

AGENDA

Planning Committee

Date: **Friday 3 July 2009**

Time: **10.00 am**

Place: ***The Shirehall, St Peter's Square, Hereford***

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

For any further information please contact:

Pete Martens, Committee Manager Planning & Regulatory

Tel: 01432 260428

Email: pmartens@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Pete Martens, Committee Manager Planning & Regulatory on 01432 260428 or e-mail pmartens@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Planning Committee

Membership

Chairman	Councillor TW Hunt
Vice-Chairman	Councillor RV Stockton
	Councillor ACR Chappell
	Councillor PGH Cutter
	Councillor H Davies
	Councillor GFM Dawe
	Councillor DW Greenow
	Councillor KS Guthrie
	Councillor JW Hope MBE
	Councillor B Hunt
	Councillor G Lucas
	Councillor RI Matthews
	Councillor PM Morgan
	Councillor JE Pemberton
	Councillor AP Taylor
	Councillor DC Taylor
	Councillor WJ Walling
	Councillor PJ Watts
	Councillor JD Woodward

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.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

AGENDA

	Pages
<p>1. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN</p> <p>To note that, at the extraordinary meeting of Council on 12th June, 2009, Councillor TW Hunt was re-elected as Chairman and Councillor RV Stockton was re-appointed as Vice-Chairman of the Committee.</p>	
<p>2. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
<p>3. NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.</p>	
<p>4. DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p>5. MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 15th May 2009.</p>	1 - 8
<p>6. CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p>	
<p>7. NORTHERN AREA PLANNING SUB-COMMITTEE</p> <p>To receive the attached report of the Northern Area Planning Sub-Committee meeting held on 3rd June, 2009.</p>	9 - 10
<p>8. CENTRAL AREA PLANNING SUB-COMMITTEE</p> <p>To receive the attached report of the Central Area Planning Sub-Committee meeting held on 27th May and 24th June, 2009.</p>	11 - 12
<p>9. SOUTHERN AREA PLANNING SUB-COMMITTEE</p> <p>To receive the attached report of the Southern Area Planning Sub-Committee meeting held on 13th May and 10th June, 2009.</p>	13 - 14
<p>10. DCCW2008/0262/F - PROPOSED CONSTRUCTION OF REPLACEMENT LIVESTOCK MARKET WITH ASSOCIATED CAR AND LORRY PARKING AT LAND ADJACENT TO VELDIFER COTTAGES, ROMAN ROAD, STRETTON SUGWAS, HEREFORD, HR4 7AN</p> <p>For: Adult Community Directorate per Herefordshire Council, Property Services, Franklin House, 4 Commercial Road, Hereford, Herefordshire, HR1 2BB</p>	15 - 40

Wards: Three Elms / Burghill, Holmer & Lyde / Credenhill

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| <p>11. DCNC2009/0435/CD & DCNC2009/0436/L - PROPOSED REMOVAL OF EXISTING MINOR EXTENSIONS, INTERNAL ALTERATIONS AND NEW EXTENSION TO FORM OFFICES AND COMMUNITY ROOMS FOR RENT AT GRANGE COURT, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NL</p> <p>For: S T Walker & Duckham per Herefordshire Council 14 The Tything Worcester WR1 1HD</p> <p>Ward: Leominster South</p> | <p>41 - 54</p> |
| <p>12. DCNC2009/0168/F - PROPOSED CHANGE OF USE FROM AGRICULTURAL TO A SITE FOR THE ACCOMMODATION OF SEASONAL AGRICULTURAL WORKERS IN MOBILE HOMES AND DEMOUNTABLE PORTABLE BUILDINGS AND SPORTS PITCH ON LAND AT BRIERLEY COURT FARM, BRIERLEY, HEREFORDSHIRE HR6 0NU</p> <p>For: S & A Produce (UK) Limited per Antony Aspbury Associates 20 Park Lane Business Centre Park Lane Basford Nottingham NG6 0DW</p> <p>Ward: Leominster South</p> | <p>55 - 68</p> |
| <p>13. [DCNC2009/0167/F - APPLICATION (PART RETROSPECTIVE) TO ERECT FIXED (NON ROTATING) SPANISH POLYTUNNELS OVER ARABLE (SOFT FRUIT) CROPS GROWN ON TABLE TOPS AT BRIERLEY COURT FARM, BRIERLEY, LEOMINSTER, HEREFORDSHIRE, HR6 0NU</p> <p>For: S & A Produce (UK) Limited per Antony Aspbury Associates 20 Park Lane Business Centre Park Lane Basford Nottingham NG6 0DW</p> <p>Ward: Leominster South</p> | <p>69 - 82</p> |
| <p>14. DCNC2009/0166/F - RETROSPECTIVE APPLICATION TO RETAIN PRIVATE PACKAGE SEWAGE TREATMENT PLANT ON LAND AT BRIERLEY COURT FARM, BRIERLEY, LEOMINSTER, HEREFORDSHIRE, HR6 0NU</p> <p>For: S & A Produce (UK) Limited per Antony Aspbury Associates 20 Park Lane Business Centre Park Lane Basford Nottingham NG6 0DW</p> <p>Ward: Leominster South</p> | <p>83 - 86</p> |
| <p>15. DCNW2009/0093/F - PROPOSED AGRICULTURAL STORAGE BUILDING AND KENNELS AT BRILLEY WOOD, BRILLEY, WHITNEY-ON-WYE, HEREFORD, HEREFORDSHIRE, HR3 6JE</p> <p>For: Miss L.A. Jenkins & Mr W.Pinkney per Mr A Jenkins, 12 Broad Street, Hay-on-Wye, Herefordshire, HR3 5DB</p> <p>Ward: Castle</p> | <p>87 - 98</p> |
| <p>16. REGIONAL SPACIAL STRATEGY: CONSULTATION ON PHASE THREE OPTIONS</p> <p>To seek the views of the Committee on the issues raised by the consultation</p> | <p>99 - 110</p> |

and forward them on to Cabinet for consideration.

Wards: County-wide

17. DATE OF FORTHCOMING MEETINGS

7th August; 18th September; 23rd October; 4th December, 2009

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- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
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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

SHIREHALL, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday 15 May 2009 at 10.00 am

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

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

In attendance: Councillors J Stone (ex-officio)

116. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor AP Taylor.

117. NAMED SUBSTITUTES (IF ANY)

There were no named substitutes present at the meeting.

118. DECLARATIONS OF INTEREST

Councillor PM Morgan declared a prejudicial interest in Agenda item No. 12 DCNW2009/0093/F - proposed agricultural storage building and kennels at Brilley Wood, Brilley, Whitney-on-Wye and left the meeting for the duration of the meeting.

Councillor DW Greenow declared a personal interest in Agenda item No. 12 DCNW2009/0093/F - proposed agricultural storage building and kennels at Brilley Wood, Brilley, Whitney-on-Wye.

119. MINUTES

RESOLVED: That the Minutes of the meeting held on 3rd April, 2009 be approved as a correct record and signed by the Chairman

120. CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded the Committee about the site inspections in respect of applications for the proposed livestock market site near Credenhill and proposed alterations to The Grange, Leominster, which were due to take place on 19th May.

121. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 11th March, 2009 be received and noted.

122. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 4th March, 2009 be received and noted.

123. SOUTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 18th February and 18th March, 2009 be received and noted.

124. HEREFORDSHIRE SHOP FRONT DESIGN GUIDE

Team Leader (Building Conservation) presented a report about a draft Shop Front Design Guide which was previously recommended to the Cabinet Member for consultation with relevant parties. He said that the previous guides for Hereford City and South Herefordshire had been amalgamated and enhanced to provide guidance which would apply throughout the County. He explained the main features of the document and how it could be applied to ensure that the unique features and character of the towns, villages and Conservation Areas were complimented and retained, particularly where the shop front was part of a Listed Building. He outlined the consultation process which had been undertaken with parish and town councils, statutory bodies, and a range of local groups and organisations including amenity societies, business organisations, disability groups and agents. In addition to asking for general comments, a number of specific questions had been included upon which the views of respondents could be expressed. A summary of the comments received and the officers' responses were set out in Appendix 1 to his report. Although only twelve responses were received they were all positive in terms of approving the principle of the document and had made positive suggestions. In particular, changes had been suggested in relation to accessibility and these had been incorporated within the document and the general concerns had been addressed. He suggested that the Committee agree to the amendments to the document and commended its adoption by the Cabinet Member.

The Committee asked questions about the way in which the guidance would be applied to the market towns and in particular the control of shop front signs. The Team Leader (Building Conservation) said that there were controls available to the Council in respect of listed buildings but that this was an issue to be brought into the appraisals. Other powers that were available to the Council in addition to the guidance, including Article 4 Directions and the removal of Permitted Development Rights. These powers also extended to the colour schemes used on frontages. The Committee was also concerned that in many town centres shops and their frontages were attractive but that the floors above were used as storage areas and often cluttered or scruffy and semi-derelict. Members enquired what controls might be available in this respect. The said that the Council could seek to ensure that such upper floors were brought into occupation but that there were no significant powers available to require this.

RESOLVED

- THAT (i) it be recommended to the Cabinet Member (Environment and Strategic Housing) that the amendments proposed to the Herefordshire Shop Front design Guide set out in the report of the Head of Planning Services be agreed and formally adopted as planning guidance; and**
- (ii) wherever possible, the officers take steps to ensure that the upper floors of shops are brought into occupation.**

125. CONSERVATION AREA APPRAISAL FOR LEOMINSTER CENTRAL CONSERVATION AREA

A report was presented by the Team Leader (Building Conservation) setting out proposals to be recommended to the Cabinet Member (Environment and Strategic Housing) for the draft Conservation Area Appraisal for Leominster Central Conservation Area to be published for consultation with relevant parties. He said that at the meeting on 21st April 2006 the Committee had recommended a programme for the preparation of character appraisals and management proposals for 16 conservation areas. Of these fourteen draft appraisals had been approved for consultation and that Hereford City centre was currently being surveyed. The appraisal for Leominster Town Centre was comprised of a factual assessment of the special architectural and historic character and appearance of the Conservation Area, together with its setting. The form and content of all the appraisals followed guidance recommended by English Heritage and was endorsed by the Government. He proposed that only those areas which had special architectural or historic interest and which Council wished to preserve or enhance should be designated as a conservation area. The appraisal had identified minor areas for exclusion and inclusion and the Criteria forming the basis for determining these was set out in the Herefordshire Unitary Development Plan under policy HBA5. The implications arising from designation were that the Council was required by Statute to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area when determining planning applications. Applications had to be advertised and the Council must take account of comments received. Conservation area consent for the demolition of buildings was required and additional planning controls would apply. These primarily relate to the size of freestanding buildings that require planning permission, the size and position of extensions, the type of external cladding, insertion of dormer windows and satellite dishes. Proposed works to trees required prior notice to the Council so that it could consider whether the trees merited a Tree Preservation Order.

He provided the Committee with details about the proposals which were set out in the report and explained the consultation process. He said that it was intended that some initial consultation would be undertaken although formal comments will be sought at a later stage when management proposals had been developed. The final document for adoption would be prepared for Council approval, having regard to the material comments which would be taken into account. The issues identified for the conservation areas fell into three categories:

- features such as non-listed buildings that significantly contribute to the area because of their local architectural or historic interest;
- features which detract from the special interest of the area such as
 - i. historic buildings in poor condition building.
 - ii. inappropriate alterations to historic buildings such as modern windows.
 - iii. modern buildings that do not relate to the character of the area.
 - iv. open gaps where street enclosure is desirable.
 - v. untidy land.
 - vi. street clutter and signage; and
- changes to the conservation area boundaries
 - i. to include areas that are considered to contribute to the special historic or architectural character of the area
 - ii. rationalisation of boundaries so that they relate to defined edges of property curtilages, field boundaries, roads and lanes or other notable features.

- features such as non-listed buildings that significantly contribute to the area because of their local architectural or historic interest; and
- features which detract from the special interest of the area such as
 - i. historic buildings in poor condition building.
 - ii. inappropriate alterations to historic buildings such as modern windows.
 - iii. modern buildings that do not relate to the character of the area.
 - iv. open gaps where street enclosure is desirable.
 - v. untidy land.
 - vi. street clutter and signage.

The Team Leader (Building Conservation) said that Leominster Conservation Area was designated in 1969. The town dated back to at least the 7th century when a religious building was in place; in the 12th century King Henry 1 had established the Benedictine Priory and by the 15th Century, the medieval borough had a thriving market and a number of guilds, and the Priory was the centre of extensive manorial estates. Following the dissolution of the monasteries by King Henry VIII, most of the monastery buildings and part of the Priory Church were demolished. During the 18th Century, many timber-framed structures were replaced (or refronted) by brick-built Georgian townhouses with Classical front elevations. Elegant examples can be seen throughout the conservation area, particularly in Broad Street, Church Street, Etnam Street and South Street. Moreover, many of these houses conceal earlier timber-frames. Shopfronts of 19th and early 20th Century date, with classically inspired architectural details, were inserted into earlier buildings and could be seen throughout the Conservation Area. Today, the character of Leominster Town Centre Conservation Area was that of an historic market town with well-preserved medieval, Georgian and Victorian elements. The adjacent open green spaces of the Priory precinct complemented the narrow streets and lanes, and wide thoroughfares of the historic town. Heritage assets within the Conservation Area include two Scheduled Monuments, one Grade I Listed Building, four Grade II, and 159 Grade II Listed Buildings. Twelve additional buildings of local interest had been identified during the appraisal. Thirty-nine selected sites on the Herefordshire Sites and Monuments Record are also listed in Leominster and the following six character areas have been defined for the Conservation Area:

- the Priory Precinct;
- the Central Core;
- Broad Street/Church Street;
- Etnam Street;
- South Street/West Street; and
- West Central Area

An analysis of each describing the particular characteristics was set out in the appraisal.

Positive areas and features considered to be of particular importance to the town include:

- the plan form of the medieval borough (including burgage and tenement plots) and the priory precinct;
- the narrow streets and lanes of the central core;
- the environs of the Priory Church;
- the site of the Benedictine monastery and the earlier Saxon occupation;
- Grange Court and the open space of The Grange with boundary features of walls and earthworks;
- the architectural heritage of the central core that ranges from medieval to Victorian;
- the 15th and 16th Century townscapes of Corn Square (south side)/School Lane, and Etnam Street; and

- the Georgian townscapes of Broad Street, Church Street, Etnam Street and South Street.

The Committee discussed the details of the proposals and asked questions about how the historic layout of the town could be preserved and all trees within the Conservation Area protected. The Committee agreed with the results of the investigations and the proposals put forward for the proposed new Conservation Area boundary and those areas/properties that would be included or excluded.

RESOLVED THAT

it be recommended to the Cabinet Member (Environment and Strategic Housing) that the appraisal for Leominster Central Conservation Area be approved and that consultation be undertaken with interested parties.

126. HEREFORDSHIRE UNITARY DEVELOPMENT PLAN: SAVED POLICIES

The Planning Obligations Manager presented a report about a suggested approach to the Secretary of State to save certain policies of the Herefordshire Unitary Development Plan (UDP). She explained that if this course of action was not followed, the UDP would effectively expire in March 2010, and would no longer form part of the Statutory Development Plan. This would mean that planning applications would have to be determined on the basis of national guidance and policies within the Regional Spatial Strategy, unless material considerations indicated otherwise, and that the Council's Supplementary Planning Guidance/Documents would no longer form part of the Local Development Framework. She explained that the UDP was therefore still a very important planning policy framework. She referred to the details about the policies that were recommended for retention as set out in the report and said that if recommended for approval the next stage would be to submit them to Cabinet in June, Council in July and Government Office for the West Midlands in September. Once saved, the policies would be in effect until the Local Development Framework (LDF) took effect.

In answer to a question about village and hamlet boundaries and consultation, the Planning Policy Manager said that the existing policies would be retained until replaced by future ones to be determined by Members and that consultation was not therefore necessary at this stage. Councillor GFM Dawe felt that there were many good policies but that it was not always possible to implement them. For example it was difficult to reconcile P80 on public travel with a reduction in bus services. The Planning Policy Manager said that there were numerous and complex transportation issues and that these would be consulted on at length during the LDF process. Councillor P Watts enquired about the Supplementary Planning Guidance (SPG) in respect of polytunnels and the Planning Policy Manager said that this would also need to be included within the list of saved policies. The Committee approved the proposals set out in the report with the addition of the polytunnels SPG.

RESOLVED THAT:

it be recommended to Cabinet that:

- (i) **the Secretary of State be requested to consider the reasoned justification set out in the report of the Head of Planning and Transportation and asked to make a 'direction' that the requested policies, including the Supplementary Planning Guidance (SPG) in respect of polytunnels, are saved until their replacement by relevant Local Development Documents of the Herefordshire Development Framework; and**

- (ii) **the Council further requests that continued use of other identified elements of the former planning system be endorsed, including Proposals Maps and Supplementary Planning Guidance/Documents.**

127. DCNW2009/0093/F - PROPOSED AGRICULTURAL STORAGE BUILDING AND KENNELS AT BRILLEY WOOD, BRILLEY, WHITNEY-ON-WYE, HEREFORD, HEREFORDSHIRE, HR3 6JE

The Chairman said that since the preparation of the report there had been a considerable amount of information sent to Members about the application from interested parties. He therefore suggested that consideration of the application be deferred for a site inspection to view the application site and to become familiar with the surrounding area. He also proposed that existing kennels should be visited so that the Committee could note its impact on the locality. The Committee agreed with this proposal.

RESOLVED:

That consideration of planning application DCNW2009/0093/F be deferred for a site inspection.

128. DCNW2009/0275/F - PROPOSED NEW SCHOOL, PRE-SCHOOL, ASSOCIATED WORKS AND LANDSCAPING ON LAND TO THE SOUTH OF RYE GRASS COTTAGE, STAUNTON-ON-WYE, HEREFORDSHIRE, HR4 7LT

The Principal Planning Officer presented a report about an application for a new school which would be located on the south-western fringe of Staunton-on-Wye. He advised that an additional letter had been received from Mr. Paul Stephenson, Vine House, Staunton on Wye. The letter reiterated concerns raised previously by Mr Stephenson about the highway situation in Staunton on Wye and the impact on the surrounding area of additional traffic arising from the proposed school. The letter stated that Mr Stephenson was in favour of the new school, but was concerned that the application had no proper traffic survey to accompany it. The Principal Planning Officer advised that the applicants had relied on a traffic survey carried out by Halcrow traffic consultants for a previous application for a school on site in 2004. The Council's Transportation Manager had raised no concerns with regards to this, and raised no objections to the application. Appropriate conditions were in place in the report to cover all the concerns which had been raised and he did feel that any changes to the recommendation were therefore necessary.

In accordance with the criteria for public speaking, Mr Jones spoke in favour of 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. 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. C01 (Samples of external materials)

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

4. F01 (Restriction on hours of working)

Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

5. G02 (Retention of trees and hedgerows)

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

6. Prior to any development on site details will be submitted and approved in writing by the Local Planning Authority of planting numbers, sizes or species to be planted and fencing colour and specifications.

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

7. 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.

8. I32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities and to comply with Policy DR14 of 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 Herefordshire Unitary Development Plan.

10. H21 (Wheel washing)

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

11. 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.

12. Prior to any development on site details will be submitted and approved in writing to the Local Planning Authority, with regards to the public footpath surface alongside the entrance to the application site known as Coffin Lane (a pedestrian

route to the school).

Reason: In the interests of the amenity of footpath users and amenity of surrounding dwellings and to comply with Policy DR3 of the Herefordshire Unitary Development Plan.

13. The recommendation as set out in Section 3 of the Ecologist Report dated 13th January 2009 shall be followed unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the biodiversity of the surrounding area and to comply with Policies NC8 and NC9 of the Herefordshire Unitary Development Plan.

Informatives:

1. N15 - Reason(s) for the Grant of Planning Permission
2. N19 - Avoidance of doubt – Approved Plans
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. HN22 - Works adjoining highway
8. HN26 - Travel Plans
9. HN28 - Highways Design Guide and Specification

129. DATE OF FORTHCOMING MEETING

3 July, 2009.

The meeting ended at 11.40 am

CHAIRMAN

PLANNING COMMITTEE

3 JULY 2009

REPORT OF THE NORTHERN AREA PLANNING SUB-COMMITTEE

Meeting held on 3 June 2009

Membership

Councillors:

JW Hope MBE (Chairman)
PJ Watts (Vice-Chairman)

LO Barnett, WLS Bowen, ME Cooper, JP French, JHR Goodwin, KG Grumbley, B Hunt, RC Hunt, TW Hunt, TM James, P Jones CBE, PJ McCaull, R Mills, PM Morgan, RJ Phillips, A Seldon, RV Stockton, J Stone and JK Swinburne.

PLANNING APPLICATIONS

1. The Sub-Committee has met once since the last report and dealt with the planning applications referred to it as follows:-
 - (a) applications approved, as recommended - 4
 - (a) applications deferred for further information - 1
 - (b) number of public speakers - 1 (1 objector)

PLANNING APPEALS

2. The Sub-Committee received an information report about eight appeals that had been received and two appeals that had been determined (one withdrawn, one dismissed).

JW HOPE MBE
CHAIRMAN
NORTHERN AREA PLANNING SUB-COMMITTEE

- **BACKGROUND PAPERS - Agenda for the meeting held on 3 June 2009**

REPORT OF THE CENTRAL AREA PLANNING SUB-COMMITTEE

Meetings held on 27 May and 24 June 2009

Membership

Councillors:

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

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

PLANNING APPLICATIONS

1. The Sub-Committee has met twice since the last report and dealt with the planning applications referred to it as follows:-
 - (a) applications approved, as recommended - 6
 - (b) applications refused, as recommended - 1
 - (c) applications minded to refuse contrary to recommendation - 2 (not referred to Planning Committee)
 - (d) applications deferred for further negotiations - 1
 - (e) site inspections - 3
 - (f) number of public speakers - 10 (3 parish, 3 objectors, 4 supporters)

PLANNING APPEALS

2. The Sub-Committee received information reports about three appeals that had been received and three appeals that had been determined (all dismissed).

JE PEMBERTON
CHAIRMAN
CENTRAL AREA PLANNING SUB-COMMITTEE

- **BACKGROUND PAPERS - Agenda for the meetings held on 27 May and 24 June 2009**

REPORT OF THE SOUTHERN AREA PLANNING SUB-COMMITTEE

Meetings held on 13 May and 10 June 2009

Membership

Councillors:

PGH Cutter (Chairman)
MJ Fishley (Vice-Chairman)

CM Bartrum, H Bramer, BA Durkin, MJ Fishley, AE Gray, JA Hyde, JG Jarvis, G Lucas, PD Price, RH Smith, DC Taylor and JB Williams.

PLANNING APPLICATIONS

1. The Sub-Committee has met twice since the last report and dealt with the planning applications referred to it as follows:-
 - (a) applications approved, as recommended – 4
 - (b) applications refused, as recommended - 1
 - (c) number of public speakers - 7 (1 parish, 4 objectors and 2 supporters)

PLANNING APPEALS

2. The Sub-Committee received information reports about six appeals that had been received.

PGH CUTTER
CHAIRMAN
SOUTHERN AREA PLANNING SUB-COMMITTEE

- **BACKGROUND PAPERS - Agenda for the meetings held on 13 May and 10 June 2009**

DCCW2008/0262/F - PROPOSED CONSTRUCTION OF REPLACEMENT LIVESTOCK MARKET WITH ASSOCIATED CAR AND LORRY PARKING AT LAND ADJACENT TO VELDIFER COTTAGES, ROMAN ROAD, STRETTON SUGWAS, HEREFORD, HR4 7AN

For: Adult Community Directorate per Herefordshire Council, Property Services, Franklin House, 4 Commercial Road, Hereford, Herefordshire, HR1 2BB

Date Received: 6 February 2008 **Three Elms / Burghill, Grid Ref: 47505, 42147**
Holmer & Lyde /
Credenhill

Expiry Date: 7 May 2008

Local Members: Councillors PA Andrews, SPA Daniels, AM Toon, SJ Robertson and RI Matthews

1. Site Description and Proposal

- 1.1 This site is located on the southern side of the new A4103 Roman Road between Veldifer Cottage and The Bolts, Hereford. The site comprises arable land that rises gently to the south with mature hedgerows and trees on its perimeter. Farm buildings and Wyevale nursery adjoin the southwest and west of the site together with Veldifer Cottages and Gartref. A former railway line lies immediately along the southern boundary. Arable fields and The Bolts adjoin the eastern boundary with Yazor Brook in the north east corner. The application area is contained generally within the centre of the field.
- 1.2 The proposal is the relocation of the livestock market facility from Hereford City Centre as precursor to the ESG redevelopment. It includes office accommodation, cafe, auction space, vehicle washdown area, parking for HGV's and cars together with a covered livestock building.
- 1.3 The livestock building will cover all the animal pens and has four spans forming four ridges that run east-west. The building measures 55 metres wide (east-west) and 133 metres in depth (north-south). Ten unloading areas are located on the northern side facing Roman Road with the main unloading bays located on the east elevation. The lorry washdown area is located to the south of the livestock building together with overspill lorry park in the southwest corner. Two semi-circular sales rings punctuate the west elevation by approximately 16 metres. Inbetween the two sales rings are the offices, cafe and toilets. To the west of the building there are two combined car and trailer parking areas comprising 301 spaces.
- 1.4 The whole site will be accessed off Roman Road with a driveway approximately 150 metres long before it enters the complex of buildings and parking. The access will entail the removal of one oak tree located on the roadside. The whole access and development boundary will be hedged together with additional landscaping in and around the remainder of the fields in which the site is located.

- 1.5 External materials of the livestock building are proposed as Yorkshire boarding (hit and miss boarding) under a green sheeted profiled steel roof. The two sales rings will have vertical timber cladding. The offices, cafe, toilets and ancillary plant rooms will have fairface blockwork walls (sandstone colour) under a flat roof.
- 1.6 A public footpath runs through the middle of the site in a north/south direction and has been catered for within the development.
- 1.7 The planning application includes an Environmental Impact Assessment.
- 1.8 The planning application does not include a poultry market facility.

