered acceptable based upon the calculations put forward within the supplementary report.

The report makes note of the long term strategy to attenuate Area C runoff via the adjacent Coughton Marsh reservoir development. Whereas we note the proposals for the reservoir are dependent on a successful (separate) planning application we would support the utilisation of this option as part of a sustainable long term solution for surface water runoff management and water recycling/harvesting.

Given that the re-assessed runoff calculations for this planning application are considered acceptable irrespective of the Coughton Marsh reservoir development proposal and provided that the drainage of the polytunnels is actively managed as suggested within the report, we would have no objection to this aspect of the proposal and would recommend the following condition to secure the above.

CONDITION:

Surface Water generated from the site shall be limited to the equivalent Greenfield runoff rate. The scheme shall be implemented in accordance with the approved details including Drainage Appraisal, as produced by JDIH (Water & Environment) Ltd, dated June 2007, addendum dated 1 April 2008, and Supplementary Report dated 26 June 2008 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent the increased risk of flooding.

Informative (note to above) - Whatever regulation method is adopted to control the rate of surface water run-off from the development, it is essential that the developer makes suitable provision to ensure satisfactory long-term maintenance and management of the system/structures installed.

We would also recommend that the LPA consult with their Land Drainage Officer.

Our previous 'water resources' comments, as outlined in our letter dated 29 May 2008, should also be noted.

4.2 Natural England

Natural England originally objected to the proposal but having been consulted on the additional information they have withdrawn their objection in relation to the impact of run-off on the River Wye SAC, and provide the following comments:

"In our previous objection to this application we recommended a number of amendments which, if implemented, could allow us to consider withdrawing our objection.

1) Impacts on the Wye Valley Area of Outstanding Natural Beauty

We are aware that the AONB partnership have recommended conditions to further restrict the total fields of polytunnels in the most sensitive locations. Natural England regards these recommendations as a workable compromise, and therefore fully endorses the comments of the AONB partnership.

We therefore withdraw our objection with reference to the AONB, subject to the inclusion of appropriate planning conditions in line with the recommendations of the AONB Partnership.

2) Water management and potential impacts upon the River Wye Special Area of Conservation and Site of Special Scientific Interest

The applicant has proposed the provision of SuDS “where applicable”. The inclusion of SuDS meets with approval. There remains, however, a need to clarify the form and locations of the proposed SuDS.

We therefore withdraw our objection with reference to the River Wye SAC, subject to the inclusion of an appropriate planning condition to secure the provision and implementation of a surface water regulation system which includes the use of SuDS, and which is agreed with the Local Planning Authority.”

4.3 English Heritage – Comments are awaited.

Internal Council Advice

4.4 Traffic Manager:

I visited the area last week, silt and sediment lined the C1274 and the u74212. How is the applicant going to mitigate the effects of this development? 20 -40% of silt reaches the river from the highway network, this needs to be managed and measures implemented such as silt traps and grass buffer strips. We must ensure great care is taken with this type of farming near roads and properties, the applicant needs to show he understands and will implement the principles of controlling run-off.

The proposal is adjacent to the disused railway line which the UDP protects and promotes for transport uses, this has not happened in this location. Is the applicant willing to grant public access rights for the path through dedication?

4.5 Public Rights of Way Manager:

The proposal 'to continue to erect, take down and re-erect polytunnels rotated around fields as required' will affect use of public rights of way in the area, in particular public footpaths WA1, WA5 and WA6 (identified incorrectly as WA8 on the application plans).

Plans are attached to show the legal alignment of these public footpaths recorded on the current definitive map.

The PROW Manager has no objections to this application, but requests the following condition in accordance with the SPD Polytunnels Consultation Draft, Supplementary Guideline 11, and UDP Policy T6:

There shall be no polytunnels erected within 2 metres of the centre line of a public footpath.

This condition has already been imposed at other polytunnel sites.

The main concern with this application is to protect the public's use and enjoyment of the footpaths crossing the site. With regard to the impact of the polytunnels on longer distance views towards the application site from surrounding PROWs, the PROW Manager offers no opinion, and suggests that you make a determination on this aspect from comments and reports you receive from other parties.

4.6 Conservation Manager: -

(a) Building Conservation Officer -

The built heritage dimension of this 'whole farm' polytunnel application, which covers an extensive area, primarily concerns the setting of a number of listed buildings, which will be dealt with in turn.

Paraclete Chapel (Grade II)

Isolated 1906 memorial chapel (not serving parish). The fields adjoining this building are part of the 'exclusion zone' which will not be subject to polytunnel development, so there is no significant impact on its setting.

Old Hill Court (Grade II)

Early C17 high status farmhouse. The view of the principal elevation from the C road to the west is across the 'exclusion zone' and the building is screened from the east by its curtilage buildings so there is no significant impact on its setting.

Hill Court (Grade I) with numerous individually listed curtilage buildings

1698-1700 country house in landscaped grounds (registered garden). Hill Court itself is somewhat isolated from its surroundings by its extensive, heavily wooded grounds, which provide a visual buffer in addition to the 'exclusion zone'. The most visible areas of polytunnel development will be to the south of a range of ancillary curtilage buildings, where the intervening field is within the 'exclusion zone'. Thus notwithstanding the impact on the registered garden, which will be addressed separately, it is not likely that the application will have a significant impact on the setting of Hill Court itself.

Barn, stable & cider house (Grade II), Callow Farm

C17-C18 heterogeneous farm building range (NB Callow Farmhouse itself is not listed). All of the surrounding fields are within the applicant's control and as such will be subject to polytunnel development. However the listed buildings, which are agricultural rather than residential buildings, have a very limited setting which focuses primarily towards the farmhouse and it is not likely that the application will have a significant impact on their setting, particularly if mitigation planting is undertaken.

Warryfield Farm (Grade II)

Predominantly C17 farmhouse with later alterations and C19 curtilage buildings. This complex has an introverted focus on its fully enclosed farmyard and the garden to the south of the farmhouse is well-screened by existing vegetation. It is therefore not likely that the application will have a significant impact on its setting, particularly if mitigation planting is undertaken.

Goodrich Castle (Grade I & SAM)

C12-C14 castle, partly ruinous. Like most medieval military installations, Goodrich Castle was located on high ground for strategic and symbolic reasons and by its nature its site above the River Wye commands extensive views of the valley to the north. Its setting is therefore difficult to define precisely but given the castle's status and deliberate visibility, it should be taken to include a wide sweep of land to the north.

This means that virtually all of the application site falls within the castle's setting but pragmatically only those areas closest to the castle, ie the fields north of the River Wye, are of critical concern. Unfortunately this includes what is currently the largest undifferentiated field on the site and notwithstanding the floodplain 'exclusion zone', this features very prominently in middle distance views from the castle. Whilst accepting that polytunnel coverage is both seasonal and phased, any large-scale development in this location will have some adverse impact on the setting of Goodrich Castle. However the landscaping design recognises this problem and proposes additional planting which in the longer term will at least ameliorate, although not neutralise, the visual impact of polytunnels in this location.

This application has recognised the setting issues relating to listed buildings and given the number and distribution of buildings involved, has largely addressed them by proposing 'exclusion zones', phased, rotating coverage and by introducing mitigation planting. The only serious conflict surrounds the area immediately north of Goodrich Castle but additional planting will, over time, go some way to resolving even this.

(b) Landscape Officer -

I have visited the site in order to assess the visual impact of the proposed development and to evaluate the findings of the Landscape & Visual Assessment by DLA Ltd.

Selection of viewpoints

I consider that most of the relevant viewpoints have been identified. However, I consider that more views of the application site should have been shown from the continuous footpath, comprising M020 and BW23, considering that it runs all the way from Wilton Road in Ross-on-Wye down to Kerne Bridge, near Goodrich. The one view (viewpoint 22, from the junction of footpath M020 and M020A) that is illustrated, is not representative of the views of the polytunnels that can be obtained from the northern section, in particular, of this riverside footpath. Although views of the polytunnels are intermittent, due to the presence of riverside trees and vegetation, I noted that there are quite expansive views of the polytunnels on the west facing slope below The Homme, particularly from the sections of the footpath at Moor Meadow, Weirend Farm, and the footbridges at Little Weirend and Crow Brook.

With regard to the selection of viewpoints on the hills to the south-east of the application site: Leys Hill, Bull's Hill and Howle Hill, I consider that the impact of the polytunnel development has been downplayed a little by only selecting two viewpoints in these hills (viewpoints 23 and 24), and by the nature of these viewpoints. Viewpoint 23 is not from a public vantage point and from viewpoint 24, views of the polytunnels are blocked by woodland. I acknowledge that from many parts of these hills, views of the application site are screened by woodland. However, I feel that in order to give a full representation of the types of views available from these hills, it would be necessary to include also an intermittent view, from a short section of road or footpath, for example, the section of road on Howle Hill in the vicinity of the Hill House or from footpath WA50, which contours along the slope below the Hill House.

Visual Impact

With regard to the capacity of the landscape to accommodate polytunnel development, topography, the existing tree and hedgerow cover pattern and the scale of the proposed development are key issues. As described in the Landscape and Visual Assessment, the application site is divided by two parallel minor ridgelines that run north - south. In the case of the close distance views, in the vicinity of Hom Green, the low ridges are advantageous in that they, together with the field hedgerows and trees, compartmentalise views of the polytunnels. However, the fact that the application site is encircled to the east, south and west by higher ground, is disadvantageous, because there are views down onto the polytunnel development. In particular, the polytunnel development has a detrimental impact on the views northwards from Goodrich Castle.

It is acknowledged in the Landscape and Visual Assessment that there has been a significant loss of hedgerows and hedgerow trees in lowland Herefordshire, including the application site, since the beginning of the C20th and this has resulted in a more open landscape. Comparing the Tithe Maps for Ross (1823) and Walford (1840) with current mapping data, it is evident that in the region of 80 hedgerows have been lost from the application site, particularly in the Homme Green and Riverside Meadow zone and that this has resulted in some larger scale fields. Where larger scale fields are covered in polytunnels there is an increase in the adverse impact. However, the fact that the polytunnel development is dispersed over a large landholding significantly reduces the cumulative adverse visual impact. I note that in the polytunnel rotation plans, the polytunnel development remains fairly dispersed.

In terms of the impact on the historic landscape, I am in agreement with the findings of the Landscape and Visual Assessment. At Hill Court, there are limited views out of the site due to its woodland setting, although there are views to the south. At Old Hill Court, there are close distance views of the polytunnels.

Mitigation

The topography of the Wye valley will limit the efficacy of screening planting from elevated viewpoints, in particular, from Goodrich Castle, Leys Hill, Bull's Hill, Howle Hill and the A40. However, it is possible to filter and break up views of the polytunnels from elevated viewpoints. From the viewpoints within the application site, the proposed structural hedgerow and woodland planting will be more effective in screening views of the polytunnels.

In the case of the historic gardens, Hill Court and Old Hill Court, the topographical position of these sites, between the two low ridgelines and the presence of some existing woodland screening, makes it easier to achieve an acceptable level of mitigation.

Conclusion

The polytunnel development is visible from numerous viewpoints within the application site and from surrounding elevated areas, all within the Wye Valley AONB and it will remain visible, albeit with a reduced adverse impact, even if the mitigation planting is carried out. As a landscape officer, I could not advocate the proposed development, because it will cause some harm to the AONB.

However, the decision made in the appeal concerning polytunnel development at Pennoxstone Court, also in the Wye Valley AONB, indicated that some polytunnel development is acceptable in AONBs. If it is determined that some polytunnel development is acceptable in principle on this site, then I consider that the proposed scale of polytunnel development is acceptable, because it is dispersed across a large

area, reducing the cumulative impact and because the existing framework of hedgerows, trees and woodlands, reduces its impact to some degree.

I support the main objectives of the mitigation proposals - to provide polytunnel exclusion zones in the Riverside Meadow zone and around the historic garden sites and to try to reinstate a denser framework of field boundary hedgerows, hedgerow trees and small areas of woodland. Meeting these objectives would enhance the character of both the Riverside Meadows and Principal Settled Farmlands. I would recommend that more hedgerows are planted, to sub-divide fields, due to the large number of hedgerows lost from this area. For example, it may be appropriate to sub-divide the field to the south of Ball's Farm.

I have some comments regarding the selection of species for the proposed planting. With regard to the specification for the woodland tree belt planting, Rowan, Aspen and Downy Birch are characteristic of upland woodland, not lowland woodland. Alder and Crack Willow are normally found in areas of wet woodland. Given that the woodland planting would be on the Herefordshire lowlands, an Oak-Ash dominated woodland mix would be appropriate, with Wild Cherry, Small-leaved Lime, Field Maple, and an under storey of shrub species: Hawthorn, Hazel and Holly. With regard to the hedgerow tree planting, Walnut might be appropriate within hedgerows close to farms but it is not normally found in open countryside.

If permission is granted for this development, I would recommend that a condition is attached requiring the submission of a ten year landscape management plan, to ensure the successful establishment and maintenance of the landscape proposals, as suggested by the landscape consultants.

(c) Ecologist -

I have received the updated ecological survey information by DLA dated June 08, and am now satisfied with the assessment of habitats present on the site. I welcome the enhancement and management suggestions detailed in Section 5, although note that the SSSI and SWS are still not mentioned specifically. Implementation of a nature conservation enhancement and management scheme (to include the grassland buffer strips) could be the subject of a planning condition. I would also like to see restoration of the field boundary to the east of Green Meadow housing estate included.

I note that some of the fields in close proximity to the River Wye SAC that were proposed to have polytunnels have now been excluded from the development zone in order to reduce the potential for nutrient and sediment runoff into the river. However, I also note the comments of Natural England that whilst they welcome the provision of grassland buffer strips and swales, they remain concerned that the runoff issue is not resolved to their satisfaction.

If the concerns of Natural England can be resolved, I shall have no objection to approval of this planning application, subject to the inclusion of **planning conditions** for the protection of the conservation status of the River Wye SAC/SSSI and the implementation of a SuDS and a biodiversity enhancement scheme.

