

AGENDA

Planning Committee

Date: **Friday 23 October 2009**

Time: **10.00 am**

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

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

For any further information please contact:

Pete Martens, Committee Manager Planning & Regulatory

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If you would like help to understand this document, or would like it in another format, 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

Please note that Agenda items 1- 13 will be dealt with in the morning and that items 14 – 21 will be dealt with when the Committee reconvenes after lunch

Pages

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|----|--|---------|
| 1. | <p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p> | |
| 2. | <p>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> | |
| 3. | <p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p> | |
| 4. | <p>MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 7th August, 2009.</p> | 1 - 16 |
| 5. | <p>CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p> | |
| 6. | <p>NORTHERN AREA PLANNING SUB-COMMITTEE</p> <p>To receive the attached report of the Northern Area Planning Sub-Committee meeting held on 26th August and 23rd September, 2009.</p> | 17 - 18 |
| 7. | <p>CENTRAL AREA PLANNING SUB-COMMITTEE</p> <p>To receive the attached report of the Central Area Planning Sub-Committee meeting held on 19th August, 16th September and 14th October, 2009.</p> | 19 - 20 |
| 8. | <p>SOUTHERN AREA PLANNING SUB-COMMITTEE</p> <p>To receive the attached report of the Southern Area Planning Sub-Committee meeting held on 5th August, 2nd September and 30th September, 2009.</p> | 21 - 22 |

9. DCCE0009/1595/F DCCE/091717/F - CONSTRUCTION OF A FLOOD RELIEF CULVERT FROM THE YAZOR BROOK AT CREDENHILL TO THE RIVER WYE, INCLUDING AN OFFTAKE WEIR ADJACENT TO CREDENHILL COMMUNITY CENTRE AND AN ENERGY DISSIPATION CHAMBER AND OUTFALL TO THE RIVER WYE ON LAND AT OLD WEIR FARM. AT LAND BETWEEN THE YAZOR BROOK ADJACENT TO CREDENHILL COMMUNITY CENTRE AND THE NORTH BANK OF THE RIVER WYE, SOUTH OF OLD WEIR FARM 23 - 48
- For: ESG Herefordshire Ltd Per ESG Herefordshire Ltd, 3 Blackfriars Street, Hereford, HR4 9HS
- Ward: Credenhill
10. DCCE0009/1942/CD DCCE/092343/CD - NEW SINGLE STOREY HEALTH CENTRE. SECTION OF EXISTING SITE BOUNDARY WALL TO BE REMOVED AND THE REST LOWERED. AT STONEBOW UNIT, COUNTY HOSPITAL, UNION WALK, HEREFORD, HEREFORD, HR1 2E 49 - 58
- For: PCT Per Convergence Consulting, 86a Albany Road, Cardiff, CF24 3RS
- Ward: Central
11. 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 59 - 84
- For: S & A Produce (UK) Limited per Antony Aspbury Associates 20 Park Lane Business Centre Park Lane Basford Nottingham NG6 0DW
- Ward: Leominster South
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 85 - 102
- For: S & A Produce (UK) Limited per Antony Aspbury Associates 20 Park Lane Business Centre Park Lane Basford Nottingham NG6 0DW
- Ward: Leominster South
13. DCNC2009/0166/F - RETROSPECTIVE APPLICATION TO RETAIN PRIVATE PACKAGE SEWAGE TREATMENT PLANT ON LAND AT BRIERLEY COURT FARM, BRIERLEY, LEOMINSTER, HEREFORDSHIRE, HR6 0NU 103 - 108
- For: S & A Produce (UK) Limited per Antony Aspbury Associates 20 Park Lane Business Centre Park Lane Basford Nottingham NG6 0DW
- Ward: Leominster South

Please also note that at this juncture the meeting will be adjourned for lunch and will reconvene at approximately 1:30 pm

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| <p>14. DCCW0009/1990/CD DCCW/092151/CD - AMENDMENT TO PLANNING CONDITION 2 OF CW2000/1575/F, TO ALLOW PARKING FOR CHRISTMAS PARK & RIDE SERVICE AT HEREFORD RACECOURSE, ROMAN ROAD, HOLMER, HEREFORDSHIRE, HR4 9QU</p> <p>For: Herefordshire Council, Integrated Transport Team, Plough Lane, Hereford, HR4 0LW</p> <p>Ward: Three Elms</p> | 109 - 114 |
| <p>15. DCCW0009/1950/CD DCCW/092345/CD - REPLACEMENT BMX TRACK AND RE-INSTATEMENT OF EXISTING TRACK TO PARKLAND AT LAND TO THE REAR OF 102-140 WESTFALING STREET, HEREFORD, HR4 0JF</p> <p>For: Parks and Countryside, Herefordshire Council, PO Box 41, Leominster, Herefordshire, HR6 0ZA</p> <p>Ward: St Nicholas</p> | 115 - 120 |
| <p>16. DCNE0009/1841/F - PROPOSED ERECTION OF 15 METRE WIND TURBINE AND ASSOCIATED WORKS AT LEADON COURT, FROMES HILL, LEDBURY, HEREFORDSHIRE, HR8 1HT</p> <p>For: Mr Morgan, Morgan Farming Partnership, Leadon Court, Fromes Hill, Nr Ledbury, Herefordshire, HR8 1HT</p> <p>Ward: Frome</p> | 121 - 128 |
| <p>17. DCCW0009/1683/F DCDCC/091945/G - REMOVAL OF CONDITION 7 OF PLANNING PERMISSION DCCW2004/0209/F, PROPOSED DWELLING AT 2 LOWER ORCHARDS, BURGHILL, HEREFORD, HEREFORDSHIRE, HR4 7SD</p> <p>For: Mr R I Matthews per Mr J Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH</p> <p>Ward: Burghill, Holmer and Lyde</p> | 129 - 132 |
| <p>18. DCNC2009/0748/F - CHANGE OF USE OF LAND FROM AGRICULTURE TO A ONE FAMILY TRAVELLER SITE, INCLUDING STATIONING OF ONE MOBILE HOME, TWO TOURING CARAVANS AND DAY/WASHROOM - PART RETROSPECTIVE AT THE PADDOCKS, NORMANS LANE, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0LQ</p> <p>For: Mr Colin Brant, The Paddocks, Normans Lane, Stoke Prior, Leominster, Herefordshire, HR6 0LQ</p> <p>Ward: Hampton Court</p> | 133 - 142 |

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| 19. | DCSE0009/1676/F DCDS/091843/F - PROPOSED DORMITORY ACCOMMODATION WITH DINING AND RECREATIONAL UNIT IN ASSOCIATION WITH CONTINUED USE OF LAND AS A CHILDREN'S NURSERY SCHOOL AND KIDS CLUB, TOGETHER WITH APPROVED LEISURE, RECREATIONAL, EDUCATIONAL AND CULTURAL USE (DIVERSIFICATION OF EXISTING USE) AT CATS NURSERY SCHOOL, LEYS HILL, WALFORD, ROSS ON WYE, HEREFORD, HR9 5Q

For: Mr G Mitchell per Graham Frecknell Architects, 9 Agincourt Street, Monmouth, NP5 3DZ

Ward: Kerne Bridge | 143 - 152 |
| 20. | REGIONAL SPATIAL STRATEGY : INSPECTORS' PANEL REPORT – SEPTEMBER 2009

To advise Members of the Panel Report into the Examination in Public into the Regional Spatial Strategy and its implications for Herefordshire.

Wards Affected: County-wide | 153 - 156 |
| 21. | LOCAL DEVELOPMENT FRAMEWORK UPDATE REPORT OCTOBER 2009

To advise Members of the progress with the Local Development Framework and the programme for Member Briefings and Consultations on the emerging Core Strategy.

Wards affected: County-wide | 157 - 160 |
| 22. | DATE OF NEXT MEETING

4th December, 2009 | |

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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Assembly Room, Town Hall, St Owen's Street, Hereford on Friday 7 August 2009 at 10.00 am

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

Councillors: PA Andrews, ACR Chappell, PGH Cutter, MJ Fishley, KS Guthrie, JW Hope MBE, B Hunt, G Lucas, PJ McCaull, JE Pemberton, AP Taylor, DC Taylor, WJ Walling, PJ Watts, JB Williams and JD Woodward

In attendance: Councillors PJ Edwards, JP French, RC Hunt and AT Oliver

18. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors H Davies, DW Greenow, B Hunt, RI Matthews and PM Morgan.

19. NAMED SUBSTITUTES (IF ANY)

The following named substitutes were appointed:-

Councillor PA Andrews for Councillor H Davies.
Councillor JB Williams for Councillor B Hunt.
Councillor PJ McCaull for Councillor RI Matthews
Councillor MJ Fishley for Councillor PM Morgan.

20. DECLARATIONS OF INTEREST

The following interests were declared

Councillor	Item	Interest
ACR Chappell	Agenda item No. 12, Minute No. 29 (DCCE0009/0950/F – development of land off Bullingham Lane, Hereford); and Agenda item No. 13, Minute No. 30 (DCCW0009/0958/F - new secondary school at Hereford Academy (formerly Wyebridge Sports College), Stanberrow Road, Hereford	Personal
RC Hunt	Item 11, Minute No 27 - DCNC2009/0435/CD & DCNC2009/0436/L - proposed extensions and alterations to Grange Court, Pinsley Road,	Personal

	Leominster	
AT Oliver	Agenda item No. 12, Minute No. 29 (DCCE0009/0950/F development of land off Bullingham Lane, Hereford)	Prejudicial [lives opposite the site] Spoke in accordance with the requirements of the Constitution then left the meeting

21. MINUTES

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

- (i) the inclusion of the name of Councillor PJ Edwards in the list of those present; and
- (ii) a declaration of personal interest by Councillor RC Hunt in respect of Item 11, Minute No 27 - DCNC2009/0435/CD & DCNC2009/0436/L - proposed extensions and alterations to Grange Court, Pinsley Road, Leominster

22. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements from the Chairman.

23. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 22nd July, 2009 be received and noted.

24. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 1st and 29th July, 2009 be received and noted.

25. SOUTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 8th July, 2009 be received and noted.

26. ARCHAEOLOGY AND DEVELOPMENT SUPPLEMENTARY PLANNING DOCUMENT

The Conservation Manager presented a report about the comments received to the Draft Planning Archaeology and Development Supplementary Planning Document (SPD) which had been published for consultation purposes in June 2008. The document formed part of the Council's Local Development Framework and set out the Council's policy and approach to dealing with archaeology and development. It expanded upon and provides additional information and guidance in support of policies and proposals in the Herefordshire Unitary Development Plan. It followed Government guidance planning set out within Planning Policy Guidance 16 (PPG 16) and its purpose was to make the Council's policies and practices clear to interested parties. When adopted, it would be a material consideration in the determination of planning applications. The aims of the SPD were to:

- provided as much certainty as possible to landowners, prospective developers and other interested parties;
- ensure a uniform application of policy;
- ensure the process was fair and transparent; and
- facilitate a speedier response from the Council to development proposals.

The SPD would therefore assist in pre-application discussions and provide a transparent and accountable procedure by which archaeology and development matters were dealt with by the Council. Although there had been a limited response during the consultation period, the comments received had been helpful and had led to amendments being recommended, which would result in a more informed and inclusive document. The Committee agreed with the changes proposed to the SPD by the Conservation Manager together with the way in which it should be incorporated into the Council's planning policies.

RESOLVED

that it be recommended to Cabinet that the draft SPD on Archaeology and Development be amended as set out in the report of the Head of Planning and Transportation, and adopted as part of the Council's Local Development Framework.

27. 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

The Northern Team Leader said that the application had been deferred by the Planning Committee at its meeting on 3rd July 2009 when officers had been requested to undertake further negotiations about the proposal to remove an Austrian Black Pine and the Victorian staircase as part of the scheme. The report had been updated to take account of these matters and the additional representations which had been received about the proposals. The applicants had made no changes to the scheme since it was considered by the Committee.

the following additional representations had been received since the report was revised:-

Information has been submitted regarding the economic benefits of the proposal and the losses involved should the development not take place. These indicate a net increase in jobs as a result of 21, with an estimated annual earning of £426k. It is estimated that the economic loss of the development not taking place would be £2.8m from initial capital investment plus the aforementioned.

Further information has also been received setting out why the Austrian Black Pine was categorised as it was. This included a reference to risk as the tree is in a publicly accessible location.

Additionally comments have been submitted countering some of the comments of MADE, explaining the rationale for the design options chosen.

The architect also queries the need for the condition restricting access to the rear of the site to pedestrian only, on the basis that no change of use is involved.

A further letter and plan has been received on behalf of Mr Gaskin, advising that notwithstanding his previous comments about the principle of the scheme to begin with, there are matters of privacy which could be addressed through amendments to the part of the building closest to his boundary.

A further letter has also been received from Mrs Smith, a local resident, reiterating her original concerns.

The view of the Officers was that highway safety issues had lead to the requirement for rear access to be restricted to pedestrians only. Although the application involved a change of use, it was not the determining issue as to whether the condition was necessary. The privacy issue raised by Mr Gaskin was addressed in para 6.23 of the report. The window in the gable of the wing adjacent to his boundary was a high level window providing light to the building.

Councillor PJ McCaull, one of the Local Ward Members, said that the decision to defer consideration of the application had proved to be a good one because it had given time for the applicants to arrange a public meeting where the project had been fully explained and all the concerns addressed. The black pine, which had already had to have a number of boughs removed and needed further work, would be replaced with a new one. Although the scheme required the removal of most of the Victorian staircase, part of it would be retained and incorporated into the new scheme and photos of it would be on display in the building. Steps would also be taken to preserve mediaeval stonework forming the 'grotto' situated in the grounds, into the scheme. He had concerns that Pinsley Road should not be used for access purposes because it was too narrow. Careful thought should be given to access and the delivery of materials via Church St when the alterations were being carried out. Overall he felt that the proposals could now be welcomed because all the concerns had been addressed about the building and grounds, together with those raised by local residents. Councillors JP French, RC Hunt and Brigadier P Jones the other Leominster Ward Members also now welcomed the scheme because of the assurances given and the fact that it would bring the building back into use, and help to provide employment and tourism.

Having heard the views of Local Ward Members and the fact that local residents were now satisfied with the proposals, the Committee decided that the application could be approved.

RESOLVED

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 down pipes)

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 bought 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 down pipes

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:

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

N19 – Avoidance of doubt – Approved Plans

28. DCSE0009/1139/CD - ALTERATIONS AND AN EXTENSION OVER TWO FLOORS TO PROVIDE COUNCIL INFORMATION, LIBRARY AND MEETING FACILITIES AT ROSS ON WYE LIBRARY, CANTILUPE ROAD, ROSS ON WYE, HEREFORDSHIRE HR9 7AN

A report was presented by the Southern Team Leader about a planning application for the erection of a two-storey extension to the rear and alterations to the library building at Ross-on-Wye. The proposal involved the demolition of a freestanding garage and its replacement with an extension. The scheme would enable the delivery of an enhanced community facility and also incorporate the Council information service which was located in Swan House, Edde Cross Street. He provided the Committee with details about the proposals and said that the following representations had been received:-

Conservation Manager (Landscapes and Biodiversity): Having regard to the poor physiological condition and life expectancy of less than 10 years, no objection is raised to the removal of the Silver Birch Tree.

Conservation Manager (Building Conservation): Expresses the view that the redesigned monopitch roof to the lift tower would read as a continuation of the main library roof and would not appear so incongruous in three dimensions as the elevation drawings suggest: No objection.

An additional letter of representation has been received regarding the loss of the Silver Birch tree.

It was reported that the Conservation Manager has no objection to the removal of the Silver Birch, although its contribution to visual amenity was recognised. Moreover, the redesigned lift shaft roof was considered more appropriate than the formerly proposed pyramidal roof.

Having considered the proposals and the favourable views of Local Ward Members, The Committee was agreeable to 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 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 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 D04 (Details of window sections, eaves, verges and barge boards)

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

5 F16 (No new windows in specified elevation)

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

6 F17 (Obscure glazing to windows)

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

7 G09 (Details of Boundary treatments)

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

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 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

11 H27 (Parking for site operatives)

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

12 H29 (Secure covered cycle parking provision)

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

13 H30 (Travel plans)

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

- 14 I16 (Restriction of hours during construction)**
During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

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

- 15 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.

INFORMATIVES:

- 1 N19 - Avoidance of doubt - Approved Plans**
- 2 N15 - Reason(s) for the Grant of Planning Permission**
- 3 HN01 - Mud on highway**
- 4 HN04 - Private apparatus within highway**
- 6 HN25 - Travel Plans**
- 7 HN26 - Travel Plans**
- 8 HN27 - Annual travel Plan Reviews**

- 29. DCCE0009/0950/F - PROPOSED AMENDMENT OF 39 PREVIOUSLY APPROVED RESIDENTIAL DWELLINGS AND THEIR ASSOCIATED PARKING TO 51 RESIDENTIAL DWELLINGS TO PLOTS 99-137 & 505-517 CREATING AN ADDITIONAL 12 DWELLINGS AND THEIR ASSOCIATED PARKING AT LAND OFF BULLINGHAM LANE, HEREFORD, HEREFORDSHIRE, HR2 7RY**

The Principal Planning Officer said that the application had been referred to the Committee because the Central Area Planning Sub-Committee at its meeting on 22nd July 2009 was mindful to refuse planning permission contrary to the Council's Planning Policies and Officer recommendation. The Sub-Committee had been particularly concerned about the increased density of the development and the manner in which the total number of units had incrementally increased across the site as a whole over the last 4 years or so. Members had commented on the quality of the scheme in terms of the design of the houses and problems that had occurred within Phase 2 where they felt there had been insufficient parking and the roads were very narrow. Particular reference was made to policy H15 of the Herefordshire Unitary Development Plan (UDP) and it was felt that the density of the proposed development was unacceptably high. Since the decision to refuse the application, the applicants had considered the concerns of the Sub-Committee and the reasons for refusal. As a result, the proposed development had been amended through the deletion of 3 dwellings reducing the total to 9.

The application sought permission to re-plan part of Phase 3 of the previously approved residential development on the former SAS camp off Bullingham Lane. Reserved matters approval was granted on 19th August 2008 for Phase 3 comprising 151 units, taking the total for the site up to 608. Part of this approval had been implemented and

completed. The UDP allocation was 500 units in the first deposit draft; this followed the 2001 outline permission for the site as a whole which estimated numbers at 500. However, the outline permission was not restricted in numbers. This was subsequently increased to 600 units in the adopted UDP following representations by the developer. The application with the revisions would retain the total number of dwellings at 608.

The Principal Planning Officer said that the Traffic Manager had confirmed that he had no objection to the amended plans. All outstanding issues had been resolved and he therefore changed his recommendation to one of approval.

In accordance with the criteria set out in the Council's Constitution, Councillor AT Oliver having registered a prejudicial interest, spoke against the application and then withdrew from the meeting. Councillor RC Chappell, one of the Local Ward Members had some reservations about the provision of car parking but overall was in favour of the proposals. The Committee did not feel that there were sufficient grounds to refuse the application and therefore decided that it should be approved.

RESOLVED

That the application be approved subject to the following conditions and any further conditions considered to be necessary by Officers:

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

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

- 2. During the construction no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays nor at any time on Sundays, Bank or Public Holidays.**

Reason: In order to protect the amenity of occupiers of nearby properties and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

- 3. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no new permeable or impermeable hardstanding shall be created between any highway or footpath and the frontages of the approved dwellings other than expressly authorised by this permission.**

Reason: In order to maintain the visual amenity of the area and to comply with Policy H13 of the Herefordshire Unitary Development Plan.

- 4. All integral and attached garages and access thereto must be reserved for the garaging or parking of private motor vehicles and the garage shall at no time be converted to habitable accommodation or used for any other purpose incidental to the enjoyment of the dwelling house as such.**

Reason: To ensure adequate off street parking arrangements remain available at all times and to comply with Policy H18 of the Herefordshire Unitary Development Plan.

- 5. H11 (Parking - estate development (more than one house)).**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy T11 of Herefordshire Unitary Development Plan.

6. B06 (Implementation of one permission only).

Reason: For the avoidance of doubt and to comply with the requirements of Policies DR1 and H13 of the Herefordshire Unitary Development Plan.

7. I56 (Eco Homes –Very Good).

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

Informatives:

1. N19 - Avoidance of doubt - Approved Plans.

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

30. DCCW0009/0958/F - CONSTRUCTION OF NEW SECONDARY SCHOOL BUILDINGS INCLUDING LANDSCAPING AND OTHER ASSOCIATED WORKS AND DEMOLITION OF EXISTING SCHOOL BUILDINGS AT HEREFORD ACADEMY (FORMERLY WYEBRIDGE SPORTS COLLEGE), STANBERROW ROAD, HEREFORD, HR7 7NG

The Central Team Leader presented a report about a planning application for a new school for Hereford Academy at Marlbrook Road, Redhill, Hereford. The site occupied by Hereford Academy formed the former schools of Grafton, Haywood, Wyebidge Senior Schools and Marlbrook Primary School. This proposal was to replace all the buildings on site with a new school, 6th Form and community building together with sports pitches. He outlined the main features of the proposals and presented the following updates:-

The applicants have confirmed that due to internal height restrictions the Sports hall roof has been increased by approx. 0.50m. This does not however increase the overall height as the coloured ventilation wraps will still be at 11m.

Highways Agency still awaiting additional information and therefore maintain the holding objection.

Conservation Manager (Archaeology) have reviewed the Archaeological Report and whilst the majority of the site is of low archaeological potential there is an area in the south east corner which has a degree of sensitivity. However mitigation through conditions can be achieved. Accordingly subject to the imposition of conditions to secure a programme of archaeological works and foundation design the proposal is acceptable.

A neighbour has raised concerns that the all weather pitch will create noise pollution into the evening in an area which is quiet at night and that it should be switched with the rugby pitch which is not floodlit.

The Environmental Health and Trading Standards Officers had reviewed the application and had raised no objections. Because of the layout of the site, there was insufficient

room to switch the all-weather pitch with the rugby pitch but its usage would be restricted to 10:00 pm to protect the amenity of local residents. Enhanced landscaping would be considered along the boundary of the all-weather pitch to help with this aspect.

CHANGE TO RECOMMENDATION

Change by removing Archaeology and add conditions E01 (site investigation) E04 (foundation design).

In accordance with the criteria for public speaking, Mr Whitmey, a school governor, spoke in favour of the application

Councillor ACR Chappell, a local Ward Member commended the work that had been done by the school governors, staff and the officers involved in arriving at such significant proposals for the education and community facilities that would be provided at the Academy. These sentiments were echoed by the Committee.

RESOLVED

That subject to the removal of the objection from the Highways Agency, the Officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions including E01 (site investigation) E04 (foundation design); and any further conditions considered necessary by Officers:

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

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

2. **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. **E03 (Site observation – archaeology)**

Reason: To allow the potential archaeological interest of the site to be investigated and recorded and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan.

4. **E04 (Submission of foundation design).**

Reason: The development affects a site on which archaeologically significant remains survive and a design solution is sought to minimise archaeological disturbance through a sympathetic foundation design in order to comply with the requirements of Policy ARCH2 of Herefordshire Unitary Development Plan.

5. **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.

6. **F02 (Restriction of hours of delivery).**

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

7. 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.

8. G06 (Remedial works to trees).

Reason: The trees form an integral part of the visual environment and this condition is imposed to preserve the character and amenities of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

9. G10 (Landscaping schemes).

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

10. G11 (Landscaping schemes – implementation).

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

11. H13 (Access, turning area and parking).

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

12. 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.

13. H27 (Parking for site operatives).

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

14. 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

15. Details of the proposed means of closure of the Stanberrow Road access to all vehicles other than emergency vehicles shall be submitted for approval in writing of the local planning authority.

Reason: In the interests of highway safety and visual amenity of the area in accordance with Policies DR and DR3.

16. I16 (Restriction of hours during construction).
Reason: Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.
17. 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.
18. 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.
19. 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.
20. I32 (Details of floodlighting/external lighting).
Reason: Reason: To safeguard local amenities and to comply with Policy DR14 of Herefordshire Unitary Development Plan.
21. I33 (External lighting).
Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan.
22. I34 (Colour of floodlighting columns).
Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan.
23. I35 (Time limit on floodlighting/external lighting) (4 pm – 10 pm).
Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings so as to comply with Policy DR14 of Herefordshire Unitary Development Plan.
24. I36 (Restriction on level of illuminance of floodlighting (sports grounds)).
Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings so as to comply with Policy DR14 of Herefordshire Unitary Development Plan.
25. I37 (Details of shields to prevent light pollution).
Reason: To minimise light overspill and to protect the amenity of neighbouring properties so as to comply with Policy DR14 of Herefordshire Unitary Development Plan.
26. I38 (Angle of floodlighting).

Reason: To minimise light overspill and to protect the amenity of neighbouring properties so as 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. 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.

29. 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.

30. L04 (Comprehensive & Integrated draining of site).

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

31. M14 (Car park drainage).

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

32. 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.

Informatives:

- 1. N19 - Avoidance of doubt - Approved Plans.**
- 2. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

31. DATE OF FORTHCOMING MEETINGS

23rd October & 4th December 2009

The meeting ended at 12:40 pm

CHAIRMAN

PLANNING COMMITTEE

23 OCTOBER 2009

REPORT OF THE NORTHERN AREA PLANNING SUB-COMMITTEE

Meetings held on 26 August and 23 September 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 twice since the last report and dealt with the planning applications referred to it as follows:-
 - (a) applications approved, as recommended - 5
 - (b) applications refused, contrary to recommendation - 1
 - (c) number of public speakers - 10 (1 Parish Councillor, 6 supporters, and 3 objectors)

PLANNING APPEALS

2. The Sub-Committee received information reports about ten appeals that had been received and four appeals that had been determined (one allowed, two dismissed, and one withdrawn).

**JW HOPE MBE
CHAIRMAN
NORTHERN AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS - Agenda for the meetings held on 26 August and 23 September 2009**

REPORT OF THE CENTRAL AREA PLANNING SUB-COMMITTEE

Meetings held on 19 August, 16 September and 14 October 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 three times since the last report and dealt with the planning applications referred to it as follows:-
 - (a) applications approved, as recommended - 10
 - (b) applications refused, as recommended - 1
 - (c) applications minded to refuse contrary to recommendation - 4 (not referred to Head of Planning and Transportation)
 - (d) site inspections - 5
 - (e) number of public speakers - 26 (4 parish, 12 objectors, 10 supporters)

PLANNING APPEALS

2. The Sub-Committee received information reports about two appeals that had been received and one that had been determined (withdrawn).

JE PEMBERTON
CHAIRMAN
CENTRAL AREA PLANNING SUB-COMMITTEE

- **BACKGROUND PAPERS - Agenda for the meeting held on 19 August, 16 September and 14 October 2009.**

PLANNING COMMITTEE

23 OCTOBER 2009

REPORT OF THE SOUTHERN AREA PLANNING SUB-COMMITTEE

Meetings held on 5 August, 2 September and 30 September 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 three times since the last report and dealt with the planning applications referred to it as follows:-
 - (a) applications approved, as recommended - 14
 - (b) applications refused, contrary to recommendation - 1
 - (c) applications deferred for site inspection - 2
 - (d) number of public speakers - 18 (1 Parish Councillor, 11 supporters, and 6 objectors)

PLANNING APPEALS

2. The Sub-Committee received information reports about one appeal that had been received and three that had been determined (one allowed and two withdrawn).

PGH CUTTER
CHAIRMAN
SOUTHERN AREA PLANNING SUB-COMMITTEE

- **BACKGROUND PAPERS - Agendas for the meetings held on 5 August, 2 September and 30 September 2009**

DCCE0009/1595/F DCCE/091717/F - CONSTRUCTION OF A FLOOD RELIEF CULVERT FROM THE YAZOR BROOK AT CREDENHILL TO THE RIVER WYE, INCLUDING AN OFFTAKE WEIR ADJACENT TO CREDENHILL COMMUNITY CENTRE AND AN ENERGY DISSIPATION CHAMBER AND OUTFALL TO THE RIVER WYE ON LAND AT OLD WEIR FARM. AT LAND BETWEEN THE YAZOR BROOK ADJACENT TO CREDENHILL COMMUNITY CENTRE AND THE NORTH BANK OF THE RIVER WYE, SOUTH OF OLD WEIR FARM

**For: ESG Herefordshire Ltd Per ESG Herefordshire Ltd,
3 Blackfriars Street, Hereford, HR4 9HS**

**Date Received: 20 July 2009 Ward: Credenhill Grid Ref: 344483,242270
Expiry Date: 19 November 2009**

Local Member: Cllr R I Matthews

1. Site Description and Proposal

- 1.1 The site comprises a total of 10 hectares of land extending south from Yazor Brook at the southern edge of Credenhill directly south for a distance of around 1.4 kilometres to the northern bank of the River Wye, south east of Old Weir Farm. More specifically, the development site commences at Yazor Brook immediately north of Credenhill Community Centre and south west of small residential estate known as Waterside. The site then passes along the eastern edge of the Community Centre travelling south westward for a distance of around 190 metres parallel with Station Road, 90 metres east south east of Magna Castra Farm. At this point the site crosses the old Roman Road and then travels south east for a distance of around 560 metres through agricultural land along the western edge of former Stretton Sugwas Quarry to Public footpath KT9. The development site then kicks south westerly for around 250 metres to the A438, around 90 metres west of Old Weir Cottage at the western edge of Swainshill. The site then travels south across the A438 towards the River Wye for a distance of 160 metres across agricultural land and then turns due west down through a wooded dingle. At which point the development then travels south for a distance of around 160 metres to the River Wye.
- 1.2 The site in general including the surrounding land use comprises a mixture of predominantly agricultural pasture and arable land. Levels generally undulate across the development site with there being a general fall from Yazor Brook to the Wye.

Further information on the subject of this report is available from Mr R Pryce on 01432 261957

The one exception is the section through the Dingle south of the A438 where a steep drop in levels of around 13 metres occurs. Immediately west of Magna Castra Farm is the Scheduled Ancient Monument of Magnis Roman Town and south of the A438 and west of the development site is the grade II listed Old Weir Farmhouse along with the brick dovecote to the south, also grade II listed. Land south down to the River Wye and west of Old Weir Farmhouse incorporating part of the development site is designated as New Weir Unregistered Historic Park and Garden. Parts of the site also fall within safeguarded sand and gravel reserve and the northern and southern ends fall within Flood Zone 3. The River Wye is designated as a Special Area of Conservation and Site of Special Scientific Interest.

1.3 Planning permission is sought for the construction of a 2 metre diameter plastic underground culvert to bypass waters directly from Yazor Brook into the River Wye at times of flood. The development known as the Yazor Brook Flood Alleviation Scheme (FAS) hereafter referred to as the FAS development will be operational when flows within the brook exceed a channel depth of around 400 millimetres and a flow rate of 0.5 cubic metres per second. It is estimated the FAS will be in operation twice a year.

1.4 In more detail, the proposed development comprises the following elements:

The Off-take (Entry Weir)

1.4.1 Construction of an off-take structure known as the entry weir parallel with Yazor Brook, 20 metres north of the Community Centre along the northern edge of the car park. This entails constructing a concrete re-enforced chamber 21.85 metres in length faced with stone rising to a height of 3 metres at its highest point. Within the stone face are 8 grills known as trash screens through which the flood water would pass to then enter into the culvert. The brook will also be narrowed down stream of the entry weir through the construction of two angled stone faced walls known as a flume control with ground levels raised around this structure to marry in. Flows within the culvert can be controlled through a motorised barrier known as a Penstock.

1.4.2 To enable construction of this structure Yazor Brook will be temporarily diverted. A small fenced maintenance compound will be created around the access to the Penstock for future maintenance and operation purposes. Land immediately north and south of the entry weir will also be landscaped to include the creation of a fish refuge area.