2. Policies

2.1 National:

- RSS - Regional Spatial Strategy
- PPS1 - Sustainable Development
- PPS6 - Planning for Town Centres
- PPS7 - Sustainable Development in Rural Areas
- PPS9 - Biodiversity and Geological Conservation
- PPS23 - Planning and Pollution Control
- PPS25 - Development and Flood Risk

2.2 Herefordshire Unitary Development Plan 2007:

- Policy S1 - Sustainable Development
- Policy S2 - Development Requirements
- Policy S9 - Minerals
- Policy DR1 - Design
- Policy DR2 - Land Use and Activity
- Policy DR3 - Movement
- Policy DR4 - Environment
- Policy DR6 - Water Resources
- Policy DR7 - Flood Risk
- Policy DR9 - Air Quality
- Policy DR10 - Contaminated Land
- Policy DR11 - Soil Quality
- Policy DR13 - Noise
- Policy DR14 - Lighting
- Policy TCR19 - Hereford Livestock Market – Relocation
- Policy T10 - Safeguarding of Road Schemes
- Policy LA2 - Landscape Character and Areas Least Resilient to Change
- Policy LA5 - Protection of Trees, Woodlands and Hedgerows
- Policy LA6 - Landscaping Schemes
- Policy NC1 - Biodiversity and Development
- Policy NC4 - Sites of Local Importance
- Policy NC5 - European and Nationally Protected Species
- Policy NC8 - Habitat Creation, Restoration and Enhancement
- Policy M5 - Safeguarding Mineral Reserves

3. Planning History

- 3.1 None.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: The Environment Agency have no objections to the proposals and would recommend the following comments and conditions be applied to any permission granted.

Flood Risk:

The development has been shown to be situated outside of the extreme (0.1%) flood outline and is therefore at minimal risk of flooding. Access to the site via the existing highway (Roman Road) can be considered flood-free in a westerly direction.

Although a detailed design has not been provided as part of the submitted Flood Risk Assessment (FRA), initial design calculations for storm water runoff are considered acceptable. A detailed design should be submitted to provide the required storage of 4365m³ as stipulated within the report. We would expect a management plan to ensure that the proposed surface water scheme, including any pollution control measures, are adopted, managed and maintained for the lifetime of the development.

Condition: Development shall not commence until full surface water drainage details, incorporating sustainable drainage principles, have been submitted in full and approved by the local planning authority. Any approved scheme shall be implemented in accordance with the approved details before the development is completed or occupied.

Reason: To ensure that the new development does not increase the risk of flooding to the site itself or adjacent existing developments.

Pollution Prevention:

The site is located on till and gravel deposits overlying Raglan Mudstone which under the Environment Agency Policy and Practice for the Protection of Groundwater (1998) has been classified as being Minor aquifer. The site is also located within the Source Protection Zone (III) for the groundwater abstraction at King Acre. We therefore consider the site to be sensitive with respect to controlled waters.

We note in Section 5.3 of the Planning Application Addendum, that site investigation work has been completed at the site and the results indicate no risk to controlled waters. However, no results were submitted to support this statement. Given the site is located within the Zone III of the Kings Acre Source Protection Zone, we wish to see the results.

Condition: Prior to the commencement of development approved by this planning permission the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.

- 2) A site investigation scheme and results, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

Reason: To prevent pollution of the water environment.

Condition: If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement. The Method Statement must detail how this unsuspected contamination shall be dealt with. Thereafter development of the site shall be carried out in accordance with the approved Method Statement.

Reason: To ensure investigation and remediation of any contamination and protect controlled waters.

Condition: Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

Note - It is noted that that it is proposed to utilise an on site treatment plant. I would like to re-iterate that that our preferred option is for foul drainage to go to the public sewer.

Any discharge to controlled waters will require discharge consent under the Water Resources Act 1991. The Applicant should contact our National Permitting team with regard to this regulatory aspect.

Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities.

Water Resources:

A Section 32 consent has now been received by the agency, reference S32/SE480. This application is currently being dealt with by our Groundwater and Contaminated land team. A Section 32 consent is part of the Water Resources Act 1991 that relates to investigating a Groundwater Source.

The planning application states that the applicant will require to abstract a maximum rate of abstraction of 30,000 cubic metres per year and maximum of 170 cubic metres per day. Under the terms of the Water Resources Act 1991, an Abstraction Licence will be required from the Environment Agency for the abstraction of water from any inland water or underground strata. This is dependent on water resource availability and may not be granted.

It is the responsibility of the applicant to ensure that the development will not affect any water features (ie. wells, boreholes, springs, streams or ponds) in the area, including licensed and unlicensed abstractions.

Note - The determination period for an abstraction licence is 3-4 months, depending if the application needs to be advertised.

- 4.2 Welsh Water: Raise no objection subject to the implementation of conditions to ensure separation of foul and surface water.
- 4.3 Natural England: Has no objection to the above application. We note and support the inclusion of a rainwater harvesting system and SuDs scheme for the proposed site.

We recommend that a Site Waste management Plan and a Landscape and Ecological management Plan are conditioned (both as as pre-commencement conditions).

- 4.4 Ramblers' Association: I note the improvements to the junction between the access road and the A4103 to the benefit of walkers crossing the main road. Would warning signs for 'Pedestrians Crossing' be appropriate at either side of the junction along the main road?

The areas which I am still apprehensive about is where the proposed diverted footpath will pass in front of the gates leading into the 'loading docks' compound, I could see this area at busy times being a bit of a bottle neck, with pedestrians walking between queueing lorries, not a safe environment.

I ask you to ensure that the developer is aware that there is a legal requirement to maintain and keep clear a Public Right of Way at all times.

- 4.5 Advantage West Midlands: The Agency's role involves commenting on both major planning applications and acting as a consultee on the regional and local planning process. It takes as its reasoned basis, and main justification for comment, the aims and objectives of the West Midlands Economic Strategy (WMES).

The Agency fully supports the proposed construction of the replacement livestock market.

As part of the Edgar Street Grid redevelopment, the Agency is making major investments working in partnership with Herefordshire Council in delivering regeneration; promoting opportunities for development, public realm improvements within the town and new employment opportunities in Hereford. The replacement of the livestock market is a key component in delivering the aspirations of the Edgar Street Grid (ESG).

One of the aims of the regeneration project is the identification of a retail quarter to be developed on the site of the cattle market hence the need for the relocation of the existing livestock market. The Agency and Partners have identified that the proposed ESG scheme will better utilise town centre land, create a pedestrian friendly environment and improve general traffic conditions in the town centre.

In respect of the cattle market itself, relocating into a new modern building will help improve the bio security of the facility and improve animal welfare. This will in turn enhance the supply chain and improve the market opportunities for farmers. This aligns with the objectives of the Rural Regeneration Zone which seeks to implement a coherent programme of support for rural renaissance and safeguard existing employment, currently there is high dependency on employment in agriculture.

However the Agency would make the point that due to the size and scale of the proposal there are opportunities for the site to be more actively and intensively used for alternative purposes related or complementary to agricultural uses without prejudicing the viability of the principal use. Having this flexibility will add viability to the proposal and operating more intensively will make more use of the site.

The Agency suggests the Council also facilitate where feasible to find accommodation on the proposed site for businesses that are reliant and are ancillary to the existing livestock market. These have an important role into the day to day operation of any market. On these issues we would welcome further dialogue but would not wish these comments to be read as raising objections to the scheme, rather our interest lies in enhancing the benefits to be secured from this development.

- 4.6 ESG: We welcome and support the proposals put forward and have no objections regarding this planning application.

Internal Council Advice

- 4.7 Traffic Manager: Regarding Planning Application DCCW2008/0262/F Hereford Livestock Market Relocation, with the information provided and drawings 377902/A/2 Rev P4, 377902/A/3 Rev P2, 377902/A/9 Rev P4 and 377902/A/10 Rev P1, I recommend that any permission which this Authority may wish to include conditions.

My comments regarding the site are as follows:

The TA has assessed the impact of the Livestock Market on the Road Network in the new location with the conclusion that the junctions operate within capacity but with the information in the TA and discussions with the design team the network requires improvements and works at the following locations which will be part of a S106 agreement:

A438 / A480 junction Kings Acre Halt - footway improvements and pedestrian crossing.
A4110 / A4103 junction - pedestrian phasing of the traffic lights together with advanced cycle stop lines.

C1095 between the A4110 and A4103 - Tillington Road Contribution (to be determined) to the traffic calming required to prevent 'rat running'

The access to the site has been subject to a Stage 2 Road Safety Audit, the main issue is the potential for slow moving vehicles turning right out of the site and the potential for conflict with vehicles on the A4103 with the recommendation to restrict the right turn from the Cattle Market To accommodate this the design, as per drawing 377902/A/10 is to restrict vehicles to a right turn only, this is acceptable but will require improved signing this is to be conditioned .

The internal lay-out, parking facilities and access to the Market site is acceptable to ourselves but will need to be amended to include disabled parking, accommodate crossing points from the car parking area to the market and the car and trailer parking to accommodate pedestrians across the access road, this is to be dealt with post permission as part of condition H13.

As part of the scheme, the design and construction will be subject to Stage 3 and 4 Safety Audits which will be undertaken post construction as laid out in the Design Manual for Roads and Bridges document HD 19/03.

- 4.8 Conservation Manager (Landscaping): Thank you for consulting us on the additional information submitted in relation to the above planning application and in response I would make the following comments. Firstly, I would repeat the opening comment of my earlier memo '...that I do not consider there to be an 'in principle' objection to the development for landscape reasons.' However, I would also repeat that what should be being considered in this situation '...should be exemplary...' and that the information supporting and informing the application should be a '...detailed assessment of the character and quality of the site and surroundings and...a detailed landscaping scheme.'

There is likely to be no benefit in attempting to seek further information regarding proposed landscape mitigation and enhancement at this stage; that a large proportion of the site remains available for such measures allows for some flexibility. Whilst I would consider the information submitted insufficient to meet the criteria contained in policies LA2 and LA6 of the UDP, in order for this application to make progress I would suggest attaching conditions based on the following:

That these conditions should be in the form of a four part process; firstly, the development and approval of a landscape mitigation and enhancement concept statement that identifies where visual impact, even moderate or slight impact, will result from the development and where and what type of landscaping should be incorporated to mitigate that impact, or bring about enhancement of the quality and character of the landscape. This first phase should be completed within three months of the grant of planning permission and before any works commence on site. Secondly, that a detailed scheme of landscaping shall be developed, based on the above, describing precise species, size and numbers of plants, methods of protection, establishment and aftercare, planting locations, provenance and phasing of planting is produced and agreed by the council within four months of the grant of planning permission and before any works are carried out on site. Thirdly, the implementation of the landscaping scheme should be secured through the use of our standard condition, although I would recommend adding a clause that the building cannot be brought into operation until the substantial completion of the landscaping scheme. Lastly, the production and implementation of a specification of aftercare and maintenance to cover a period of ten years post establishment and completion of all landscaping indicated at the second point above.

Having been given the opportunity to consider these issues, and having been provided with some specific indications of the deficiencies in the original submission, the document presented as supplementary information is simply a rebuttal or defence of previous opinion. No new information has been provided, although the inclusion of photographic representation of the site in line with accepted standards is welcomed. Some of the information included in the supplementary document serves only to reinforce my earlier concerns; particularly the concept that siting the proposed building '...in close proximity to the existing Wyevale Nursery glasshouses...to the south of the site would assist in the integration of the proposal in the landscape'; a view that would appear quite contrary to the accepted opinion on the cumulative and coalescent impact of large buildings in open countryside. No landscape plan or strategy appears to have been presented or developed in response to a broad assessment of the likely impact of the proposed development, but solace is offered in the expression of willingness to liaise with the council and local residents on the future development of a detailed landscape plan! Ideally, the preferred procedure is for the LVIA to present guidance not only on the location, scale and style of building proposed, but also a strategic approach to protecting and/or enhancing the quality and condition of the landscape influenced by the development.

It remains disappointing that the recognition of landscape change and impact and the subsequent production of a landscaping plan could not have been presented as part of the details submitted with this application. As it stands the application remains contrary to policies LA2 and LA6 of the UDP, but the site offers sufficient scope for landscaping measures, and, subject to stringent conditions, could proceed; we will have to presume that sufficient funds have also been allocated for the implementation of necessary landscape improvements.

- 4.9 Conservation Manager (Ecology): Now satisfied that the information submitted is acceptable in regards to bats but concerned with loss of tree roost in tree to be removed. Conditions will need to be imposed for biodiversity enhancements.

I am satisfied with the assessments and proposed strategies for habitats and the majority of protected species and I welcome the proposals for habitat protection, creation and enhancement. Planning conditions will be required for the submission of full working method statements for protected species etc. prior to development proceeding, along with a full habitat creation and management plan.

- 4.10 Conservation (Archaeology): The land parcel within which the application site is situated is extensive, and the application site itself, indicated on formally submitted scheme drawing 3767902/A/01, is itself large. There is little doubt that the impact of the development as proposed would be very severe. Recent archaeological assessment and field evaluation suggests that the main part of the application site is of comparatively low sensitivity in terms of archaeological finds, although of course finds cannot be entirely discounted in this location. The route of the former Roman Road from Kenchester to Stretton Grandison forms the northern-most edge of the site. Just to the south of the application site, in the remainder of the land parcel before the W-E disused railway, a zone of higher archaeological potential is encountered, which could be problematic in relation to the wildlife ponds suggested (drawing 377902/A/02 etc), or other ground disturbing works outwith the application area.

On balance, particularly given the limited evidence of archaeological remains from within the main part of the application site, I consider this site to be a good one, and accordingly would have no objections to the proposal. It should be possible to mitigate any damaging effects of the development by means of limited archaeological recording and investigation project during development works on site. I would therefore advise the standard archaeological condition D01.

The above advice follows the guidance given in PPG16 Section 30, and is in accordance with Policy ARCH6 of the adopted Herefordshire Unitary Development Plan.

- 4.11 Environmental Health & Trading Standards Manager: I cannot foresee a reason for objection to the application. I would comment that there is the potential for noise nuisance from increased traffic movements and during market days however I do not believe this is significant enough to warrant conditioning, as any complaints received can be dealt with under Environmental Protection Act 1990.

- 4.12 Public Rights of Way Manager: The development proposal is now acceptable to the PROW Manager.

The proposed path diversion is, however, subject to further public consultation under S257 of the TCPAS 1990, and as stated in my e-mail of 2 April, the PROW Manager now recommends approval for this application subject to the inclusion of standard

condition H28 (Development shall not begin until an Order has been made to allow the existing public right of way crossing the application site to be diverted or stopped up. Reason: To ensure the public right of way is not obstructed) in any decision.

5. Representations

- 5.1 Stretton Sugwas Parish Council: Thank you for your letters and accompanying documents regarding the above, dated 15 April 2009 and following an exhaustive consultation exercise within the parish council we wish to draw your attention to a specific number of points which have arisen from these discussions following receipt of your pack.

In 2006 Herefordshire Council carried out an extensive public consultation exercise in respect of a number of possible sites for a new livestock market in the Stretton Sugwas/Burghill area. At the end of the consultation which created great debate the authority decided to opt for the least offensive option which was that of land adjacent to Veldifer Cottages, Roman Road.

During the exercise the economic viability of the project was brought into question particularly as it was generally anticipated a total capital cost of circa. £8/10 million and it was doubted and, indeed in the end confirmed, that the return to the local authority and the people of Herefordshire for this significant expenditure would never provide a meaningful return on the capital employed.

We were all advised by a representative of the authority that the Council was bound by historical and legal obligations to provide a market although the evidence for this stated obligation was never made available on the basis that the Council could be "compromised" if it were to release this information.

The economic argument that was used to carry the proposal was that without relocating the livestock market there would be no prospect of carrying out the retail development within the Edgar Street Grid area. The Parish Council now question whether the economic argument could still be made for that commercial development of the old livestock market site for at least the next five years, notwithstanding this point Herefordshire Council's position during the consultation exercise was that there would be wide spread and significant highway improvements in the locality which would be carried out before any new livestock market was operational.

Therefore, Stretton Sugwas Parish Council set out below a list of those items which we were led to believe would be included as part of this proposal but which have not been included but we would wish to see implemented in order to prevent any further deleterious effects on the interests of the village.

1. The A438 30 mph limit would be extended to the Breinton Lane turn together with a pedestrian crossing at this point.
2. Undertake significant improvement to the Kings Acre Halt junction.
3. The creation of a footpath along the A480 from Kings Acre Halt towards Credenhill as far as Stretton Sugwas school (currently up to thirty children and their parents walk this road night and morning which creates a significant danger for them and which would be exacerbated with the development of the livestock market).
4. The creation of a footpath together with robust traffic calming measures along Church Road to Stretton Sugwas (once again a significant number of school children and their parents use this road and the development of a livestock market could only exacerbate the dangers they face).

5. The creation of a foot path from the Roman Road to the SAS camp - this stretch of road is used daily by large numbers of troops and ancillary staff at the camp for training and access purposes, there currently is no protected zone and once again the development of the livestock market can only add to the dangers associated with travelling by foot or cycle. It is important to note that the SAS camp is one of the largest employers in the area and its very presence creates much inward investment income to the area that should not be under estimated.
6. We were deeply dismayed that the proposed access and particularly the egress arrangements from the proposed development site rely on the traffic turning left from the market towards Stretton Sugwas and then using the roundabout to make a return journey along the Roman Road. This specific matter was talked about at the consultation meetings where the Cabinet member responsible for the consultation exercise and senior officers of the local authority agreed that this would not happen.

We would wish to see traffic lights installed and/or a roundabout at the market junction which would create the opportunity for vehicles to turn immediately right on departure from the market and keep them away from the village. Clearly it cannot be right to "drive" all traffic in towards the settlement of Stretton Sugwas and then turn it round again and "march" it back up the Roman Road.

There are a number of other concerns which we set out below which we would ask to be taken into account when considering the application:-

Firstly, we are concerned that the scheme as currently designed does not have a sufficiently detailed landscaping scheme to protect the visual impact and would hope that any approvals would include a condition to cover landscaping design and which would then in turn be discussed and considered with acknowledged interested parties such as parish councils, etc. The use of mature landscaping elements will go significantly towards minimising the effect of the location of the building within the natural environment.

Secondly, at the time of the initial consultation an offer by the Duchy of Cornwall to develop part of their land for the new livestock market included a commitment to use sustainable materials in the construction of the building and it is disappointing to note that the proposal before us includes significant amounts of polyester coated aluminium and fair faced concrete block work rather than all timber, the parish council believes that maximising the use of timber for the cladding and other elements to the building would allow it to mature and bed into the natural landscape more quickly.

Thirdly, we are deeply concerned that the proposal will create "rat runs" to access and egress the site unless specific and robust physical deterrents are put in place to prevent this. We were told during the consultation period that significant amounts of livestock traffic is generated from the south and south west of Hereford and that much of this traffic would come to Hereford via the A49 and then find its way to the new livestock market. We believe that much of this traffic from the south and then returning to the south (A49) will try to use Barton Road, Breinton Lane and Westfaling Street to access the site. None of these roads offer suitable access for either commercial vehicles and/or 4 x 4's with trailers and we would implore you to give this issue serious consideration. There is much potential to cause harm and damage to the quiet enjoyment of residents in many areas with this project and care needs to be taken in assessing the risks to established interests.

Finally, we would request permission to submit a representative of the parish council to speak at the planning meeting where this application is to be heard in order to amplify and clarify the representations we make in this letter.

5.2 Burghill Parish Council: The Parish Council have three primary concerns:

- The current plans for landscaping are significantly reduced compared with the plans on exhibition at Stretton Sugwas School. It is hoped that residents will be consulted on landscaping, as is stated in the plans.
- Increased traffic along Roman Road. The addition of an 'Access only' sign at the bottom of Towtree Lane at the Roman Road entrance, may help reduce potential traffic flowing along this narrow lane. Also the Parish Council queried why the Police could not enforce the speed limits along Roman Road.
- There were no proposals for the lighting of the market and the Parish Council would like to request that any lighting is kept to a minimum.

5.3 Hereford City Council: The City Council recommends that this application be refused and questions whether there is an economic case for a new Cattle Market. The Council is not convinced that the flood measures proposed are adequate for the task, especially in the wider area. Additional traffic problems at the Kings Acre Halt junction have not been assessed where there is very poor vision. All the boundaries of the site should have appropriate high quality landscaping that is not included in the scheme.

5.4 Breinton Parish Council: Objects to this proposal on the grounds that a greenfield site is to be used, without, in the Parish Council's view, sufficient proof that the scheme is viable. If the livestock market should fail, this proposal would ensure that what is now prime agricultural land would become a brownfield site, inappropriate in its surroundings. (The viability of any scheme is particularly important, since scarce public resources are spent to the detriment of other schemes, such as the refurbishment of the LEA swimming pool and the maintenance of highways)

The Parish Council also feels that this proposal is premature in that it comes before any firm proposals to improve the access infrastructure and the implementation the Flood Alleviation Scheme: the diversion of the Yazor Brook: the Parish Council is in no doubt that this proposal will exacerbate Hereford's problem with flooding unless the Flood Alleviation Scheme is fully implemented and also feels that no permission should be granted before these two issues are addressed.

The Parish Council urges decision makers to give serious consideration to the views of Senior Landscape Officer and of the Environment Agency included in this application

The Parish Council is disappointed that with the opportunity to create such a new facility, no account has been taken of the green issues, such as water harvesting and solar heating, both issues which are being addressed in the planning policies of the future.

If, despite the above, together with the current economic climate and the dubious prospects for the Edgar Street Grid, this proposal is permitted, the Parish Council would like to see the following conditions imposed:

- that the Roman Road on the stretch between the A4110 and the Stretton Sugwas roundabout should be speed limited to 30mph (with speed cameras if enforcement is deemed difficult)

- that the footpath from Whitecross to King's Acre Halt should be converted into a dual use footpath/cycleway
- that this footpath and cycleway be continued along the A480 to the Stretton Sugwas roundabout
- that the site should be accessible by public transport and/or a park and ride scheme (to concur with the planning policies to reduce the need for car journeys
- that the design should incorporate water harvesting and solar heating
- that landscaping should be addressed seriously and that the opportunity is taken to create attractive features around the site.

5.5 Madley Parish Council: Should the proposal to house the cattle market on this site go ahead, Madley Parish Council believe that it will greatly increase the traffic travelling through Madley and along the Bridge Sollars Road. This route is already used as an unofficial by-pass to Hereford as it is and there is numerous problems with the volume and size of traffic using the Bridge Sollars Road and also road safety issues surrounding the school in Madley, which is situated right on the B4352 through the village.

Therefore, Madley Parish Council would like you to consider improvements to the Bridge Sollars Road, should the cattle market go ahead. These would include addressing the width and safety elements of the road with further strategic passing bays created along its length. The Parish Council would also be grateful if you could provide them with a copy of the projected traffic data for the roads in the area, with the cattle market in this location.

5.6 Stretton Sugwas C E School: Stretton Sugwas is an oversubscribed, successful village school with a number of pupils connected to the farming industry. Although we appreciate the importance of a market on this industry, we are concerned about the significant increase in traffic near to our school.

We recently consulted our parents and involved the pupils in developing a School Travel Plan looking at safer routes to school. One of our main concerns is the lack of pavement connecting Kings Acre Road to the school- locally known as the "missing link". Currently up to 20 children either walk or would consider walking this short distance if it were to be made safer as part of the Cattle Market development.

With the anticipated increase in heavy traffic once the Cattle Market is established and the weight restrictions in place on other routes we feel that this should be a priority for funding as part of this development. We would also like to see a speed limit introduced along this stretch of road.

In addition we would like to see improvements to provide a safer route to school for children living at Roman Way.

5.7 Hereford Civic Society: A summary of the comments received: To uphold due process and compliance with legislation, to preserve loss of life, to prevent pollution, and to prevent damage to property, to maintain a sustainable local business economy and to save the landscape value of Herefordshire, the following HCS representation finds that:

- The proposed cattle market application is non compliant with legislation and should be refused planning permission.
- The application should be called in by the Environment Agency to allow the Secretary of State to Determine the Application. As it is clearly a departure from local, national and European Policy.

- The flood alleviation scheme promoted for the Yazor catchment is not being tied to this application and therefore the proposed application is unsatisfactory in terms of the mitigation of flood risk. On that basis the proposed cattle market should be refused planning permission.
- The proposed application refers to marginal, but increased flood levels within the city of Hereford, (some 15mm in the city centre and 25mm at the Old Wye Bridge), and at the ESG site. Given the substantial flooding area and potential margins of error creep in calculating water volume and flow direction and the stated inaccuracies and instabilities of the model, the proposed cattle market application should be refused planning permission.
- The consultation process and project briefing to assess site options sequentially and subsequent exceptions testing appears to be at odds with statutory legislation required by PPS25 and the wishes of the wider community. On that basis the proposed cattle market should be refused planning permission.
- The unsustainable and unaffordable nature of attributable costs of flood-mitigation engineering-works, that will only safeguard 60 -70% of a 1 in 20 year flood level, and result in a hydro-brake flooding areas near Credenhill and flood waters to rise in the City of Hereford is good reason, to refuse the planning permission.
- The Environment Agency conditions attached to the application are so onerous that they are impossible to comply with, resulting in a cattle market that can never be built. On that basis the proposed cattle market should be refused planning permission.
- The design parameters behind onsite runoff storage does not provide adequate climate change adjustment. Nor does it take account of human error and life cycle maintenance problems and costs to operate within safe margins. The prevention of pollution and future.
- Flood risk could mean the difference between a blocked or unblocked pipe. On that basis the proposed cattle market should be refused planning permission.
- Flood risk is increased due to site runoff from the development increasing above natural levels by 8353%. On that basis the proposed cattle market should be refused planning permission.
- Herefordshire council should recognise that they act for the public as a whole. Council Officers reporting on the application are stating that the proposed new market is non compliant with legislation and that it should be an exemplary scheme in terms of sustainable development. The Council Planning Officer has expressed damning reservations about the project, which have not be addressed. On that basis the proposed cattle market should be refused planning permission.
- Loss of business to business opportunities within the City of Hereford as a result of removing the central market away from the City would be detrimental to the economic vitality and viability of the city centre. On that basis the proposed cattle market should be refused planning permission.
- In order to save Herefordshire Council and the taxpayer from costs associated with a potential third party action triggering judicial review and a potential action at the High Court, (Similar to the Bullinghope housing action). The proposed cattle market should be refused planning permission.

5.8 Twenty three letters of objection have been received, the main points raised are:-

1. Total lack of landscaping in respect of adjoining dwellings.
2. The site chosen will direct traffic along heavily used roads such as Whitecross Road, Kings Acre or Holmer Road causing long holdups at busy times.