I broadly welcome the recommendations regarding hedgerow management, and the further hedgerow, tree and woodland planting, but a management regime will need to be established. I understand that there was abundant dead elm in the boundary to the east of 'Green Meadow' and that this has been removed this year. I would also expect

the trees/hedgerow shrubs that formed this feature to be replanted. The proposed species for planting are broadly satisfactory.

5. Representations

- 5.1 The applicant has provided further information and clarification in respect of the concerns of the Wye Valley AONB Officer and Natural England.

Water Management and SuDs

As stated in the previous JDIH Envireau addendum to the planning application (P:\Drummond (5567)\Tunnel addendum let v1.doc, dated 26th June 2008), the management of runoff from Area C is not dependant upon the separate Coughton Marsh Reservoir planning application.

The runoff from the polytunnels will be less than Greenfield runoff and this has been agreed with the Environment Agency (ref: P:\Drummond (5567)\Tunnel addendum let v1.doc, dated 26th June 2008). Additional control is not required. The technical reports from JDIH fully and clearly describe the water management system.

The long term proposal for Area C runoff management is that runoff water will be channelled into the adjacent planned Coughton Marsh reservoir development. The drainage system within the polytunnel development is not dependent on the reservoir for success. The reservoir proposal simply fits into the overall water management scheme on the farm, positively.

EC Drummond and Son have a water requirement that must be met through predictable sources, for example abstraction licences. While capture of rainfall runoff can contribute to reducing 'actual' abstraction, it cannot replace 'licensed' abstraction.

The use of flow restrictors into the leg row channels of the polytunnels means that water will be trapped behind the flow restrictors after a rainfall event and will result in the water soaking into the soil, therefore reducing irrigation need.

The reduction of flow velocities in the leg row channels prevents soil mobilisation. Well managed polytunnels, such as those operated by EC Drummond and Son do not generate erosion and a suspended solids load to surface water. There is a net decrease in nutrient runoff from polytunnel growing over open field growing, due to the controlled conditions under the tunnels. This is a fundamental reason for using tunnels. There is no evidence, as far as we are aware of increased nutrient runoff.

Many references are made to SuDs systems. The whole water management approach described for this development is a SuDs system. Conventional drainage systems involve the installation of piped or culverted drainage direct to water courses. SuDs, a term developed for urban drainage systems, aims to attempt to replicate rural field drainage in an urban setting by increasing the potential for infiltration, by reducing runoff velocities. Well managed polytunnel drainage replicates a rural drainage system in a rural setting, by allowing runoff to infiltrate in leg rows, and over buffer strips. The technical work undertaken by JDIH clearly demonstrates that this is case for this development; and this has been agreed with the Environment Agency.

Abstraction from the River Wye

Abstraction from the River Wye currently takes place during the summer months in response to irrigation demand, and under the trickle irrigation exemption from abstraction licensing.

The planned development will not alter the abstraction system. In the event that the abstraction for trickle irrigation requires an abstraction licence in the future, then we are confident that an appropriate assessment will be required by the Environment Agency; and that statutory consultees will be given opportunity to comment on this issue at the appropriate time.

Water Recycling

EC Drummond & Son are committed to efficient use of water resources.

Collection and recycling of runoff water is not practical in the crop rotation in place at the site, due to the cost of installing and moving the infrastructure. During the history of the project a crop rotation plan has been encouraged by all parties concerned in terms of polytunnel placement.

Landscape Impact

I was extremely concerned to read the comments of the AONB Officer (dated 17.7.08), as there are some seriously fundamental misunderstandings in his interpretation of the scheme as amended.

His main point, starting at the fourth paragraph, will necessitate abandoning the concept of 'rotating' polytunnels, which already has support from the Planning Authority, as this dilutes the effect of such structures in the local landscape. The rotation of the polytunnels is fundamental in terms of limiting mass, magnitude and impact in all pertinent views, including those from the elevated Goodrich Castle.

The suggestion of limiting polytunnel coverage further within the 'valley', (his bullet points one and two) would increase the potential impacts in other areas of the farm. As such the existing proposals offer a fair and limited spread of landscape and visual impacts within the locale and have secondary benefits of enabling the farming unit to have operational flexibility.

Through dialogue with your Offices, the exclusion zones have been increased and the overall area under tunnels reduced with the attendant buffer strips and screening elements increased in the revised plans. The sensitive meadow areas (valley floor) are already included in the plans as areas where polytunnels are not to be erected. Impacts close to the River Wye (his areas shown yellow and pink) are very well mitigated with the proposed landscape treatments and coupled with the fact that users of this are generally at lower levels, looking upwards through perimeter landscape screening.

At his seventh paragraph, Mr Blake knows full well that should a consent be forthcoming the landscape and ecological management will be specified and controlled through the application of an appropriate 'planning condition', requiring Management Plans to be submitted and agreed.

Hedgerow management is already being carried out as prescribed in the extensive Countryside Stewardship Management scheme. This requires tall wide hedgerows, which are cut infrequently. The Management principles have already been agreed with the County Landscape Architect and Ecologist to follow a trimming regime that will allow the hedges to grow to around 4.5m high, with the additional habitat benefits that this brings.

- 5.2 Walford Parish Council - The majority of Councillors were in favour of this application as it was felt that the sustainability of the working community in an AONB over-rode the visual disturbance of the landscape by non-permanent structures that were not going to increase in coverage of the land in the foreseeable future.
- 5.3 Goodrich Parish Council - Refer the matter to Walford Parish Council.
- 5.4 Ross-on-Wye Town Council - No objection to the proposal.
- 5.5 Marstow Parish Council - Objects to the application. Residents complain of the AONB area being gradually taken over by polytunnels with a dramatic negative effect on landscape and tourism. Tourism is much needed in this area.
- 5.6 Bridstow Parish Council - No objection to the proposal.
- 5.7 95 letters of objection have been received. The grounds for these are as follows:
- Proposal is contrary to Government Guidance, policies of the Development Plan and draft Polyunnel Supplementary Planning Document.
 - The site is within an Area of Outstanding Natural Beauty, a site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). The development will cause significant harm to the area.
 - Polytunnels are highly intrusive in the landscape.
 - Due to the scale, location and topography it is virtually impossible to mitigate the damaging effect on the landscape.
 - Unacceptable visual impact on the skyline can not be mitigated
 - Adverse impact on the view from Goodrich Castle
 - The setting of Goodrich Castle and various listed buildings are affected
 - Adverse impact on the economy derived from tourism
 - Inherently unsustainable form of agriculture
 - Added strain on local infrastructure and services
 - Noise nuisance from people working on site and equipment
 - Increase in rubbish in the area
 - Local highway network is not capable of safely accommodating traffic generated by the proposal
 - Glare from polythene is a danger to road users
 - It is contrary to the precedence of legal decisions
 - Should not have taken the risk and invested when the applicant knew that planning permission may have been required.
 - Detrimental effect of siting polytunnels in the floodplain
 - High levels of water run-off containing pesticides and fertilisers into water courses
 - Permanent loss of habitat
 - Adverse impact on users of the Public Rights of Way in the Area
 - Large amount of waste plastic remains on site
 - The process leads to soil destruction and soil erosion
 - Use of large quantities of irrigation water
 - Adverse impact on tourism
 - Planning application required for accommodation for seasonal agricultural workers
- 5.8 101 letters of support have been received. The grounds for these are as follows: -
- Appreciate the importance of polytunnels to local farmers in supporting local businesses and employing local people.
 - No accountable negative impact on tourism.

- Structures are uncovered for much of the year, and in any case move from field to field with crop rotation.
 - Without a viable farming industry, the maintenance and husbandry of the countryside would be left to local government and ultimately taxpayer, with disastrous repercussions for employment and the biodiversity of our beautiful county.
 - My job and that of many others depend on the tunnels being allowed to stay
 - Must appreciate that we do not buy the view along with our houses
 - Agriculture is an industry; those who cohabit with it should not expect better treatment than those who cohabit with any other industry.
- 5.9 4 letters of a mixed response have been received requesting conditions limiting the extent of polytunnels and the length of time in situ.
- 5.10 Representations have been received from other organisations, as follows: -

Wye Valley AONB Partnership - express serious concern about the scale and landscape impact and that the application is contrary to policy. Total area of polytunnels need to be scaled down, polytunnels in sensitive areas at Goodrich and along the slopes of the Wye Valley should be greatly reduced or eliminated, and mechanisms put in place to control the size of individual blocks and ensure that there are adequate spaces between them. Concerned about water management, run-off into River Wye and orientation of polytunnels.

Wye Valley AONB were consulted on the additional information received as a result of their initial objection and maintain their objection for the following reasons:

In terms of the landscape impacts, the rotation plans show polytunnels continuing to be sited on the slopes facing the river and below Goodrich Castle in future years. The AONB unit would like to see polytunnels restricted in these areas. The applicant has indicated that the plans only show indicative locations for each year and we do not believe that this provides sufficient safeguards to prevent overdevelopment of polytunnels in these sensitive areas. We suggest, therefore that conditions are placed on any planning permission as follows.

- In the area facing the river, polytunnels should be restricted to only one of the four fields at any one time, or a quarter of the total area.
- In the area below Goodrich Castle, polytunnels should be restricted to one of the five fields or a fifth of the total area

Management of hedgerows needs clarifying. Water management system is still unclear.

The Ramblers Association provide the following comments:

Appreciate that Mr Drummond is applying retrospectively and has invested a considerable amount in this enterprise and employs 40 local staff. He seems aware of the great sensitivity of this type of intensive farming and the negative appearance vast areas of polytunnels have on the countryside. His proposals at least make some attempts to try and minimise the impact of polytunnels in an AONB.

Perhaps approval can be granted on the basis that there would be no extension beyond 10 years and the polytunnels and frames would then be completely removed.

Could the old railway track which crosses the site become a dedicated footpath and cycleway? Should not create a precedent for applications for similar new developments within the AONB. Important that all PRoW are kept clear and remain accessible to the public at all times.

The Open Spaces Society provides the following comments:

Should your authority be minded to grant planning permission, the tunnels must be erected and orientated in such a manner that they do not cause obstructions to public rights of way.

CPRE Herefordshire - object for the reasons that it is contrary to national and local planning policy and there is an unacceptable impact on the landscape.

Herefordshire Wye Valley AONB Society - object for the reasons that there will be a damaging effect on the landscape and the development is contrary to policy. Concern is raised with regard to environmental degradation through run-off, use of pesticides, destruction of soil and the consequences for wildlife. They consider there will be a negative impact on the local economy.

Ross on Wye and District Civic Society - recognise the problems posed by polytunnels, acknowledge the economic case and suggest that permission could offer protection that the Code cannot. They do have strong reservations with regard to the monitoring of any permission, tunnels in one area for an indeterminate period could result in a permanent eyesore and it is difficult to see how screening will be effective in the future. They are not adamantly opposed to all polytunnels.

Wye Valley Tourism Association - urge refusal.

County Land and Business Association support the application. They point out it is a well established business supplying a high quality product, it is a land use rather than building development, the tunnels are a feature of the farming countryside, imports are reduced, less chemicals are used, the micro-climate is particularly suitable on this farm and strawberry production is a success story in Herefordshire.

National Farmers Union support the application. The continued viability of this farm is dependant on the continuation of its soft fruit growing enterprise.

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 issues for consideration in the application are:

- (i) The effect of the polytunnels on the natural beauty of the landscape and the countryside of the Wye Valley Area of Outstanding Natural Beauty (AONB) and the weight to be attached to the benefits of the polytunnels in terms of the quantity and quality of the soft fruit produced, the contribution made to the rural economy and the substitution of locally grown fruit for imported fruit.
- (ii) The effect of the polytunnels on the setting of various listed buildings and Goodrich Castle, a scheduled ancient monument

- (iii) The effect of the polytunnels on the River Wye, SSSI and SAC through surface water drainage

Effect on Wye Valley AONB

- 6.2 The primary purpose of AONBs is to conserve and enhance natural beauty. AONBs share equal status with National Parks in terms of scenic beauty and landscape protection. National planning policy in Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) states that “The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas”.
- 6.3 The development plan for the area comprises the Regional Spatial Strategy for the West Midlands (RSS) and the Herefordshire Unitary Development Plan (UDP). There are a large number of policies in the Unitary Development Plan that are relevant to the application. These are listed in Section 2.3 above. However I consider that the principle issue on which to focus is the impact of the development on the Wye Valley AONB. Whilst all current policy documents do include policies with regard to agriculture and particularly agricultural buildings (which is essentially the proposal) for which there is general encouragement, these policies do cross reference to landscape policies and the requirement to ensure that new buildings are not visually intrusive.
- 6.4 Policy LA1 places a paramount importance on the protection of the natural beauty of the AONB, which is of national importance. For this reason the policy is particularly restrictive and development should only be permitted when it meets the specific requirements of the policy. Policy LA1 of the UDP states that within the AONB, priority will be given to the protection and enhancement of the natural beauty and amenity of the area in the national interest and further that development *will only be permitted where it is small scale, does not affect the intrinsic natural beauty of the landscape and is necessary to facilitate the economic and social well-being of the communities or otherwise can enhance the quality of the landscape or biodiversity*. The policy goes on to clarify that if these tests are not met then exceptions can be made when all of the following have been demonstrated:
- (a) the development is of greater national interest than the purpose of the AONB;
 - (b) there is unlikely to be any adverse impact on the local economy;
 - (c) no alternative site is available, including outside the AONB; and
 - (d) any detrimental effect upon the landscape, biodiversity and historic assets can be mitigated or compensated for adequately
- 6.5 The first policy issue is whether the development is small scale. There is no specific guidance on the interpretation of small scale. The application seeks permission for the erection of polytunnels but with them to be rotated around the holding. Although submitted for the whole farm, which is some 377 hectares, the application makes it clear that there is a requirement for coverage at any one time of 54 hectares but that this will be within an identified area of 152 hectares. The total area of land to be used for the rotation of polytunnels amounts to 14% of the whole of the application site/Farm. In the context of the overall size of this site and the wider AONB, it is questionable as to whether this proposal represents small-scale development with opposing views asserted by the applicants’ supporting information and a number of other consultation responses. In this context it is important to weigh the policy objectives of Policy LA1 against the other benefits accruing from the proposal. A balance that was accepted by the Inspector in his consideration of the Kings Cuple site and which is addressed later in the appraisal.

