

AGENDA

Southern Area Planning Sub-Committee

Date: **Wednesday 5 August 2009**

Time: **2.00 pm**

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

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Agenda for the Meeting of the Southern Area Planning Sub-Committee

Membership

Chairman **Councillor PGH Cutter**
Vice-Chairman **Councillor MJ Fishley**

Councillor CM Bartrum
Councillor H Bramer
Councillor BA Durkin
Councillor AE Gray
Councillor JA Hyde
Councillor JG Jarvis
Councillor G Lucas
Councillor PD Price
Councillor RH Smith
Councillor DC Taylor
Councillor JB Williams

Non Voting **Councillor TW Hunt** Chairman of Planning Committee
 Councillor RV Stockton Vice-Chairman of Planning Committee

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

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.

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.

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AGENDA

	Pages
<p>1. APOLOGIES FOR ABSENCE</p> <p style="padding-left: 20px;">To receive apologies for absence.</p>	
<p>2. DECLARATIONS OF INTEREST</p> <p style="padding-left: 20px;">To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p>3. MINUTES</p> <p style="padding-left: 20px;">To approve and sign the Minutes of the meeting held on 8 July 2009.</p>	1 - 10
<p>4. ITEM FOR INFORMATION - APPEALS</p> <p style="padding-left: 20px;">To be noted.</p>	11 - 12
PLANNING APPLICATIONS	
<p>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.</p> <p>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>	
<p>5. DCSE0009/1021/F - REAR GARDEN PLOT TO TUDORVILLE EXPRESS, WALFORD ROAD, TUDORVILLE, ROSS ON WYE, HEREFORDSHIRE, HR9 5PY.</p> <p style="padding-left: 20px;">Provision of new two storey 3 bedroom dwelling in rear of garden.</p>	13 - 20
<p>6. DCSE0009/0942/F - CIDER BARN, WALFORD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SB.</p> <p style="padding-left: 20px;">Proposed rear kitchen extension.</p>	21 - 26
<p>7. DCSE2009/0901/F - LAND ADJACENT TO COLERAINE BUILDINGS, COUGHTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SG.</p> <p style="padding-left: 20px;">Change of use of land (part retrospective) from agricultural to site for seasonal agricultural workers' accommodation for up to 173 caravans/mobile homes for permanent retention on site, including associated regrading of the site, laying out of dressed hardcore access tracks and of ancillary informal grassed recreational space.</p>	27 - 46
<p>8. DCSE0009/0944/F - LAND ADJACENT TO COLERAINE BUILDINGS, COUGHTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SG.</p> <p style="padding-left: 20px;">Erection of fixed, permanent steel framed, polythene-skinned Spanish polytunnels (9900 square metres gross area approximately) as plant nursery/ propagation houses.</p>	47 - 54
<p>9. DCSE0009/0945/F - LAND ADJACENT TO COLERAINE BUILDINGS, COUGHTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SG.</p> <p style="padding-left: 20px;">Erection of agricultural plant comprising: an irrigation tank, pumphouse and banded liquid fertiliser store.</p>	55 - 58

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| 10. | DCSE0009/1318/F - HUGH'S BARN, WOODEND LANE, LINTON, ROSS ON WYE, HEREFORDSHIRE, HR9 7SR. | 59 - 64 |
| | Alterations to existing dwelling – addition of 2 ground floor windows to rear (south) elevation. | |
| 11. | DCSW2009/0822/F - CUSOP VILLAGE HALL, CUSOP, HEREFORDSHIRE, HR3 5RW. | 65 - 72 |
| | Conversion of redundant village hall to one dwelling. | |

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- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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HEREFORDSHIRE 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 8 July 2009 at 2.00 pm

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

Councillors: CM Bartrum, H Bramer, BA Durkin, AE Gray, JA Hyde, JG Jarvis, G Lucas, PD Price, RH Smith and DC Taylor

In attendance: Councillors TW Hunt (ex-officio) and RV Stockton (ex-officio)

8. APOLOGIES FOR ABSENCE

Apologies were received from Councillor JB Williams. The Chairman advised that Councillor JG Jarvis had requested that the two applications in his ward be moved back to 2.30pm as he was currently on council business.

9. DECLARATIONS OF INTEREST

5. DCSE2009/0670/F - HOMME FARM, HOM GREEN, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7TF.
Councillor JG Jarvis; Personal and Prejudicial.

7. DCSE0009/0926/F - THE CHURCH OF ST MARY THE VIRGIN, CHURCH STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5HP.
Councillor G Lucas; Personal and Prejudicial; Chairman of 'Friends of the Church'.

8. DCSE0009/1021/F - REAR GARDEN PLOT TO TUDORVILLE EXPRESS, WALFORD ROAD, TUDORVILLE, ROSS ON WYE, HEREFORDSHIRE, HR9 5PY.
Councillor JA Hyde; Personal and Prejudicial; Previously employed at the site.

10. MINUTES

RESOLVED: That the Minutes of the meeting held on 10 June 2009 be approved as a correct record and signed by the Chairman.

11. ITEM FOR INFORMATION - APPEALS

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

12. DCSE0009/0926/F - THE CHURCH OF ST MARY THE VIRGIN, CHURCH STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5HP.

The Principal Planning Officer advised Members that The Rambler's Association had withdrawn its objection to the proposed development and awaited further consultation with regard to the diversion of the Public Right of Way.

In accordance with the criteria for public speaking Rev. Wheatley, the applicant, spoke in support of the application.

Councillor CM Bartrum felt that the design of the proposed church hall was in keeping with the rest of the site. He noted the objections but on balance supported the application.

In response to a number of comments from Members, the Southern Team Leader advised that no construction work was permitted on the site until the archaeological investigations had been completed. He added that the application would then, subject to the agreement of the County Archaeologist, be referred to the Secretary of State with a recommendation for approval.

RESOLVED

That subject to the resolution of the outstanding archaeological issues, officers named in the Scheme of Delegation to Officers be authorised to refer the application to the Secretary of State with a recommendation that the Council is minded to approve, subject to the conditions below and any further conditions considered necessary by officers:

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 D10 (Specification of guttering and downpipes)

Reason: To ensure that the rainwater goods are of an appropriate form in the interests of the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 of Herefordshire Unitary Development Plan.

3 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 of Herefordshire Unitary Development Plan.

4 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 building and to comply with the requirements of Policy HBA1 of Herefordshire Unitary Development Plan.

5 D06 (External finish of flues)

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 of Herefordshire Unitary Development Plan.

6 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.

7 H28 (Public rights of way)

Reason: To ensure the public right of way is not obstructed and to conform with the requirements of Policy T6 of Herefordshire Unitary Development Plan.

Informatives:

1 N19 - Avoidance of doubt - Approved Plans

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

13. DCSE2009/0670/F - HOMME FARM, HOM GREEN, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7TF.

In accordance with the Standards Board Code of Conduct, Councillor JG Jarvis, the local ward member who had declared a prejudicial interest in respect of the application, addressed the sub-committee in support of the application prior to leaving the chamber for the ensuing debate and vote.

The Principal Planning Officer (Minerals and Waste) advised members of amendments to condition 6 and 7 of the recommendation. She added that conditions 4 and 5 would need to include a requirement for boundary treatment for the Public Right of Way in the interests of public safety. Finally she advised Members that condition 10 would restrict the approved use of the lakes to Agriculture and Conservation only. Recreational uses would not be permitted, unless a specific planning permission had been granted. Full details of these updates were contained within the updates sheet circulated at the meeting.

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

Councillor RH Smith thanked the Officer for producing a detailed and thorough report. He added that the applicant had taken great care with the application and had appeared to have worked in conjunction with the planning team, he therefore supported the application and moved the recommendation.

Members discussed the application and concurred with Councillor Smith's comments in respect of the quality of the report. They felt that the only area of concern in respect of the application related to landscaping and tree planting. They felt that a long term landscaping programme was required.

In response to the comments raised in respect of landscaping, the Principal Planning Officer (Minerals and Waste) confirmed that she would be requesting a 10 year landscape management plan.

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 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 E01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policies ARCH1, ARCH5 and ARCH6 of Herefordshire Unitary Development Plan 2007.

4 G09 (Details of Boundary treatments)

Reason: In the interests of visual amenity, and the safety of users of the Public Right of Way, in accordance with policies DR1, DR2 and T6 of the Herefordshire Unitary Development Plan 2007.

5 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.

6 No development shall take place until a habitat enhancement and biodiversity management scheme, based on the findings and recommendations of the submitted Ecological Report and in consultation with the Council's Planning Ecologist, Natural England and the Herefordshire Nature Trust, has been submitted to and approved in writing by the local planning authority. The scheme shall include in particular:

- i) Provision for further surveys as necessary, by a suitably qualified person, prior to and during each phase of development;**
- ii) Measures to safeguard any identified protected species and their habitats, including badgers, particularly during the construction period;**
- iii) Specific proposals for wildlife habitat creation or enhancement through planting and landform, and future management of these measures;**
- iv) Full details of a long-term Management Scheme for identified and specified areas of the site, to be agreed with and implemented by the Herefordshire Nature Trust or equivalent successor organisation for a specified period of time, including the start date;**
- v) Measures to protect and maintain all significant areas of peat within the site including mitigation measures for taking account of any unexpected areas of peat encountered during excavation works. Any such peat discovered shall be recovered, stored separately, and used in connection with the proposed landscaping and habitat enhancement measures.;**
- vi) The appointment of a suitably qualified Ecological Clerk of Works to oversee implementation of the scheme throughout the phased construction period and for a minimum of two years after completion of the last pool and/or the landscape and biodiversity schemes (whichever is the later);**
- vii) Provision for adequate monitoring and progress reporting;**
- viii) Timescales for implementation of the scheme.**

The scheme shall be implemented as approved unless otherwise agreed in writing in advance by the local planning authority.

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 to ensure that biodiversity is conserved and enhanced, all in accordance with the requirements of PPS9, the NERC Act 2006 and policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007.

- 7** No development shall take place until a comprehensive landscape scheme has been submitted to and approved in writing by the local planning authority. The details submitted shall include a large-scale masterplan showing the landscaping and habitat features to be implemented, in conjunction with the following detailed proposals;
- i)** Full ground-modelling methodology for the proposed wetland habitat and conservation corridor indicated on drawing no 117.301.C2-1E, including wet scrapes;
 - ii)** Full ground-modelling details for all areas designated to receive excavated material on drawing no 117/301/C2.C2-1E;
 - iii)** Method statement for all soil handling and storage including, where necessary, measures to reduce high soil nutrient levels on those areas identified for conservation use;
 - iv)** Final ground-modelling details of the reservoir margins, showing gradients and shallow water depths at the edge (in particular alongside the Public Right of Way);
 - v)** Measures and methodology for ensuring that, in the event of drought, the area of bare mud around the reservoirs likely to be exposed would be kept to a minimum.
 - vi)** Schedule of all planting and seeding, to include details of species, sizes, location, density and spacing as appropriate. This shall include identification of any areas to be left for natural re-vegetation and the methodology for the choices made;
 - vii)** Timescales for implementation, including any provision for phased work, the times of the year when earthmoving will take place, the completion of each phase, review of the scheme according to changing circumstances, and remediation for any plant or seeding failures;
 - viii)** Details of an 8 metre buffer strip (from the top edge of the bank) to be provided on either side of the entire length of the existing watercourse lying within the application site. No excavation, deposit of soil, or any other development shall take place within the buffer strip.
 - ix)** Proposals for after-care and management for a prescribed period (e.g. 5 years after completion), and provision for regular monitoring of the scheme.

The scheme shall be implemented as approved unless otherwise agreed in writing in advance by the local planning authority.

Reason: In the interests of visual amenity, to ensure a satisfactory form of development, and to conform with the requirements of policies LA6, NC1, NC6 and NC8 of the Herefordshire Unitary Development Plan 2007.

- 8** Prior to the construction of any reservoir a scheme for groundwater monitoring, including the installation of a borehole/piezometer at a specified location, shall be submitted to and approved in writing by the local planning authority in consultation with the Environment Agency. The scheme shall provide detailed proposals for monitoring, including the

nature of sampling, frequency and duration, in accordance with the submitted Hydrological Impact Statement dated May 2009. Thereafter, monitoring shall be carried out and reviewed in accordance with the approved scheme, which shall be carried out and implemented in accordance with the approved details unless otherwise agreed in writing in advance by the local planning authority.

Reason: To ensure monitoring of the hydro-geological and hydrological regime, to protect groundwater and the water environment including Coughton Wood and Marsh SSSI and Parish Fields in accordance with policies DR1, DR4, and DR6 of the Herefordshire Unitary Development Plan 2007.

- 9 If the monitoring scheme approved under the above condition shows, in the opinion of the local planning authority, any adverse risk of deterioration to groundwater and surface water quality or quantity, remediation proposals shall be submitted in writing to the local planning authority in consultation with the Environment Agency within three months of the findings. The proposals shall include:

- i) Methodology for investigating the cause of the deterioration;
- ii) Measures for remediation;
- iii) Further measures to amend any failures in either monitoring methods or remediation;
- iv) Timescales for implementing the scheme and provision for review.

The remediation scheme shall be implemented in accordance with the approved details.

Reason: To prevent any adverse impacts on the hydro-geological and hydrological regime, to protect groundwater and the water environment including Coughton Wood and Marsh SSSI and Parish Fields in accordance with policies DR1, DR4, and DR6 of the Herefordshire Unitary Development Plan 2007.

- 10 F06 (Restriction on Use)

Reason: To restrict the use of the site to that proposed in the interests of local amenity, because any other use would require further consideration by the local planning authority, and to comply with policies S1, S2, and DR1 of the Herefordshire Unitary Development Plan 2007.

INFORMATIVES:

- 1 The applicant is advised to appoint a suitably qualified civil engineer to supervise the design, construction, maintenance and safety of reservoirs regardless of size.
- 2 The requirements given in condition 7 (v) for details to minimise the exposure of bare mud should include proposals for a combination or mixture of engineering design details, water management, selected marginal planting and other means such as the use of shingle if appropriate.
- 3 N11C - General
- 4 N11A - Wildlife and Countryside Act 1981 (as amended) - Birds

- 5 **ND03 - Contact Address**
 - 6 **HN01 - Mud on highway**
 - 7 **HN02 - Public rights of way affected**
 - 8 **HN03 - Access via public right of way**
 - 9 **HN23 - Vehicular use of public rights of way**
 - 10 **The development shall only be undertaken in accordance with the requirements of Central Networks and the National Grid. Guidance for safe working under overhead power lines, and the HSE informative 'should be strictly adhered to at all times. Shock Horror: Safe working near overhead power lines in agriculture'.**
 - 11 **Trees should not be planted in the vicinity of overhead power lines unless agreed with Central Networks and National Grid. Planting within the sphere of influence of the lines should be restricted to native herbs and plants, and native shrubs that would not exceed 3 metres in height.**
 - 12 **N19 - Avoidance of doubt - Approved Plans**
 - 13 **N15 - Reason(s) for the Grant of Planning Permission**
14. **DCSE2009/0824/F - LAND AT THE KNAPP, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6HU.**

The Principal Planning Officer requested that members add a condition to the recommendation in respect of slab levels.

Councillor JG Jarvis, the local ward member, noted the concerns raised by Goodrich Parish Council in respect of the height of the proposed dwelling. However he felt that the slope of the land alliviated this concern and therefore supported the application.

In response to a question from the local ward member, the Principal Planning Officer confirmed that the external finish of the dwelling was addressed through condition 2 of the recommendation.

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 **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
- 3 **D04 (Details of window sections, eaves, verges and barge boards)**

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 D05 (Details of external joinery finishes)

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

5 H03 (Visibility splays)

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

6 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

7 H09 (Driveway gradient)

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

8 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.

9 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.

10 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.

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 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 the Herefordshire Unitary Development Plan.

14 G02 (Retention of trees and hedgerows)

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

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

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

INFORMATIVES:

1 HN01 - Mud on highway

2 HN04 - Private apparatus within highway

3 HN05 - Works within the highway

4 HN10 - No drainage to discharge to highway

5 With reference to condition 2, there is an expectation that the external finish will comprise painted render in accordance with the approved drawing 656:02

6 N19 - Avoidance of doubt - Approved Plans

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

15. DCSE0009/1021/F - REAR GARDEN PLOT TO TUDORVILLE EXPRESS, WALFORD ROAD, TUDORVILLE, ROSS ON WYE, HEREFORDSHIRE, HR9 5PY

The Principal Planning Officer advised Members that the agent had confirmed that the developer was prepared to accept a 12-month commencement condition in line with the temporary suspension of the Supplementary Planning Document: Planning Obligations.

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

Councillor AE Gray had concerns regarding the width of the access to the site and requested a site inspection on all three grounds.

RESOLVED

That consideration of the application be deferred for a site inspection for the following reasons:

- the character or appearance of the development itself is a fundamental planning consideration;**
- a judgement is required on visual impact;**

- the setting and surroundings are fundamental to the determination or to the conditions being considered.

16. DCSE0009/0983/F - CHEVENHALL, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5PQ.

Councillor AE Gray, one of the Local Ward Members, noted that boundary planting had been agreed with all parties and therefore she 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 B02 (Development in accordance with approved plans and materials)

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

3 G09 (Details of boundary treatments) (including the position and species to be planted)

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform with Policy DR1 of the 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 3.20 pm

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED**

No appeals have been received for the southern area of Herefordshire.

APPEALS DETERMINED**Application No. DCSE2008/2930/O**

- The appeal was received on 5 May 2009.
- 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 Mr Steadman.
- The site is located at Mayfield, -, Upton Bishop, Nr. Ross-On-Wye, Herefordshire, HR9 7TX.
- The application, dated 5 December 2008, was refused on 29 January 2009.
- The development proposed was Erection of dwelling and garage, construction of new vehicular access and associated works.
- The main issue is whether the proposed development would have an unacceptable impact on the amenity and privacy of the occupiers of neighbouring dwellings.

Decision: The Application was refused under delegated powers on 29 January 2009.
The appeal was WITHDRAWN on 29 June 2009.

Case Officer: Yvonne Coleman on 01432 383083

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

5 DCSE0009/1021/F - PROVISION OF NEW TWO STOREY 3 BEDROOM DWELLING IN REAR OF GARDEN, REAR GARDEN PLOT TO TUDORVILLE EXPRESS, WALFORD ROAD, TUDORVILLE, ROSS ON WYE, HEREFORDSHIRE, HR9 5PY.

For: Mr J Thomas per Derrick Whittaker Architects, 1 Farjeon Close, New Mills, Ledbury, Herefordshire, HR8 2FU.

Date Received: 14 May 2009

Ward: Ross-on-Wye East

Grid Ref: 59688, 22913

Expiry Date: 9 July 2009

Local Members: Councillors PGH Cutter and AE Gray

Introduction

This application was considered at the Southern Area Planning Sub-Committee on 8 July 2009 when Members deferred making a decision in order to carry out a site visit.