3. The revised access details forces all traffic left out of the site and down to the Stretton Sugwas roundabout. This will detrimentally impact upon the adjoining dwellings by forcing traffic to pass the property twice.
4. The revised access road markings will inhibit access and egress to adjoining property.
5. Light pollution from the enhanced access.
6. Increased noise disturbance due to queueing traffic at insocial hours. This already occurs with the nearby car boot sales.
7. Speed limits should be placed on the road which would reduce the need for the enhanced access.
8. Evidence suggests that traffic already travels at speeds greater than 60 mph, therefore the access will be a danger to highway safety.
9. The proposed landscaping is totally inadequate and needs to include the land set aside between the market and boundary hedges.
10. Objection to the felling of the oak tree for the access.
11. The livestock market would irreparably damage the countryside, beautiful views and historic Roman Road.
12. Cycling along Roman Road will become dangerous.
13. Waste disposal and smells will be detrimental to properties in the area.
14. Flooding will still be a major problem.
15. The proposed surface water drainage pond falls outside of the planning application site.
16. The building does not provide value for money in terms of capital costs as against the employment that it would maintain or create.
17. The building has no architectural merit and is a blot on the landscape.
18. Fifty days a year use is not justification for the all year round detriment to the landscape.
19. The access road will prevent water from the north west corner of the field draining into the Yazor Brook and therefore flood adjoining property.
20. There are already sufficient modern markets in Herefordshire and adjoining counties to cater for this need.
21. Lack of clarity regarding the remaining land within the field.
22. The siting of the building will bring disturbance and impact to adjoining residential property.

23. Objections to a flood reservoir in north east corner which will be a muddy eyesore for a large part of the year.
24. Noise and smells will travel and impact on adjacent property.
25. The building is devoid of any meaningful design quality and has the charm of a giant supermarket distribution depot.
26. Early construct start lorries together with site works, dust etc. will create an excessive nuisance.
27. Open times of the market will result in noise generated at the quietest time of the day.
28. The car parking area appears excessive for the amount of vehicles that visit the site for livestock.
29. Restriction on separate sales should be enforced, e.g. car boots etc.
30. No poultry market is provided.

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

6. Officer's Appraisal

- 6.1 A key aspect of the Herefordshire Unitary Development Plan's strategy and the regeneration of the Edgar Street Grid is the relocation of the Hereford Livestock Market. Nationally, the trend has been for livestock markets to relocate out of town, reflecting the increasingly quasi-industrial nature of their core activities and modern requirements for access, health and safety, animal welfare, parking and operational space. In Hereford, the market has been on its present site since the mid 1950's, furthering an obligation under a Charter dating from 1597 to enable the buying and selling of goods and livestock in the city. However, the current market facility has become outdated, and is poorly equipped and located for modern day operations and trading. Relocation to a new site with facilities provided to improved modern standards is proposed in order to address these issues as well as the changing requirements of animal welfare and health and safety legislation. Relocation will ensure a continued role for the market as an important service centre to the local agricultural community, as well as allowing the existing site to be more advantageously used to support and extend the range of services offered by the city centre. To help facilitate relocation, the Hereford Markets Act allows a new market to be formed if required outside and beyond the city boundary limits as defined and restricted under the historic Charter. Therefore the principle to relocate the livestock market is established and enshrined in policy and the historic Charter through the Herefordshire Unitary Development Plan and Hereford Markets Act.
- 6.2 Due to the size and location of the development an Environmental Statement (ES) accompanied the application. The initial failings of this document have been overcome with the submission of the Addendum Report and it can be confirmed that the ES is now considered sound. This now enables the formal consideration of the planning application.
- 6.3 The key issues to be considered are:

1. The Principle of Development and Site Selection
2. Access and Impact of Highway Network
3. Flooding and Water Use
4. Impact on Neighbours
5. Landscape, Ecology and Archaeology
6. Minerals and Waste

The Principle of Development and Site Selection

- 6.4 The relocation of the livestock market forms a key aspect of the Herefordshire Unitary Development Plan and Policy TCR19 specifically refers to the relocation criteria.
- 1) This seeks to ensure that its use is restricted to a livestock market and necessary ancillary uses, this will be conditioned.
 - 2) The size can accommodate the needs of the market, which it can.
 - 3) It is well related to the primary road network; It has access direct onto a new 'A' road with good access to the primary road network and is adequately serviced by the provision of infrastructure and services;
 - 4) Infrastructure and services are available adjacent or nearby the site and can be provided. No statutory agency had identified lack of capacity; sustainable drainage (SUDS) and protection of local watercourses; a SUDS condition will be imposed and protection of the local watercourses will be controlled and protected through the proposed development and conditions.
 - 5) The design and layout respects its surroundings; The design is comparable to agricultural buildings to minimise its impact on the wider landscape. However it must be appreciated that a building of this nature and size will impact and that it is the associated landscaping that will assist in mitigating this impact. This will also be covered in a comprehensive set of conditions. Therefore in broad terms the proposal complies with this policy.
- 6.5 Whilst a poultry market is not included there is ample room on the site for this facility to be provided.
- 6.6 The site was chosen following an identification process that was eventually reduced to six potential sites, all northwest of Hereford City due to the high proportion of traffic visiting the market that originates from that area of the county. The ES confirms that through the consultation process the public expressed a clear preference for this site.

This policy was thoroughly assessed at the Examination in Public of the Herefordshire Unitary Development Plan. At that examination Hereford Civic Society, amongst others, raised no objections to the principle of moving the cattle market out of the city but wanted the Plan to formally identify a site. The Inspector accepted that a criteria based policy as formulated was an acceptable solution. Furthermore he highlighted that relocation onto a new site outside of Hereford City was the way forward and pave the way for the regeneration of the ESG.

Access and Impact on Highway Network

- 6.7 Access to the site has been developed during the processing of the planning application. It involves a T-junction construction with vehicles being able to turn into the site from either direction with a central turning lane for vehicles travelling east towards Hereford. From the access point onto Roman Road vehicles will then travel approximately 150 metres before they then divide into lorry parking to the left and car parking to the right.

- 6.8 On leaving the site, due to slow moving vehicles causing obstructions and therefore impacting on highway safety, all vehicles will be diverted due to junction construction to turn left and travel down to the Stretton Sugwas roundabout causing traffic wishing to travel east having to re-pass the entrance to the livestock market after going around the roundabout. This is the only confirmed and safe method of access that has cleared safety audit reports for a T-junction of this nature. Stretton Sugwas Parish Council and neighbours concerns are noted in this respect; however refusal on highway grounds would not be sustainable given the safety audit clearance.
- 6.9 However the concerns raised are noted and notwithstanding the acceptability of the proposed access arrangements, investigations are being undertaken into a further alternative junction which could have the benefit of allowing vehicles to turn right out of the junction. A verbal update will be given on this matter at the meeting.
- 6.10 The Transportation Team have also assessed the impact of the development on the highway network. In this respect the application also includes provision for the following off-site improvements:
- (a) Pedestrian crossing on Kings Acre Road near to the Kings Acre Halt junction.
 - (b) Footpath provision and restrictions on Tillington Road.
 - (c) Pedestrian focusing of the Canon Pyon traffic lights.

This together with appropriate signage is considered acceptable to mitigate the impact of the development.

Flooding and Water Use

- 6.11 During the early stages of processing this application the Environment Agency formally objected to the proposal due to potential flooding and this formed a major reason why the ES was not considered sound. However following submission of the Addendum Report together with the Supplementary Flood Risk Assessment, the Environment Agency have withdrawn their objection subject to the imposition of suitable conditions. In this respect they require an on-site storage area for surface water of 4365m³. This will be connected to a hydro brake to ensure run-off equates to normal Greenfield rates. This has been identified within the field adjacent to the access. All surface water, with the exception of roof water, will pass through a bypass separator to prevent pollution as required by the Environment Agency. The surface water storage capacity has also been calculated without the benefit of water harvesting that will occur on-site further ensuring that there is no increase in peak run-off rates. The formation of the balancing pond will form part of the biodiversity enhancement of the site and will be included as conditions within the recommendation.
- 6.12 The water use of the site is quite extensive and a borehole licence has been submitted which is subject to appraisal by the Environment Agency. They have not however objected but have confirmed that the applicant will need to ensure the development will not affect any water features. Water usage will be substantially reduced from the existing market and the use of harvested water will assist. However to ensure that sufficient water is available without detriment to existing water features, a condition will be imposed to ensure an adequate water supply is available.

Impact on Neighbours

- 6.13 Due to the scale and nature of the proposed development it will have an impact on the residential properties that adjoin the site. The size of the building which is 11 metres high, 133 metres long and 55 metres wide will have a visual impact and the noise generated by traffic will also impact. However Members will note that the Environmental Health and Trading Standards Manager whilst acknowledging these issues is satisfied they will not be significant and can be controlled under the Environmental Protection Act 1990.
- 6.14 No amount of landscaping will screen the development, however the Conservation Manager (Landscaping) is satisfied that subject to appropriate mitigation its impact will be reduced to an acceptable level. I would suggest that this mitigation is undertaken in conjunction with discussions with the local members and residents.
- 6.15 Lighting of the development will be controlled by conditions with appropriate designs to ensure down lighting and overspill. Junction lighting will be controlled by Transportation but will also take into account adjoining residential property.

Landscape, Ecology and Archaeology

- 6.16 The ES included a Landscape and Visual Assessment undertaken in accordance with agreed procedures. Elements of the initial assessment were inadequate and have now been included within the Addendum Report. Whilst no formal landscaping scheme has been included this can be conditioned to ensure an exemplary scheme. However as mentioned previously further discussions with local members and residents would be beneficial to help lessen the impact of the development through mitigation.
- 6.17 The landscaping scheme will form part of a complete biodiversity plan for the site and include the formation of the balancing pond. The loss of the oak tree due to access requirements does mean the loss of a bat roost. Appropriate mitigation measures with replacement bat houses will be conditioned. Other protected species have been assessed and will be protected in accordance with legislation. Ground nesting birds can be catered for within the set aside areas of the field.
- 6.18 Appropriate archaeological assessments have been undertaken due to the sites location adjacent to a Roman Road albeit a recently rebuilt road. Seventy-five evaluation trenches were excavated across the site, of these only two identified archaeological features in the southern part of the site. The finds are considered to be of late Bronze Age or Iron Age and therefore of only regional significance. The Conservation Manager (Archaeology) is satisfied that subject to a scheme of investigation, the chosen site is good from an archaeological perspective. This will be conditioned.

Minerals and Waste

- 6.19 The site lies within a minerals safeguarding area (MSA) where assuming a site depth of 3.5 metres 400,000 tonnes of sand and gravel could be abstracted. However the quality of the ground is poor. Moreover this development by its very nature would not be incompatible with potential future mineral workings in the remaining MSA resource area. Therefore the impact on mineral resources is considered to be of low significance and limited weight can be attached in the balancing process.

6.20 The scale of this development necessitates a Site Waste Management Plan (SWMP) to ensure resource efficiency and waste minimisation. A draft SWMP has been submitted and will be controlled by means of a condition to ensure best practice.

Conclusion

6.21 The relocation of the livestock market forms the first key staging point in the release of land for the redevelopment of Hereford City Centre under the ESG proposals. The existing market is at the end of its working life and this new market will modernise its operation and impact. The site subject of this application was chosen following an extensive consultation and site evaluation process that ultimately identified six sites of which this was considered as the most appropriate.

6.22 The buildings will sit within the middle of the field and will be enclosed together with the car parking area by a native hedge. Additional landscaping in and around the site of an exemplary nature will be required by negotiation, discussion and conditions together with a Biodiversity Management Plan set aside land and balancing pond are all features that will enhance the setting and improve the impact of the development.

6.23 The balancing pond will also ensure dispersal of surface water at Greenfield rates to ensure no impact on Yazor Brook which has been agreed by the Environment Agency. External materials of the building, Yorkshire boarding under a dark green roof with close boarded cladding for the sales rings will further mitigate the size of the development with fairfaced concrete blockwork providing a relief to the offices, canteen and toilets.

6.24 Finally, access to the development and the requirements for all traffic to turn left out of the site continues to raise major objections to the proposal. At the time of writing this report an alternative junction is being investigated, however its implications are still being considered. However, it should be noted that the access as proposed has passed all of the safety audits and no highway reason for refusal can be justified. A verbal update on this matter will be made at the meeting

RECOMMENDATION

1. **It be recorded that the Environmental Statement Addendum Report and associated documents and consultations on the response to the Environmental Statement Addendum Report and associated documents have been taken into account in the making of this decision.**

2. **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. **E01 (Site investigation – archaeology).**

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan.

4. F03 (Restriction on hours of opening).

Reason: In the interests of the amenities of existing residential property in the locality and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

5. F06 (Restriction on Use).

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

6. 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.

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

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

8. 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.

9. 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.

10. 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.

11. H03 (Visibility splays).

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

12. H05 (Access gates).

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

13. 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.

14. 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.

15. H17 (Junction improvement/off site works).

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

16. H20 (Road completion in 2 years).

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

17. H21 (Wheel washing).

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

18. 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.

19. 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.

20. 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.

21. 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.

22. I18 (Scheme of foul drainage disposal).

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

23. 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.

24. I22 (No surface water to public sewer).

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding so as to comply with Policy DR4 of Herefordshire Unitary Development Plan.

25. I26 (Interception of surface water run off).

Reason: To prevent pollution of the water environment and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

26. I33 (External lighting).

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

27. I41 (Scheme of refuse storage (commercial)).

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

28. I43 (No burning of material/substances).

Reason: To safeguard residential amenity and prevent pollution and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

29. I44 (No burning of materials/substances during construction phase).

Reason: To safeguard residential amenity and prevent pollution and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

30. I51 (Details of slab levels).

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

31. I53 (Storage for manure).

Reason: In order to safeguard the amenity of the occupiers of the adjoining residential property and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

32. I54 (Burning of manure etc).

Reason: In order to safeguard the amenity of the occupiers of the adjoining residential property and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

33. I55 (Site Waste Management).

Reason: In the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policies S10 and DR4 of Herefordshire Unitary Development Plan.

34. K4 (Nature Conservation – Implementation).

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

35. K2 (Nature Conservation – site protection).

Reason: To ensure that the nature conservation interest of the site is protected. So as to comply with Policy NC1 of the Herefordshire Unitary Development Plan.

36. K3 (Barn Conversion – owl box)

Reason: In order not to disturb or deter the nesting or roosting of barn owls which are a species protected by the Wildlife and Countryside Act 1981 and so as to comply with Policies NC5 and NC6 of the Herefordshire Unitary Development Plan.

36. K5 (Habitat Enhancement Scheme).

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

37. Development shall not commence until full surface water drainage details, incorporating sustainable drainage principles, have been submitted in full and approved by the local planning authority. Any approved scheme shall be implemented in accordance with the approved details before the development is completed or occupied.

Reason: To ensure that the new development does not increase the risk of flooding to the site itself or adjacent existing developments.

38. Prior to the commencement of development approved by this planning permission the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors

- potentially unacceptable risks arising from contamination at the site.

- 2) A site investigation scheme and results, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

Reason: To prevent pollution of the water environment.

39. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority, a Method Statement. The Method Statement must detail how this unsuspected contamination shall be dealt with. Thereafter development of the site shall be carried out in accordance with the approved Method Statement.

Reason: To ensure investigation and remediation of any contamination and protect controlled waters.

40. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

41. M10 (Unsuspected contamination).

Reason: To prevent pollution of controlled waters and to comply with Policy DR10 of Herefordshire Unitary Development Plan.

(Note to above - No investigation can completely characterise a site. The condition may be appropriate where some parts of the site are less well characterised than others, or in areas where contamination was not expected and therefore not included in the remediation proposals. Officers should provide reasons for believing there may be previously unidentified areas of contamination at the site, based on the information submitted with the application.)

42. Prior to the development commencing details of proposed means of water supply shall be submitted for approval in writing of the Local Planning Authority.

Reason: To safeguard the amenity of the area and to ensure the development conforms with Policy DR6 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. HN07 - Section 278 Agreement.
- 5. HN17 - Design of street lighting for Section 278.
- 6. HN23 - Vehicular use of public rights of way.
- 7. HN25 - Travel Plans.
- 8. N19 - Avoidance of doubt - Approved Plans.
- 9. N15 - Reason(s) for the Grant of PP/LBC/CAC.

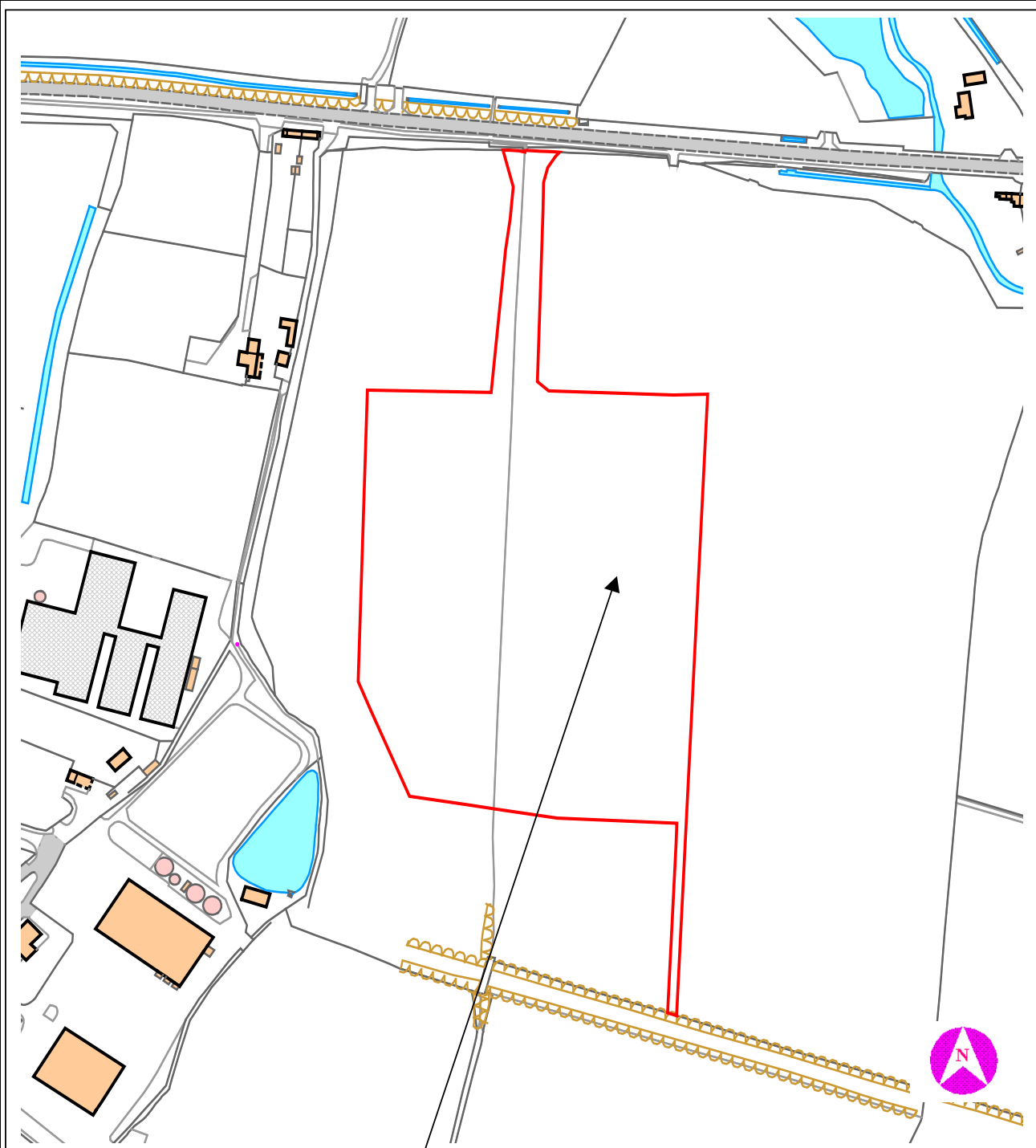
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2008/0262/F

SCALE : 1 : 3400

SITE ADDRESS : Land adjacent to Veldifer Cottages, Roman Road, Stretton Sugwas, Hereford HR4 7AN

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**DCNC2009/0435/CD & DCNC2009/0436/L - PROPOSED
REMOVAL OF EXISTING MINOR EXTENSIONS,
INTERNAL ALTERATIONS AND NEW EXTENSION TO
FORM OFFICES AND COMMUNITY ROOMS FOR RENT
AT GRANGE COURT, PINSLEY ROAD, LEOMINSTER,
HEREFORDSHIRE, HR6 8NL**

**For: S T Walker & Duckham per Herefordshire Council
14 The Tything Worcester WR1 1HD**

Date Received: 12th March 2009 Ward: Leominster South Grid Ref: 49917, 59074

Expiry Date: 7th May 2009

Local Member: Councillor R. Hunt

1. Site Description and Proposal

- 1.1 Grange Court is a Grade II* listed building and is very much a landmark in the town. It is located on the eastern side of The Grange, a large open space at the heart of Leominster and set within a mature landscape. The area is also within Leominster's Conservation Area and the outer precinct of Leominster Priory, the town's only Grade I listed building and also a Scheduled Ancient Monument.
- 1.2 The building is currently used by Herefordshire Council as office accommodation. This use has diminished over recent years as the Council seeks to rationalise the disparate nature of its services. Limited car parking is provided through an area of tarmac directly in the foreground of the building and is accessed via an existing entrance onto Pinsley Road. A large public car park is located approximately 100 metres to the west of the site where parking is free for a limited period. A second free car park is located at the bottom of Broad Street, approximately 300 metres away, where all day parking is available.
- 1.3 The building is also within 200 metres of the town's main shopping area and the area is generally one of frequent public activity with pedestrians either using The Grange as an informal open space or as a through route to and from the town centre.
- 1.4 The history of Grange Court is unusual, and it is this which has brought about its Grade II* listed status. It was originally erected in 1633 at the top of Broad Street in the town and was used as its market hall. The building was designed by John Abel, who later went on to become the King's Carpenter, and features particularly fine carvings throughout the timber frame. Like those in Ross on Wye and Ledbury, it is typically a timber framed structure with panelling and was originally designed with a completely open ground floor.
- 1.5 During the 19th century the building was considered to be a traffic hazard and was dismantled. It was eventually bought by John Arkwright, grandson of the famous industrialist Richard Arkwright, who was also responsible during the same period for the renovation of Hampton Court at Hope Under Dinmore. The building was reconstructed in its current location in 1853 with the purpose of being used as a

Victorian gentlemen's residence. At this time the building was to undergo some significant alterations. The ground floor was enclosed to create two rooms and a central stone staircase added. The previously open space at first floor was sub-divided to create smaller private rooms and significant one and two storey brick extensions added to the side and rear, whilst a detached coach house was newly constructed to the north east.

- 1.6 The application is made by Herefordshire Council and is for the adaptation and extension of Grange Court, including some elements of demolition, to provide a range of uses for community and voluntary organisations and local businesses.
- 1.7 Central to the scheme is the provision of a new extension to Grange Court. This is to take the form of a single storey 'L' shaped addition attached to the southern elevation with wings projecting in both southerly and easterly directions. This is of a contemporary design with mainly flat roofs finished either with lead, or a 'Green Roof System'. A steep mono-pitched roof runs as a band along both roofs and provides an opportunity for high level glazing, ventilation and the installation of solar energy collectors.
- 1.8 Both wings incorporate a high proportion of glazing in order to maximise natural daylight and are otherwise finished in a combination of timber boarding or concrete panels with a rendered finish.
- 1.9 It is intended that the new elements will provide flexible office accommodation, easily adaptable if a particular user requires a larger spaces and easily returned to smaller units as may be necessary.
- 1.10 The wings are linked by a central foyer/reception that gives access to all parts of the building. This attaches directly to the two storey Victorian brick extension which is to be adapted in order to incorporate a new lift and staircase and this gives access in turn to the upper floor of the original timber framed building.
- 1.11 The alterations to Grange Court as it currently exists include the demolition of several brick elements projecting from the north, south and east elevations. As mentioned above, two storey brick extensions to the east are to be retained and incorporated into the revised design of the building, acting primarily as a link between old and new elements.
- 1.12 The most sensitive alterations occur within the timber framed part of Grange Court. A centrally located stone staircase is proposed to be completely removed in order that the rooms at first floor can be opened up to create an open plan function room. The effect at ground floor level is to create an entrance hall with a new double door opposing and leading through to the new staircase beyond. It is anticipated that this part of the scheme will be used for formal functions such as civil wedding ceremonies, concerts, conferences or public meetings.
- 1.13 Externally, the wings combine with the existing boundaries of Grange Court to create a central walled garden, with a second courtyard created through a combination of the east wing and the existing coach house. The latter is to be utilised as an area for parking, accessed via the existing point of entrance to the site from Pinsley Road. In total, 27 car parking spaces are to be provided, including 3 disabled spaces. The plans also indicate the inclusion of cycle parking. An existing service access to the rear of Grange Court, originally intended to serve this parking area, is now simply to continue to be used as a service access.

- 1.14 The plans show that eight trees are to be removed as part of the proposed scheme, and the application is accompanied by an arboricultural survey. The most significant of these is an Austrian Black Pine, which is located to the south of Grange Court and is within seven metres of the proposed south wing. With a root protection zone of 15 metres, this is considered by the applicant to be too close for the long term health and vitality of the tree. The same is applicable to two Yew trees and a Mulberry, all of which are proposed to be removed.
- 1.15 As well as an arboricultural survey, the application is supported by an ecological survey and archaeological evaluation, an architects report and a study of the history and architecture of Grange Court. Details of community involvement and a draft business plan have also been provided and form part of the consideration of the proposal.