The Long Section

1.4.3 The 2 metre culvert would then run from the entry weir down to the A438. Due to undulating levels, the culvert will vary in depth below ground between 1 metre and 3.5 metres. An existing portacabin alongside the Community Centre will need to be removed to facilitate the construction of a culvert and Public Right of Way KT9 will be temporarily closed and diverted to enable the culvert to cross under the footpath. The first of three potential construction compounds is proposed within the agricultural field immediately south of the Community Centre. The compounds would largely comprise a gravelled area enclosed within Heras fencing containing general offices and mess rooms for workers along with storage of equipment and building materials.

1.4.4 A further site compound area is proposed immediately north of the A438 and east of Old Weir Farm. The means of construction under the road is yet to be finalised but it is likely that traffic lights will be installed to enable the carriage

way to be reduced to single lane. A separate otter underpass is also proposed again under the A438 alongside the culvert.

- 1.4.5 The next section of culverts runs from the A438 to the wooded dingle. Immediately east of the dingle and west of the culvert the third compound is proposed. From this point travelling northwards towards Credenhill for the full length of the culvert a temporary haul road is also proposed of around 3.5 metres in width.

River Wye Outfall

- 1.4.6 At the top of the dingle the culvert design changes to a rectangular chamber with internal dimensions of 3.9 metres in width by 2 metres in height known as a spillway. At the bottom of the dingle at the end of the spillway an energy dissipation chamber is proposed. This comprises of underground reinforced concrete chamber measuring 3.9 metres in width by 4.9 metres in height which effectively neutralises the flow of the water.

- 1.4.7 Following a further section of culvert for a distance of 38 metres the final outfall to the River Wye is then overland. The existing land will be re-graded to create a ridge and furrow system which will effectively channel water to a specific part of the river embankment. The embankment is then to be strengthened with new planting supported by a mattress of live willow brush. The exit point of the culvert will have a security screen surrounding by a stone faced wall with surrounding land re-graded to match.

The Background

- 1.5 The FAS has been developed in order to alleviate flooding within the area north of Hereford City Centre known as the Edgar Street Grid (ESG). The ESG comprises 43 hectares of land allocated within the Unitary development Plan for mixed use redevelopment. The northern section of the ESG area currently falls within a flood plain and the principal cause of flooding is caused by flows from Yazor Brook (leading into Widemarsh Brook).
- 1.6 In order to alleviate this flood risk a package of flood mitigation is required both within ESG and off site. Following a number of technical feasibility studies exploring possible flood mitigation in early 2007 six options were identified which singularly or together had potential to reduce flood risk to an acceptable level. Following further evaluation of the six options the current Yazor Brook Flood Alleviation Scheme was pursued.
- 1.7 The application is supported by a full Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended). The Environmental Statement considers archaeology, terrestrial and aquatic ecology, surface water quality, hydrology, ground conditions and contamination, landscape and visual impact, air quality, noise and vibration, traffic and transport and waste. Also accompanying the application is a separate Flood Risk Assessment along with a Planning Statement incorporating a Statement of Community Involvement and Design and Access Statement
- 1.8 The development site area has been slightly enlarged in parts in order to accommodate all areas of work with the application site area defined by the red line. It should, however, be noted that the construction compounds are permitted development under Part 4 of the Town and Country Planning (General Permitted Development) Order 1995. As a result, a focussed re-consultation exercise has

being carried. At the time of writing, the time period for the re-consultation exercise has yet to expire

2. Policies

2.1 National Guidance:

PPS1	-	Delivering Sustainable Development
PPS7	-	Sustainable Development in Rural Areas
PPS9	-	Biodiversity and Geological Conservation
PPG15	-	Planning and the Historic Environment
PPG16	-	Archaeology and Planning
PPG24	-	Planning and noise
PPG25	-	Development and Flood Risk

2.2 Supplementary Planning Documents

Biodiversity
Landscape Character Assessment
Statement of Community Involvement

2.3 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S7	-	Natural and historic heritage
S10	-	Waste
S11	-	Community facilities and services
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR6	-	Water resources
DR7	-	Flood risk
DR8	-	Culverting
DR9	-	Air quality
DR10	-	Contaminated land
DR11	-	Soil quality
DR13	-	Noise
TCR21	-	Canal basin and historic core
T6	-	Walking
LA2	-	Landscape character and areas least resilient to change
LA4	-	Protection of Historic Parks and Gardens
LA5	-	Protection of trees, woodlands and hedgerows
LA6	-	Landscaping schemes
NC1	-	Biodiversity and development
NC2	-	Sites of International Importance
NC3	-	Sites of National Importance
NC4	-	Sites of Local Importance
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

Further information on the subject of this report is available from Mr R Pryce on 01432 261957

- HBA4 - Setting of listed buildings
- ARCH1 - Archaeological assessments and field evaluations
- ARCH3 - Scheduled Ancient Monuments
- ARCH6 - Recording of archaeological remains
- W11 - Development and waste implications

3. Planning History

3.1 None relevant

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency:

It is noted that other options have now been discounted and the proposed scheme aims to deliver not only a flood risk solution for the ESG site but also offers flood risk protection benefits for the wider community of Hereford. It should be noted that the proposals do not completely alleviate flooding in the ESG area but we understand that further flood risk mitigation will be put forward to address residual flood risk.

The site predominantly lies within Flood Zone 1 and the parts that fall within flood zone 3 are water compatible. The hydraulic model to support this FAS option also represents the best available information. With regard to the proposed benefits, the impacts of climate change need to be fully considered.

Another important aspect of the scheme is the operation and maintenance of the development and discussions are ongoing with the Environment Agency. Potential developer contributions could also be sought through a Section 106 towards the cost to the relevant adopting and/or management company.

In terms of biodiversity and fisheries the final design of the screening to prevent fish access is required, a screen with a 10mm mesh would be appropriate. With this exception we have no objection to this part of the proposal subject to the mitigation being implemented and the necessary protected species licences obtained.

There may be opportunity for further enhancement on land between the final outfall and the River Wye in the form of a wetland area or swails to mitigate the inability to produce any open sections of channel and design.

I note that the route of the culvert is unlikely to encounter any historical contamination but appropriate conditions should be imposed

All waste should be disposed of in accordance with relevant waste management legislation with the waste strategy generally being to minimise waste and options for re-use and recycling utilised. Any stock pile waste should be located away from adjacent watercourses and the flood plain and an environmental permit or exemption may be required for any imported waste such as hardstanding.

In summary, we are generally supportive of the proposals but require clarification on some of the submitted detail. The additional information has been submitted to the Environment Agency and their further comments are awaited.

4.2 Natural England:

It is our view that either alone or in combination with other projects, the development would not be likely to have a significant effect on the important features of the River Wye Special Area of Conservation or any of the features of the Site of Special Scientific Interest. We therefore have no objection with regard to the Habitat Regulations Assessment.

In terms of protected species and wider ecology the surveys undertaken and the conclusions reached seem thorough and appropriate subject to biodiversity interest and the mitigation enhancement recommendations being secured through appropriately worded conditions. This includes protection as well as enhancement for otters, great crested newts, common lizards, grass snakes, slow worms and badgers which have all been found on or near the development site.

All vegetation must also be cleared outside the bird nesting season of March to September and any trees or hedges to be removed should be replaced on a like for like basis or where non native, by appropriate native species. We welcome the proposed fish refuge area.

The prevention of pollution of the River Wye and Yazor Brook is a fundamental given their conservation value and all works should be carried out in accordance with the Environment Agency's pollution prevention guidelines.

Further biodiversity enhancement as required by Planning Policy Statement 9 could be achieved through the installation of bat boxes, better management of hedgerows and a more naturalised outfall making use of open channel swails or wetland creation. Due to the complexity of the biodiversity issues, we recommend that the mitigation and enhancement is delivered through a nature conservation plan to include details of trash screens, timing of work, delivery and ongoing management of biodiversity.

In summary, Natural England has no objection to the development including the revised site area.

4.3 Advantage West Midlands:

The agency fully supports the proposed Flood Alleviation Scheme. As part of the Edgar Street Grid redevelopment, the agency is making major investment into this area in partnership with Herefordshire Council. The FAS will significantly reduce flooding impact around the ESG and will have wider benefits in and around Hereford by alleviating the risk of flooding to infrastructure, residential and commercial properties.

4.4 Hereford and Worcester Garden Trust:

The Trust believes the application will damage the historic landscape at Old Weir Farm. The landscape between Old Weir and Old Weir Farm was originally laid out as parkland and formed part of a managed landscape. The creation of an intrusive outfall structure made in modern materials in the meadows below Old Weir is completely out of place in this important landscape.

The National Trust recently commissioned a historical study of the area to underpin a long term strategy of expanding public access. The wooded dingle provides an interesting and picturesque route down to the meadows and the proposal will

permanently damage the bottom end of the dingle and frustrate any future use as a pedestrian route. We urge ESG to return to the drawing board and provide a different less intrusive solution to the flooding.

- 4.5 The Ramblers Association:
All works on the crossing point of the Public Rights of Way should be kept to a minimum possible so as the thoroughfare can be reopened at the earliest opportunity. The ground must be reinstated so there is no step change in levels in the vicinity of the Public Right of Way.
- 4.6 Herefordshire Nature Trust:
No comments received.
- 4.7 Open Spaces Society:
No comments received.

Internal Council Advice

- 4.8 Traffic Manager:
No objection subject to a condition requiring details to be submitted of the proposed crossing of the A438 and access to the construction compounds.
- 4.9 Public Rights of Way Manager:
The proposed development would not appear to affect the use and enjoyment of Public Footpath KT9 which passes over the culvert and therefore the Public Rights of Way Manager has no objections.
- 4.10 Conservation Manager – Historic Buildings
The proposals will have minimal impact on the built environment and we do not believe that this would be detrimental to the setting of the nearby listed buildings. The landscape around the listed buildings has changed over time and will continue to change. For example, structures such as the large agricultural buildings within the farm complex would appear to have more of an impact on the setting of the buildings than the outfall. The only requirement is to ensure that an appropriate stone and mortar mix is used for the new walls.
- 4.11 Minerals and Waste Officer:
The proposals identify the need for a haul road with passing places but limited information on this is available. Consideration is needed of the haul road at this stage including its construction width, type, depth and quantity of the imported construction materials and the impact of its construction on any existing trees and vegetation along with a full method statement for subsequent removal.

The site lies within an area of up to 2 kilometres either side of the proposed development identified as minerals reserve safeguarded for sand and gravel. The Environmental Statement does not consider whether any useable sand and gravel might be encountered by the excavations nor does it consider possible sterilisation of the minerals resource as required by Policy M5 of the UDP.

It should also be noted that historic excavations within Stretton Sugwas Quarry have taken place within and around 200 metres of the proposed development site. The

Environmental Statement does not consider whether any changes in Yazor Brook would affect water levels within the restored quarry.

The submitted materials management strategy identifies approximately 13,087 cubic metres of waste soil will need to be disposed of off site during a nine month period. This figure may be an under estimation and it does not appear to take into account the bulking up that occurs when soil is excavated. This represents about 1500 20 ton HGV movements which is significant (750 each way). Although not significant in regional waste terms, none of the licensed landfills sites within the county are currently operational or able to receive further spoil. Planning permission will also be needed for any scheme that utilises the soil where this be for landfill or for environmental improvement. Further consideration should be given to this matter.

There is also no scope for disposal at existing quarries as a result of any restoration proposal and quarry permissions generally precludes such importation. Other areas of concerns related to the principle of a culvert as opposed to an open channel and concerns over future maintenance and management responsibilities.

The requested additional information has been provided and further comments are awaited.

4.12 Conservation Manager – Archaeology:

There are significant archaeological issues to consider in relation to this proposal. The northern part of the proposed culvert route passes directly through the eastern outskirts of the former Roman town of Magnis and crosses through the line of the principle Roman Road leading eastwards from this ancient town site. At the southern end of the route there are potential concerns relating to the former Roman crossing point (of the River Wye) close to this location. Further remains of Roman dates, and indeed from other periods, are likely on route.

The Archaeological Evaluation Report describes the initial archaeological findings in detail. It is clear that although the northern part of the route passes some distance from the east side of the Scheduled Ancient Monument, there is good preservation of important Roman remains in the areas that will be affected. However, given the very extensive background area over which the Roman activity is evident, and the comparatively small scale of the culvert against this background, the damage the culvert will do will be localised and in my view be capable of appropriate archaeological mitigation.

Accordingly I have no objection subject a condition requiring further archaeological excavations prior to any other site works. Potential will also need to be drawn to the site compounds which will need to be minimally ground evasive in both design and execution.

4.13 Conservation Manager – Ecology:

I note the presence of many protected species including kingfishers, bats, otters, great crested newts, reptiles and badgers. The Ecological Impact Assessment identifies mitigation for the species present as well as opportunities for enhancement. The mitigating and enhancement recommended for otters, newts, reptiles and bats in particular is welcomed.

Yazor Brook has been identified as having high ecological value and supporting a number of species. Works conducted in this area should therefore follow the Environment Agency's Pollution Prevention Guidelines. Licences will also be

required for progressing works affecting protected species or their habitats. In terms of bats, enhancement in the form of bat boxes will also be welcomed. A potential conflict may occur between clearing vegetation outside of the bird nesting season and disturbing hibernating reptiles such as great crested newts is recognised and the ecological recommendations followed. The proposed new planting shall be native species and trees and hedgerows that have been removed shall be replaced with native species of local provenance.

The inclusion of a fish refuge area is welcomed but the detailed design and future management should be clarified along with details of the trash screen. All works including enhancement should be included within a full working method statement. and an appropriate qualified ecological clerk of works is appointed to oversee the ecological mitigation.

4.14 Environmental Protection Manager:

There are no likely operational impacts associated with the proposal and any proposed mitigation measures should only be considered in respect of the construction phase.

I have no objection but it is recommended that a condition requiring an environmental management plan addressing issues with regards to dust and noise be required by condition along with restrictions on working hours.

With respect to contamination, there appears to be no significant contamination issues. However, clarification is required to the figures in the conception model.

4.15 Conservation Manager – Landscape:

The landscape and visual impact assessment contained in the accompanying 'Environmental Statement' is a fair and balanced study, which follows current accepted guidance. I can confirm that the application has correctly identified the general character of the landscape and has referred to the Council's Landscape Character Assessment, and other useful sources of information. I would generally concur with the findings of the study; that initially there will be a slight to moderate adverse impact on the quality and character of the landscape during and immediately after construction, but that this will become negligible within a short period after. Following careful assessment of the landscape and the route of the proposed development I would conclude that visual impact on the landscape will also be minimal.

The assessment fails to acknowledge the value and significance of the adjacent designed landscape at 'The Weir' and the associations with other nationally and internationally important cultural landscapes in the near vicinity; notably Garnons and Foxley, both particularly influential in the establishment of the '*Picturesque*' landscape movement of the late eighteenth century. However, I would conclude that the potential impact of the proposed development would not result in any significant harm to either the visual quality of the designed cultural landscapes in the vicinity or our understanding of them.

Recycled fencing materials or the prior approval of the type and colour of proposed new materials should be used in order to minimise the visual impact of these features where no fencing currently exists. The proposed re-profiling of the flood plain meadow at the outfall of the proposed development, will have a minimal or negligible impact on the landscape, the need to stabilise the re-profiled floodplain needs

consideration. All landscaping and mitigation proposals should be implemented within the first planting season post development.

5. Representations

- 5.1 The proposed route of the development crosses three parish council areas and is adjacent to a fourth. The comments are set out below:

Credenhill Parish Council:

The Parish Council agree in principle to the proposed application and the parish will liaise with the ESG to discuss minor changes to the proposals.

Kenchester Parish Council:

No objection.

Stretton Sugwas Parish Council:

The Parish Council is strongly opposed to the over engineered aspects of this project. We believe it is important to adopt a more natural greener softly engineered approach with significantly lower carbon footprint in the construction process. For example, the dingle was formed as a natural overflow channel in use until recent years, and should be reused.

We are not opposed to the principle behind the overflow scheme and believe it to be worthwhile. However, due to the considerable amount of money that has been spent on the Environmental Assessment it would be reckless to adopt some of the excesses of the construction at the outfall and elsewhere.

Neighbouring Parish – Eaton Bishop Parish Council:

The Parish Council supports the Yazor Brook Flood Alleviation Scheme proposal.

- 5.2 One letter of objection has been received from Chris Lambert, Land Use Planning Advisor for the National Trust along with a further e-mail asking questions about the scheme from Stone Cottage, Swainshill. The main points raised are:

The Trust objects to the impacts on the fabric and setting of heritage assets in its care and the details proposed fail to do enough to prevent, reduce and offset environmental effects.

Background

The Trust was founded in 1895 and has a unique power of being able to declare its property inalienable which it means it cannot be sold or mortgaged. The Trust therefore has a charitable and moral responsibility to maintain its property for present and past supporters. The Trust duties also include providing and enhancing public access to and appreciation of its property.

The Trust has vigorously challenged that the proposed scheme is the least environmentally damaging or the only achievable solution to the flooding problems and remains unconvinced that the option proposed is the only solution. The Trust would prefer an alternative solution to the flood alleviation scheme proposed.

If the principle is accepted further information and detail is required.

Landscape

The Weir is Grade II Listed Country House and the gardens are open to the public attracting 15,000 visitors annually. There is a planning programme to extend public access to the wider Weir Estate. Although the estate is not included in English Heritage's register of Historic Parks and Gardens, a landscaped park exists between The Weir and the Old Weir and the whole area between the road and the river should be regarded as a designed landscape. An estate plan has been produced and a phased restoration has begun which will eventually involve the whole estate. We consider the views from along the River Wye and the Roman Road and through the historic park should also be considered in the Visual Impact Assessment and assessed as high sensitivity receptors.

We also consider the design and location of the outfall structure including the ridge and furrow system will be an obvious engineering and artificial intrusion into the setting of the listed building and the designed landscape. Suitable planting along the outfall structure would be beneficial along with the opportunity to secure ecological gain through improved design should be explored.

We consider the application should not be approved until detailed consideration has been given to the impact on the designed landscape as a whole and this impact has either been prevented or reduced to a minimum with any residual impact offset.

Archaeology

The Weir Estate has considerable archaeological interest particularly from the Roman period. The Trust's archaeologist suggests moving the energy dissipation chamber further south or south east to mitigate archaeological and landscape impact. The archaeological implications of the proposed ridge and furrow system and site compounds have also not been evaluated and needs to be assessed.

Further details are required of the compound in terms of height and materials stored, height and noise, ground compaction and contamination and disruption to existing farming operations in order that the impact can be fully considered.

Listed Buildings

The landscape impact identifies moderate adverse impact on the views from Old Weir Farm and therefore this aspect of the setting would be harmed. Other elements such as views to the buildings has not been considered. The application should not be approved until consideration of the impacts on the listed building has been given and that these impacts have been prevented, reduced to a minimum and offset.

Contamination

The Environment Statement makes no account of sediment load that may be deposited when the FAS is operational which could include contaminants from agricultural and other operations that would be deposited on the land between the outfall structure and the Wye. Detailed analysis of the base line sediment conditions in this area are required along with arrangements for future monitoring and remedial action as sediments build up and if any contamination arises. This should be established prior to any consent being given.

Other Matters

There are no details regarding risk of failure of the development including the risk of blockage or risk of sediment build up of at the outfall. This needs to be quantified and method of remediation along with details of access arrangements for general maintenance agreed.

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

6. Officer's Appraisal

- 6.1 Due to the scale of the site area and to assist in the assessment of the development and potential impacts the proposal will be considered in three sections as set out below. The other matters relating to the scheme as a whole will then be assessed.
- 1) Method of Assessment
 - 2) Other Options Considered
 - 3) The proposed off-take works in and around Yazor Brook known hereafter as *The Off-Take*.
 - 4) The section of culvert from agricultural land immediately south west of the Community Building to the top of the spill way at the wooded dingle hereafter referred to as *The Long Section*.
 - 5) The spillway energy dissipation chamber and final outfall to the River Wye hereafter referred to as *The Outfall*.
 - 6) Flood Alleviation
 - 7) Flood Risk and Other Potential Risks
 - 8) Construction Infrastructure
 - 9) Waste Management
 - 10) Future Operation and Maintenance
 - 11) Conclusion

Method of Assessment

- 6.2 It is proposed to use the general methodology within the Environmental Statement to assess the planning merits of the development. This considers the current position and assesses the likely significant environmental impacts of the development against the baselines conditions. Significance is assessed through considering the strength of change, duration/frequency of change and the sensitivity of the receptor/resource to change. A conclusion is then drawn on the impact and categorised in terms of neutral or negligible, minor, moderate or major. The categorisation of effects can also be positive and negative i.e. minor, moderate or major adverse or minor, moderate or major beneficial effect. The significance of impact from here on in will therefore refer to this method of assessment.

Other Options Considered

- 6.3 As required by the Environmental Impact Assessment Regulations, the applicants have identified the other options considered. A feasibility study identified and tested six possible options to achieve flood mitigation. These are:

Option A: Upstream off- take into the River Wye, diversion of flood flows from Yazor Brook into the River Wye, flood flows transferred south across agricultural land discharging into the River Wye.

Option B: Off-take into Sugwas Quarry, diversion of flood flows from Yazor Brook into Sugwas Quarry for flood storage.

Option C: Construction of a new flood storage pond at the livestock market.

Option D: Adaptive approach, deliver strategic flood mitigation in a staged approach to adapt to better catchment understanding and improved data collection this will require long term commitment and agreement from the Environment Agency and Herefordshire Council.

Option E: Off-take into the canal, diversion of Widemarsh Brook upstream of the flood alleviation scheme development site into the yet to be restored Herefordshire & Gloucestershire Canal.

Option F: Credenhill flood storage, provision of flood storage in addition to the existing natural flood plain storage up stream of Credenhill with the creation of two flood storage reservoirs.

- 6.4 The feasibility study assessed the economic, environmental, technical, and risk issues and impacts of each option. In addition, other options were considered and discounted at an early stage such as on site flood mitigation within ESG as it became clear that they would not achieve the necessary strategic flood mitigation. However, secondary flood mitigation in addition to this application proposal will be implemented including on site flood works.
- 6.5 The options appraisal examines each option in some detail and it is accepted that based on the evaluation criteria, that the proposed option will achieve the best opportunity for a strategic flood mitigation and protection, has moderate environmental impact, generates wider economic benefits at a moderate cost with a low to moderate overall risk. Consequently it is also the most deliverable option in achieving a sustainable level of strategic flood mitigation.
- 6.6 Following identification of the preferred option a number of route alignment and design options were then explored to arrive at the current proposal including consideration of an open channel. However, due to the existing topography and depths that need to be achieved due to the crest height of the offtake, the scale of the channel would be significant due to the necessary shallow sides that would be required in order to create a natural appearance. This option was therefore dismissed.

The Off-Take

- 6.7 This is effectively the means by which water is channelled from Yazor Brook into the culvert at times of flood and is described in detail at paragraphs 1.4.1 to 1.4.7. In summary, this comprises of a stone faced concrete reinforced chamber constructed on the south western bank of the brook known as the entry weir. Within the stone face of the weir will be a series of eight grills set at 400mm above existing bed level (known as the free board level) through which water would pass into the culvert. The brook will also be narrowed slightly down stream through the construction of a flume control structure to assist in channelling water directly into the weir and culvert.
- 6.8 The only visible components of this part of the scheme will be the new stone faced wall running from the flume control structure to the existing culvert on Station Road. While this will introduce a hard engineered face to the brook, subject to the use of appropriate stone to match the nearby bridge, it is not considered that this will have a harmful impact on the visual or landscape quality of the area particularly given the

semi urban context of this area. Some of the existing vegetation will need to be cleared to facilitate the construction of this structure along with a small number of trees along the southern boundary with the adjoining agricultural field. This will be mitigated with new planting along with the regarding of some of the existing levels around the flume control and maintenance compound area to assist in assimilating this part of the development into the landscape context of the site.

- 6.9 To facilitate the construction of the culvert Yazor Brook has to be temporarily diverted through the construction of a new channel with raised embankments either side on land to the north but these works will only be temporary for the duration of construction. The landscape and visual impact of this section is therefore considered moderate in the short term but minor or negligible in the medium to long term.
- 6.10 There is potential for significant archaeological remains in the area but these are likely to be concentrated more on the land immediately south of the Community Centre where less ground disturbance has occurred. This impact is therefore considered relatively low.
- 6.11 In biodiversity terms, there will inevitably be a direct impact on any existing ecology in and around the off-take construction area which includes foraging bats, aquatic invertebrates and otters nearby. However, this potentially moderate adverse impact will be temporary and it is proposed to mitigate as well as enhance any impact through biodiversity features within this area. In particular a fish refuge area is to be created on the existing paddock north of the brook. This will be connected to the main brook through an open channel and will be graded in order to ensure permanent water volume to avoid fish becoming stranded at low water levels. In addition, part of this area will be relatively wet all year round further enhancing the ecological value of this area. The Environment Agency requested further information regarding some of the design features of this part of the scheme such as the size of the grill on the trash screen to prevent fish from entering the culvert and their further comments are awaited. The impact on biodiversity will be moderately harmful in the short term and impact in the longer term will be negligible with potential for a low beneficial impact.
- 6.12 Due to the close proximity of existing properties immediately to the north, there will inevitably some disruption arising from noise, dust and vibration during the construction. A portacabin will also be removed alongside the community centre and a replacement may be subject of a separate application. There will also be some disturbance and disruption caused to the children's nursery immediately east of the off-take. Subject to a robust environmental management plan including restriction on working hours and appropriate hoardings and security fencing, any harmful impact on the amenity can be minimised and will ultimately only be for a temporary period estimated at 9 months. Yazor Brook has been analysed as having good water quality. The environmental management plan will also need to address potential contamination of the water course as a result of the construction operations but again, subject to best practice being followed, it is not considered this issue will generate any harmful effects.
- 6.13 Some construction traffic will enter this site via the existing access to the Community Centre along with a secondary temporary access in the northern extremity of the site to facilitate construction on the northern side of the brook. However, the main construction access and construction traffic route will be directly off the A438 running along the length of the culvert up to the off-take area.

- 6.14 The general and technical design of this feature is supported by the Environment Agency and both Natural England and the Council's Conservation Team raise no objection to the potential other impacts. This is considered to be the simplest means of bypassing flood waters with the least environmental impacts

The Long Section

- 6.15 This section runs from the southern edge of the Community Centre land across cultivated agricultural land in a southerly direction including crossing Public Footpath KT9 and under the A438 to the top of the wooded dingle near the River Wye. All of this section will comprise a two metre underground plastic culvert at a depth varying between one and three metres below ground. The proposed route of the culvert along this section has been aligned to avoid any significant hedgerow or tree removal. Sections of hedgerow will inevitably have to be removed where field boundaries are crossed and at the crossing of the Public Footpath and A438 but all hedgerows are to be reinstated upon completion of the works. Furthermore, the working areas are to be reduced in the vicinity of the existing hedgerows to minimise the amount of removal. As such, whilst there will be a relatively major visual impact during construction, the impact will not be discernible once works are complete and new planting establishes.
- 6.16 The northern end of the long section is perhaps the most sensitive area archaeologically as it lies immediately east of Magna Castra Scheduled Ancient Monument and during the preliminary archaeological investigations significant Roman archaeology was discovered. This is not unsurprising given the location of the Roman town of Magnis to the west. The archaeology in this area is considered to be significant and of high quality ranging from six phases between the 2nd and 4th Century. Extensive archaeological evaluation is however proposed within this area including excavation and recording of all archaeological remains by hand and assessment, analysis, reporting and publication of the results.
- 6.17 The Council's archaeologist confirms that given the extensive background area over which the Roman activity is evident and the comparatively small scale of the culvert against this background, the potential damage the excavation of the culvert will cause will be localised and capable of archaeological mitigation. Furthermore, the excavation and recording of the archaeological resources can be beneficial and justifiable where this produces of a well analysed sequence of findings and a material arising from the work is placed in a public repository and published.
- 6.18 Whilst there will be a moderate adverse impact on the existing archaeology in the area, the Council's Archaeologist is satisfied that this impact is mitigated through the proposed evaluation and recording works. Elsewhere along this section the archaeological interest is in general considered to be low although some Roman pottery was discovered on the sections immediately north and south of the A438. As with the more sensitive areas to the north, subject to appropriate evaluation and recording secured by condition it is not considered the archaeological interest of this section will be unacceptably harmed.
- 6.19 The biodiversity interest along this section amounts to predominantly reptiles including common lizard, slow worm, grass snakes and great crested newts along with use of the area for foraging bats and some badger activity towards the southern end near the wooded dingle. The general impact on the biodiversity within this section will be a minor adverse impact during construction with a more moderate

impact on reptiles and badgers particularly due to the creation of a temporary barrier across the potential habitat. However, post construction the impact is considered to be neutral as any vegetation, grassland or habitat that is removed is to be reinstated on a like for like basis with opportunities for enhancement. In particular, an otter underpass is to be constructed under the A438 to facilitate the safe movement of otters from their base at the River Wye to the south. Across the development site the timing of the works will be critical to avoid any disturbance to both nesting birds and hibernating reptiles in particular. This can all be secured through appropriate conditions requiring a full biodiversity working method statement to be submitted.

- 6.20 Works here will require the temporary diversion of Public Footpath KT9. The Public Rights of Way Manager raises no objection to this subject to an appropriate diversion order being sought and agreed. The main construction accesses will also be achieved within this section directly off the A438 to the north and south. This will entail the construction of temporary accesses and the signalisation of this section of the A438 to control traffic. The Traffic Manager raises no objection to this subject to the final design of the culvert under the highway being submitted for approval.
- 6.21 There will be increased disturbance for residents to the east particularly those within close proximity to the principal construction accesses but as with other areas, subject to considerate construction the impacts can be minimised and will be of a temporary nature. The amenity impact will therefore be adversely moderate during construction only. There is no significant ground condition or contamination issues within this section of the route. This section, with the exception of archaeology, has the least environmental impact and in terms of design and general impact has the full support of the statutory consultees.

The Outfall

- 6.22 This comprises the final section running from the top of the wooded dingle south of the A438 down to the River Wye flood plain with the final discharge to the Wye. At the top of the dingle before the steep drop in levels the culvert design changes to a concrete rectangular chamber (spillway) 4 metres in width descending approximately 13 metres at a gradient of 1 in 5. At the bottom of the spill way the water flows will then enter an energy dissipation chamber which is a reinforced concrete structure that effectively defuses the speed of flows generated by the rapid descent through the dingle. This is required to minimise the risk of scour and erosion of the flood plain and Wye embankment. From the energy dissipation chamber water then flows through another short section of culvert before final natural outfall across agricultural land with the water dispersed over a wider area through the creation of gentle ridge and furrow undulations within the flood plain.
- 6.23 This spill way, energy dissipation chamber and the final section of culvert will all be under ground although existing ground levels are proposed to be modified to achieve this around the energy dissipation chamber. The increase in levels, however, only amounts to around a metre at most. The only visible element when viewed from a southerly direction will be the face of the culvert which is to be stone clad. The proposed ridge and furrow final outfall design only necessitates changes in levels of around 300mm which will be no more discernible within the wider landscape than a ploughed field and visually, will have negligible impact.
- 6.24 The works in this area also require the localised vegetation and tree removal although it should be emphasised in the context of the scheme as a whole the

removal is minimal. The location of the spill way is such that all existing trees can be retained and protected with the exception of the lower part of the dingle where around 5 small and semi-mature trees will be removed. This will result in a moderate adverse impact during the construction and for the first year or two post completion but the landscape and visual impact for the design year (15 years ahead) will be negligible. This is largely due to the proposal for compensatory planting to mitigate the loss of the trees and vegetation removal including new planting along the River Wye embankment. The overall landscape and visual impact of this section is therefore considered moderate harmful during construction and minor to negligible at the design year.