- 6.6 The second issue is whether there is an adverse effect on the intrinsic natural beauty of the area. The applicant has been using polytunnels at Homme Farm for approximately nine years. It is recognised that the use of polytunnels is an established feature in the landscape following changes in agricultural practice. The decision made in the appeal concerning polytunnel development at Pennoxstone Court, also within the AONB, indicated that some polytunnel development is acceptable in AONB's.
- 6.7 The applicants approach to polytunnels has recognised that regular rotation can reduce their adverse visual impact, since the harm is not a constant feature in any one location. The application includes an indicative 10-year scheme for the rotation of polytunnels. In addition, the application includes a detailed assessment by the applicant's landscape consultant and this issue has been assessed by the Landscape Officer. These reports both conclude that there is a degree of harm to the AONB. The main adverse visual impact of the polytunnels results from the large expanses of shiny, white polythene coverings, which are an eye-catching and obviously un-natural element in the landscape.
- 6.8 The applicant has considered the constraints of the site/farm and produced a map incorporating 'exclusion zones' where polytunnels would not be sited. The following areas are identified as being particularly sensitive, where polytunnels will be excluded:
- The River Wye floodplain
 - The lower sections of fields that form a 'pinch point' with the River Wye
 - Land where the siting of polytunnels may affect the setting of listed buildings
 - Land where the siting of polytunnels would affect the amenity of dwellings
- 6.9 The above leaves a considerable number of fields and a considerable area where it is considered that polytunnels could be satisfactorily accommodated. However, this does not mean that they should all accommodate polytunnels, as it is considered that whilst individually each field may be able to satisfactorily accommodate polytunnels, if they all did at the same time the cumulative visual impact would be too great. It is considered that continuous expanses of polythene should be avoided and that as such polytunnels should appear in the landscape as a series of sporadic smaller blocks. In this regard it is considered that a limit should be imposed with regard the total area of the entire application site / Farm that can accommodate polytunnels. It is considered that a limit of 54 hectares should be imposed. This amounts to 14% of the application site/Farm. It must be stressed that this is a limit considered appropriate to this particular site and should not be regarded as a universal rule to be applied to all sites.
- 6.10 In addition, it is considered that this 14% coverage of the entire holding / Farm should not be concentrated in one particular area. Therefore it is recommended that a limit of 10 hectares on the coverage of any single block of polytunnels be imposed. In this way the cumulative landscape impact can be satisfactorily controlled. It is considered that the proposed scale of polytunnel development is acceptable, because it is dispersed across a large area, reducing the cumulative impact and because of the existing framework of hedgerows, trees and woodlands that dilute the impact.
- 6.11 Notwithstanding the recommendation that the application site can satisfactorily accommodate a certain level of polytunnel coverage their visual impact still needs to be mitigated. In this respect comprehensive landscaping proposals have been submitted which include the planting of woodland areas, the enhanced planting of existing hedgerows, new hedgerows /planting belts. This will assist in mitigating any adverse impact on the landscape qualities of the area. A condition will be imposed to

- ensure that species and size of trees and shrubs are agreed along with a comprehensive management plan, including replanting if any species fail, over a 10 year period.
- 6.12 Having regard to the comments of Natural England and the AONB Partnership, it is clear that the greatest sensitivity relates to the fields that slope down to the River Wye and within the vicinity of Goodrich Castle and their comments suggest that subject to appropriate rotation the impact of polytunnels can be successfully mitigated. The applicant has resisted this recommendation in terms of its effect on the viability of the operation and the fact that relocating polytunnels to elsewhere within the holding would produce a greater cumulative impact. When the views of the Conservation Manager are taken into account together with the fact that a degree of rotation is proposed in this most sensitive locality, your officers consider that the proposal, as submitted, is acceptable.
- 6.13 There is clearly a conflict between the priority afforded to the landscape character of the AONB, and the impact on the local economy and the wider implications of supplying the demand for UK grown soft fruit. Accordingly, the third issue relates to the economic and social well being of the area. It is necessary to weigh against the harm to the landscape of the AONB the benefits of the use of polytunnels at Homme Farm. From the information submitted in support of the application, there is no doubt that polytunnels have enabled greater quantities and better quality of soft fruit to be produced and as the Business and Economic Assessment shows, the success and viability of the business has made a positive contribution to the rural economy.
- 6.14 The Homme Farm enterprise is a well-established family business with close links to the community. It is a member of a co-operative that provides marketing expertise, services, research and development into new fruit varieties and growing techniques. It is one of only two farms in the AONB in Herefordshire that produce soft fruit under polytunnels, but there are many more growers using polytunnels in the non-AONB parts of the county. The Business and Economic Assessment shows that without polytunnels the soft fruit business at Homme Farm would be neither feasible nor viable.
- 6.15 Planning policies at national, regional and local levels recognise the importance of the agricultural sector. PPS7 advises 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 a Rural Renaissance Zone defined by the Regional Spatial Strategy for the West Midlands (RSS). Policy PA15 seeks to promote agriculture and farm diversification, including new and innovative crops, on-farm processing and local marketing.
- 6.16 UDP 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 developments are often prominent in the rural landscape.
- 6.17 The Management Plan for the Wye Valley AONB for the period 2004-2009 seeks to reconcile the sometimes conflicting aims of conserving and enhancing natural beauty and the needs of agriculture. This includes reference to the supplementary purposes for AONBs, developed by the Countryside Commission and the Countryside Council for Wales. These state that "In pursuing the primary purpose, account should be taken of the needs of agriculture, forestry and other rural industries and the economic and social need of the local communities". It also states that "It is neither possible nor desirable to "fossilise" an area, and we must aim to keep a living and working countryside", and "the production of food must return to being a viable business".

- 6.18 Clearly, the recent development of large-scale polytunnel use has brought into stark opposition the aims of protecting the landscape whilst supporting a viable farming industry.
- 6.19 There are two main benefits of polytunnels for British growers. They protect the developing fruit from rain damage, thereby greatly reducing losses from rot and fungus, whilst allowing continual picking at harvest-time, unconstrained by the weather. Secondly, they extend the growing season, allowing fruit to be harvested from May to November, instead of being limited to the traditional June/July period. At Homme Farm the fruit is graded and packed on-site and is mostly sold in supermarkets in the Midlands and South West.
- 6.20 According to the national soft fruit trade association and a fruit marketing company, British strawberry and raspberry production has increased more than five-fold since 1996; most of that growth being attributable to the use of polytunnels. Ninety percent of strawberries and 98% of raspberries are now grown under polytunnels, compared with no raspberries and only 4% of strawberries ten years ago. The use of polytunnels has allowed the appellant and other growers to supply a growing demand for fresh fruit in response to national healthy eating campaigns.
- 6.21 A further indication of the transformation that has taken place in British soft fruit growing is that in 1996, 60% of UK sales were supplied by domestic growers, whereas in 2007, 95% of all berries sold in the UK were grown in the UK. This substitution of local fruit for imported fruit has therefore resulted in significant sustainability benefits in reducing the international transportation of fruit by air and road (the food miles issue). For instance, until recent years fruit was air-freighted from California as the main source of late summer and early autumn soft fruit, but those imports have been eliminated. The contribution of Homme Farm must be a small percentage of this national figure, but nonetheless, it is considered that weight can be attributed to its share of the overall success.
- 6.22 Soft fruit growing, picking and packing is a labour intensive activity, and it is accepted that the expansion of the business at Homme Farm has made a positive contribution to the rural economy by providing for local full time employment. The farms current employment in soft fruit is 3 full-time partners, 14 full-time equivalents and up to 450 staff employed for picking and packing. Clearly, such employment could not be generated by, say, arable farming.
- 6.23 The Business and Economic Assessment sets out the local spending of the business - £26 million, of which £6 million is from the soft fruit enterprise. In addition, it is clear that the business at Homme Farm must purchase goods and services in the UK, helping to support jobs in supplier companies. Whilst some of these suppliers may be national businesses, the planning application is accompanied by letters of support from local agricultural suppliers that benefit directly from the success of the soft fruit business at Homme Farm.
- 6.24 Therefore it is concluded on the economic issue that 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 to which considerable weight should be accorded in the balance of considerations. This conclusion is supported by the comments of the Inspector on the recent appeal decision on a soft fruit enterprise at Kings Cople.

- 6.25 The question has been raised about the option of completely relocating soft fruit production out of the AONB. It is not considered a realistic option for the applicant, given the limited availability of land of the necessary quality and other financial and personal constraints that are outlined in the Business and Economic Assessment.
- 6.26 On balance therefore, the extensive mitigation measures proposed together with the social and economic benefits accruing from the development weigh in favour of supporting the application subject to appropriate conditional control.

Effect on Setting of listed buildings and Goodrich Castle

- 6.27 The application has recognised the setting issues relating to listed buildings and given the number and distribution of buildings involved, has largely addressed them by proposing 'exclusion zones', phased, rotating coverage and by introducing mitigation planting. The only serious conflict surrounds the area immediately north of Goodrich Castle. It is acknowledged in the landscape and visual assessment that there has been a significant loss of hedgerows and hedgerow trees within the vicinity of Goodrich Castle, resulting in the enlargement of individual windows. The proposed landscaping scheme reintroduces these features, subdividing these fields and reducing the mass of polytunnels. The additional planting and the scheme of rotation will, over time, go some way to resolving the impact on the setting of Goodrich Castle.

Drainage and impact on River Wye

- 6.28 With regard to land drainage the Environment Agency have examined the revised submission and are satisfied that the proposal is acceptable subject to conditions. It has been concluded in discussions with the Environment Agency that due to potential flood risk from the River Wye there should be no polytunnels sited on land lower than 35 metres above ordnance datum. This not only takes into account the historic flood zone but also models in climate change predictions. This approach ensures compliance with policy DR7 of the Herefordshire Unitary Development Plan 2007 and goes some way to addressing the concerns raised by Natural England.
- 6.29 Natural England is concerned with regard to water supply and possible effects on the River Wye, SSSI and SAC. The drainage appraisals submitted with the application and the additional information that has been submitted during the course of the application has confirmed that the runoff from the polytunnels will be less than Greenfield runoff and this has been agreed with the Environment Agency. The use of flow restrictors into the leg row channels of the polytunnels means that water will be trapped behind the flow restrictors after a rainfall event and will result in the water soaking into the soil, therefore reducing irrigation need. A condition will be attached to ensure that development is constructed in accordance with the drainage details submitted with the application.
- 6.30 Concern has been expressed about the impact of the use of polytunnels and associated run-off into the River Wye. The River Wye SAC in this area is currently failing its favourable condition standards due to sedimentation and the associated nutrient enrichment which this leads to. Given the nature of diffuse pollution, (i.e. it is the collective effect of innumerable sources of pollution), it is impossible to say whether or not any one location and/or practice are responsible. The water management regime operated at Homme Farm includes specific measures to filter out sediment before any water is returned to the Wye and this is explained in the Drainage and Water Management Appraisal. The latter demonstrates that this form of crop cultivation is in fact significantly better than other forms of arable agriculture in contributing fluvial

sedimentation and other forms of pollution. The water management approach described for this development is a SuDs system. The reduction of flow velocities in the leg row channels prevents soil mobilisation. Well managed polytunnels do not generate erosion and a suspended solids load to surface water. There is a net decrease in nutrient runoff from polytunnel growing over open field growing, due to the controlled conditions under the tunnels. This is a fundamental reason for using tunnels.

- 6.31 The applicant has excluded the siting of polytunnels on the flood plain and increased the exclusion zone of those fields that have a pinch point with the River Wye. In addition, where applicable, sustainable Urban Drainage Systems will be incorporated down catchment of each tunnel block below the 35m AOD, including the extension of grassed buffer strips and swales. A condition will be attached to require submission of details of a SuDs scheme for approval by the local planning authority in consultation with the Environment Agency and Natural England.

Other matters

- 6.32 The Public Rights of Way Manager has undertaken a comprehensive assessment of the rotational siting of the polytunnels and their impact on users of footpaths WA1, WA5, WA6 and WA8. There is no objection to the proposal providing a condition limiting no polytunnels to be erected within 2 metres of the centre line of a public footpath. This will provide a level of long term protection and assertion of the public's right to the use and enjoyment of the PROWs across the site. This ensures compliance with policy T6 of the Herefordshire Unitary Development Plan. This approach is generally endorsed by the Ramblers Association and the Open Spaces Society.
- 6.33 The applicant has undertaken 2 ecological assessments of the proposal with recommendations for mitigation. The Conservation Manager is satisfied with the proposals and recommends a condition requiring the submission of a biodiversity management and enhancement scheme. This ensures compliance with Policies NC1, NC5, NC6, NC7, NC8 and NC9.
- 6.34 The siting of polytunnels in close proximity to neighbouring residential dwellings tends to give rise for concern. This is not only due to their visual impact but also due to noise and disturbance associated with the activity. In this regard and having regard to this specific case, it is considered there should be no polytunnels within 30 metres of any residential dwelling house.

Conclusion:

- 6.35 It is recognised that national, regional and local policy places priority on the protection and enhancement of the AONB. However, it also provides support to enable farming to become more competitive, sustainable, environmentally friendly and adaptable to changing markets. Clearly a balance needs to be struck between these two competing interests. It is acknowledged that there would be harm to the AONB. However, that harm can be satisfactorily mitigated by restricting the size and siting of polytunnels in the most sensitive areas, ensuring that the cumulative impact of the polytunnels can be controlled and providing a mitigation scheme that both reintroduces historic landscape features and encourages biodiversity. Weighed against the significant economic benefits that the application provides and having satisfactorily addressed all other relevant matters it is considered that the proposal is acceptable and is recommended for conditional approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 Development shall take place only in accordance with the supporting letter received on 3rd April 2008, landscape proposals described in the Landscape Statement prepared by DLA Ltd and accompanying plan DLA 1226/06 Rev A. Particularly,
 - a) Not more than 54 hectares of the land shall be covered with polytunnels, or any part or parts thereof excepting the legs, at any time, for which purposes any uncovered hoops in a row shall be measured from the first to the last to be included in this coverage
 - b) There shall be no polytunnels sited within those areas coloured pink and annotated as "Polytunnel exclusion/buffer zones" as shown on plan DLA 1226/06 Rev A
 - c) Notwithstanding the above conditions, there shall be a limit of 10 hectares on the coverage in any single block of tunnels
 - d) The polytunnels hereby permitted shall be removed and the land restored to its former condition on or before 10 years in accordance with a scheme of work submitted to and approved in writing by the local planning authority.