1. Site Description and Proposal

- 1.1 The application seeks planning permission for the erection of a two-storey dwelling on land to the rear of the Tudorville Express Store, Walford Road, Ross-on-Wye. The application follows a refusal of planning permission for the erection of a dwelling on the same site under reference DCSE2007/2747/F. The former application was refused on the basis of poor design, scale and impact upon the amenity of the neighbours. Concern was also raised at the potential noise disturbance arising from vehicular movements adjacent to San Remo, the neighbouring dwelling to the south. Tudorville is a predominantly mid C20th residential area to the south of the town centre. Accordingly there is a mix of private and former Council housing stock in the vicinity. The gardens to the properties in Tudor Rise back onto the site. The garden to San Remo runs adjacent the south-western boundary, whilst Erdington Court, a development of a terrace of four properties lies to the rear of Merrie Orchard.
- 1.2 The design of the refused application was fundamentally poor and the scale vastly out of keeping with the character of the area. The height to the ridge was 10.6 metres and the floor area 150 square metres. The internal layout was vastly inefficient to the extent that the floor plans only committed to 3 bedrooms, although it is clear that scope existed for double this, including rooms within the roof space. The provision of a 2-storey height external spiral staircase certainly alluded to more than casual use of the 'loft rooms'.
- 1.3 The current application proposes a far smaller, genuine two-storey dwelling, albeit located in a similar position. Orientation is such that the front of the dwelling would face the rear of the shop. A contemporary design approach is taken with the use of asymmetrical mono-pitched roofs, under zinc standing seam cover. The dwelling is described as 3-bedroom, although provision is made for a first floor study, which could become a fourth bedroom as required. The plan is essentially rectangular, with a rear wing housing kitchen and bedroom 1 at first floor. This is the 'tower' element. The gross ground floor area is 103 square metres - two-thirds the size of the refused scheme. The overall height of the building is also substantially reduced. The mono-pitch roof form has been adopted to maintain a low profile. The highest part of the dwelling is now 7.2 metres as opposed to the previously proposed 10.6 metres. The height to eaves of the current proposal is, owing to the shallow mono-pitch, 6 metres at its maximum.

- 1.4 The application is accompanied by a Design and Access Statement. This justifies the proposal in the context that the existing garden area with Tudorville Express is underutilised and that the use of previously developed land within the Ross settlement boundary is the approach advocated by national and local planning policy. The design approach has been adopted to "ensure that the building offers different and exciting views from all angles" and the design of the roofs also ensures that "the building maintains a low profile below that of the adjacent buildings."

2. Policies

2.1 Herefordshire Unitary Development Plan

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy LA1	-	Areas of Outstanding Natural Beauty

3. Planning History

3.1	DCSE2003/2467/F	Proposed shed/summer house	-	Approved 08.10.03
	DCSE2006/3655/F	Proposed formation of car parking area adjacent to shop	-	Approved 15.01.07
	DCSE2007/2747/F	Proposed new dwelling and swimming pool in garden at rear of Tudorville Express	-	Refused 24.10.07

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: Recommend standard conditions relating to the discharge of foul and surface water discharges.

Internal Council Advice

- 4.2 Conservation Manager: No objections subject to conditions for glazing, joinery and roofing materials.

"The previous application, which was of three storeys, foundered in large part because it was grossly out of scale with its context, and the current scheme has made considerable efforts to address this concern. The opposed monopitch roof form has been adopted to maintain a low profile, and whilst the widely differing pitches appear somewhat unresolved in the elevational drawings, the effect will be less apparent in three dimensions. By contrast to its scale, the building's contemporary language is a deliberate riposte to the prevailing context, which has little distinctive identity."

- 4.3 Traffic Manager: No objection, although amendments are required to the design and layout of the parking and access route. The Traffic Manager recommends the imposition of conditions.

5. Representations

- 5.1 Ross-on-Wye Town Council: No objections.
- 5.2 At the time of writing seven letters of objection have been received from Mrs E Jenkins, 1 Erdington Court, Walford Road, a joint letter from Mr S. Cropper and Mr & Mrs A James from numbers 3 and 4 Erdington Court respectively, Mr & Mrs T Russell, 15 Tudor Rise, Mr M R Higgins, 17 Tudor Rise, Mrs K Ward, 19 Tudor Rise, Mr D Barlow, 21 Tudor Rise and Mr & Mrs French, San Remo, Walford Road. The content of the letters can be summarised as follows:
- The development could result in loss of privacy, particularly if the boundary hedge is removed;
 - The use of the private access drive serving Erdington Court would not be permitted;
 - Additional traffic on this part of Walford Road would not be advisable;
 - Any planning permission should be conditional upon the retention of the existing trees forming the boundary between the site and Erdington Court. Removal of this planting would detract from the visual amenity of the area;
 - The design of the building is radically out of keeping with the surrounding houses. The design would detract from the harmonious look of the neighbourhood.
 - The narrowness of the access is not appropriate for construction traffic.
 - The additional vehicular movements would cause conflict with store customers.
 - The store car park may be used increasingly as a domestic car park.
 - The development will depreciate the value of surrounding properties.

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 application proposes the erection of a two-storey dwelling on land currently forming part of the curtilage to the Tudorville Express general stores, Walford Road, Ross-on-Wye. The site is within an established residential area, within the Ross settlement boundary. As a principle, the erection of a dwelling upon the site is acceptable.
- 6.2 A previous application for the erection of a dwelling on this site was refused owing to its design, scale and the impact of the vehicular access upon the residential amenity of the dwelling immediately to the south-west, San Remo. As described above, the dwelling now proposed is significantly smaller both in plan form and height than the previously proposed dwelling. It does, however, promote a modern style of architecture that is largely unheralded in the neighbourhood, which is described by one of the objectors as "admittedly unflashy yet reassuringly harmonious."
- 6.3 Accordingly the key issues in the determination of this application are considered as follows:
- The appropriateness of the design to the immediate context;
 - The impact of the proposal upon the living conditions of adjoining residents, including an assessment of the impact of the means of access upon the adjoining dwelling, San Remo.
- 6.4 This site is considered a 'backland' location. In this instance a similar form of development can be seen immediately adjacent in the form of Erdington Court, which appears to derive from the development of land formerly associated with Merrie Orchard. Given recent local appeal decisions on the issue of developing 'backland' sites, the case officer considers that although the proposal rests upon a means of access that passes in relatively close proximity to the neighbour, the development of this land is acceptable. The Traffic Manager, whilst recognising the constraints placed upon the access onto Walford Road, does not object to the application provided that amendments are made to the design of the parking and turning area. This can be governed via the imposition of conditions.

- 6.5 The design of the dwelling is a departure from the existing predominantly twentieth century housing stock. However, the site is not readily visible from public vantage points and with the intended retention of existing landscaping, would not be unduly prominent. Moreover, the scale of the dwelling, which is vastly reduced from that originally proposed, will further reduce the visual impact when viewed from neighbouring properties. As the building will not be seen in a typical street-scene, the case officer considers that a contemporary design is feasible and appropriate. The mixed character of the locality with no overriding architectural style also lends itself to the introduction of a new design approach.
- 6.6 The case officer agrees that existing boundary planting should be retained in the interests of preserving visual and residential amenity and conditions are recommended to this effect. As access is proposed via the existing drive, there would be no threat to the trees on the boundary to Erdington Court. In terms of overlooking, the vast majority of the openings at both first and second floor are in the west facing elevation, which looks onto the rear of Tudorville Express. Windows in the first floor flank elevations serve bathrooms or dressing rooms. Windows in the rear facing elevation (facing Tudor Rise) are limited to those serving the stairs and a ground floor kitchen window. Window-to-window distances in this direction exceed 21 metres. The scheme does incorporate a balcony to the south-elevation. A condition is recommended to require the provision of a privacy screen to the side that faces Erdington Court.
- 6.7 The debate around the appropriateness of the design is clearly a subjective issue. However, there is no defining architectural context and the discrete nature of the site lends itself to a more ambitious design. The application is recommended for approval subject to conditions.

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 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.

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

Reason: To ensure that the work is carried out in accordance with details that are appropriate to the architectural characteristics of the building and to comply with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan.

4 Prior to the commencement of development, a scheme to indicate the incorporation of a privacy screen to the balcony hereby approved shall be submitted to and approved in writing by the local planning authority. Development shall accord with the approved details and the privacy screen must be retained in perpetuity unless otherwise agreed in writing by the local planning authority.

Reason: In order to preserve existing levels of residential amenity in the locality so as to comply with Policies DR1 and H13 of the Herefordshire Unitary Development Plan.

5 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

6 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

7 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

8 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.

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 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.

11 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.

12 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.

13 F14 (Removal of permitted development rights)

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H18 of Herefordshire Unitary Development Plan.

14 F16 (No new windows 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.

15 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'

16 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.

Informatives:

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

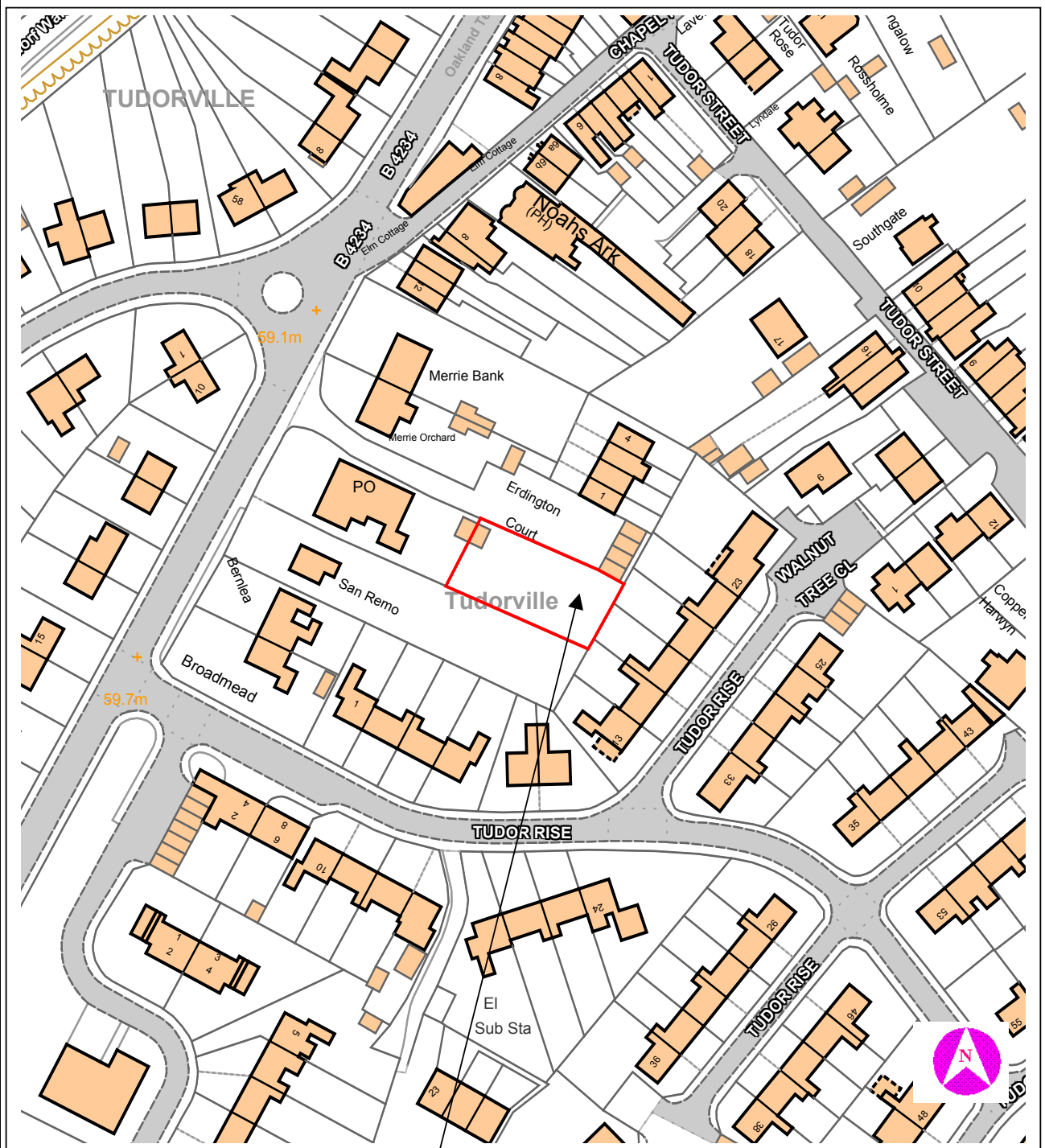
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE0009/1021/F

SCALE : 1 : 1250

SITE ADDRESS : Rear Garden Plot to Tudorville Express, Walford Road, Tudorville, Ross on Wye, Herefordshire, HR9 5PY

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Further information on the subject of this report is available from Mr E Thomas on 01432 260479

6 DCSE0009/0942/F - PROPOSED REAR KITCHEN EXTENSION, CIDER BARN, WALFORD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SB.

For: Mrs S Cox, Cider Barn, Walford, Ross-on-Wye, Herefordshire, HR9 5SB.

Date Received: 5 May 2009

Ward: Kerne Bridge

Grid Ref: 58849, 20514

Expiry Date: 30 June 2009

Local Member: Councillor JG Jarvis

1. Site Description and Proposal

- 1.1 The Cider Barn is a dwelling, converted from a traditional agricultural building formerly associated with the Grade II listed Brook House Farm, Daycroft Lane, Walford. The original conversion scheme is understood to have taken place in the 1970's. Adjoining development includes the Grade II listed Flaxley House and the unlisted Hunsdon House. There is a strong, local architectural context with buildings constructed almost exclusively in stone.
- 1.2 Planning permission is sought for the erection of a single-storey extension to the dwelling to provide a kitchen/family room. The extension would project from the rear corner along the common boundary with Brook House. The scheme proposes an extension of contemporary design, utilising a flat sedum roof over dark grey aluminium framing and cedar cladding. The extension would have a plan area of 8.5m x 4.8m and a height of 2.8m. The length has been reduced from 10.4 metres.
- 1.3 The application is accompanied by a Design and Access Statement. This explains that the design is a deliberate contrast to the existing building, with the use of a flat roof designed to reduce the impact upon both the existing building and Brook House.

2. Policies

2.1 Herefordshire Unitary Development Plan

Policy DR1	-	Design
Policy H18	-	Alterations and Extensions
Policy HBA12	-	Re-use of Rural Buildings

2.2 Supplementary Planning Guidance

The Re-use and Adaptation of Rural Buildings (July 2004)

3. Planning History

- 3.1 DCSE2005/1140/F Proposed rear kitchen/dining extension, - Refused 03.06.05
changes to existing façade and granny
flat over existing garage

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

Internal Council Advice

- 4.2 Conservation Manager: “The building is a nineteenth century threshing barn, unsympathetically converted to residential use in the 1970s. The philosophical thrust of the Supplementary Planning Guidance is to protect the 'agricultural character' of rural buildings and since the agricultural character has already been destroyed, application of this rule is largely academic.

The design of the extension is very reminiscent of a recent extension to nearby Hunsdon House, which complements its parent building perfectly, so there is every prospect that it will have an equally positive effect on the Cider Barn. The extension will have some impact on the neighbouring Brook House, but its flat sedum roof and position offset from the boundary have been adopted specifically to minimise this and is it no considered that it will affect the setting of the listed building to an unacceptable degree.

The success of contemporary architectural interventions of this type relies on the finesse of their materials and detailing, so conditions for glazing and eaves details and cladding samples will be required.”

5. Representations

- 5.1 Walford Parish Council: “The majority of the parish councillors objected to this application. They thought that the proposed kitchen extension was too large for the size of dwelling and that the materials were not sympathetic to the original barn or to the neighbouring listed house. One councillor was in favour of the application, thinking that the modern style complemented the original building.”

- 5.2 Mr & Mrs McIntosh, owners of the neighbouring Brook House have raised objection to both the original scheme and the amended, smaller version. The content of the objections can be summarised as follows:

- The proposal will have an adverse impact upon the setting of Brook House, which is a Grade II listed building. Formerly the Cider Barn was associated with and joined to the farmhouse. It is considered that the gable end of the extension would significantly affect the appearance of both properties, impacting visually upon Brook House. From a certain aspect, the extension would become a visually dominant feature;
- Doubt is expressed that the intended materials will blend with the surrounds;
- The extension is considered too large when considered against the existing footprint;
- Objection to the light-spill possible from the proposed rooflight;
Comment that the site plan is slightly misleading in that the gable ends of Brook House and the Cider Barn are not exactly parallel as shown;
- There is concern that the boundary wall will have to be removed to allow for construction. This will cause damage to the landscaped areas associated with Brook House and difficulty with access;
- Concern is expressed regarding the ventilation of the kitchen range in such proximity to the common boundary.

- 5.3 The applicant has written in support of the application and to address some of the issues raised by the objection letter.

- The scale of the extension has been reduced several times.
- The appearance and materials are intended to contrast with the barn.
- The proposed rooflight does not project beyond the front of Brook House and replaces an existing window. There will be no increased light spill.
- Access will not be required across the neighbouring property.
- Existing drainage arrangements will be utilised. The proposed green roof will attenuate run-off.

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 application raises a policy issue. There is the presumption that converted buildings will be considered, in principle, as finite. That is, future extensions of traditional buildings converted to residential use will not normally be permitted. This stance is made clear by Policy HBA12 of the Herefordshire Unitary Development Plan 2007 and the Supplementary Planning Guidance on the re-use and adaptation of rural buildings. Such control over the future development of converted buildings is necessary to ensure that the agricultural character and appearance of the building in question can be retained insofar as is practicable.
- 6.2 In this case, the original conversion scheme was so obviously unsympathetic to the original appearance of the barn, that it is concluded that the rigid application of the presumption against further extensions is not sustainable. In essence, the character of the building has been lost to the extent that a well-designed extension should not be capable of having any further detrimental impact. In this case the Conservation Manager considers this to be the case and points to a nearby example of a similar type of extension, which he considers complements the parent building. He is also satisfied that the extension will not impact unduly upon the setting of the adjoining listed building.
- 6.3 It is your officer's opinion that in this case, the original conversion scheme was so unsympathetic that the usual presumption against extensions can be set aside. The Cider Barn is scarcely recognisable as such, having witnessed the introduction of cat slide dormer windows front and rear, brick infills to the wagon-way and a glazed porch to the rear. The refused scheme is 2005 promoted a much larger extension, both in terms of height and footprint and was considered of inappropriate design.
- 6.4 The extension as currently proposed is far smaller, using a flat roof to ensure that the impact upon Brook House is reduced. In fact, the roof of the extension appears level with the cill of the ground floor windows to Brook House. As such, and having regard to the absence of windows in the elevation facing Brook House, the impact upon neighbouring privacy levels will be negligible. A condition can be imposed to ensure that this elevation remains blank. The contemporary design is a deliberate response to the appearance of the existing building and is not considered inappropriate in the context. The reduction in the length of the extension addresses concern at the proportions when considered against the parent building.
- 6.5 Although the presumption against allowing extensions to converted buildings is not set aside lightly, your officers consider that given the appearance of the existing building, application of this 'rule' is now largely academic and would be difficult to defend in the event that the application went to appeal.
- 6.6 The application is recommended for approval subject to the conditions set out below.

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 C01 (Samples of external materials)

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

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

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

Reason: To ensure that the architectural details are appropriate to the context so as to ensure that the development complies with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan.

4 D05 (Details of external joinery finishes)

Reason: To ensure that the architectural details are appropriate to the context so as to ensure that the development complies with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan.

5 D06 (External finish of flues)

Reason: To ensure that the architectural details are appropriate to the context so as to ensure that the development complies with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan.