- 6.25 In making the above judgement, consideration has been given to the comments of the National Trust and the potential impact on the designed landscape associated with Old Weir and Old Weir Farm. This landscape is an important heritage asset reflected by its designation as an Unregistered Historic Park and Garden. Whilst the landscape and visual assessment fails to recognise the importance of this designed landscape, the assessment of visual impact is in accordance with current guidance and the use of Old Weir Farm as the principle visual receptor is appropriate. The landscape officer considers that the visual impact of the proposed development in this regard would be negligible and that it would not impair the public's appreciation or understanding of this landscape. Natural England also raise no objection. Therefore, notwithstanding the Trust's future plans to increase public access, it is not considered further landscape or visual assessment is required.
- 6.26 The Dingle in particular has potential areas of archaeological interest but as with other parts the development, the Council's archaeologist is satisfied that this impact can be satisfactorily mitigated with appropriate conditions requiring controlled excavation, analysis and recording. The archaeological impact of the final ridge and furrow system will be negligible as the geophysics indicate that this area has been affected by normal agricultural practices and covered by more recent alluvial deposits and therefore, there is limited risk of any archaeological remains of note being close to the surface in this area.
- 6.27 The National Trust have suggested that the relocation of the energy dissipation chamber further south would reduce its archaeological and landscape impact. As discussed above, the landscape impact would amount to no more than a small scale remoulding of the landscape to effectively cover the dissipation chamber. In terms of archaeology, the Council's Archaeologist has reviewed this option and concluded that any archaeological interest at the currently proposed location is not sufficient to necessitate the relocation of the energy chamber and any archaeological interest that may exist can be satisfactorily mitigated by condition. It is therefore not recommended that this structure be relocated.
- 6.28 With regard to the impact on the setting of Old Weir Farm which is grade II listed, this is around 170 metres away and in an elevation position. Whilst the development will be visible from the listed building, the scale and extent of works is considered to have negligible impact on the setting on the listed building. This view is supported by the Council's Historic Buildings Officer who further comments that setting has already been compromised by more modern agricultural buildings.
- 6.29 The biodiversity interest in this area is significant partly due to its location adjacent to the River Wye which is designated as both a Special Area of Conservation and Site of Special Scientific Interest. The ecological surveys have revealed a presence of various reptiles including common lizard, slow worm and grass snake, aquatic

invertebrate including rare beetles and dragonfly, otters, a badger sett, kingfishers and a habitat for bats to forage.

- 6.30 In terms of the River Wye, an Appropriate Assessment under the Habitat Regulations has been submitted and both Natural England and the Council's Ecologist are satisfied that there will be no adverse impacts on the River Wye and the species that make up its designations. To further reduce the risk of bank erosion new planting will be proposed along the northern bank of the River Wye to include natural willow matting which will create new biodiversity opportunities. The ridge and furrow system will be stabilised with a biodegradable geotextile vegetated mattress.
- 6.31 Biodiversity enhancement works include the removal of Himalayan Balsam from the river bank which is a relatively vigorously growing non native species, construction of a new otter holt along with the provision of bat boxes within the trees in the area. These measures will assist in mitigating any direct or indirect impacts of the development during construction and provide new opportunities for enhancing the ecological value of this area post construction. The development during construction will have a moderate adverse impact on the identified protected species and their habitat during construction but this will effectively be negligible once in operation as the biodiversity mitigation and enhancement opportunities are adopted.
- 6.32 The construction of this part will be more complex due to the structures proposed, the surrounding topography and proximity to the River Wye. As with Yazor Brook, the River Wye have been assessed as having good water quality and it is therefore sensitive to pollution. The Appropriate Assessment evaluates potential risk of pollution alongside the Environmental Statement. Both documents do not identify any significant risk of pollution or contamination as a result of construction operations or the scheme once in operation. This is subject to the use of good environmental practice during the construction including storage of fuel within bunded compounds, identifying dedicated areas for washing of wheels and equipment and the provision of spill equipment such as river booms on site to ensure that any pollution event can be quickly tackled. Both Natural England and the Council's Environmental Health Manager with responsibility for water quality support the view that the pollution risk is moderate and negligible post construction.
- 6.33 The other potential impact on water quality raised particularly by the National Trust is contamination in the culvert and the mobilisation of sediment at the outfall on the River Wye. As both water courses have the same level of water quality, discharge from one water course to the means the overall impact of the scheme once in operation on the watercourses is negligible. The energy dissipation chamber will reduce hydraulic flows into the Wye to a low level and consequently sediment may build up on the flood plain. This is an issue that can be addressed through appropriate management and maintenance regime secured by condition. Ultimately, Yazor Brook has final discharge to the Wye albeit in a different location and the overall impact on the Wye as a Special Area of Conservation and SSSI is considered negligible.
- 6.34 It is not considered that this part of the proposed development will have any adverse impact on the amenity of nearby properties as a result of noise, dust and vibration. Overall, this part of the scheme achieves a correct balance between minimising the visual and archaeological impact and safeguarding the ecological value of the area and water quality of the Wye.

Flood Alleviation

- 6.35 The primary purpose of the proposed development is to provide flood alleviation for properties and land within Hereford City including the ESG area and along the route of Yazor Brook. The results of the hydraulic modelling identified that there is currently significant risk to existing communities down stream of the location of the FAS development as a result of flows from Yazor Brook. The communities at risk include residential, industrial and agricultural properties and buildings, open agricultural land, infrastructure and transport links including A roads and the A49 trunk road. As such the base line flood risk particularly for Hereford City is classed as high.
- 6.36 The hydraulic modelling exercise undertaken to support the flood risk assessment and the scheme generally assesses a before and after scenario. The assessment covers both the primary water courses (Yazor Brook and the River Wye) and secondary connecting water courses such as Widemarsh Brook and Eignbrook. Monitoring points are set up both up stream of the proposed FAS and down stream at various points along its length leading to and within the city. The monitoring assesses both maximum water levels and peak flow rates. The results of the hydrological assessment identify that the development will alleviate flooding associated with Yazor, Widemarsh and Eign Brooks downstream of the Yazor Brook off-take at Credenhill. The benefit will extend as far as the outfall of these watercourses into the River Wye at Broomy Hill and Eign Road, Hereford.
- 6.37 The development will operate approximately twice a year and will reduce flows immediately down stream at the off-take to the following:
- 1 in 20 year (5% Annual exceedance probability) frequency of flood from 6 cubic metres per second (m³/s) to 1.7 cubic m³/s,
 - 1 in 100 year (1%) frequency of flood from 7.8 m³/s to 2 m³/s and
 - 1 in 1000 year (0.1%) frequency of flood from 13.3 m³/s to 6.5 m³/s.
- 6.38 Many parts of the urban area of Hereford adjacent to the brook corridors will see reduced risk of flooding including housing and commercial/employment areas, public open space, allotments and areas of car parking including that serving the County Hospital. Transport links within the city including the A438 and A49 trunk road will also benefit. Up stream, large areas of agricultural land and scattered property will also benefit. Within the ESG area there will be significant reduction in the extent of functional flood plain. The flood alleviation benefits are quantified below.
- 1 in 20 year flood
 - 93% (115 of 124 residential and commercial properties) that are currently affected by flooding will no longer be subject to this level on flood risk when the development is in operation. The residential areas around Millbrook Street, Nolan Road and Edgar Street will particularly benefit.
 - 1 in 100 year flood
 - 71% (165 of 231 residential and commercial properties) will have their flood risk removed within this probability of risk.
- 6.39 It can therefore be seen that the development will significantly reduce the degree and extent of flood risk for large parts of the city including the ESG area. The development is therefore considered a strategic flood alleviation scheme rather than an ESG flood alleviation scheme based on the number of properties and land that will

benefit from reduced flood risk. The assessment of the impacts is therefore considered majorly beneficial.

Flood Risk and Other Potential Risks

- 6.40 The development must also be assessed to establish whether there are any increased flood risks as a result of the proposed infrastructure or increased outfall to the River Wye. Both the off-take structure and final outfall fall within Flood Zone 3 but are classified as water compatible development within Planning Policy Statement 25 and therefore are acceptable in principle. The physical works have been designed so as not to impact on the function of the flood plain or increase flood risk for the immediate areas and properties.
- 6.41 The scheme will inevitably increase flows directly into the River Wye and therefore has the potential to increase flood risk. Taking the extreme scenario where peak flows within Yazor Brook, peak flows through the FAS development and peak flows within the River Wye all coincide, the flood level within the Wye would increase by 20mm. In perspective, this contrasts with the flood level within the Wye already around 2 metres above top of bank and water depth within the river channel of around 8.5 metres for a 1 in 100 year event. As such, the rise in levels represents an increase in flood level of 0.02% (in channel) and 0.01% (flood plain). Therefore the sensitivity of this change means the adverse impact on the flood risk will be negligible. It must also be emphasised that the chances of all peak flows coinciding is very low given the different characteristics of the catchment areas for Yazor Brook compared to the River Wye.
- 6.42 The other potential risk of FAS the development when in operation is a reduction in flows down stream within Yazor Brook. This could have an impact on the hydrological, geomorphologic and ecological characteristics of Yazor Brook. Flows within water courses are generally characterised by that which occurs for at least 95% of the time (referred to as Q95). The current Q95 flow for Yazor Brook is 0.016 cubic metres per second. This is therefore what is required to retain and maintain the physical and ecological characteristics of the water course. As the FAS development will not become operable until flows exceed 0.5 m³/s, the development is unlikely to impact upon existing flows within the brook with the exception at peak times and as such, the characteristics and biodiversity of the brook will not be harmed. The analysis also indicates that the impacts on levels within the adjacent restored Sugwas quarry are also considered to be negligible.
- 6.43 The risk of blockage either of the entry weir or of the culvert itself has also been considered. The entry weir is positioned parallel with the water course rather than perpendicular to the direction of flow and therefore the risk of blockage is considered to be relatively low. Nevertheless, two scenarios (25% and 50% blockage) have been modelled and the results identify that even with a 50% blockage, the performance of the culvert will only reduce by 12%. Whilst this would increase flows down Yazor Brook into the city, the flows would still be significantly smaller than currently exist.
- 6.44 The blockage within the culvert is highly unlikely due to the trash screens and security grills at either end. Maintenance manholes have been positioned along the length of the culvert to allow maintenance and inspection and the manholes have been positioned that in the unlikely event of a blockage, any water surcharging over land would not impact on people or property. Alongside regular routine maintenance,

water levels would also be digitally monitored and therefore any abnormality in levels will become apparent very quickly. The risk of blockage is therefore not considered to present a danger in flood risk or public safety terms.

Construction infrastructure

- 6.45 The scale of the development site is large and therefore to facilitate construction it will be necessary to construct a haul road from the proposed new access on the A438 in a northerly direction for the full length up to the Credenhill Community Centre. In addition, at least two construction compounds are proposed - one immediately south of the Community Centre and one immediately south of the A438 with a possible third compound immediately north of the A438.
- 6.46 Both the construction compound and haul road will comprise stripping back the initial layer of top soil and installation of a geotextile membrane with 200mm of crushed stone above. The visual impact of the haul road and compounds will be significant during the course of the construction but the works and impact will be reversible as the stone will be removed following completion of the works and the top soil reinstated and seeded. The Minerals and Waste Officer has concerns regarding the re-use of the stone following completion of the development. This matter can be satisfactorily controlled by condition.
- 6.47 The construction compounds will be of a similar format but enclosed with Heras fencing and contain various portacabins for offices, mess rooms, toilets, etc along with storage facilities for equipment and tools as well as site operative parking. The Environmental Statement also considers the impact of the haul road and storage compounds including considerations of archaeology, ecology, amenity and pollution. The archaeological impact will be minimal as the depth of the excavation will be no more than 300mm whereas the majority of the archaeological remains in and around the compound areas are likely to be of a depth of a metre or more. The geotextile membrane will limit ground compaction.
- 6.48 The construction process as a whole including the compounds and associated haul road will inevitably have an impact on localised amenity in terms of noise and dust in particular. Although it is not possible to remove the likelihood of noise, vibration nuisance and emissions entirely, through a robust environmental management plan which can include measures such as acoustic enclosures around site compounds and noisy plant within close proximity to residential properties, the construction impacts can be satisfactorily mitigated. Other potential impacts identified within the environmental statement can be controlled by condition such as foul drainage, minimising the lighting and controlling timings so as to not to impact on ecology and storage of polluting substances within impervious bunded containers or compounds. Subject to these measures the impacts of the construction compounds and haul road will not be harmful.

Waste Management

- 6.49 The construction process will generate a significant amount of waste comprising primarily subsoil. Approximately 13,087 cubic metres of spoil will arise from the development. Whilst some spoil can be reused on site for additional landscaping and earth works it is likely that the majority will have to be disposed of off site. The final site for disposal of the waste has not yet been confirmed.

- 6.50 The Minerals and Waste Officer has identified that there is no ability to dispose of this at historic landfill sites within the County and quarry permissions generally preclude the importation of spoil for reclamation purposes. Planning permission will be required for the disposal of any waste on an unlicensed location and therefore controls will exist through with the need to secure any appropriate permissions. Notwithstanding this, a condition is recommended requiring details of the strategy for waste disposal to be agreed including the extent and detail of any material reused on site and quantities and quality of waste disposed off site along with the final location. If required, Wye Valley Reclamation at Rotherwas who are licensed to take spoil of the type generated by this development have confirmed that they would have capacity to accommodate all of the waste from this development. A condition will also be required to control the location and height of any on-site storage prior to off-site disposal. The development will or has a potential to sterilise part of the safeguarded mineral reserve and further information has been provided on this matter which the minerals and waste officer is currently considering.

Future Operation and Maintenance

- 6.51 If planning permission is approved and subject to final landowner agreements being in place the development will be delivered by Herefordshire Council and it is likely that the Environment Agency would ultimately be the asset owner as part of its wider responsibilities for Yazor Brook as a critical ordinary watercourse and the River Wye as a nationally important river system. The operating and maintenance role however is likely to be Herefordshire Council's responsibility although this is yet to be decided. It is considered that both the Environment Agency or Herefordshire Council will ultimately achieve the required operating and maintenance standards and the final agreement is being jointly prepared by the Council and the Environment Agency and secured by condition.

Conclusion

- 6.52 Whilst further comments are awaited from some consultees in respect of additional information provided, the proposal is in a form that can now be recommended for approval. The scheme will deliver significant reductions in flood risk for large parts of Hereford City and outlying areas with negligible permanent adverse environmental impacts. Where there is going to be a low or moderate harmful impact, all of the statutory consultees are satisfied that any impact can be acceptably mitigated and these impacts are largely during the construction phase.
- 6.53 Delegated authority is therefore requested to enable the final minor details to be agreed and the expiry of the reconsultation period on the amended site area. Subject to no objections been received that raise new material planning considerations in response to this re-consultation and the additional information provided, the application is recommended for approval.

RECOMMENDATION

It be recorded that the Environmental Statement and associated documents including the consultation and other responses received on the Environmental Statement and

the associated documents have been taken into account in making this recommendation.

Subject to no further objections raising additional material planning considerations by the end of the consultation period, 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 A01 Time limit for commencement (full permission)
- 2 C01 Samples of external materials
- 3 C06 Stonework laid on natural bed
- 4 D02 Approval of details
- 5 E03 Site observation - archaeology
- 6 E04 Submission of foundation design
- 7 G01 Earthworks
- 8 G02 Retention of trees and hedgerows
- 9 G04 Protection of trees/hedgerows that are to be retained
- 10 G10 Landscaping scheme
- 11 G11 Landscaping scheme - implementation
- 12 G14 Landscape management plan
- 13 H21 Wheel washing
- 14 H27 Parking for site operatives
- 15 No development shall commence until scaled plans of the temporary construction access points on the A438, the engineering details of the culvert construction under the A438 and the means of securing safe crossing of the A438 by construction traffic during the course of the development have been submitted for the approval in writing by the local planning authority. The development shall be carried out in accordance with approved details.

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

- 16 Prior to commencement of the development a construction traffic management plan including a scaled plan identifying the principle route of construction traffic including the route of all traffic associated with the off-site waste disposal shall be submitted for the approval in writing of the local planning authority. Development shall be constructed and waste material disposed of in accordance with the agreed traffic management agreement.

Reason: In the interests of highway safety and to safeguard local amenity and to comply with Policies DR2 and DR3 of the Herefordshire Unitary Development Plan.

- 17 I16 Restriction of hours during construction
- 18 Prior to commencement an Environmental Management Plan shall be submitted for the approval in writing of the local planning authority and shall include measures to minimise the extent of dust, odour, noise, vibration and risk of pollution arising from the construction process as set out, but not limited to paragraphs 13.71 and 14.20 of the Environmental Statement dated July 2009. The construction shall be carried out in accordance with the approved Environmental Management Plan.

Reason: To safeguard the residential amenity of surrounding properties and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

- 19 K2 Nature Conservation - site protection
- 20 I55 Site Waste Management

- 21 K4 Nature Conservation Plan - Implementation
- 22 The proposed site compounds and temporary haul road shall be in accordance with drawing no. CS02394-TRA-05 Rev P1 and the accompanying briefing notes unless otherwise agreed in writing with the local planning authority.

Reason: To safeguard the character and amenity of the locality and comply with Policies DR1 and DR2 of the Herefordshire Unitary Development Plan.

- 23 Prior to commencement of development, details of the post construction operation and maintenance requirements in the form of a manual including confirmation of the authority/agency with responsibility for future operation and maintenance shall be submitted for the approval in writing of the local planning authority. The Flood Alleviation Scheme shall be operated and managed in accordance with the agreed details and agreement thereafter unless otherwise agreed in writing by the local planning authority.

Reason: To minimise flood risk as a result of the Flood Alleviation Scheme failing and to comply with Policy DR7 of the Herefordshire Unitary Development Plan.

- 24 Prior to the commencement of the development, details shall be provided of the method, location height of waste material to be stored on site and the site for the re-use and/or disposal of waste material off site shall be submitted for the approval in writing of the local planning authority. All waste shall be stored and disposed in accordance with the approved details.

Reason: To ensure appropriate storage and disposal of all waste and to comply with policy W11 of the Herefordshire Unitary Development Plan.

- 25 I18 – Foul and surface water drainage (Site Compounds)
- 26 Prior to the commencement of the development, the details including scaled plans of the trash screens on the entry weir and security grill on the outfall structure shall be submitted for the approval in writing of the local planning authority. The screens and grills shall be installed in accordance with the agreed details.

Reason: To safeguard the biodiversity of the site and security of the development and to comply with policies and NC1, DR1 and DR2 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

- 1 HN05 Works within the highway
- 2 N15 Reason(s) for the Grant of PP/LBC/CAC
- 3 N19 Avoidance of doubt - Approved Plans

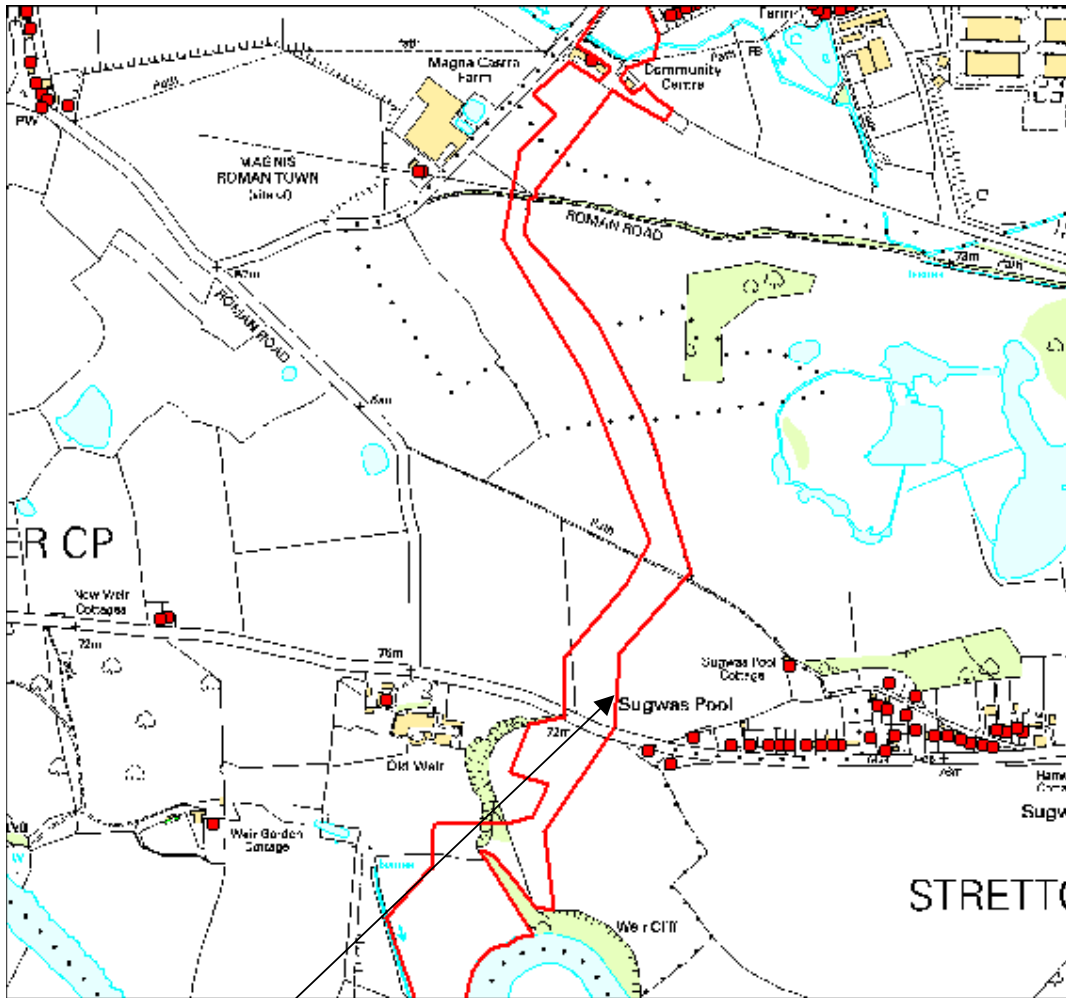
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE0009/1595/F DMCE/091717/F

SITE ADDRESS : LAND BETWEEN THE YAZOR BROOK A, SOUTH OF OLD WEIR FARM

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Further information on the subject of this report is available from Mr R Pryce on 01432 261957

DCCE0009/1942/CD DCCE/092343/CD - NEW SINGLE STOREY HEALTH CENTRE. SECTION OF EXISTING SITE BOUNDARY WALL TO BE REMOVED AND THE REST LOWERED. AT STONEBOW UNIT, COUNTY HOSPITAL, UNION WALK, HEREFORD, HEREFORD, HR1 2E

For: PCT Per Convergence Consulting, 86a Albany Road, Cardiff, CF24 3RS

DCCE0009/1945/C DCCE/092344/C - NEW SINGLE STOREY HEALTH CENTRE. SECTION OF SITE BOUNDARY WALL TO BE REMOVED AND THE REST LOWERED. AT STONEBOW UNIT, COUNTY HOSPITAL, UNION WALK, HEREFORD, HEREFORD, HR1 2E

For: PCT Per Convergence Consulting, 86a Albany Road, Cardiff, CF24 3RS

Date Received: 24 August 2009

Ward: Central

Grid Ref: 351536,240303

Expiry Date: 19 October 2009

Local Members: Cllr M Hubbard

1. Site Description and Proposal

1.1 The site occupies a corner plot on the Southern side of Commercial Road (A465) immediately west of Stonebow Road (unclassified road 80205) which serves as the principal access to the hospital. Immediately west is the access to the bus station and associated public car park and directly opposite to the north is a BP garage and Commercial Public House and Hotel. The site itself forms part of the garden associated with the Stonebow Mental Health Unit which lies immediately to the south. The site is enclosed to the north and west by a 3 metre high brick wall with the eastern boundary enclosed by a mixture of wall and lower timber fencing. Within the site itself including the adjoining land are around 40 young, semi mature and mature trees. Levels within the site are approximately 1 metre higher than the adjoining pavement and road level.

- 1.2 The site falls within the Hereford City Conservation area and adjoins the central shopping and commercial area as identified in the Herefordshire Unitary Development Plan. The site also falls within Hereford Area Archaeological Importance.
- 1.3 Planning permission is sought for the construction of a single storey building to be used as a GP Health Centre treating minor injuries and health enquires. The primary purpose of the development is to reduce pressure on Hereford's A&E department. The building is made up of four consultation examinations rooms, two nursing consulting rooms and a minor treatments facility as well as staff support facilities and patient waiting facilities. The proposed building has a 45° form thereby fronting on to both Commercial Road and Stonebow Road with the principal public entrance being on the junction of the two roads. An existing vehicular access off Stonebow Road would be extended to provide service delivery area. The proposal would entail the removal of around 19 trees.
- 1.4 Conservation Area Consent is also submitted to partially demolish the wall along Commercial Road and lower sections at either end.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

- S1 – Sustainable Development
- S2 – Development Requirements
- S7 – National and Historic Heritage
- S11 – Community Facilities and Services
- DR1 – Design
- DR2 – Land Use and Activity
- DR3 – Movements
- DR4 – Environment
- DR5 – Planning Obligations
- T7 – Cycling
- LA5 – Protection of Trees, Woodland and Hedgerows
- LA6 – Landscaping Schemes
- NC1 – Biodiversity and Development
- NC6 – Biodiversity Action Plan Priority Habitats and Species
- NC7 – Compensation for loss of Biodiversity
- HPA6 – New Development within Conservation Areas
- HPA7 – Demolition of Unlisted Buildings within Conservation Areas
- HPA9 – Protection of Open Spaces and Green Spaces
- ARCH1 - Archaeological Assessments and Field Evaluations
- ARCH2 – Foundation Design and Mitigation of Urban Sites
- ARCH7 – Hereford AAI
- CF5 – New Community Facilities
- CF6 – Retention of Existing Facilities

2.2 National Guidance:

- PPS1 – Delivery Sustainable Developments
- PPS9 - Planning and Biodiversity
- PPG15 - Planning and the Historic Environment

3. Planning History

3.1 None.

4. Consultation SummaryStatutory Consultations

4.1 Welsh Water

No objections subject to conditions concerning foul and surface water drainage.

Internal Council Advice

4.2 Transportation Manager:

I have concerns over the lack of parking proposed for the development. The existing hospital and bus station car parks have limited spare capacity and lack of any parking may exacerbate existing problems with hospital staff parking in residential streets in the locality.

Further information is therefore required regarding the availability of existing parking provision, likely staff numbers and shift patterns and relationship with existing A&E development at the hospital. This will enable a more detailed evaluation of proposals.

4.3 Conservation Manager:

With regards to the wall, this has some visual interest but we do not believe it makes a major contribution to the character of the conservation area and therefore believe that demolition would be acceptable.

Currently this site forms a gap within the streetscape. Following the major redevelopments of the mid-late 20th century the area has lost its historic street pattern and subsequently fails to positively benefit the conservation area. We therefore believe that inserting a new building on this site would be an enhancement as it would allow a gap site to be filled and help to create a sense of enclosure which is lacking at this end of Commercial Street and so repair some of the character that has been lost.

In principle the design is acceptable but would recommend minor changes relating to increasing the pitch of the roof and reviewing the design of the entrance portico.

We support the proposals subject to the design of the entrance and the roof pitch being reviewed.

4.4 Conservation Manager - Ecology.

No objects subject to the recommendations of the Ecologist report being implemented.

4.5 Conservation Manager - Landscape and Trees:

Comments awaited.

4.6 Conservation Manager - Archaeology.

Comments awaited.

5. Representations

5.1 Herefordshire City Council:

The City Council has no objections in principle to the creation of such a facility and considers the location within convenient location of A&E to be very sensible given the inevitable cross over of services. The City Council also appreciates the design of the building and the materials chosen. However the City Council objects for the following reasons:-

1. Impact on the Highways at a busy junction is unacceptable. No provision for disabled parking or drop off space has been provided leading to likelihood of cars dropping off on the main road causing delays.
2. Detrimental impact on the conservation area with the loss of up to 19 trees, many of which are mature. They form a pleasant natural visual and noise barrier that should not be removed.
3. The impact on the neighbouring Stonebow Unit is unacceptable, with the loss of an important therapeutic amenity for patients and an unacceptable loss of privacy for those using the garden. No provision has been made for an alternative garden.
4. Unacceptable loss of amenity to neighbouring houses both visually from the loss of trees and inconvenience through illegal parking.

The City Council would welcome an application for the facility on another site perhaps next to the existing A&E.

5.2 Conservation Advisory Panel:
Comments awaited.

5.3 30 letters and e-mails of objection have been received to the planning and conservations area application. Main points raised are:-

1. The lower of the existing wall will remove all privacy and increase noise for patients.
2. The existing garden and general outdoor space is the only area of outside amenity and forms an important part of patient recovery
3. Loss of 19 trees will be detrimental to the area.
4. Lack of any patient drop off causes danger to highway safety.
5. There is inadequate parking in the area and this proposal will exacerbate the problem.
6. The development will remove privacy for patients due to overlooking.
7. Existing empty shops in the city centre should be used for the facilities.
8. The development will remove all existing security.
9. Unacceptable loss of wildlife habitat.
10. Noise and dust during construction will distress patients.
11. The site next to the A&E department would be the most appropriate.
12. The design of the building is totally inappropriate.
13. Development will lead to precedent for loss of further garden in the future.
14. Staff safety will be a concern if the facility operates on a 24 hour basis.
15. Staff working conditions will be poor due noise and pollution at the front and no openable windows to the rear.

- 16. The development will also adversely impact on the elderly with Cantilupe Ward
 - 17. The scale is excessive
- 5.4 The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

6. Officer's Appraisal

- 6.1 The main issues to be considered in the assessment of this application are as follows:-
- 1. The principle
 - 2. Appearance, design and impact on conservation area
 - 3. Trees and Ecology
 - 4. Highways matters
 - 5. Archaeology

The Principle

- 6.2 The proposal forms part of a national initiative to create GP led health centres in order to relieve capacity in A&E as a result of unnecessary or inappropriate attendances. As such the need for a facility of this nature is recognised and indeed the need is not questioned by any of the objectors.
- 6.3 The general location of the facility is also considered to be appropriate in that it is within very close proximity to the hospital whilst adjacent to the bus stop and adjoining public car park and is on the edge of the city centre where linked trips with other facilities may occur. As such, in locational and accessibility terms the siting is considered acceptable.
- 6.3 Policy CF5 of the Herefordshire Unitary Development Plan identifies four criteria against which new community facilities of this nature must be assessed. These are
- 1. Facilities should be appropriate in scale to needs of the local community and reflect the character of the location
 - 2. Are located within or around the settlement or the area they serve
 - 3. Will not significantly impact upon the amenity of neighbouring residents
 - 4. Incorporate safe and convenient pedestrian access together with appropriate provision for car and cycle parking and operational space.
- 6.4 For the above reasons, it is considered that criteria one and two are satisfied. It is also considered that criteria 3 and 4 are satisfied and the reasons why are discussed later. As such the proposal in principle complies with the main policy within the UDP concerning such proposals.
- 6.5 The main cause for objection concerns the principle of the proposal on the specific site in question and the relationship with, an impact on the use and operation of the Stonebow Unit. It is considered that this is a material planning consideration. Firstly, it is considered that the two land uses are compatible and can co-exist on the same site. The proposal will result in the loss of approximately one third of the existing garden used by in and out patients of the Stonebow unit and this is the key issue. This garden provides an area of secure and private recreational space for patients to relax and assist in their recovery. The need for an area of outside amenity space

Further information on the subject of this report is available from Mr R Pryce on 01432 261957

associated with the Stonebow unit is therefore fully acknowledged and recognised. The issue to be considered, however, is whether the loss of one third of this space would have an adverse impact on the operation of the Stonebow unit.

- 6.6 There are no standards within Planning Policy that could be applied to assess whether the extent of amenity space that would remain is reasonable and proportionate with the Stonebow unit and the number of patients. A planning judgement must therefore be made on the size, usability and amenity value of the garden that would remain. Against these factors it is considered that the area and the quality of the garden that would remain with scope for potential enhancement in terms of new tree planting and ecology is acceptable. Any fears over security and overlooking can be removed through the construction of a new boundary wall of an appropriate height. As such, it is considered the principle of the development on this site in land use planning terms is acceptable.