Reason: In order to safeguard and maintain the visual amenity of the area and to ensure that the development conforms with Policies DR1, LA1, LA2, LA5, LA6 and HBA4.

- 2 Not later than 30 November in any calendar year, the applicant (or its successor in title to the parcel of land in question, as the case may be) shall apply in writing to the Local Planning Authority for its approval of a proposed scheme for the siting and rotation of polytunnels for the following year. The application shall be delivered to the Head of Planning and Transportation of the Authority. The scheme shall be implemented as approved or amended by the Local Planning Authority, save that where no approval or amendment to the proposed scheme is given in writing by the Local Planning Authority within eight weeks of its delivery, the scheme shall be implemented as proposed.

Reason: In order to safeguard and maintain the visual amenity of the area and to ensure that the development conforms with Herefordshire Unitary Development Plan Policies DR1, LA1, LA2, LA5, LA6 and HBA4 4.

- 3 No polytunnels shall be sited within 2 metres of the centre line of any public right of way.

Reason: To ensure that no public right of way is obstructed and to ensure that their enjoyment is safeguarded in accordance with policy T6 of the Herefordshire Unitary Development Plan 2007.

- 4 No polytunnel shall be sited within 30 metres of the boundary of any residential curtilage of any dwelling house unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of dwelling houses in the immediate vicinity in accordance with policy DR1 of the Herefordshire Unitary Development Plan 2007.

- 5** None of the polytunnels hereby permitted shall be covered with polythene from 30th November until 31st December in any calendar year nor during the month of January in any calendar year, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the visual impact of the development hereby permitted is limited to the growing periods in accordance with policy LA1 of the Herefordshire Unitary Development Plan 2007.

- 6** Within 3 months of the date of this decision a plan showing additional hedge and shrub planting in addition to that shown on Landscape Masterplan drawing no. DLA 1226/06 shall be submitted for approval in writing by the Local Planning Authority. A written specification clearly describing the species, sizes and positions or density of the proposed woodland blocks, hedges and hedgerow trees in the locations shall be submitted for approval by the Local Planning Authority. The planting scheme shall be carried out as approved by the Local Planning Authority (which approval may constitute, or include, the Authority's direction to amend the proposed scheme). If the planting scheme is not carried out within one year of the written approval of the planting scheme, whichever is the later, all polytunnels shall be permanently removed from the land.

The planting shall be maintained for a period of 10 years. During this time any trees or shrubs that are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any trees fail more than once they shall continue to be replaced on an annual basis until the end of the 10-year maintenance period.

Reason: In order to safeguard and maintain the visual amenity of the area and to ensure that the development conforms with Policies DR1, LA1, LA2, LA5, LA6 and HBA4

- 7** A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In order to maintain the visual amenity of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

- 8** All existing trees and hedgerows upon the land shall be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development hereby permitted is satisfactorily integrated into the landscape in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 9 Within 3 months of the date of this decision a habitat enhancement and management scheme (based on the recommendations for habitats and protected species set out in the Ecological Appraisal received 3.04.2008 - Ref: 1226/ecorpt-1 and received 27th June 2008 - Ref: 1226/ecorpt-2 prepared by Davies Light Associates) to include the grassland buffer strips, and the restoration of the field boundary to the east of Green Meadow housing estate shall be followed unless otherwise agreed in writing by the Local Planning Authority. The implementation of the ecological mitigation works shall be overseen by an appropriately qualified and experienced ecological clerk of works.

Reasons: To ensure the protection of all species covered under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, & c.) Regulations 1994 (as amended), the Badger Act 1992 and policies NC1, NC5, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007.

To ensure that the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and policies NC1, NC5, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007.

To comply with Herefordshire council's Unitary Development Plan policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and Geological Conservation and the NERC Act 2006.

- 10 There shall be no variation to the design or appearance of any polytunnel without the prior written approval of the Local Planning Authority.

Reason: In order to safeguard and maintain the visual amenity of the area and to ensure that the development conforms with Policies DR1, LA1, LA2, LA5, LA6 and HBA4 4.

- 11 There shall be no polytunnels sited on land lower than 35.0m AOD, as indicated upon Figure 3 'Flood Elevations' The Homme Supplementary Report dated 26/06/08, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To maintain the conveyance of flood flows and to prevent the increased risk of flooding elsewhere to ensure that the development complies with Policy DR4.

- 12 There shall be no new buildings, structures (including polytunnels, gates, walls and fences) or raised ground levels within 8 metres of the top of bank of the River Wye (Main River), inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To maintain access to the watercourse for maintenance or improvements in accordance with Policy DR4.

- 13 Surface Water generated from the site shall be limited to the equivalent Greenfield run-off rate. The scheme shall be implemented in accordance with the approved details including Drainage Appraisal, as produced by JDIH (Water & Environment) Ltd, dated June 2007, addendum dated 1 April 2008, and Supplementary Report dated 26 June 2008 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with Herefordshire Unitary Development Plan Policy DR7.

- 14** Within three months of the date of this decision a scheme for the provision and implementation of a surface water regulation system, including the use of sustainable drainage systems, as detailed within page 5 of the JDIH Ref. P:\Drummond(5567)\Tunnel addendum let v1.doc shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before February 2009, unless otherwise agreed in writing by the local planning authority, in consultation with the Environment Agency and Natural England.

Reason: To prevent the increased risk of flooding and prevent adverse impact on the SSSI and SAC by ensuring the satisfactory means of surface water disposal in accordance with Herefordshire Unitary Development Plan Policies DR4, DR5, NC1, NC2 and NC5.

- 15** In the event of the polytunnels hereby permitted becoming redundant for the growing of soft fruit upon the application site, the polytunnels which including the supporting structures shall be permanently removed from application site within a period of twelve months.

Reason: To ensure that buildings / structures that are redundant for agricultural purposes do not remain in the landscape unnecessarily.

INFORMATIVES:

- 1** N19 - Avoidance of doubt - Approved Plans
- 2** N15 - Reason(s) for the Grant of Planning Permission

The reason for granting planning permission in respect of the development is that it is considered by the Local Planning Authority that the development gives rise to benefits to the local rural economy and that the environmental impacts can satisfactorily be overcome by way of the imposition of appropriate conditions in compliance with the relevant Development Plan policies.

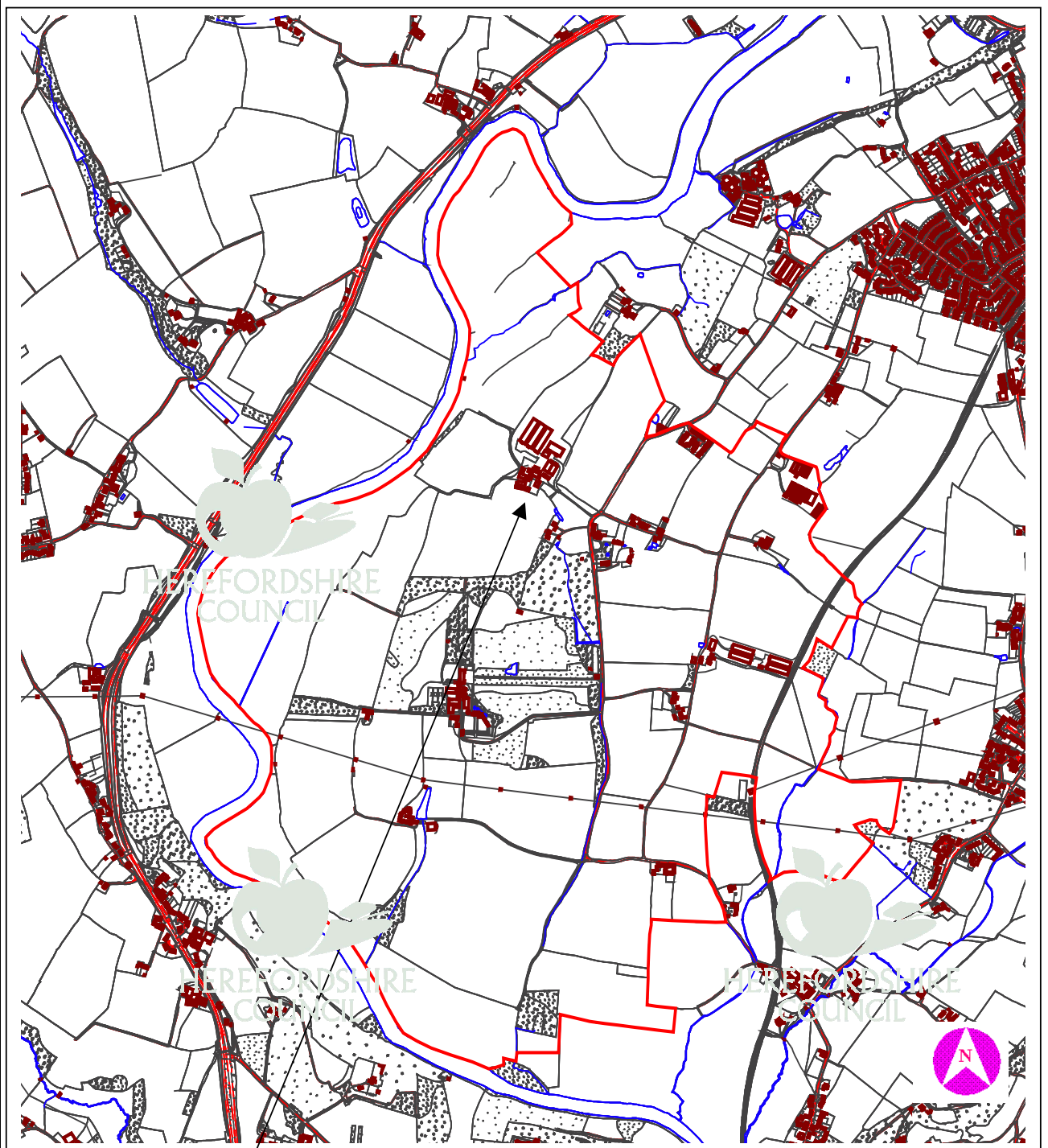
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2008/0996/F

SCALE : 1 : 20001

SITE ADDRESS : Homme Farm, Hom Green, Ross-on-Wye, Herefordshire, HR9 7TF

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6 DCSE2008/1376/F - PROPOSED EXTENSION TO EXISTING BUILDING TO FORM AN OPEN SIDED LOADING BAY AT H. WESTON & SON, THE BOUNDS, MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NQ

For: H. Weston & Son per Mr I Savager, 35 Caswell Crescent, Leominster, Herefordshire, HR6 8BE.

Date Received: 23 May 2008

Ward: Old Gore

Grid Ref: 64884, 33207

Expiry Date: 18 July 2008

Local Member: Councillor BA Durkin

1. Site Description and Proposal

1.1 The Bounds, Much Marcle is located in open countryside to the west of Much Marcle village. The site, which rises from the east to west, lies adjacent to the C1262. The site comprises buildings of differing sizes and designs, ranging from traditional agricultural barns, modern portal framed buildings and silo storage tanks. An orchard separates the site from the adjacent C1262 and there are also orchards on lower ground to the north and east. The site has a long history of cider production.

1.2 The application proposes the erection of an open sided building to cover an existing loading area to the north east of the bottling hall and storage building. The building will provide a protected area for transporting finished products to the store and similarly for loading vehicles. The requirement for the building has arisen due to the need to address the existing movement of vehicles on site to provide both a safe environment and to improve the efficiency of operations. A one way system will operate for the loading and unloading of vehicles. The building will be 7.34m high and will join the existing building which is 12m high. The roof material will match the adjacent buildings.

2. Policies

2.1 Planning Policy Guidance

PPS1	-	Delivering Sustainable Development
PPS7	-	Sustainable Development in Rural Areas
PPG4	-	Industrial and Communal Development and Small Firms

2.2 Herefordshire Unitary Development Plan

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S6	-	Transport
Policy DR1	-	Design
Policy DR3	-	Movement
Policy E6	-	Expansion of Existing Businesses
Policy E8	-	Design Standards for Employment Sites
Policy E11	-	Employment in the Smaller Settlements and Open Countryside
Policy T11	-	Parking Provision

3. Planning History

3.1	MH90/2282	Reception Centre and Museum	-	Approved
	MH96/0100	Bottle storage building, agricultural implement shed and vehicle maintenance building.	-	Approved
	MH97/0913	Retrospective application for extension to bottle storage building	-	Approved
	NE1999/2591/F	Conversion of existing agricultural buildings and change of use from existing storage to offices.	-	Approved 09.11.99
	NE2002/0260/F	Create car park for 80 cars and 2 coaches.	-	Approved 20.03.02
	NE2002/1106/F	Extension to warehouse.	-	Approved 24.05.02
	NE2002/2772/F	Cider production building	-	Approved 27.11.02
	DCSE2004/0956/F	Move weighbridge and stone surface track (retrospective)	-	Approved 11.05.04
	DCSE2004/1003/F	Finished Product Storage Building	-	Approved 06.06.04
	DCSE2004/2759/F	Extension to rear of office building to provide disabled toilet and other toilets	-	Approved 04.11.04
	DCSE2004/2974/F	Children's play area and viewing areas to animal enclosures (retrospective)	-	Deemed Withdrawn
	DCSE2005/0857/F	Alteration of building to increase height to accommodate new press machines	-	Approved 11.05.05
	DCSE2005/0863/F	Siting of four silo tanks (retrospective)	-	Approved 11.05.05
	DCSE2005/2104/F	Proposed new production building	-	Approved 31.08.05
	DCSE2005/2704/F	Installation of tanks	-	Approved 4.10.05
	DCSE2006/3252/F	Proposed new loading bay	-	Approved 30.11.06
	DCSE2007/1288/F	Installation of fifty 20,000 litre storage tanks	-	Approved 19.06.07
	DCSE2007/3658/F	Proposed new steel framed building	-	Approved 21.01.08

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Traffic Manager has no objection to the proposal.