6 D10 (Specification of guttering and downpipes)

Reason: To ensure that the architectural details are appropriate to the context so as to ensure that the development complies with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan.

7 F16 (No new windows 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.

8 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.

Informatives:

1 N19 - Avoidance of doubt - Approved Plans

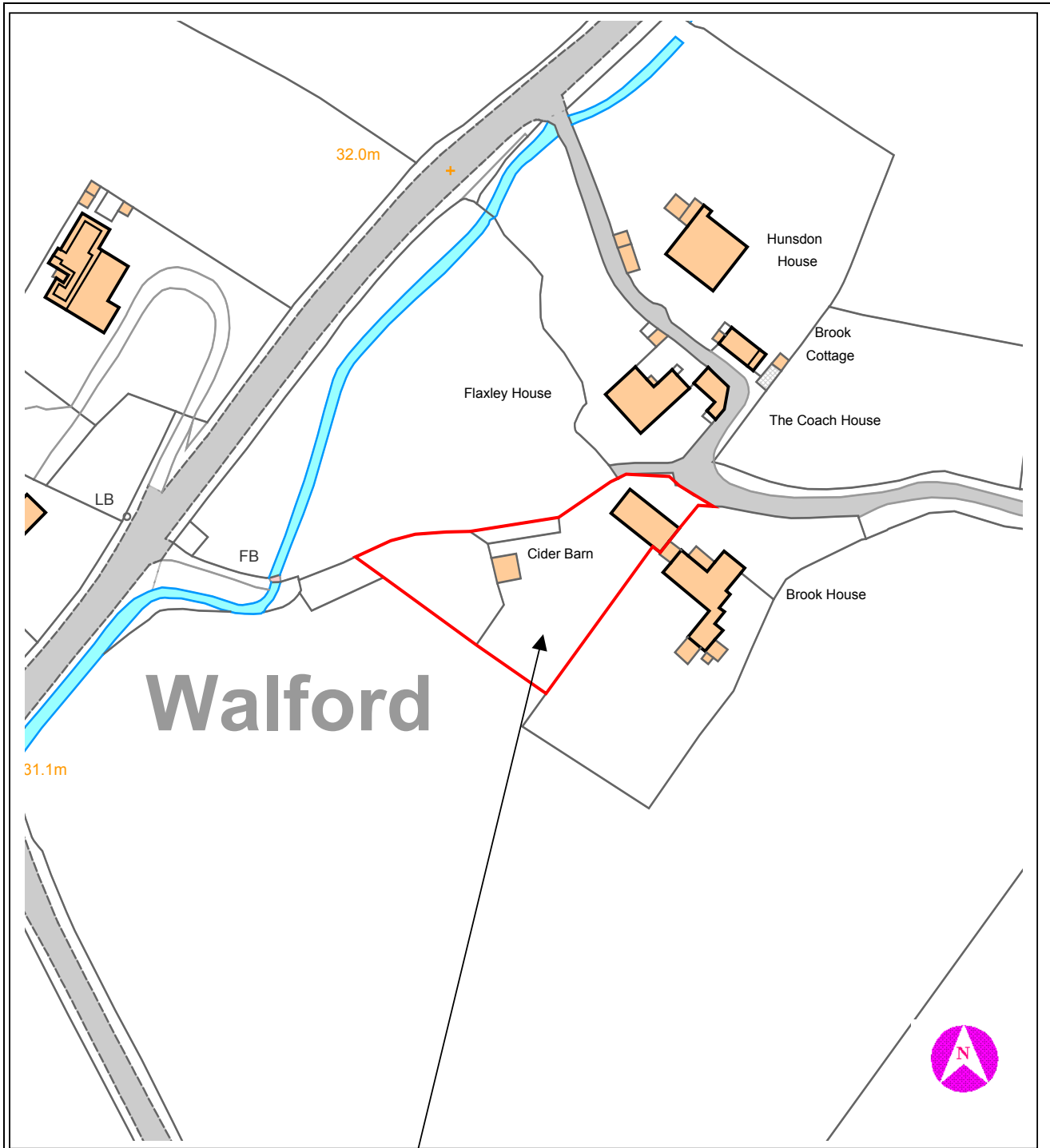
2 N15 - Reason(s) for the Grant of Planning Permission

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE0009/0942/F

SCALE : 1 : 1250

SITE ADDRESS : Cider Barn, Walford, Ross-on-Wye, Herefordshire, HR9 5SB

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7 DCSE2009/0901/F - CHANGE OF USE OF LAND (PART RETROSPECTIVE) FROM AGRICULTURAL TO SITE FOR SEASONAL AGRICULTURAL WORKERS' ACCOMMODATION FOR UP TO 173 CARAVANS/MOBILE HOMES FOR PERMANENT RETENTION ON SITE, INCLUDING ASSOCIATED REGRADING OF THE SITE, LAYING OUT OF DRESSED HARDCORE ACCESS TRACKS AND OF ANCILLARY INFORMAL GRASSED RECREATIONAL SPACE AT LAND ADJACENT TO COLERAINE BUILDINGS, COUGHTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SG.

For: Cobrey Farms per Antony Aspbury Associates, 20 Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW.

Date Received: 12 May 2009

Ward: Kerne Bridge

Grid Ref: 61340, 21739

Expiry Date: 11 August 2009

Local Member: Councillor JG Jarvis

1. Site Description and Proposal

- 1.1 Coleraine Farm buildings are located to the north of the C1275 Coughton Lane, which runs along the valley bottom from Coughton in the west to Pontshill in the east. Ross is 2km to the north. The application proposes the retention of the existing mobile homes on site together with the addition of further mobile homes as need dictates for a minimum period of 10 years, on land immediately to the west of the large modern farm complex, which includes the office headquarters. Cobrey Farms farm 983 hectares with 395 hectares owned within the vicinity of the application site. The need for seasonal labour is dictated by the comparatively recent diversification into asparagus production, with 209 hectares grown this year and an intended increase to 260 hectares by 2012. In addition 188 hectares of salad potatoes are grown and there has been recent diversification into rhubarb and blueberries.
- 1.2 The seasonal workers accommodation site extends to 3.56 hectares and comprises land to the west of the farm buildings. The site is bound by the road to the south and the Castle Brook to the north. The site lies just to the east of the Wye Valley Area of Outstanding Natural Beauty, on the floor of a steep sided, narrow valley with Penyard Park ancient semi-natural woodland and unregistered parkland on the hill to the north and Hengrove Wood (Site of Importance to Nature Conservation) to the south.
- 1.3 125 mobile homes are already on the site without the benefit of planning permission. The current application seeks to regularise the situation and relocate the caravans on to lower-lying land in an attempt to mitigate the impact upon the landscape and visual amenity of the area. This will involve re-profiling of current ground levels together with extensive landscape planting.
- 1.4 680 seasonal staff were employed in 2008, of which 650 were field or packhouse operatives, typically recruited from overseas. With the envisaged increase in asparagus production the demand for seasonal labour is predicted to rise to 700 at its peak, which is in late April and May (harvest time). The applicant is involved in exploratory work aimed at increasing the length of

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

the growing season. This would not increase the labour requirement, but would extend the period of peak labour demand.

Planning History

- 1.5 The current application follows from the refusal of DCSE2008/2581/F, which was for the same development. The application was refused for the following reasons:
1. In the absence of a full ecological assessment, the submitted application fails to satisfactorily address the existence (or otherwise) of protected species and the protection/mitigation of their habitat(s). As such the proposal is contrary to the Central Government advice contained within paragraph 99 of Circular 06/2005, Planning Policy Statement 9: Biodiversity and Geological Conservation and Policies NC1, NC5, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007.
 2. By virtue of its proximity to the Wye Valley Area of Outstanding Natural Beauty and two unregistered Historic Parks and Gardens, the site is considered to form part of a sensitive rural landscape. In this context the local planning authority is not satisfied that the proposed landscape mitigation strategy adequately addresses the identified visual harm caused by this specific development. The proposal is thus considered contrary to Policies LA2 and LA4 of the Herefordshire Unitary Development Plan 2007.
 3. The application site is in the open countryside, accessible by the public highway C1275. In the absence of a Transport Assessment, the local planning authority is unable to determine the extent of the impact of the development upon the local highway network, the measures undertaken to promote sustainable travel patterns amongst the workforce or the extent to which off-site works might be necessary. As such the proposal is contrary to Policies S6, DR3, T6 and T7 of the Herefordshire Unitary Development Plan 2007 and Central Government guidance contained within Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 7: Sustainable Development in Rural Areas and Planning Policy Guidance 13: Transport.
- 1.6 In 2005 Members of the Southern Area Planning Sub-Committee were minded to approve an application for the permanent retention of 68 seasonal worker's caravans on the site, although this was conditional upon meeting the outstanding flood risk related objections of the Environment Agency. In the absence of confirmation that the Environment Agency concerns were met, the application was treated as deemed withdrawn.
- 1.7 The intention, as it was under the 2005 and 2008 applications, is to undertake substantial re-grading of existing levels, primarily to reduce the slab levels of the caravans. The resultant spoil would be used to increase the height of the adjoining field. As a consequence the caravans will become further removed from the lane than is the case at present. The submitted Landscape and Visual Impact Assessment (LVIA) includes additional mitigation measures, which include the following:
- Planting of a dense, mixed native tree and shrub belt along the southern side of the site and access road;
 - Painting or cladding the roofs of caravans in dark, non-reflective grey material to reduce glare and visual impact;
 - Reinforcing roadside hedges and allowing them to grow up to at least 2 metres;
 - Planting individual fruit trees between the caravans;
 - Planting of a mixed native woodland block, with shrub layer and conifer component between the public footpath and the western edge of the site;
 - The introduction of a fast growing riparian woodland belt along the northern edge of the site, within the field to the north of the brook.

- 1.8 It is evident that the demand for caravans has increased not only in line with the expansion of the asparagus enterprise, but also as a result of changing worker expectations. The application describes that seasonal workers would have typically comprised students 'housed' 6 to a caravan. Nowadays, older couples are forming part of the workforce and they have an understandable reluctance to share with teenagers. As a consequence the number of caravans has been derived using 4-sharing as the basis.

The 'fallback' position

- 1.9 An important aspect of the proposal is that it is intended to retain the caravans year-round for a period of ten years. This is the principal factor in determining that planning permission is required. Under Part 5, Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995, planning permission is not required "for the use of a caravan site on agricultural land for accommodation during a particular season by a person or persons employed in farming operations on land in the same occupation." This 'right' is subject to a number of qualifications, not least the requirement that the caravans be removed at the end of the 'season'. Changing agricultural practices have blurred the traditional season. Case Law suggests even in the event of the removal of the caravans, the site, by virtue of the associated hardstandings and ancillary infrastructure, would still be a caravan site (i.e. a material change of use of the land had occurred and planning permission was required irrespective of whether the caravans were in situation or not). The weight that can be attached to the 'fallback' is therefore a subjective judgement. In any event, the application is for permanent retention. The applicant maintains that the cost and impracticality of removing those vans not required all year would be prohibitive and would, in all probability, present difficulties in excess of those experienced with permanent retention, particularly given the limitations of the local highway infrastructure.

Foul drainage

- 1.10 It is intended to utilise a 'bio-bubble' to deal with effluent. The waste would be pumped to existing holding lagoons, where it would be mixed with water abstracted under license from the brook and used as fertiliser. The Environment Agency has been consulted on this aspect and also the flood related implications and their comments are reported below.
- 1.11 The application is accompanied by a series of supporting documents:
- (i) Landscape and Visual Impact Assessment (LVIA) (DLA Ltd. April 2009): This document evaluates the landscape and visual impact from a series of local vantage points and addresses the need for mitigation in the form of landscape planting and topographic re-profiling as identified above.
 - (ii) Transport Statement (Antony Aspbury Associates, May 2009): This document outlines the trip generation and travel patterns associated with the proposal, together with measures already undertaken to ensure that vehicular movements arising from the occupation of the caravan site are kept to the minimum practicable level.
 - (iii) A Flood Risk Assessment (JDIH Envireau, April 2009). This document evaluates the likely sources of flooding and assesses whether there would be any additional risk to localised flooding as a result of the development. It concludes that due to the current and recommended water management systems at the site, the accommodation area will remain operational and safe during times of flood; will result in no net loss of floodplain storage and will not impede water flows and thereby increase the risk of flooding elsewhere.
 - (iv) A Phase 1 Ecology Habitat Survey (DLA Ltd. January 2009): This document evaluates the impact of the proposal upon the habitat of any protected species that may be present and proposes mitigation.
 - (v) A draft site management plan (Cobrey Farms, January 2009): This document is intended to inform management of the site and makes recommendations aimed at mitigating the impacts arising from the housing of up to 700 seasonal workers in an open countryside location. Measures relating to private car use, travel planning, litter disposal

and health and welfare issues are involved. As an example, private car use is only permitted under license and is restricted to full-time workers who have a need to move independently between Cobrey Farms sites.

1.12 The application has been screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (As amended). It is concluded that an Environmental Impact Assessment is not required. The screening opinion is on the statutory register.

2. Policies

2.1 National Planning Policy

Planning Policy Statement 1	-	Delivering Sustainable Development
Planning Policy Statement 7	-	Sustainable Development in Rural Areas
Planning Policy Statement 9	-	Biodiversity and Geological Conservation
Planning Policy Statement 25	-	Development and Flood Risk

2.2 Herefordshire Unitary Development Plan 2007

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S7	-	Natural and Historic Heritage
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR4	-	Environment
Policy DR6	-	Water Resources
Policy DR7	-	Flood Risk
Policy DR13	-	Noise
Policy DR14	-	Lighting
Policy H7	-	Housing in the Countryside outside Settlements
Policy H8	-	Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses
Policy H11	-	Residential Caravans
Policy E13	-	Agricultural and Forestry Development
Policy T6	-	Walking
Policy T7	-	Cycling
Policy LA2	-	Landscape Character and Areas least Resilient to Change
Policy LA4	-	Protection of Historic Parks and Gardens
Policy LA6	-	Landscaping Schemes
Policy NC1	-	Biodiversity and Development
Policy NC5	-	European and Nationally Protected Species
Policy NC6	-	Biodiversity Action Plan Priority Habitats and Species
Policy NC8	-	Habitat Creation, Restoration and Enhancement
Policy NC9	-	Management of Features of the Landscape

2.3 Supplementary Planning Document

Supplementary Planning Guidance: Landscape Character Assessment (2004)

3. Planning History

3.1	DCSE2000/0387/F	Permanent retention of 7 caravans. 6 used to accommodate students working on farm seasonally May to November, 1 caravan contains washing machine, drier and deep freeze:	-	Approved with conditions. A temporary planning permission expiring on 31 December 2005 with occupation limited to
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		between May and November of each calendar year.
DCSE2004/3102/F	Asparagus grading and packing facility together with associated lorry parking, staff amenities, access roads and hard standing:	- Approved 17.11.04
DCSE2005/0042/F	Relocation and extension of residential site for seasonal and casual workers together with land areas to be re-profiled.	- (Deemed Withdrawn - Member resolved to approve the application subject to overcoming the Environment Agency's holding objection).
DCSE2008/2581/F	Change of use of land (part retrospective) from agricultural to site for seasonal agricultural workers accommodation for up to 173 caravans/mobile homes for permanent retention on site, laying out of dressed hardcore access tracks and of ancillary informal grassed recreational space on land adjacent to Coleraine Buildings, Coughton, Ross-on-Wye, Herefordshire, HR9 5SG	- Refused 14.1.09
DCSE2009/0944/F	Erection of fixed, permanent steel framed polythene skinned Spanish polytunnels as plant nursery/propagation houses.	- Undetermined. See Agenda Item 8
DCSE2009/0945/F	Erection of agricultural plant comprising irrigation water tank, pump house and banded liquid fertiliser store.	- Undetermined. See Agenda Item 9

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: The Environment Agency (EA) has no objection to the proposed development, subject to the imposition of conditions.

The EA recommends the removal of an existing culvert, which would alleviate flood risk to the proposed caravan site from the overland flood flow route and improve conveyance of flows along the brook.

It is also considered that the foul drainage details to cater for the proposed development are generally acceptable in principle. Conditions are recommended to ensure that the holding lagoons are of sufficient size to cater for the effluent and wash water produced. Further conditions are recommended in relation to pollution prevention i.e. the treatment of surface water drainage prior to discharge into the watercourse and the storage of any associated oils, fuels or chemicals.

- 4.2 Natural England: No objection, although it is requested that the recommendations made in the submitted Phase 1 Habitat Survey be secured through appropriately worded planning conditions. Specifically, hedgerows should be managed in accordance with the recommendations, including the timing of cutting and filling in gaps with suggested native species and the watercourse (Castle Brook) should be buffered, including new planting of appropriate native species, allowing natural regeneration and appropriate future management for wildlife and drainage.

Impacts upon the Area of Outstanding Natural Beauty are restricted by topography and vegetation, particularly Chase Wood. Mitigation recommended by the Landscape and Visual Impact Assessment should be delivered through a detailed landscaping plan, secured through an appropriately worded condition and to be agreed with the Council within 6 months of planning permission being obtained.

Internal Council Advice

- 4.3 Conservation Manager (Landscapes): Objection. The landscapes officer accepts that the proposed landscaping scheme, including riparian woodland belt planting along the northern bank of Castle Brook, native shrub and tree belt above the grass bank south of the caravans, planting up of gaps in the hedgerow along Coughton Lane and fruit tree planting between the caravans to break up the large expanse, would, once matured, enhance and partially restore this degraded 'Principal Settled Farmlands' landscape. The proposed landscaping would also contribute towards mitigating the adverse visual effect of the extensive layout of caravans on the landscape in the longer term. The officer remains concerned, however, about the positioning of a large caravan site in this rural and historic landscape setting because of the de facto adverse impact on the landscape character.

The officer is also concerned that the 6 metre buffer strip between the mobile homes and the brook is insufficient and that the brook, as a priority habitat in the biodiversity action plan, will suffer as a consequence. The landscape scheme design has not included an effective landscape buffer on the southern side of the brook, to protect the corridor habitat and species from human activity.

- 4.4 Conservation Manager (Ecology): Recommends a condition requiring the submission of a biodiversity protection and enhancement strategy.
- 4.5 Traffic Manager: Recommends that the occupation of the mobile homes be conditioned to seasonal agricultural workers engaged in agricultural and associated activities upon land owned by Cobrey Farms. Some concern is expressed at the scope of the submitted Transport Statement, particularly in relation to a qualitative assessment of the existing highway network and the suitability of the public transport network to meet expressed demand.
- 4.6 County Land Agent: The asparagus picking is very labour intensive. The seasonal agricultural workers have to live somewhere and living on site is more practical than trying to find temporary accommodation in the locality, which for these numbers would be impossible. The alternative would be a permanent hostel type accommodation which would take up less room and could ensure good long-term accommodation, or there could be a mixture of the two (mobile home and a hostel). There is no agricultural necessity for workers to reside on site, although due to the number of people involved and the narrow roads in the area it is not practical for the employees to travel, in the required number, to and from work on a daily basis. It is concluded that a long-term demand for seasonal workers accommodation at the level proposed will continue. As such, bearing in mind the constraints of the local highway network and the absence of local low cost accommodation in the numbers required, there is a justification for accommodation for up to 700 seasonal agricultural workers on site.

- 4.7 Environmental Protection Manager: No objection

- 4.8 Land Drainage Engineer: No response, although the issues are covered by the Environment Agency consultation response.