2. Policies

2.1 Herefordshire Unitary Development Plan

Policy S7	–	Natural and historic heritage
Policy S11	–	Community facilities and services
Policy DR1	–	Design
Policy DR3	–	Movement
Policy E7	–	Other employment proposals within and around Hereford and the market towns
Policy E8	–	Design standards for employment sites
Policy TCR10	–	Office development
Policy T8	–	Road hierarchy
Policy LA5	–	Protection of trees, woodlands and hedgerows
Policy LA6	–	Landscaping schemes
Policy NC1	–	Biodiversity and development
Policy HBA1	–	Alterations and extensions to listed buildings
Policy HBA4	–	Setting of listed buildings
Policy HBA6	–	New development within conservation areas
Policy ARCH3	–	Scheduled Ancient Monuments
Policy CF5	–	New community facilities

National Guidance

PPG15 – Planning and the Historic Environment

3. Planning History

- 3.1 92/0007 – Proposed construction of council chamber and office wing joining on to Grange Court – Planning permission and listed building consent were approved following referral to the Secretary of State. **This permission has not been implemented.**
- 3.2 77/0893/L – Demolition of buildings to the rear of Grange Court - Withdrawn

4. Consultation Summary

Statutory Consultations

- 4.1 English Heritage – Following the submission of amended plans English Heritage raise no objection to the proposal, subject to conditions relating to matters including the

- submission of further architectural details material and finishes, and a condition relating to the salvaging and re-use of element of the staircase and Lapidarium.
- 4.2 Victorian Society – Have serious concerns regarding the detrimental impact of the works on the special architectural and historic interest of the Grade II* listed building. Strongly object to the proposed works and therefore recommend that permission for this application be refused.
- 4.3 The Society is concerned that the Architects Report states that the 1863 and early 20th century extensions are not considered to be of ‘special interest’. As a result their complete demolition is proposed and this results in the total destruction of the historic floor plan, including the highly decorative 1856-8 main staircase, the servants stair and historic features such as fireplaces. The scheme also includes the removal of a rare example of a Lapidarium, a collection of medieval stonework in the form of a grotto. All of these elements clearly contribute to the special architectural and historic interest of the building and reflect its historic function and incremental development as a 19th century gentlemen’s residence.
- 4.4 The Society comment that such an extensive loss of historic fabric would be contrary to Government guidance in PPG15. It states that consent should not be granted for demolition without the strongest justification. The Society believes that the justification provided for the proposed internal demolition is unsound.
- 4.5 Society for the Protection of Ancient Buildings – Although Grange Court began its existence as a 17th century market hall, its principal significance would now seem to be as a Victorian building. It therefore defers to the Victorian Society for detailed comments on the present scheme. However, although we appreciate that some change of use may be required and feel that a cartilage development of the kind currently proposed may be entirely acceptable, we do not believe it appropriate for Grange Court’s Victorian stairs to be removed.

Internal Council Advice

4.6 Conservation Manager

The building represents Victorian architectural salvage, in itself unusual for the period. Its relocation was into a Victorian parkland setting. Most importantly the building was given a new use being that of a Victorian gentleman’s residence, and again such conversion was unusual for the period. The proposal was completed by the creation of a garden planted to enhance the building and its location within the wider setting of The Grange.

These unique qualities are further enhanced by the fact that it was not any Victorian that undertook the work, but it forms part of the Arkwright family’s legacy to north Herefordshire.

Expresses significant concerns about a number of detailed elements within the present proposal. These relate to:

- The alterations to and loss of fabric within the building, principally the creation of the first floor room and the removal of the staircase.
- The proposed extensions and associated demolition, principally the proposed flat roofed replacement building and the proposed extension southward into the garden area.

- The impact of building works upon the setting of Grange Court and the Grange, principally the loss of six important trees, four of which would normally be recommended for Tree Preservation Order (TPO) status if not in public ownership.
- 4.7 Ecology – Comments awaited
- 4.8 Archaeology – No objections subject to a condition requiring the completion of further archaeological evaluation work.
- 4.9 Transportation Manager – Considers the amended plans to be acceptable with the exception of the use of the rear access by service vehicles. This is not considered to be acceptable because of poor visibility and its use is only acceptable as a pedestrian access.
- 4.10 Manager of Environmental Health and Trading Standards – No objections

5. Representations

- 5.1 Leominster Town Council – No objection subject to the retention of the grotto and well.
- 5.2 The proposal has generated 20 letters of objection and a petition containing 98 signatories. In summary the points raised are as follows:
1. Concerns about highway safety and increased traffic flows along Pinsley Road.
 2. Lack of adequate on-site parking.
 3. The use of the entrance to the rear of Grange Court entirely unacceptable.
 4. The removal of trees to accommodate the proposed extensions is harmful to the setting of Grange Court and will be harmful to local wildlife.
 5. The proposed extensions will spoil the setting of Grange Court as a Grade II* listed building and also its wider contribution to the conservation area.
 6. The proposed demolition works and internal alterations are highly destructive, particularly the removal of the central staircase.
 7. The proposal does not take full account of the building’s architectural history.
 8. In particular, the proposed south elevation is detrimental to the residential amenity of Grange End.
 9. The provision of additional office space in a residential area is not acceptable in a residential area.
 10. The viability of the scheme is questionable.
 11. Would a private individual be permitted to undertake such an extensive development?
 12. Lack of public consultation.
- 5.3 17 letters in support of the proposal have also been submitted. In summary the points raised are as follows:
1. The proposal will secure the long term future of Grange Court.
 2. The proposal will be an asset to the community.
 3. The scheme affords much greater public access to the building than is presently available, including disabled access.
 4. This is a self financing project and will not be a drain on local tax payers.
 5. It is a well-designed scheme that complements Grange Court to much greater effect than its current appendages.
 6. The removal of the staircase allows the first floor to be restored to its original Jacobean function.

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

6. Officer's Appraisal

6.1 The application raises a variety of material planning considerations. This is reflected in the variety and nature of public comment.

6.2 The applications have given rise to a significant number of representations in response to public consultation and opinion is split. Of those in favour, key elements of their comments relate to greater accessibility to the building and the securing of its long term future. Of those in objection, the recurring comments are in relation to issues of highway safety and increased traffic along Pinsley Road, impact on the setting of Grange Court both through the addition of an inappropriate extension and through the loss of mature trees, and that the viability of the scheme is in question.

6.3 Similarly, opinion is split between the Council's Conservation team, who object to the level of intervention proposed, and English Heritage, who have interpreted the advice contained within PPG15 more flexibly and have attached more weight to the desire to secure a future use for the building and one that allows a community use with much greater public access than is currently available.

6.4 In essence there are four key issues that influence the determination of the applications, and these are as follows:

1. The integrity of the listed building
2. The design and appearance of the proposed extensions
3. The loss of important trees
4. Highways and other matters

The Integrity of the Listed Building

6.5 At the heart of this difference of opinion is an intellectual debate about the justification for Grange Court's Grade II* listing. On one hand it is recognised that the original timber framed market building is a particularly fine example of the work of John Abel. The listing description for the building goes into some detail about the fine detailing of the external framing. Very little mention is made of its interior.

6.6 However, but for the intervention of Richard Arkwright the building would potentially have been lost completely. The significance of this, and consequently the alterations and additions that were made in 1853, should not therefore be downplayed.

6.7 The position taken in this debate significantly influences the perception of the scheme. The comments from English Heritage place a much greater emphasis on the importance of the 17th century origins of the building, and to a lesser extent the 19th century alterations. Allied to the public benefit that they consider will be derived from the scheme they conclude that the principle of the scheme is acceptable. The amendments and additional information regarding the design of the first floor function room address outstanding concerns from its original consultation response.

6.8 The Council's Conservation Manager has expressed strong reservations about the scheme, stating that it is contrary to PPG15 which states that:

- 6.9 In principle the aim should be to identify the optimum viable use that is compatible with the fabric, interior, and setting of the historic building. This may not necessarily be the most profitable use if that would entail more destructive alterations than other viable uses.
- 6.10 *The best use will very often be the use for which the building was originally designed, and the continuation or reinstatement of that use should certainly be the first option when the future of a building is considered.*
- 6.11 The advice in PPG15 goes on to suggest that later features should not be removed merely to restore a building to an earlier form and, perhaps most notably, that the removal of any historic staircase is not normally acceptable.
- 6.12 If one considers that the use that the building was designed for is residential, it is clear that its sale to a private individual and continued use as such would not give rise to any public access. Whilst the scheme does involve some significant alterations to the building it will ensure that it has a meaningful and ongoing public function.
- 6.13 A detailed business plan has been prepared by the Leominster Area Regeneration Company (LARC), in close liaison with the Council's own Economic Development Department. Its analysis is based on sound research and economic modelling and it is concluded that the report provides a fair and accurate projection of the potential success and viability of the scheme if it were to be approved.

Design and Appearance of the Proposed Extensions

- 6.14 Opinion about the design and appearance of the proposed extensions is, to a certain degree, subjective. However, Policies HBA1, 4 and 6 of the Unitary Development Plan provide a guide in terms of the scale, massing and design of proposals, (i.e. to be subservient to the host building). The extensions are all single storey and are considered to be subservient in terms of their scale and mass. Indeed, they are less intrusive than the scheme approved by the Secretary of State in 1992. Whilst that determination pre-dates the adoption of PPG15 (September 1994), the basic principles of considering the impact of a proposal on a listed building and a conservation area are fundamentally unchanged.
- 6.15 The design incorporates sustainable methods such as maximising the use of daylight through high level windows and ventilation, and the installation of photovoltaic cells. Concerns regarding the choice of materials could, if approved, be satisfied through the imposition of appropriate conditions.

The Loss of Important Trees

- 6.16 The arboricultural report submitted as part of the application advises that the most prominent tree, an Austrian Black Pine, is in late maturity and therefore has a medium term life expectancy between 20-40 years. It is considered to be in fair condition, with some defects that may render it vulnerable to breakage. As a result the tree is categorised as having moderate retention value. The southern extension will be well within its root protection area and it is possible that this will curtail its life expectancy further. Alternative foundation designs to minimise the impact on the tree's root system would result in the new build having a higher floor level than currently proposed and this is not considered to be acceptable.
- 6.17 Similar comments are made about two Yew trees that have grown under the canopy of the Austrian Black Pine and the report concludes that they too have a moderate

retention value. The report concludes that the removal of the trees, together with a Mulberry, is justified.

- 6.18 The survey has been undertaken by a fully qualified arboriculturalist. Given that the trees that have been identified as important appear to have only a limited lifespan, a balanced judgement has to be drawn between their retention at the expense of a scheme and secures the continued use of Grange Court. Whilst it is regrettable that the trees are to be removed, your officers conclude that their removal is warranted in this instance. It may be possible that the Mulberry could be transplanted and this may be an option to be explored as part of a landscaping scheme if planning permission and listed building consent are to be forthcoming. In some circumstances the proposed loss of these trees would be sufficient in its own right to justify the refusal of a planning application. In isolation that is the case here. However given the conclusions reached earlier on the integrity of the listed building it is not considered appropriate in this case to recommend a refusal of the application solely on this matter.

Highways and Other Matters

- 6.19 A number of technical concerns were originally raised by the Council's Transportation Manager regarding the layout of parking areas, provision of cycle parking and the use of the rear access. The majority of these issues have been addressed through the submission of amended plans. Conditions could be imposed regarding the provision of appropriate cycle storage facilities. In light of the ongoing concern of the Transportation Manager about the use of the rear access, it is recommended that a condition be imposed to limit its use to pedestrian only.
- 6.20 Concerns about limited parking provision need to be assessed in the context that the site is within a conservation area and relates to a listed building where greater flexibility can be allowed with regards to parking on the basis of its potential impact on their setting, character and appearance. Additionally, the building is within relatively close proximity to two free car parks, one of which is available for 24 hour parking.
- 6.21 The concerns about Pinsley Road being used as a 'rat run' have been acknowledged by the Council independently from this proposal. The Council's Highways Department is currently in the process of considering proposals for a temporary Traffic Regulation Order (TRO) to restrict access from Pinsley Road through to Church Street.
- 6.22 The current parking arrangements for Grange Court allow for 16 vehicles to be parked on site. This will rise to 27 if planning permission is granted for the scheme and as a result there would be additional traffic movements along Pinsley Road. However, the concerns raised by the Transportation Manager with regards to intensification of use related only to the use of the rear access and not that of Pinsley Road more generally.
- 6.23 Of the other issues raised, the proposal is not considered to have a detrimental impact on the amenity of Grange End. The gable end of the extension is opposed by a blank elevation in the dwelling and a brick wall. The simple issue of proximity of one to the other does not give rise to any demonstrable detrimental impact in this respect.

Summary

- 6.24 In summary, there is a very fine balance to be struck between the harm that will be caused to the building by virtue of the proposed internal alterations, the addition of the extensions, the removal of at least four significant trees, and the benefit that is to be derived from securing a meaningful future use for it, its increased community use and

the public access that will result if planning permission and listed building consent are granted.

6.25 The proposal will secure a long term use for a building with an uncertain future. It would be inappropriate for Leominster's most prominent building to stand empty. The level of alteration that is proposed is not ideal. However, it does ensure the continued use of the building and therefore, on balance, the scheme is considered to conform to the spirit of PPG15 and the Council's own policies regarding listed buildings and conservation areas. It is also regrettable that a number of mature trees are to be removed as part of the proposed scheme, but in light of the findings contained within the arboricultural report, this too is considered to be justified.

6.26 As the building is Grade II* listed there is a legislative requirement to refer to application for listed building consent to the Secretary of State for the Department of Communities and Local Government if the Council is minded to approve the application. The same requirement does not apply to the application for planning permission. However, it would be pertinent to refrain from issuing any decision until the SoS has made a decision with regard to the listed building application.

RECOMMENDATION

That: a) planning permission be granted subject to the following conditions; and,

b) that the application for listed building consent is referred to the Secretary of State for the Department of Communities and Local Government with a recommendation that the Council is minded to approve the application 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 B03 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

3 D03 (External Elevations)

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 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.

5 D05 (Details of external joinery finishes)

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

6 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.

7 D19 (Items to be Re-used)

Reason: To ensure the safeguarding of the special architectural or historic interest of the building and to comply with the requirements of Policy HBA1 of Herefordshire Unitary Development Plan.

8 D24 (Recording)

Reason: To ensure that the fabric which forms part of the special architectural or historic interest of the building is preserved by record where it would be lost as a result of the approved works in accordance with current government guidance and Policy HBA1 of Herefordshire Unitary Development Plan.

9 E01 (Site investigation – archaeology)

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan.

10 G02 (Retention of trees and hedgerows)

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

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

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

12 G10 (Landscaping scheme)

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

13 G11 (Landscaping scheme – implementation)

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

14 H29 (Secured 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.

15 Notwithstanding the plans hereby approved, the rear access shown to be used by service vehicles shall be retained only for use by pedestrians. Details of its treatment shall be submitted to and approved in writing by the local planning authority before development commences. The access shall be altered in accordance with the approved details before the building is first brought into use.

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

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.

17 I32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

18 I41 Scheme of refuse storage (commercial)

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

LISTED BUILDING CONSENT**1 D01 Time limit for commencement (Listed Building Consent)**

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

2 B03 Amended plans

Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

3 D03 External Elevations

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 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.

5 D05 Details of external joinery finishes

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

6 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.

7 D19 Items to be Re-used

Reason: To ensure the safeguarding of the special architectural or historic interest of the building and to comply with the requirements of Policy HBA1 of Herefordshire Unitary Development Plan.

8 D24 Recording

Reason: To ensure that the fabric which forms part of the special architectural or historic interest of the building is preserved by record where it would be lost as a result of the approved works in accordance with current government guidance and Policy HBA1 of Herefordshire Unitary Development Plan.

INFORMATIVES:

1 N15 – Reason(s) for the Grant of Planning Permission

2 N19 – Avoidance of doubt – Approved Plans

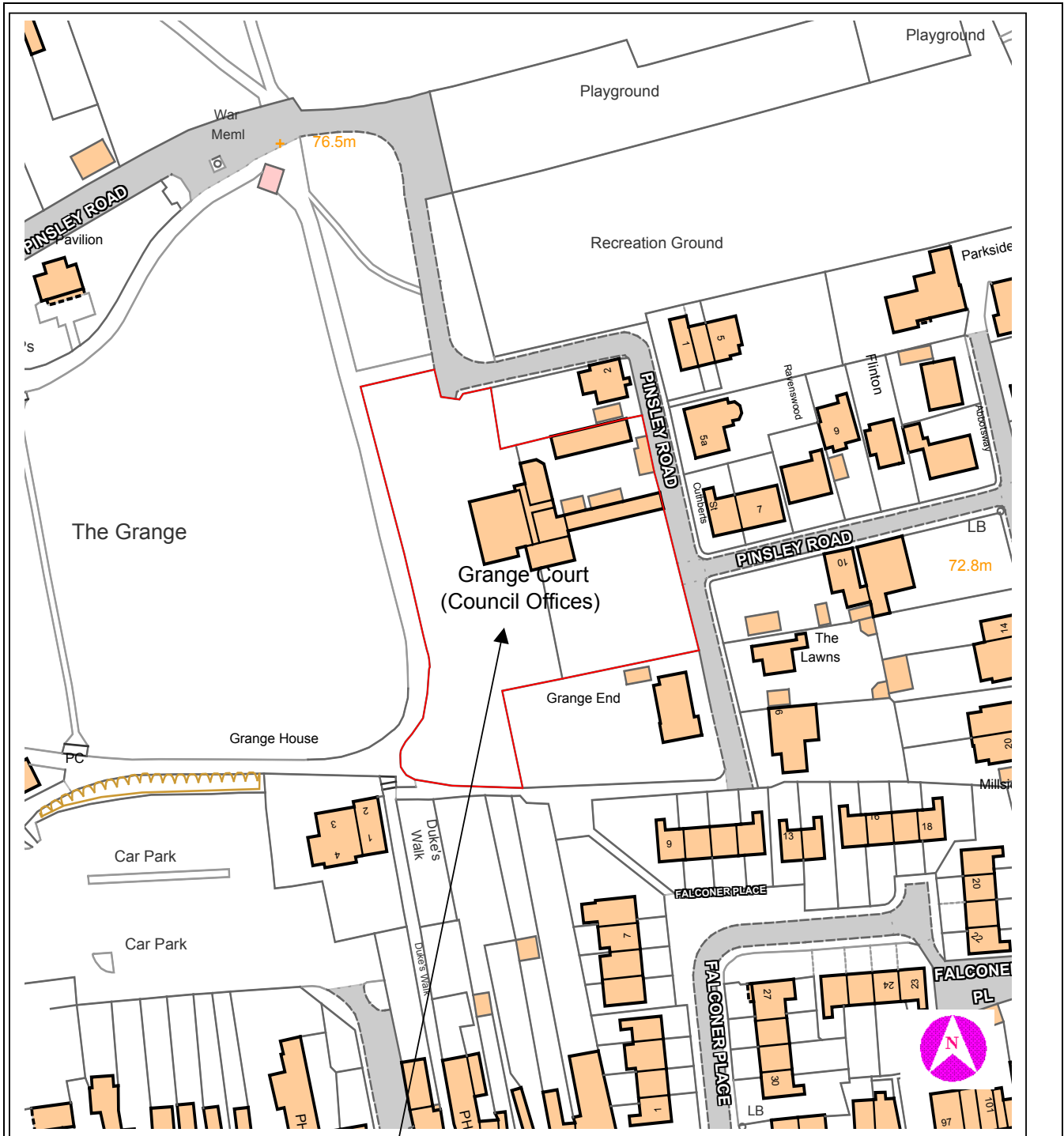
Decision:.....

Notes:.....

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Background Papers

Internal department consultation replies.



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APPLICATION NO: DCNC2009/0435/CD

SCALE : 1 : 1250

SITE ADDRESS : Grange Court, Pinsley Road, Leominster, Herefordshire, HR6 8NL

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DCNC2009/0168/F - PROPOSED CHANGE OF USE FROM AGRICULTURAL TO A SITE FOR THE ACCOMMODATION OF SEASONAL AGRICULTURAL WORKERS IN MOBILE HOMES AND DEMOUNTABLE PORTABLE BUILDINGS AND SPORTS PITCH ON LAND AT BRIERLEY COURT FARM, BRIERLEY, HEREFORDSHIRE HR6 0NU

For: S & A Produce (UK) Limited, Antony Aspbury Associates, 20 Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW

**Date Received: 28th January 2009 Ward: Leominster South Grid Ref: 48947, 56010
Expiry Date: 29th April 2009**

Local Member: Councillor R Hunt

1. Site Description and Proposal

- 1.1 The application site lies on the south side of the u/c 93600 road, approximately 500m west of Brierley. The site is rectangular in shape, and flat in nature. It is set back from the road, behind a field proposed to be used to site polytunnels, and a bunded sewage treatment works. Both of these areas are subject to separate planning applications. The site measures approximately 250 x 340 metres, amounting to approximately 7.5 hectares in total, of grades 1 and 2 agricultural land.
- 1.2 The site does not benefit from any special landscape designation and the Landscape Character Assessment defines the site as lying within an area of Principal Settled Farmlands, a landscape that is resilient to change.
- 1.3 The scheduled Ancient Monument, Ivington Camp Hillfort, lies approximately 1 Km to the south-west. The rivers Arrow and Little Arrow approximately 1 Km and 0.5 Km to the north. A number of public rights of way cross the applicant's land and also bound it to the east and west from which the site would be visible.
- 1.4 The application is for the change of use of land for the siting of accommodation to be used for seasonal agricultural workers. The applicant's agent has been advised that should planning permission be granted, a further application for the associated operational development, including the laying out of access tracks and the construction of an amenity building, will be required.
- 1.5 The plans submitted show the siting of 500 two person residential 'pods' with 40 associated service units providing kitchen and bathroom facilities. The pods are laid out in single storey terraces, grouped around a series of grassed squares within which the service units are located.
- 1.6 The applicant's agent requests that the Council considers the imposition of a three year time period for the re-organisation and completion of their accommodation strategy in

order that they can move from the current mix of caravans, portacabins and pods on an adjacent unauthorised site, and also allow for the submission of a further application for the operational development as described above.

1.7 The application is accompanied by a range of supporting documents and these are listed as follows:

- Design and Access Statement
- Town Planning Statement
- Statement of Community Engagement
- Economic Appraisal of the S&A soft fruit business at Brook Farm, Marden and Brierley Court Farm, Brierley
- Landscape and Visual Appraisal
- Ecological Impact Assessment
- Outline Landscape and Ecological Management Plan
- Flood Risk Assessment
- Water Resources Evaluation

1.8 A Unilateral Undertaking was also submitted by the applicant and received by the local planning authority on 3rd June 2009 in relation to a woodland management plan for an area of land owned by the applicant and included as part of the application site to the north that is currently a Poplar plantation. The plan seeks to ensure the retention of a belt of woodland that will continue to screen the proposal whilst increasing the bio-diversity of the area.

2. Policies

National Guidance

- 2.1 PPS1 - Delivering Sustainable Development
 PPG4 - Industrial and Commercial Development and Small Firms
 PPS7 - Sustainable Development in Rural Areas
 PPG11 - Regional Planning
 PPG13 - Transport

Herefordshire Unitary Development Plan 2007

- 2.2 Policy S1 - Sustainable Development
 Policy S2 - Development Requirements
 Policy S4 - Employment
 Policy DR2 - Land Use and Activity
 Policy DR3 - Movement
 Policy DR13 - Noise
 Policy DR7 - Flood Risk
 Policy H7 - Housing in the Countryside Outside Settlements
 Policy H8 - Agriculture and Forestry Dwellings and Dwellings Associated with Rural Businesses
 Policy E10 - Employment Proposals Within or Adjacent to Main Villages
 Policy E13 - Agricultural and Forestry Development
 Policy HBA4 - Setting of Listed Buildings
 Policy LA2 – Landscape Character and Areas Least Resilient to Change
 Policy LA3 - Setting of Settlements
 Policy CF2 - Foul Drainage

3. Planning History

3.1 This is one of three applications currently being considered. The other two are for the retention of a sewage treatment plant (DCNC2009/0166/F) and for the erection of fixed Spanish polytunnels (DCNC2009/0167/F).

3.2 The following applications are all considered to be relevant to the determination of this application as they show the planning history in relation to the entirety of the applicant's land in relation to the development of their soft fruit growing business:

NC2004/0224/S - Construction of new access roads - Prior approval not required - 06/02/2004

NC2004/0321/F - Construction of amenity building, toilet buildings and site works for 300 unit caravan standing (change of use) for farm workers accommodation - Refused 12/05/2004 and dismissed on appeal.

3.3 In dismissing the appeal the Inspector concluded that the proposal would have an unacceptably damaging impact on the quality of the landscape, particularly in that its regimented layout would result in a harsh, imposing and alien form of development, and that the increased level of noise and activity of the inhabitants of the site would intrude upon the peaceful nature of the location, harming the tranquillity of the countryside.

3.4 Furthermore, whilst the Inspector concluded that there was a need to accommodate a temporary workforce within a reasonable distance of the site used for strawberry growing, she was not convinced that the proposal was fully justified due to the fact that the appellant had failed to consider whether there were any other alternative solutions. Without any such special justification, the Inspector concluded that a development that would seriously damage the character and appearance of the countryside was unacceptable.

3.5 NC2004/0902/F - Proposed sewage treatment plant and pumping station - Refused 12/05/2004 and dismissed on appeal.

3.6 NC2007/1801/S - Proposed general purpose storage building for the housing of irrigation equipment - Prior approval required - 06/07/2007

3.7 DCNC2008/0155/F - Proposed use of land for the siting of seasonal agricultural workers accommodation (caravans and pods), construction of amenity building and associated works at The Fisheries, Elm Green, Brierley Court Farm - Refused 07/05/2008

3.8 The application was refused for the following reasons:

1. The need for this development is dependent upon the use of the land at Brierley Court Farm for soft fruit production under polytunnels. At the time at which this application has been determined, no planning permission exists for the siting of polytunnels on the land, and those which are currently on the site are subject to enforcement proceedings. In the absence of any lawfully sited polytunnels, the long term use of the land for the production of soft fruit is not assured and therefore the siting of 576 caravans, accommodation pods, service pods and an amenity building

cannot be justified. Accordingly the proposal is contrary to Policy H8 of the Herefordshire Unitary Development Plan.

2. The site lies within an area defined by the Council's Landscape Character Assessment as Riverside Meadow. In the absence of an overriding need for the accommodation, the proposal has an unacceptably adverse visual impact which will detract from the character of this landscape particularly by virtue of the introduction of 576 caravans, accommodation pods and service pods and a large amenity building into a landscape characterised by its open nature and absence of built structures. The proposal is thereby contrary to Policy LA2 of the Herefordshire Unitary Development Plan.
 3. In the absence of an ecological survey of the site, the local planning authority is unable to assess the impact of the proposal on its ecology, whether it will affect any recognised protected species and if so what mitigation strategies will be employed to ensure its acceptability. As a result the proposal is contrary to Policy NC1 of the Herefordshire Unitary Development Plan.
- 3.9 DCNC2008/0167/F - Retention of sewage treatment plant - Refused 14/05/08

4. Consultation Summary

Statutory Consultations

Natural England

- 4.1 We consider significant effects on the SAC to be unlikely. However, given the unfavourable condition of the River Lugg and the sites hydrological connections to it, we recommend the production of a Habitat Regulations Assessment screening report to formally assess the likelihood of any significant effects on the SAC.