Appearance, design and impact on conservation area

- 6.7 The development will have a contemporary appearance with a form and scale that reflects the prominent position of the site within the conservation area. The front elevation will address both road frontages with a more prominent entrance on the corner of the junction accentuated with different materials and roof heights. Although the building is only single storey due to the increase in levels between the site and adjoining pavement, the scale in terms of height will appear more as 2 storey within the streetscene. This is considered important to maintain the continuity of built form and the historic character of the conservation area that the Conservation Manager is seeking.
- 6.8 Minor changes to the design of the entrance along with increasing the pitch of the roof have been requested. Subject to amended plans being submitted addressing these changes it is considered the general appearance, form, scale, design and materials of the development will enhance the character and appearance of the conservation area.
- 6.9 With regard to the partial demolition of the existing wall fronting Commercial Road, it is believed this was constructed when the Stonebow was built and is therefore of no historical merit. The wall has architectural and visual interest but its partial demolition to secure the construction of an appropriately designed building is considered justified. This view is supported by the Conservation Manager who does not object in principle to the partial demolition of the wall subject to the acceptability of the new building.
- 6.10 Concerns have been expressed by objectors regarding the possible overlooking of the garden that would remain from the rear elevation of the proposed building. Whilst a fence is currently proposed it is not considered that this would provide the degree of privacy and security that currently exists. As such it is recommended that a new brick wall is constructed at a height of three metres which is effectively the eaves height of the proposed building to form a new rear boundary. Subject to this, any overlooking including the perception of being overlooked will be removed.

Trees & Ecology

- 6.7 The applicants have undertaken a detailed arboricultural survey which identifies the presence of 44 trees within and adjoining the site. Around 19 trees would have to be removed to accommodate the development. In accordance with BS5837-2005 trees are categorised into four categories, redundant trees, category A - high retention value, category B - moderate value and category C - minor value. Around half the trees that would have to be removed are category B with the remainder being category C or redundant. The removal of category B trees is unfortunate. However this must be balanced against the community benefits of the new facility alongside the enhancement of the Conservation Area in restoring the form of the historic streetscape. Compensatory planting is also proposed. Whilst the comments of the Conservation Manager (Landscape) are awaited, the loss of trees, on balance is accepted. This is subject to compensatory planting within the existing remaining garden to be agreed in consultation with the Stonebow unit.

A ecological survey of the site has also been carried out which does not identify the presence of any protected species. The ecology report makes recommendations for both during the construction and for ecological enhancement thereafter including the provision of hedgehog hibernation boxes, as hedgehogs were located on site. The Conservation Manager (Ecology) has no objection to the application subject to the ecologists recommendations being implemented.

Highway Matters

- 6.8 A service access is proposed via the existing access to Stonebow off Stonebow Road, but no other vehicle access or parking is proposed for the development. Whilst the Traffic Manager has requested further information regarding staffing levels and existing parking permission the site is located in a very sustainable location with easy access to the bus and railway station, a public car park next door and safe pedestrian crossing points. Cycle parking is also proposed adjacent to the principle entrance. The development will therefore be accessible by choice modes of transport including private car.
- 6.9 Concerns have also been expressed regarding the absence of any patient or ambulance drop off point. It is considered that given the proximity to the A&E department anyone with a serious injury that required access via ambulance or was not able to walk could utilise the A&E department and therefore this is not considered to be an issue. Furthermore, provision of a drop off space could lead to an increased danger to highway safety with the space potentially being abused by patients. Therefore, it is considered more appropriate given the location of the site next to a busy junction for there to be no parking for either staff or patients.

Archaeology

- 6.10 The site falls within Herefordshire Area of Archaeological Importance an archaeological investigation of the site has been carried out. This has taken the form of a desktop study utilising information and evidence gathered from excavations carried out in the vicinity of the site along with historical records. The report identifies that there is likely to be significant archaeological remains in and around the site. Whilst the comments of the archaeologist are awaited, it is likely that the archaeological interest of the site can be mitigated with appropriate conditions partly due to the fact the ground levels have been raised and previous 20th Century development will have damaged the archaeological interest of the site. The

conditions will require on site archaeological investigation prior to and during the course of the development.

Conclusion

- 6.11 The comments of some consultees are awaited but it is considered that all planning issues associated with the development have been satisfactorily addressed or can be addressed by the submission of further details and amended plans. The proposal will result in a much needed community facility in a sustainable location that enhances the character and appearance of the conservation area. The impact of the development on the Stonebow unit is not considered to be harmful and other issues such as ecology and archaeology can be mitigated through appropriate conditions. The proposal is therefore considered to be compliant with the relevant Unitary Development Plan Policies. Delegated authority is sought to enable the submission of the amended plans.

RECOMMENDATION

DCCE0009/1942/CD

Subject to the receipt of suitably amended plans, 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:

1. **A01 Time limit for commencement (full permission)**
2. **C01 Samples of external materials**
3. **E01 Site investigation - archaeology**
4. **E04 Submission of foundation design**
5. **G02 Retention of trees and hedgerows**
6. **G04 Protection of trees/hedgerows that are to be retained**
7. **G09 Details of Boundary treatments**
8. **G10 Landscaping scheme**
9. **G11 Landscaping scheme - implementation**
10. **I16 Restriction of hours during construction**
11. **I41 Scheme of refuse storage (commercial)**
12. **K4 Nature Conservation - Implementation**
13. **L01 Foul/surface water drainage**
14. **L03 No drainage run-off to public system**

Further information on the subject of this report is available from Mr R Pryce on 01432 261957

INFORMATIVES:

- 1 **N15 Reason(s) for the Grant of PP/LBC/CAC**
- 2 **N19 Avoidance of doubt - Approved Plans**

Conservation Area Consent – DCCE0009/1945/C

Subject to the receipt of suitably amended plans, the officers named in the scheme of delegation to officers be authorised to grant Conservation Area Consent subject to the following conditions and any additional conditions considered necessary by officers:

- 1 **D01 Time limit for commencement (Conservation Area Conset)**
- 2 **D15 Detailed scheme of demolition operations**
- 3 **D13 Signing of contract before demolition**

INFORMATIVES:

- 1 **N15 Reason(s) for the Grant of PP/LBC/CAC**
- 2 **N19 Avoidance of doubt - Approved Plans**

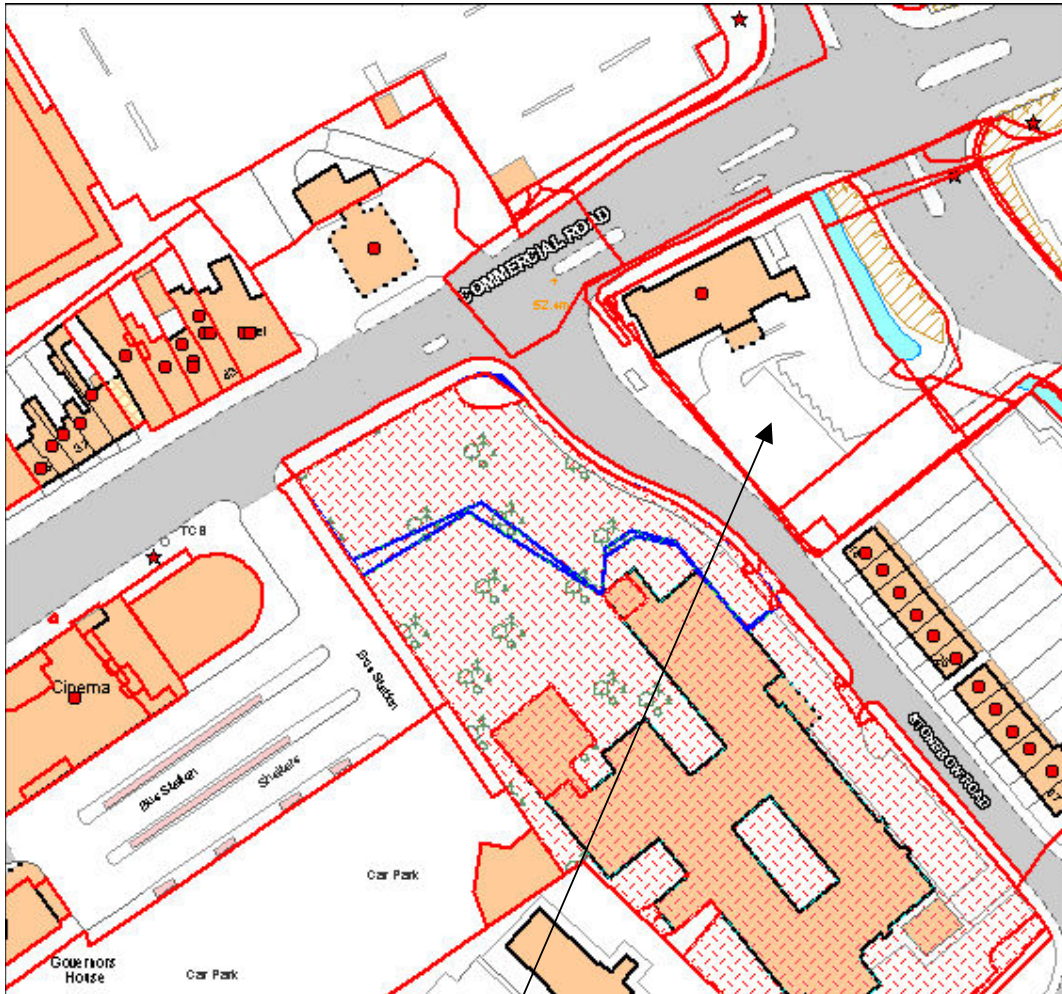
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE0009/1942/CD DMCE/092343/CD

SITE ADDRESS : STONEBOW UNIT, COUNTY HOSPITAL, UNION WALK, HEREFORD, HEREFORD, HR1 2E

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Further information on the subject of this report is available from Mr R Pryce on 01432 261957

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 RC Hunt, Councillor PJ McCaull

Introduction

This application was deferred on Counsel's advice at the previous meeting in order to allow time to consider the additional representations received. The report has been updated to take account of these.

1. Site Description and Proposal

- 1.1 The application as originally submitted related to an area of land to the west of the village of Brierley, amounting to 67 hectares of Grade 1 and 2 agricultural land. On 14th August, 2009 the application was amended to the extent that the proposed area of fixed permanent polytunnels was reduced to 35 hectares. The land lies to the north and south side of the unclassified 93600 road and is largely flat, although it does begin to rise at its most southerly fringes towards Brierley Wood.
- 1.2 The site is within the open countryside. It 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 are approximately 1 Km and 0.5 Km to the north. A number of public rights of way cross the site land and also bound it to the east and west from which the site would be visible. The town of Leominster lies approximately 2 kilometres to the north of the application site. A large Poplar plantation lies at the northern edge of the site, between it and the town. Beyond this the land begins to rise from the floor of the river valley by approximately 30 metres to a high point on the southern fringe of Leominster known as Cock Croft Hill.
- 1.4 The proposal is to erect 35 hectares of Spanish polytunnels on the land described above. The tunnels would be 7.5 metres wide with a maximum height of 4.5 metres. They are proposed to be 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 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 included in the current application.
- 1.6 The application (as now amended) 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 Detailed amendments have been made to some of these reports to reflect the amendments that have been made to the applications. A Unilateral Undertaking has also been submitted by the applicant 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. A plan is appended to this report to indicate where the Poplar plantation is in relation to the application site.
- 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. Nonetheless the various reports listed at 1.6 above provide the Council with the type of information that would have been included in an Environmental Statement if one had been required.

2. Policies

National Guidance

PPG4 – Industrial and Commercial Development and Small Firms
PPS7 - Sustainable Development in Rural Areas
PPS9 – Biodiversity and Geological Conservation
PPG11 – Regional Planning
PPG16 – Archaeology and Planning
PPS25 – Development and Flood Risk
Emerging Draft PPS4 – Planning for Sustainable Economic Development

Regional Guidance

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 DocumentsPolytunnels – Adopted 5th December 2008

The SPD was adopted after a long period of consultation which started in July 2007. The adopted SPD is a material planning consideration in the determination of application for polytunnel-related development. The SPD replaces a previous voluntary code of practice, and is designed to assist in clarifying which polytunnel developments will require planning permission and highlight the planning policy issues and requirements such proposals will need to address.

The SPD sets out a series of Supplementary Guidelines to assist in the determination of future applications.

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). Members will need to assess the cumulative impact of the proposals and the relationship between them.

- 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. The site is identified as Plan 3 on the plan appended to this report.

- 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 at Arrow Fisheries site - Prior approval required - 06/07/2007. Concerns were expressed that the site was within the flood plain. Further information was required but not received and so this application is deemed to have lapsed.

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.

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.

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.

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

3.7 An enforcement notice has been served to secure removal of polytunnels at Brierley Court Farm by 31st December 2008. This was necessary to prevent the polytunnels becoming lawful and is due to the inappropriate siting of some of the polytunnels and lack of mitigation for others.

The notice was not been appealed. All of the polytunnels were removed from the land and to date this remains so. The area to which the notice relates is identified on plan 3 appended to this report.

A separate enforcement notice for the removal of polytunnels on land controlled by the applicant lying to the north-west of the application site also exists. The notice requires that polytunnels are removed from land at Ivingtonbury Farm by 31st December, 2009. This notice has also been fully complied with and the polytunnels have been removed from the land.

Following the commencement of unauthorised works to construct an amenity building and site works for a permanent seasonal worker caravan site in March 2004 and refusal of planning applications in respect of these works on 12th May 2004, the Council was granted an interim injunction at Hereford County Court to prohibit further works commencing on the site. On the 21st May 2004 the High Court granted the continuance of this injunction.

Following this injunctive action, three enforcement notice were served in respect of the unauthorised development. These notices and the refused planning application were later to be the subject of an appeal, which after a number of determinations were dismissed by the Secretary of State.

Whilst the planning appeal process was ongoing, S & A Property Ltd sought leave to appeal the High Court Injunction on three occasions in the later half of 2004, at all hearings their leave to appeal was refused. Furthermore on 23rd June 2005 the company were successfully prosecuted for breaching the terms of the injunction by installing windows in the amenity building. The Judge ordered the windows to be removed and the defendant to pay a fine of £25,000 and the company director £40,000, plus costs of £11,000.

With their appeals against the enforcement notices and planning refusals dismissed, S & A returned to the Court of Appeal in February 2008 to seek an injunction prohibiting the Council enforcing the enforcement notices on the grounds that such actions would be contrary to human rights. This application was dismissed.

4. Consultation Summary

Statutory Consultations

Natural England

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

4.2 A Habitat Regulation Assessment has been completed. It has found that there will be no significant effect on the SAC as a result of this proposal.

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

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

Considers that the proposal will affect the landscape setting of Ivington Camp and that it would have a dominant effect upon the landscape setting of Ivington Camp. English Heritage recommends that if the local planning authority is minded to approve the application that mitigation to remove a very high proportion of the visual impact of the scheme is carefully designed.

Comments on amended proposal – Maintain original comments and consider that the amendments do not appear likely to reduce significantly the impact upon the setting of the monument.

Environment Agency

4.4 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. This is included at condition 6 of the recommendation of this report.

Comments on amended proposal – No further comments (subject to minor changes to condition wording)

River Lugg Drainage Board

4.5 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

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

Conservation Manager

- 4.7 Historic Buildings – Listed buildings are sufficiently remote and there will be no visual harm to their immediate setting. No objection.
- 4.8 Ecology – No objection to the proposal subject to the imposition of conditions.
- 4.9 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.
- 4.10 It is not considered that the impact of the development is sufficient reason to refuse the application. However, the visibility of the site from the west is an area that needs a degree of attention but is not fully resolved by the landscaping proposals. Reinforcement of existing hedgerow boundaries and the planting of additional standard trees will be required.

Concerns regarding the future of the Poplar plantation to the north of the site have been addressed through the submission of a Woodland Management Plan. This is important as it currently provides an adequate screen between the site and the southern edge of Leominster.

The omission of polytunnels from the upper slopes of the rising ground to the south of the site - to Brierley Wood and Ivington Camp – is welcomed, reflects the change in landscape character between Principal Wooded Hills and Principal Settled Farmlands landscape types and reduces the visual impact of the proposed development.

Public Rights of Way Manager

- 4.11 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

- 4.12 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. This is reflective of the advice given by the Environment Agency and an assurance that run-off rates remain acceptable is covered by condition 6 proposed in the recommendation.

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.

Comments on amended proposal – Pleased to note the landscape proposals and the proposed further reduction in polytunnel numbers. The response remains unchanged.

5.2 Arrow Valley Residents Association (AVRA) via its agent (DPDS Consulting) – Object to the application on the following grounds:

- The application is flawed and incomplete
- Lack of an Environmental Impact Assessment
- Adverse landscape impact
- Consider that the original report to the 3 July Committee contained errors and irrational conclusions
- They wish to point out the importance of consistency in decision making and the need to conform with the development plan unless material considerations indicate otherwise.
- To illustrate the point they refer to the Counsel's opening statement in relation to the appeal against the refusal for the caravan site in July 2005, which they consider to be in stark contrast to the current reports.
- They are also critical of the economic impact assessment, and have included a critique from the originator of the LM3 method. Concern also relates to the lack of comparison with alternate uses of the site.

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

Comments on the amended proposal – The enforceability of conditions and the Unilateral Undertaking are questioned given the applicant's expressed intention to sell Brierley Court Farm and lease parts back. Correspondence continues to doubt the economic benefits of the proposal and highlights the lack of an updated economic appraisal at the time of writing. The comments remain unchanged from the original submission.

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
- The LM3 method of economic assessment has been applied using inaccurate figures and methodology.

Comments on amended proposal – Requests that the applications are withdrawn and re-submitted. Raise issues over the clarity of documentation and query the validity of the economic impacts.

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 nature 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 Ramblers' Association – Express concern over the visual impact in the environment. Consider that this would detract from the enjoyment of footpaths in the area, and that access to Ivington Hill Fort could be hindered.

Comments on the amended proposal – Remain concerned about visual impacts. The response remains unchanged.

5.7 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

5.8 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

5.9 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.

5.10 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 There are a variety of planning policy issues at stake in the determination of this application. The key principles and objectives of PPS7 are particularly important. These can be summarised as follows:

- i) decisions should be based on sustainable development principles.

- ii) good quality, carefully sited accessible development within existing towns and villages should be allowed where it benefits the local economy and/or community.
- iii) accessibility should be a key consideration in all development decisions. Development generating large numbers of trips should be located in or next to towns or other service centres. Decisions on the location of other developments in rural areas should give the greatest opportunity to access them by public transport, walking and cycling, consistent with achieving the primary purpose of the development.
- iv) new building in the open countryside should be strictly controlled. The Government's aim is to protect the countryside for the sake of its character and beauty, the diversity of its landscapes, heritage and wildlife so that it can be enjoyed by all.
- v) priority to be given to the re-use of Brownfield sites in preference to the development of Greenfield sites.
- vi) all development in rural areas to be well designed, in keeping and in scale with its location and sensitive to the character of the countryside and local distinctiveness.

6.2 It is in the context of these key principles, together with other national and local policy that the planning application will be considered against the following key matters:

- 1) The impact of the proposal on the character of the area and 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
- 8) Residential Amenity

Visual Impact

6.3 Polytunnels are an emotive issue. Almost without exception the letters of objection received express concern that the placing polytunnels on 35 hectares of land will be detrimental to its appearance and views across the landscape for some distance. However from a grower'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.

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 national landscape designation. He is satisfied that the mitigation measures proposed are sufficient to mitigate the impact subject to appropriately worded conditions. As submitted the proposal seeks to accord with Supplementary Guidelines 3 to 5 (incl) of the Polytunnels SPD. The application responds positively to Guideline 3 in proposing limits as to the total area of an agricultural holding that may accommodate polytunnels. It responds positively to Guideline 4 in setting the polytunnels in the area of least impact as part of a wider landscape assessment, and it responds positively to Guideline 5 by proposing landscaping as a mitigation against the visual impact.

6.5 There are two aspects to the proposed landscape mitigation schemes incorporated in the Landscape and Visual Appraisal. The first of these relates specifically to the areas of land where the polytunnels are located (as amended). The appraisal indicates that

existing hedgerows will be retained and maintained at a height of 4 metres. In areas where hedgerows are in need of replanting or reinforcement, this will be undertaken with a mix of native species including Field Maple, Hazel, Hawthorn, Common Ash and Blackthorn at densities of three rows (0.45 metres apart) at 0.3 metre centres.

- 6.6 Also incorporated within the areas where the polytunnels are located are areas of new woodland planting. The most substantive of these is an area lying immediately to the north of the sewage treatment works on the opposite side of the unclassified road. This amounts to approximately 0.8ha of land to be planted with tree species including Birch, Hornbeam, Ash and Oak, together with understorey planting as described in the previous paragraph. Other pockets of planting are also proposed across the site with the expressed purpose of breaking up the massing of the polytunnels when the site is viewed from distance. In particular new planting is proposed on the (western and south-western boundary of the application site). The creation of these new areas, together with the improvement of existing hedgerows will also be of significance in terms of enhancing biodiversity.
- 6.7 As well as areas of proposed planting within the fields where the polytunnels are to be located, the second part of the 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.

The Management Plan has three phases. The first of these sees a central core of the Poplar plantation being retained, with areas to its north and south being replanted with a combination of broadleaf and wetland tree species as appropriate, shrub planting and the creation of some grassland areas. The first phase covers 15 years, giving new planting time to become established, and providing continuing screening of the site over the course of the 10 year temporary permission. The area of Poplars is further reduced in Phase 2 and eventually they are completely replaced by Phase 3, taking the Plan to its 30 year conclusion.

- 6.8 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. Much work has been undertaken on this matter through a co-ordinated Management Plan. Given that the plantation is to the immediate north of the site its retention/management will principally impact on screening of the proposed development from the north of the site.
- 6.9 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. Members will be updated on this matter at the meeting.

- 6.10 The existence of the Scheduled Ancient Monument at Ivington Camp and the impact upon it is also assessed. The proposal sees the slopes of the land rising to Brierley Wood and Ivington Camp free from polytunnels. These areas were covered prior to compliance with the enforcement notice. Polytunnels will be over 200 metres away from the boundaries of Brierley Wood and Ivington Camp and when viewed from distance the relief that this gives is quite marked, and as the Landscape Officer states, reflects the change in landscape character between Principal Wooded Hills and Principal Settled Farmlands. Combined with the proposed landscape mitigation and maintenance of existing hedgerows it is considered that this represents the carefully designed strategy that the Inspector of Ancient Monuments for English Heritage considers to be necessary to protect the landscape setting of Ivington Camp as a Scheduled Ancient Monument.
- 6.11 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. This accords with Guideline 6 of the SPD (Polythene Removal).

Vehicular Movements

- 6.12 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. These arrangements accord with Guideline 15 (Highway Safety) of the SPD.
- 6.13 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

- 6.14 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. In particular a detailed objection has been submitted by a private individual on behalf of AVRA who is described by them as being the originator of the LM3 method. A supplementary statement has also been submitted based on the amendments to the current application. Consultation is taking

place on this supplementary statement and any comments received will be reported to the Committee.

- 6.15 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.
- 6.16 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. The policy also makes reference to the need to avoid adverse impact on residential amenity and the environment.
- 6.17 Poly tunnels 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
- 6.18 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 poly tunnels. Ninety per cent of strawberries and 98% of raspberries are now grown under poly tunnels, compared with no raspberries and 4% of strawberries just over ten years ago. The use of poly tunnels has allowed the applicant to supply a growing demand for fresh fruit.
- 6.19 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.
- 6.20 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. 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.

- 6.21 In addition 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.
- 6.22 Notwithstanding the criticism the application of the LM3 economic model, it is concluded that there will be some considerable economic benefit from this proposal. This related directly to Supplementary Guidance 1 – Economic Benefits of the Poly tunnels SPD. This comments that the benefits of poly tunnels in enabling the production of increased quantities and qualities of soft fruit, the sustainability benefits of reducing food miles and the positive contribution to the rural economy are all matters to which considerable weight will be accorded on the balance of consideration.

Ecological Issues

- 6.23 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.
- 6.24 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 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.
- 6.26 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 poly tunnels to comply with relevant legislation and to ensure that the sett is not disrupted. Your officers consider that the proposal accords with Guidelines 19 and 20 of the Poly tunnels SPD.

Hydrological and Flooding Issues

- 6.27 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

- 6.28 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.

- 6.29 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.
- 6.30 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. This accords with Guideline 16 (Public Rights of Way) in the SPD.
- 6.31 Whilst the immediate visual impact of the polytunnels will remain, this will be mitigated to a degree by greater separation of the tunnels themselves from each of the paths, and the proposed planting regime to soften visual perspectives, compared to the current situation.

Tourism

- 6.32 The concerns relating to tourism have previously been set out in paragraphs 5.3 and 5.6 of this report. However, a precedent would not be set if permission is granted for this site. It occupies a low lying area and, as this report has already investigated, is not visually prominent from Leominster as the nearest town to the site. There is no evidence to support the view that the town will lose any tourist trade as a result of this proposal.

Residential Amenity

- 6.33 The proposal follows the supplementary guidelines in the Polytunnel SPD (Guidelines 9 and 10). No polytunnels or associated development is proposed to be sited within a minimum distance of 30m of the boundary of any residential curtilage or within 50m of any dwelling. At their closest, the polytunnels are approximately 100 metres from the nearest dwelling that being Pear Tree Cottage. Consequently it is not considered that there would be unreasonable loss of residential amenity to local residents.

Summary

- 6.34 The application raises many issues, and has divided opinion. The positioning of polytunnels in the open countryside has predictable and well-documented impacts, many of which have been raised in this report. In determining the application Members will need to balance up several conflicting issues. The balance to be struck between the needs and aspirations of the applicant, and the associated economic benefits of allowing the development proposed and the impact of the polytunnels on the character of the wider countryside and the associated visual impact represent the biggest issue to address.
- 6.35 Earlier sections of this report have set out the nature of national planning policy, regional planning policy and local/UDP policies and these will not be repeated save to emphasise that the Supplementary Planning Document on polytunnels has sought to produce detailed guidance to assist in the determination of applications of this type. It has been applied in other applications that have been determined in the County in recent months, and the applicant has sought to bring forward the application within the context of this important document. The recent amendments to the application have sought to address residential issues of concern from local residents and interest groups.

- 6.36 The application is well supported with technical documentation to allow a reasoned decision to be reached.
- 6.37 As members will be aware, and as the report sets out the site has a long a complicated planning history. That history is characterised by a series of refusals of planning permission, for accommodation and associated sewage treatment works, decisions which have been supported by the Planning Inspectorate and the Secretary of State. Significant weight has been given to the impact of the proposed developments on the character and appearance of the countryside. Enforcement Notices have been served where appropriate and necessary, and decisions have been delayed on other matters pending the determination of this application (and the others also submitted by the applicant).
- 6.38 Planning applications are to be determined in accordance with the development plan unless there are other material considerations. For the purposes of clarity, Section 38-(6) of the Town and Country Planning Act 1990 reads as follows:

'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

This application is different to those that have previously been determined on this site. In particular the current application:

- (a) proposes 35 hectares of fixed tunnels (as amended) erected over table tops, located principally on the flat/gently sloping and low-lying floor of the valley of the River Arrow, on the south bank of the River, to the west of Brierley. The applicant's Landscape and Visual Appraisal has identified this area as having limited visual intrusion and harmful landscape impact and the greatest capacity for successful mitigation. This conclusion is generally supported by the Council's own specialist officers and consultees.
 - (b) proposes the balance of the Brierley Court Farm (approximately 127 hectares) (other than the land included within the site boundaries of the other two applications) to be retained as areas unsuitable for arable cultivation including the Arrow Fisheries and the adjoining Poplar plantation, and areas that would be unsuitable for polytunnels by virtue of their prominence.
 - (c) Is supported by a raft of technical documentation that sets all the various impacts and proposed mitigation strategies for the technical areas covered. Again in general these studies are supported by the consultees, in some cases subject to the imposition of appropriate conditions.
 - (d) Is submitted within a wider context of the company's evolving business strategy.
- 6.39 The erection of polytunnels will inevitably impact on the character of the wider agricultural landscape and has attracted a significant degree of local opposition. Nonetheless your officers conclude that the site has been well-chosen to accommodate the type of development proposed. In particular your officers conclude that the applicant has sought to address the conflicts with Policy LA2 that resulted in the refusal of previous proposals on this wider site. The applicant's Landscape and Visual Appraisal has followed the principle in the second part of this policy in that it has demonstrated, by reference to accepted standards, that landscape character has influenced the design, scale and nature of the proposal, and indeed the detailed site

selection itself. The reduction in the proposed site area to 35 hectares has re-inforced the attempts that have been made by the applicant to incorporate polytunnels within this local landscape.

- 6.40 The application is supported by details that identify that the impact of polytunnels in the wider landscape has been mitigated to some extent by the detailed site selected within the holding, and that details in relation to technical issues (such as ecological, hydrological, flooding, footpath and traffic) have been found acceptable by the relevant consultees.
- 6.41 Notwithstanding the concerns that have been expressed about the accuracy of the applicant's survey of the wider economic impacts by local residents and interest groups, the adopted SPD indicates that significant weight will be attached to this matter. The applicant's economic appraisal has identified its particular contribution to the local rural economy. The report identifies the extent to which purchases, subcontracting and repairs contribute both in total, and in relation to local spend in particular. The application when submitted was accompanied by a wide-ranging schedule of letters from commercial partners setting out (either generally or specifically) the extent to which the applicant company has contributed to their ongoing business operations.
- 6.42 On balance the proposal is considered to be acceptable by your officers and to comply with the development plan in accordance with Section 38-(6) of the Town and Country Planning Act 1990. In particular the application has been prepared against the advice set out in the adopted SPD and against which it performs well.
- 6.43 A series of conditions have been referred to throughout the appraisal of the proposal and it is recommended that these are included should planning permission be forthcoming. Due to the changing nature of agricultural development, and particularly that of soft fruits growing as evidenced in paragraph 6.18 of this report, and to enable effective control to be exercised over the site, it is also suggested that a condition is imposed limiting the permission to a period of ten years.

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, an undertaking not to develop any Raised Crop Protection Structure or Polytunnel on any other land in their ownership at Brierley other than that applied for and appropriate linkages between the use of land for polytunnels and the use of land for worker's accommodation 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) (10 years)

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 dated July 2009, 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.