5. Representations

- 5.1 Walford Parish Council: "This was a difficult observation to settle. We do recognise that a business enterprise such as this needs support as it cannot succeed without it. But we also recognise the depth of feeling in the community that the number of caravans has grown beyond an easily absorbable figure. It was decided to support consent for caravans to the year 2010. During this time the strictest conditions are to be complied with in relation to comprehensive landscaping, camouflage of caravans and the Code of Conduct Document (Draft Site Management Plan) for workers. Beyond 2010 the applicant would have to apply for extended consent."
- 5.2 Ross Town Council: Objection. "It is totally inappropriate to put this density of housing on this site. An approximate 6% rise in the population will strain the infrastructure of the town, but although there will be a part-time doctor at the site, it will affect hospital and health centres, policing and local services e.g. refuse collection."
- 5.3 Weston-under-Penyard Parish Council: The Parish Council defers to Walford Parish Council, but would make the following additional points. The lanes around the farm are very narrow and not designed for large transport vehicles. The Parish Council is concerned at both the size and number of large vehicles on the network and the consequence to other road users and walkers. Potential light pollution should be controlled through requiring all external lighting to be on timers with sensor devices.
- 5.4 Campaign to Protect Rural England: This large, part-retrospective development has already had a damaging impact on the visual aspects of this formerly attractive valley and also on the local residents and users of the narrow C1275 access road. The applicant has retained caravans on site without the benefit of planning permission and has added to their number. It is understood that some of the caravans are only occupied for 3 to 4 weeks. The CPRE disputes the view that the landscaping will adequately screen the site. Walkers on public footpath WA19/RR11, to the west of Coleraine Farm, have a clear view of the development, as do residents on high ground to the south. This site is in beautiful open countryside, close to the Wye Valley AONB and affects two unregistered historic parks and gardens. Accordingly the proposal appears to be contrary to Policies LA1, LA2 and LA4 of the Herefordshire Unitary Development Plan 2007.

Questions are also raised as regards the requirement for an Environmental Impact Assessment, particularly in the light of the nearby presence of the Castle Brook and the River Wye SAC and SSSI.

Concerns are also raised in relation to transport issues. The Transport Assessment was carried out outside of the peak season and litter on the public footpaths between the site and Ross is reported as an issue. The lane is considered unsuitable for the level of heavy goods traffic associated with "industrial farming."

- 5.5 Wye Valley Society: Objection. The proposal is contrary to H7, H8 and H11 of the Unitary Development Plan. The permanent presence of residential mobile homes should only be permitted if the development of permanent dwellings would also be acceptable. Clearly it would not. The applicant's willingness to accede to planning conditions restricting the occupancy to no more than 9 months in one calendar year and that the duration be limited to 10 years makes it clear that these [mobile homes] should be treated as permanent dwellings for planning purposes. The proposed development is out of scale to its surroundings and the application fails to deal adequately with potential adverse impacts upon the brook and River Wye SAC, SSSI. The negative visual impact of the caravans from Chase Hill, the Chase Wood camp and

deer park on Penyard Hill will be significant and the Wye Valley Society is concerned that screening from elevated viewpoints will be ineffective.

- 5.6 Walford Parish Residents' Association: The residents' association is very concerned with the applications at Coleraine Farm. It is understood that the caravans should have been moved on and off the site before and after the season; many caravans have remained on site all year round since 2005. Local people are concerned about the unsuitability of the narrow lane, the C1275, which passes Cobrey and Coleraine Farms. Two sizeable vehicles cannot pass each other and whilst the applicant encourages the workforce to utilise public footpaths as a means of accessing Ross, there is resultant litter. There is also concern at the frequency of mini-bus journeys to and from the supermarket. Even if the mitigation plans proposed are carried out, the site will always be evident in the valley landscape as it is surrounded by higher ground. Light and noise pollution is also a concern amongst some local residents.
- 5.7 Ross-on-Wye and District Civic Society: Objection. This seems a disproportionate response to a peak demand that only lasts from April into May. Conclude that the development must have a significant adverse impact upon the We Valley Area of Outstanding Natural Beauty.
- 5.8 Pontshill Residents' Association: Objection. The application is, in large part retrospective. The proposed expansion will increase the number of HGV and LGV movements associated with the site. The expansion will also affect the natural environment as more fields go under plastic and pumping stations are required. The application has implications for the nature of local communities and landscapes as traditional farming methods are replaced by industrial scale farming practices. The countryside will turn into something akin to an industrial estate. The unstated priority is to make a profit. If one accepts that savings in food miles can be offset by upward of 800 individuals travelling to and from Eastern Europe, there are few tangible benefits to this area for anyone other than the farm owners. The proposal is to the detriment of local communities. If seasonal workers are only in the country to accumulate money, then the benefit to the local economy will be minimal. Asparagus is not a staple and there are concerns that produce grown on Cobrey's land on the east coast is driven to Coleraine for packaging, thus increasing food miles.

Permitted development rights for the siting of caravans on agricultural land for the duration of the season is dated and not fit for purpose when the intended occupation is for nine months. Arrangements for community involvement in monitoring the site should be strengthened, with residents working alongside parish and district council representatives. Assurance is sought that sub-contracting of labour between neighbouring farms does not occur. Pontshill Residents' Association hopes that the committee will find in favour of the greater good and protect the quality of life of the hundreds of families who have built a life in South Herefordshire.

- 5.9 The AONB Unit has no objection to the siting of some caravans in this location, but does have concerns over its scale and its potential impact on the surrounding landscape. Whilst we consider that the number of vans is very high for the site, the structural landscaping proposed is welcome and appears to address the issue of views from within the AONB along the footpath to the north and west through the proposed hedgerow and structural planting along the streamside. The planting adjacent to Coughton Lane and the removal of the caravans at the top of the slope near the site entrance would help to improve views towards Chase Wood from Coughton Lane. Distant views are still likely to be possible from the footpath up the valley to the north. The new shelterbelts and orchard trees proposed should help to reduce this impact.

Advice is given as to the composition of the planting itself, although the AONB is pleased that the applicant has addressed issue relating to the AONB as views in and out of the AONB are a key strategic objective of the Wye Valley AONB Management Plan 2004-2009.

- 5.10 There have been a total of 26 letters of objection to the proposal. The main issues raised can be summarised as follows.

- Noise pollution - how can this be prevented effectively? Conditions would be difficult to enforce;
- The scale of the proposal is akin to introducing a sizeable village into the middle of attractive open countryside;
- What is the justification behind the provision of recreation facilities?
- Landscaping will not mitigate the harm - a lot of views into the site are from elevated ground, and trees in the immediacy of the site will not be effective. Moreover it would take years to mature;
- Light pollution will increase with the increase in numbers;
- Litter is a problem on the local highway network, particularly as workers use local footpaths to access the town;
- The submitted Transport Statement is unrepresentative as the traffic surveys were undertaken outside the peak season;
- The road is narrow, lacking forward visibility and passing places. There is already conflict between farm traffic and cars. This will extend to pedestrians, whose number will increase;
- The increase in length of the season will presumably increase the frequency of vehicle movements;
- The sustainability credentials are questionable. Workers have to be flown in, which negates the fact that locally produced food is notionally more sustainable. There is also concern that Cobrey Farms produce grown on the east coast is driven to Coleraine Farm, further negating the reduction in food miles argument;
- The damage to the landscape will have an impact upon tourism, which will also offset any perceived economic benefits;
- The 'need' for the accommodation derives from the farmer's 'choice' to plant asparagus, which is not a staple food. The applicant is not forced to plant labour intensive crops, rather it is his choice;
- The arguments against removing the caravans at the end of the season are not persuasive;
- It is alleged that some of the workers are employed on other holdings in the area;
- The influx of immigrant labour leads to problems of anti-social behaviour in Ross and 'clashes of culture.'
- The increase in the length of the season will encourage workers to use their own vehicles, which will increase the number of vehicles on an inadequate road;
- The workers should use existing housing stock, which is more suitable than the caravans;
- The length of the season is no justification for permanency. A significant proportion of the vans will be occupied for fewer than 10 weeks of any calendar year and will sit there vacant otherwise. Why should the local landscape suffer the visual impact when the mobile homes are not even occupied?
- The development is akin to introducing a new village into a rural village with the attendant problems of visual impact, traffic and pressure on infrastructure and services;
- Foul drainage arrangements have the potential to pollute Castle Brook - a tributary of the River Wye SAC, SSSI;
- In the current economic climate the demand for labour should be met by locals;
- The development is an example of the further industrialisation of 'farming' at the cost of the natural environment and the future tourism prospects of the Wye Valley;
- On past experience the applicant is unlikely to abide by conditions;
- Cobrey Farms could have undertaken measures to reduce the visual impact that the existing caravans cause, but has decided not to;
- Contribution to the local economy of seasonal, non-domicile workers is marginal, which contrasts with the documented inward investment that results from tourism;
- There is concern that diversification into blueberries and increasing the duration of the season will lead to an increase in polytunnel coverage;
- The argument that centralising the accommodation adjacent to Coleraine reduces vehicle movements is spurious owing to the number of journeys to outlying, rented ground.
- A ten year permission appears excessive.

5.11 26 letters of support have been received. The content can be summarised as follows:

- Cobrey Farm produces good quality, local food which reduces carbon emissions associated with importing Peruvian asparagus by 700 tonnes/year;
- The asparagus harvest is labour intensive, although the labour demand will probably reduce in time with advances in harvesting machinery, which Cobrey Farms is helping to develop;
- It is sensible to locate the workers adjacent to the main packing house and largest single part of the holding. This reduces vehicle movements associated with the commute to work.
- Wye Valley asparagus is used in local pubs and restaurants, which is good for trade. Last year Marks and Spencers sold £5 million worth of Wye Valley asparagus, which promotes the Wye Valley nationally;
- The local economy benefits from the expenditure of the seasonal workforce;
- British people will not take up employment opportunities, which forces the applicant to employ migrant labour;
- British workers would be more likely to use private vehicles for the commute to work, which would increase vehicle movements along Coughton Lane when compared with the current situation;
- Cobrey Farms supports 22 full-time, predominantly British employees;
- A large, diversified agricultural operation such as Cobrey Farms, underpins a lot of rural business. Without these operations, associated businesses, including community facilities would be threatened.

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 There is no policy absolutely specific to the provision of agricultural worker's caravans, although the Supplementary Planning Document: Polytunnels, advises that accommodation requirements should form part of, or be considered alongside applications for polytunnel development. The absence of a specific policy is understandable given the permitted development 'fallback' position offered under Part 5, Schedule 2 of the General Permitted Development Order 1995. However, in order to qualify for the right to station mobile homes on agricultural land without the benefit of planning permission it is clear that the mobile homes must be reasonably necessary for the purposes of agriculture on the holding in question and must be occupied by people engaged in agriculture. It is increasingly the case, however, that the traditional growing and harvesting seasons are being increased through what some may term artificial means, to such an extent that it is considered more practical to retain 'mobile' accommodation on site on a permanent basis. The alternative would be to remove and reintroduce the caravans as and when required. This application asserts that to do so would be costly, time consuming and would add unnecessarily to vehicle movements on the local, narrow road infrastructure. There is also the difficulty in securing suitable storage for the mobile homes when not in use. The argument to the contrary is to ask why mobile homes that are only occupied for comparatively short periods of the year should be allowed to remain on site year round, to the detriment of the local landscape?
- 6.2 Members will note from the representations received that there is no shortage of points both in favour and against the proposal and a number of these points require a subjective judgement.

Policy Appraisal

- 6.3 Unitary Development Plan Policy H7 (Housing in the open countryside) allows for the principle of agricultural workers dwellings in the open countryside and the qualifications are given at Policy H8 (Agricultural and forestry dwellings). Development will only be permitted where it can be demonstrated that a long-term genuine need for the development exists, although this policy is

more usually applied to single dwellings, not caravan sites. In any event, the basic theme of justifying the development by association with an agricultural 'need' is a consistent requirement.

- 6.4 Policy H11 (Residential Caravans) states that proposals for the use of caravans or mobile homes for permanent residential use will be subject to the same locational requirements as permanent residential development, although temporary permission may be granted for mobile homes to meet special identified short-term needs under policy H8. As the application states that permission is sought for an initial 10 year period, it is difficult to argue that the proposal is to meet a short-term need. However, in resolving to approve the 2005 application for the permanent siting of 68 mobile homes, the Council has comparatively recently accepted the need for the provision of seasonal workers accommodation on this holding. The County Land Agent has commented that asparagus is very labour intensive and would not contest the labour demand figures presented with the application. He does, however, note that it is envisaged that mechanisation might in time reduce demand. On this basis he considers it prudent to impose a temporary permission – this was recommended on the previous application. On this basis, it is not considered appropriate to apply Policy H11 rigidly and to the exclusion of other Unitary Development Plan policies.

Key issues

- 6.5 If the agricultural need for the development is accepted, the provision of a site immediately adjacent the office headquarters, the largest contiguous block of asparagus and the storage/grading facilities is considered appropriate. Policy E13 (Agricultural and Forestry Development) requires that new development be sited with existing groups of buildings where practical. In terms of landscape and visual impact, which will be discussed more fully below, the site is considered to represent the most suitable option. It then falls to consider the development against specific topic based policies of the development plan and determine whether it is consistent with their aims and objectives. The key issues are as follows. These broad sub-headings encapsulate most of the issue arising from consultation responses.

1. Landscape Impact
2. Ecological impact
3. Transport implications
4. Flooding and effluent
5. Economic considerations

- 6.6 These 'key' issues are identified having regard to both planning policy and the content of consultee responses. Several themes arising from the neighbour/notice letters are considered immaterial to the planning issues. For instance, the nationality of the worker's is immaterial. Although it is likely that the majority of the workforce will come from Eastern Europe, this is not material to the planning issues. Harm, in terms of the impact upon the local landscape or highway safety etc, derives from the presence of the caravans, not the nationality of the occupiers. Although the sustainability credentials of importing labour can be questioned, it is not considered ultimately that it is the role of the planning process to involve itself in the workings of the labour market. Likewise, the problems of litter and anti-social behaviour within Ross at weekends are considered immaterial insofar as they could not, legitimately, be used as a basis to refuse the application.

Landscape and Visual Impact

- 6.7 The site is located upon agricultural land on the floor of a stream valley. The area is described as 'Principal Settled Farmlands' in the adopted Landscape Character Assessment. The upper slopes of the valley are steep and include a wooded hill to the north of the site, Penyard Park, which is an Ancient and Semi-Natural Woodland. Hengrove Wood is a wooded hill to the south, designated as SWS. This higher ground is defined as principal wooded hills. The Wye Valley AONB lies to the west of the site (approximately 150m). Both Penyard Park and Cobrey Park, which borders the western edge of the site, are unregistered historic parklands.

- 6.8 The landscapes officer acknowledges the rationale behind siting the caravans on lower lying land and leaving a buffer strip between the site and the road. The officer also considers that the set of viewpoints assessed are representative of the views from publicly accessible areas into the site, that views of the site are contained within the valley, with the exception of the view from Goodrich Castle, and that the most significant view of the site would be from the west within a range of 1km.
- 6.9 However, the LVIA is not considered to sufficiently address the degradation of character of Principal Settled Farmlands that has already taken place within the stream valley, due to the intensification of agriculture and the introduction of industrial scale buildings. The LVIA also asserts that on the valley floor, "the fields are well hedged with a network of traditional mixed native features forming a dominant feature of the valley floor." What is evident, however, through comparison of pre-war maps with current aerial photography is that a lot of hedgerow has already been lost, which together with the introduction of large buildings referred to above is indicative of degradation of landscape character.
- 6.10 The landscapes officer notes the varied strategies for mitigating the adverse impact through landscaping. These include locating the caravans on low lying land, setting the site as far from Coughton Lane as possible, breaking the mass of caravans through orchard planting and painting or cladding the roofs a muted colour. It is suggested the combined effects would, over time, contribute to mitigating the adverse visual effect of the caravans in the long-term and would also act to partially restore the landscape character, which has been significantly degraded.
- 6.11 Concern remains, however, at the absence of planting between the caravan site and the southern side of the Castle Brook. This concern is also shared by Natural England, who recommends that a condition be imposed to require suitable landscaping along the riparian corridor in order to provide habitat enhancement and a buffer against the proximity of human activity. In relation to the specific impact upon the setting of the AONB, Natural England observes that impacts upon the AONB are restricted by topography and vegetation, particularly Chase Wood and therefore raises no objection.

Landscape and Visual Impact - Summary and Conclusion

- 6.12 Both the rural and historic landscape character of the valley floor has been degraded by the fragmentation of the historic pattern of hedgerows and the introduction of industrial scale buildings. To an extent, the introduction of 173 caravans will compound this. However, it is recognised that the mitigation strategy will, over time, reduce the adverse visual impact of the proposal and the statutory body has no objection to the proposal as regards its specific impact upon the setting of the AONB. It is recommended that specific conditions be imposed to ensure that the mitigation strategy set out in the LVIA is delivered on site within the first available planting season following the grant of planning permission.

Ecological Impact

- 6.13 The absence of an ecological survey was one of the reasons for refusal of the preceding application DCSE2008/2581/F. This has been remedied through the commissioning of a Phase 1 Habitat Survey undertaken in August 2008 and updated in January 2009. Subsequently, at the request of the Environment Agency, Coughton Brook was assessed. The desktop study using the National Biodiversity Network found that no protected species have been recorded either upon the site or within the immediate vicinity. However, with the 10 km square that includes Coleraine Farm, pipistrelle, lesser horseshoe and brown long-eared bats have been recorded, whilst otter and water vole have been recorded along the River Wye.
- 6.14 The survey concludes that although no evidence of bats was found, it is possible that they could be roosting in the woodlands surrounding the farm. Badger activity was recorded although it is concluded that the mobile home site will not impact upon any identified setts.

6.15 There is evidence that there is a large population of Great Crested Newts at Coughton and although records indicate the population is more than 500m from the site, it is indicative that they are in the area. However, an assessment of the ponds on the farm failed to find evidence of the presence of Great Crested Newts. However, the Council's ecological advisors recommend that due to the documented nearby presence of Great Crested Newts, further survey work should be undertaken, and thus recommend the imposition of a condition to require the submission of a biodiversity protection and enhancement strategy. As per the advice of the landscapes officer and Natural England, the ecological advisor also recommends that the southern side of the brook be planted so as to protect any protected species that as yet may have gone undetected.

Ecological Impact – Summary and Conclusion

6.16 The concern regarding the impact upon the ecological value of the site focuses primarily upon the impact upon the Castle Brook and the habitat that it provides. Although the Phase I Habitat Survey identified no European Protected Species, it is recognised that the brook is capable of supporting Otters, Water Voles, Dormice and Great Crested Newts. As such, the Council's Ecologist and Natural England are still concerned that the scheme does not allow for a sufficiently wide buffer strip between the mobile home site and the southern edge of the brook. Natural England recommends that the strip should be 10 metres, it is presently 6 metres. The applicant has acknowledged the potential adverse impacts upon the riparian corridor and has agreed to introduce an appropriate fence and planting along the buffer strip, which will be submitted to the Council in consultation with Natural England and the Council's Ecologist. Comments on this particular issue will be reported verbally.