4.3 The Environmental Health & Trading Standards Manager have no objection to the proposal and state the following:

"I understand that the covered loading area is being provided as part of a scheme to improve traffic flows on site.

Traffic movements will be reduced as will traffic conflicts (reduced use of horns). Easier loading should also result in less evening working.

Overall I consider that the application represents an environmental gain for nearby residents, and I have no objection to the proposed development."

5. Representations

- 5.1 Much Marcle Parish Council has no objection to the application.
- 5.2 One letter of objection has been received from Mr and Mrs S. Rooke, 1 The Willows, Watery Lane, Much Marcle, Herefordshire, HR8 2NG raising the following concerns:
- The priority concern is the increased noise pollution from lorries and forklifts working even closer to property, especially as vehicle activity can operate 24 hours a day.
 - Vehicle headlights and flashing beacons on forklift trucks are already clearly visible - this will no doubt be amplified.
 - Previous successful applications have had a detrimental impact on the value of our property and impacted on our quality of life.
 - Proposal will further reduce our 'rural' outlook.
 - Hedge should have been planted across the boundary between our property and the site - This has not been carried out to date.

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 issues for consideration are whether the scale of the extension is appropriate to the location, the visual impact of the proposal within the landscape and the impact of the proposal on the amenity of neighbouring dwellings.
- 6.2 Policy E6 deals specifically with the expansion of existing businesses provided the proposal can be satisfactorily accommodated within the existing site and that the proposal is of a scale and character appropriate to the locality in accordance with policy E8 design standards for employment sites.
- 6.3 Whilst the growth of businesses is encouraged it is important that expansion proposals do not lead to over intensive development of a site or premises, and that adverse consequences through environmental impact, loss of countryside or traffic generation are avoided. The needs of a growing business may be best met through relocation rather than through continued occupancy of an increasingly restricted or cramped site. The Bounds is a well-established business having occupied the site for many years. Recent growth in the industry and expansion on the site has meant that the site is becoming increasingly restricted. However, it would be unreasonable to expect such a company of this size, history and reputation to relocate in the context of this proposal which seeks to rationalise an existing operation that takes place in the open air.

- 6.4 This application is for an open fronted building that will be located adjacent to existing buildings, which are larger than that proposed, and adjacent to a group of silo storage tanks that dominate the local environment. The site of the proposed building is considered appropriate since it is within the well-established group of buildings at The Bounds and adjacent to the silo tanks that are some 16 metres in height. The proposal when viewed in the context of the whole site, large-scale buildings and storage silos, will not be unduly visually intrusive.
- 6.5 Part 1 – 3 of Policy E8 requires due consideration to be given to the impact of operations on the amenity of residential areas and to provide buffer zones between buildings and land used for employment purposes and residential curtilages. The proposed site is approximately 250 metres from Watery Lane. It is separated by orchard planting. The activity is audible on Watery Lane. The proposed building would occupy an existing area that will be used for loading and unloading. Due to the need to address the safe and efficient movement of vehicles, the activity would take place in this location irrespective of whether a building is on site. The building will enable this activity to be done undercover. It is proposed to plant a 1.5m wide traditional indigenous hedgerow on the northeast boundary. A balance needs to be struck between the impact of the proposal and the operational needs of the business. It is considered that owing to the existing orchards, the proposed landscaping and the fact that the activity can already take place in this location that refusal of the application would not be warranted.
- 6.6 The proposal is considered to comply with plan policy and therefore recommended for conditional approval.

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 C03 (Matching external materials (general))

Reason: To ensure the satisfactory appearance of the development so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

3 G12 (Hedgerow planting)

Reason: In order to maintain the visual amenity of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

INFORMATIVES:

1 N19 - Avoidance of doubt - Approved Plans

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

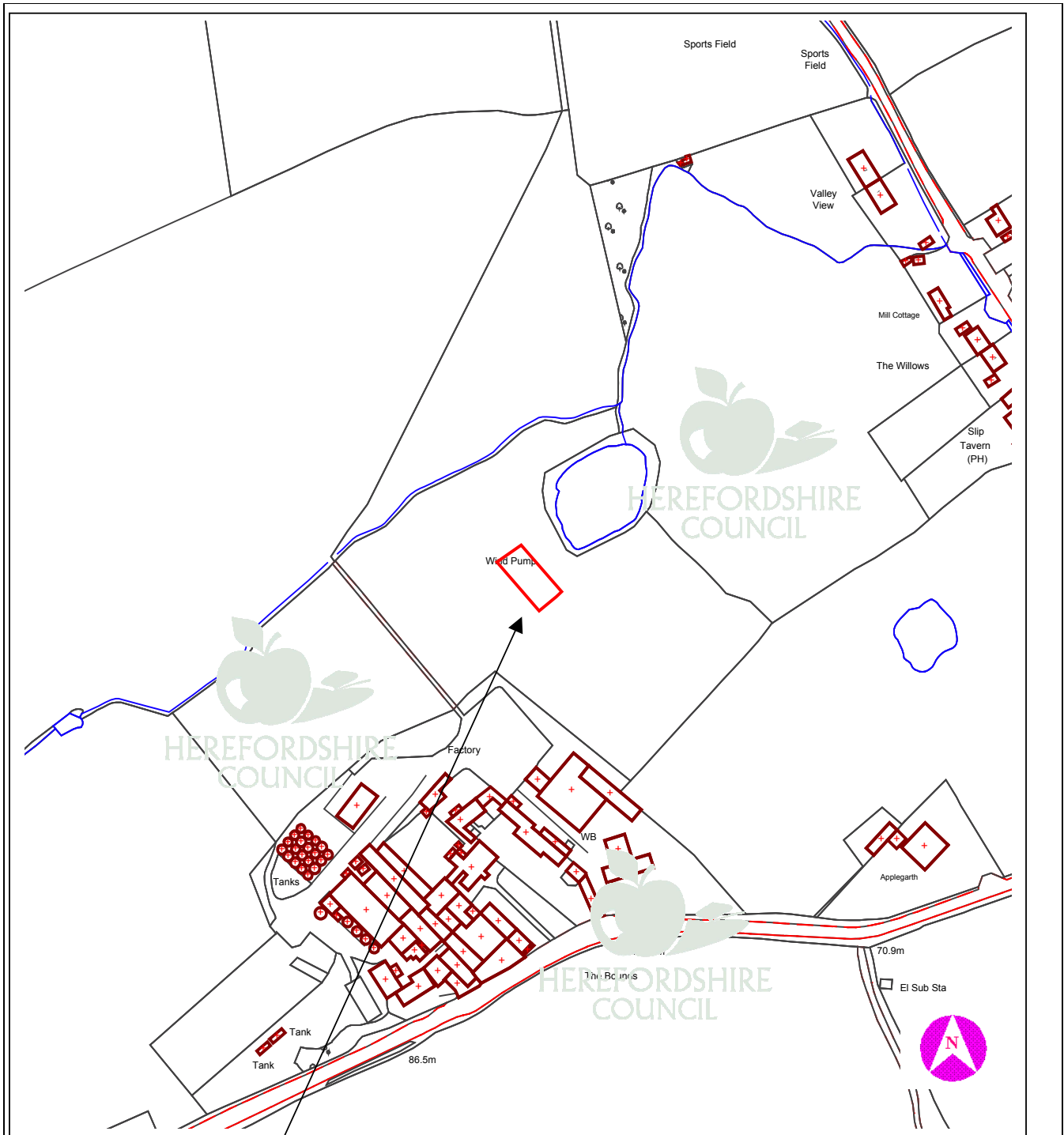
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2008/1376/F

SCALE : 1 : 2500

SITE ADDRESS : H. Weston & Son. The Bounds, Much Marcle, Ledbury, Herefordshire, HR8 2NQ

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7 DCSW2007/0064/F - CONVERSION OF REDUNDANT TRADITIONAL FARM BUILDINGS TO EIGHT HOUSES AND ONE ANNEXE, BAGE COURT, DORSTONE, HEREFORD, HR3 5SU.

For: Mr & Mrs Morgan per Burton & Co, Lydiatt Place, Brimfield, Ludlow, Shropshire, SY8 4NP

Date Received: 10 January 2007

Ward: Golden Valley Grid Ref: 29881, 43250 North

Expiry Date: 7 March 2007

Local Member: Councillor PD Price

1. Site Description and Proposal

- 1.1 The application site comprises two ranges of traditional stone rubble buildings located to the north and south of the Grade II Listed farmhouse (Bage Court). The site is on the northern side of the B4348 road and immediately adjoins Sydcombe Lane (u/c 75217) to the west and Scar Lane to the south-east. There are existing entrances onto those two unclassified roads. One access point onto Scar Lane (u/c 75219) is within 12 metres of the B4348 road; it has restricted visibility to the east.
- 1.2 The scheme submitted entails the conversion of the north-westerly barn into a ground floor studio with store above, this accommodation is linked to house 1 which is on the western end of the Listed farm building. The other units of accommodation are provided in the remaining area of the Listed barn, one is a 2 bedroom unit (house 2), and the other is a four bedroom unit (house 3).
- 1.3 A two-storey barn with external staircase will provide a single bedroom holiday unit or annexe (house 4) to the Grade II Listed farmhouse. Houses 1, 2 and 3 all have rear garden areas to the north which are formed by existing hedging and trees.
- 1.4 A further four dwelling units would be created by converting the roadside barns into three units of accommodation (two three bedrooms and one two bedroom unit). Houses 7 and 8 are open on the north elevation. House 6 is a substantial L-shaped stone rubble building of very good quality. House 5 lies to the north, is sub-divided from it by a cartway opening.
- 1.5 The final element of the application relates to the new access point onto the B4348 road. This entails positioning the centre of the new access point onto the Class II a further 4.5 metres to the west and by altering the angle of the re-aligned Scar Lane which would be some 5 metres to the north of the existing road. The land to the south of the new road which is adjacent to Scar Lane would be incorporated into highway verge. There is an existing field gate access in third party ownership which will as a result of the application be further away from the new road/junction and will as a result need to cross the enlarged highway verge.
- 1.6 A new private link road will be provided between the two barn ranges running north-south and to the east of Bage Court.

- 1.7 The proposal has the benefit of listed building consent granted in March 2006. The delay in the processing of this planning application has resulted from the lengthy negotiations required to seek a resolution to the access arrangements.

2. Policies

2.1 Planning Policy Statements

PPS1	-	Delivering Sustainable Development
PPS7	-	Sustainable Development in Rural Areas
PPS9	-	Biodiversity and Geological Conservation
PPG13	-	Transport
PPG15	-	Planning and the Historic Environment

2.2 Herefordshire Unitary Development Plan

Policy S1	-	Sustainable Development
Policy S6	-	Transport
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy HBA1	-	Alterations and Extensions to Listed Buildings
Policy HBA3	-	Change of Use of Listed Buildings
Policy HBA12	-	Re-use of Rural Buildings
Policy HBA13	-	Re-use of Rural Buildings for Residential Purposes
Policy H14	-	Re-using Previously Developed Land & Buildings
Policy NC1	-	Biodiversity and Development
Policy NC5	-	European and Nationally Protected Species
Policy NC6	-	Biodiversity Action Plan Priority Habitats and Species
Policy NC7	-	Compensation for Loss of Biodiversity
Policy NC8	-	Habitat Creation, Restoration and Enhancement
Policy NC9	-	Management of Features of the Landscape Important for Fauna and Flora

2.3 Supplementary Planning Documents

Re-use and Adaptation of Traditional Rural Buildings

3. Planning History

3.1	SH930180LA	Internal alterations and improvements to farmhouse	-	Approved 14.06.93
	SW1999/2166/F	General purpose farm building	-	Approved 27.09.99
	DCSW2006/0089/F	Conversion of redundant traditional farm buildings to eight houses and one annexe	-	Withdrawn 08.03.06
	DCSW2006/0090/L	Conversion of redundant traditional farm buildings to eight houses and one annexe	-	Approved 08.03.06

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 Traffic Manager raises no objection but comments as follows:

- Construction of access dependent on Section 278 works, to be completed prior to occupation
- poor visibility can be improved to 2.4m x 90m
- need number of signs, chevrons, removal of cattle sign to ensure acceptable access
- whilst not achieving required visibility, does facilitate substantial improvements and the removal of agricultural traffic
- need to widen internal layout road
- cycle parking required
- need pedestrian/cycle access onto Sydcombe Lane
- conditions recommended.

4.3 Members are advised that these issues are addressed by the conditions recommended below, which will require discharging prior to the occupation of any of the barns.

4.4 The Conservation Manager has no objections in respect of building works proposed. It is further stated that the recommendations in the ecological appraisal shall be carried out accordingly.

5. Representations

5.1 In a letter that accompanied the application, the applicants' agent states:

- this re-submission includes marketing report, ecological report, Access statement (relating to highways matters)
- exceptional group of buildings, including several listed buildings and the aspect of The Bage
- historic aspects already accepted - given listed building consent has been granted
- clients aware of Highways considerations, given it has not been possible to negotiate additional land from a third party
- highways consultant considers traffic generated the same as generated currently. Also, significant planning gain with new access
- residential use would generate less traffic
- re-aligning of Scar Lane will be vastly improved with land dedicated to Highways Authority, represents a substantial planning gain for community.

5.2 In the Design and Access Statement the following main points are raised:

- buildings are dilapidated and some disused. Not needed given farm is relocated further along Scar Lane

- two distinct groups of buildings, one group to north and second to south of farmhouse (total of nine buildings). Northern group (granary and store, cart shed and store, threshing barn, cow house and store, and granary and cart shed). Southern group comprises threshing barn, cow house and hay barn
- sandstone, oak framing clad with weatherboard and brick under sheeting or Welsh slate. Most of the buildings remain in original form, most have modern buildings and structures attached to them
- number of dwellings dictated by form, dimensions and location of buildings on site. Also need for viable garden areas
- propose use of traditional materials, sandstone walls will be re-pointed.

Access:

- entails permanent blocking up four access points
- have sought, following highways objection, to improve visibility on Scar Lane junction by negotiation with third party without success, therefore re-alignment of Scar Lane is proposed.