10 Amended Plans 14th August, 2009.

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**

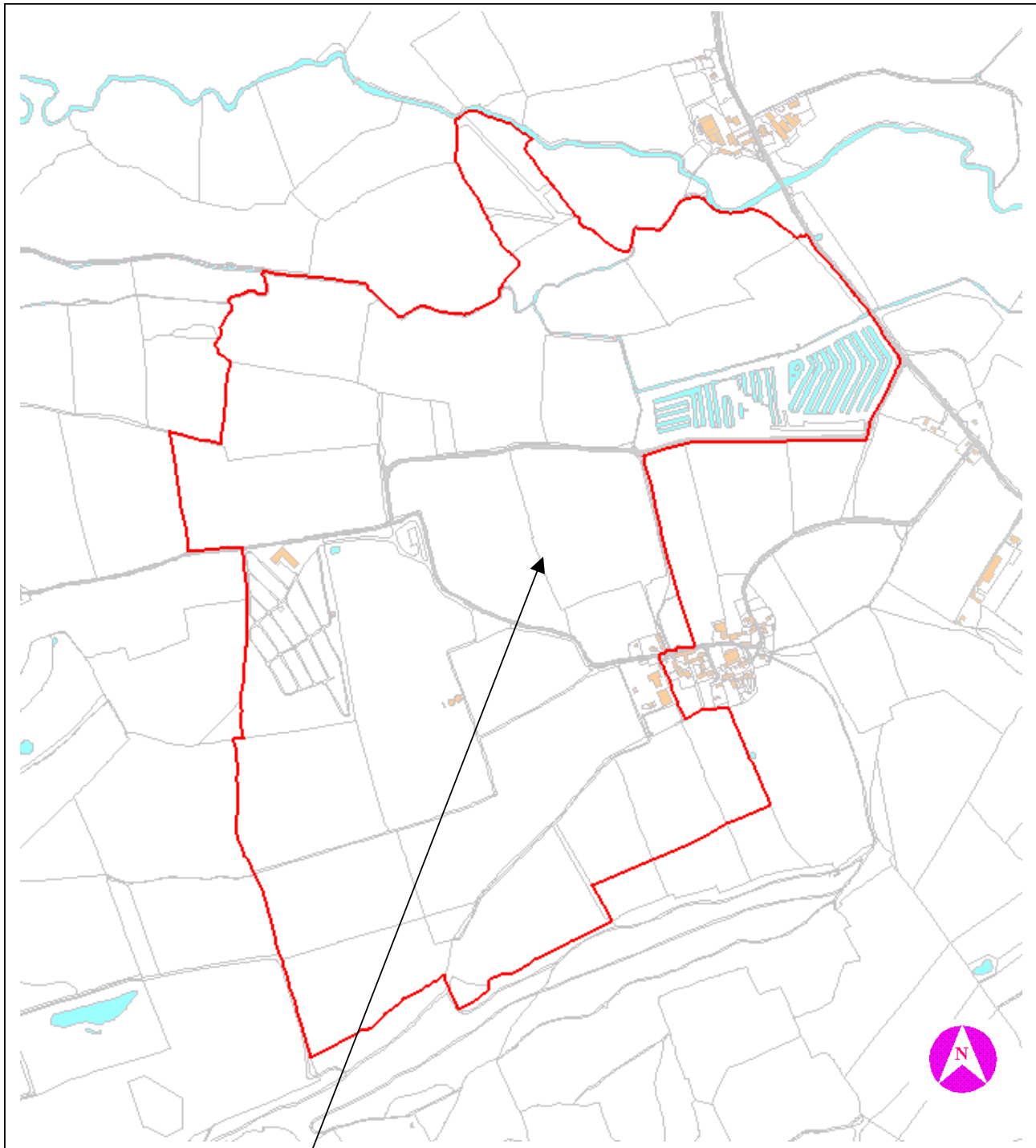
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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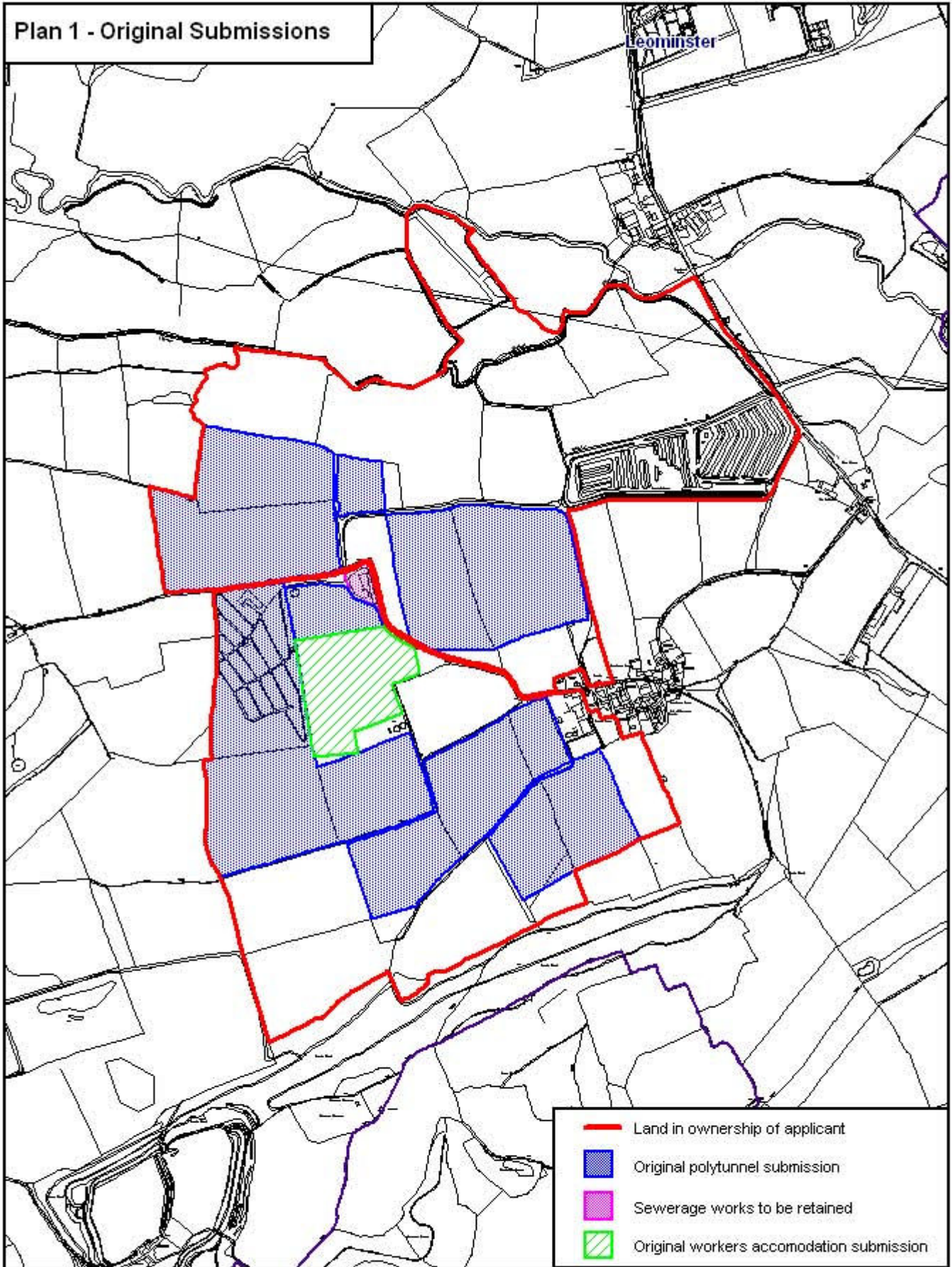
APPLICATION NO: DCNC2009/0167/F





SCALE : 1 : 12498

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

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Plan 1 - Original Submissions



-  Land in ownership of applicant
-  Original polytunnel submission
-  Sewerage works to be retained
-  Original workers accomodation submission



Brierley Court Farm
DCNC2009/0167/F

Scale 1: 10,000

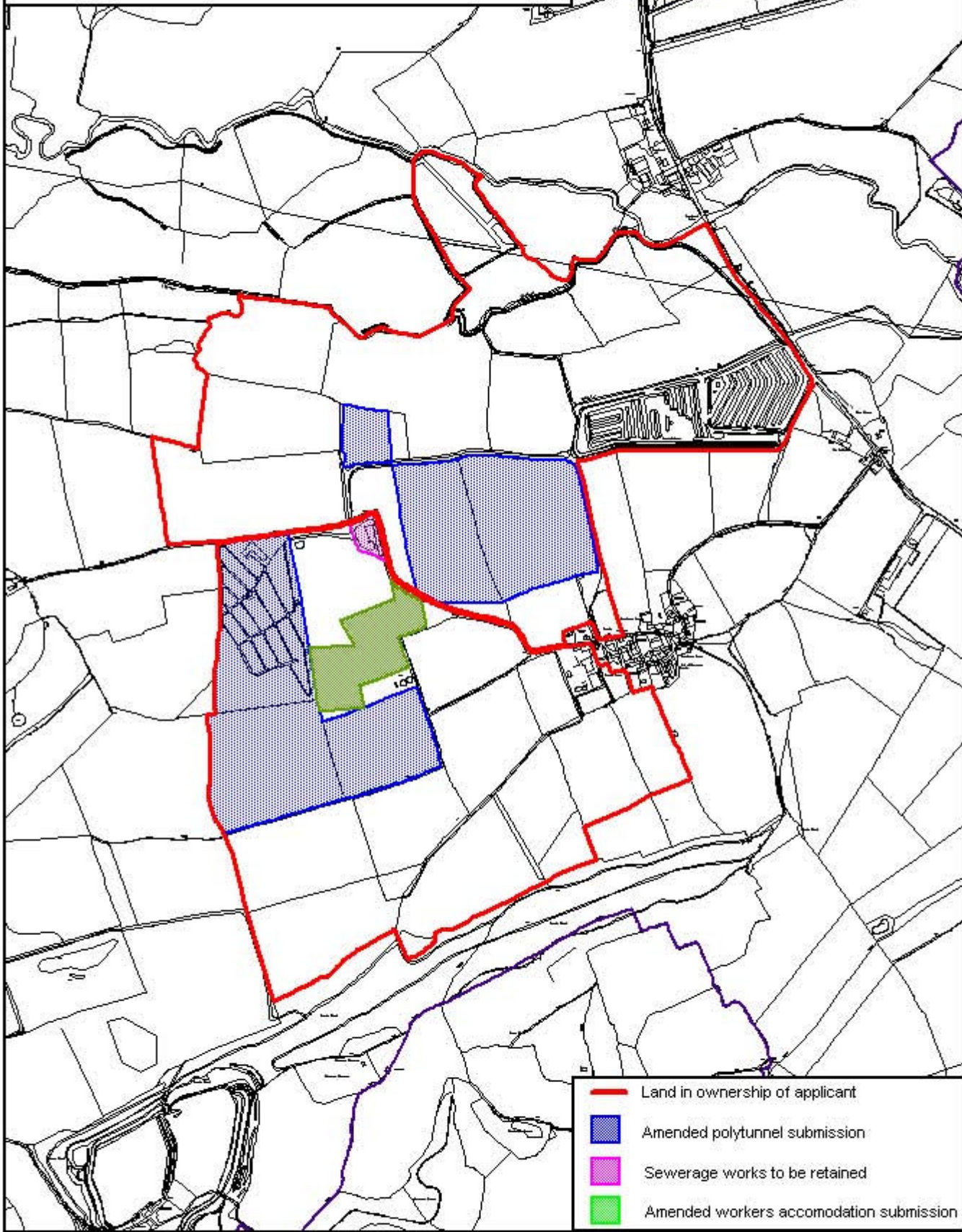


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Plan 2 - Amended Schemes at 14th August 2009

Leominster



- Land in ownership of applicant
- Amended polytunnel submission
- Sewerage works to be retained
- Amended workers accomodation submission



Brierley Court Farm
DCNC2009/0167/F

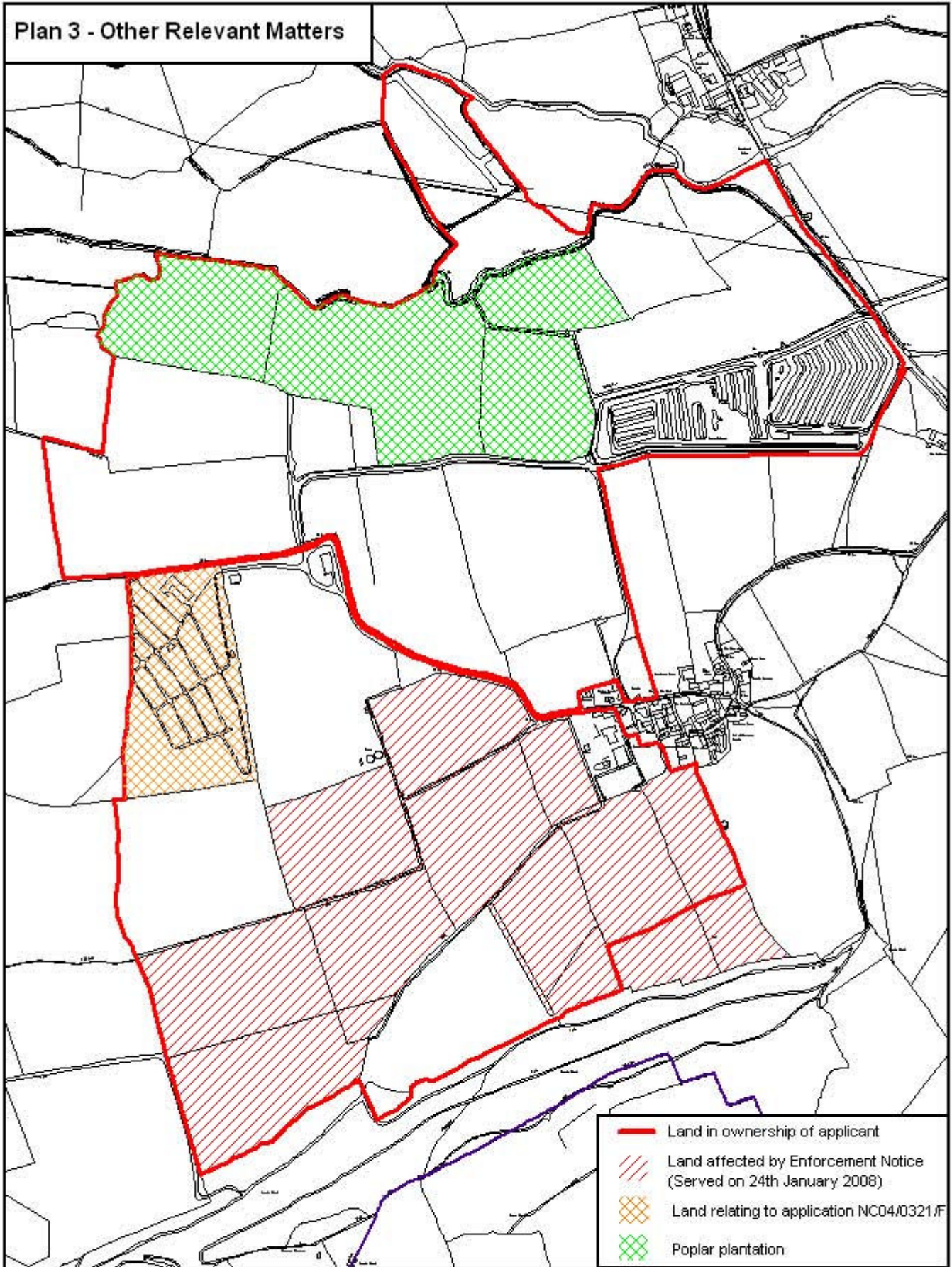
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Plan 3 - Other Relevant Matters



- Land in ownership of applicant
- Land affected by Enforcement Notice (Served on 24th January 2008)
- Land relating to application NC04/0321/F
- Poplar plantation



Brierley Court Farm
DCNC2009/0167/F

Scale 1: 10,000



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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, Councillor P McCaull

Introduction

This application was deferred on Counsel's advice at the previous meeting in order to allow time to consider the additional representations received. The report has been updated to take account of these matters.

1. Site Description and Proposal

- 1.1 The application site lies on the south side of the unclassified 93600 road, approximately 500m west of Brierley. It is set back from the road behind a mature roadside hedgerow and is entirely flat. Separate proposals would see polytunnels erected to the south west and north east of the site, and an existing sewage treatment works to the north retained. Both matters are the subject of separate planning applications and are dealt with elsewhere on this agenda. Originally submitted plans outlined a site with an area of 7.5 hectares. This has now been reduced to an irregularly shaped site of 4.45 hectares.
- 1.2 The site lies with the open countryside. It 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. The town of Leominster lies approximately 2 kilometres to the north of the application site. A large Poplar plantation lies at the northern edge of the site, between it and the town. Beyond this the land begins to rise from the floor of the river valley by approximately 30 metres to a high point on the southern fringe of Leominster known as Cock Croft Hill.

- 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 originally submitted plans indicated show the siting of 500 two person residential 'pods' with 40 associated service units providing kitchen recreation and bathroom facilities. In its amended form the plans show 250 2 person pods and 15 associated service units. The pods are laid out in single storey terraces, grouped around a series of grassed squares within which the service units are located. The accommodation and bathroom facilities are provided by the same basic pod with dimensions of 6.05m x 2.4m and a height of 2.8m. The kitchen facilities and social/television rooms are provided by the more familiar portacabin-type units. These are slightly larger in terms of floor area than the pods, measuring 9.5m x 3m, but are the same height at 2.8m.
- 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 the company's accommodation strategy in order that it 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 Discussions are currently taking place with the applicant on a proposed unilateral undertaking. Key elements under discussion are a woodland management plan, a restriction of the use of land elsewhere at Brierley for polytunnels, and linkages between polytunnel land take and the units of accommodation.

2. Policies

National Guidance

- 2.1 PPS1 - Delivering Sustainable Development
PPG4 - Industrial and Commercial Development and Small Firms
PPS7 - Sustainable Development in Rural Areas
PPS9 – Biodiversity and Geological Conservation
PPG11 - Regional Planning
PPG13 – Transport
PPG16 – Archaeology and Planning
PPG25 – Development and Flood Risk
Emerging Draft PPS4 – Planning for Sustainable Economic Development

Regional Guidance

Rural Spatial Strategy (RSS)
 PA14 – Economic Development and Rural Economy
 PA15 – Agricultural and Farm Diversification

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 H11 – Residential Caravans
- 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). Members will need to assess the cumulative impact of the proposals and the relationship between them.
- 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. The site is identified on plan 3 appended to this report.
- 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 at Arrow Fisheries site- Prior approval required - 06/07/2007. Concerns were expressed that the site was within the flood plain. Further information was required but not received and so this application is deemed to have lapsed.
- 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
- 3.10 Following the commencement of unauthorised works to construct an amenity building and siteworks for a permanent seasonal worker caravan site in March 2004 and refusal of planning applications in respect of these works on 12th May 2004, the Council was granted an interim injunction at Hereford County Court to prohibit further works commencing on the site. On the 21st May 2004 the High Court granted the continuance of this injunction.

Following this injunctive action, three enforcement notices were served in respect of the unauthorised development. These notices and the refused planning application were later to be the subject of an appeal, which after a number of determinations were dismissed by the Secretary of State.

Whilst the planning appeal process was ongoing, S & A Property Ltd sought leave to appeal the High Court Injunction on three occasions in the later half of 2004, at all hearings their leave to appeal was refused. Furthermore on 23rd June 2005 the company were successfully prosecuted for breaching the terms of the injunction by installing windows in the amenity building. The Judge ordered the windows to be removed and the defendant to pay a fine of £25,000 and the company director £40,000, plus costs of £11,000.

With their appeals against the enforcement notices and planning refusals dismissed, S & A returned to the Court of Appeal in February 2008 to seek an injunction prohibiting the Council enforcing the enforcement notices on the grounds that such actions would be contrary to human rights. This application was dismissed.

4. Consultation Summary

Statutory Consultations

Natural England

- 4.1 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, recommend the production of a Habitat Regulations Assessment screening report to formally assess the likelihood of any significant effects on the SAC.

A Habitat Regulation Assessment has been completed. It has found that there will be no significant effect on the SAC as a result of this proposal.

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 that it would have a dominant effect upon the landscape setting of Ivington Camp. English Heritage recommends that if the local planning authority is minded to approve the application that mitigation to remove a very high proportion of the visual impact of the scheme is carefully designed.

Comments on amended proposal – maintains original comments.

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. This is included at condition 7 of the recommendation of this report.

Comments on amended proposal – no further comments (subject to minor changes on condition wording).

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. However, the visibility of the site from the west is an area that needs a degree of attention but is not fully resolved by the landscaping proposals. Reinforcement of existing hedgerow boundaries and the planting of additional standard trees will be required.

Concerns regarding the future of the Poplar plantation to the north of the site have been addressed through the submission of a Woodland Management Plan. This is

important as it currently provides an adequate screen between the site and the southern edge of Leominster.

- 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. This is addressed by condition 7 proposed in the recommendation of this report.

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.

Comments on amended proposal – Recommends approval subject to conditions relating to overall capacity, restructuring the number of people in each pod, the provision of some en-suite facilities, and wider controls on showers and toilet facilities.

- 5.2 Arrow Valley Residents Association (AVRA) via its agent (DPDS Consulting) - 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
- Considers that the Council's consideration of the application flawed and intend to seek judicial review if approved.

The objection submitted by AVRA also includes a 170 signatory petition. These letters and the petition are retained on file and are available for public inspection.

Comments on the amended proposal – The enforceability of conditions and the unilateral undertaking in specific relation to landscape mitigation are questioned given the applicant's expressed intention to sell the land, including the Poplar plantation, and lease parts back. The comments otherwise remain unchanged from the original submission.

- 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 not so significantly different in terms of its scale or effects to warrant any different outcome.

- 6.2 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
- Residential Amenity

Justification for Accommodation in the Countryside

- 6.3 The normal application of planning policies would preclude the granting of planning permission for the extent of development proposed in this application in the open countryside. The application is however for seasonal agricultural workers and should be considered accordingly. 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..."

- 6.4 However, one of the main criticisms levelled by her was that the applicants 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.
- 6.5 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.
- 6.6 The report goes on to suggest that, notwithstanding the lack of 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.

- 6.7 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.
- 6.8 Your officers consider that 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.
- 6.9 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.
- 6.10 There are not large areas of land immediately available to the business for this purpose. 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. This is allocated for commercial use in the Unitary Development Plan. The applications for change of use to dwellings in multiple occupation will often give rise to objections and refusal of planning permission.
- 6.11 It is therefore concluded that the need for accommodation in this location is justified and that the applicant has demonstrated any reasonable satisfaction that there are no alternative options for housing such a large workforce, even in a dispersed fashion, within the local area. On the basis of the evidence submitted your officers conclude that the amended proposal (i.e. for 500 rather than 1000 workers) continues to justify the need for on-site accommodation due to both the lack of reasonably available alternative sites and the operational requirement of the company.

Landscape Impact

- 6.12 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 it describes as being resilient to change.
- 6.13 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. These views remain unchanged to the scheme in its amended form.
- 6.14 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 measures proposed are sufficient to mitigate the impact subject to appropriately worded conditions.

- 6.15 The most important part of the landscape mitigation scheme in specific relation to this application relates to the retention, replanting and reinforcement of existing hedgerows across the applicant's land. The landscape appraisal advises that all hedgerows will be retained and maintained at a height of 4 metres. In areas where they are in need of replanting or reinforcement, this will be undertaken with a mix of native species including Field Maple, Hazel, Hawthorn, Common ash and Blackthorn at densities of three rows (0.45 metres apart) at 0.3 metre centres. The case officer and Council's Landscape Officer have identified in their assessment of the site, hedgerows along the western boundary that are in particular need of such replanting and reinforcement.
- 6.16 Additionally the mitigation strategy includes 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.

The Management Plan has three phases. The first of these sees a central core of the Poplar plantation being retained, with areas to its north and south being replanted with a combination of broadleaf and wetland tree species as appropriate, shrubby planting, and the creation of some grassland areas. The first phase covers 15 years, giving new planting time to become established whilst providing continuing screening of the site over the course of the ten year temporary permission proposed. The area of Poplars is further reduced in Phase 2 and eventually they are completely replaced by Phase 3, taking the Plan to its 30 year conclusion.

- 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 See para 1.8.
- 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. The impact of this proposal should be assessed cumulatively with the siting of polytunnels on the surrounding land. In the report relating to the polytunnels, a conclusion has been drawn that the combined effect of the proposed landscape mitigation measures and the omission of polytunnels from the upper slopes of rising ground to the south of the site bounding Brierley Wood and Ivington Camp are sufficient to allow that application to be recommended for approval. The same mitigation strategy is considered to minimise the impact of this proposal on the setting of the Scheduled Ancient Monument.
- 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 (DCNC2009/0167/F), then the visual impact of allowing a change of use of the land to site the pods should be considered cumulatively. Similarly the impact upon the peace and tranquillity of the countryside has to be assessed in the light of the same.
- 6.22 This application is fundamentally different to the scheme dismissed on appeal as it would be surrounded by polytunnels (assuming that the application for them is approved). The site is different, as can be seen from the plan appended to this report. This proposal includes a reasoned justification for the accommodation, as discussed in paragraphs 6.3 to 6.11 of this report, and a landscape mitigation strategy and management plan. The combination of these factors leads the Council to a conclusion that the scheme is different to that dismissed on appeal in 2005 and therefore it is entitled to come to a different conclusion if it so wishes. It is acknowledged that there will be some impact upon the tranquil nature of the area, but if the proposal is seen to be justified in other respects, this impact can be mitigated through a condition requiring the submission and implementation of a management plan for the site.
- 6.23 It is therefore concluded that the visual impact and impact upon the character of the countryside 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 significant numbers 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 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.

Residential Amenity

- 6.29 The proposed units of accommodation are proposed to be located within the wider context of the proposed polytunnel development. The major concentration of residential properties in the locality are to be found in Brierley, approximately 400 metres to the east of the eastern-most part of the application site. It is considered that with the appropriate management of the site, subject to condition, to take account of music, lighting and other activities on site there should be no unreasonable adverse impact on the amenity of nearby residents.

Other Issues

- 6.30 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

- 6.31 Your officers consider that the applicant has produced a reasonable and well-balanced case to justify the accommodation proposal. Considerable information has been provided to identify the reasoning why temporary or seasonal workers are required for the operation of the applicant's proposed soft fruit operation, and why alternative accommodation is not readily available. To this extent the current application contrasts significantly with previous proposals.
- 6.32 As mentioned earlier in this report the application has been submitted in accordance with the applicant's wider proposals as set out in its evolving Development Plan. The intention is to consolidate their operations in general, and to focus development at Marden and Brierley in particular.
- 6.33 Planning applications are to be determined in accordance with the development plan unless there are other material considerations. For the purposes of clarity, Section 38-(6) of the Town and Country Planning Act 1990 reads as follows:

'If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

- 6.34 Whilst the development proposed represents significant development in the countryside it reflects the special circumstances that the applicant faces in sourcing and accommodating the number of seasonal workers required to sustain its soft fruit business. Your officers are satisfied that the need for workers has been justified. A locally sourced workforce is not available and the workers brought to the site cannot be accommodated elsewhere, principally due to the numbers that are required. This continues to be the case with the amended proposal.
- 6.35 The proposal (both in its own right and cumulatively with the proposed polytunnel development) will have an impact on the character of the wider open countryside.

These impacts, and proposed mitigation strategies are set out in the submitted Landscape and Visual Assessment documents. However given the context of the application your officers do not consider that these are sufficient to warrant the refusal of the application. Various other studies have indicated that other technical matters can be addressed in a satisfactory way.

- 6.36 On balance, and subject to appropriate conditions, the proposal is considered to be acceptable. Conditions of particular importance are:
- (a) Condition 2 – specifying the total number of persons and/or units of accommodation (and to reflect the amendments to the proposal).
 - (b) Condition 3 – which would require the cessation of the use and restoration of the land in the event that the associated use of adjacent land for polytunnels ceased.
 - (c) Condition 5 – removal of permitted development rights in order to retain control over the number of units of accommodation.
 - (d) Condition 8 – requiring the prior approval of a management plan, and thereafter compliance with its term.
- 6.37 In the event that the application for the polytunnels is refused, the justification for the accommodation site clearly loses significant weight and this application would be recommended for refusal.

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, an undertaking not to develop any Raised Crop Protection Structure or Poly tunnel on any other land in their ownership at Brierley other than that applied for and appropriate linkages between the use of land for polytunnels and the use of land for worker's accommodation 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)) (10 years)

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 providing accommodation for up to 500 workers at any one time, and subject to a maximum number of 250 units of accommodation at any one time.

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. In the event that the polytunnel development approved by application (DCNC2009/0167/F) in the opinion of the local planning authority ceases to be

operational the use of land hereby approved shall cease. Subsequent to this and within 12 months of the local planning authority indicating to the applicant that the adjacent polytunnel land has ceased to be operational all buildings and structures on the site shall be removed and the land restored to its former condition.

Reason: The local planning authority would not have granted planning permission for this use unless it was required in relation to the adjoining polytunnel development.

4. Prior to the commencement of development the colour of the accommodation pods and service units 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.

5. 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 that the local planning authority can consider the visual impact of the addition of any further temporary seasonal workers accommodation in the interests of visual amenity and to conform with Policy LA2 of the Herefordshire Unitary Development Plan.

6. No development shall commence until the applicant has submitted to and has been approved in writing by the LPA a survey of the B4361 between its junctions with the companies service access and Southern Avenue, Leominster. The survey shall include details of:

- a) the alignment of the road
- b) the risks to pedestrian safety associated with the alignment of the road
- c) the measures necessary to overcome the identified risks to pedestrian safety.

No units of accommodation hereby approved shall be occupied prior to the completion of the measures set out in c) above of this condition. To this effect the applicant will supply to the Council details of both the completion of the works necessary for pedestrian safety and the date on which the first unit of accommodation is occupied.

7. 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 dated July 2009. 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.

- 8. Prior to the commencement of the use hereby approved a management plan for the operation of use (to include maintenance of buildings and common areas, litter collection and disposal, the control of amplified music, lighting, car parking arrangements) shall be submitted to and approved in writing by the local planning authority. The operation and use of the site shall thereafter be in accordance with the approved management plan.**

Reason: In the interests of amenity of nearby residents and to ensure compliance with Policy E13 of the Unitary Development Plan.

9. Amended Plans 14 August 2009

Informatives:

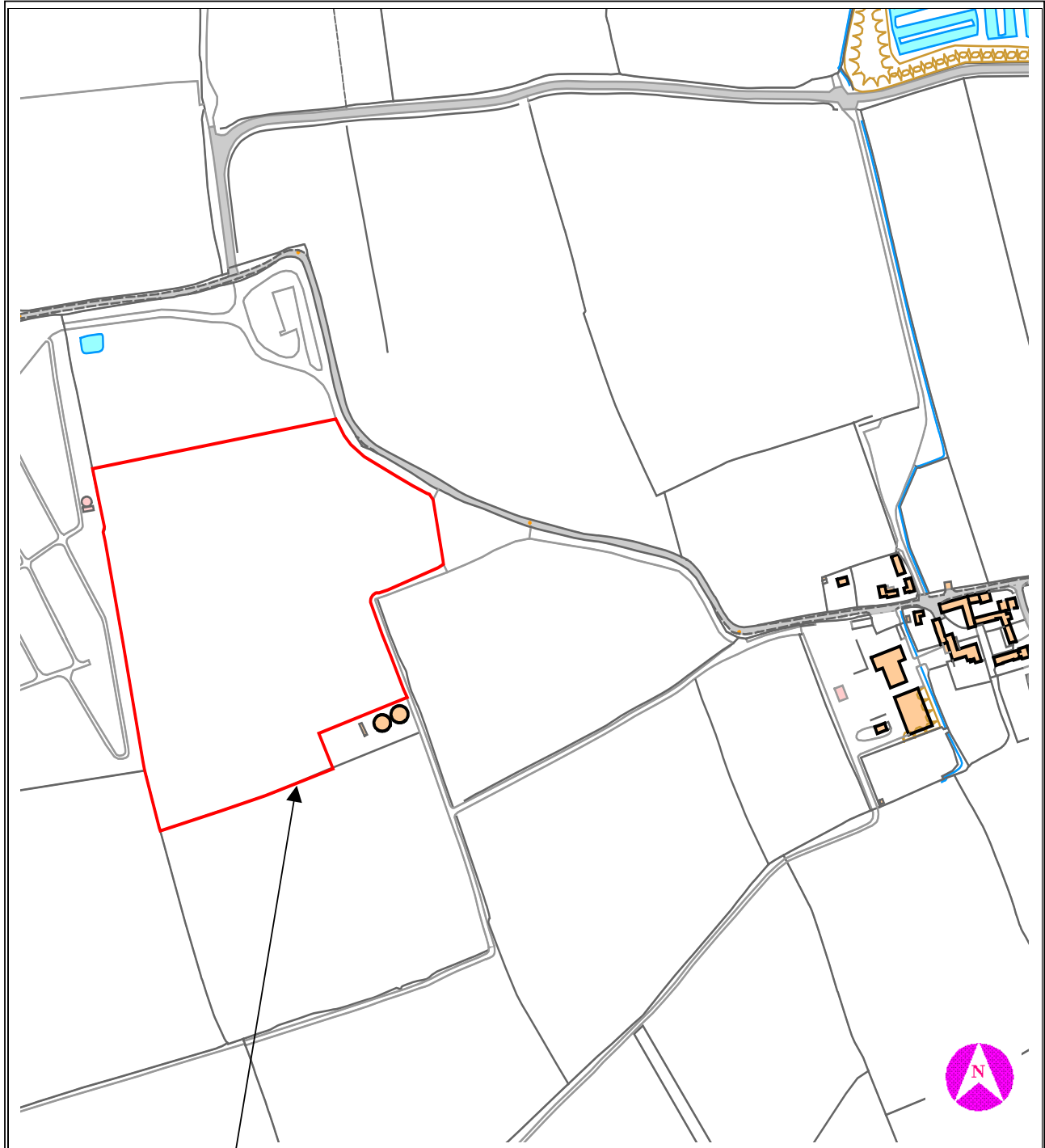
- 1. N15 - Reason(s) for the Grant of Planning Permission**
- 2. N19 - Avoidance of doubt - Approved Plans**

Decision:

Notes:

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

DCNC2009/0166/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, Councillor P McCaull

Introduction

This application was deferred on Counsel's advice at the previous meeting in order to allow time to consider the additional representations received. The report has been updated to take account of these matters.