Transport Issues

6.17 From the consultation responses on transport issues, it is clear that the scale of the operation at Coleraine Farm buildings results in heavy use of the Coughton Lane (C1275) at certain times during the year. Local residents have expressed concerns at the size and frequency of the agricultural and articulated vehicles associated with Cobrey Farms, and many have raised concern at the number of vehicle movements associated with the movement of the workforce between the various Cobrey Farm sites, and also journeys made into Ross for shopping and recreational purposes. Letters of objection identify the narrow and twisty nature of the lane as particularly hazardous and also suggest an impact upon residential amenity in relation to dwellings that are located close to the highway. The absence of passing places along the lane is a further issue, and many respondents have mentioned coming into conflict with farm vehicles. Concern has also been raised at the propensity for seasonal workers to walk the lane to the bus stop in Coughton or at Ryeford, thus creating further concern in relation to highway safety. Although it is acknowledged by many that Cobrey Farms actively encourages use of the public footpaths as a safer means of accessing Ross, concern has been raised at the concomitant impact upon the amenity of these footpaths, particularly the dropping of litter along well-used and scenic routes.

6.18 In response, the Transport Statement explains that it is a condition of employment, with a very limited number of exceptions that private motorcars are not allowed on site. As a consequence, virtually all of the vehicular traffic associated with the workers resident on site comprises the following:

- Transport of those workers harvesting fields not accessible on foot from the accommodation site. This involves 12 two-way trips by 15 seat mini-bus per day. It is stated that 120 workers will walk to fields within the valley to harvest crops and 240 will walk to work in the packhouse, which is immediately adjacent the accommodation site.
- Transport to shopping and leisure in Ross. This is undertaken by two minibuses offering a service to workers every afternoon/evening from Monday to Saturday. It is acknowledged

that the number of two-way trips each day is a function of demand, but 6 two-way trips per day (one an hour) is typical and rarely exceeded.

- Workers are free to hire taxis at their own expense. This is minimal, presumably owing to cost.
- Transport of individual workers to, for example, the doctor/dentist would equate to less than one trip per day. Such journeys would be undertaken in the welfare officer's car.

6.19 It is concluded that the sum total of the above equates to 20 two-way trips per day, of which 18 would be undertaken by a 15 seat mini-bus during off-peak hours. The Transport Statement contrasts the sum total of vehicular movements as identified above with the situation that would arise were the mobile homes removed and then reintroduced to the site. The Transport Statement also highlights that as a proportion of the total vehicular movements associated with Cobrey Farm's agricultural operations, the movement of the workforce accounts for a comparatively small percentage.

6.20 It is clear that Coughton Lane is less than ideal in terms of its capacity to accommodate large commercial and agricultural vehicles. However, it is unrealistic to suppose that a farm can exist without being accessed by articulated vehicles and tractors and in this regard the limitations of the Coughton Lane are not easily overcome. Letters of objection conclude that the choice of cropping has a direct impact upon vehicular movements and it is to the decision to grow asparagus, which is particularly labour intensive that a number of the objections relate. Although it might be desirable from a traffic generation perspective that Cobrey Farms maintained traditional farming methods, the fact remains that planning permission is not required for the diversification into asparagus. The local planning authority cannot, therefore, exercise any control over the decision to grow and expand the asparagus enterprise and cannot impose any control over associated vehicular movements.

6.21 It would also appear that the physical movement of the workforce, be it to their work destinations or for recreational or shopping purposes, accounts for a comparatively small proportion of total vehicular movements associated with the farming operation. The Transport Statement submitted with the application attempts to divorce the movements directly attributable to the workforce from those attributable to the farming operations e.g. dispatch of goods via articulated lorries.

6.22 If the decision is taken to refuse the application, then the applicants will have to consider how else to meet the accommodation requirements of the seasonal workforce. Although objectors would appear to favour traditional, less labour intensive forms of agriculture, as stated above the local planning authority can exercise no control over the decision to diversify into asparagus and blueberries. Moreover, if asparagus was removed in favour of potatoes, the application states that HGV movements would in fact increase by comparison with the current position. In this context it is considered appropriate to differentiate between the trip generation directly attributable to the workforce, as opposed to those attributable to farming operations. In essence, were the mobile homes removed from the application site, there is no assurance that the number of HGV or farm traffic movements would reduce to what local residents might describe as acceptable levels. Moreover, refusal of the application may lead the applicant to implement the 'fallback' position, whereby mobile homes would have to be removed from the site when not required. Although your officers are not necessarily persuaded by the applicant's arguments against removing the caravans in relation to cost and the difficulty of securing storage, it does seem reasonable to suppose that the constant removal and reintroduction of mobile homes would lead to increased HGV traffic on Coughton Lane and an increase in the number of journeys associated with the workforce commute.

Transport Issues – Summary and Conclusions

6.23 Cobrey Farms is a very large agricultural operation with 395 hectares owned within the vicinity of the application site and a further 588 hectares owned or rented. Coleraine Farm is the operational headquarters. Your officers conclude that it is reasonable, for the purpose of

making a decision on this application, to draw a distinction between the traffic generated by the farming operation and those trips directly attributable to the seasonal workers accommodation.

- 6.24 Although it is acknowledged that Coughton Lane is not ideally suited to large vehicles, the farm traffic and goods vehicle movements associated with the farming operation would continue irrespective of the presence or otherwise of the seasonal worker accommodation. Furthermore, in locating the workforce in close proximity to the largest contiguous block of asparagus, the application takes advantage of arguably the most sustainable site in terms of trip generation.
- 6.25 The concerns expressed in the letters of objection are genuine and understood. However, the number of tractor and HGV movements cannot be controlled or influenced by this application and could in fact increase were the decision taken to revert to a larger acreage of potatoes for example. In this context, and based upon the information presented in the Transport Statement, your officers do not consider that refusal of the planning application on transport related grounds can be sustained. It is recommended that a condition be imposed restricting occupation of the mobile homes to seasonal workers engaged in agriculture upon land owned or farmed by Cobrey Farms. Sub-contracting of labour to farms not farmed in partnership by Cobrey Farms will not be permitted.

Flood Risk, pollution and foul drainage

- 6.26 The Environment Agency resolved to object to the 2005 application on the basis that there was a risk of overland flooding of the caravan site. The Environment Agency's position in respect of flood risk and drainage issues are summarised as follows.
1. Foul Drainage: The EA is now broadly satisfied with the proposed use of a bio-bubble treatment plant, from where treated effluent will be pumped to holding lagoons for re-use upon the land. Additional information is required regarding the volume of the lagoons and whether there is sufficient land upon which to use the treated effluent. A condition is recommended to ensure that the design and capacity of the lagoons if fit for purpose, with a requirement that the EA is engaged in further consultation.
 2. Flood Risk: The applicant has given assurance that a part of the planning application a culvert at crossing 3 will be removed and replaced with a bridge with a soffit level no lower than 48.8 AOD. Consent for this work has already been issued by the Environment Agency. By removing the culvert, the Environment Agency is satisfied that flood risk arising from overland flow would be alleviated by improving conveyance along the brook. It is recommended that a condition is imposed to secure the completion of this work within an appropriate timescale.
 3. Surface Water: Sustainable drainage systems (SuDs) are recommended to deal with surface water drainage. SuDs techniques can include soakaways, infiltration trenches, permeable pavements, swales, ponds and wetlands, aimed at reducing flood risk by attenuating the rate and quantity of surface water run-off from a site. A condition would be an appropriate means of securing the necessary surface water attenuation.
 4. Pollution: A condition is required to ensure that surface water run-off does not pollute watercourses, surface water sewers or the soakaway system.

Flood Risk, pollution and foul drainage – Summary and Conclusions

- 6.27 The previously stated concerns of the Environment Agency have been met, but are dependent upon the imposition of conditions to secure satisfactory outcomes in respect of flood risk, foul drainage, surface water drainage and pollution control.

Economic Considerations

- 6.28 The application does not make specific reference to any economic considerations to justify the presence of the mobile homes. However, a number of the letters in support of the application relate anecdotal evidence of the positive contribution that Cobrey Farms offers in terms of local

employment opportunities and the economic benefits that the seasonal workforce brings about through increased expenditure upon goods and services in Ross. The promotion of the area through the national sale of Wye Valley asparagus is put forward as a further benefit to the local area.

- 6.29 Letters of objection counter the above by arguing that the adverse visual impact created by the industrialised nature of the Cobrey Farms operation will dissuade tourists from visiting the area, with an associated negative and widespread impact upon the economic prosperity of the area. Frankly, the effects on the local economy, either negative or positive, are not easy to quantify with any accuracy and for that reason are not afforded significant weight in the determination of this application.

Summary and Conclusions

- 6.30 The application is clearly highly contentious locally, with a quantity of opposition and support within the local community. The issues explored above are considered representative of the consultation responses received and are all material planning issues to be assessed against the planning policy framework. Applications for large-scale seasonal worker accommodation are increasingly commonplace in Herefordshire and are symptomatic of changing agricultural practices and the quantity of seasonal, typically migrant, labour required.
- 6.31 It is also clear that the industrialisation of farming has, in this case, had an adverse impact in absolute terms, upon the landscape character of the area. Industrial scale buildings and hedgerow removal are manifestations of this and the introduction of 173 mobile homes would add further to this adverse impact. However, the 'fallback' position allows farmers to site mobile homes on agricultural land for agricultural workers without the requirement for planning permission on the proviso that the mobile homes are removed from the site at the end of the season. In seeking permanent retention of the mobile homes, this application offers the opportunity to require the effective landscaping of the site in combination with other mitigation measures that would not otherwise be available.
- 6.32 Whilst officers are mindful of the representations on traffic grounds, the proportion of journeys directly attributable to the seasonal workers' site is considered inconsequential when considered against the overall number of trips associated with the agricultural operations as a whole.
- 6.33 It is also noted that the Environment Agency is now satisfied that flood risk is addressed and that the foul drainage arrangements are, subject to the agreement of additional detail, acceptable.
- 6.34 On balance, the application is recommended for conditional approval for a period not in excess of 10 years. This 10 year period will enable the Council to review the position as regards the permanent retention of the mobile homes, especially in the light of prevailing commercial circumstances and Cobrey Farms' future operational requirement for migrant seasonal agricultural workers. A condition is also recommended to ensure that the mobile homes are phased in their introduction as need dictates.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 This permission shall expire on 5th August 2019. The mobile homes hereby approved shall be removed from the site on or before that date and the land restored in accordance with details (including timescale) to be agreed in writing with the local planning authority.**

Reason: The local planning authority is not prepared to permit the permanent retention of the mobile homes in this location other than for the specified 10 year period, which is

in recognition of the functional requirements of the holding and so as to comply with Policy H7 of the Herefordshire Unitary Development Plan 2007.

- 2 For the duration of this planning permission the applicant shall, by no later than 1st February in each calendar year, submit the following information by way of notification to the local planning authority:
 - i) Including those already on site, the maximum number of mobile homes to be required on site over the course of the following 12 months, which shall not exceed a maximum of 173 units at any one time;
 - ii) A timetable for the introduction of any additional mobile homes and the removal of any already stationed on the site.

The introduction/removal of mobile homes shall be carried out in accordance with the submitted timetable.

Reason: To ensure that the mobile homes are introduced according to the functional need of the holding in accordance with Policy H7 of the Herefordshire Unitary Development Plan.

- 3 The occupation of the mobile homes hereby approved shall be limited to persons solely employed in agriculture and associated activities on land owned or farmed by Cobrey Farms Ltd.

Reason: It would be contrary to Policies H7 and H8 of the Herefordshire Unitary Development Plan 2007 to grant planning permission for a mobile home in this location except to meet the expressed case of agricultural need.

- 4 The scheme for flood mitigation works shall be carried out in accordance with the details submitted with the Flood Risk Assessment (JDIH Envireau) and shall consist of the removal of the culvert at crossing 3 (as shown on figure 2, reference 37.438c87, dated September 2008) with a replacement bridge with a soffit level no lower than 48.8m AOD. The work shall be implemented by 30th August 2009, unless otherwise agreed in writing by the local planning authority.

Reason: To protect the caravan site area from flood risk and ensure that future occupiers are not at risk so as to comply with Policy DR7 of the Herefordshire Unitary Development Plan 2007 and Planning Policy Statement 25: Development and Flood Risk.

- 5 Details of the flood mitigation measures indicated within sections 6.1 and 9 of the submitted Flood Risk Assessment shall be submitted to and approved in writing by the local planning authority in consultation with the Environment Agency. The measures shall be implemented in accordance with a timetable to be agreed with the local planning authority and shall be maintained accordingly.

Reason: To manage the residual impacts of flooding on the proposed mobile home site area and ensure that occupants are not at risk so as to comply with Policy DR7 of the Herefordshire Unitary Development Plan 2007.

- 6 A scheme for the disposal of foul drainage effluent from the proposed development shall be submitted to and agreed in writing by the local planning authority within 4 months from the date of this permission. The scheme shall include confirmation of the treatment plant, the design and volumes of the holding lagoons and management plan detailing disposal of treated effluent. Thereafter the scheme shall be implemented and maintained for the lifetime of the development.

Reason: To ensure a sustainable method of foul drainage disposal and prevent pollution of the water environment so as to comply with Policy DR6 of the Herefordshire Unitary Development Plan 2007.

- 7 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and associated hardstandings shall be passed through trapped gullies with an overall capacity compatible to the site being drained.

Reason: To prevent pollution of the water environment so as to comply with Policy DR6 of the Herefordshire Unitary Development Plan 2007.

- 8 I14 (Time restriction on music)

Reason: In order to protect the amenity of occupiers of nearby properties and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

- 9 I02 (Scheme of measures for controlling noise)

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy DR13 of Herefordshire Unitary Development Plan.

- 10 I21 (Scheme of surface water regulation)

Reason: To prevent the increased risk of flooding and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

- 11 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

- 12 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.

- 13 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

- 14 Within 3 months of the date of this planning permission, a biodiversity protection and enhancement strategy shall be submitted to and agreed in writing by the local planning authority. The approved details shall be implemented and maintained thereafter for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To comply with Policies NC5, NC6, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007 and fulfil the Council's obligation to Nature Conservation and Biodiversity imposed by the NERC Act 2006.

- 15 Within 3 months of the date of this planning permission a site management plan for the operation of the use (to include maintenance of common areas, letter collection and disposal, the control of amplified music, external lighting and car parking arrangements) shall be submitted to and approved in writing by the local planning authority. The operation and use of the site shall be in accordance with the management plan.

Reason: In the interests of amenity of nearby residents and to ensure compliance with Policy E3 of the Herefordshire Unitary Development Plan.

- 16 G01 (Earthworks)

Reason: (Special Reason but to include - in order to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan).

- 17 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.

- 18 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.

INFORMATIVES:

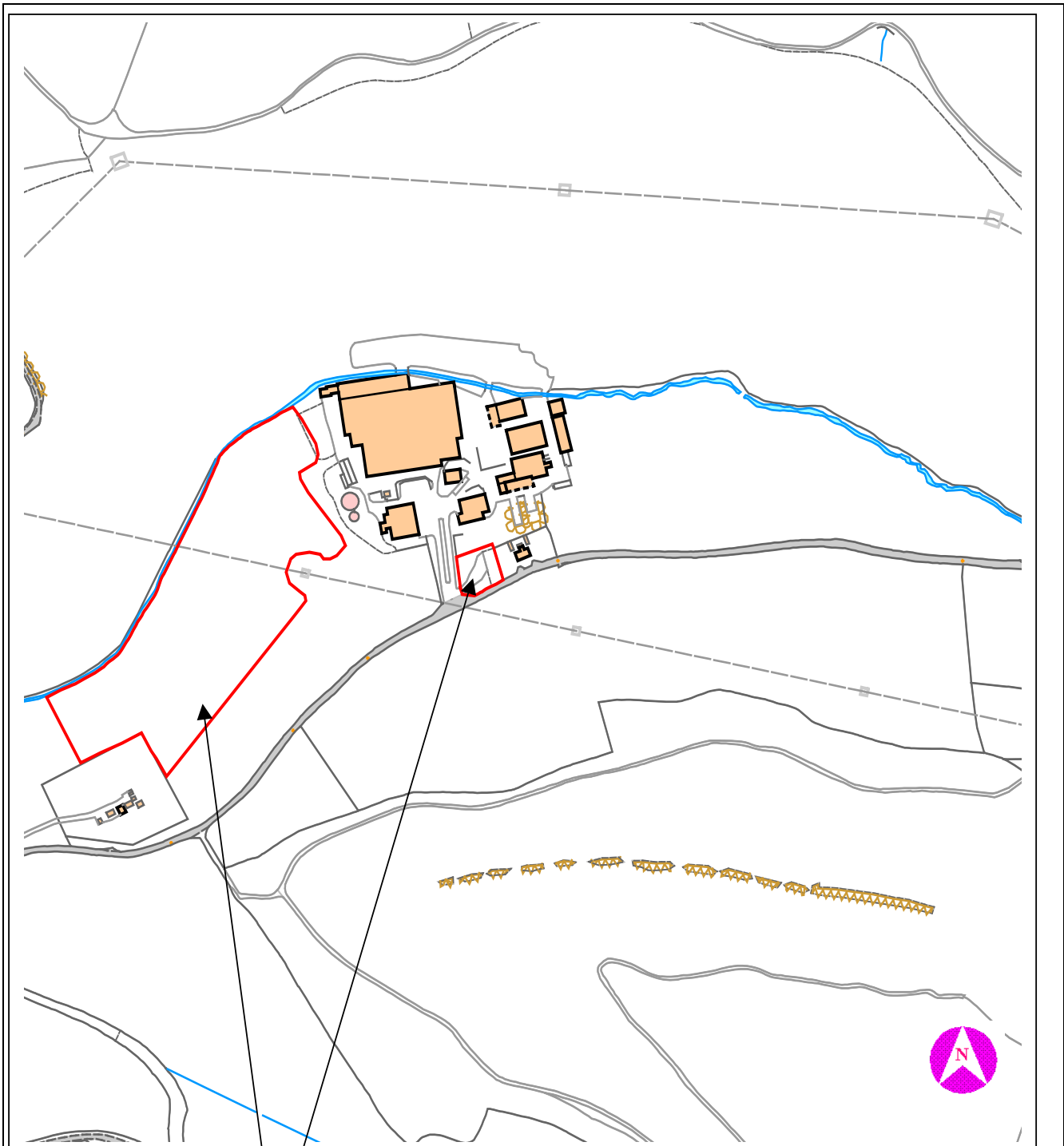
- 1 N19 - Avoidance of doubt - Approved Plans
- 2 N15 - Reason(s) for the Grant of Planning Permission
- 3 HN01 - Mud on highway
- 4 HN04 - Private apparatus within highway
- 5 HN05 - Works within the highway
- 6 HN10 - No drainage to discharge to highway
- 7 HN24 - Drainage other than via highway system
- 8 HN25 - Travel Plans
- 9 HN26 - Travel Plans
- 10 HN27 - Annual Travel Plan Reviews

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2009/0901/F

SCALE : 1 : 5000

SITE ADDRESS : Land adjacent to Coleraine Buildings, -, Coughton, Ross-on-Wye, Herefordshire, HR9 5SG

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8 DCSE0009/0944/F - ERECTION OF FIXED, PERMANENT STEEL FRAMED, POLYTHENE-SKINNED SPANISH POLYTUNNELS (9900 SQUARE METRES GROSS AREA APPROXIMATELY) AS PLANT NURSERY/PROPAGATION HOUSES, LAND ADJACENT TO COLERAINE BUILDINGS, COUGHTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SG.