5.3 In further letters received from the applicants' agent the following main points are raised:

- have submitted Speed Survey, Road Safety Audit, Topographical Survey, and engineering drawings for new Scar Lane junction
- suggest use of Grampian condition relating to removal of existing farm buildings
- case for new viable use for dilapidated and disused buildings
- new junction at least 100% improvement in visibility to east
- new junction between two public roads at applicant's expense
- closing up of six existing accesses to public road system
- net increase in traffic marginal, Scar Lane only serves two properties plus Bage Court
- propose laying hardcore from carriageway to existing field gate access (on southern side of Scar Lane)
- farm operations moving to site that has benefit of planning permission and new access onto the B4348 road.
- further details for bat lofts for houses 3 and 5 are provided, in accordance with submitted report.

5.4 The Parish Council make the following observations:

Dorstone Parish Council support the application with the following comments:

"The entrance/exit to the site is via the unclassified road onto the B4348. Council are concerned regarding the speed of traffic through the Bage. Request 'Planning Consideration' is given for developer to liaise with Herefordshire Council and the Parish Council for a speed limit through the Bage prior to conversion work on the proposed site.

Support the comments raised regarding flooding, plots for Houses 7 and 8, remedial and preventative measures to be taken (previous application that was withdrawn).

Support the comments raised - light pollution, no external lighting unless approved by Herefordshire Council after consulting Parish Council/neighbours.

Request 'Planning Consideration' is given for developer to liaise with Herefordshire Council to ensure flooding is reduced on the unclassified road, Scar Lane between the entrance of the site and along the lane to the new agricultural barn. Road will be used probably more frequently by occupiers of the site.

The owners of the adjacent field are involved in any discussion on road alignment to ensure access is maintained to their field.”

5.5 6 letters of objection received (two from same correspondent). The following main points are raised:

- 4 different types of bat, need assurance proper DEFRA licence will be sought
- light pollution will affect bats and will create halo as it does at Dore View
- pool within 500 metres of site, has this been considered for potential ecological value
- heavily used road, HGVs, buses, traffic to Hay-on-Wye
- on bend, wall of houses 5, 6 7 recently demolished
- number of dwellings equates to 8 times more traffic
- not clear how new access will improve matters, visibility below standard required
- potato lorries have left load on this bend, would need to be negotiated by residents vehicles
- not clear what will happen to our access and verge
- accidents will still occur
- not a demand, houses built at Dore View over two years ago still not sold
- will change character of historic settlement.

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 conversion proposals are identical to those granted Listed Building Consent pursuant to Application No. DCSW2006/0090/L and accordingly it is considered that the impact of the proposal upon the character and appearance of the barns and the setting of the listed farmhouse has already been satisfactorily addressed.

6.2. Accordingly, the main issues for consideration in relation to this planning application are as follows:-

- (a) the principle of the conversion in planning policy terms;
- (b) access and other related highway issues; and
- (c) the ecological implications of the conversion

6.3 In terms of the principle, the application has been supported by a Marketing Report produced by Brightwells, which concludes that there has been no interest expressed in relation to the potential commercial use of the buildings and indeed, in view of the significant highway issues that have been raised, it is questioned whether the site is suited to commercial use in any event. Nevertheless. It is considered that the requirements of the Councils adopted SPD have been satisfied and that the principle of residential conversion is accepted. Furthermore, it is accepted that the buildings are worthy and capable of conversion in accordance with Policy HBA12 of the Unitary Development Plan.

- 6.4 It is clear from the comments received that access and highway safety is one of the most contentious elements of this application and significant delay has resulted from the need to fully address the access arrangements that are proposed. This has included input by a specialist traffic consultant and careful consideration of speed data, a road safety audit and engineering drawings of the proposed new junction.
- 6.5 It is acknowledged that the proposed new access will not meet the Council's design guide standards but it will significantly improve visibility and it is considered that this application provides an opportunity to facilitate these improvements that might otherwise not occur. Furthermore, the removal of its use by large agricultural vehicles is considered to be a major benefit. The supporting evidence has satisfactorily addressed the principle points of concern raised by the Traffic Manager and the outstanding points of detail can be addressed by appropriate conditions.
- 6.6 On balance the merits of providing the optimum new access onto the B4348 whilst closing off existing access points onto the Class II road and Sydcombe Lane are such that the scheme can be supported. This will need to be the subject of a separate Section 278 agreement with the Highways Authority and will include matters such as signage, road markings and other associated works within the highway.
- 6.7 The Council's Ecologist is satisfied that the ecological appraisal that accompanied the application provides sufficient mitigation for the development of the site. This process has been updated with the submission of further details for bat lofts. The Conservation Manager considers that the pool identified contains fish and is unsuitable for great crested newts. There is also a road and buildings between the pool and the application site. The applicants will need a DEFRA licence which may place further requirements on the applicants/developers. Light pollution is a matter that can be controlled by planning condition and it is not considered that the scheme, given the relatively blank roadside walls adjoining the B4348 road, will give rise to adverse light pollution.
- 6.8 The scheme is sympathetic to the traditional stone, brick and boarded buildings and, with the removal of the modern portal frame buildings, would enhance the setting of the Grade II Listed farmhouse and farm building to the north of the site and the other high quality buildings in accordance with Unitary Development Plan policies. It will also not be implemented until such time as all farm operations have ceased and been relocated further to the east at the approved site in accordance with the recommended Grampian condition, thereby ensuring the highway benefits of this proposal are fully realised.

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 (Development in accordance with the approved plans)

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

3. D02 (Approval of details)

Reason: To ensure that the work is carried out in accordance with the details that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1, HBA3 and HBA4 of Herefordshire Unitary Development Plan.

4. D04 (Details of window sections, eaves, verges and barge boards)

Reason: To ensure that the work is carried out in accordance with the details that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1, HBA3 and HBA4 of Herefordshire Unitary Development Plan

5. D05 (Details of external joinery finishes)

Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the special architectural or historical interest of the buildings and to comply with the requirements of Policy HBA1, HBA3 and HBA4 of Herefordshire Unitary Development Plan.

6. D09 (Details of rooflights)

Reason: To ensure that the rooflights are of an appropriate form and minimise the potential disruption to the appearance and continuity of the roofs in the interests of the safeguarding of the architectural or historic interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan.

7. Existing wattle and daub infill panels shall be retained and maintained to the satisfaction of the local planning authority.

Reason: To safeguard the character and appearance of such a feature in this group of buildings of historical and architectural interest.

8. All meter boxes shall be installed internally.

Reason: To safeguard the character and appearance of such a feature in this group of buildings of historical and architectural interest.

9. D12 (Repairs in situ)

Reason: To ensure that the integrity of the building as one which is listed, and is of local interest is preserved to ensure compliance with Policies HBA1, HBA3, HBA12 and HBA13 of Herefordshire Unitary Development Plan

10. G02 (Retention of trees and hedgerows)

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan

11. G09 (Details of boundary treatments)

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

12. G10 (Landscaping scheme)

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

13. G11 (Landscaping scheme - implementation)

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

14. F06 (Restriction on Use)

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

15. F14 (Removal of permitted development rights (including fences and other boundary treatments))

Reason: To ensure the character of the original conversion scheme is maintained and to comply with Policy HBA12 of Herefordshire Unitary Development Plan.

16. I17 (Scheme of foul drainage disposal)

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

17. I33 (External lighting)

Reason: To safeguard the character and amenities of the area and to comply with Policies HBA1 and DR14 of Herefordshire Unitary Development Plan.

18. K4 (Nature Conservation - Implementation)

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation(Natural Habitats, &c) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 of Herefordshire Unitary Development Plan.

19. K5 (Habitat Enhancement Scheme)

Reason: In order to ensure that diversity is conserved and enhanced in accordance with the requirements of PPS9, the NERC Act 2006 and Policies NC6, NC7, NC8 and NC9 of Herefordshire Unitary Development Plan

20. The development hereby approved shall not be occupied until the development approved under DCSW2005/1713/F has been completed and farming operations

transferred from the buildings which gain access off Scar Lane have been relocated to the new farm building.

Reason: In order to define the terms to which the applications relate in order to comply with Policies HBA12, HBA13 and DR3 of the Herefordshire Unitary Development Plan.

21. H20 (Road completion in 2 years)

Reason: In the interests of highway safety and convenience and a well co-ordinated development and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

22. H03 (Visibility splays)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

23. H05 (Access gates)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

24 H06 (Vehicular access construction)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

25. H08 (Access closure)

Reason: To ensure the safe and free flow of traffic using the adjoining County highway and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

26. 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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

27. H17 (Junction improvement/off site works)

Reason: To ensure the safe and free flow of traffic on the highway and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

28. H21 (Wheel washing)

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

29. H22 (Opening windows adjacent to the highway)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

30. H29 (Covered and secure cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

31. Access details for pedestrian and cyclists onto Sydcombe Lane (u/c 75217) shall be submitted to and approved in writing by the local planning authority before first occupation of any dwelling and the approved details shall thereafter be maintained available for use in perpetuity.

Reason: In order to provide adequate access for residents and visitors in accordance with Policy DR3 of Herefordshire Unitary Development Plan.

Informative(s):

- 1. N11B – Wildlife & Countryside Act 1981 (as amended) and Conservation (Natural Habitats & c.) Regulations 1994 (as amended) - Bats**
- 2. HN01 – Mud on Highway**
- 3. HN05 – Works Within the Highway**
- 4. HN07 – Section 278 Agreement**
- 5. HN13 – Protection of Visibility Splays on Private Land**
- 6. N19 - Avoidance of doubt - Approved Plans**
- 7. N15 - Reason(s) for the Grant of Planning Permission**

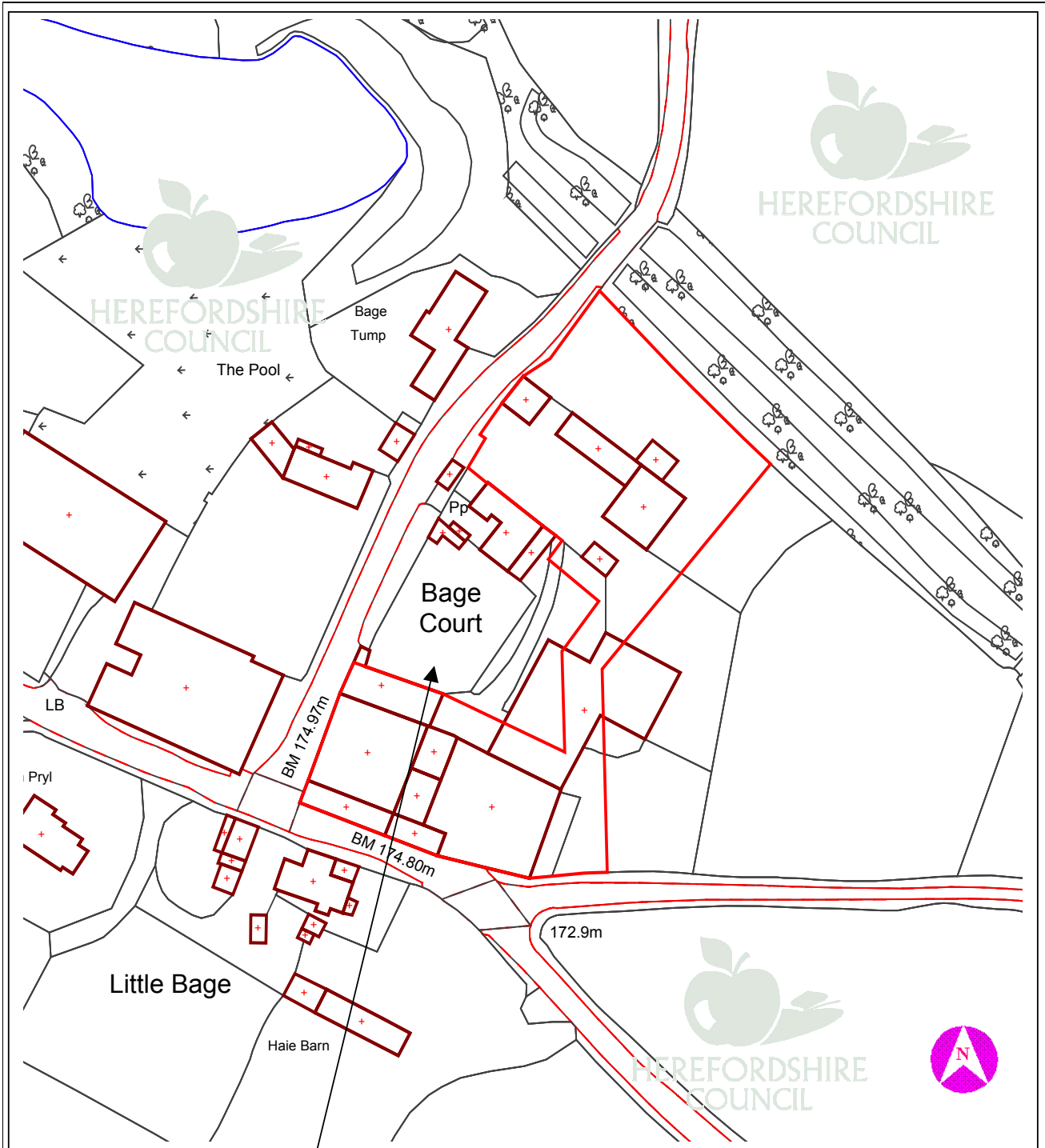
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2007/0064/F

SCALE : 1 : 1250

SITE ADDRESS : Bage Court, Dorstone, Hereford, Herefordshire, HR3 5SU

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8 DCSW2007/2194/O - VEHICULAR ACCESS AMENDMENTS AND SITE FOR AGRICULTURAL DWELLING, THE LAURELS FARM, BRAMPTON, KINGSTONE, HEREFORD, HEREFORDSHIRE, HR2 9NF.

For: Mr N Lively per Mr R Pritchard, The Mill, Kenchester, Hereford, Herefordshire, HR4 7QJ.