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 unclassified 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. Storage tanks are all buried underground and the area is surrounded by a raised grassed bund at 1.3 metres in height. The area is enclosed with a timber post and rail fence. The only equipment evident above ground are three monitoring kiosks. These are dark green in colour and 1.2 metres in height.
- 1.4 Amendments have been made to both the application for polytunnels (DCNC2009/0166/F) and for the accommodation (DCNC2009/0168/F) as set out elsewhere on this agenda. For the avoidance of doubt this application remains unchanged.

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 but has not been enforced given the ongoing discussions between the applicant and the Council, leading to the submission of this latest application.
- 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 The area surrounding the treatment works, including the bund, is neatly mown and maintained. It is this which draws the eye in an otherwise rural location. Glimpses can be gained from the road through the hedgerow, but it is not considered to cause demonstrable visual harm, particularly when viewed in conjunction with the applicant's other proposals. Matters relating to discharges from the sewage treatment works are dealt with under separate legislation, the responsibility for which falls to the Environment Agency. Although that Agency have not commented specifically on this proposal, its 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 its operation.
- 6.3 The application is therefore considered to be acceptable and, subject to a condition requiring its removal, is recommended for approval.
- 6.4 In the event that the application for the seasonal workers accommodation is refused by the Committee the justification for this application is removed, and a revised recommendation will be made at the meeting.

RECOMMENDATION

That planning permission be granted subject to the following condition:

1 F20 (Temporary permission and reinstatement of land) (10 years)

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 Planning Permission

2 N19 - Avoidance of doubt - Approved Plans

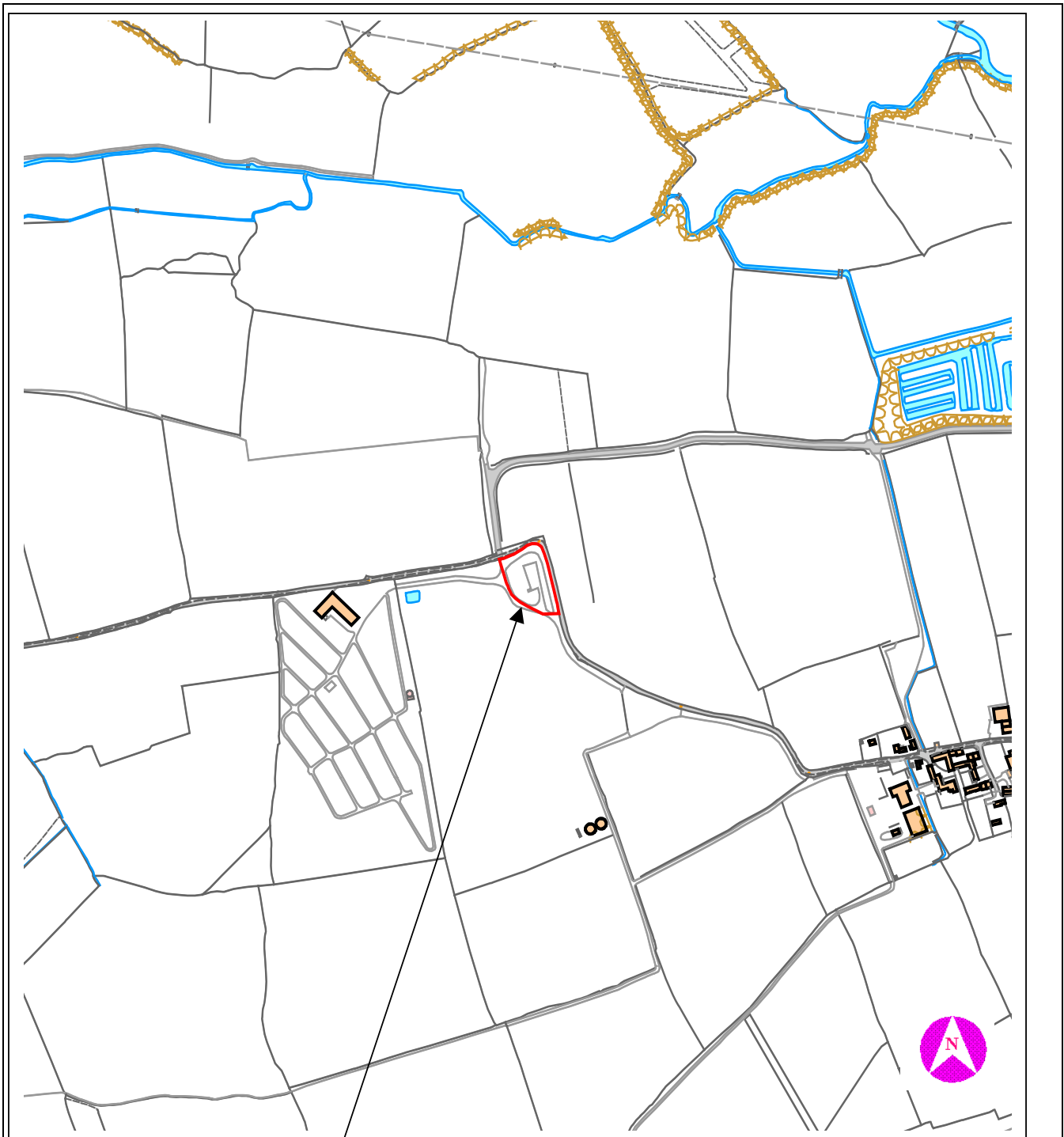
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2009/0166/F

SCALE : 1 : 8000

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

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**DCCW0009/1990/CD DCCW/092151/CD - AMENDMENT
TO PLANNING CONDITION 2 OF CW2000/1575/F, TO
ALLOW PARKING FOR CHRISTMAS PARK & RIDE
SERVICE AT HEREFORD RACECOURSE, ROMAN
ROAD, HOLMER, HEREFORDSHIRE, HR4 9QU**

**For: Herefordshire Council, Integrated Transport
Team, Plough Lane, Hereford, HR4 0LW**

**Date Received: 10 September 2009 Ward: Three Elms Grid Ref: 350100,242154
Expiry Date: 5 November 2009**

Local Members: Cllrs PA Andrews, SPA Daniels and AM Toon

1. Site Description and Proposal

- 1.1 The application site is comprised of an area of land extending to approximately 0.35 hectares, which forms part of a total of 3.6 hectares of open amenity ground serving Hereford Racecourse, located immediately adjacent to and directly accessed from the Roman Road (A4103).
- 1.2 In November 2000 planning permission was granted for engineering works to put down hard standing to facilitate the parking of vehicles; mostly horse transporters, on this parcel of land to prevent them damaging the grass during periods of inclement weather. In granting that permission, a condition was imposed limiting the use of this improved parking area, to only those days when racing was taking place.
- 1.3 The present application seeks to vary this condition to additionally allow the hard standing to be used for the parking of vehicles in connection with a public Christmas Park and Ride service which will operate during November and December 2009

2. Policies

2.1 Herefordshire Unitary Development Plan:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S5	-	Town Centres and Retail
Policy S6	-	Transport
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy DR7	-	Flood Risk
Policy TCR2	-	Vitality and Viability
Policy T2	-	Park and Ride

3. Planning History

- 3.1 CW2000/1575/F Proposed hardstanding for parking of vehicles at racecourse. Approved 1 November 2000.

4. Consultation SummaryStatutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: No objection, the proposals involve utilising the racecourse car park on non race days and to a level which will create less traffic than on a race day. The proposal will also be beneficial in reducing traffic travelling into the City Centre.

5. Representations

- 5.1 Hereford City Council: No objection.

- 5.2 Letters of objection have been received from Mr Smart, 18 Aylesbrook Road, Mr Sisley, 17 Aylesbrook Road, Mr Beddard, 16 Aylesbrook Road and Mr Busby, 21 Aylesbrook Road which are summarised as:

- Impact of vehicle movements on footpath HER2 which runs across the site.
- Will the car park be lit.
- What about toilet facilities
- If this is allowed how can you enforce the condition that the car park is only to be used on race days.
- The lease for the racecourse requires them to ask permission from the Chief Executive before they are allowed to use the land for any other purpose.
- Will this lead to pressure to hard surface the remaining open space.
- The land has not been used for several years as a park and ride, as this was located at the old Denco car park on Holmer Road before it moved to the racecourse last year without permission.
- Extra traffic will make it difficult to exit Aylesbrook Road.
- Drivers will be tempted to use the land as a shortcut to Highmore Street.
- Roman Road is at capacity and cannot cope with any more traffic.
- This will result in a loss of open amenity space.

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

6. Officer's Appraisal

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

- The Principle of Development
- Access and Highways Issues
- Residential Amenity
- Flood Risk

Principle of Development

6.2 One of the overarching objectives of the development plan is to secure sustainable forms of transport. Therefore, the proposal to provide a seasonal park and ride service to reduce the demand for those vehicles to go on into the City Centre is considered to be acceptable in principle, subject to other material considerations being satisfactorily resolved.

Access and Highways Issues

6.3 The application site, combined with the remaining amenity land is already lawfully used as a car park, albeit limited by restrictive condition, served by a properly constructed and laid out access, which has capacity to accommodate a far greater number of vehicles than proposed in this application. Therefore, whilst the comments about the perceived impact on highway capacity and safe use of the footpath which crosses the site are noted, in the absence of any objection from the Traffic Manager they are not considered to give rise to defensible grounds for refusal in this instance. However, in order to retain an appropriate degree of control over the future use of the land, an appropriate amendment to condition 2 is recommended, rather than its complete removal.

Residential Amenity

6.4 Having regard for the lawful use of the amenity land serving the racecourse, the additional use of the application site as a seasonal park and ride service on weekends running up to Christmas is not considered to give rise to such a material impact on the levels of residential amenity presently enjoyed as to give rise to defensible grounds for refusal in this instance.

Flood Risk

6.5 The western edge of the application site lies just within a designated flood and as such the local planning authority have an obligation to consider the impact of flooding.

6.6 In this particular case, the site is already used as a car park and no physical alterations are proposed in the form of engineering works or building operations. Consequently it is not considered that there is any material change in terms of flood risk which would justify either the refusal or the inclusion of any mitigation measures to protect the development from future flood events.

Conclusion

6.7 Overall the proposal complies with the relevant development plan policies and as such approval is recommended.

RECOMMENDATION

Subject to no further objections raising additional material planning considerations by the end of the consultation period, the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered necessary by Officers:

- 1 B04 Amendment to existing permission (CW2000/1575/F and 1 November 2000).**
- 2 The land shall be limited to the parking of vehicles only on:**
 - a) days when race meetings are being held and/or**
 - b) any Saturday or Sunday on or between 7 November 2009 and 3 January 2010****and for no other purpose**

Reason: In order to define the terms under which this permission is granted.

Informatives:

- 1 N19 Avoidance of doubt - Approved Plans.**
- 2 N15 Reason(s) for the Grant of PP/LBC/CAC.**

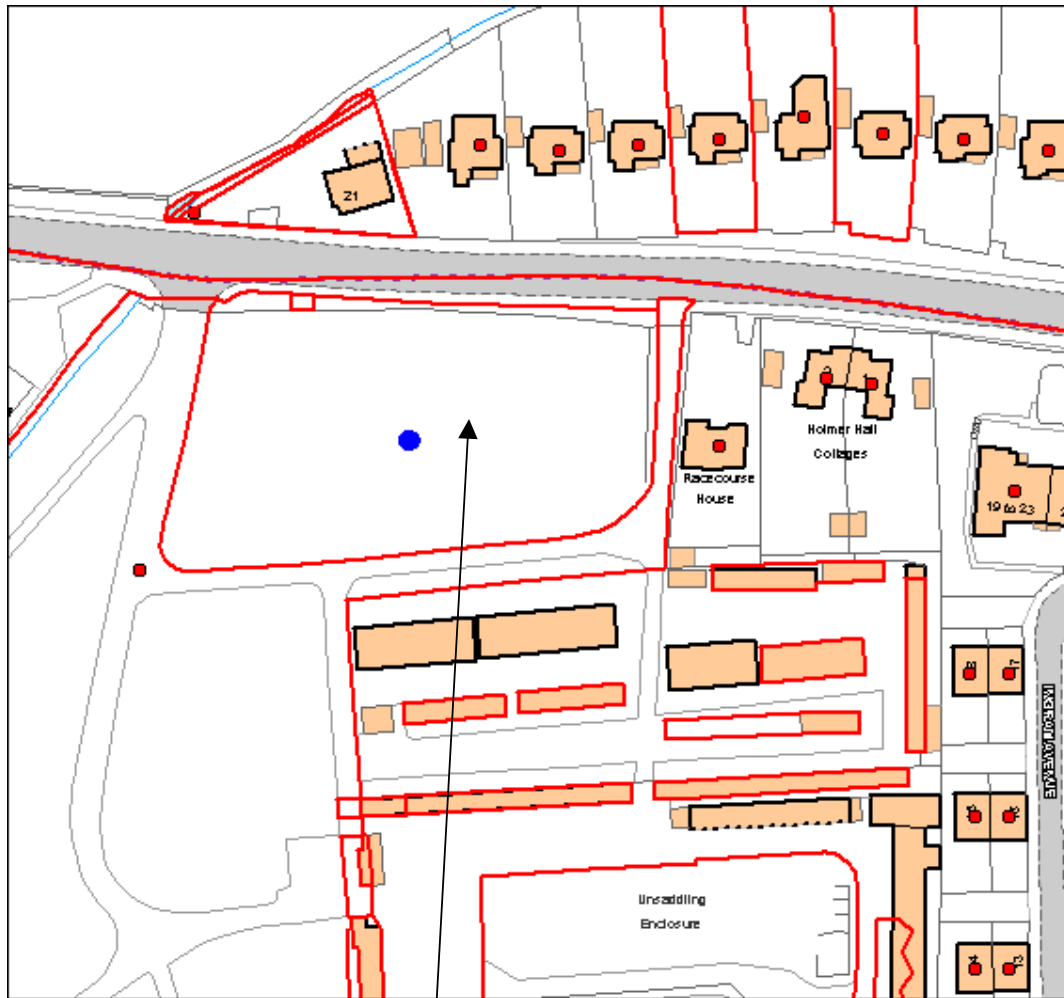
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW0009/1990/CD DMCW/092151/CD

SITE ADDRESS : HEREFORD RACECOURSE, ROMAN ROAD, HOLMER, HEREFORD, HEREFORDSHIRE, HR4 9QU

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DCCW0009/1950/CD DCCW/092345/CD -
REPLACEMENT BMX TRACK AND RE-INSTALEMENT
OF EXISTING TRACK TO PARKLAND AT LAND TO
THE REAR OF 102-140 WESTFALING STREET,
HEREFORD, HR4 0JF

For: Parks and Countryside, Herefordshire Council,
PO Box 41, Leominster, Herefordshire, HR6 0ZA

Date Received: 24 August 2009

Ward: St Nicholas

Grid Ref: 349228,240175

Expiry Date: 19 October 2009

Local Members: Cllrs DJ Benjamin and JD Woodward

1. Site Description and Proposal

- 1.1 The application site is comprised of an area of public amenity space extending to approximately 1.1 hectares, located to the south of the properties on Westfaling Street, abutting the western boundary of the crematorium grounds.
- 1.2 The application seeks permission to refurbish and upgrade the existing Bicycle Motocross (BMX) track to provide improved recreational facilities, which will involve engineering operations to create new earth jumps and burms. The refurbished track will occupy a more compact area, allowing for the western section of the existing track to be re-instated to general open amenity space.

2. Policies

- 2.1 Policy S1 - Sustainable Development
 Policy S2 - Development Requirements
 Policy S8 - Recreation, Sport and Tourism
 Policy DR1 - Design
 Policy DR2 - Land Use and Activity
 Policy DR3 - Movement
 Policy DR4 - Environment
 Policy DR13 - Noise
 Policy CF5 - New Community Facilities

3. Planning History

None

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

4.2 Traffic Manager: No objection to the revised plan incorporating 11 parking spaces accessed from the cul-de-sac on the southern side of the roundabout forming the junction of Westfaling Street and Wordsworth Road.

5. Representations

5.1 Hereford City Council: No objection in principle, but suggest that 15 parking spaces be provided within the site to alleviate parking problems for local residents.

5.2 Letters of objection have been received from Mr Exton, 112 Westfaling Street and Mr Bailey, 38 Westfaling which are summarised as:

- Will attract too many children and young people, who will litter the place with empty sweet packets and drinks bottles, which will be a hazard to dog walkers.
- Noise and anti-social behaviour will be a problem.
- The area should be completely fenced off.
- Is this not meant to be public open space. It is being filled with equipment which is then vandalised by young people.
- The area should be used to plant trees and hedges to encourage wildlife, it needs a pond.
- There is inadequate parking to serve the recreational area.
- Access must be provide for emergency vehicles.

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

6. Officer's Appraisal

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

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

Principle of Development

6.2 The proposed development is for the enhancement of an existing community facility, therefore it is acceptable in principle, subject to other material considerations being satisfactorily resolved.

Design and appearance

6.3 The refurbished BMX track itself will cover an area of approximately 50m x 50m, and comprises a 6m wide dirt track which takes the form of a double 's' the surface of which undulates to form jumps and turns. In terms of height the start hill will be the highest point standing at some 4m with the remaining obstacles ranging from 1.8m to

0.8m high. Visually it is not considered that the appearance of the completed BMX track will be read as a discordant feature, and the reduction of the overall footprint coupled with the re-landscaping of the amenity space is welcomed.

Residential Amenity

- 6.4 Having consideration for the existing use of the public amenity space, the proposed development is not considered to give rise to such a material impact on the levels of residential amenity presently enjoyed as to give rise to defensible grounds for refusal in this instance.
- 6.5 The supporting documentation suggests that in addition to informal leisure usage of the facility, once refurbished it may be used as a venue for organised events. Whilst on an infrequent basis this would not necessarily harm the residential amenity of the wider locality, more regular or semi-permanent use of the facility as a venue for competitions may result in an unacceptable impact on the surrounding established residential area. Therefore, in order to retain an appropriate degree of control over the future use of the facility, an appropriate condition is recommended to limit the use of the BMX track to informal recreation only, unless prior written approval for any organised event is first obtained from the Local Planning Authority
- 6.6 Given the need to earthmoving equipment to form the new track, it is considered expedient to recommend a condition controlling the hours during which works can take place, to protect the amenity of the adjoining properties.

Access and Highways

- 6.7 As submitted the application made no provision for any new parking, as the applicant anticipates that the majority of users will travel to the improved recreational facility by bicycle. However the potential for increased usage giving rise to additional vehicle trips cannot be discounted, and the absence of any parking provision, resulted in concern being raised by the Traffic Manager about existing parking capacity on and adjoining the highway.
- 6.8 In response to these concerns, the applicant submitted a revised plan to provide for 11 parking spaces located to the west of the BMX track, which would also provide gated emergency access. The provision of this parking area has overcome the concern of the Traffic Manager, and also addresses the issue of parking raised in the letters of representation.

Conclusion

- 6.9 Overall the proposal complies with the relevant development plan policies and as such, approval is recommended.

RECOMMENDATION

Subject to no further objections raising additional material planning considerations by the end of the consultation period, the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered necessary by Officers:

- 1. **A01 Time limit for commencement (full permission)**
- 2. **G09 Details of Boundary treatments**

- 3. H13 Access, turning area and parking
- 4. I16 Restriction of hours during construction
- 5. I32 Details of floodlighting/external lighting
- 6. The BMX track hereby permitted shall only be used for informal recreational purpose. No organised events including races, competitions or demonstrations shall take place without the prior written approval of the local planning authority.

Reason: To define the terms of the planning permission and to safeguard the amenity of the established residential area to comply with Policies DR1, DR2, DR3 and TC5 of the Herefordshire Unitary Development Plan 2007.

Informatives:

- 1. N08 Advertisements
- 2. N10 Council contract
- 3. N19 Avoidance of doubt - Approved Plans
- 4. N15 Reason(s) for the Grant of PP/LBC/CAC

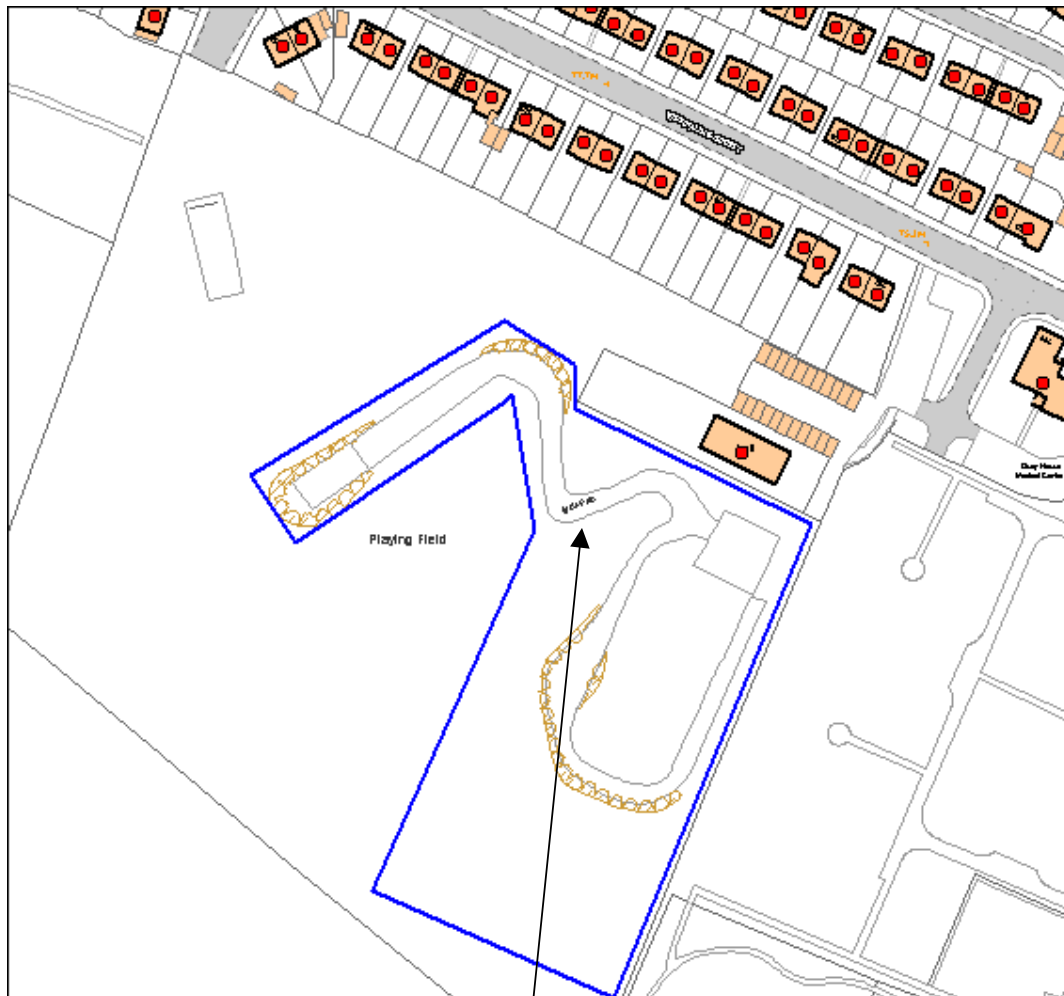
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW0009/1950/CD DMCW/092345/CD

SITE ADDRESS : LAND TO THE REAR OF 102-140 WESTFALING STREET, HEREFORD, HR4 OJF

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Further information on the subject of this report is available from Mr P Clasby on 01432 261947

DCNE0009/1841/F - PROPOSED ERECTION OF 15 METRE WIND TURBINE AND ASSOCIATED WORKS. AT LEADON COURT, FROMES HILL, LEDBURY, HEREFORDSHIRE, HR8 1HT

For: MR MORGAN, MORGAN FARMING PARTNERSHIP, LEADON COURT, FROMES HILL, NR LEDBURY, HEREFORDSHIRE, HR8 1HT

Date Received: 25 August 2009 Ward: Frome Grid Ref: 368191,246784
Expiry Date: 20 October 2009

Local Members: Cllr Morgan

1. Site Description and Proposal

- 1.1 The application site relates to part of Leadon Court that is situated on the eastern side of Fromes Hill north of the A4103.
- 1.2 The proposal involves the erection of a wind turbine that would have a ground to hub height of 15 metres and a blade length of 4.82 metres giving a total height of some 19.82 metres. The mast would be a galvanised steel/silver in colour and the blades a matt black. The rated output of the turbine is 15kW and it is likely to generate 30,000 kWh per year. The Community Sustainable Energy Programme puts a standard useful life expectancy of 20 years on such small wind turbines.
- 1.3 The proposed location of the wind turbine is approximately 250 metres north of the A4103 road and 100 metres east of the road leading from the A4103 to Halmonds Frome. Access to the site is via a private track heading from Leadon Court in a north westerly direction towards the site.
- 1.4 The site is located at approximately 180 metres AOD (Above Ordnance Datum), on land rising from east to west. The highest point is 193 metres AOD approximately 490 metres west of the site. To the north-west of the site is Halmonds Frome. The land falls away to the north-east of the site towards Eavesbatch where it reaches a low point in the River Leadon valley before rising to 172 metres AOD near Ashen Coppice , approximately 1.8 kilometres north-east of the site. Immediately south of the site the land falls to 176 metres AOD in the residential area known as Uplands, before rising to 181 metres AOD approximately 590 metres south of the site. The landform towards the east and south-east of the site falls away towards the River Leadon before rising to 146 metres AOD at Beacon Hill, approximately 2.3 kilometres distant from the site.
- 1.5 The nearest residential properties are at Uplands, with the closest house at number six approximately 89 metres away. The rear garden boundary of number 6 Uplands

would be some 69 metres distant. Further, to the west of the site is a property known as 'Greenfields' whilst slightly north of that is 'Homestead'.

- 1.6 In the Herefordshire Council's Landscape Character Assessment the area is designated as 'Timber Plateau Farmlands'.
- 1.7 There is a similar wind turbine at Garway Primary School if Members wish to view a similar development, prior to this meeting.

2. Policies

2.1 Central Government Advice

Planning Policy Statement 1 – 'Delivering Sustainable Development'
Planning Policy Statement 7 – 'Sustainable Development in Rural Areas'
Planning Policy Statement 22 'Renewable Energy'
Planning for Renewable Energy – A Companion Guide to PPS22

2.2 Herefordshire Unitary Development Plan 2007

S1	–	Sustainable Development
S2	–	Development requirements
S7	–	Natural and historic heritage
DR1	–	Design
DR2	–	Land use and activity
DR4	–	Environment
DR13	–	Noise
LA2	–	Landscape Character and areas least resilient to change
NC1	–	Biodiversity and Development
NC2	–	Sites of International Importance
NC3	–	Sites of National Importance
NC4	–	Sites of Local Importance
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
CF4	–	Renewable Energy

3. Planning History

None.

4. Consultation Summary

Statutory Consultations

- 4.1 Ministry of Defence (Defence Estates) – No objection
- 4.2 The Joint Radio Company Limited on behalf of UK Fuel & Power Industry has no objection to the proposal. They assess potential interference with radio systems operated by utility companies in support of their regulatory operational requirements.

Internal Council Advice

4.3 The Environmental Health Section who has been consulted primarily on the issue of noise state:-

“Having looked at the accompanying noise emission report with this application, it indicates that the maximum noise level at high wind from the base of the turbine would be SPL (Sound Pressure Level) 48 dBa at the nearest dwelling. At low wind speed this is reduced to SPL 31 dBa this indicates that there would be no significant effect to residence when comparing to expected background noise levels at differing wind speeds.

Therefore I have no objections to this proposal.”

4.4 Transportation: - No objection

4.5 The Planning Ecologist has no objections to the proposal subject to an appropriate condition and informatives.

5. Representations

5.1 The written views of the bishops Frome Parish Council have not been received. However, a verbal conversation with the Planning Officer suggests that the Parish Council has no objection although they draw attention to opposition from local residents.

5.2 The occupiers of five dwellings in the vicinity object on the following summarised grounds:-

- Undue visual impact;
- Impact of undue noise levels upon health;
- Shadow flicker impact;
- Impact upon ecology;
- The location of the proposed wind turbine distant from the applicant’s own property is inappropriate;
- Depreciation of property values; and
- Concern as to further wind turbines in the future.

5.3 The applicant has explained the purpose of the development as follows:-

“The Morgan Farming Partnership undertook an energy audit as part of the RE:think energy grant scheme and this calculated that the annual electricity usage on site was 85,000 kWh. This means that all output from the turbine will be used within the business for general farm operations and power for the light industrial units which the business rents out to local businesses. There would be little, if any, domestic usage for the wind turbine power. There may be periods at night where any excess electricity is exported to the national grid but this would make up a very small percentage of the annual figures due to the high demand by the on site usage.

From our wind monitoring sessions and standard data available for the site grid reference, we estimate the average wind speed over the course of one year to be 5 - 5.5m/s at 15m above ground level. It is very tricky to accurately predict the wind speeds unless year round monitoring takes place but we have extrapolated this data from our results.

5.4 The answer to the second question about whether the turbine cuts out at 20m/s is that this particular Proven design has a patented counter measure to limit the turbine

output at high speeds but does not cut out. I have checked with the turbine installer who confirms that the blades of the Proven turbine have a special furling mechanism so when speeds of in excess of 20m/s are reached; the blades turn inwards to protect the blades and reduce the output of the turbine. The turbine does not generate any extra power above 20m/s as the blades are slowed by the limiting mechanism and so also will not generate any extra noise.”

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

6. Officer’s Appraisal

- 6.1 The Central Government approach to such renewable energy developments is made clear in the introduction to Planning Policy Statement 22 that states:-

“The Government’s energy policy, including its policy on renewable energy, is set out in the Energy White Paper. This aims to put the UK on a path to cut its carbon dioxide emissions by some 60% by 2050, with real progress by 2020, and to maintain reliable and competitive energy supplies. The development of renewable energy, alongside improvements in energy efficiency and the development of combined heat and power, will make a vital contribution to these aims. The Government has already set a target to generate 10% of UK electricity from renewable energy sources by 2010. The White Paper set out the Government’s aspiration to double that figure to 20% by 2020, and suggests that still more renewable energy will be needed beyond that date. The White Paper sets out policies to stimulate the development of new technologies to provide the basis for continuing growth of renewables in the longer term, to assist the UK renewables industry to become competitive in home and export markets and in doing so, provide employment.