For: Cobrey Farms per Antony Aspbury Associates, 20 Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW.

Date Received: 18 May 2009

Ward: Kerne Bridge

Grid Ref: 61724, 21928

Expiry Date: 17 August 2009

Local Member: Councillor JG Jarvis

1. Site Description and Proposal

- 1.1 The application seeks planning permission for the retention of 0.99 hectares of permanent Spanish polytunnels on land immediately to the north-east of the Coleraine Farm complex, the operational centre of Cobrey Farms Ltd. The application site amounts to 1.4 hectares in total, of which marginally under one hectare would be covered with clear polythene tunnels. The site is located in the valley bottom of the Castle Brook, adjacent to and within the same visual envelope as the farm buildings. The polytunnels are required as a result of the commercial decision to diversify into blueberry growing, with the polytunnels providing a plant nursery and propagation facility.
- 1.2 The Design and Access Statement states that the site has been chosen having regard to its proximity and ease of accessibility from the main farmstead, which reduces the time and distance of travel by management and staff and facilitates the necessary security and plant care. It is also considered to minimise the visual impact of the proposal by concentrating the development in one discrete area.
- 1.3 The polytunnels consist of a tubular steel, galvanised framework made up of either single arm of 'Y'-shaped legs of 1.5 to 2m length with fluted ends, which are wound into the ground mechanically to a depth of 0.5 to 0.75m so that 1 to 1.5 metres projects above the ground. Semi-circular hoops are slotted into place over the legs and thus form individual free-standing blocks of tunnels which are then tied together with bracing bars to secure the first and last hoops. In this case the bay width varies between 7.7 and 8.5 metres and the height between 3.0 and 3.7 metres. Having regard to the intended year-round retention (the polythene will not be stripped back in the winter) heavier gauge polythene is used.

2. Policies

2.1 National Planning Guidance

PPS7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan

Policy S1 - Sustainable Development
Policy S2 - Development Requirements

Policy DR2	-	Land Use and Activity
Policy DR4	-	Environment
Policy DR6	-	Water Resources
Policy DR7	-	Flood Risk
Policy E12	-	Farm Diversification
Policy E13	-	Agricultural and Forestry Development

2.3 Supplementary Planning Document

Polytunnels

3. Planning History

- 3.1 DCSE2000/0387/F Permanent retention of 7 caravans. 6 used to accommodate students working on farm seasonally May to November, 1 caravan contains washing machine, drier and deep freeze
- Approved with conditions. A temporary planning permission expiring on 31st December 2005 with occupation limited to between May and November of each calendar year.
- DCSE2004/3102/F Asparagus grading and packing facility together with associated lorry parking, staff amenities, access roads and hard standing
- Approved 17.11.04
- DCSE2005/0042/F Relocation and extension of residential site for seasonal and casual workers together with land areas to be re-profiled
- Deemed Withdrawn – Member resolved to approve the application subject to overcoming the Environment Agency's holding objection.
- DCSE2008/2581/F Change of use of land (part retrospective) from agricultural to site for seasonal agricultural workers accommodation for up to 173 caravans/mobile homes for permanent retention on site, laying out of dressed hardcore access tracks and of ancillary informal grassed recreational space on land adjacent to Coleraine Buildings, Coughton, Ross-on-Wye, Herefordshire, HR9 5SG
- Refused 14.01.09
- DCSE2009/0901/F Change of use of land (part retrospective) from agricultural to site for seasonal agricultural workers' accommodation for up to 173 caravans/mobile homes for permanent retention on site, including associated re-grading of the site, laying out of dressed hardcore, access tracks and of ancillary informal grassed recreational space
- Undetermined – see Agenda Item 7
- DCSE2009/0945/F Erection of agricultural plant comprising irrigation water tank, pump house and banded liquid fertiliser store
- Undetermined – see Agenda Item 9

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency: No objection.

"The site is located within Flood Zone 1 (low probability) and is less than 1 hectare. We [the Environment Agency] would not wish to make any bespoke comments on this application. For operational developments falling within Flood Zone 1, the main flood risk issue to consider will usually be managing surface water run-off.

Advice is given as to how to manage surface water run-off, which should be addressed through sustainable drainage systems (SuDs), which aim to retain water on or near the site when rain falls, in contrast to traditional drainage approaches, which tend to pipe water off site as quickly as possible. Flood risk will normally be reduced by reducing the quantity of surface water run-off and the speed at which it reaches water courses."

4.2 Natural England: "No objection. It is recommended that suitable conditions be imposed to ensure that the landscape and visual impact mitigation proposed by the Landscape and Visual Impact Assessment are delivered and maintained."

Internal Council Advice

4.3 Conservation Manager (Landscapes): "The site of the development is in close proximity to the existing extensive layout of the Coleraine Farm agricultural buildings. This extensive agricultural setting, which has degraded the natural landscape, combined with the location of the polytunnels low on the valley floor and near the existing farm buildings, lessens the visual intrusion of this development. Subject to the securing of the landscape mitigation measures outlined in the LVIA, the Conservation Manager (Landscapes) has no objection to the proposal."

4.4 Conservation Manager (Ecology): "Recommends a condition seeking a wildlife enhancement strategy for the Castle Brook corridor."

4.5 Traffic Manager: No objection.

4.6 Environmental Health Manager: No objection.

5. Representations

5.1 Walford Parish Council: "It was felt that restrictions should be put in place on the scale of polytunnels to prevent their spreading down the Coughton Valley."

5.2 Ross Town Council: No objection.

5.3 Weston-under-Penyard Parish Council: Defers to Walford Parish Council.

5.4 Ross-on-Wye and District Civic Society: Objection. "The application is partially retrospective and could represent an unfortunate precedent for future expansion. Polytunnel cultivation adjacent to the AONB should be treated with extreme caution and the preservation of the landscape's visual appeal should be given a very high priority. It should be noted that the polythene cover would be in place throughout the year."

5.5 Wye Valley Society: Objection. "The proposal is contrary to Supplementary Planning Document: Polytunnels Guideline 5 in that the visual impact of the polytunnels cannot be satisfactorily mitigated. There is particular concern at the impact upon views from public footpaths. The application also fails to address the traffic generated with the development and the impact upon the local highway network."

- 5.6 Campaign to Protect Rural England: Objection. "This application should be described as retrospective as 10 of the polytunnels have been in position since early March this year. The tunnels are unsightly, and visible from the road, high ground and the footpath WA19/RR11. The landscape mitigation measures proposed will not be sufficient to hide these glistening, permanent structures. The associated irrigation measures proposed so close to Castle Brook, are also a concern."
- 5.7 Walford Parish Residents' Association: Objection. "The polytunnels will be visually intrusive from the AONB and adjoining high ground. It is noted that the application is retrospective."
- 5.8 Wye Valley AONB Officer: "The main concern with this development is the potential for the proposed polytunnels to be detrimental to views to and from the AONB. The Landscape and Visual Impact Assessment identifies the key views from within the AONB and we generally agree that this particular block of polytunnels would be quite well screened from the AONB by the farm buildings and would therefore have little detrimental impact. We would welcome any tree planting along the watercourse as it would help to screen the polytunnels and reduce their landscape impact."
- 5.9 13 letters of objection have been received. The content can be summarised as follows:
- The local highway network cannot accommodate any further agricultural development;
 - There are bound to be environmental consequences arising from the siting of polytunnels so close to the brook;
 - The visual impact of the polytunnels is damaging to the amenity of the valley and has a negative impact upon the ability to attract visitors to the area;
 - The visual impact is felt from local public footpaths;
 - The application is symptomatic of the industrialisation of farming, to the detriment of the local landscape and the financial benefit of a few;
 - The negative impact upon the local economy vastly outweighs the benefits of jobs created, which appear to go to migrant workers in any case;
 - Is this application the thin end of the wedge as regards the future expansion of polytunnels down the valley?
 - The polythene will not be stripped away during the winter months.
- 5.10 1 letter of support has been received from BerryWorld Ltd, Turnford, Broxbourne, Hertfordshire. The content is summarised as follows:
- The demand for UK produced blueberries is increasing year on year;
 - The increase in UK produced blueberries will reduce the requirement to import food;
 - The plant nursery will ensure a good quality of plant stock into the future.
- 5.11 The applicant has advised that the rainwater that falls onto the polytunnels is harvested and pumped into the steel storage tank (part of application DCSE2009/0945/F), which prevents surge run-off into the brook during rainfall events. The untreated rainwater is held in the tank until required for irrigation of the blueberries in the nursery. When required for irrigation that water from the storage tank is automatically treated with circa 0.6% of a synthetic acid through a computer controlled dosing rig that also adds small quantities of fertiliser. Relatively small quantities of acid are required to reduce the pH of the rainwater to the required pH 5.0 as required by the blueberries.

The quantity of water applied to the blueberry plants each day is regulated by a device which measures the amount of sun light received by the plants. Excess water is not used with the effect that run-off will be minimal. Any run-off that does occur is tested for pH and electro-conductivity daily. By the time that the water has passed through the compost in the pots pH has normally returned to pH 6.8 i.e. virtually neutral.

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 application seeks planning permission for the permanent retention of polytunnels (0.99ha) on a site immediately to the north-east of Coleraine Farm buildings. The polytunnels are used as a blueberry nursery and propagation facility. They have been erected so that the application is now retrospective.
- 6.2 Due to the recent proliferation of polytunnels in Herefordshire and in response to the lack of clear planning policy direction, the Council has adopted a Polytunnels Supplementary Planning Document (SPD). This document augments Development Plan policies in the light of the increased occurrence of large-scale polytunnel development in Herefordshire. In the absence of a specific policy, the SPD is accorded significant weight in the determination process. The SPD contains 20 guidelines based around the key impacts that normally require assessment. These range from an assessment of the economic benefits that are often promoted in support of polytunnel growing methods, to guidance as to how to mitigate the adverse visual impact that can occur.
- 6.3 The application only makes relatively scant reference to the economic benefits that can accrue from the use of polytunnels. The letter of support does refer to the increase in demand for UK produced blueberries, which will help reduce the quantity of imported produce and air miles. Once again, the benefits are very difficult to quantify with accuracy, and in your officer's opinion, the landscape and visual impact is the key assessment in relation to this application. To weigh against economic benefits there are several guidelines that relate to landscape impact and mitigation and control over the proliferation of polytunnels within an individual holding or landscape typology.
- 6.4 In this case the application site is in an attractive rural area, a short distance to the east, but not within, of the Wye Valley Area of Outstanding Natural Beauty. It is clear that the historic landscape character of the immediate area (i.e. Principal Settled Farmlands), has been degraded through modern farm development, namely the extensive existing Coleraine Farm buildings. Against the backdrop provided by these buildings, the landscapes officer has no objection to the proposed polytunnels. It is acknowledged that these views are expressed in the context of the degradation of the landscape that has occurred over the course of the second half of the twentieth century. However, the landscaping proposed in mitigation in relation both to the polytunnels and the seasonal workers accommodation site will provide some restoration of the degraded landscape. These measures include riparian planting along Castle Brook and planting up of gaps in the hedgerow along Coughton Lane. This, along with the location of the polytunnels upon low-lying land, is considered to offset the visual impact.
- 6.5 In the opinion of the landscapes officer therefore, guideline 5 of the SPD, which requires that the visual impact of polytunnels must be capable of being satisfactorily mitigated, is addressed. Conditions are recommended to ensure that the landscape mitigation strategy is delivered.
- 6.6 The Environment Agency has no objection to the proposal on flood risk grounds, but recommends that sustainable drainage techniques be employed to ensure that run-off does not reach the water course with undue speed. This issue of run-off is addressed at 5.10 above, which explains that rainwater run-off from the polytunnels is collected and stored until required and then used via a regulated system to irrigate the blueberries, which stand in pots. Once passed through the blueberries any excess water is typically nearing neutral pH having been reduced to 5.0. In this context, pollution of the water course is not considered to represent an undue threat. In any event, the protection of the water course is within the jurisdiction of the Environment Agency who have recourse to specific legislation if required.

- 6.7 Several letters of objection raise concern at the absence of any mention within the application of traffic generation associated with the polytunnels. In cases where polytunnels occupy comparatively isolated rural locations traffic generation is a material planning consideration. In this case, however, the issue is considered less significant. The polytunnel site generates very little traffic over and above the position that would exist were the polytunnels not in place. Moreover, the site is immediately adjacent the main operational centre of the Cobrey Farms business, including the worker accommodation, main packhouse and office headquarters. In this context traffic arising specifically from the polytunnel development is negligible and the Traffic Manager's comments reflect this.

Conclusions

Given the context provided by the existing farm buildings, the visual impact of the polytunnels is not considered so severe as to warrant refusal of the application on landscape grounds. The application is consequently recommended for approval subject to conditions that will ensure that the mitigation measures are secured and delivered promptly. In view of the relative lack of certainty as regards the long-term direction of the farming operations, it is considered both necessary and reasonable to impose a condition to require the removal of the polytunnels at such time that they are no longer required for agricultural purposes.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 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.

2 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.

3 G14 (Landscape management plan)

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

4 In the event of the polytunnels hereby permitted becoming redundant the polytunnels, including the supporting structures and any structures, fixtures and fittings within them, shall be removed from the application site within a period of 6 months.

Reason: To ensure that the polytunnels are only retained on site for the period that they are required in connection with the agricultural enterprise so as to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

5 No polytunnel shall exceed 3.7 metres above existing ground level.

Reason: To control the visual impact of the development within the landscape in accordance with Policy LA2 of the Herefordshire Unitary Development Plan.

6 I21 (Scheme of surface water regulation)

Reason: To prevent the increased risk of flooding and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

- 7 Within 3 months of the date of this planning permission, an ecological and wildlife enhancement strategy for the Coughton Brook shall be submitted to the local planning authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the local planning authority.

Reason: To comply with Herefordshire Council's Unitary Development Plan Policies NC6, NC8, NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9: Biodiversity and Geological Conservation and the NERC Act 2006.

Informatives:

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

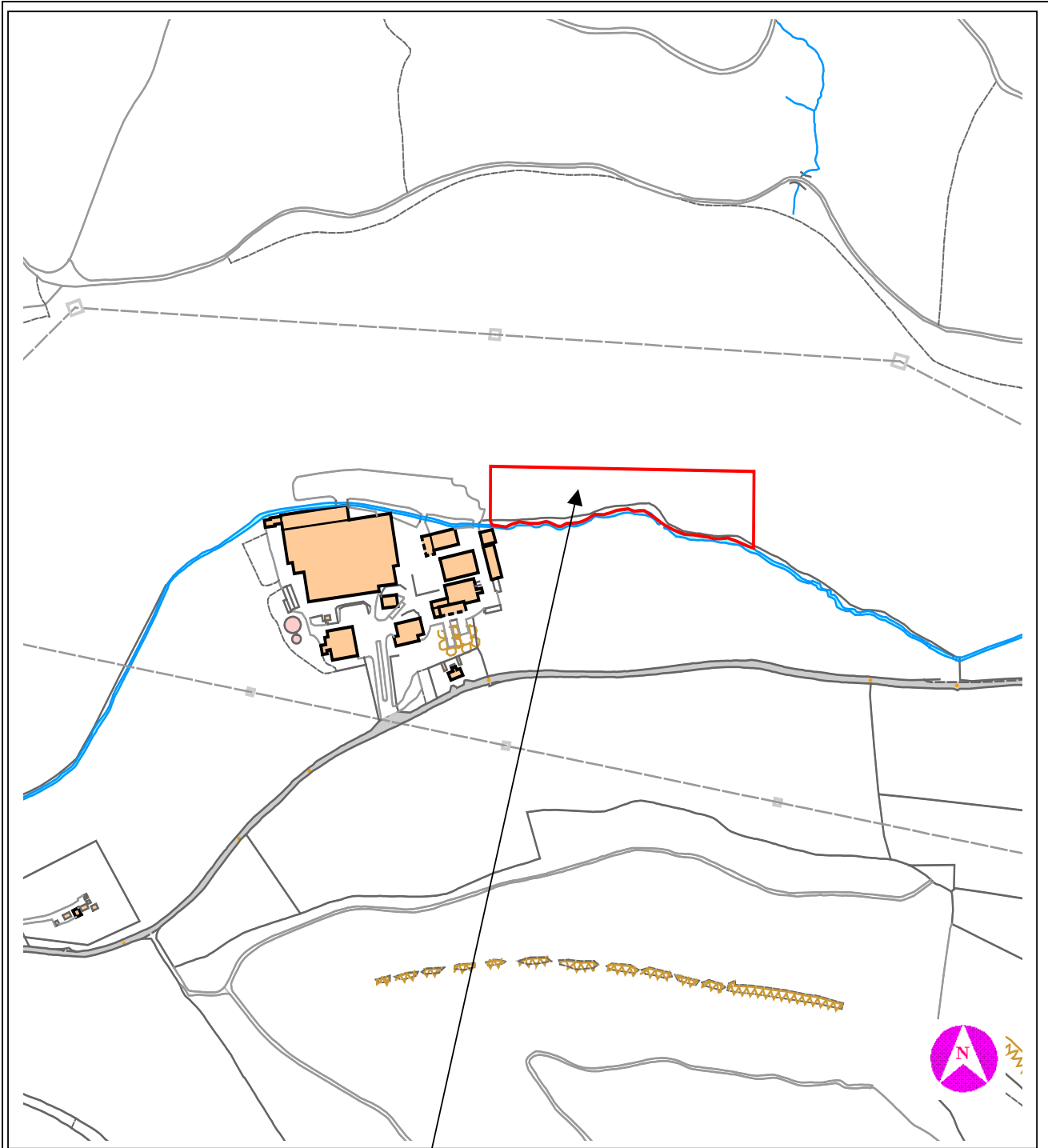
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE0009/0944/F

SCALE : 1 : 5371

SITE ADDRESS : Land adjacent to Coleraine Buildings, Coughton, Ross-on-Wye, Herefordshire, HR9 5SG

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9 DCSE0009/0945/F - ERECTION OF AGRICULTURAL PLANT COMPRISING: AN IRRIGATION TANK, PUMPHOUSE AND BUNDED LIQUID FERTILISER STORE AT LAND ADJACENT TO COLERAINE BUILDINGS, COUGHTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SG.

For: Cobrey Farms per Antony Aspbury Associates, 20 Park Lane Business Centre, Park Lane, Basford Nottingham NG6 0DW.

Date Received: 18 May 2009

Ward: Kerne Bridge

Grid Ref: 61576, 21943

Expiry Date: 13 July 2009

Local Member: Councillor JG Jarvis

1. Site Description and Proposal

1.1 This application for the retention of agricultural plant is functionally linked to the polytunnels (see DCSE0009/0944/F on this agenda) and specifically the requirement to provide irrigation for the blueberries under the polytunnels with acidified water. The development for which planning permission is sought comprises the following:

- A round, galvanised steel irrigation water tank (height 2.230 metres, diameter 21.030 metres);
- A pressed steel panel clad oblong pump house (height 2.5 metres, length 6.055 metres and width 2.430 metres);
- An open-sided banded store for liquid fertiliser, with profiled steel clad ends and roof on a banded base comprised of reinforced concrete blockwork (height 2.390 metres, length 7.505 metres, width 2.375 metres).