Provided this recommendation is achieved and significant effects are not found to be likely we would have no objection to the application.

English Heritage

- 4.2 Has commented both in its capacity in relation to the historic built environment and that of archaeology. Their comments in relation to each are as follows:
- 4.3 Historic Buildings Inspector - Raises no objection to the proposal and advises that the application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.
- 4.4 Inspector of Ancient Monuments - Considers that the proposal will affect the landscape setting of Ivington Camp and recommends that if the local planning authority is minded to approve the application that mitigation to remove the visual impact of the scheme is carefully designed.

Environment Agency

- 4.5 Raise no objection to the proposal. The Agency is satisfied that the sewage treatment plant has sufficient capacity to deal with the proposed occupancy levels and the site has a 'consent to discharge' which was granted in May 2005. A condition is

recommended to ensure that surface water run-off shall be limited to the relevant Greenfield run-off rate in accordance with the submitted Flood Risk Assessment.

River Lugg Drainage Board

- 4.6 Raise no objection to the proposal as it will have no direct effect on its interests or operations, nor will it affect watercourses under the Board's operational control. A condition relating to the management of surface water drainage is recommended.

Internal Council Advice

- 4.7 Transportation Manager

Remains concerned about pedestrian traffic between the site and Leominster. Despite the welcome provision of buses, there will still be many people walking to and from Leominster. Any assemblage of 1000 people will have travel needs outside the times the buses operate, and to potentially different places.

Given the unfortunate fatality on the B4361, there is still a need to improve the pedestrian route between the site and Leominster. A detailed survey would be necessary to confirm exactly where improvements are required, depending on the condition of the route at the time the permission is granted.

- 4.8 Conservation Manager

- 4.9 Historic Buildings - Listed buildings are sufficiently remote and there will be no visual harm to their immediate setting. No objection.

- 4.10 Archaeology - The new location of the 'seasonal workers accommodation site' is very close to where significant Roman and other remains were found previously, and also close to areas of high potential for medieval / post medieval finds at Brierley Court. Therefore, there may be issues regarding damage to below ground archaeology here, and more information about the sensitivity of the site is required.

- 4.11 Ecology - No objection to the proposal subject to the imposition of conditions.

- 4.12 Landscape - The landscape and Visual Impact Assessment submitted with the application is fair and accurate and is carried out in accordance with recognised guidance and good practice. The assessment identifies an impact on the character of the landscape and it is therefore reasonable to secure some form of mitigation.

It is not considered that the impact of the development is sufficient reason to refuse the application. The landscape proposals represent the minimum necessary to mitigate their impact and there remains an unresolved negative impact resulting from the potential felling of the Poplar plantation to the north of the site.

- 4.13 Environmental Protection Manager - No objection subject to the imposition of a condition to require the submission of details of any external lighting.

- 4.14 Public Rights of Way Manager - The proposal would not appear to significantly affect the use and enjoyment of the various public rights of way from which views across the site are available.

The proposed planting to mitigate the impact on the public rights of way will take time to mature and there will continue to be moderate visual impacts. However, this is not significant and there is no objection to the proposal.

- 4.15 Land Drainage Engineer - Suggests that the additional hardstanding will produce additional surface runoff volume and this will need to be attenuated to accommodate the 1 in 100 year +20% storm event. Further information is required about the type of attenuation storage that is proposed.

5. Representations

- 5.1 Leominster Town Council - Raise no objection but suggest that the accommodation and community building should be operational in the first season.

- 5.2 Arrow Valley Residents Association (AVRA) - Object to the application on the following grounds:

- The application is flawed and incomplete
- Lack of an Environmental Impact Assessment
- Adverse landscape impact
- No proof of need for the accommodation

The objection submitted by AVRA also includes a 170 signatory petition.

- 5.3 Leominster Civic Society - Object to the application on the following grounds:

- That it will adversely affect the landscape
- The proposed land use would waste large areas of agricultural land
- The proposal is unsustainable
- The development does not provide suitable employment opportunities for the County's teenagers
- It will damage small businesses dependent upon tourism
- Highway safety issues both in terms of high volumes of traffic and as a hazard for site workers walking along the road

- 5.4 CPRE - Object to the application. Concern is expressed about the scale of the proposal and that it will be out of character with the character of the agricultural rural scene. They also comment that the proposal is likely to give rise to traffic problems.

- 5.5 Campaign for Polytunnel Control - Object to the application. The proposal will be detrimental to the residential amenities of residents of Brierley and that residential development on this scale would not normally be permitted.

- 5.6 39 letters of objection have been received in response to the public consultation process. In summary the points raised are as follows:

- Adverse landscape impact
- Unnecessary use of high quality agricultural land
- Permanent residential development of this nature and at this scale is not appropriate in a rural area - the proposal equates to a new town
- The business could quite readily take place on brownfield or industrial land
- The site of the old hop buildings should be used to accommodate temporary workers

- Nothing has changed since the Inspector's decision to dismiss the appeal in 2005
- Increased pressure on local services
- Concerns about highway safety
- The proposal will not have the significant economic benefits suggested by the applicant
- The scale of the accommodation required does not equate to the need demonstrated on other sites in the county.
- There are no details of the community building. The application is therefore incomplete
- The proposal will damage the local tourism economy
- If permitted the development would be capable of accommodating twice as many people. Conditions to regulate this would be unenforceable
- Fear of crime and intimidation
- Lack of an Environmental Impact Assessment

5.7 Eight letters of support have been received. In summary the points raised are as follows:

- The applicant has made every effort to consult with neighbours and stakeholders
- The plans include landscape mitigation, which requires significant investment
- Labour requirements must be accommodated on site due to a lack of low cost housing in the locality
- The company makes a significant contribution to the local economy and uses local businesses

5.8 Two non-committal letters have also been received. They ask that if the committee is minded to grant permission, that it thinks carefully about the conditions that it imposes and ensures that they are monitored and robustly enforced. One letter suggests that the colour of the pods should be the subject of a condition.

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

6. Officer's Appraisal

6.1 The Council has issued a Screening Opinion as to whether the proposal constitutes EIA(Environmental Impact Assessment) development. The Screening Opinion concludes that the proposal does not constitute EIA Development and therefore an Environmental Statement has not been requested. This is in accordance with the First Secretary of State's conclusion in his letter of 29th December 2004 in relation to the earlier appeal where he directed that the development for which permission was sought was not EIA development. This proposal is no so significantly different in terms of its scale or effects to warrant any different outcome.

6.2 Notwithstanding the concerns raised by some of the objectors about the lack of an EIA, it should not be a determining factor as to whether or not planning permission is granted.

6.3 In determination of this application the main issues would appear to be as follows:

- The justification for residential accommodation in the countryside

- The impact on visual amenity and character of the area, including upon the Scheduled Monument
- Ecological issues
- Highway safety

Justification for Accommodation in the Countryside

6.4 In determining the appeal in 2005 the Inspector stated that:

“...it is clear that the Appellant relies upon a very large temporary workforce, the size of which peaks from mid May to mid July...”

- 6.5 However, one of the main criticisms levelled by her was that the applicant's were operating other sites without the need for on-site accommodation (Wickton and Wharton) and had not considered any other options for providing accommodation for workers.
- 6.6 In response to this the applicant's agent has prepared a supplementary document that relates to the operational need and justification for on-site workers accommodation. The report advises that the applicant has undertaken and continues to conduct regular reviews of local property agents' databases, but these rarely reveal any suitable properties.
- 6.7 The report goes on to suggest that, notwithstanding the availability of suitable properties, it will often be the case that properties will require planning permission for multiple occupational use. Reference is made to an application made in 2002 to use a former nursing home to house seasonal workers. This was refused on amenity grounds.
- 6.8 Enquiries were also made about the possibility of using land at Moreton Business Park at a similar time. The site became unavailable to the applicant and has since been designated as land with a commercial use in the adopted Unitary Development Plan.
- 6.9 On balance, the applicant's agents' assessment of the situation is fair and accurate. The business employs 100 permanent staff and relies on large influxes of seasonal workers. The numbers identified by the applicant are significantly less than those considered by the Inspector at the time of the appeal in 2005, primarily due to the switch to table top growing which is seen to be more efficient. The number of workers required were not in question in 2005 and there is no evidence to suggest that workers will be employed anywhere other than on the application site.
- 6.10 Your Officers understand that the applicant recently undertook a recruiting campaign in the local area with advertisements in local newspapers and job centres. It is understood that this resulted in just 20 enquires. Therefore the applicant seemingly has little option but to rely on seasonal labour recruited mostly from Eastern European Countries under the Home Office approved Seasonal Agricultural Workers Scheme.
- 6.11 There are not large areas of vacant land available to the business. The only area of any significant size within reasonable proximity to the application site is land that is as yet undeveloped on the Leominster Enterprise Park, but this is also allocated for commercial use in the Unitary Development Plan. The application referred to evidences the assertion that applications for change of use to dwellings in multiple occupation will often give rise to objections and refusal of planning permission.

6.12 It is therefore concluded that the need for accommodation in this location is justified and that the applicant has demonstrated to the satisfaction of your Officers that there are no alternative options for housing such a large workforce, even in a dispersed fashion, within the local area.

Landscape Impact

6.13 The site is not located within a landscape with any national designation and is characterised as Principal Settled Farmland in the Council's Landscape Character Assessment, a landscape that is resilient to change.

6.14 Almost without exception, the letters of objection received express concern that provision of 500 pods to accommodate workers is tantamount to the creation of a new village in the open countryside, is contrary to policy and will be detrimental to the appearance and views across the landscape for some distance.

6.15 The Landscape Officer has fully considered the Landscape and Visual Impact Assessment submitted with the application and carried out in accordance with adopted guidelines. He acknowledges that the proposal will have some visual impact, as indeed does the submitted Landscape Assessment, but also highlights the fact that the area does not have any landscape designation. He is satisfied that the mitigation measures proposed are sufficient to negate the impact subject to appropriately worded conditions.

6.16 A fundamental part of this mitigation strategy relates to the long-term management over a 30 year period of the Poplar plantation with its expressed intentions being to:

- Create a wet and broadleaved woodland
- Diversify tree species and encourage the creation of new habitats
- To filter views of the site from elevated positions on the southern fringes of Leominster
- Enhance the setting and ecological value of the river corridors
- Enhance the visual and landscape quality of the woodland, particularly where the public have access through or near it.

6.17 The plantation is in itself a rather alien feature in the landscape. A detailed plan that secures its replanting with native species and its active management over a 30 year period is considered to represent a positive enhancement of the landscape and the biodiversity of the local area. The resulting woodland would exist as a feature in the landscape well beyond the change of use that this application proposes, particularly as it is anticipated that any planning permission is granted for a limited period.

6.18 The applicant has decided to actively promote this through the submission of a Unilateral Undertaking. At the time of writing the report the undertaking is being scrutinised by the Council's Legal Services Department. Assuming that its contents are in order, it would have to be signed and sealed prior to the issue of any planning permission if the committee is minded to approve this application.

6.19 The existence of the Scheduled Ancient Monument at Ivington Camp and the impact upon it is also assessed. The comments from English Heritage acknowledge that there will be an impact its setting and refer to the need for a carefully designed mitigation strategy.

- 6.20 It is noted that in dismissing the appeal in 2005 the Inspector highlighted the fact that the regimented layout of the proposed accommodation at that time would result in a harsh, imposing and alien form of development, and that the increased level of noise and activity of the inhabitants of the site would intrude upon the peaceful nature of the location, harming the tranquillity of the countryside.
- 6.21 This proposal can only be acceptable on the basis that planning permission is granted for the polytunnels, as they provide the justification for seasonal workers accommodation. If the former are considered to be acceptable in accordance with the officer's recommendation (DCNC2009/0168/F), then the visual impact of allowing a change of use of the land to site the pods should be considered cumulatively. Whilst the Inspector's concerns about the appearance of the site are noted and fully understood, this is the fundamental difference between the two proposals. Indeed, she noted in her conclusions that:
- "...it is not necessary to consider the impact of the polytunnels in determining these appeals and that to do so would prejudge any future application for the retention of the polytunnels."*
- 6.22 The application site would be surrounded by polytunnels and it is considered unreasonable to suggest that, on this basis, the proposal would cause such harm to the character or appearance of the landscape to warrant refusal of the application in its own right.
- 6.23 It is therefore concluded that the visual impact and impact upon the character of the countryside more generally are not sufficient reasons to warrant the refusal of this proposal. The submission and implementation of a landscape management plan is required by condition in relation to the application for the polytunnels and, should that application be approved, it is not considered necessary to replicate the same condition here as the scheme will benefit from the improved landscaping that results.

Ecological Issues

- 6.24 Many of the issues relating to the ecology of the site are inter-linked with the landscape improvements proposed through the woodland management plan referred to above. Its implementation and completion will represent a long term improvement to the biodiversity of the area and is something that would be unlikely to be achieved in isolation. Its inclusion is therefore considered to represent significant mitigation in terms of ecological enhancement as well as landscape improvement.
- 6.25 The Habitats Regulations Assessment (HRA) Screening Report has been completed and it concludes that there will be no impact on the River Lugg or River Wye SAC due to their distance away from the application site.

Highway Safety

- 6.26 Concerns about highway safety arise not from traffic movements in relation to the business, as these have minimal impact on the local area because of the service track that gives direct access onto the B4361, but from the advent of workers on the site walking along the road into Leominster.
- 6.27 The Transportation Manager has referred to a fatal accident involving a pedestrian and on the basis of this recommends that there is a need for a detailed survey from which further improvements could be made to secure pedestrian safety.

6.28 This is considered to be entirely reasonable and necessary as the development will result in pedestrian movements along the B4361 that would not occur without the development. A Grampian condition requiring the completion and submission of a survey to the local planning authority, and then the completion of improvement works within a specified period is seen as an appropriate way to address this particular matter.

Other Issues

6.29 The comments from the Environment Agency and the Council's own Land Drainage Engineer highlight the potential for additional surface water runoff to be created by the proposal. Accordingly a condition to limit this is recommended.

Summary

6.30 Your officers consider that a sufficient case has been made to justify the accommodation that is proposed. In coming to this conclusion a fall back position has been taken into account which sees a similar number of caravans and/or pods sited on the land for a season as a permitted use of the land. Clearly this situation has been the source of debate for a number of years on this site, but nevertheless it is realistic to expect that the applicant would rely on these permitted development allowances if planning permission is not forthcoming. The visual harm that this would cause could not be mitigated.

6.31 The granting of a temporary planning permission in conjunction with one to permit the erection of Spanish polytunnels on the surrounding land will give an opportunity to secure a detailed landscape mitigation regime through the imposition of conditions and through the acceptance of the Unilateral Undertaking, and this is considered to outweigh the harm that will be caused.

RECOMMENDATION

Subject to the completion of the Unilateral Undertaking as submitted by the applicant in accordance with the provisions of Section 106 of the Town & Country Planning Act 1990 in relation to the provision of a Woodland Management Plan, the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers.

1. F21 (Temporary permission (mobile home/caravan))

Reason: To enable the local planning authority to retain effective control over the site and to re-assess the need for on-site workers accommodation and to conform with Policy H7 of the Herefordshire Unitary Development Plan.

2. The occupation of the pods shall be limited to persons employed at Brierley Court Farm, Brierley and shall be limited to a maximum of two persons per pod.

Reason: Planning permission has only been granted for the farming requirements of Brierley Court Farm and to conform with Policy H7 of the Herefordshire Unitary Development Plan.

3. Prior to the commencement of development the colour of the accommodation pods shall be agreed in writing with the local planning authority.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that order with or without modification no other caravans or pods shall at any time be placed on the land which is under the control or ownership of the applicant as defined by Drawing No. 1856/29. Those currently located on land lying to the west of the application site shall be permanently removed within 12 months of the date of this permission.

Reason: In order to clarify the terms of this planning permission and to maintain control over the scale of accommodation provided in the interests of visual amenity and to conform with Policy LA2 of the Herefordshire Unitary Development Plan.

5. Within three months of the date of this permission the applicant shall complete and submit to the local planning authority a survey of the B4361. The survey should identify areas where pedestrian safety is currently compromised and propose methods for its improvement. The approved works shall be completed within three months of their written approval by the local planning authority.

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

6. All surface water shall be limited to the relevant Greenfield run-off rate, with attenuation for the 1% plus climate change storm event, in accordance with the Flood Risk Assessment (Ref:P:\SAD Brierley Court (5795)\FRA v0.3.doc), dated November 2008. Details of the methods to be introduced for attenuation storage shall be submitted to and approved in writing by the local planning authority before the use hereby approved is first commenced.

Reason: To prevent flood risk and ensure sustainable disposal of surface water run-off and to conform with Policy DR7 of the Herefordshire Unitary Development Plan.

Informatives:

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

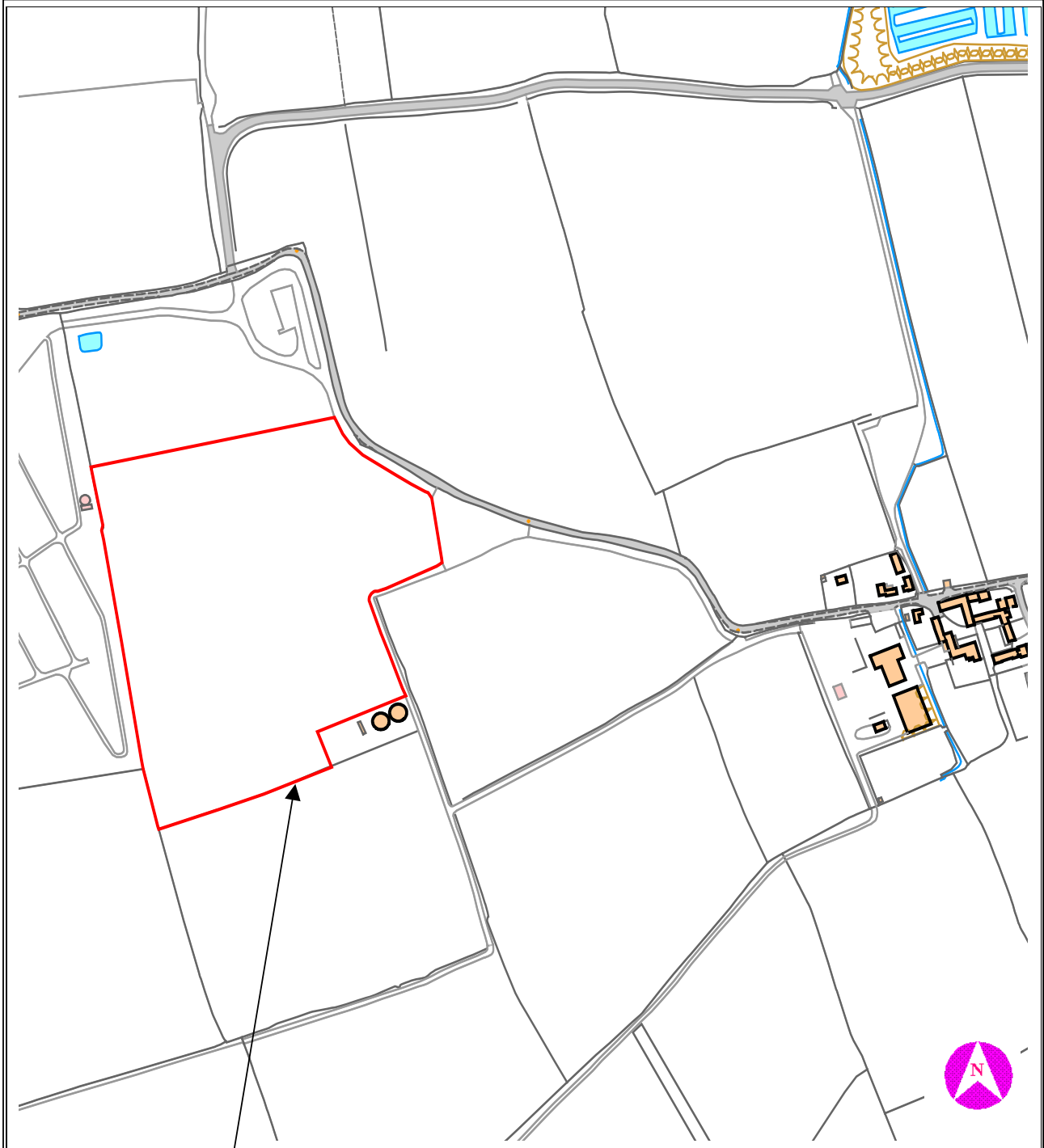
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCNC2009/0168/F

SCALE : 1 : 5001

SITE ADDRESS : Land at Brierley Court Farm, Brierley, Herefordshire HR6 0NU

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Further information on the subject of this report is available from Mr A Banks on 01432 383085

DCNC2009/0167/F - APPLICATION (PART RETROSPECTIVE) TO ERECT FIXED (NON ROTATING) SPANISH POLYTUNNELS OVER ARABLE (SOFT FRUIT) CROPS GROWN ON TABLE TOPS AT BRIERLEY COURT FARM, BRIERLEY, LEOMINSTER, HEREFORDSHIRE, HR6 0NU

For: S & A Produce (UK) Limited per Antony Aspbury Associates 20 Park Lane Business Centre Park Lane Basford Nottingham NG6 0DW

Date Received: 28th January 2009 Ward: Leominster South Grid Ref: 49238, 56182

Expiry Date: 29th April 2009

Local Member: Councillor R Hunt

1. Site Description and Proposal

- 1.1 The application relates to an area of land to the west of the village of Brierley, amounting to 67 hectares of Grade 1 and 2 agricultural land. The land lies to the north and south side of the u/c 93600 road and is largely flat, although it does begin to rise at its most southerly fringes towards Brierley Wood
- 1.2 The site does not benefit from any special landscape designation and the Landscape Character Assessment defines the site as lying within an area of Principal Settled Farmlands, a landscape that is resilient to change.
- 1.3 The scheduled Ancient Monument, Ivington Camp Hillfort, lies approximately 1 Km to the south-west. The rivers Arrow and Little Arrow approximately 1 Km and 0.5 Km to the north. A number of public rights of way cross the applicant's land and also bound it to the east and west from which the site would be visible.
- 1.4 The proposal is to erect 67 hectares of Spanish polytunnels on the land described above. The tunnels are 7.5 metres wide with a maximum height of 4.5 metres. They are constructed of galvanised steel and covered with a clear plastic membrane. Suspended beds are to be hung from the frame, within which strawberries and other soft fruits are grown.
- 1.5 The premise of the application is that the tunnels are to be fixed permanently in one position rather than rotated as has previously occurred. The application site as identified by the red line encompasses all of the applicant's land and the planning statement supporting the application advises that there is a willingness to accept a condition precluding the siting of polytunnels on any other field parcels other than those applied for.
- 1.6 The application is accompanied by a range of supporting documents and these are listed as follows:
 - Design and Access Statement

- Town Planning Statement
- Statement of Community Engagement
- Economic Appraisal of the S&A soft fruit business at Brook Farm, Marden and Brierley Court Farm, Brierley
- Landscape and Visual Appraisal
- Ecological Impact Assessment
- Outline Landscape and Ecological Management Plan
- Flood Risk Assessment
- Water Resources Evaluation

- 1.7 A Unilateral Undertaking was also submitted by the applicant and received by the local planning authority on 3rd June 2009 in relation to a woodland management plan relating to the area that is currently a Poplar plantation. The plan seeks to ensure the retention of a belt of woodland that will continue to screen the proposal whilst increasing the bio-diversity of the area.
- 1.8 The Council has also issued a Screening Opinion as to whether the proposal constitutes EIA (Environmental Impact Assessment) development. The Screening Opinion concludes that the proposal does not constitute EIA Development and therefore an Environmental Statement has not been requested.

2. Policies

National Guidance

PPS7 - Sustainable Development in Rural Areas
Rural Spatial Strategy (RSS)

- PA14 – Economic Development and Rural Economy
- PA15 – Agricultural and Farm Diversification

Herefordshire Unitary Development Plan 2007

S1	-	Sustainable development
S4	-	Employment
S7	-	Natural and historic heritage
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR6	-	Water resources
DR7	-	Flood risk
DR11	-	Soil quality
DR13	-	Noise
E6	-	Expansion of existing businesses
E8	-	Design standards for employment sites
E10	-	Employment proposals within or adjacent to main villages
E13	-	Agricultural and forestry development
T6	-	Walking
LA2	-	Landscape character and areas least resilient to change
LA3	-	Setting of settlements
LA5	-	Protection of trees, woodlands and hedgerows
LA6	-	Landscape schemes
NC1	-	Biodiversity and development
NC5	-	European and nationally protected species
NC6	-	Biodiversity action plan priority habitats and species

- NC7 - Compensation for loss of biodiversity
- NC8 - Habitat creation, restoration and enhancement
- NC9 - Management of features of the landscape important for fauna and flora
- HBA4 - Setting of listed buildings

Supplementary Planning Documents

Polytunnels – Adopted 5th December 2008

3. Planning History

3.1 This is one of three applications currently being considered. The other two are for the retention of a sewage treatment plant (DCNC2009/0166/F) and for the provision of seasonal workers accommodation (DCNC2009/0168/F).

3.2 The following applications are all considered to be relevant to the determination of this application as they show the planning history in relation to the entirety of the applicant's land in relation to the development of their soft fruit growing business:

NC2004/0224/S - Construction of new access roads - Prior approval not required - 06/02/2004

NC2004/0321/F - Construction of amenity building, toilet buildings and site works for 300 unit caravan standing (change of use) for farm workers accommodation - Refused 12/05/2004 and dismissed on appeal.

3.3 In dismissing the appeal the Inspector concluded that the proposal would have an unacceptably damaging impact on the quality of the landscape, particularly in that its regimented layout would result in a harsh, imposing and alien form of development, and that the increased level of noise and activity of the inhabitants of the site would intrude upon the peaceful nature of the location, harming the tranquillity of the countryside.

3.4 Furthermore, whilst the Inspector concluded that there was a need to accommodate a temporary workforce within a reasonable distance of the site used for strawberry growing, she was not convinced that the proposal was fully justified due to the fact that the appellant had failed to consider whether there were any other alternative solutions. Without any such special justification, the Inspector concluded that a development that would seriously damage the character and appearance of the countryside was unacceptable.