Increased development of renewable energy resources is vital to facilitating the delivery of the Government’s commitments on both climate change and renewable energy. Positive planning which facilitates renewable energy developments can contribute to all four elements of the Government’s sustainable development strategy:-

- social progress which recognises the needs of everyone – by contributing to the nation’s energy needs, ensuring all homes are adequately and affordably heated; and providing new sources of energy in remote areas;
- effective protection of the environment – by reductions in emissions of greenhouse gases and thereby reducing the potential for the environment to be affected by climate change;
- prudent use of natural resources – by reducing the nation’s reliance on ever-diminishing supplies of fossil fuels; and,
- maintenance of high and stable levels of economic growth and employment – through the creation of jobs directly related to renewable energy developments, but also in the development of new technologies. In rural areas, renewable energy projects have the potential to play an increasingly important role in the diversification of rural economies.”

- 6.2 These objectives are reflected in policy CF4 of the Herefordshire Unitary Development Plan that generally supports the provision of renewable energy developments. It is considered that this wider strategic picture needs to be fully

recognised as does the individual contribution of each such development, however small, as each development makes a positive contribution to that wider objective.

- 6.3 Nevertheless, each renewable energy development needs to be carefully considered, as they should not be accepted at any environmental cost. In the remainder of this report each of the environmental impacts will be addressed.

Visual impact

- 6.4 Due to the undulating nature of the landscape, mature hedgerows and trees, views of the site are restricted at both close and long range distances. Views from the road leading to Halmonds Frome are screened by the roadside hedgerow and trees. Properties located to the east and north of the site are also screened by vegetation. Views from the public highway within the residential development at Uplands are screened by terraced buildings and intervening trees, vegetation and overhead wires. Standing on the site views of the housing within Uplands are screened by trees and hedgerows. The copse to the north screens views from the north and north-east. Views from Leadon Court and the track to the site would be broken by intervening buildings, trees and hedgerows. There is a view from the path immediately north of the site where there is a gap in the hedgerow to access the field, but this view would only be brief. Part of the A4103 is visible in the distance to the east but traffic travelling the road would only have a glimpse view of the site in the context of the surrounding landscape with trees and hedgerows. There are distant views from the site to the Malvern Hills, but at distances of approximately 8 to 10 kilometres, views of the site in the context of the surrounding landscape would be insignificant.
- 6.5 It is considered that the proposed wind turbine would not have a significant visual impact on the landscape, in the context of restricted viewpoints, existing trees in the vicinity, and the fact that it is located on the highest point in the area. Also, to the north-east of the site on higher ground is an existing telecommunications mast which has a greater visual impact than the proposed wind turbine would have.

Noise

- 6.6 As above, the Environmental Health Section has no objection to the proposed development. They are satisfied that the proposed wind turbine would not create a level of noise that would harm the amenities of the occupiers of dwellings in the vicinity. It is not considered that the occupiers of properties in the vicinity would suffer any sleep disturbance and the Environmental Health Section is satisfied that World Health Organisation guidance on this matter would be satisfied. Indeed it is considered that the wind turbine would barely be audible from any dwellings in the vicinity.

Shadow Flicker

- 6.7 Given that only one turbine is proposed, that the closest neighbouring properties are to the south-west, the distance to the closest residential property and the limited height of the wind turbine, it is considered that the matter of shadow-flicker would not create any problem in this case.

Ecology

- 6.8 There is knowledge of a bat roost in the area and there was concern at the pre-application stage as to the applicant's initial proposal to site the mast in close proximity to a hedgerow that may be being used as a foraging corridor. Negotiations secured the re-siting of the mast some 60 metres distant from that hedgerow thus

overcoming the concern. There remains a lack of evidence as to the impact of wind turbines upon bats and birds and it is for that reason that a monitoring condition is recommended.

Other matters

- 6.9 It must be stressed that the proposed location of the wind turbine has not been driven by any desire of the applicant to site the turbine away from his own house. The location has been determined by wind speed tests and choosing the optimum location with regard wind speeds. Indeed the location of the wind turbine distant from the applicant's dwelling increases cabling costs.
- 6.10 As Members will be aware the impact of developments upon property values is not a planning consideration.
- 6.11 Any future proposal for further wind turbines would require the benefit of planning permission and would be considered on its individual merits. There is no reason to believe that the applicant has any intention to propose such future developments.

Conclusion

- 6.12 In conclusion, the principle of the proposed development is acceptable and its environmental impact is considered to be acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 A01 Time limit for commencement (full permission)
- 2 An annual report detailing any bat or bird fatalities associated with the domestic wind turbine hereby permitted shall be submitted to the Local Planning Authority for a period of three years after the installation of the wind turbine. Monthly checks shall be made from 1st May to 31st October in each calendar year as a minimum and the report shall include dates, times, location and condition (dead or injured, and type of injury where identified) of all bats and birds found within a 5 metre radius of the domestic wind turbines.

The landowner shall afford access at all reasonable times to any ecologist nominated by the Local Planning Authority for monitoring purposes, between May and September each calendar year for a period of 3 years from completion of installation.

Reason: To provide information on bats and birds affected by domestic wind turbines to Herefordshire council for research purposes, in the interests of biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006. To comply with Herefordshire Council's UDP Policies NC5 and NC6 in relation to Nature conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

- 3 The wind turbine hereby permitted shall be removed from the land within six months of it no longer being required for harnessing wind energy or no longer fulfilling its purpose due to it having reached the end of its useful life.

Reason: To safeguard the open countryside from structures that no longer have a useful function / purpose.

INFORMATIVES:

N15 Reason(s) for the Grant of Planning Permission

N11A Wildlife and Countryside Act 1981 (as amended) - Birds

N11B Wildlife & Countryside Act 1981 (as amended) & Cons (Nat. HaB Bats)

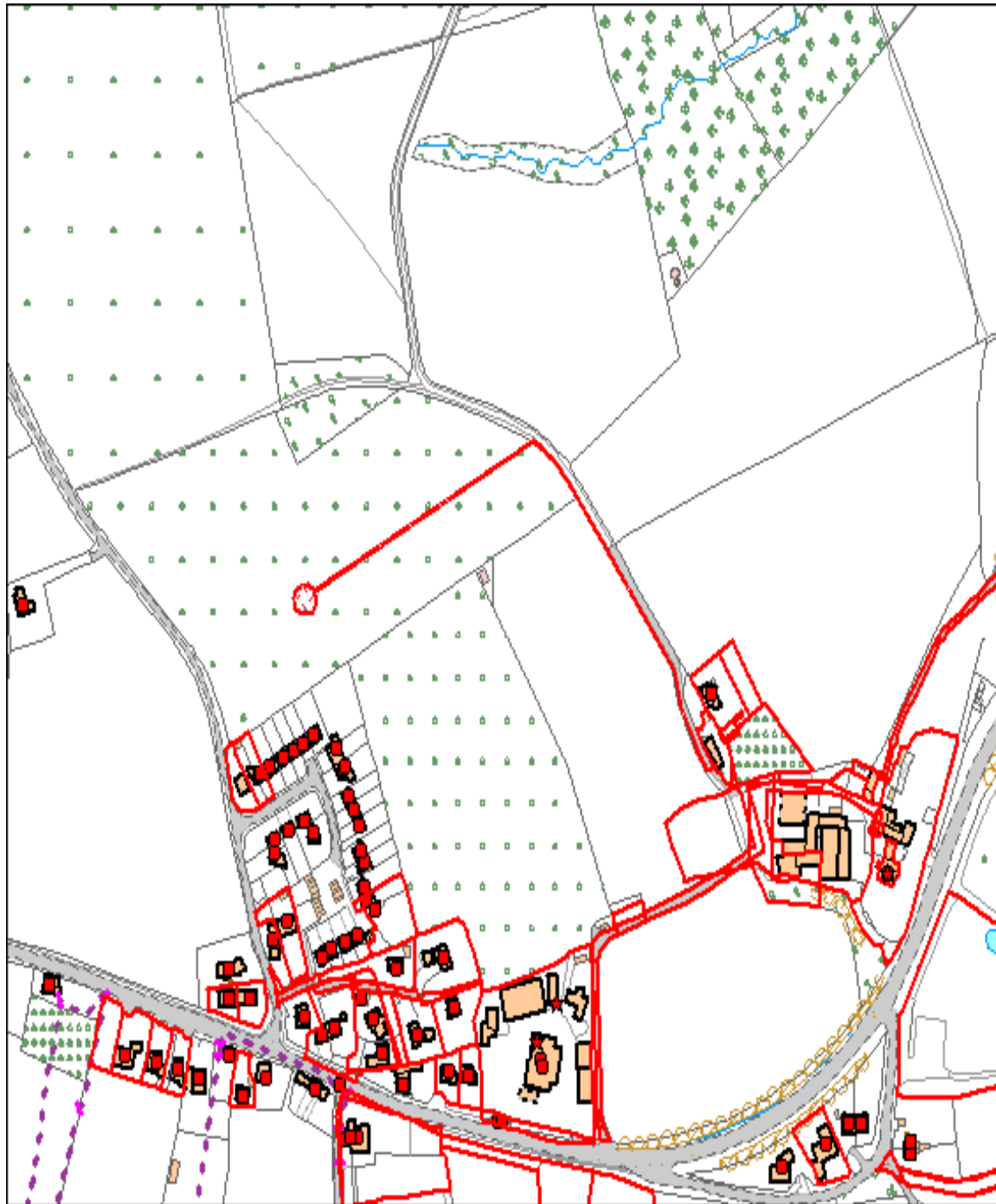
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE0009/1841/F

SITE ADDRESS : LEADON COURT, FROMES HILL, LEDBURY, HEREFORDSHIRE, HR8 1HT

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Further information on the subject of this report is available from Roland Close on 01432 261803

**DCCW0009/1683/F DCDCC/091945/G - REMOVAL OF
CONDITION 7 OF PLANNING PERMISSION
DCCW2004/0209/F, PROPOSED DWELLING AT 2
LOWER ORCHARDS, BURGHILL, HEREFORD,
HEREFORDSHIRE, HR4 7SD**

**For: Mr R I Matthews per Mr J Phipps, Bank Lodge,
Coldwells Road, Holmer, Hereford, HR1 1LH**

**Date Received: 12 August 2009 Ward: Burghill, Grid Ref: 348130,244227
Holmer and Lyde**

Expiry Date: 7 October 2009

Local Members: Cllr S Robertson

1. Site Description and Proposal

- 1.1 2 Lower Orchards is located to the south of the village of Burghill in a small cul-de-sac comprising six bungalows, two vacant plots and the applicant's dwelling.
- 1.2 Planning permission is sought to remove condition no. 7 attached to the original planning permission for this dwelling.

Condition 7:

“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 fences/gates/walls/garages/building/extension/dormer windows shall be constructed other than those expressly authorised by this permission.

Reason: To prevent the overdevelopment of the site and to ensure any future development is controlled.”

This condition prevents the extension of the dwelling or sheds and greenhouses in the garden without grant of a specific planning permission.

2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007:
Policy H18 - Alterations and Extensions
- 2.2 Burghill Parish Plan

3. Planning History

- 3.1 SH8820005PF Erection of 10 dwellings with garages. Approved 26 July 1989.

- 3.2 SH911659PM Proposed residential development. Approved 18 March 1992.
- 3.3 DCCW2004/0209/F Proposed dwelling. Approved 23 April 2004.
- 3.4 DCCW2009/1452/F Garden shed. Withdrawn 7 August 2009.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 None.

5. Representations

- 5.1 Burghill Parish Council supports this application.
- 5.2 One letter of objection has been received from Mr T Dutton, 8 Lower Orchards, Burghill, Hereford.

The main points raised are:

1. Despite the clarity of the condition, two garden sheds and a greenhouse have been erected on the site.
2. When planning permission was granted for the dwelling all the residents in the cul-de-sac opposed the application as the original planning permission restricted the development to single storey. Planning permission was granted which included the condition now requested to be removed. Obviously environmental concerns figured largely in the Planning Officer's thinking and was reflected by the imposition of condition 7.
3. Burghill Parish Plan seeks to "ensure more consistent planning decisions and compliance with planning controls."

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 Planning permission was granted for this dwelling in April 2004. Condition no. 7 removes the normal rights for dwellings to be extended or outbuildings to be placed within the curtilage. In considering removal of the condition you first must consider the reason why the condition was imposed. The reason stated:

"To prevent the overdevelopment of the site and to ensure any future development is controlled."

- 6.2 The dwelling is located within a good sized curtilage with ample room to the front and rear. The dwelling does not overdevelop the plot and there is sufficient room which would allow an extension to the property without detriment to adjoining neighbours.

Therefore extensions, which are permitted under the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) England Order 2008 without the need for planning permission could be developed without overdevelopment of the site.

- 6.3 The condition is therefore unwarranted and its removal is justified. It should also be noted that whilst extensions could be erected under permitted development rights there are also criteria and conditions to be met in order to protect neighbours. Infringement of the criteria and conditions mean that planning permission would be required.
- 6.4 The sheds and greenhouse which are on site further indicate that the site can accommodate outbuildings without detriment to neighbours and the wider locality. Again these are buildings which would normally be permitted development. They further identify that the site can accommodate outbuildings without detriment to neighbours and the wider locality.
- 6.5 It should be noted that the bungalows on this development do not have restrictions on permitted development, all of which have smaller plots than this site.
- 6.6 Finally, the use of this type of condition is normally used on high density house schemes where there is limited curtilage and barn conversions not in this kind of situation.
- 6.7 In conclusion, it is therefore considered that there is no justification for retention of the condition and its removal is supported.

RECOMMENDATION

That planning permission be granted:

Informative:

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

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCCW0009/1683/F DMDCC/091945/G

SITE ADDRESS : 2 LOWER ORCHARDS, BURGHILL, HEREFORD, HEREFORDSHIRE, HR4 7SD

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DCNC2009/0748/F - CHANGE OF USE OF LAND FROM AGRICULTURE TO A ONE FAMILY TRAVELLER SITE, INCLUDING STATIONING OF ONE MOBILE HOME, TWO TOURING CARAVANS AND DAY/WASHROOM - PART RETROSPECTIVE AT THE PADDOCKS, NORMANS LANE, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0LQ

For: MR COLIN BRANT, THE PADDOCKS, NORMANS LANE, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0LQ

**Date Received: 31 March 2009 Ward: Hampton Court Grid Ref: 352271,256281
Expiry Date: 26 May 2009**

Local Members: Cllr Grumbley

Introduction

This application was reported to the Northern Area Planning Sub-Committee on 29th July 2009 and then subsequently on 23rd September 2009 when members resolved to refuse planning permission contrary to the officer's recommendation in the report. This decision was accordingly referred to the Head of Planning and Transportation to determine if it should be reported to the Planning Committee for further consideration.

At its meeting on 23rd September 2009 the Northern Area Planning Sub Committee was recommended to approve this application for the following reasons:-

1. The proposal accords with policies H7 and H12 of the Herefordshire Unitary Development Plan concerning residential accommodation for travellers and is also consistent with advice contained in ODPM Circular 01/2006.
2. Officers conclude that the applicant falls within the definition of gypsies/travellers as set out in ODPM Circular 01/2006.
3. The shortfall of traveller pitches in the county (as assessed by the Councils' Housing Needs Assessment) is currently around 83 pitches.
4. The site is generally well screened from immediate views within the nearby village of Stoke Prior.
5. There are no overriding traffic safety issues nor any unreasonable amenity issues with respect to the occupants of neighbouring dwellings.

6. No part of the planning application site is crossed by the adjacent bridleway which runs along the adjacent track.

In the debate the members expressed concerns regarding the suitability of the site, its location and the eligibility of the applicant to meet traveller status. After much discussion it was resolved to refuse planning permission on the basis of no need as there are vacant pitches on authorised sites and the applicant has previously confirmed (in 2006) that there was no need to reside on the site. As such, for these reasons the proposal was in conflict with Policy E15 – (Protection of Green Field Land) of the Herefordshire Unitary Development Plan. Members were advised that the application needed to be considered under Policy H12 (Gypsies and other Travellers) of the Herefordshire Unitary Development Plan.

As a result the application is referred to this meeting of the Planning Committee for further consideration.

The following is an extract from the case submitted by the applicant which sets out his personal circumstances and which was read out at the Northern Sub Committee meeting by the Planning Officer:-

Mr Brant's father was a Romany traveller while his mother had been brought up in houses. The family lived originally in the Pershore/Evesham area living a nomadic life on the side of roads etc. They moved to Herefordshire in the 1960's and stayed in a caravan on the site at the Penglaise Motel, off Holme Lacy Road in Hereford, with many other Travellers. Mr Brant's sister lived on the site belonging to Mr Edmunds on the Hoarwithy Road (all the remaining site dwellers later moved onto the Council site "The Orchards" in Watery Lane, Hereford). After trouble on the site Mr Brant's parents went to live in some huts (owned by the Council) in Kingstone.

Since he became an independent person Mr Brant has lived a semi nomadic life in a succession of houses and caravans, not really settling anywhere. The places he has lived in are numerous and include Withington, Burghill, Weobley, Wigmore and Hope under Dinmore. Before acquiring the current site in 2004 he lived in a mobile home in Marston (near Pembridge) on a piece of land he bought immediately before the present one but subsequently sold as it was liable to flooding.

During his spell in houses Mr Brant went travelling especially in the summer months, working on the hops on local farms (Frog End, Bishop's Frome, Green Hill Farm Woolhope, Claston Court, Dormington and at Yarkhill and Ullingswick) and also on Green Hill Farm, Putley picking apples. He has also always kept horses and has other Traveller pastimes such as collecting old farm equipment. He is well known among the wider Traditional Travelling community in Herefordshire.

Mr Brant believes he fulfils the current definition of a Gypsy or Traveller for Planning Purposes as set out in Government Circular 1/2006 (Planning for Gypsy and Traveller Caravan Sites):

"Persons of nomadic habit of life whatever their race or origin including such persons who on grounds only of their own or their family's or dependant's educational or health needs or old age have ceased travelling either temporarily or permanently but excluding an organised group of show people or circus people travelling together as such"

As Mr Brant now lives with his partner of 7 years standing, Mandy and her three children aged 17, 12 and 10 and has a small business to attend to, he wishes to settle. The two younger children are at schools in the area (Minster Secondary and Stoke Prior Primary).

The report to the Northern Area Planning Sub-Committee on 23rd September 2009 was as follows:-

This application was reported to the sub-committee on 29th July 2009 who resolved to defer determination to allow for further investigation and clarification with respect to the nearby public right of way i.e. to its extent and exact route.

1. Site Description and Proposal

- 1.1 The application site lies off Norman's Lane in Stoke Prior, approximately 250m south of the junction with the C1110 road which runs through the village. The site measuring approximately 40m x 45m is part of a larger field of around 1 hectare.
- 1.2 The proposal, which is in part retrospective, is to provide a traveller site, including one static style mobile home, two tourers and retention of the day/wash room, which has been erected on a lean-to against a previously approved agricultural building.
- 1.3 There is an existing access to the site of Norman's Lane and a fenced off parking area in the north west corner.
- 1.4. In the field adjoining the site the applicant keeps a number of chickens and horses, together with assorted pens and shelters. The whole field is bounded by mature hedgerows.

2. Policies

Unitary Development Policy

H12 - Gypsies and other travellers

LA2 - Landscape Character and areas least resilient to change.

Circular 01/06 Planning for Gypsy and Traveller Sites

3. Planning History

- 3.1 NC2006/1105/F Retention of Agricultural Building refused June 2006 - allowed on appeal February 2007.

4. Consultation Summary

Statutory Consultations

None

Internal Council Advice

- 4.1 Transportation Manager - no objection.

- 4.2 Environmental Protection Manager - The Sub-Regional Housing Needs Assessment has identified a substantial shortfall in traveller sites in Herefordshire. The applicant is not known to the Traveller Service. Environmental Protection team has no objection.
- 4.3 The Council's Public Rights of Way Manager - advises that there appears to be an anomaly on the Council's "Definitive Map" with respect to the track to the west of the site. The Definitive Map shows an existing bridleway (no. SP12) extending along the track but stopping short of the site at Normans Farm further to the south. However, research has clarified that the Council has been maintaining the whole of the lane/track and will continue to do so, including that section not shown as a public right of way on the Definitive Map. It is, therefore, fair to assume that the bridleway runs along the track past the application site and onto the Class III road (C1110). There is no reason for the right of way to have stopped at Normans Farm, which is the point at which the anomaly occurs. The public right of way (bridleway No. SP12) does not cross any part of the planning application site. It should be noted that the Council will only maintain the track to bridleway standards and not to motor vehicle standards. Persons using the track for vehicular access could be held responsible for any damage to the surface which renders it unsuitable for walkers and horseriders. The applicant should ensure that he holds lawful authority to drive a motor vehicle along the bridleway/public right of way.

5. Representations

- 5.1 Ford & Stoke Prior Parish Council - The Parish Council recommends that the planning application be refused on the grounds that the development would be outside the envelope for residential development. The Parish Council regards as most important that the existing envelope should not be breached by development, such a breach would create a precedent. In the event that permission none the less granted the Parish Council recommends the following conditions be imposed:-
- a. Concerning the change of use it is not from agricultural to residential or any other designation but remains for agricultural residents only.
 - b. The Northern Area Planning Committee should be assured by enquiring that the specific conditions relating to travellers are being correctly applied in this application
 - c. The Consent would apply only to the applicant and his immediate family, as described, for the duration of their residence after which point the permission will no longer apply.
 - d. No other person or persons may reside at the site and no other mobile homes or caravans may be brought onto the site.
 - e. Any such consent should be construed as being a temporary measure only.
- 5.2 A letter was also received dated 8th June via the Environmental Protection Manager asking questions about the definition of a gypsy/traveller. A response was sent 18th June
- 5.3 29 letters of objection have been received from 24 different addresses in Stoke Prior.

The objections are summarised below:-

1. The proposal is contrary to Policy H8, since this would not be a viable agricultural business and the applicant has previously managed to run it whilst living elsewhere.
 2. There are currently vacancies at Council run gypsy/traveller sites.
 3. Not convinced that the applicant is a gypsy/traveller.
 4. Retrospective applications do not accord with the advice in Circular 1/06.
 5. The proposal is contrary to Policy H11 - residential caravans.
 6. The site lies outside the settlement boundary and would set a precedent encouraging others to move onto small parcels of land.
 7. Traffic safety.
 8. Amenity problems.
 9. Out of keeping with the village
 10. The site is visible from the Risbury Road currently and would be more so in winter. It is insufficiently screened.
 11. The development would fracture the village and give rise to problems of security and law and order.
- 5.4 9 letters of support have been received from 9 addresses in Stoke Prior.
- 5.5 One letter refers to private bore hole water supply restructuring which make it unsuitable for domestic use. Limited to 30 cubic metres per annum or 18 gallons per day for livestock purposes.
- 5.6 Another suggest a personal, time limit condition.
- 5.7 In support of the application a statement has been submitted setting out the circumstances of the applicant, policy matters and other material considerations
- 5.8 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

6. Officer's Appraisal

- 6.1 Circular 1/06 defines gypsies/travellers as follows:-

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such."

- 6.2 Consideration of the applicant's statement above and a discussion with him on site leads officers to conclude that the applicant falls within the definition set out above.

As a consequence the proposal falls to be considered against Policy H7 of the Unitary Development Plan.

- 6.3 In this case, references to Policies H8 and H11 can be discounted. The current shortfall of pitches within the County as assessed in the Housing Needs Assessment is currently around 83 pitches. This figure took account of any vacancies that there were at the time of preparation of that assessment. Consequently, any current vacancies on Council sites have little bearing on the overall need.
- 6.4 Reference is made by objectors to Circular 1/06 and the retrospective nature of the application. Paragraph 59 advises that gypsies and travellers consult with local planning authorities before buying land. The failure to do so, however, cannot be regarded as a reason to refuse the application. Whether retrospective or not the application should be determined on its merits.
- 6.5 The main intention of the Circular appears in paragraph 12 of that document, and in summary, is to significantly increase the number of pitches available in appropriate locations.
- 6.6 Whilst the site may be visible from a limited number of locations, generally it is well screened from immediate views within the village. Since the proposal amounts to the creation of a single pitch it is not considered that the nature of Norman's Lane presents any overriding traffic safety issues, nor any unreasonable amenity issues for neighbours.
- 6.7 The issue of the water supply is a private matter constrained by covenant.
- 6.8 In terms of visual amenity, highway safety and general amenity issues, the site is considered to be appropriate as a gypsy site for 1 pitch. On that basis there would be no sustainable justification for either a personal or time limited permission.
- 6.9 The applicant, his partner and their three children intend to live on the site and, as far as the local planning authority are aware, these are the only people currently living on the site.
- 6.10 It is noted that there are other small buildings on the land e.g. a small greenhouse and a stable building (the latter being outside the planning application site). Whether or not these buildings require planning permission is a matter which can be investigated separately by the Council.
- 6.11 The Council's Public Rights of Way Manager has confirmed that the bridleway no. SP12, although not shown on the Definitive Map, clearly, in their opinion, runs along the track i.e. past Normans Farm, past the application site and ends on the Class III road which runs through the village of Stoke Prior. The bridleway does not cross any part of the planning application site. The Council maintains the track to bridleway status and no part of the said track crosses the application site. The applicant needs to ensure that he has lawful authority to drive a motor vehicle along the bridleway.

RECOMMENDATION

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

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

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

2 - Non Standard (Non Standard Condition)

The use of the site shall be limited to a single mobile home and up to two touring caravans to be occupied by a person or persons comprising a single family unit and being recognised as being of genuine gypsy or other traveller status, as defined by Circular 1/2006 - Planning for Gypsy and Traveller Caravan Sites. Evidence of such status shall be submitted to and approved in writing by the local planning authority prior to the occupation of the site by any persons other than the current applicant.

Reason: The nature of the development is such that it is only considered to be acceptable in this location as a Gypsy or Traveller Site in accordance with Policy H12 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

3 - The Council's Public Rights of Way Manager advises that the track serving the site is most likely a public right of way i.e. bridleway no. SP12. In this event the applicant should ensure that he holds a lawful authority to drive a motor vehicle along the track. Lawful authority to drive over a public footpath/bridleway is normally granted by the owner of the land over which the right of way passes and is often included in the Title Deeds. Independent legal advice should be sought to ensure there is no doubt about private vehicle access rights along the track. Complaints about motor vehicles being driven along public footpaths/bridleways are investigated by the Police, not the highway authority. In addition, the local authority will only maintain this track to bridleway standards, which will not be of a standard suitable for motor vehicles. Persons using the track for vehicular access could be held responsible for any damage caused to the surface, which would render it unsuitable for walkers and horseriders. Should anyone wish to change the nature of the surface in any way then they would need the written permission of the Council's Public Rights of Way Manager, which may or may not be granted, depending on the nature of the intended materials.

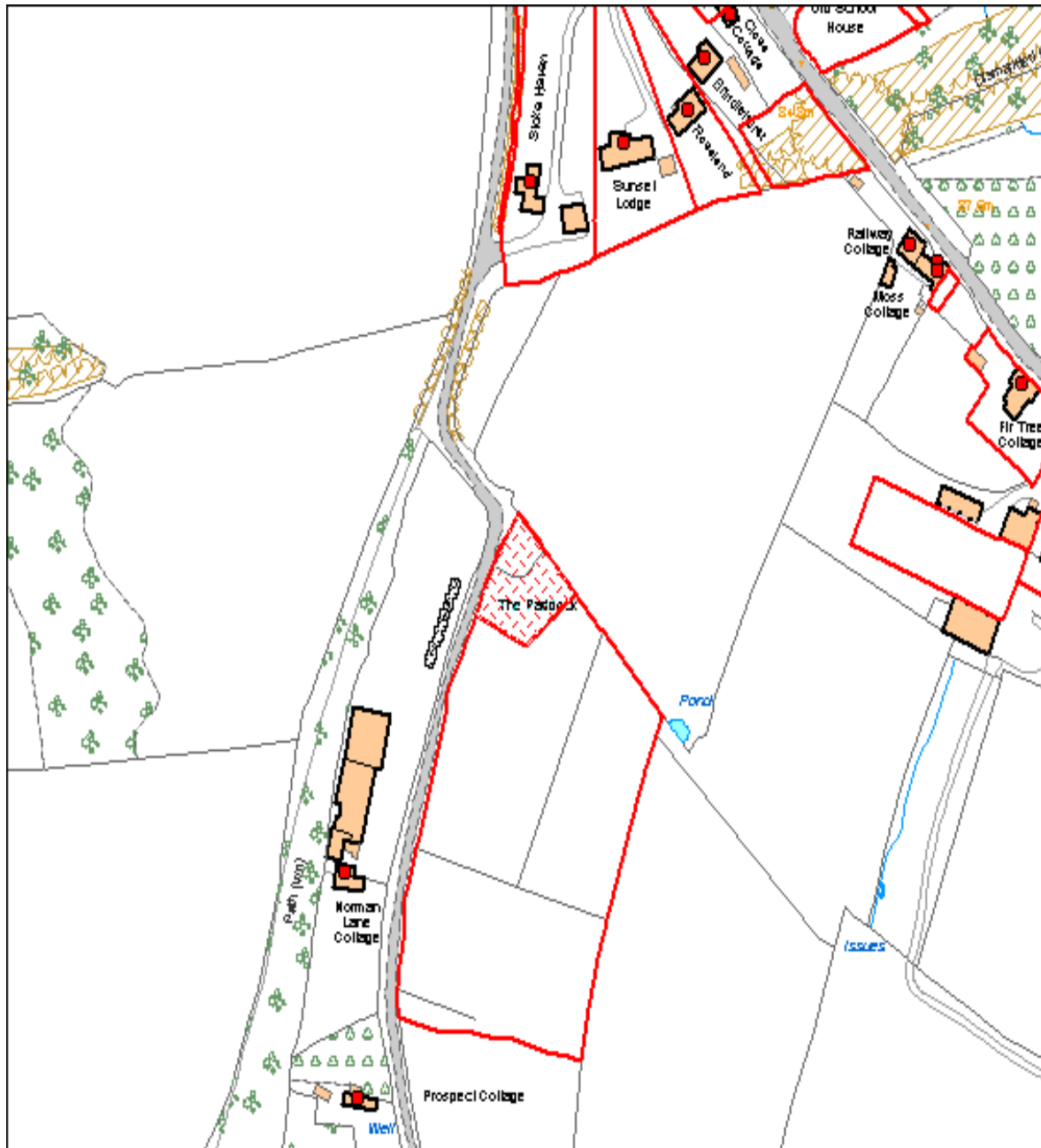
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



Further information on the subject of this report is available from Mr N Banning on 01432 383093

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<p>APPLICATION NO: DCNC2009/0748/F</p> <p>SITE ADDRESS : THE PADDOCKS, NORMANS LANE, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0LQ</p> <p>Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005</p>

DCSE0009/1676/F DCDS/091843/F - PROPOSED DORMITORY ACCOMMODATION WITH DINING AND RECREATIONAL UNIT IN ASSOCIATION WITH CONTINUED USE OF LAND AS A CHILDREN'S NURSERY SCHOOL AND KIDS CLUB, TOGETHER WITH APPROVED LEISURE, RECREATIONAL, EDUCATIONAL AND CULTURAL USE (DIVERSIFICATION OF EXISTING USE) AT CATS NURSERY SCHOOL, LEYS HILL, WALFORD, ROSS ON WYE, HEREFORD, HR9 5Q

For: Mr G Mitchell per Graham Frecknell Architects, 9 Agincourt Street, Monmouth, NP5 3DZ

Date Received: 31 July 2009

Ward: Kerne Bridge

Grid Ref: 358663,218813

Expiry Date: 25 September 2009

Local Member: Cllr J Jarvis

Introduction:

The Southern Area Planning Sub-Committee considered this application on 30 September 2009 and resolved to refuse the application contrary to the Officer's recommendation. The decision was accordingly referred to the Head of Planning and Transportation to determine if it should be reported to the Planning Committee for further consideration.