Date Received: 10 July 2007 Ward: Stoney Street Grid Ref: 41228, 36364

Expiry Date: 4 September 2007

Local Member: Councillor DC Taylor

1. Site Description and Proposal

- 1.1 The proposal site is on the eastern side of the unclassified road (u/c 1193) that links the B4348 to the south, on the south-western approach to Kingstone and to the north, Stoney Street and Brampton road. Stoney Street runs along the northern boundary of the applicant's farm holding. The southern boundary is delineated by an unadopted track that leads eastwards. The ATL premises, formerly Coldwell Radio Station, is immediately to the south of this unadopted track.
- 1.2 The proposal site is to the north of the existing entrance serving the mobile home which the applicant resides in. The site is some 110 metres east of the new entrance.
- 1.3 This outline application seeks permission for the erection of an agricultural dwelling together with improvements to the site access. With the exception of the access, all matters are reserved although the indicative site layout shows the dwelling set back from the unclassified road behind the line of existing approved agricultural buildings.
- 1.4 The application has been supported by a report setting out the accounts of the business from 2004. The enterprise comprises 80 acres, including 20 acres rented at Eaton Bishop. A heifer rearing system is carried out providing 52 calved heifers at 24-26 months of age. It is stated that calves are produced all year round and heifers need more assistance calving than mature cows.
- 1.5 The labour requirement is 323 standard man days compared to 300 full time days for an agricultural worker.

2. Policies

2.1 Planning Policy Statements

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

2.2 Herefordshire Unitary Development Plan

Policy S2	-	Development Requirements
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 | DCSW2002/2386/S | Agricultural building for calving of heifers and general stock workshop | - | Prior Approval Granted 13.09.02 |
| | DCSW2003/1458/F | Temporary permission for mobile home | - | Approved 17.11.03 (expired 30.09.06) |
| | DCSW2006/0587/S | Storing of straw and fodder, but during summer fattening bull for beef and heifers | - | Prior Approval Granted 10.03.06 |
| | DCSW2006/1421/O | Site for agricultural dwelling | - | Withdrawn 06.02.07 |
| | DCSW2007/0569/F | Farm barn for calf rearing and fodder storage | - | Approved 30.03.07 |
| | DCSW2007/1396/O | Vehicular amendment and site for agricultural dwelling | - | Withdrawn 09.07.07 |

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager states that the access position has been the subject of preliminary discussions and that if approved should be conditioned as previously recommended, for an access with 2.4m x 90m visibility splays and set back gates.
- 4.3 The County Land Agent supports the application and considers it is a genuine and sound agricultural business with good prospects of remaining a profitable and sustainable enterprise.

5. Representations

- 5.1 In a letter that accompanied the application, the applicant's agent makes the following main points:
- application for farmhouse and revised position for access for an agricultural building
 - site for farmhouse close to existing farmhouse and recently approved agricultural building
 - welcome guidance on appearance for new dwelling, intended to build traditional Herefordshire farm dwelling
 - access previously approved with adjacent barn.

5.2 The Parish Council make the following observations:

“We oppose this application. This application is similar to previous applications and we object for the same reasons we objected previously for. It is believed there is no need for a house to be built on this site and would set a precedent if planning permission is granted.”

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 principle of the erection of dwellings in open countryside is only considered acceptable in exceptional circumstances. One of these is when there is a proven case of agricultural need to support an established agricultural enterprise. This is an application for such an exception and in this case for a permanent agricultural workers dwelling.

6.2 The applicant has established a need for a temporary dwelling in order to support a new calf rearing enterprise (SW2003/1458/F refers). This followed the erection of the first agricultural building for this new enterprise in September 2002. It is proposed to site the new dwelling further north of the existing site for the temporary accommodation in order to assist the proper functioning of the enterprise at such times as restriction orders are placed on the movement of cattle during periods of bovine TB. The applicant also intends to carry on with the calf-rearing unit. Therefore, it is considered that the siting is acceptable particularly as it utilises the approved new access point for the agricultural building approved in 2006.

6.3 The County Land Agent has informed the applicant that the erection of a second agricultural building close to the already erected building on the southern side of the farm would greatly assist him in providing further evidence of long term viability for the holding, allowing the enterprise to grow. This building was subsequently erected just before Christmas last year (it was approved in March 2006). It is considered that this additional investment provides further weight to the view that this is a genuine business with good prospects of success.

6.4 The County Land Agent confirms that the functional need for the dwelling has been established and that the buildings necessary to support the enterprise have been erected. There is a functional requirement for one key worker, on what is stated by the County Land Agent to be a sound agricultural business. The second requirement is for the proposal to satisfy the financial viability test in terms of providing sufficient income for an agricultural worker whilst demonstrating the ability to cover the cost of capital expenditure for the new dwelling. Based on the financial accounts available, the County Land Agent is satisfied that the business is sustainable and given that the applicant has erected the two buildings he has planning permission for and is developing and diversifying his enterprise.

6.5 In conclusion, I am of the opinion that having established a functional need for a full-time worker to be present at the site, the applicant has satisfactorily demonstrated through the financial information that has been provided and the investment made in buildings to support the enterprise, that the business is capable of remaining profitable and as such the application is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A02 (Time limit for submission of reserved matters (outline permission))**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

2. **A03 (Time limit for commencement (outline permission))**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. **A04 (Approval of reserved matters)**

Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with policy DR1 of the Herefordshire Unitary Development Plan.

4. **A05 (Plans and particulars of reserved matters)**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

5. **F27 (Agricultural occupancy)**

Reason: It would be contrary to Policies H7 and H8 of Herefordshire Unitary Development Plan to grant planning permission for a dwelling in this location except to meet the expressed case of agricultural need.

6. **H01 (Single access - no footway)**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

7. **H03 (Visibility splays)**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

8. **H05 (Access gates)**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

9. **H06 (Vehicular access construction)**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

10. The existing chalet shall be removed from the site no later than 6 months from first occupation of the new dwelling or as unless otherwise agreed in writing prior to completion of the new dwelling.

Reason: In order to define the terms to which the application relates in accordance with Policy H8 in the Herefordshire Unitary Development Plan.

Informative(s):

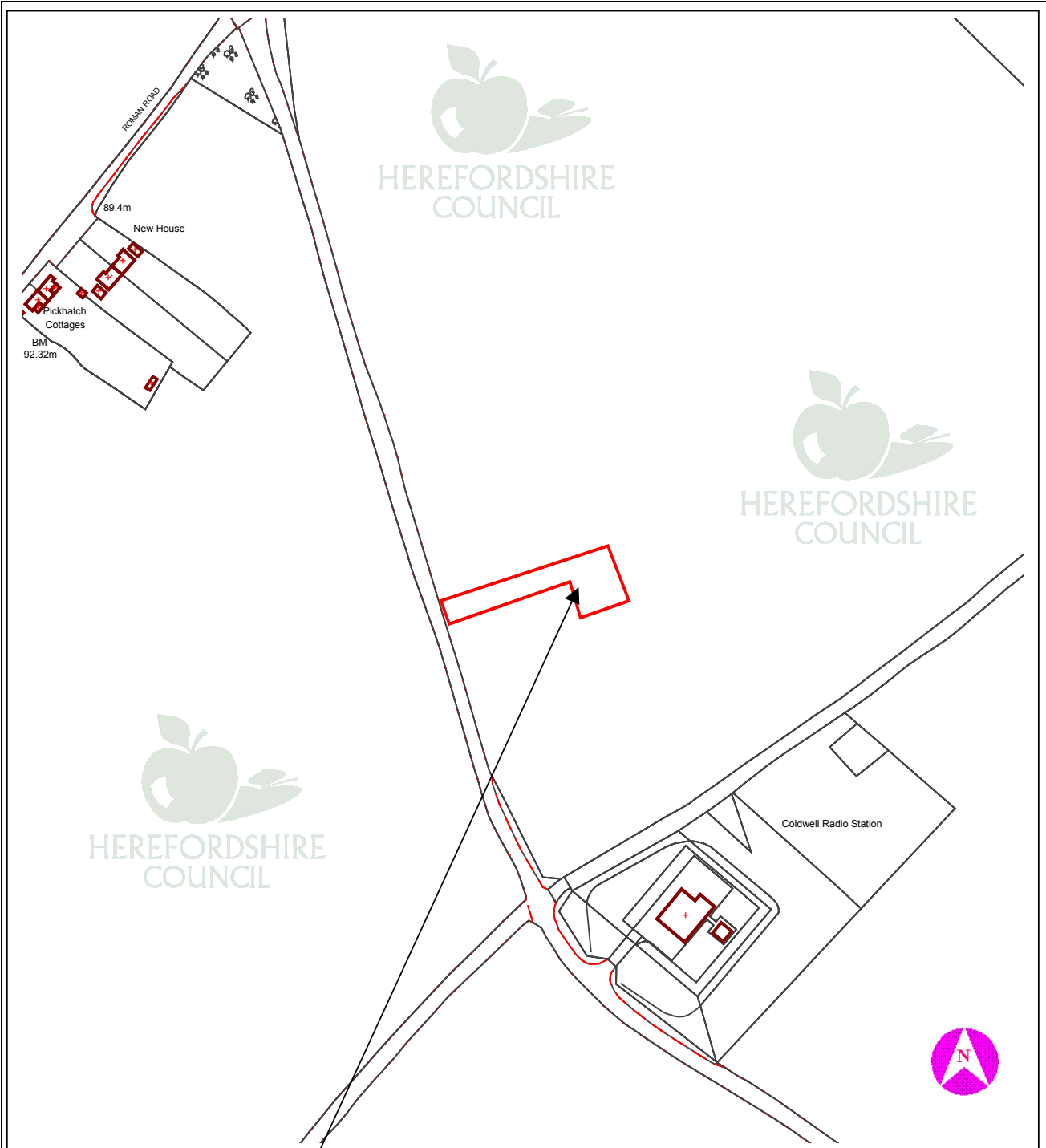
1. HN01 - Mud on highway
2. HN05 - Works within the highway
3. HN10 - No drainage to discharge to highway
4. HN22 - Works adjoining highway
5. N19 - Avoidance of doubt - Approved Plans
6. N15 - Reason(s) for the Grant of Planning Permission

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2007/2194/O

SCALE : 1 : 2500

SITE ADDRESS : The Laurels Farm, Brampton, Kingstone, Hereford, Herefordshire, HR2 9NF

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9 DCSE2008/1803/F - 6 NEW DETACHED HOUSES AT REAR OF HAZELNUT COTTAGE, LLANGROVE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6EZ.

For: Mr T Pannett per Mr P Thomas, Lower Grove, Newcastle, Monmouth, NP25 5NT.

Date Received: 18 July 2008

Ward: Llangarron

Grid Ref: 52448, 19306

Expiry Date: 12 September 2008

Local Member: Councillor Mrs JA Hyde

1. Site Description and Proposal

- 1.1 Planning permission is sought for the erection of 6 detached dwellings on this 0.3ha site at the rear of Hazelnut Cottage, Llangrove. Outline planning permission (DCSE2004/1949/O) was granted in September 2004 for the residential development of the site. Subsequently a further outline planning application (DCSE2005/1118/O) was submitted. This specified the number of dwellings (6) and the layout was submitted for decision at that stage. The associated reserved matters submission (DCSE2008/0627/RM) was approved at the Southern Area Planning Sub-Committee on 30th April 2008. This gave approval for 3 detached dwellings, a pair of semis and a bungalow, all served via a single point of access.
- 1.2 This full planning application, seeks permission for the erection of 6 detached houses on site, four of which would be served via the existing modified access, with the two dwellings to the west of the site (plots 1 & 2) sharing the access to the adjacent Chapel Meadows development. It follows the withdrawal of DCSE2008/0909/F.
- 1.3 Plot 1 would front the road between the existing Hazelnut Cottage and the vehicular access to Chapel Meadows to the west. The remaining five dwellings are aligned between No.1 Chapel Meadows and The Sycamores to the east. The land falls gently away to the east with the effect that ridge heights will fall to follow the topography. The ridge height to plot 2 would be the same as the adjoining dwelling in Chapel Meadows. A typical footprint is 7.5m x 10m, which with a typical 40-degree roof pitch gives an overall height of 8.5 metres. Materials will comprise render and timber boarding, under slate roofs, with painted or stained timber windows and doors.
- 1.4 The dwellings are sited between 8 and 10 metres from the rear (southern) site boundary, beyond which are the rear gardens of existing dwellings. Gardens to serve the proposed dwellings would back onto those serving the existing dwellings to the south. The driveway to plots 3 - 6 passes to the rear of Hazelnut Cottage and also affords access to this dwelling. Private parking areas are formed within the curtilage to each dwelling.
- 1.5 The proposed dwellings are broadly traditional in form. The supporting information describes that the dwellings are designed to meet Code Level 3 of the Code for Sustainable Homes. The orientation and design of the dwellings has been informed accordingly and manifests itself through the provision of large openings in the south-facing elevations (to maximise passive solar gain) with relatively few openings in the north facing elevation.

- 1.6 First floor balconies are proposed to plots 1, 2, 3 and 6. These have been designed to incorporate privacy screens and thus overcome potential overlooking of neighbouring rear gardens to the south.

2. Policies

2.1 Planning Policy Statements

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing

2.2 Herefordshire Unitary Development Plan 2007

Policy S1	-	Sustainable Development
Policy DR1	-	Design
Policy DR3	-	Movement
Policy DR5	-	Planning Obligations
Policy H6	-	Housing in Smaller Settlements
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy H16	-	Car Parking
Policy LA6	-	Landscaping Schemes

3. Planning History

3.1	DCSE2004/1949/O	Proposed site for residential development.	-	Approved 1.9.04
	DCSE2005/1118/O	Site for the erection of five houses and one bungalow.	-	Approved 9.6.05
	DCSE2006/1871/F	Non-compliance with condition 5 of planning permission DCSE2005/1118/O: Relaxation of highway visibility splays.	-	Approved 2.8.06
	DCSE2008/0627/RM	Erection of five houses and one bungalow.	-	Approved 3.4.08
	DCSE2008/0909/F	Six new sustainable houses.	-	Application withdrawn 12.6.08

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required

Internal Council Advice

- 4.2 Traffic Manager: Requires further information with regard to the formation of visibility splays, cycle storage and the internal driveway width to plot 6, which is currently 200mm less than required by the residential design guide.
- 4.3 Officers consider that these concerns can be met via condition.