NC2004/0902/F - Proposed sewage treatment plant and pumping station – Refused 12/05/2004 and dismissed on appeal.

NC2007/1801/S - Proposed general purpose storage building for the housing of irrigation equipment - Prior approval required - 06/07/2007

DCNC2008/0155/F – Proposed use of land for the siting of seasonal agricultural workers accommodation (caravans and pods), construction of amenity building and associated works at The Fisheries, Elm Green, Brierley Court Farm – Refused 07/05/2008

3.5 The application was refused for the following reasons:

The need for this development is dependent upon the use of the land at Brierley Court Farm for soft fruit production under polytunnels. At the time at which this application has been determined, no planning permission exists for the siting of polytunnels on the land, and those which are currently on the site are subject to enforcement proceedings. In the absence of any lawfully sited polytunnels, the long term use of the land for the production of soft fruit is not assured and therefore the siting of 576 caravans, accommodation pods, service pods and an amenity building cannot be justified. Accordingly the proposal is contrary to Policy H8 of the Herefordshire Unitary Development Plan.

- 3.6 The site lies within an area defined by the Council's Landscape Character Assessment as Riverside Meadow. In the absence of an overriding need for the accommodation, the proposal has an unacceptably adverse visual impact which will detract from the character of this landscape particularly by virtue of the introduction of 576 caravans, accommodation pods and service pods and a large amenity building into a landscape characterised by its open nature and absence of built structures. The proposal is thereby contrary to Policy LA2 of the Herefordshire Unitary Development Plan.
- 3.7 In the absence of an ecological survey of the site, the local planning authority is unable to assess the impact of the proposal on its ecology, whether it will affect any recognised protected species and if so what mitigation strategies will be employed to ensure its acceptability. As a result the proposal is contrary to Policy NC1 of the Herefordshire Unitary Development Plan.

DCNC2008/0167/F – Retention of sewage treatment plant – Refused 14/05/08

4. Consultation Summary

Statutory Consultations

Natural England

- 4.1 We consider significant effects on the SAC to be unlikely. However, given the unfavourable condition of the River Lugg and the sites hydrological connections to it, we recommend the production of a Habitat Regulations Assessment screening report to formally assess the likelihood of any significant effects on the SAC.
- 4.2 Provided this recommendation is achieved and significant effects are not found to be likely we would have no objection to the application.

English Heritage

- 4.3 Has commented both in its capacity in relation to the historic built environment and that of archaeology. Their comments in relation to each are as follows:

Historic Buildings Inspector

- 4.4 Raises no objection to the proposal and advises that the application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.

Inspector of Ancient Monuments

- 4.5 Considers that the proposal will affect the landscape setting of Ivington Camp and recommends that if the local planning authority is minded to approve the application that mitigation to remove the visual impact of the scheme is carefully designed.

Environment Agency

- 4.6 Raise no objection to the proposal. The Agency is satisfied that the sewage treatment plant has sufficient capacity to deal with the proposed occupancy levels and the site has a 'consent to discharge' which was granted in May 2005. A condition is recommended to ensure that surface water run-off shall be limited to the relevant Greenfield run-off rate in accordance with the submitted Flood Risk Assessment.

River Lugg Drainage Board

- 4.7 Raise no objection to the proposal as it will have no direct effect on its interests or operations, nor will it affect watercourses under the Board's operational control. A condition relating to the management of surface water drainage is recommended.

Internal Council Consultations

Transportation Manager

- 4.8 On the basis of the amended information raises no objection to the proposal.

Conservation Manager

- 4.9 Historic Buildings – Listed buildings are sufficiently remote and there will be no visual harm to their immediate setting. No objection.

- 4.10 Ecology – No objection to the proposal subject to the imposition of conditions.

- 4.11 Landscape – The landscape and Visual Impact Assessment submitted with the application is fair and accurate and is carried out in accordance with recognised guidance and good practice. The assessment identifies an impact on the character of the landscape and it is therefore reasonable to secure some form of mitigation.

- 4.12 It is not considered that the impact of the development is sufficient reason to refuse the application. The landscape proposals represent the minimum necessary to mitigate their impact and there remains an unresolved negative impact resulting from the potential felling of the Poplar plantation to the north of the site.

Public Rights of Way Manager

- 4.13 The proposal represents a significant improvement over the previous management of the site. No objections are raised on the basis of the submitted plans, which include plans and cross sections of the treatment of areas around the footpath, subject to condition.

Land Drainage Engineer

- 4.14 The surface water runoff for a range of storm events is proven to be no worse between this proposal and a scenario where the land is left as a meadow, hence the erection of polytunnels will have no effect on existing surface water drainage.

5. Representations

5.1 Leominster Town Council – Recommends approval and welcomes the proposals in so far that the area of polytunnels is to be reduced from its present extent, subject to conditions that their covering is translucent green, that permission is temporary for a three year period and that consideration is given to flooding.

5.2 Arrow Valley Residents Association (AVRA) – Object to the application on the following grounds:

- The application is flawed and incomplete
- Lack of an Environmental Impact Assessment
- Adverse landscape impact

The objection submitted by AVRA also includes a 170 signatory petition.

5.3 Leominster Civic Society – Object to the application on the following grounds:

- That it will adversely affect the landscape
- The proposed land use would waste large areas of agricultural land
- The proposal is unsustainable
- The development does not provide suitable employment opportunities for the County's teenagers
- It will damage small businesses dependent upon tourism
- Highway safety issues both in terms of high volumes of traffic and as a hazard for site workers walking along the road

5.4 CPRE – Object to the application. Concern is expressed about the scale of the proposal and that it will be out of character with the character of the agricultural rural scene. They also comment that the proposal is likely to give rise to traffic problems.

5.5 Campaign for Polytunnel Control – Object to the application. The proposal will be detrimental to the residential amenities of residents of Brierley and that residential development on this scale would not normally be permitted.

5.6 39 letters of objection have been received in response to the public consultation process. In summary the points raised are as follows:

- Adverse landscape impact
- Unnecessary use of high quality agricultural land
- The business could quite readily take place on brownfield or industrial land
- Concerns about highway safety
- Increased pressure on local services
- The proposal will not have the significant economic benefits suggested by the applicant
- The scale of the accommodation required does not equate to the need demonstrated on other sites in the county.
- The proposal will damage the local tourism economy
- Lack of an Environmental Impact Assessment

5.7 Eight letters of support have been received. In summary the points raised are as follows:

- The applicant has made every effort to consult with neighbours and stakeholders
- The plans include landscape mitigation, which requires significant investment
- Labour requirements must be accommodated on site due to a lack of low cost housing in the locality
- The company makes a significant contribution to the local economy and uses local businesses

5.8 One non-committal letter has also been received. It asks that if the committee is minded to grant permission, that it thinks carefully about the conditions that it imposes and ensures that they are monitored and robustly enforced.

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

6. Officer’s Appraisal

6.1 PPS7 recognises the important and varied roles of agriculture, including the maintenance and management of the countryside. It also acknowledges that policies should support development that enables farming and farmers to

- i) become more competitive, sustainable and environmentally friendly
- ii) adapt to new and changing markets
- iii) comply with changing legislation and associated guidance
- iv) diversity into new agricultural opportunities
- v) broaden their operations to ‘add value’ to their primary produce.

6.2 It is under this set of guidance together with UDP policy that the planning application will be considered with the key identified issues being:

- 1) Visual Impact
- 2) Vehicular Movements and Capacity of Local Highway Network
- 3) Local Jobs and Economic Development
- 4) Ecological Interest and Habitat Regulations
- 5) Hydrological and Flooding Issues
- 6) Footpaths and Bridleways
- 7) Tourism

Visual Impact

6.3 Polytunnels are an emotive issue. Almost without exception the letters of objection received express concern that the placing polytunnels on 67 hectares of land will be detrimental to its appearance and views across the landscape for some distance. However from a farmer’s perspective they prolong the growing season and harvest potential of a crop. As with all planning applications a balance has to be made of all of the material considerations, and these are just two of them.

6.4 The Landscape Officer has fully considered the Landscape and Visual Impact Assessment submitted with the application and carried out in accordance with adopted guidelines. He acknowledges that the proposal will have some visual impact, as indeed does the submitted Landscape Assessment, but also highlights the fact that the area does not have any landscape designation. He is satisfied that the mitigation measures proposed are sufficient to negate the impact subject to appropriately worded conditions.

- 6.5 As well as areas of proposed planting within the fields where the polytunnels are to be located, a fundamental part of this mitigation strategy relates to the long-term management over a 30 year period of the Poplar plantation to the north, with its expressed intentions being to;
- create a wet and broadleaved woodland
 - diversify tree species and encourage the creation of new habitats
 - to filter views of the site from elevated positions on the southern fringes of Leominster
 - enhance the setting and ecological value of the river corridors
 - enhance the visual and landscape quality of the woodland, particularly where the public have access through or near it.
- 6.6 The plantation is in itself a rather alien feature in the landscape. A detailed plan that secures its replanting with native species and its active management over a 30 year period is considered to represent a positive enhancement of the landscape and the biodiversity of the local area. The resulting woodland would exist as a feature in the landscape well beyond the lifespan of the polytunnels, particularly as it is anticipated that any planning permission would be granted for a limited period.
- 6.7 The applicant has now been able to confirm that there is no longer a requirement for the plantation to be felled by 2018 as he is not bound by a Forestry Commission Grant Scheme as was first thought, therefore he has decided to actively promote the active management of the area through the submission of a Unilateral Undertaking. At the time of writing the report the undertaking is being scrutinised by the Council's Legal Services Department. Assuming that its contents are in order, it would have to be signed and sealed prior to the issue of any planning permission if the committee is minded to approve this application.
- 6.8 The existence of the Scheduled Ancient Monument at Ivington Camp and the impact upon it is also assessed. The removal of polytunnels from the slopes of rising ground towards Brierley Wood and Ivington Camp is welcomed as it is considered to reduce the impact of the development. This is also reflected in the comments from English Heritage who have raised no objection to the proposal.
- 6.9 The planning statement originally submitted with the application advised that the intention was to retain the polythene on the tunnels permanently. The applicant's agent was advised that this did not accord with the Council's Supplementary Planning Document and it has now been agreed that the polythene will be removed for four months in any one calendar year. This will occur in the winter months when the screening afforded to the site through hedges and trees are at their least effective due to lack of foliage. Precise details of this can be secured by condition.
- 6.10 It is therefore concluded that the visual impact of the proposal is not sufficient to warrant the refusal of the application and that, subject to conditions the impact of the polytunnels can be mitigated. The long term management and replacement of the Poplar plantation is key to this, and its replacement is considered to be of some benefit in landscape and biodiversity terms.

Vehicular Movements

- 6.11 The retention of permanent polytunnels on this site will reduce the need for farm vehicles on the adjoining public highways as all of this site can be serviced from internal farm tracks. Indeed, pressure on the unclassified road through Brierley village

has been eased significantly by the access track that was approved under the agricultural notification procedure in 2004. This gives access onto the B4361 and is used by all traffic visiting the site.

- 6.12 In light of the additional information received regarding traffic movements, the Transportation Manager raises no objection to the application and, primarily for the reason described above, is considered to be acceptable in this respect.

Local Jobs and Economic Development

- 6.13 The application is accompanied by an economic appraisal of the applicant's business and an economic model – Local Multiplier 3 (LM3) – has been applied. Some of the letters of objection have levelled considerable criticism at the way in which it has been applied, suggesting that the financial benefits that the report concludes will be derived are vastly over-inflated. In response to these comments the applicant's agent has submitted a further statement defending the application of the model. This has been open to further public consultation and no further comments have been received.

- 6.14 Planning policies at national, regional and local levels recognise the importance of the agricultural sector. Planning Policy Statement 7 advises authorities to support development proposals that enable farming to become more competitive, sustainable and environmentally friendly and to adapt to changing markets. Herefordshire is part of a Rural Renaissance Zone defined in the Regional Spatial Strategy for the West Midlands. Policy PA15 seeks to promote agriculture and farm diversification, including new and innovative crops, on-farm processing and local marketing.

- 6.15 Policy E13 of the Unitary Development Plan deals with agricultural development and the supporting text refers to the need to balance landscape impact against the operational needs of agriculture, recognising that necessary developments are often prominent in the rural landscape.

- 6.16 Polytunnels have two main benefits to British growers:-

- They protect developing fruit from rain damage, thereby greatly reducing losses from rot and fungus whilst allowing continual picking at harvest-time, unconstrained by the weather; and
- They extend the growing season without the need for additional heating or lighting

- 6.17 According to the national soft fruit trade association British strawberry and raspberry production has increased more than five-fold since 1996; most of that growth being attributed to the use of polytunnels. Ninety per cent of strawberries and 98% of raspberries are now grown under polytunnels, compared with no raspberries and 4% of strawberries just over ten years ago. The use of polytunnels has allowed the applicant to supply a growing demand for fresh fruit.

- 6.18 A further indication of the transformation that has taken place in British soft fruit growing is that in 1996, 60% of UK sales were supplied by domestic growers, whereas in 2007, 95% of all berries sold in the UK were grown in the UK. The substitution of local fruit for imported fruit has therefore resulted in significant sustainability benefits of reducing the international transportation of fruit by air and road (the food miles issue). Nationally, it is calculated that import substitution in 2007 is valued at £110 million. Undoubtedly the applicant's business has contributed to this national figure.

- 6.19 Soft fruit picking and packing is a labour intensive activity and this was accepted by the Inspector in 2005. Notwithstanding the difference in opinion between the applicant's economic appraisal and the views expressed by some objectors, the applicant's business at Brierley Court and Brook Farm, Marden has made a positive contribution to the rural economy. The business employs 100 permanent staff and relies on large influxes of seasonal workers. Clearly such employment levels could not be generated by, say, arable farming. Seasonal labour is recruited mostly from Eastern European Countries under the Home Office approved Seasonal Agricultural Workers Scheme. The applicant recently undertook a recruiting campaign in the local area with advertisements in local newspapers and job centres. It is understood that this resulted in just 20 enquires. It is proposed to accommodate seasonal workers in 'pods' on the applicant's land and the application for this runs parallel to this proposal. Clearly the seasonal workers spend a proportion of their wages locally, making a positive contribution to the local economy.
- 6.20 In addition to the above, it is clear that the business at Brierley Court purchases goods and services from local businesses. This is evidenced in the planning application by letters of support from local agricultural suppliers that benefit directly from the success of the business.
- 6.21 Notwithstanding the arguments about the application of the LM3 economic model, it is concluded that there will be some considerable economic benefit from this proposal. This is a material planning consideration and, on balance, it is one that is considered to have some significant weight when assessing the proposal against other material issues.

Ecological Issues

- 6.22 The ecological interests of the site have been fully assessed by the Council's Ecologist and Natural England. The application has also been subject to a Habitat Regulations Assessment Screening Report.
- 6.23 Many of the issues relating to the ecology of the site are inter-linked with the landscape improvements proposed through the woodland management plan referred to above. Its implementation and completion will represent a long term improvement to the biodiversity of the area and is something that would be unlikely to be achieved in isolation. Its inclusion is therefore considered to represent significant mitigation in terms of ecological enhancement as well as landscape improvement.
- 6.24 The Habitats Regulations Assessment (HRA) Screening Report has been completed and it concludes that there will be no impact in terms of pollution from surface water run-off on the River Lugg or River Wye SAC due to their distance away from the application site and as a result of the proposed surface water management measures.
- 6.25 The existence of a Badger sett on the applicant's land has also been identified and is addressed by a confidential report that accompanies the application. The Council's Ecologist also recommends the imposition of a full method statement during the construction of the polytunnels to comply with relevant legislation and to ensure that the sett is not disrupted.

Hydrological and Flooding Issues

- 6.26 The Environment Agency, River Lugg Drainage Board and the Council's own Land Drainage Engineer have assessed the water regime for the development and are both

satisfied that, subject to active management of surface water drainage, the proposal is acceptable. This can be imposed by means of an appropriately worded condition to ensure any surface water run-off is discharged at Greenfield run-off rates, also taking into account climate change and storm events.

Footpaths

- 6.27 The proposal will affect the use and enjoyment of public footpaths ZC85, ZC86, ZC87 and ZC89, which cross the application site. There will also be views across the site from other rights of way in the area.
- 6.28 The rights of way service have worked closely with the applicant to resolve problems that have previously arisen, and in formulating the detail of the treatment of footpaths in this application.
- 6.29 Plans submitted with the application detail the treatment of areas around footpaths, both in section and plan. There is clear separation of footpaths from vehicle movements and polytunnel structures, and a minimum path width of 3 metres has been provided, much greater than the minimum width of 1.5 metres for a field edge path, and minimum 1 metre width for a cross field path.
- 6.30 Whilst the immediate visual impact of the polytunnels will remain, its significance will be reduced by the reduction in the total area of land under polytunnels, greater separation of the tunnels themselves from each of the paths, and the proposed planting regime to soften visual perspectives.

Tourism

- 6.31 The concerns relating to tourism are noted however, as stated a precedent would not be set if permission is granted for this site. This site is relatively well concealed and the expansion of polytunnels across Herefordshire should not inhibit the development of this relatively constrained site. It is therefore considered that in this instance the benefits to agriculture and the local economy outweigh the limited harm of this site to tourism.

Summary

- 6.32 The concerns of the objectors are noted, together with the impact of the polytunnels on the landscape. However this is a well-chosen site that together with further mitigation measures will be acceptable and comply with the guidance in PPS7, the policies contained within the Herefordshire Unitary Development Plan and the Council's own supplementary planning document on polytunnels. A series of conditions have been referred to throughout the appraisal of the proposal and it is recommended that these are applied should planning permission be forthcoming. It is also recommended that, due to the changing nature of agriculture and to enable the local planning authority to retain effective control over the site, a condition is imposed limiting the permission to a period of ten years, after which time the polytunnels should be removed from the land and it be returned to its former condition.

RECOMMENDATION

Subject to the completion of the Unilateral Undertaking as submitted by the applicant in accordance with the provisions of Section 106 of the Town & Country Planning Act

1990 in relation to the provision of a Woodland Management Plan, the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers.

1 F20 (Temporary permission and reinstatement of land)

Reason: In order to clarify the terms under which this permission is granted and in accordance with Policies DR1, LA2 and E13 of the Herefordshire Unitary Development Plan.

2 The polythene shall be removed by 31st October each year and not replaced until or after 1st March in the following year unless otherwise agreed in writing by the local planning authority.

Reason: In order to protect the visual amenity of the area in accordance with Policy LA2 of the Herefordshire Unitary Development Plan.

3 Within three months of the date of this decision, a full habitat management and enhancement scheme (based upon the Outline Landscape and Ecological Management Plan dated December 2008) shall be submitted to the local planning authority for written approval. This shall include mitigation and protection measures for protected species. The scheme shall be implemented as approved and continued thereafter unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the protection of European and nationally designated sites and to comply with Herefordshire Council's Unitary Development Plan Policies NC2 and NC3. To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, & C) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 of Herefordshire Council's Unitary Development Plan. To comply with Herefordshire Council's Policies 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.

4 No polytunnels shall be erected within 2 metres of the centre line of a public right of way or 3 metres in the case of a bridleway.

Reason: In order to protect the Public Right of Way in accordance with Policy T6 of the Herefordshire Unitary Development Plan.

5 The Public Right of Way shall be maintained strictly in accordance with the submitted drawings L09, L10A, L10B, L11A and L11B unless otherwise agreed in writing by the local planning authority.

Reason: In order to protect the Public Right of Way in accordance with Policy T6 of the Herefordshire Unitary Development Plan.

6 All surface water shall be limited to the relevant Greenfield run-off rate, with attenuation for the 1% plus climate change storm event, in accordance with the Flood Risk Assessment (Ref:P:\SAD Brierley Court (5795)\FRA v0.3.doc), dated November 2008, unless otherwise agreed in writing by the local planning authority.

Reason: To prevent flood risk and ensure sustainable disposal of surface water run-off and to conform with Policy DR7 of the Herefordshire Unitary Development Plan.

7 H30 (Travel plans)

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

8 G10 (Landscaping scheme)

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

9 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 HN25 - Travel Plans**
- 4 HN26 - Travel Plans**

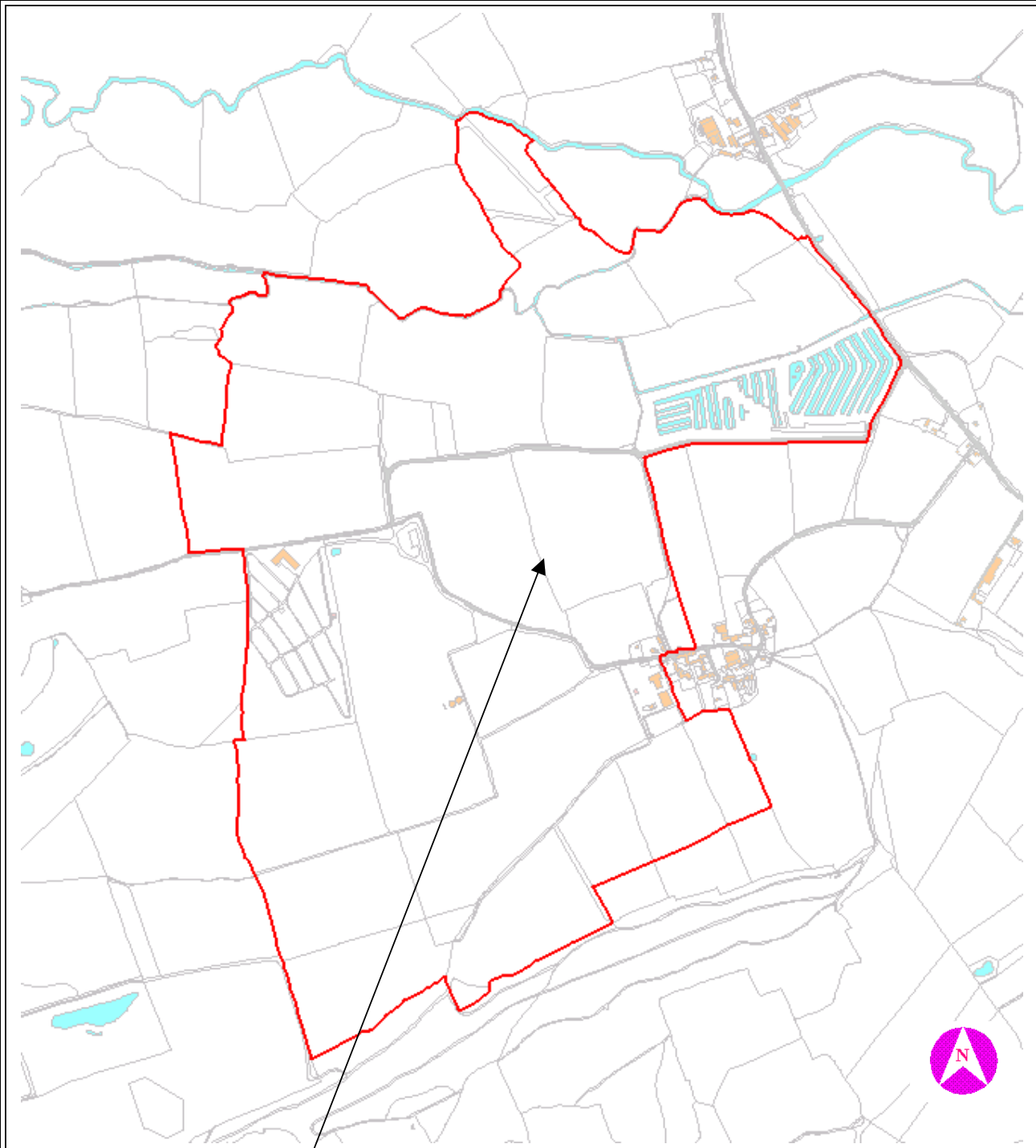
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2009/0167/F

SCALE : 1 : 12498

SITE ADDRESS : Brierley Court Farm, -, Brierley, Leominster, Herefordshire, HR6 0NU

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DCNC2009/0166/F - RETROSPECTIVE APPLICATION TO RETAIN PRIVATE PACKAGE SEWAGE TREATMENT PLANT ON LAND AT BRIERLEY COURT FARM, BRIERLEY, LEOMINSTER, HEREFORDSHIRE, HR6 0NU

For: S & A Produce (UK) Limited per Antony Aspbury Associates 20 Park Lane Business Centre Park Lane Basford Nottingham NG6 0DW

Date Received: 30th January 2009 Ward: Leominster South Grid Ref: 48961, 56283

Expiry Date: 27th March 2009

Local Member: Councillor R Hunt

1. Site Description and Proposal

- 1.1 The application relates to an area of land to the west of the village of Brierley. The site lies to the south side of the u/c 93600 road, being immediately behind a mature roadside hedgerow.
- 1.2 The site does not benefit from any special landscape designation and the Landscape Character Assessment defines the site as lying within an area of Principal Settled Farmlands, a landscape that is resilient to change.
- 1.3 The application is for the retention of a sewage treatment plant. Whilst the majority of the plant is housed underground, its existence is evident from a raised grassed bund and small dark green monitoring cabin.

2. Policies

Herefordshire Unitary Development Plan

DR4 - Environment

LA2 - Landscape character and areas least resilient to change

CF2 - Foul drainage

3. Planning History

- 3.1 This is one of three applications currently being considered. The other two are for the erection of fixed Spanish polytunnels (DCNC2009/0167/F) and for the provision of seasonal workers accommodation (DCNC2009/0168/F).
- 3.2 NC2004/0902/F - Proposed sewage treatment plant and pumping station - Refused 12/05/2004 and dismissed on appeal. In dismissing the appeal the Inspector concluded that, in the absence of permission for workers accommodation at Brierley Court Farm, there was no need for the sewage treatment plant and therefore its visual impact was unwarranted.

3.3 The same appeal also encompassed an enforcement notice that was served requiring the removal of the sewage treatment works. In dismissing the appeal the Inspector corrected the notice, but the fundamental requirement to remove the development remained. The notice is still valid.

3.4 DCNC2008/0167/F - Retention of sewage treatment plant - Refused 14/05/08

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Consultations

4.2 Transportation Manager - No objection

4.3 Environmental Protection Manager - No objection

5. Representations

5.1 Leominster Town Council - Recommend approval subject to the Environment Agency monitoring outflows

5.2 Arrow Valley Residents Association (AVRA) - Object to the application on the basis that it is only required in connection with the accommodation for seasonal workers, to which they also object. As such it represents unnecessary development in the open countryside and should be removed.