The Members of the Southern Area Planning Sub-Committee expressed concerns in relation to the perceived incompatibility of the children's nursery and health and spa facilities with particular reference to the potential risk to children associated with unrestricted access by adults and the sale of alcohol. It was considered that this was contrary to Policy DR2 of the Herefordshire Unitary Development Plan. During the debate the Committee was advised that the appropriate control for managing these concerns was through separate legislation (Ofsted licensing in terms of the acceptability of the children's nursery and the Council's Regulatory Committee in relation to the granting or otherwise of a premises licence for the health and spa facility). It was also advised that these two uses had co-existed at the site for many years and that the current application did not alter the way in which this long established arrangement operated.

In addition Members were concerned about the highway safety implications of the proposal. It was openly acknowledged that the access onto the B4324 was substandard but the proposal involves a commitment to reduce the number of nursery children from the potential 30 that the premises is currently licensed for to 10. This reduction would offset any traffic generated by the dormitory accommodation which in any event would be likely to generate traffic outside the times when the nursery traffic would be at its peak. This approach together with the formalisation of a Travel Plan is considered acceptable by the Traffic Manager.

The Head of Planning and Transportation is concerned that these reasons for refusal might not be defensible if challenged and accordingly the application was referred.

Since the consideration of the application at the Southern Area Planning Sub-Committee the applicant has provided details of their existing Ofsted licence demonstrating that the necessary authority has been obtained in relation to the operation of the nursery. This has been separately verified as an active licence by your Officers.

The applicant has also sought to amplify the proposal explaining that the dormitory building is intended to provide overnight accommodation to support families and groups using the health and spa facilities. Examples of group events include Hen Parties, Teen Parties, Mothers and Daughters and Glamorous Grans and the provision for overnight stays would enhance the current offer and potentially reduce the amount of traffic entering and leaving the site.

The applicant has also explained that this diversification is a response to changing Government legislation which threatens the viability of the existing children’s nursery. The enhanced health and spa facilities are seen as an important tourism opportunity in the applicant’s supporting statement.

1. Site Description and Proposal

- 1.1 The site is located in an elevated position on the steep south-west facing slope of Leys Hill, Ross-on-Wye. It is accessed from the U70408 road that climbs from Kerne Bridge onto Leys Hill. The site is located in the open countryside and within the Wye Valley Area of Outstanding Natural Beauty.
- 1.2 The site comprises a broad strip of land that follows the contours around Leys Hill, to the south-east of the U70408 road. The main driveway runs along the lower edge of the site, serving an existing children's nursery, gym and swimming pool building, which are grouped with the applicant's house towards the rear of the site. There is a tarmac parking area to the front of the buildings and a hard surfaced tennis court lies on terraced ground in the central part of the site. The remainder of the site comprises open grassed areas, which contain scattered, predominantly semi-mature trees. The site is fairly well screened by surrounding woodland and trees but there are long distance views into the site from the hills to the south-east.
- 1.3 This application proposes a single storey stand-alone dormitory building 19.8 metres x 10 metres, 2.7 metres to eaves, with an enclosed roof terrace that will be positioned between the main group of established buildings and a multi purpose sports area and to the rear of a car parking area. The two dormitories will provide accommodation with en-suite bathrooms, each providing 6 beds and a shared living room, dining area and kitchen. An external performance area to the side of the dormitory building is also proposed. It is proposed to cut the building into the slope with the ground floor slab level set at 97.30AOD to tie in with the existing level of the parking area.

2. Policies

2.1 Planning Policy Statements

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

2.2 Herefordshire Unitary Development Plan

Further information on the subject of this report is available from Duncan Thomas on 01432 261974

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S7	-	Natural and Historic Heritage
Policy S8	-	Recreation, Sport and Tourism
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy LA1	-	Areas of Outstanding Natural Beauty
Policy LA2	-	Landscape Character and Areas Least Resilient to Change
Policy RST1	-	Criteria for Recreation, Sport and Tourism Development
Policy RST2	-	Recreation, Sport and Tourism Development within Areas of Outstanding Natural Beauty
Policy RST13	-	Visitor Accommodation

3. Planning History

3.1	SH871537PF	Change of use into children's nursery school and extension to form playroom	-	Approved 16.12.87
	SH870168PF	Extension to provide additional living accommodation	-	Approved 25.01.88
	SH881381PF	Extension to form leisure and recreation room for pre-school age children	-	Approved 05.10.88
	SH940484PF	Relaxation of conditions to allow for use of premises for recreational and cultural purposes	-	Approved 07.09.94
	SH960425PF	Extension to provide additional space for recreational and cultural activities	-	Approved 01.11.96
	SH960841PF	Permanent provision of kids club	-	Approved 11.12.96
	SE1999/3239/F	To apply for permanent kids club use and to consolidate all extant planning consents for educational leisure, recreational and cultural facilities for children and adults	-	Approved 17.09.00
	DCSE2006/3912/F	9 timber lodges, tourist reception building and covered extension to fitness suite	-	Refused 24.01.07
	DCSE2007/0479/F	6 timber lodges and covered extension to fitness suite	-	Withdrawn
	DCSE2007/2263/F	4 timber lodges for holiday use – in association with continued use of land as children's nursery school and kids club together with approved leisure, recreational, educational and cultural use. Proposed covered extension to	-	Refused 11.09.07

fitness suite

DCSE2007/3491/F Aqualand proprietary cover over terrace to additional space for fitness suite - Approved 09.01.07

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 Traffic Manager initially recommended refusal, commenting that: "It has not been demonstrated how there will not be an increase in vehicular traffic movements from the site. I am concerned about the access onto the unclassified 70408 as well as the junction onto the B4324. Traffic movements are critical to assessing highway safety."

Subsequently the applicant has agreed in principle to a condition limiting the number of children attending the nursery to off-set any traffic generated by the proposed dormitory accommodation. Subject to conditional control and the formalisation of a Travel Plan, no objection is raised.

4.3 Conservation Manager: Landscape: considers the visual impact of the proposal would be fairly minimal.

4.4 Ecologist: No objection.

4.5 Children and Young Persons Directorate: "It is felt that the safety of the nursery children could be compromised should this application be approved and the dormitory accommodation built on the same site as the nursery provision. Holidaymakers and other personnel using these additional areas may have access to areas designated for the provision of Early Years Education and childcare at the Children's Adventure Training School (CAT'S). The provider is required to inform OFSTED of this change to the use of the site and would probably therefore be visited to re-inspect the premise. We would expect OFSTED to share the same concerns."

5. Representations

5.1 A Design and Access Statement has been submitted with the application:

- CATS was conceived in 1986 as a nursery school, but with the benefit of subsequent planning permissions has developed as a family centre providing a range of educational, leisure, recreational and cultural facilities;
- The centre has operated for 52 weeks of the year since 1987;
- Diversification is necessary as a reaction to Government initiatives (EYES and Sure Start);
- It is envisaged that the diversified use will result in a reduction in traffic with consequential reductions on residential and local amenity impacts;
- The existing buildings, together with natural and man made features are a part of the existing landscape;
- The applicants live and work on the site and are well placed to understand the site's constraints and opportunities;

- The applicant have a vested interest in ensuring that the tranquil qualities of the site and the quality of the landscape remains unharmed;
 - The proposal has been formulated having regard to the AONB;
 - The proposal may be seen as a mixed use. Mixed uses bring opportunities for sustainable development. The plan is that the people occupying the accommodation do so in association with the provision of some child care;
 - The proposed unit is comparatively small in scale with a total floor space of 200 square metres;
 - The building has a eaves height of 2.7 metres and a maximum height of 3.4 metres;
 - The site cannot be seen because of very mature planting;
 - Due to the maturity of the existing landscaped grounds the impact of the proposal on the AONB is considered to be minimal;
 - The use, construction and finishes of the building is considered most appropriate for the site, set against a backcloth of wooded slopes to the east;
 - The proposal will not result in an increase in traffic. The nursery is to be reduced from 30 children to 10 only.
- 5.2 Walford Parish Council comment that “after a long debate with representatives from the public, the Parish Council decided, after a large majority vote, to ask that planning consent should not be given to the application. The chief concerns of both the council and the public were:
1. The use to which the proposed building would be put.
 2. Planning creep that may lead to activities that would not fit in with the stated use.
 3. The increase of unwary traffic on a very difficult access road.
 4. It was noted that concerns had been expressed over the status of licensing in relation to site activities. It was asked that these are evaluated and reported back on to the Walford Parish Council.”

5.3 27 letters of objection have been received

- This is a commercial development within a quiet residential area in the Wye Valley Area of Outstanding Natural Beauty (AONB) inappropriate to the local area.
- It will have a detrimental visual impact on the AONB.
- Any increase in business must represent an increase in traffic.
- The road is narrow and dangerous.
- There have been numerous crashes at the junction with the B4234.
- The development represents further unsustainable expansion of the site.
- The existing site is out of place, out of character and does not represent or serve the local community.
- This is a hotel development in all but name.
- Noise pollution and disturbance is inevitable.
- Increase light pollution.
- CATS was originally a traditional small stone cottage and has grown enormously over the past 22 years.
- Adverse impact on ecology.
- Children and unknown adults being at the same location is surely dangerous.

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

6. Officer's Appraisal

- 6.1 The main considerations in this application are whether there is an adverse impact on the Wye Valley Area of Outstanding Natural Beauty, whether the proposal is in keeping with the character of the existing building and its surroundings in terms of scale, mass, siting, design and materials and whether there is an adverse impact on the highway.
- 6.2 The site is located within the Wye Valley Area of Outstanding Natural Beauty. The primary purpose of designation of these areas is to conserve and enhance their natural beauty. The most relevant policy with regard to the AONB is Unitary Development Plan Policy LA1.
- 6.3 In addition, the pressure for recreation related development within the AONB merits a specific policy within the Herefordshire Unitary Development Plan – Policy RST2. Whilst AONB designation allows recreation proposals to be accommodated where such developments do not compromise the landscape quality, it is important that precedence is given to the principal aim of conserving and enhancing the natural beauty of the area.

Policy RST2 reads as follows:

Within the Malvern Hills and Wye Valley Areas of Outstanding Natural Beauty, the conservation of the unique character and qualities of the landscape and of biodiversity and geological interests will have precedence over the development of facilities for recreation, sport and tourism. In particular such developments must:

- respect and be in keeping with the inherent distinctiveness of the local landscape;
 - be small-scale and constructed from appropriate materials; and
 - make a positive contribution to the understanding and quiet enjoyment of the natural beauty of the AONB.
- 6.4 Council policy therefore places paramount importance on the protection of the natural beauty of the AONB, which is of national importance. For this reason the policy is particularly restrictive and development should only be permitted when it meets the specific requirements of the policy. I will examine the proposal against Policy RST2.
- 6.5 The first policy issue is whether the development respects and is in keeping with the inherent distinctiveness of the local landscape. Given that the site is already used as a leisure facility and the existing landscape character is that of amenity land associated with the leisure facilities, development of the scale proposed, is considered to be acceptable. There is very limited change to the landscape character of the site. The proposal is not considered to have an undue effect on the rural quality and character of the AONB.
- 6.6 The second policy issue is whether the development is small scale and constructed from appropriate materials. The proposed is for a small-scale low building that is positioned on the west side of the CATS complex, aligned along the contour and set into an existing bank.
- 6.7 Insofar as the visual impact of the proposed building is concerned, the building will be read against the background of the existing bank and screened by large mature trees to the south of the site. It is considered cutting the building into the bank will assimilate the building into to the site. The eaves height of the dormitory will be no higher than the eaves height of the existing CATS buildings, and on a similar contour. In this respect it is considered the dormitory building will be viewed as a low-key structure that will not have a discernable impact on the acknowledged visual qualities of the area. Accordingly, it is not considered the proposal will cause harm to the character or

quality of the landscape and the proposal is considered acceptable having regard to policy LA1. No objection, subject to conditions, is raised by the Conservation Manager in relation to the impact of this proposal on the landscape quality of the AONB.

- 6.8 The third issue is whether the development makes a positive contribution to the understanding and quiet enjoyment of the natural beauty of the AONB. There is an existing commercial use on site. This proposal is for additional facilities that will be used in connection with the established leisure activities of the site and in this respect the policy requirement is met.
- 6.9 Representations have been received in respect of the suitability of the highway network to accommodate the proposed building. While, the Traffic Manager has requested further information the applicant has said traffic movements from the site will decrease. This is in reaction to the change in Government policy concerning childcare, which takes effect from 2010 requiring schools to be open from 8.00am until 6.00pm. As a consequence to this change the applicant intends to reduce the nursery registration from 30 children to 10 children only thereby reducing the amount of traffic visiting the site. Notwithstanding the comments of the Traffic Manager it is understood that subject to a condition that limits the number of children attending the nursery to 10, together with the level of traffic that will be generated by this proposal, the level of traffic visiting the site will be lower than existing. Consequently it is not considered the proposal will lead intensification in use and therefore there is no additional impact on the highway network.
- 6.10 Representation has also been raised concerning noise. The dormitory is to be located adjacent to a multi-purpose sports area which is not subject to conditions that limits hours of use or activities. Given this situation it is not considered the proposal would cause significant loss of amenity of the area through noise nuisance.
- 6.11 So far as the comments from the Children’s and Young Persons Directorate are concerned, whilst the safety of children is a concern it is for the owner/operator of the site to manage and regulate visitors. The site already attracts children to the site, attending the nursery, and adults visiting the site’s leisure facilities without apparent conflict or complaint.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 A01 Time limit for commencement (full permission)**
- 2 C01 Samples of external materials**
- 3 G04 Protection of trees/hedgerows that are to be retained**
- 4 I51 Details of slab levels**
- 5 H30 Travel plans**
- 6 I33 External lighting**
- 7 Prior to the first use of the dormitory accommodation hereby approved, the applicant shall provide registration details of the nursery limiting the number of children attending to no more than 10 at any one time and it shall thereafter be restricted in accordance with these details.**

Reason: To maintain appropriate control over the trips generated by the use and ensuring the safe and free flow of traffic on the highway so as to conform with Policy DR3 of the Herefordshire Unitary Development Plan.

Informatives:

- 1 N19 Avoidance of doubt - Approved Plans**
- 2 N15 Reason(s) for the Grant of PP/LBC/CAC**

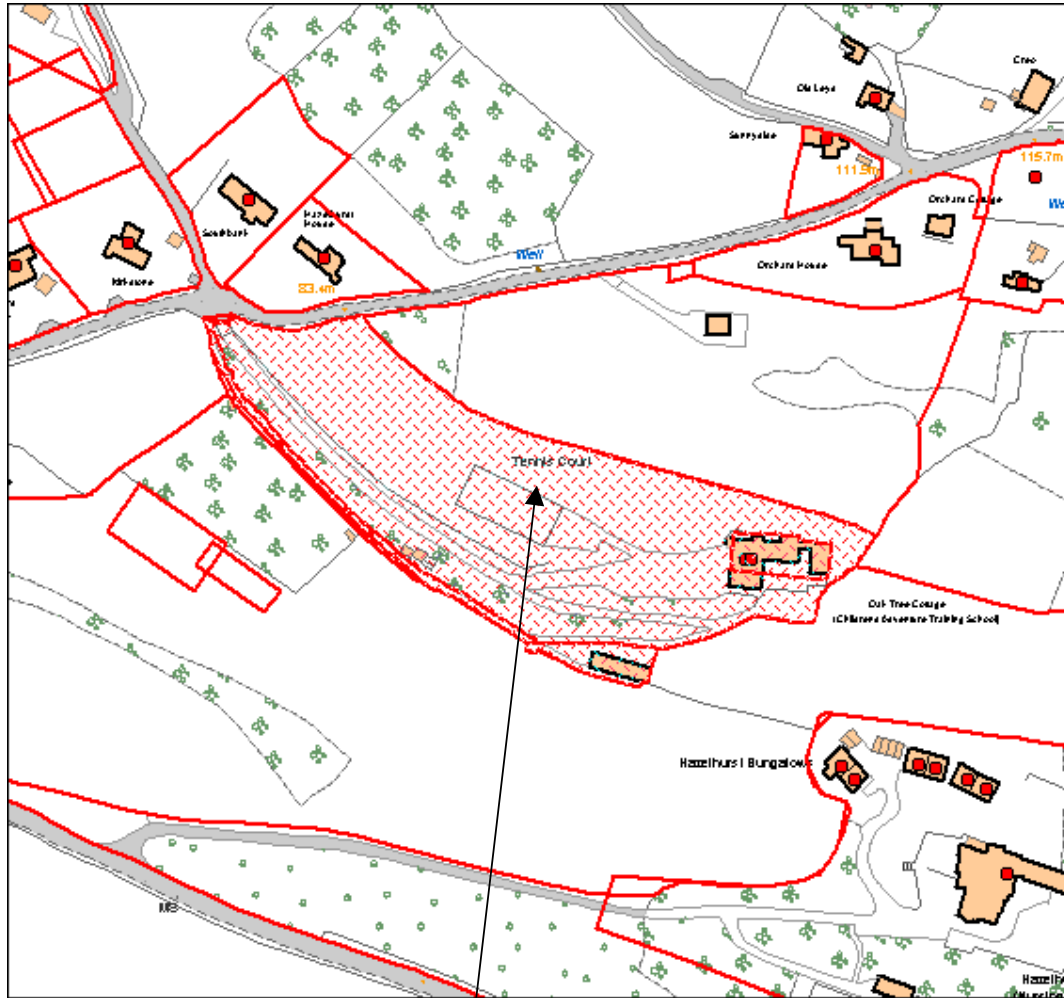
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE0009/1676/F DMDS/091843/F

SITE ADDRESS : CATS NURSERY SCHOOL, LEYS HILL, WALFORD, ROSS ON WYE, HEREFORD, HR9 5Q

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REGIONAL SPATIAL STRATEGY : INSPECTORS' PANEL REPORT – SEPTEMBER 2009

Report By: Head of Planning and Transportation

Wards Affected

County-wide

Purpose

1. To advise Members of the Panel Report into the Examination in Public into the Regional Spatial Strategy and its implications for Herefordshire.

Financial Implications

2. None directly as a result of the Panel Report.

Background

3. The Examination in Public (EIP) into Phase 2 of the Regional Spatial Strategy (RSS) took place from April to June 2009, and the Panel of Inspectors who held the examination published their "Panel Report" on 28th September. The Panel Report will now go forward to the Secretary of State who is not bound to accept the recommendations but will do so in all likelihood. He will then publish final amendments to the RSS by the end of 2009 with the intention of completing the formal process during 2010. Once this process is complete local planning authorities in the West Midlands Region will be obliged to ensure that their planning policies (in emerging Local Development Frameworks) are in compliance with the new RSS.
4. The summary below focuses on the most immediate consequences for Herefordshire. The Panel Report in total is 250 pages long, so what follows below is a very abridged version.

The Panel Report – in Summary

5. The Headline features, In summary, are:
 - Herefordshire's housing target for the period 2006 to 2026 has gone up from 16,600 to 18,000
 - Within that overall target the Hereford City (and immediate environs) allocation has gone up only 200, from 8,300 to 8,500 – this is not significant over a 20 year period
 - The allocation to the rest of the County (including the Market Towns) has increased more significantly, from 8,300 to 9,500 – this is intended to increase supply in rural areas to improve affordability
 - The approach to employment allocations has been revised – whilst the five year "reservoir" of 37 hectares has been maintained unchanged, the gross figure over the 20 year period has been recommended for an increase from 111 hectares to 148 hectares – but this figure takes no account of "recycling" of employment land where employment sites are redeveloped for employment use.

- The retail allocation has stayed unchanged at 40,000 sq metres of retail floorspace to 2021 with a further 20,000 for 2021 to 2026.
 - A revised housing “trajectory” has reduced the number of dwellings per year to be constructed in the period to 2011 but progressively increases it after then (this will have important consequences as we move into the “Delivery” phase)
 - All the above figures are now “Targets” and are not to be regarded as either minimum or maximum figures.
 - Whilst no specific policy is introduced in respect of the Outer Distributor Road the supporting text makes it clear that one will almost certainly be required.
 - Any relief road proposed for Leominster is regarded as a local matter and not included in the RSS because it is not strategic enough in the Regional context.
 - The practical difficulties of dual tracking the railway line between Hereford and Malvern are such that it was not considered practical to make a policy commitment to this
 - Amongst the general policies there is a requirement for local planning authorities to do Strategic Flood Risk Assessments and Water Cycle Studies (both of which Herefordshire has been doing anyway)
 - There is also the introduction of a “Merton” style rule to require developments above a certain threshold to ensure that at least 10% of the energy needs come from renewable sources
 - The consequences, under the Habitats Regulations, for water quality and quantity in the Rivers Lugg and Wye were not fully resolved and further work will have to be done at County level to ensure that the new development does not have an adverse effect on the biodiversity of these rivers – this is mainly an issue of ensuring adequate water supply and treatment. There will, however, be restrictions in the “Pilleth Water Resource Zone” which affects part of the County
- 6 The section of the Panel Report dealing specifically with Herefordshire is appended to this note below.

Consequences for the emerging Local Development Framework

Housing

- 7 The principle of increasing the Hereford target by 200, from 8,300 to 8,500, does not raise new issues. The addition of 1,200 dwellings to the target for the rest of the County is interesting – the impact of concentrating development in Hereford was such that house building rates in the rural areas would be reduced (by comparison with recent trends) – that reduction is now likely to be less severe.
- 8 A significant house building issue will be the recommended trajectory. The Panel of Inspectors have recommended what, in their view, is a pragmatic approach given the current recession, and reduced the housebuilding rates for the first five years of the plan period. However, not only are we already close to the end of that first period (it goes up to only 2011), the housebuilding rate must then pick up significantly to achieve the overall long-term target. Looking at the figures for the County as a whole, the rate of house completions recommended by the Panel is:

Period	2006-2011	2011-2016	2016-2021	2021-2026
Average completions per year in Herefordshire	540	800	1,080	1,190

- 9 The significant increase in housebuilding rates after 2011 anticipates adequate infrastructure being provided and will have consequences for service provision, for example, in the provision of school places.
- 10 From a planning application perspective if inadequate provision is made in the LDF for new sites for housing the Council will be vulnerable to planning permissions being won on appeal. It is therefore important that the necessary Development Plan Documents are sufficiently advanced before the step change in house building rates is due to take place post 2011.

Employment Development

- 11 There is one potentially significant change from the earlier version of the RSS Phase 2. The target for employment land was expressed as a rolling reserve of 37 hectares, up to a total of 111 hectares over the 20 year plan period. The Inspectors' Recommendation is that the figure of 37 hectares supply at any one time is retained with a ten year allocation of twice that, i.e. 74 hectares expected to be delivered in the first ten years. They have further increased the overall total over 20 years from 111 hectares to 148 hectares. This, however, does not appear to take account of "recycling" of employment land whereby new employment development takes place on recently vacated employment land.

Retail

- 12 The retail targets of new floorspace have remained unchanged at 40,000 sq meters up to 2021 and a further 20,000 sq metres for 2021 to 2026. This will be challenging but the Retail Study commissioned by the Council has justified the figures having taken account of both the current recession and longer term trends.

Transportation

- 13 On a regional scale much of Herefordshire's concerns are at the local level. The Panel Report remarks in various places the degree of remoteness of Herefordshire from the rest of the Region in terms of rail and road links. However, three issues relating specifically to Herefordshire were commented upon: rail links, the Outer Distributor Road (ODR), and a relief road for Leominster. The issue of dual-tracking the railway between Hereford and Malvern was noted for its difficulty and expense especially in respect of Colwall and Ledbury Tunnels. The Panel did not recommend any policy dependence on this taking place. The need for an ODR was carefully considered, notwithstanding the Highway Agency's somewhat neutral stance on the matter. The Panel concluded that a second river crossing and some form of relief road would be necessary but left the details to be worked up in the Council's own LDF. Their recommended changes include specific reference to the ODR in the supporting text, but the overall policy (which is a general enabling one) has remained unchanged. The Panel also briefly considered the concept of a Leominster Southern Bypass, but concluded that it would be of local rather than regional significance and should be dealt with at LDF level.

Water Issues

- 14 The Panel considered a wide range of representations on water issues including flood plain management and the consequences of development on the River Wye as an SAC (i.e. a Special Area of Conservation which is an European level designation for wildlife protection). Their recommended policy changes reflect current practice and the

Council is particularly well placed to respond in being well advanced with the Strategic Flood Risk Assessment and Water Cycle Study. Some issues, however, were not fully resolved and further work will fall on Herefordshire in respect of the effects of development on water quality an quantity in the Rivers Wye and Lugg.

- 15 A further specific issue relating to water is the circumstances of the "Pilleth Water Resource Zone". This is an area mostly in Powys near Knighton and Presteigne. However, part of it affects the western parts of three Herefordshire Wards: Mortimer, Pembridge with Lyonshall and Titley, and Kington. However, neither Kington town itself nor any of the main villages in those wards is affected. In the Pilleth Water Resource Zone there is a specific issue with water supply and it is recommended that no development which would require a new water supply be allowed in this area. In strategic terms this is not of significance but, at the immediate local level this comes very close to being a moratorium on new development until such time as Welsh Water and the Environment Agency can agree that there are adequate water resources to supply new development.

Sustainability and Climate Change

- 16 The principal policy response to the need for sustainable development and climate change is to concentrate development in Hereford and the Market Towns with the explicit aim of reducing the need to travel by private car. However, other issues of significance were considered and are recommended. In particular the "Merton Rule" is recommended for inclusion in the RSS. This would require, for example, on developments of ten or more houses, that at least 10% of the energy needs of the development be sourced from renewable resources. It is named after the London Borough of Merton which first introduced the policy in its own development plans. This can be carried forward in principle in the emerging Core Strategy and will be worked up in detail in a forthcoming Supplementary Planning Document, the Design Code for Herefordshire (which is scheduled to be progressed in 2010).

RECOMMENDATION

THAT;

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

LOCAL DEVELOPMENT FRAMEWORK : UPDATE REPORT OCTOBER 2009

Report By: Head of Planning and Transportation

Wards Affected

County-wide

Purpose

1. To advise Members of the progress with the Local Development Framework and the programme for Member Briefings and Consultations on the emerging Core Strategy.

Financial Implications

2. The costs of the Local Development Framework are currently being covered from a combination of base budget and Growth Point funding.

Background

- 3 The 2004 reforms to the planning system require local planning authorities to replace old-style development plans with Local Development Frameworks. In the case of Herefordshire that means replacing the Unitary Development Plan with the set of Development Plan Documents set out in the Local Development Scheme. Notably there will be three such documents at the centre of the Local Development Framework: the Core Strategy which sets out the overarching development strategy for the County, and two documents to set out detailed allocations: the Hereford Area Plan and the Market Towns and Rural Areas Plan. The first of these, the Core Strategy, is due to be the subject of a final round of public consultation early in the new year. The purpose of this report to give Planning Committee advance warning of key dates for Member involvement as well as set out some of the main features of the emerging document.
- 4 The consultation version of the Core Strategy must comply with the Regional Spatial Strategy, and hence the separate report on this agenda about the Panel Report on the Regional Spatial Strategy is directly relevant.

Progress with the Core Strategy up to October 2009

- 5 The Core Strategy has to look forward to the year 2026 and has, at its heart, the Vision and Objectives with that in mind, in addition to the Regional Spatial Strategy the Core Strategy must also sit comfortably with the Council's Sustainable Community Strategy for which the Herefordshire Partnership Board has responsibility.
- 6 Thus the new planning system requires that the Core Strategy:
 - complies with the regional policies (as set out in the Regional Spatial Strategy)
 - is backed up with evidence for the choices it makes
 - has had the full involvement of the local communities it is intended to serve

- meets other legal tests such as a the need for a Sustainability Assessment and a Habitat Regulations Assessment
- 7 The policies in Herefordshire’s Core Strategy will need to cover such issues as the distribution of new housing, employment and commercial development, policies to cover the location of “social infrastructure” such as schools and health facilities, and deal with such generic matters as transportation, minerals, waste and climate change,
- 8 In order to take these issues forward the Council has published a series of evidence studies and background papers on the website. These include:
- Evidence Studies:**
- Strategic Housing Land Availability Assessment
 - West Midlands Housing Market Area Assessment
 - Strategic Flood Risk Assessment and Water Cycle Study
 - Employment Land Review
 - Retail Study
 - Green Infrastructure Study
 - Open Space Study
 - Transport Study
 - Minerals and Waste Study
 - Gypsy and Travellers Accommodation Assessment
 - Characterisation Study
- These are updated and posted on the Council’s website as they become available
- Background Papers**
- Settlement Hierarchy
 - Analysis of Parish and Town Plans
 - Cross Boundary Report
 - Vision and Objectives
 - Climate Change
 - Spatial Strategy
- These too are updated and posted on the website as soon as they are available. The background papers each have their own programme of public consultations.
- 9 The relevant section of the Council’s website is **www.herefordshire.gov.uk/ldf**
- 10 The Developing Options consultation in the summer of 2008 produced around 1,000 responses of the public and other interested people/organisations to the general direction of the Core Strategy. The results are on the website.

The Next Stage

- 11 The evidence base will soon be substantially complete. Notable recent additions to the reports on the website include the Multi Modal Model (Transportation Study) and the Water Cycle Study. The Strategic Housing Land Availability Study is due to be published by the end of October, along with a viability study to look at the viability of Affordable Housing targets.
- 12 The scene is now set to carry out the final set-piece public engagement in the process – this will be the “Placeshaping” Consultation which will help the Council to refine its policy choices. The Placeshaping Consultation documents will be the subject of Member Briefings in the next few weeks and will be reported to Cabinet on 26th November to seek formal approval for public consultations in January, February and March 2010.

- 13 Once the Placeshaping Consultation Results have been analysed the Council will then prepare the Core Strategy itself, initially to publish as a document for submission to the Secretary of State. This is expected to happen towards the end of 2010.
- 14 In advance of the report to Cabinet it is proposed to hold a series of Member Briefings so that Members have the chance to discuss the emerging policy choices with officers. For the sake of convenience it is proposed that these briefings take place immediately after the next three Area Planning Sub-Committee meetings, albeit not part of the formal business of those meetings.
- 15 The intended programme for the remainder of 2009/2010 is thus:
 23rd October: today's report to Planning Committee
 28th October Member Briefing following Southern Area Planning Committee
 11th November Member Briefing following Central Area Planning Committee
 18th November Member Briefing following Northern Area Planning Committee
 26th November Cabinet Meeting to consider and authorise the consultation.
 18th January 2010 to 12th March 2010, 8 week period of public consultation.
- 16 Following analysis of the results of the consultation (and the final adoption of the latest revisions to Regional Spatial Strategy) it is anticipated that the "Pre-submission" version of the Core Strategy will be presented to Planning Committee, Cabinet and full Council later in 2010 for consideration and approval as the Council's preferred policy. That will be the document which has to be submitted to the Secretary of State, who will then hold a Public Examination and, following the Inspector's Report, the amended document will become the adopted Core Strategy and a statutory Development Plan Document.

The Placeshaping Paper

- 17 The document which will be the subject of the consultation will have the following basic format:

Section 1	Introduction and How to Comment
Section 2	Background – outlining the documents and processes which have happened to date
Section 3	The Key Characteristics of the County
Section 4	The Vision and Objectives for the LDF and Core Strategy
Section 5	The Spatial Strategy – setting out how much development there will be and broadly where it will go.
Section 6	Place Shaping Policies – this section will be split into places (Hereford, each of the Market Towns, and then the rural areas) and will highlight the issues for each of these places and identify possible options for the implementation of the Core Strategy.
Section 7	General policies, to cover such generic policy matters as renewable energy, flood risk, minerals and waste, etc. etc.
Section 8	Delivery and Monitoring – setting out how the plan is intended to be developed and its outcomes monitored.
Section 9	Next steps – explaining what will happen in order to take the Core Strategy forward as the overarching strategy, and what is anticipated of the two subsequent plans for Hereford and for the Market Towns and Rural Areas.

- 18 It is anticipated that the first drafts of the document will be available for discussion at the Member Briefings as proposed to be scheduled (see paragraph 15 above).

RECOMMENDATION

THAT;

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