5. Representations

5.1 Llangrove Parish Council: "The Parish Council objects most strongly to this planning application because of the overall size of the houses and the height and intrusiveness of the balconies and attic windows. We further add that we consider the 'ECO' aspect of the application is unsatisfactory in that it does not fully apply ecologically acceptable systems. Finally as far as we can judge this development is outside the conditions imposed by the Unitary Development Plan."

5.2 At the time of writing 2 letters of objection had been received. These letters come from Mr & Mrs D Honeywill, 1 Hillview Cottage, Llangrove and Mr & Mrs D Williams, Grey Gables, Llangrove. The content of the letters is summarised as follows:

5.3 Mr & Mrs Honeywill:

- The hedging and trees between the application site and No.1 Hillview are mainly deciduous and will not provide an effective privacy barrier;
- There is little point to the balconies as they do not afford a view other than over the properties to the south;
- The proposed solar panels to the plot to the north of Hillview Cottages would be hindered by the large trees;
- Parking is not adequately provided for. 2 spaces per dwelling is not sufficient;
- The future use of a strip of land adjacent to Hillview should be determined now;
- The development is apparently reliant upon LPG fuel which is not environmentally sound.

5.4 Mr & Mrs Williams

- There is a discrepancy with the cill height to the attic window at plot 4;
- Concern that the balconies could be amended in the future with the effect that privacy is compromised;
- Request that balcony screens are non-transparent, effective screens that remain effective in perpetuity.

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 key issues in the determination of this application are as follows:

- The principle of development having regard to the provisions of the Unitary Development Plan and any other material considerations;
- The scale and design of the dwellings relative to the surroundings;
- The impact upon the residential amenity of neighbouring dwellings;
- The vehicular access arrangements;
- S.106 considerations.

The Principle of Development

6.2 The application seeks permission for the erection of 6 detached dwellings on land at the rear of Hazelnut Cottage, Llangrove. Outline planning permission and the associated reserved matters approval exist for the erection of five dwellings and a bungalow. This permission is extant until 9th June 2010. These approvals predated

the adoption of the UDP and were granted when Llangrove held main village status under the South Herefordshire District Local Plan policy SH.6.

- 6.3 Llangrove is now classified a 'smaller settlement' under policy H6 of the UDP. In smaller settlements residential development will be limited to single infill plots or exceptionally, affordable housing where local need exists. Therefore, were it not for the existing planning permission, the erection of six open market dwellings would be contrary to currently adopted policy.
- 6.4 Therefore whilst the comments made by the Parish Council are acknowledged, the existence of the extant planning permission, authorising six dwellings (DCSE2005/1118/O) is, in the officer's opinion, the decisive factor. The current proposal is not predicated on an increase in the number of dwellings already approved and the principle of development is thus acceptable whilst the outline permission remains valid.

Scale and Design

- 6.5 The Parish Council describes the scale of the dwellings as a key area of concern. The design approach does give rise to relatively tall dwellings – 2 storeys with the potential for rooms in the roof space. The dwellings are comparatively tall at 8.5 metres in height. However, the scale will be mitigated by the fact that the dwellings (with the exception of plot 1) are set into the site and do not address the public highway. In this context the dwellings will not be unduly prominent or excessively large by comparison with adjoining properties.
- 6.6 The application describes that plot 2, for example, will have a ridge height set at the same height as the neighbouring dwelling in Chapel Meadows. From here the respective ridge heights will fall across the site to follow the ground levels, which fall in an easterly direction. To illustrate, there would be a 3.5m difference between the ridge heights to plot 2 (west of site) and plot 6 (east of site). Furthermore, it would appear that there is scope to excavate and further reduce ground levels. It is recommended that a condition be imposed to require further detail in respect of slab levels relative to adjoining properties.
- 6.7 In design terms, the basic form of the dwellings is traditional. The dwellings would have rendered ground floors with boarded first floors. It is the window detailing that sets the dwellings apart. The window configurations are a consequence of the desire to maximise solar gain whilst minimising heat loss, hence the large expanses of glazing to the south facing elevations, which also exhibit solar panels and in the case of four of the dwellings, balconies.
- 6.8 Although the asymmetry apparent in most of the window configurations is unusual, officers do not consider the effect detrimental to the overall appearance of the scheme.

Residential amenity

- 6.9 Concern has been expressed at the presence of first floor balconies to four of the proposed dwellings. The balcony to plot 1 is of no consequence as the aspect from this balcony is over plot 2. It is the balconies to plots 2, 3 and 6 which are of greater concern, owing to their relative proximity to the dwellings and gardens to the south.
- 6.10 As part of negotiations the balconies formerly proposed to plots 4 and 5 have been removed entirely, whereas the remaining balconies have been designed so as to

reduce the propensity for overlooking. This has been done through the addition of curved balcony screens to a height that will guard against views over the neighbouring gardens. A condition is recommended to ensure that these balconies are constructed in accordance with the submitted details and that the privacy screens are retained in perpetuity.

- 6.11 In terms of overlooking from windows, it is the attic windows to the south facing elevations that would have greatest potential to cause loss of privacy to adjoining dwellings. To counter this the glazing to the gable of plot 4 has a cill height at 1.7m, whereas the south facing roof light to plot 6 lights the stairwell. There are no roof lights to plots 2 and 5, whereas those that serve plot 3 are also 1.7m above internal floor level. In terms of window-to-window distance, there would be 30m between plot 4 and the bungalow Grey Gables to the southeast and a similar distance from plot 5 to Trelawne. These distances, combined with the measures described above are considered to satisfactorily address concerns regarding the potential for undue overlooking and loss of privacy and the scheme is considered to adequately safeguard existing levels of residential amenity. A condition to prevent the addition of additional windows and balconies in certain specified elevations is recommended.
- 6.12 The proposal is not considered to have undue impact upon existing levels of residential amenity and is considered acceptable in this regard.

Vehicular Access

- 6.13 The current proposal differs from the previous approval in that the existing Chapel Meadows driveway would serve two of the proposed dwellings. The remainder of the development would be served by the existing modified access to Hazelnut Cottage, which would extend into a shared un-adopted driveway. The Traffic Manager voices some concern at the layout of the driveway, but none of these issues are considered serious enough to warrant refusal of the application and can be met through the submission of additional detail, required via suitably worded conditions.

S106 Considerations

- 6.14 Negotiations have been conducted with the applicant to secure financial contributions towards sustainable transport, education and open space. These amount to a total of £17,592 allocated as per the Heads of Terms appended to this report. Although not fully in accordance with the provisions of the Supplementary Planning Document: Planning Obligations, Officers consider the amounts represent a reasonable compromise given the site history and the existence of an extant planning permission which did not entail any financial contributions.

Summary and Conclusion

- 6.15 The principle of development is accepted having regard to the presence of the existing planning permission and reserved matters approval for 6 dwellings. Officers consider that the proposal would not constitute overdevelopment of the site (density equates to 20 dwellings/ha) and adequately addresses the site context in its response to concerns expressed at the impact upon residential amenity.
- 6.16 Subject to the imposition of suitable conditions, including one requiring completion of the S.106 agreement, the application is recommended for approval.

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 B07 (Section 106 Agreement)

Reason: In order to provide [enhanced sustainable transport infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing] in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

3 C01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

4 I16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

5 I56 (Sustainable Homes Condition)

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'

6 I51 (Details of slab levels)

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.

7 Notwithstanding the approved details included in the application, additional drawing and specifications in respect of the following matters shall be submitted to the local planning authority before the commencement of any works. The works to which they relate shall subsequently only be carried out in accordance with the details which have been approved by the local planning authority in writing beforehand:

(a) Elevations and plans of the balconies to plots 2, 3, and 6 (as identified on drawing P.01 B) at a minimum scale of 1:20, including details of the privacy screens (materials and height).

Reason: To ensure that the balconies are constructed in accordance with the submitted details.

- 8 The privacy screens to the balconies described in condition 5 shall be maintained as such and not changed thereafter without the prior written consent of the local planning authority.

Reason: To ensure the continued preservation of residential amenity to adjoining properties in accordance with policy H13 of the Herefordshire Unitary Development Plan 2007.

- 9 G02 (Retention of trees and hedgerows)

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.

- 10 G04 (Protection of trees/hedgerows that are to be retained)

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

- 11 G10 (Landscaping scheme)

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

- 12 G11 (Landscaping scheme - implementation)

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

- 13 L01 (Foul/surface water drainage)

Reason: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.

- 14 L02 (No surface water to connect to public system)

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 so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

- 15 L03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

- 16 H04 (Visibility over frontage)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

17 H09 (Driveway gradient)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

18 H29 (Secure covered cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

19 H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

20 H06 (Vehicular access construction)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

21 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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

22 F16 (No new windows/balconies in specified elevation)

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

INFORMATIVES:

1 N19 - Avoidance of doubt - Approved Plans

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

Decision:

Notes:

Background Papers

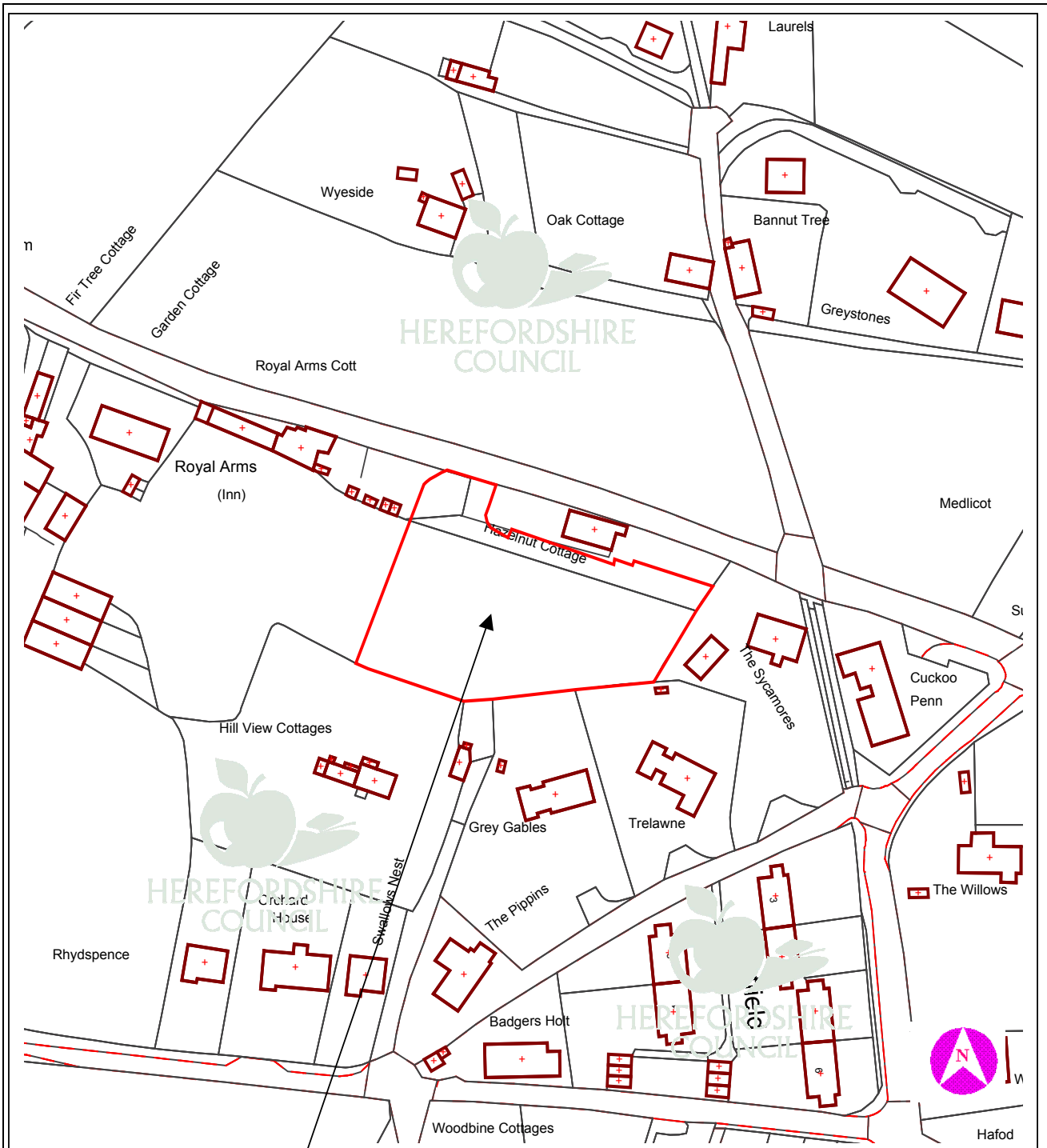
Internal departmental consultation replies.

**DRAFT HEADS OF TERMS
PROPOSED PLANNING OBLIGATION AGREEMENT
Section 106 Town and Country Planning Act**

Planning Application – DCSE2008/1803/F

6 new detached houses on land to the rear of Hazelnut Cottage, Llangrove, Herefordshire HR9 6EZ

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £8,493 to provide enhanced educational infrastructure at John Kyrle High School and improved service provision/capacity at Ross Youth Services.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £8,603 towards the delivery and/or enhancement of sustainable transport initiatives within the locality.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £496 towards the provision and/or enhancement of public open space, including recreational rights of way.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council an additional administration charge of 2% of the total contributions detailed in this Heads of Terms to be used towards the cost of monitoring and enforcing the section 106 agreement.
5. The financial contributions referred to above shall be indexed linked and paid on or before the commencement of the development or in accordance with a timetable to be agreed in writing with Herefordshire Council.
6. In the event that Herefordshire Council does not use the sums referred to above for the purposes specified 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.
7. 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.
8. In the event that the agreement is not completed before the application is determined, it shall be completed within three months of the date of the planning permission. Otherwise the application will be treated as 'deemed withdrawn.'



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APPLICATION NO: DCSE2008/1803/F

SCALE : 1 : 1250

SITE ADDRESS : Rear of Hazelnut Cottage, Llangrove, Ross-on-Wye, Herefordshire, HR9 6EZ

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