5.3 Leominster Civic Society - Object as there is no need for the sewage plant and its retention has previously been dismissed on appeal.

5.4 CPRE - Object to the proposal. The reasons previously given in refusal of earlier applications remain valid.

5.5 Twenty six letters of objection have been received. These highlight the fact that the treatment plant is only required in connection with the provision of accommodation, which is also considered to be unacceptable. Letters also highlight the fact that its retention has been dismissed on appeal and that it is subject to a valid enforcement notice.

5.6 Three letters of support have been received. These highlight the need for the applicant to provide accommodation for workers on site, and hence the need for appropriate service provision.

5.7 One non-committal letter has also been received. It asks that if the committee is minded to grant permission, that it thinks carefully about the conditions that it imposes and ensures that they are monitored and robustly enforced.

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

6. Officer's Appraisal

- 6.1 The assessment of this proposal depends entirely upon the view taken on the need for on site seasonal workers accommodation. A recommendation to approve that application (DCNC2009/0168/F) has been made. If that proposal is granted planning permission there is clearly a requirement to deal with foul sewage. The proposed scheme does appear to be the most suitable method for this.
- 6.2 It has a limited visual impact that, in conjunction with the applicant's other proposals, is negligible, and matters relating to discharges from it are dealt with under separate legislation, the responsibility for which falls to the Environment Agency. Although they have not commented specifically on this proposal, their comments in relation to the application for the accommodation have been made on the basis that the retention of the sewage treatment works is integral to it.
- 6.3 The application is therefore considered to be acceptable and, subject to a condition requiring its removal, is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following condition:

1 F20 (Temporary permission and reinstatement of land)

Reason: The provision of the sewage treatment works is only considered to be acceptable as a temporary expedient in conjunction with the applicant's identified need to provide on site workers accommodation and to conform to Policy CF2 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

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

2 N19 - Avoidance of doubt - Approved Plans

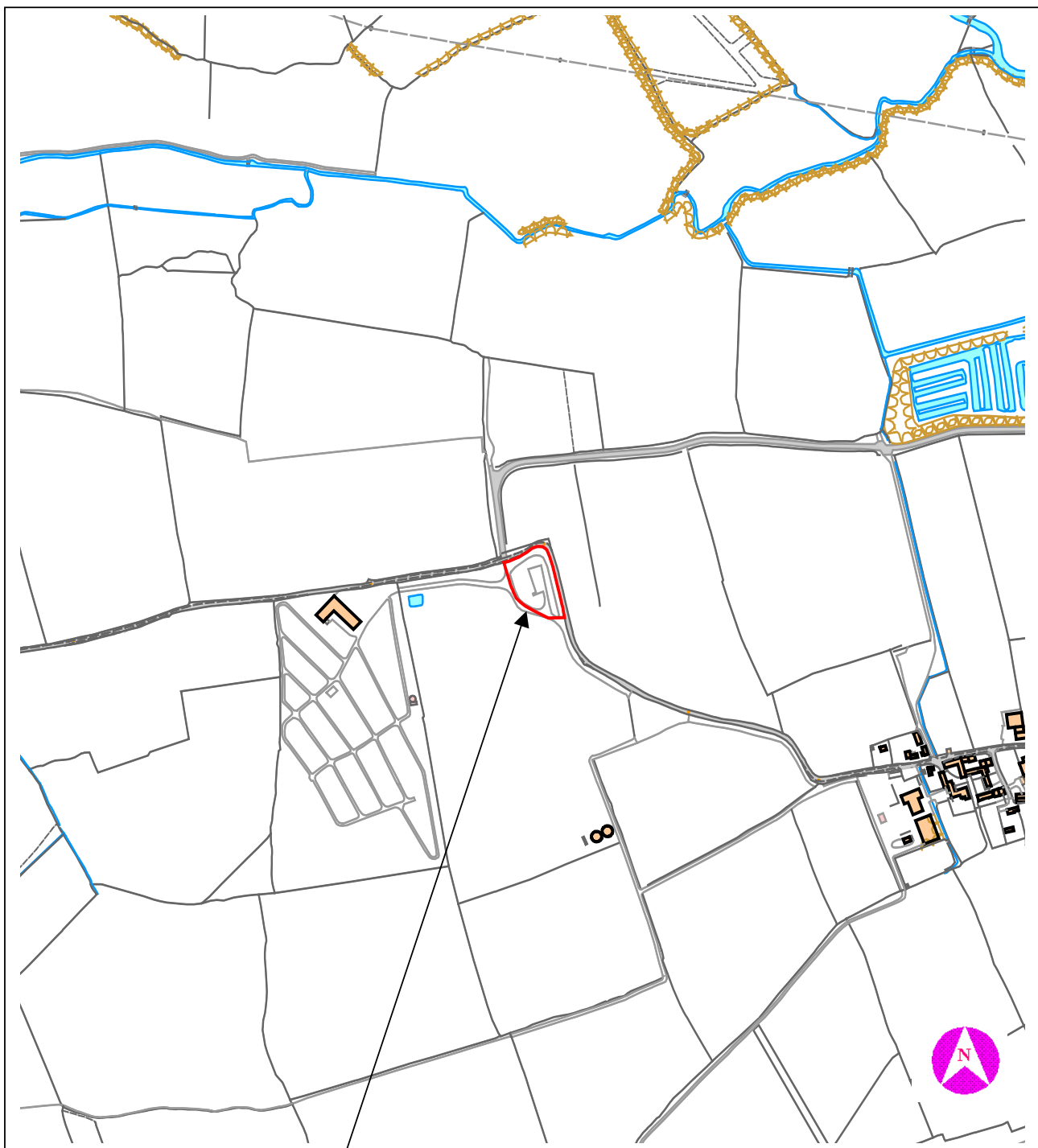
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2009/0166/F

SCALE : 1 : 8000

SITE ADDRESS : Land at Brierley Court Farm, -, Brierley, Leominster, Herefordshire, HR6 0NU

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DCNW2009/0093/F - PROPOSED AGRICULTURAL STORAGE BUILDING AND KENNELS AT BRILLEY WOOD, BRILLEY, WHITNEY-ON-WYE, HEREFORD, HEREFORDSHIRE, HR3 6JE

For: Miss L.A. Jenkins & Mr W.Pinkney per Mr A Jenkins, 12 Broad Street, Hay-on-Wye, Herefordshire, HR3 5DB

Date Received: 12th January 2009 Ward: Castle Grid Ref: 26245, 48513
Expiry Date: 9th March 2009

Local Member: Councillor J W Hope, MBE

Introduction

The Northern Area Planning Sub-Committee considered this application on 8th April 2009. Members resolved to refuse the application, contrary to the recommendation. The decision was accordingly referred to the Head of Planning and Transportation who concluded that it should be reported to the Planning Committee for further consideration. The application was deferred at the meeting held on the 15th May in order for a site inspection to be held at the application site and a kennels at Tedstone Wafre. This took place on 16th June 2009.

During the debate at the Northern Area Planning Sub-Committee on the 8th April, the main issue of concern expressed by Members was the possible noise associated with a hunt kennels. An acoustic survey was provided by the applicants and accepted by the Councils Environmental Health Officer. There was no other technical information provided. Members additionally proposed two further reasons for refusal, which were smell and the impact on the character of the area.

The application report assessed the proposal against national policies, and the relevant policies contained within the Herefordshire Unitary Development Plan. The Head of Planning and Transportation is concerned that a refusal on the basis set out at the Northern Area Sub-Committee meeting may not be sustainable at appeal. None of the statutory consultees have seen fit to object to the proposal.

Accordingly the Head of Planning and Transportation has referred the application to this Committee for a decision.

1. Site Description and Proposal

- 1.1 The application seeks planning permission for an agricultural storage building to be used as a hunt kennels to house the Golden Valley hound pack at Brilley Wood. The hounds are currently housed at Sheepcote in Clifford where they have been since 1947. The new building will replace an existing agricultural building on the site that has fallen into disrepair.
- 1.2 Brilley Wood is located to the south of the unclassified C1072 highway within the parish of Brilley. The access to the site is situated immediately to the south west of the junction where Chapel Road meets the C1072. A single unmade track leads down from

the highway to the house and an existing building. The land that surrounds the property is in the ownership of the applicant and is used for the grazing of horses and sheep. The house itself has recently undergone significant alteration and extension by virtue of planning permitted under DCNW2007/1706/F.

- 1.3 The siting of the proposed building was originally shown to be on the site of the existing building. However due to the existing building having been built on a public footpath, the siting of the building is now proposed to the north of that of the existing building, which will allow the existing building to be demolished and the public footpath to be reinstated. The proposed building measures 20.5m by 14.5m with a height of 5.7 metres. The building will be constructed of a concrete block wall, with timber cladding above and a dark blue fibre cement sheet roof.
- 1.4 Attached to the southwest elevation of the building there is an open yard measuring 9.5m x 14.5m, which is surrounded with a 1.8m high wall constructed in natural concrete blocks. This area is divided into three parts. The two outer areas are shown as open yards where the hounds will be allowed in the daytime, whilst the middle area will be used for the loading and unloading of the hounds. There is enough room for a vehicle to pull into the yard and for the gates to be closed during the loading and unloading of the hounds. Amended plans show a vehicle will approach the loading/unloading yard via a hardcore access track, which runs down the southwest wall of the building.
- 1.5 The building itself is divided in to two parts, with agricultural storage in one half and the kennels in the other. There is a total of 5 kennels shown, each with a raised bed/sleeping area and a run. In addition there is 5 isolation kennels that will be used when hounds are ill or when females give birth. It is understood that the hounds stay on their beds until 8.30am, unless they are being exercised. During the day they have access to their runs, which are linked by gates. The hounds will be closed in on their purpose built beds during the night and are fed mid morning in the yard. It is the intention of the applicant to feed the hounds on dried food.
- 1.6 In a report submitted by Mr William Pinkey, the applicant, it is stated that 'the kennels are washed down twice daily with the waste being disposed into a drain located in the middle of the building and from there it will be dispersed into a new septic tank and reed bed which are located south of the building'. Mr Pinkney has been the the kennel huntsman for the Golden Valley Hunt for the last 8 years. It is his full time job to tend to the hounds seven days a week. In his statement submitted to the local authority in support of the application security has been highlighted as a priority. Living on site means that Mr Pinkney can give the hounds around the clock care and supervision.

2. Policies

National Planning Policy

- 2.1 PPS1 - Delivering sustainable development
- PPS7 - Sustainable development in rural areas

Herefordshire Unitary Development Plan 2007

- Policy S1 - Sustainable Development
- Policy S2 - Development Requirements
- Policy DR1 - Design
- Policy DR2 - Land Use and Activity

Policy DR4	-	Environment
Policy DR13	-	Noise
Policy E11	-	Employment in the smaller settlements and open countryside
Policy LA2	-	Landscape character and areas least resilient to change
Policy LA5	-	Protection of trees, woodlands and hedgerows

3. Planning History

- 3.1 DCNW2008/1965/S - Proposed replacement agricultural building. Full planning permission was found to be required.
- 3.2 DCNW2007/1706/F -.Proposed renovation improvements and extension of existing cottage. Approved 26th July 2007.
- 3.3 DCNW2007/0750/F - Proposed renovation, improvements and single and double storey extensions to existing cottage. Refused 1st May 2007.

4. Consultation Summary

Statutory Consultations

- 4.1 Ramblers Association: Objects to the development on the grounds that the existing building is already obstructing the Public Rights of Way.
- 4.2 Open Spaces Society: Object to the application as the location is not suitable for the kennelling of hounds due to the number of residential houses nearby and the public footpaths are in close proximity to the proposed building.

Internal Council Advice

- 4.3 Rights of Way Officer: "The amended plans clearly shows that the building will now not obstruct the footpath. However, I am concerned about the impact of the proposal on the continued use and enjoyment of the footpath by members of the public".
- 4.4 Environmental Health Officer: A 'Noise Impact Assessment' was requested by the Council to determine the potential level of noise generated by the hounds. This was completed over a 3 day period from 5:00pm on Friday 13th March 2009 – 5:00pm on Monday 16th March 2009. Measurements of the noise from the existing kennels were recorded at 10 minute intervals, as was the existing background noise level at Brilley Wood. It was discovered that over the weekend period the noise from the hounds would be expected to be below the background noise, except on Sunday evening when the hounds were excited into barking when background noise had fallen to a low level. The report has indicated that complaints are unlikely. The Environmental Health Officer has raised no further objection to the proposal.
- 4.5 Traffic Manager: No objection
- 4.6 Ecology Officer: Protected species have been found to be present in the area. With no survey having been submitted to assess the presence for protected species it is suggested that before planning permission is granted the applicants should submit a wildlife protection and enhancement scheme for the site.

5. Representations

5.1 Brilley Parish Council: Recommended refusal of the application for the following reasons:

1. Noise and disturbance to nearby residential properties.
2. Close location to adjoining farms/fields with livestock.
3. Safety concerns for public footpaths through the land, especially for families.
4. Access to the site is on dangerous bend.
5. Possible pollution to two streams/Wye river course.

5.2 42 objections have been received from 30 households from the immediate locality as well as some from outside of the Brilley area. In addition to the letters a petition containing 167 signatures objecting to the proposal has been submitted.

The key issues of concerns raised can be summarised as follows:

- The hounds will create unreasonable noise.
- Concerns over the unpleasant smells created from a kennels.
- If approved would lead to a further application for a 'flesh house' which would lead to further smells.
- Concerns over pollution to near by water courses.
- The proposal could create a danger to neighbouring livestock.
- Access and surrounding highway infrastructure inadequate for the additional traffic.
- Impact on the surrounding footpaths.
- Loss of value to surrounding dwellings to the application site.
- The exercising of hounds on the roads would be a hazard to pedestrian and to the traffic.
- Intrusive addition to the community.

Two letters have been received from Wills & Co. These raise nine separate concerns;

- No justification has been submitted for the use of a building for agricultural.
- There is no condition requiring that the hounds are fed on dried food (Mr Willis has noted that such a condition would probably be unenforceable in any event).
- Walkers will be unable to use footpaths close to the building, and also local roads and bridleways when the hounds are exercised.
- The noise report is unreliable.
- The Case Officer has ignored Government guidance in relation to the protected species assessment.
- No supporting evidence that the Hunt has spent 8 years looking for an alternative site.
- The application should be considered against the employment policies of the local plan.
- The exercising of the hounds on the local highway should be a material consideration.
- The conditions do not take into consideration the fact that part of the building will be used for agriculture or the breeding activity at the site.

5.3 A letter of support has been received from Mrs Bishop at Sheepcote, where the hounds are presently kept.

A letter of support has been received from Mr and Mrs Hurst from Springfield, Clifford, Herefordshire. The letter states that they 'have lived at Springfield for the last five years which is next door to the present Hunt Kennels', in all that time the kennels have never been seen as a nuisance or given the local community trouble at all. The letter states 'you really couldn't have better neighbours'.

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

6. Officer's Appraisal

- 6.1 It is considered that the principle issues for consideration in this application are as follows:

- Principle of Development
- Siting, scale and design of the proposed building
- Impact of the proposal upon the surrounding residential properties
- Impact of the proposal upon the public footpaths and surrounding area

Principle of Development

- 6.2 The proposed kennels is for the Golden Valley Hunt. They have been at their existing site at Sheepcote in Clifford since 1947, which is owned by a Mrs Bishop. Prior to 1947 the hounds were located at Whitney Court. Following the death of Mrs Bishops husband in 2001, it is understood that the Hunt was asked to find an alternative site to house the hounds. The agent has confirmed that over the last 8 years the Hunt has investigated other properties and locations, none of which have been suitable for the proposed development due to land availability and availability of supervision. The advantage of locating the hounds at Brilley Wood is the on site supervision provided by Mr Pinkney, the Kennel huntsman.
- 6.3 There are no adopted policies relating directly to kennel buildings. Boarding Kennels for short-term occupation are normally considered under employment policies, as the end use is a business. The Golden Valley Hunt Kennels is not however a commercial business as such and in planning terms its use is considered to be "sui generis". The hounds are in the private ownership of the Hunt, and the applicant Mr. Pinkney is employed by the Hunt to look after the hounds. Therefore in considering the application weight will be given to policy E11 that sets the provision for employment in the smaller settlements and open countryside.
- 6.4 Brilley Wood is located within a rural landscape where the majority of land that surrounds the property is being used for the grazing of animals in the ownership of the applicants. In total the application site amounts to 5.6 hectares. It is also the home of the Kennel Master. Hunt Kennels are traditionally found in rural areas, usually at sites that they have occupied for years. On this basis the principle of the building in this rural location to be used as a hunt kennels and for agricultural storage is considered to be acceptable. The acceptability or otherwise of the proposal rests upon the details of the application.
- 6.5 A number of the neighbours have made reference to the limit placed on "intensive livestock units" more than 400 m from a "protected building". Paragraph 6.5.21 in the Herefordshire Unitary Development Plan states "Intensive livestock units are those for the permanent indoor housing of pigs, poultry or cattle and also those for housing such

livestock indoors for only part of the time if a slurry system is to be adopted". A hunt kennels is not considered to fall into this category.

- 6.6 The policies to be considered are listed above at 4.1 and significant weight will be given to the land use and activity policy E11, which consider employment proposals in the open countryside together with the general development control policies, and landscape character policy LA2.

Siting, scale and design of the proposed building

- 6.7 Brillley Wood is located in an area of open countryside for planning purposes, and there is no development boundary. The application site is set back off the highway down a single track which leads to the dwelling and existing outbuilding. The property and outbuilding are visible from points along surrounding highways. There are a number of public footpaths running through the site.
- 6.8 The applicant has confirmed that the building will house a maximum of 25 couples (50 dogs). There will be bitches that will breed on the site, however the puppies will only remain on site with their mothers until they are 8 weeks old. The building is similar in character and appearance to a modern agricultural building, with walls being part concrete panels and part clad and a profile sheet roof. The building is considered to have been carefully designed to remain in keeping with the character of the rural area and as such the proposal is considered to be an appropriate design in accordance with the requirements of Local Plan Policies DR1 and LA2
- 6.9 Originally the proposed building was sited in the same position as that of the existing building. However due to the existing building having been built over the footpath, the proposed building is now sited north of the existing one. It is considered that the proposed siting and design relate well to the existing dwelling and characteristics on site with the hedgerow to the north and dwelling to the east offering some screening of the building from the highways. A condition is recommended in relation to a landscaping scheme at the site to maintain the visual amenities of the area.

Drainage

- 6.10 The original plans proposed a new septic tank and reed bed system was to be installed to dispose of the 'washdown' from the kennels. However, in the Pollution Prevention guidelines produced for Stables, Kennels and Catteries, the Environmental Agency recommend that a private sewage system plant must only be considered as a last option for treating foul sewage from kennel buildings and recommends a sealed cesspool instead with no overflow. Amended plans have been received replacing the proposed septic tank with a cesspit as recommended. It is proposed that wash down from the kennels is directed to the cesspool via a drain in the centre of the building. A licensed contractor for off-site disposal will then remove the contents of the cesspool. This will follow the advice from the Environmental Agency and ensure that none of the waste from the kennels enters into the surrounding land or mixes with the domestic foul waste.

Impact of the proposal upon the surrounding residential properties

- 6.11 Herefordshire Unitary Development Plan Policy DR2 considers land use and activity. Development proposals are required to be located and designed so as not to prejudice the amenity or continued use of adjoining land and buildings. The proposed use of the building as a hunt kennels has the potential to have a detrimental impact on the

amenities of neighbours if not carefully controlled. There are several residential properties within 400 metres to the site, with the closest being Montpelier Cottage, which is to the west of the site at a distance of just over 200 metres. There are a number of matters, which need to be considered in respect of the impact of the development on these neighbouring properties:

- 6.12 **Noise** - Policy DR13 in the Herefordshire Unitary Development Plan considers noise. An assessment of the existing noise level was requested to assess the potential pollution level at Brilley Wood. The assessment was carried out at Sheepcote where the Golden Valley Hounds are currently housed, over a 3-day period. The assessment found that at all times the dogs were found to be below background noise with one exception on the Sunday evening when background noise had dropped to 25 dB LA90.
- 6.13 The Kennel Huntsman lives at Brilley Wood, therefore would be on hand should the need arise to quieten the hounds. Also having the Kennel Huntsman living on site with the hounds allows for maximum supervision. The Environmental Health Officer is satisfied that the report has indicated that complaints will be unlikely. It should be noted that if the development goes ahead and the Environmental Health department received complaints alleging noise nuisance then it would be investigated and if required action taken under the Environmental Protection Act 1990 as regards Statutory Nuisance.
- 6.14 The Environmental Health Officer has considered further matters raised in the objections. However he concludes that there is no justification to revise his recommendation.
- 6.15 **Smell** - A significant level of objection has been received relating to the smell that is commonly associated with a hunt kennels, which results from a 'flesh house'. There is not one proposed in the application and the applicant has confirmed it is not their intention to install one, stating that the animals will be fed on dry food. The objector makes reference that no condition has been proposed requiring that the hounds are fed on dried food. The Council consider any condition relating to the animals feed would be difficult to enforce. However the fleshing of animal's pelts comes under a B2 use. A condition is recommended restricting the use of the building as a kennels for hunt hounds and for agricultural storage. This will allow the Council to retain in control over the use of the building.
- 6.16 **Dog Exercising** - Significant levels of objection have been raised relating to the exercising of the dogs on the local road network. The information submitted by the Kennels Master with regard to the existing daily operations of the kennels indicates that the hounds are not exercised on the roads everyday, and certainly not in the hunting season, which runs from the first Saturday in November and finishes early March. However it is proposed that the hounds will be exercised on the roads during the summer months. Exercising hound dogs on the local highway network is a method commonly used by most hunt kennels.
- 6.17 The Kennel Master has confirmed that when hounds are exercised during the summer it will be done early morning or late in the summer evening making sure to avoid peak traffic. This is done with two handlers either on foot, bikes or horses. The Kennel Master has confirmed that the hounds do not split up and the handlers have control over the pack at all time with every attempt to pull them over to one side of the road if a vehicle wants to pass. The objectors have raised concerns regarding the route of the exercising and the impact on the local highway, however the planning authority has no control over the use of the highway.

Impact of the proposal upon the public footpaths and surrounding area

- 6.18 The existing building has been there for many years and until this application was submitted it had gone unnoticed that it was built on top of the footpath. Walkers have diverted the path around the building. A significant amount of the objections received have expressed concerns with the closeness of the building to the public rights of way. The removal of the existing building will see the legal alignment of the footpath reinstated. The amended plans show a stock proof fence to be erected on the northern side of the footpath. In the unlikely event that a dog gains access outside of the building unaccompanied this will prevent the dogs coming into direct contact with any passing walker.
- 6.19 The open yard where the dogs are let out to exercise during the day is surrounded by a 1.8m high concrete wall, which will prevent the dogs being able to see any of walkers using the footpath and like wise the walkers not being able to view the hounds. Objectors have claimed that walkers will be unable to use the footpaths if the development goes ahead as it will encourage the dogs to bark. The case officer accepts that even though walkers would not be visible to the hounds, on occasion walkers could disturb the hounds and could cause them to bark. However this does not prevent the use of the footpath. Having regard for policies T6 and DR3 in the Herefordshire Unitary Development Plan that relate specifically to walking and movement, the proposed development is not considered to unacceptably impact on the use of the footpath. It is suggested that signs are erected on the footpath warning walkers that they are passing a kennels.

Impact on protected species

- 6.20 The area has been designated as an area with the potential for protected species, in particular Great Crested Newts. No survey has been submitted with the application. The planning ecologist has expressed concerns with the potential for the species being present on the site, however has noted that there is no pond within the applicants land. Therefore it is recommended that prior to permission being granted, the applicant's submit a satisfactory wildlife protection and enhancement scheme for the site. The applicants have confirmed that they are willing to produce a scheme. This is not an unusual procedure and the case officer is satisfied that this is accordance with Government advise.

Conclusion

- 6.21 Planning Policy Statement 7 sets out the Government's national policies on different aspects of land use planning in England specifically for that relating to rural areas. It states that 'all development in rural areas should be well-designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness'. The issues that have been considered in this application are finely balanced. However it is considered that the proposed scheme represents an appropriate form of development in this open countryside location. As such it is recommended that the application be approved subject to the conditions outlined below.

RECOMMENDATION

Upon completion of a satisfactory wildlife protection and enhancement scheme that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

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. **B03 (Amended plans)**

Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

3. **The building hereby approved shall only be used as a kennel for hunt hounds and for agricultural storage as laid out in plan received by the local planning authority on the 26th March 2009 for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification.**

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

4. **I31 (Restriction on use to house/rear livestock)**

Reason: To safeguard residential amenity and to comply with Policies DR4 and E13 of Herefordshire Unitary Development Plan.

5. **When the premises currently known as Brilley Wood, ceases to be occupied by the kennel huntsman in charge of the hounds kennelled in the building hereby permitted, the use of the said building as a kennels to house hunt hounds shall cease and thereafter shall be used only for the purpose of agricultural storage and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification.**

Reason: The nature of the development is such that it is only considered acceptable in this location if there is on site supervision for the kennels and to comply with Policy S1 of the Herefordshire Unitary Development Plan

6. **The building hereby approved shall be used to kennel no more than 50 hunt hounds at any one time.**

Reason: In order to safeguard the residential amenity and to comply with Policy S2 of the Herefordshire Unitary Development Plan.

7. I18 (Scheme of foul drainage disposal)

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

8. I22 (No surface water to public sewer)

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding so as to comply with Policy DR4 of Herefordshire Unitary Development Plan.

9. I28 (No discharge of foul/contaminated drainage)

Reason: To prevent pollution of the water environment and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

10. The existing agricultural building on the site shall be demolished and removed permanently from the site within one-month of the commencement of the development hereby permitted in accordance with a scheme of work submitted to and approved in writing by the local planning authority.

Reason: To safeguard the character and amenities of the locality and to comply with Policy DR1 of the Herefordshire Unitary Development Plan.

11. G09 (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. Prior to development commencing details of the signs on the public footpath shall be submitted to and approved in writing by the Local Planning Authority. The signs shall be constructed in accordance with the approved plans and thereafter retained.