1.2 The combined site area is 0.7 hectares, located immediately to the north of the farm complex upon pre-existing hardstanding. The polytunnel site is immediately to the east.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

Policy LA2	-	Landscape Character and Areas Least Resilient to Change
Policy DR6	-	Water Resources
Policy E13	-	Agricultural and Forestry Development

3. Planning History

3.1 DCSE2009/0944/F Erection of 0.99ha of polytunnels on land to the east of the current application site: - Not determined. See Agenda Item 8

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency: comments awaited

Internal Council Advice

- 4.2 Environmental Protection Manager: No objections
- 4.3 Conservation Manager (Landscapes): No objection. The intensive agricultural setting, which has degraded the natural landscape, combined with the position of the irrigation tank low on the valley floor and near the existing farm buildings, lessens the visual intrusion of this development. In view of the proposed landscape enhancement, including riparian planting along Castle Brook and planting up of gaps in the hedgerow along Coughton Lane, there is no objection subject to the imposition of conditions.
- 4.4 Conservation Manager (Ecology): No objection subject to the imposition of a condition to seek wildlife and ecological enhancement of the brook corridor.

5. Representations

- 5.1 Walford Parish Council: "Concerns were expressed about possible run-off from the acidic irrigation."
- 5.2 Ross-on-Wye Town Council: No objection
- 5.3 Weston-under-Penyard Parish Council: Defer to the comments made by Walford Parish Council.
- 5.4 Wye Valley Society: This application is functionally related to the polytunnel application. The Environment Agency should be consulted in relation to this application to ensure compliance with paragraph 4.49 of the Polytunnels SPD.
- 5.5 Campaign to Protect Rural England: We trust that the Environment Agency is fully aware of the potential problems associated with possible run-off damaging the nearby Castle Brook.
- 5.6 Walford Residents' Association: Noted that the application is retrospective.
- 5.7 Letters of objection have been received from Lady North, Frogmore, Weston-under-Penyard, Herefordshire and Mrs. V. Morgan, Westfield House, Bulls Hill, Walford. The letters raise concern at the potential for contamination of the brook and groundwater over time.
- 5.8 One letter of support has been received from BerryWorld Limited, Turnford Place, Turnford, Broxbourne, Hertfordshire. The letter confirms that the irrigation tank is required to store rainwater which is collected from the nursery area and used to water the blueberry plants, which require an acidic growing medium and are so grown in pots. UK production of blueberries reduces the need for bulk transport and by association carbon emissions.

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 Planning permission is required for the proposal owing to the fact that the equipment has already been erected. Were this not the case, the applicant could have applied for the agricultural plant under Part 6 of the General Permitted Development Order 1995, which entitles farmers to certain permitted development rights for the erection of buildings and plant reasonably necessary for the purposes of agriculture upon the holding concerned.
- 6.2 The above notwithstanding, the irrigation tank, pump house and liquid fertiliser store are considered to be of limited visual impact. This is due in large part to the nearby presence of the

large industrial scale agricultural buildings which act to screen the plant from the public highway and provide a significant backdrop from the elevated land to the north.

6.3 Concern has been expressed at the potential impact upon the nearby Castle Brook and the threat posed by the release of acidified water into the brook. The Environment Agency has been consulted, but their observations were not available at the time of writing. A verbal update will be provided. The applicant has provided clarification on water management issues, confirming that run-off from the polytunnels is harvested and pumped into the irrigation tank, where it is mixed with a synthetic acid and then released via automated means to the blueberries which stand in pots under the polythene. Any run-off from the pots is tested for acidity and is typically pH 6.8 – almost neutral. In any event, it is recommended that a condition be imposed to require confirmation of the methods described by the applicant to ensure that they are maintained into the future.

6.4 Although functionally linked to and therefore associated with the polytunnels, this application is by far the least contentious. The impact of the agricultural plant in the wider landscape is negligible and the adverse visual impact of the mobile homes and polytunnels is addressed by the mitigation proposed by the submitted landscape and visual impact assessment. On this basis the application is recommended for approval.

RECOMMENDATION

That subject to the Environment Agency raising no objection, officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the condition below and any additional conditions considered necessary by officers:

- 1 Within 3 months of the date of this planning permission, an ecological and wildlife enhancement strategy for the Castle Brook corridor shall be submitted to the local planning authority and implemented as approved and maintained thereafter unless otherwise agreed in writing by the local planning authority.**

Reason: To comply with Herefordshire Unitary Development Plan policies NC6, NC8 and NC9 in relation to nature conservation and biodiversity and to meet the requirements of PPS9: Biodiversity and Geological Conservation and the NERC Act 2006.

INFORMATIVES

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

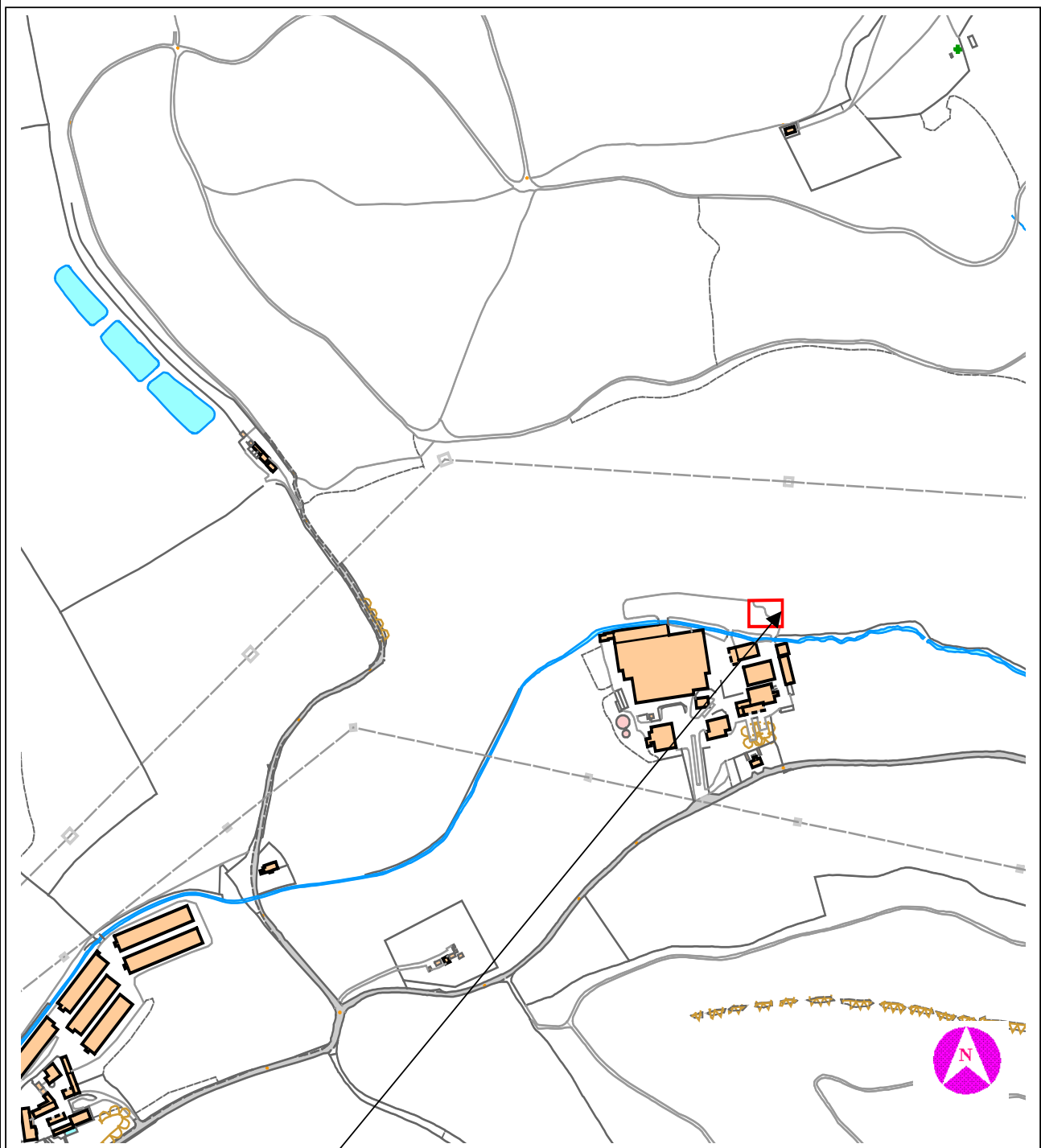
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE0009/0945/F

SCALE : 1 : 6527

SITE ADDRESS : Land adjacent to Coleraine Buildings, Coughton, Ross-on-Wye, Herefordshire, HR9 5SG

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**10 DCSE0009/1318/F - ALTERATIONS TO EXISTING DWELLING
- ADDITION OF 2 GROUND FLOOR WINDOWS TO REAR
(SOUTH) ELEVATION, HUGH'S BARN, WOODEND LANE,
LINTON, ROSS ON WYE, HEREFORDSHIRE, HR9 7SR.**

**For: Mr R Davies per Mr P H Tufnell, Tufnell Town & Country
Planning, Waverley Studio, Gloucester Road, Hartpury,
Gloucester, GL19 3BG.**

Date Received: 12 June 2009

Ward: Penyard

Grid Ref: 66837, 25155

Expiry Date: 7 August 2009

Local Member: Councillor H Bramer

1. Site Description and Proposal

- 1.1 Hugh's Barn is a detached, rectilinear, former agricultural building now converted to residential use. It is sited in a group with four other former agricultural buildings, which together with the demolished farmhouse originally comprised the Great Woodend farmstead. The site is in open countryside and lies on the southern side of the unclassified road between Gorsley and Linton.
- 1.2 The building comprises a stone-built two storey building with a re-built barn section attached to its western gable end. The barn section has stone rear and end elevations, with timber weather boarding to the northern (front) elevation.
- 1.3 It is proposed to insert two windows in the ground floor of the rear (northern) elevation of the barn section of the building. Both windows would be of the same dimensions (0.9 metres by 1 metre) and design (double glazed, timber casement windows).
- 1.4 This application is a re-submission of application SE2009/0120/F, which was refused planning permission 20 March 2009. There has been no amendment to the proposal.

2. Policies

2.1 Department of the Environment

PPS1 - Delivering Sustainable Development

2.2 Herefordshire Unitary Development Plan

Part 1

Policy S1 - Sustainable Development

Policy S7 - Natural and Historic Heritage

Part 2

Policy DR1 - Design

Policy HBA12 - Re-use of Rural Buildings

Policy HBA13 - Re-use of Rural Buildings for Residential Purposes

2.3 Supplementary Planning Guidance

Re-use and Adaptation of Traditional Rural Buildings

3. Planning History

3.1	SS981115PF	Conservation and conversion of existing stone barns into 4 dwelling houses	-	Approved 09.07.99
	SE2001/0586/F	Conversion of barns to provide one additional dwelling (amendment to approved scheme for the conversion of the barns to a single dwelling omission of approved first floor link extension	-	Approved 14.06.01
	SE2001/1767/F	Conversion of barn A to form a single dwellinghouse (amended proposal to include reinstatement of roof and part front wall to provide entrance way, carport and garage (store)	-	Approved 12.11.01
	SE2002/3638/F	Amended proposal to reinstate western section of barn 5, including incorporation into approved scheme for change of use to a single dwelling (part retrospective)	-	Withdrawn 17.02.03
	SE2003/1150/F	Retain and modify western section of dwelling	-	Refused 09.06.03 Dismissed at Appeal 07.05.04
	SE2003/2538/F	Amended proposal to modify western section of dwelling. Providing entrance way and garage/store (part retrospective)	-	Refused 13.10.03 Dismissed at Appeal 07.05.04
	DCSE2004/3314/F	Amended proposal to modify western section of dwelling, providing entrance way and garage/store with living accommodation over (part retrospective)	-	Approved 16.12.04
	DCSE2008/1519/F	Variation of condition 4 of planning permission DCSE2004/3314/F to use accommodation originally labelled as entrance/garage/ garden store for any primary or ancillary residential purpose in association with existing dwelling	-	Approved 23.07.08
	DCSE2009/0120/F	Alterations to existing dwelling, addition of 2 ground floor windows to rear (south) elevation	-	Refused 20.03.09

4. Consultation SummaryStatutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 Historic Buildings Officer: 'Objection. It is clear from the lengthy planning history that there has been constant pressure to achieve incremental alterations to this building which should have been established at the outset in the original design. However as this application must be scrutinised in the light of the 2004 rural buildings conversion Supplementary Planning Guidance, it appears that the fenestration provided already amounts to the maximum achievable within the

constraints of the building. Any additional windows are therefore contrary to policy, and human rights legislation does not automatically supersede the principle of caveat emptor.'

4.3 Traffic Manager has no objection to the grant of permission.

5. Representations

5.1 A letter was submitted by the applicant's agent in support of the application. In summary this states:

- Applicant has considered appeal against refusal of application SE2009/0120/F.
- Primary consideration is whether the proposal would detract from the character and appearance of the barn or not.
- It is considered that the insertion of two ground floor windows on the rear elevation will not detract from the character of the converted barn or indeed the farmstead group.
- The character of the farmstead group has changed markedly since 1998, following the first permission for conversion.
- Positive planning was achieved when the range of modern 'industrial scale' agricultural buildings were removed.
- The buildings in the group retain barn like qualities in respect of overall design relationship to one another and their setting in the landscape.
- Planning involves a series of compromises.

5.2 Linton Parish Council's comments are awaited.

The notification period does not elapse until 22 July 2009. Any additional representations received, after this report was produced will be summarised in the update sheet.

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 consideration in the determination of this application is whether the insertion of two new windows complies with policies HBA12 and HBA13 and the Council's Supplementary Planning Guidance – Re-use and Adaptation of Traditional Rural Buildings.

6.2 Policy HBA12 of the Herefordshire Unitary Development Plan sets out the planning policy requirements for the conversion of barns. It states that in considering any scheme for conversion, the existing building should be suitable for the proposed use without the need for substantial alteration or extension. Furthermore, the justification for the policy states, at section 9.6.44, that '*Overall, schemes should utilise existing openings and keep new windows to a minimum...*'. The purpose of the policy is to maintain the existing character and appearance of the barn.

6.3 Paragraph 6.2 of the Supplementary Planning Guidance states that the character of a rural building is derived from its original function as an agricultural building and every effort should be made to retain the original simplicity of its scale and form. Minimum alterations should be made both internally and externally to ensure that the building retains its agricultural characteristics. Paragraph 6.28 of the SPG refers to openings including windows and states that new openings should only be inserted where absolutely necessary and should respect the nature of the existing building. Conversion schemes incorporating an excessive number of new openings will be resisted. These well established principles of conserving the intrinsic qualities of the agricultural building continue post conversion. Typically 'permitted development' rights are removed, thus bringing any future development within the Local Planning Authorities control. The approach of the continued application of the principles, restricting new openings and extensions, post conversion and when the building is occupied as a dwelling has been endorsed at appeal.

- 6.4 The defining characteristics of the barn are its simple plan form together with its limited openings, particularly on the rear elevation. The rear elevation of the barn section of the building has two roof lights at the eastern end of the roof slope and a pedestrian door and a two light window at ground floor level. It is considered that the insertion of an additional two windows, between the existing window and door, would significantly alter the appearance of the northern elevation of the building. When viewed in conjunction with the existing door and window the appearance would be altered from a predominantly solid masonry wall, punctuated twice with openings to a domesticated building with an excessive number of openings of regular positioning that would be alien to the character of the former agricultural building. By virtue of this proposal the character and appearance of the barn would not be retained, and as such the proposal is considered to be contrary to the principles of policies HBA12 and HBA13 and the Council's Supplementary Planning Guidance – Re-use and Adaptation of Traditional Rural Buildings.

- 6.5 The site has a complex planning history following development not being carried out in accordance with approved plans. An appeal was made against the refusal to modify the western section of the dwelling in 2004 (DCSE2003/1150/F - APP/W1850/A/03/1127630). In the appeal decision the Inspector states, *'more importantly, in my view, the number of openings in this part of the building are excessive and their shape and regular positioning, particularly at first floor level, is not in keeping with those expected of agricultural buildings. As a result, I consider that the building has not retained its 'flavour' as required by para. 4 (xii) of the Supplementary Planning Guidance'*. Subsequently an amended scheme was submitted (DCSE2004/3314/F), which removed the windows on the southern elevation and was granted planning permission.

- 6.6 In conclusion, taking into account the planning policy requirements and the Inspector's opinion regarding the insertion of additional windows in the northern elevation of the building, it is considered that the proposal is unacceptable. The insertion of two windows would significantly alter the appearance of the building and undermine the objective of planning policy HBA12 of the Herefordshire Unitary Development Plan and the advice contained in the Supplementary Planning Document.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1 The proposed new windows are considered to be an inappropriate form of development which detract from the character and appearance of the converted barn. Therefore, the proposal is contrary to Policy HBA12 of the Herefordshire Unitary Development Plan 2007 and paragraph 6.28 of the Supplementary Planning Guidance: Re-use and Adaptation of Rural Buildings 2004.**

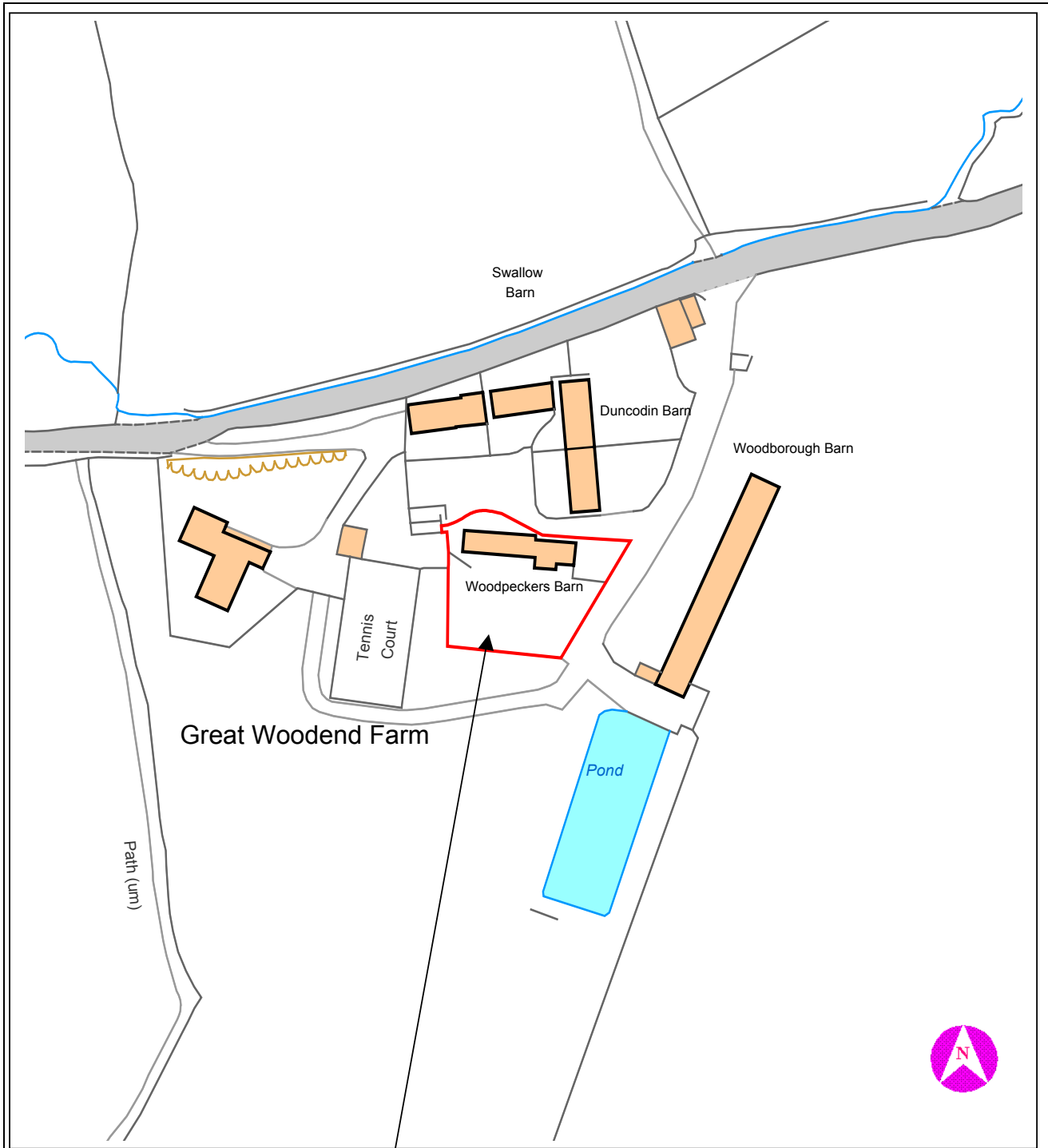
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE0009/1318/F

SCALE : 1 : 1250

SITE ADDRESS : Hugh's Barn, Woodend Lane, Linton, Ross on Wye, Herefordshire, HR9 7SR

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11 DCSW2009/0822/F - CONVERSION OF REDUNDANT VILLAGE HALL TO ONE DWELLING, CUSOP VILLAGE HALL, CUSOP, HEREFORDSHIRE, HR3 5RW.