Reason: In order to comply with the requirements of Policies DR3 and T6 of the Herefordshire Unitary Development Plan.

Informatives:

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

2. N19 - Avoidance of doubt - Approved Plans

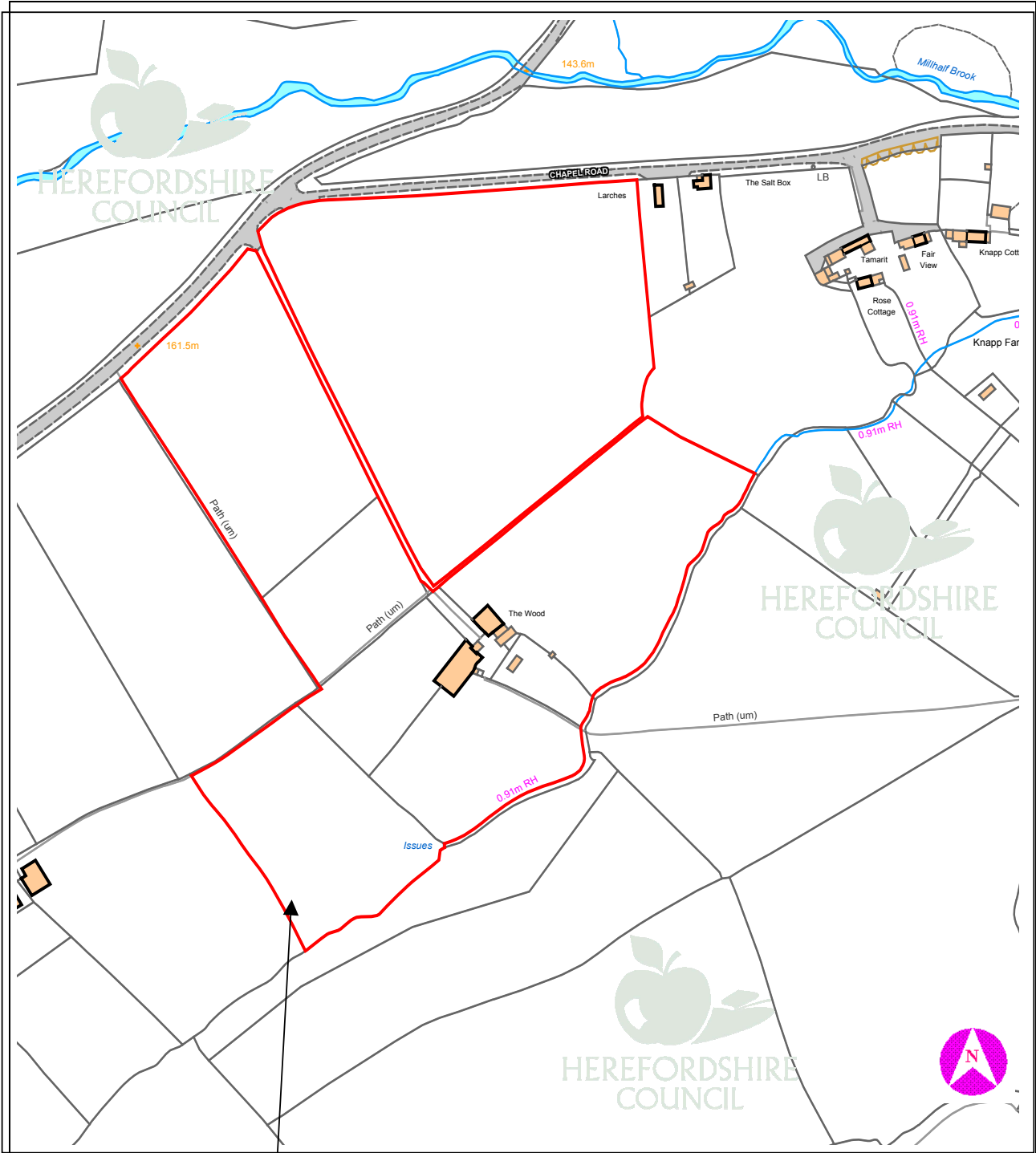
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2009/0093/F

SCALE: 1 : 2500

SITE ADDRESS : Brilley Wood, Brilley, Whitney-on-Wye, Hereford, Herefordshire, HR3 6JE

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REGIONAL SPATIAL STRATEGY: CONSULTATION ON PHASE THREE OPTIONS

Report By: Head of Planning and Transportation

Wards Affected

County-wide

Purpose

1. To seek the views of the Committee on the issues raised by the consultation and forward them on to Cabinet for consideration.

Financial Implications

2. None.

Background

3. The West Midlands Regional Assembly is undertaking a consultation upon the Phase Three revision of the Regional Spatial Strategy (RSS). The eight-week "Options" consultation, which runs from 29th June to 14th August, focuses on the issues of:
 1. Rural Services
 2. Gypsies, Travellers and Travelling Showpeople
 3. Culture Sport and Tourism
 4. Quality of the Environment
 5. Minerals
4. This is the third and final phase of the revision of the RSS which was first approved by the Secretary of State in 2004. Since then Phase 1, relating to the Black Country alone, was approved in 2007, and Phase 2, which sets out revised targets for housing, retailing and employment, has been the subject of Examination in Public in April, May and June this year. The panel report on Phase 2 is not expected until the autumn, with final approval not expected before next year. The Government intends to complete the Phase 3 revisions during 2011 so that, by then, the RSS has been completely revised. Any Development Plan Documents produced by local planning authorities in the West Midlands must be compliant with the RSS as a whole.
5. A "Stakeholders' Event" has been arranged for Tuesday 7th July at The Courtyard for a representative of the Regional Planning Body to explain the details of this consultation and invite comments direct. In view of the importance of the consultation on "Critical Rural Services" parish council representatives have been invited along with other interest groups. Members have also been advised of the event.
6. The Cabinet has the responsibility of determining the Council's response to the consultation on behalf of Herefordshire Council and a further report will be presented to the Cabinet Meeting scheduled for 30th July 2009. (The consultation closes on 14th August). It will thus be possible to report all responses received up to that time to Cabinet to help inform their response.

7. The consultation sets out a number of options for each topic area and then poses a series of questions. The report below sets out the options and questions for the three topic areas of Critical Rural Services, Gypsies and Travellers, and Renewable Energy policies. The other topics are more technical in nature and it is suggested that responses to those topics is delegated to officers.

Summary of the Options Consultations

1. Critical Rural Services

8. The Options paper sets out three potential ways of addressing Rural Renaissance, along with the consequences of each, in the following terms:

TABLE A – CRITICAL RURAL SERVICES	
Options	Implications
<p>Option 1: SUSTAINABLE – CLIMATE CHANGE DRIVEN</p> <p>Provide for and encourage service provision in a manner that offers the opportunity to reduce the need to travel by:</p> <ul style="list-style-type: none"> a. concentrating most service provision in County and Market towns, with a particular emphasis on multi-use centres. b. maximising the use of ICT and mobile facilities to deliver services elsewhere in the rural areas. c. allowing growth of housing and employment development in the County and Market towns at a level that will help support existing, and create new, services. Placing strict limits on growth elsewhere in the rural areas. d. improving public transport between the rural areas and County/Market towns, including those rural areas that are regarded as accessible. 	<p>There would be a concentration of services, not just higher-order services, in the larger towns. Because of their wider catchments, and being the focus of new development, services in these towns would be better supported, and are more likely to be created (new services) or to survive (existing services) than if located in smaller settlements.</p> <p>Limiting new development in the rural areas beyond the towns will reduce future travel between smaller settlements and the towns. This should help to reduce CO2 emissions.</p> <p>There would be fewer services in smaller settlements, and existing services might decline further and faster than would otherwise be the case.</p> <p>People in the smaller, more remote settlements who have limited access to private transport would be disadvantaged unless an adequate public transport network can be provided alongside innovative mobile service delivery and improved ICT.</p> <p>The Option suggests a focus of development on County and Market towns to support service provision. Care would have to be taken to ensure that the growth strategy of WMRSS is not prejudiced by this approach.</p> <p>The SQW Report identified significant service deprivation issues for people in</p>

	<p>“accessible rural” areas whose access to transport is limited. This option, in particular (d) above, would focus more attention on the needs of this group in relation to public transport provision.</p>
<p>Option 2: COMMUNITY BASED</p> <p>Adopt a “bottom-up” approach by facilitating local people, together with voluntary and community groups, to identify service needs, scale and locations.</p> <p>Locally led reviews of service levels may be a useful basis for justifying the case for the protection/enhancement of services.</p> <p>Develop this work through Parish Plans, Community Strategies, LTPs and LDFs.</p>	<p>In contrast to Option 1, Option 2 would foster service development and protection of existing services throughout the rural settlement hierarchy.</p> <p>To give this option chance of success, local authority LDFs and LTPs should consider locally identified service reviews and adopt a flexible approach to their implementation to manage needs and expectation.</p> <p>Unless it was carefully managed, this option could generate unrealistic wish-lists for services in unsustainable locations. The scope and nature of service reviews may have to be carefully prescribed at the regional or sub-regional level to try and avoid this.</p> <p>If it could be made to work, this option would bring local knowledge and understanding of service needs to the fore, and give local people ownership of decision making. In contrast, there would be little regional planning involvement, although overall programming, funding and monitoring would still rest with the regional bodies.</p> <p>There is a risk with this option that, in order to support more widespread service provision, there would be pressures for more scattered housing development. However to maintain existing services, or provide new ones, often needs significant population and therefore considerable new development. This could lead to more private travel, with adverse consequences for CO2 emissions</p>
<p>Option 3: STATUS QUO</p> <p>Accept that the existing RSS polices on Rural Renaissance and related topics are adequate in dealing with rural service provision, and reject the need for any</p>	<p>The current policy RR4 is very general about the location of services and there are major questions over its implementation. Therefore if the status quo is chosen as the option to take forward, it will need to be accompanied</p>

<p>further definition of critical rural services</p>	<p>by details on how the policy can be made to work more effectively.</p> <p>LDPs and LTPs should consider setting out clear policy guidance on service provision, reflecting the outcome of locally led reviews of services, Community Strategies and Parish Plans.</p> <p>Because it is less specific about service location the status quo does offer a measure of flexibility, particularly compared to Option 1. However flexibility can also lead to uncertainty, making the task of policy development in LDPs and LTPs more difficult.</p>
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9. In effect the three options above represent (1) concentrating service in existing service centres, or (2) distributing rural services widely where possible and practicable, or (3) leaving the issue to local planning authorities to resolve through their own Local Development Documents.

10. One of the difficulties created by the phased approach to the review of the Regional Spatial Strategy is that the policy on rural services is being consulted on in phase 3 whereas policies on housing and employment growth were consulted on in phase 2. The most obvious way to bring these two closely related issues together would be for them to be considered together in the Core Strategy, which implies a preference for option 3 above. It may transpire that once the housing figures for the rural areas are finalised then the appropriate distribution of rural services will become self evident.

11. In the light of the above options the following questions are posed:

Question CRC1. Studies have shown that it is very difficult to define rural services as “Important” or “Critical” and that pursuing these definitions is unlikely to be of much value. Do you agree with this view?

Question CRC2. The report by the consultants, SQW, identified significant service deprivation issues for people in “Accessible” rural areas whose access to transport is limited. Do you think more attention should be given to the service needs of this group?

Question CRC3: Arguments have been put forward (for example in the Matthew Taylor Report) that new development should be allowed in settlements lacking a service base in order to reverse a cycle of decline in such places. Do you agree with this view?

Question CRC4. Three policy options for rural service developments are suggested above. Please state if you have a preferred option and the reasons for your preference.

Question CRC5. For your preferred option please state how best to deliver the option at the regional level, taking into account the relevant key issues and implications for rural services.

2. Gypsies and Travellers

12. The consultation sets out three options:

TABLE B – GYPSIES AND TRAVELLERS	
Option	Comment
<p>OPTION 1: Need Where it Arises:</p> <p>Option 1 would see additional pitch requirements being distributed largely on the basis of the findings from the sub-regional Gypsy and Traveller Accommodation Assessments (with some additions to fill information gaps). The implicit assumption in this Option is that requirements will usually be met in the District in which they arise. The geographical pattern of requirements reflects the location of current site provision, unauthorised sites and concentrations of Gypsies and Travellers living in housing. There is zero or very low requirements in several Districts. While the GTAAs suggest that many Gypsies and Travellers favour living in the areas where they were interviewed, it is not known to what extent preferences are distorted by the pattern of current provision/ lack of provision or local enforcement policies.</p>	<ul style="list-style-type: none"> ▪ Would meet the need for new pitches identified by the GTAAs ▪ Would reinforce existing patterns of residential Gypsy and Traveller provision – with some authorities continuing to make very low levels of pitch provision ▪ Will not significantly expand Gypsies and Travellers choices as to where they can legally reside in the West Midlands Region
<p>OPTION 2: Planning Criteria:</p> <p>Option 2 would see additional pitch requirements being distributed on the basis of both ‘need where it arises’ and the potential land supply within each District for new sites. Three-quarters of requirements are distributed on a ‘need where it arises’ basis as in Option 1. The remaining 25% of requirements are distributed in relation to the footprint (area in hectares) of opportunities on unconstrained land within each District. Opportunities broadly reflect access to key services. Constraints include, for example, flood risk zones, Green Belt and built-up areas. The ‘need where it arises’ element in this Option takes account of Gypsy and Travellers’ wishes to retain community and support links, while the planning opportunities and constraints element takes account of development potential.</p> <p>A map of all constraints (map 14) is available from</p>	<ul style="list-style-type: none"> ▪ Would see additional pitch requirements being largely distributed in line with existing patterns of provision but would also deliver a limited re-distribution and thereby increase the areas where Travellers can legally reside in the West Midlands Region ▪ Would re-distribute some pitch requirements towards those areas which have unconstrained areas of land, together with areas of opportunity, with the balance of opportunity areas being in Shropshire and Herefordshire

Further information about this report is available from Peter Yates, Planning Policy Manager, 01432 261952

<p>the Assembly website, together with maps of the opportunities (maps 15, 16, 17, 18, 19 and 20).</p>	
<p>OPTION 3: Re-distribution:</p> <p>Option 3 would see some additional pitch requirements being re-distributed beyond the areas where need currently arises to other parts of the Region. The underlying rationale is that there should be no District in the Region where Gypsies and Travellers cannot live on authorised sites. Option 3 allocates a minimum of 14 pitches to all Districts. Requirements to meet this minimum are 'diverted' from all other Districts so that those with the highest 'need where it arises' requirements contribute most to the diversion. The Option seeks to maximise choice for Gypsies and Travellers and, by spreading new provision, increases the areas of search for suitable locations for new sites. The minimum of 14 pitches is set to provide opportunities for a range of site provision while reducing the risk that families would be unduly isolated from other community members.</p>	<ul style="list-style-type: none"> ▪ Would expand the areas in which Gypsies and Travellers could legally reside in the West Midlands Region ▪ The costs associated with making additional provision and the task of identifying suitable land would be more equitably shared between each District authority, than currently ▪ Could potentially lead to new pitches being provided in areas where significant demand does not exist but due to the overall scale of need across the Region (identified by the GTAAs) this is considered unlikely

13. The allocation of pitches is set out in the table in the Appendix to this report. It can be seen that Options 1 and 2 allocate 109 pitches to Herefordshire, whereas Option 3 allocates 100.

14. In the light of the above options the following questions are posed:

Question GTQ1: Do you agree with the total residential pitch requirements (939 pitches) as identified by the sub-regional Gypsy and Traveller Accommodation Assessments – can you provide any other evidence?

Question GTQ2: Do you think the 3 options in the table for the provision of residential Gypsy and Traveller pitches provide a good range of solutions – do you think there is another Option which could be explored?

Question GTQ3: Which is your preferred option of the three options, and why?

Question GTQ4: You may wish to consider need in specific parts of the West Midlands Region (for example in a particular City or sub-Region) – please state where and provide any comments on this specific area and explain your reasons.

Question GTQ5 and GTQ6: Do you think the numbers allocated for transit provision [in Herefordshire this equates to 10 pitches] will meet the accommodation needs of Gypsies and Travellers?

Questions TSQ1 and 2: Do you think the additional number of pitches allocated for Travelling Show People will meet their needs, and which option do you prefer? [in

Herefordshire this equates to a share of 9 plots allocated to Shropshire, Herefordshire and Telford/Wrekin in Option 1 and 19 plots in Option 2]

3. Culture, Sport and Tourism.

15. The options for Culture Sport and Tourism deal with matters of broad principle along with the question as to whether individual sites of regional, national and/or international significance should be listed in the policy. Culture, Sport and Tourism are, of course, important in their own right for the County but the particular options being considered are ones of detailed refinement which can be developed as appropriate in our Core Strategy in due course. It is recommended that the response is delegated to officers.

4. Quality of the Environment

16. The issues covered in this section include the very important ones of making the best use of Brownfield land (in preference to Greenfield land where there is a choice), provision of green spaces, management, protection and enhancement of the historic environment, the region's landscapes and biodiversity and natural assets, woodland management and the recognition of the importance of agricultural land. These are all issues which, to some extent, are being taken up in the background studies to, and developed further in the Core Strategy and thus, proposed revisions to the policies will support work currently being undertaken, but not significantly change the direction of the emerging Core Strategy. It is therefore recommended that technical responses to these issues be delegated to officers.
17. Principal changes worth noting are the proposed revisions of policy QE4 previously headed '*Greenery, Urban Greenspace and Public Spaces*' to '*Green Infrastructure*'; reflecting the widely adopted approach of planning and developing multifunctional green space at a range of geographic levels and scales, providing for a broad range of activities and aspirations, and changes to policy QE6 '*The Conservation, Enhancement and Restoration of the Region's Landscape*'; intended to reflect significant change in national policy and commitment to the implementation of the European Landscape Convention (ELC) (signed by the UK government in February 2006 and implemented in March 2007).
18. Green infrastructure, as with 'grey' infrastructure (roads, water and drainage provision, energy supply, etc.) should be planned in advance of development to ensure truly sustainable places and communities. A Green Infrastructure Strategy for the county is in the process of being developed as part of the Growth Point agenda and Core Strategy. Similarly, the ELC is a voluntary 'code of conduct' developed to further the understanding, protection and enhancement of landscapes through the recognition that all landscapes matter and have some importance and that importance is best identified and understood by people living in those landscapes. Again, the identification of distinct landscapes, their significance and sensitivity, value and condition is being considered in the development of the Core Strategy.
19. An alternative and simplified approach to the management of environmental assets is proposed by the revision of policy QE1, recognising the need to take an integrated and holistic approach to the management and protection of the environment at all scales.

Options extend to; protecting and enhancing key assets and poor quality environments; targeting areas affected by significant growth, protecting and enhancing key assets and poor quality environments; extending protection and enhancement of key assets and poor quality environments across the region, but with a focus on major urban areas and regeneration zones.

- 20 The proposed options also propose revisions to the policies on floodplain management including implementation of the Water Framework Directive. This work is also being undertaken anyway as part of the evidence base for the Core Strategy and thus the proposed revisions to the Regional Planning policies merely reinforce the work which is being undertaken anyway.
- 21 The section on Renewable Energy Generation proposes a significantly enhanced review of the policies. The main policy choices are:

TABLE C – RENEWABLE ENERGY POLICIES	
Options	Implications
<p>Option 1: Retain existing RSS Policy EN1 with the aspiration that the region meet the national target for generating electricity from renewable sources – this means setting targets to generate 10% of electricity from renewable sources by 2010, with a further target of 15.5% by 2015 and 20% by 2020.</p>	<p>Would reduce the demand on fossil fuels, make a positive contribution to tackling climate change and would be consistent with national targets.</p> <p>Would encourage the development of a “green economy” based on renewable energy and low carbon technologies and provide employment benefits.</p> <p>Locational requirements of renewables (particularly in high wind speed areas) could create significant landscape impacts and lead to negative effects in regard to biodiversity.</p> <p>This Option does not include a target for renewable energy to contribute to heat consumption or transport.</p>
<p>Option 2: Adopt Regional Energy Strategy targets for renewable energy which requires 5% of electricity consumption by 2010 rising to 10% by 2020; 0.3% of heat consumption by 2010 rising to 1% by 2020; and for at least 460 GWh of liquid biofuels to be produced for transport use in the region – this means targets for 2010 which would be equivalent to up to 75 MW of landfill gas fuelled generators, 100 1.5 MW wind turbines (in rural and urban areas) and 27 1MW biomass/biogas powered generators. The regional target for biofuels by 2010</p>	<p>Increased level of renewable energy in the region compared with the present</p> <p>Fails to meet Government targets for renewable energy</p> <p>Would fail to meet Government climate change (CO2) targets</p>

<p>equates to approximately 44 million litres.</p> <p>[Please note that the exact mix of renewables to achieve the above targets would depend on a wide range of factors. The mix of renewable energy technologies to meet the Regional Energy Strategy target was for presentation purposes only and are not specific targets]</p>	
<p>Option 3: Sub-Regional targets for renewable energy – this means the RSS including targets for the sub-regions in the West Midlands which reflect renewable energy opportunities and constraints in those areas. This would involve assessing the potential renewable energy and low carbon technology resources (for example wood and wind) and planning constraints in each sub-region and apportioning a target for that area.</p>	<p>Sub-regional targets which reflect renewable energy opportunities and constraints</p> <p>Technical assessment of renewable energy opportunities and constraints in sub-regions required</p> <p>Different targets in different parts of the region</p> <p>Realistic sub-regional targets might help better contribute to the achievement of regional targets.</p>

22. This choice of options is complicated by the fact that, at the Examination in Public (EIP) into Phase 2 of the RSS (which finished on 24th June) the question of “Merton Rule” type policies was challenged. The report on the EIP is not expected until later this year and thus the basis for having a policy which goes beyond national policy guidelines is not yet certain. If, as a result of the Phase 2 policies, the Secretary of State is prepared to accept the Region having its own, more demanding renewable energy policies then the choice of the three options above becomes a realistic choice.
- 23 A further set of policy options is put forward on the issue of the location of renewable energy developments (such as wind farms). The options are set out in the following terms:

<p>TABLE D – LOCATION OF RENEWABLE ENERGY DEVELOPMENT</p>	
<p>Location of Renewable Energy and Low Carbon Technologies</p>	<p>Implications</p>
<p>Option 1: Retain existing policy EN1 in RSS which states that local authorities in their Local Development Documents should identify the environmental and other criteria which will be applied to determine the acceptability of renewable energy proposals – this means that there are no clear or consistent criteria for the Regional</p>	<p>No clear criteria for assessing appropriate locations for renewable energy and low carbon technology development.</p>

Further information about this report is available from Peter Yates, Planning Policy Manager, 01432 261952

<p>Planning Body or local authorities to assess whether planning applications for renewable and low carbon technologies are in appropriate locations.</p>	<p>Inconsistent approach to assessing applications in the region.</p>
<p>Option 2: Criteria based policies for renewable energy and low carbon technology - this means that the RSS would set out consistent criteria against which planning applications for renewable energy and low carbon technologies would be assessed. For example this could include setting out minimum acceptable distances from residential properties, maximum noise levels and guidelines for considering the visual impact of developments on the landscape.</p>	<p>Clear and consistent approach to assess whether applications for renewable energy sand low carbon technologies are appropriately located.</p>

24. In the light of the above options the following questions are posed:

Question ENV18: Do you think policy EN2 should be revised to encourage improvements to the energy efficiency of exiting buildings as opportunities arise?

Question ENV19: Which of the three Regional Energy Target Options do you think should be used in the RSS to promote the development of renewable energy and low carbon technologies in the West Midlands?

Question ENV20: Do you think that the RSS should set regional targets for specific renewable energy and low carbon technologies such as biomass, combined heat and power, ground source heat, landfill gas, solar, wind etc.?

Question ENV21: Do you think the RSS should retain the existing policy EN1 or should set out clear regional criteria to assess whether applications for renewable energy and low carbon technologies are appropriately located?

Question ENV22: If you think the RSS should include clear criteria for assessing applications for renewable energy and low carbon technologies (Option 2 in table D above) please tell us which are the most important factors in assessing where renewable energy and low carbon technologies would be most appropriately located. Please rate each factor on a scale of 1 to 5 (where 1 is the least important and 5 is the most important).

	Score (from 1 to 5)
Contribution to the global environment	
Contribution to the local economy	
Impact on flora and fauna	
Noise	
Odour	
Traffic implications	
Visual impact	
Other factor(s)	

5. Minerals Policies

25. In common with the Quality of Environment Policies (other than renewable energy policies) above, the issues raised by this part of the consultation are being covered anyway in the work on the evidence base for the Core Strategy. That evidence suggests that there is no need to seek regionally significant new sites for minerals extraction in Herefordshire during the anticipated plan period. There is, therefore, no need to comment in detail.

RECOMMENDATION

THAT: the views of the Committee on the consultation questions are reported to Cabinet on 30th July 2009 to be taken into account in the Council's response to the consultation.

APPENDIX – Proposed District Allocation of Pitches

Table 1: District Allocation of Pitch Requirements under Options 1, 2 and 3

Local authority	Additional Residential Pitch Requirements		
	Option 1	Option 2	Option 3
Staffordshire			
Cannock Chase	35	28	32
East Staffordshire	15	23	14
Lichfield	11	12	14
Newcastle-under-Lyme	20	20	19
South Staffordshire	50	44	46
Stafford	37	42	34
Staffordshire Moorlands	2	7	14
Tamworth	7	6	14
Warwickshire			
North Warwickshire	18	16	17
Nuneaton & Bedworth	29	27	27
Rugby	66	55	61
Stratford-on-Avon	45	43	41
Warwick	13	15	14
Worcestershire			
Bromsgrove	3	4	14
Malvern Hills	33	34	30
Redditch	0	4	14
Worcester	22	19	20
Wychavon	66	70	61
Wyre Forest	44	35	41
Metropolitan districts			
Birmingham	19	16	18
Coventry	3	5	14
Dudley	21	17	19
Sandwell	3	3	14
Solihull	26	23	24
Walsall	39	31	36
Wolverhampton	36	27	33
Unitary authorities			
Herefordshire	109	109	100
Shropshire	93	122	86
Stoke-on-Trent	40	36	37
Telford & Wrekin	34	46	31
West Midlands Region	939	939	939

Figure 1 shows in graphical terms the pattern of requirements resulting from each Option at county level. Staffordshire includes Stoke-on-Trent; Herefordshire, Shropshire and Telford & Wrekin are considered together.