For: Mrs G Window per Mr A Bevan, A B Planning, 2a High Street, Crickhowell, Powys, NP8 1BW.

Date Received: 17 April 2009 Ward: Golden Valley North Grid Ref: 23347, 42279

Expiry Date: 12 June 2009

Local Member: Councillor PD Price

1. Site Description and Proposal

- 1.1 Cusop Village Hall is on the northern side of the B4348 road nearly opposite the junction with the C1203 road that leads southwards to Cusop Dingle. There is no vehicular access off the B4348 road, access is only available by foot from a footpath on the B4348, or alternatively from the east from Lower Mead.
- 1.2 The hall is a single-storey red brick building with a red brick porch on the front gable elevation. There are sash windows down both east and west flank elevations. The hall is fringed by trees and hedges on the western boundary and on the front elevation by metal railings and hedgerow.
- 1.3 The site declines to the west towards the Dulas Brook which is crossed by a bridge, which defines the boundary between Cusop and Hay-on-Wye.
- 1.4 It is proposed to provide two floors of accommodation in the single-storey building. Two bedrooms will be created over what is presently the hall area of the building. The ground floor area will provide a living room, kitchen/dining room and to the rear a bedroom and en-suite shower room. The new floor will not cover the existing hall as there will be an open bay between the two first floor bedrooms only interrupted by a staircase. Windows will be extended downwards on the west and east elevations and rooflights installed. The front elevation will be glazed at first floor level. The existing porch will be demolished and replaced with a red brick one which will project out one metre instead of two metres, as presently. This is necessitated by the need to provide a driveway where two parking spaces are proposed.
- 1.5 The proposal also entails the creation of a new driveway on land in the ownership of Herefordshire Housing. The strip of land in question is between the red brick building and Lower Mead. This enables the applicant to provide an access point further up slope and away from the road bridge.
- 1.6 This application is made following submission of an earlier scheme which was refused and then dismissed on Appeal. The appointed Inspector considered that the means of access, given the limited visibility westwards into Hay-on-Wye over the bridge, was not sufficient and that the treatment of the front or south elevation of the parish hall was not sympathetic and detracted from the character of the building.

2. Policies

2.1 Planning Policy Statements

PPS1	-	Delivering Sustainable Development
PPG13	-	Transport

2.2 Herefordshire Unitary Development Plan

- Policy S2 - Development Requirements
- Policy DR1 - Design
- Policy DR3 - Movement
- Policy HBA8 - Locally Important Buildings
- Policy CF6 - Retention of Existing Facilities

3. Planning History

- 3.1 SW2000/2712/F Extension and alterations to village hall. - Approved
Provision of bus and car parking bay 20.12.00
- DCSW2006/1811/F Conversion of disused Church Hall into a - Refused 03.08.06
dwelling and proposed new vehicular access Dismissed on
Appeal 24.01.08

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water recommend that conditions be attached to any grant of planning permission.

Internal Council Advice

- 4.2 The Traffic Manager states that visibility splay dimensions are achievable but are partly reliant on neighbouring land.

5. Representations

- 5.1 In the Design and Access statement that accompanied the application the following main points are made:

- re-use of redundant building
- other than reduction in size of porch and minor alterations to some window openings, there is no alteration to form or design of building
- porch retained though reduced in size to overcome design shortfalls of previous scheme
- window openings lowered slightly to improve lighting, two new door openings to rear, rooflights will be flush fitting
- all new windows will be hardwood painted double glazed sash or equivalent in uPVC
- rainwater goods, soil and vent pipes will be cast iron painted black
- brickwork to be made good, re-pointed as required
- scheme complies with Policy DR1. Sensitive approach adopted given status as building of local value in Cusop Village Plan. Changes are the minimum necessary and should be balanced against need to establish a new and sustainable use

Highways

- main reason for refusal were highway considerations, clear visibility of 70m to west achievable now land has been acquired to east of site
- the proposal has been the subject of a speed survey carried out by Council (Network Management Team)
- most of footpath and gateway will be retained although a section of stone walling will need to be lowered in order to achieve acceptable visibility

Community Facilities

Further information on the subject of this report is available from Mr A Prior on 01432 261932

- appointed Inspector did not consider this to be an issue given existence of community facilities nearby
- Policy CF6 satisfied. New hall is also under construction

Accessibility and Inclusive Design

- principle of access for all as required, however scope limited given character of building site though will be accessible via new access and driveway
- driveway close to entrance; driveway suitably surfaced
- door widths suitable for all visitors

Planning Obligations

- given suspension for developments of less than 6 dwellings, no heads of terms are proposed nor is payment required

Energy Conservation and Sustainability

- heating via air source heating compressor and exchange unit
- solar panels in south-west plane of roof
- all windows double glazed
- rainwater harvesting for use in garden
- low flush toilets, design taken into account requirement of Lifetime Homes
- meets requirements of Policy DR1 in relation to energy and water consumption
- building identified as being of local importance, protected by long term use as a dwelling
- use of car will be minimal given access to nearby local facilities
- re-used building avoids need for environmentally costly new build
- scheme satisfies requirements of Policy DR1 and DR4 as regards energy conservation and sustainability
- also Policy DR14 is addressed by scheme
- national guidance encourages use of brownfield locations and near to existing facilities, i.e. in PPS1 and PPS3

5.2 Cusop Parish Council makes the following observations:

- “(i) strongly supports the principle of residential conversion in order to secure the future of the building in accordance with the Parish Plan, but
- (ii) objects to the unspecified and seemingly inadequate traffic sightlines to the west in view of the Parish Council's awareness of speeding problems on that bend, and
- (iii) objects to the extensive and visible fenestration changes to the side elevations and the radical alterations to the front elevation which are clearly due to an attempt to squeeze excessive floorspace out of a modest single-storey building; this also increases likely parking needs and traffic movements onto the main road.

For your information the Parish Council has long been concerned about excessive traffic speeds on this stretch of road and has repeatedly raised this with Herefordshire's highways department and with the police. It would not wish to see safety compromises, but it is not clear from the application whether the proposed sightlines meet highways design guidelines or can be achieved within the land controlled by the applicant.

With regard to design, members were particularly concerned about the impact on the building's character of replacing the south-facing pebbledash-and-timber gables of both the main building and the porch with new glazed gables, replacing the solid porch doors with glazed units, and the

extensive alterations to the windows of the side elevations where these are visible from the road.

I would draw your attention to the Cusop Parish Plan of which the planning elements have been adopted by Herefordshire Council. Page 27 of the Plan states that 'the most valued unlisted building in the parish is the old Parish Room which should be retained even if its use changes.'

I would also draw your attention to an apparent error on the fourth page of the applicant's Design and Access Statement. Under Highways it states that 'an area of land has been acquired by the applicant to the west of the site in order to increase the vision splay to the west.' No land to the west is shown on the Location Plan and, so far as the Council is aware, the applicant has not acquired any.

There is also an error in the application form where Certificate A has been completed, although part of the site within the red line on the Location Plan is owned by Herefordshire Housing. This is the projection to the south east corner through which it is proposed to run the access to the B4348. Mr Phillips, Surveyor at Herefordshire Housing, has confirmed that they still own this land, although they are willing to negotiate a licence in the event that the applicant obtains planning permission."

5.3 Two letters of representation have been received from:

Mr W Price, Danygarth, Cusop, HR3 5QX
Mr P Harries, Toll House, Cusop, HR3 5QZ

The following main points are made:

- to achieve visibility, sight is necessary over third party land
- need to look backward around bend at the bridge
- 85% of traffic leaving Hay at 38-39mph, 70m splay therefore is inadequate
- vehicle approaching from Hay and turning into site would cross the road. This is close to Cusop Dingle turning
- visibility mirror would need to be moved. Relocation is bound to reduce benefit
- new access will increase chances of accident at Cusop Dingle turning
- no intrinsic objection to conversion
- excessive speed of traffic at junction, my property could be hit
- need traffic calming measures.

5.4 A letter has been received from Herefordshire Housing who own land that forms part of the application site and is required to form the new access. The letter confirms agreement in principle to grant access rights which will be negotiated in detail subject to the granting of planning permission.

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 It is considered that the main issues for consideration in the determination of this application are the principle of development, the treatment of the building and its setting and the means of access to the proposed dwelling.

6.2 The previously submitted scheme was refused on grounds that the change of use of the parish hall would result in the loss of a community facility. However, the appointed Inspector considered that there were alternative facilities in Hay-on-Wye, a short distance away from the site which could provide the community facility. Cusop Parish Council has implemented the planning permission for a new village hall to the north of Lower Mead. The building is nearing

completion and therefore it is not considered that a stance of resisting development of the site on the basis that it would result in the loss of a community facility could be sustained. Indeed, the Parish Council strongly supports the principle of re-using the existing building.

- 6.3 The second issue relates to the conversion of the red brick building into a two-storey dwelling in terms of the impact on its character and appearance. The previously submitted and refused scheme provided for external alterations which entailed the enlargement of windows and doors on the two flank elevations and to the rear. This element of the currently submitted scheme was the subject of deliberation during the appeal process for the refused scheme. The appointed Inspector did not consider that the alterations proposed in respect of the east, north and west elevations were such that they would detract from the amenity and character of the building. However, the appointed Inspector agreed with the local planning authority that the treatment of the south or roadside elevation was detrimental to the character and appearance of the building in accordance with Policy HBA8 of the Herefordshire Unitary Development Plan.
- 6.4 The current scheme retains the alteration to the north, east and west elevations but adopts a different approach to the roadside elevation. The existing red brick porch will be demolished but it will be replaced by a porch that projects less and is of the same height and roof pitch as the replaced porch. The rebuilding of the porch would facilitate the provision of a driveway across the front of the property. The front elevation will also retain the vertical slatted element at first floor level in the roadside elevation. The earlier refused scheme proposed more glazing and altered the character and appearance of the building to a detrimental degree. The new approach notwithstanding the representations received from the Parish Council is considered to be sympathetic to this prominently sited building. Therefore it is considered that the character and appearance of the building following conversion has addressed the requirements of Policy HBA8 of the Herefordshire Unitary Development Plan.
- 6.5 The final issue relates to the means of access. This is an issue which has generated most of the representations received. The current scheme differs from the earlier one given that the access point has moved further east. This has been achieved by incorporating an area of land that belongs to Herefordshire Housing and would be occupied under lease by the applicant in the event that permission is granted. This has resulted in the access being positioned a further 16 metres up slope. This revision increases the visibility achievable in the westerly direction. The visibility to the east is not reduced in any way by the current proposal.
- 6.6 The existing hedge at the front of the property will need to be removed. The plans submitted detail a relocation of hedgerow into the site. There is also an existing hedgerow which is on the western boundary of the site which will need to be trimmed back. There is a field gate which provides access to third party land and then further on immediately to the west of the site the stone wall of the bridge. The Traffic Manager is concerned by the fact that visibility to the west is across land in third party ownership. However it is considered that the applicant can, with the removal of roadside hedging on the north and western boundaries, materially improve the visibility. This combined with the fact that the site is elevated in relation to the bridge provides for good forward visibility.
- 6.7 The Inspector when determining the earlier scheme considered that 41m was achievable. Under this revised scheme it is considered that the visibility west is markedly improved and although the Council's Design Guide requires 90 metres visibility on roads with 30mph speed limits such as the Hardwick Road, visibility of approximately 60 metres in the westerly direction can be achieved which is a material improvement on the visibility of the previously refused proposal. This reduced visibility is considered acceptable given the slower eastbound traffic which is slowed as it negotiates the bend immediately before the Dulas bridge and by reason of the elevated position of the site which affords good forward visibility. Therefore it is considered that on balance the proposal provides for visibility which, with the new access position, can achieve a satisfactory level of visibility across the site towards Hay-on-Wye. The proposal satisfies the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.

- 6.8 The proposal was previously refused on three separate grounds. Two grounds were confirmed on Appeal to the Planning Inspectorate and one ground of refusal relating to the loss of a community facility was discounted by the Inspector. The current scheme addresses issues relating to the external treatment of the building. The remaining issue relates to the visibility achievable in a westerly direction over the Dulas bridge into Hay-on-Wye. The application now includes more land to the east which has enabled the access point to be located to the optimum position. This new position has increased the visibility achievable in the western direction such that with the removal of hedgerow a satisfactory level of visibility can be achieved in the interests of highway safety. The application can be supported as complying with Policies DR1, DR3 and HBA8 of the Herefordshire Unitary Development Plan.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of one year from the date of this 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 C05 (Alterations made good)

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

- 4 Notwithstanding the approved details included in the application, additional drawings 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) details of windows and doors and their external finishes.

Reason: In the interests of maintaining the appearance of the development in accordance with the requirements of Policies DR1 and HBA8 of the Herefordshire Unitary Development Plan.

- 5 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.

- 6 G10 (Landscaping scheme)

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

- 7 G11 (Landscaping scheme – implementation)

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

- 8** Prior to the commencement of development, unless otherwise agreed in writing, visibility splays shall be provided in accordance with the plan received on 26 June 2009. Nothing shall be planted, erected and/or allowed to grow on the area of land so formed that would obstruct the visibility of the area.

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

- 9** 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 the Herefordshire Unitary Development Plan.

- 10** H05 (Access gates) (5 metres)

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

- 11** 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 the Herefordshire Unitary Development Plan.

Informatives:

- 1** HN04 - Private apparatus within highway
- 2** HN05 - Works within the highway
- 3** HN13 - Protection of visibility splays on private land
- 4** N19 - Avoidance of doubt - Approved Plans
- 5** N15 - Reason(s) for the Grant of Planning Permission

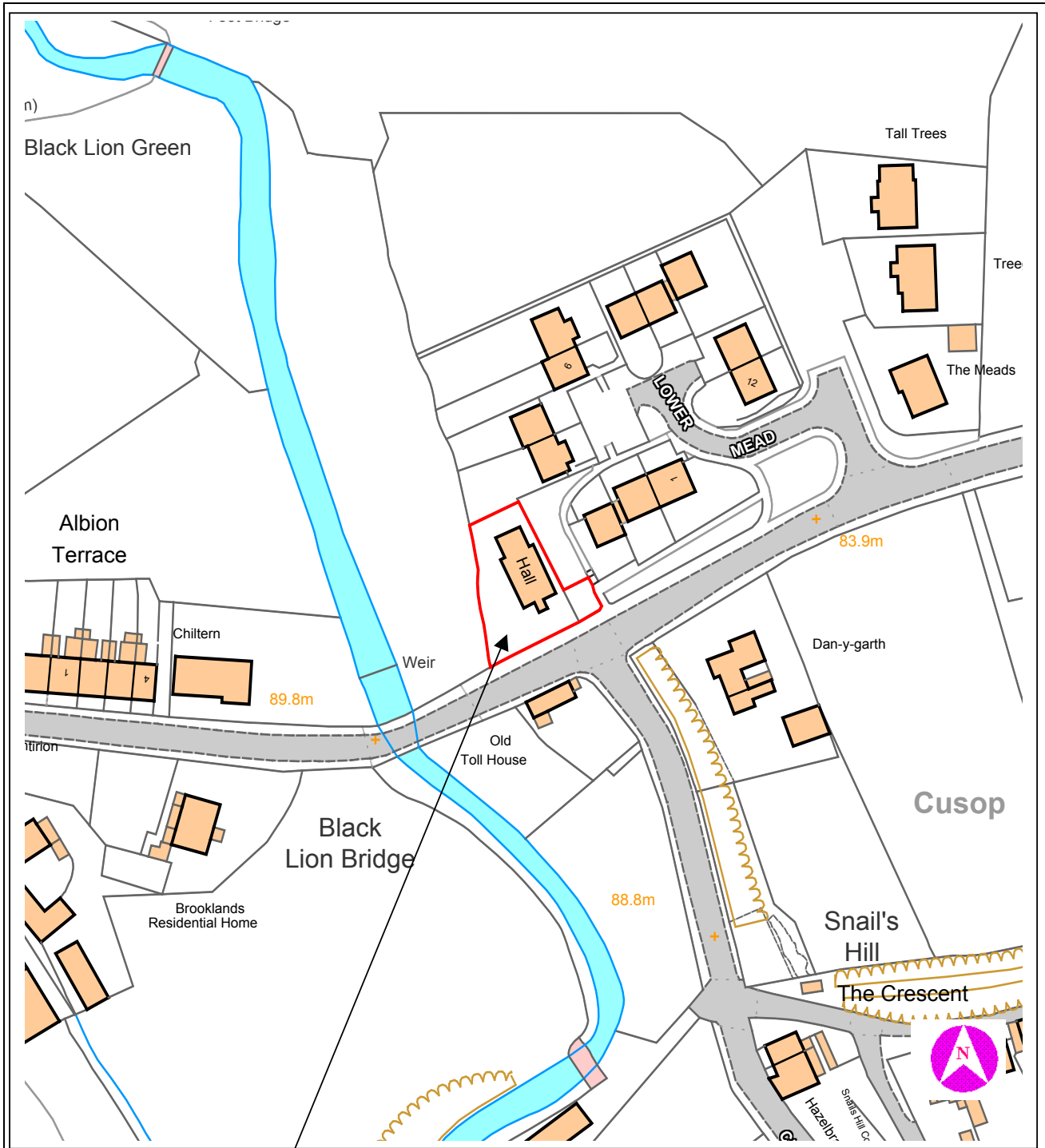
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2009/0822/F

SCALE : 1 : 1250

SITE ADDRESS : Cusop Village Hall, Cusop, Herefordshire, HR3 5RW

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